

**COUNCIL CHAMBERS
MARCH 9, 2022**

**MEETING OF THE
COUNCIL OF THE CITY OF CHESTER**

A regular meeting of the Council of the City of Chester was held on the above date at 7:00pm with Mayor Thaddeus Kirkland presiding. A prayer was said followed by the Pledge of Allegiance.

Mayor Kirkland says welcome Ms. Tiffany Griffin who is sitting in as our Solicitor for this Council Meeting. Thank you, Ms. Griffin for sitting in for Mr. Schuster.

The roll was called and the following were present:

Elizabeth Williams
William Morgan
Portia West
Stefan Roots
Mayor Thaddeus Kirkland

On motion of Councilor West, seconded by Councilor Morgan, the minutes of the previous meeting were approved as submitted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

Mayor Kirkland asked if anyone in the audience had any comments on Agenda items only.

The City Clerk proceeded with the reading of the Resolutions.

RESOLUTION

WHEREAS, the following individual has requested a handicapped parking zone:

1. Daisy M. Johnson, 220 Wilson Street, Chester, PA 19013

WHEREAS, after a thorough investigation by the Department of Public Works, it has been determined the aforementioned individual has met all of the required criteria and has a need for said handicapped parking zone.

NOW, THEREFORE THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the proper City officials to install a handicapped parking zone in the 200 Block of Wilson Street in the City of Chester.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby ratify the appointment of Derrick Cooper to the position of Heavy Equipment Operator, Department of Public Works, for 40 hours per week, with all benefits applicable, effective January 6, 2022, at the salary as provided in the Annual Appropriation Ordinance.

FURTHER, said individual has successfully completed the thirty (30) day probationary period.

FURTHER, said appointment is contingent upon successful completion of all the pre-employment requirements being provided to Human Resources within thirty (30) days of this appointment.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby ratify the appointment of Damon Wilson to the position of Laborer, Department of Public Works, for 40 hours per week, with all benefits applicable, effective January 6, 2022, at the salary as provided in the Annual Appropriation Ordinance.

FURTHER, said individual has successfully completed the thirty (30) day probationary period.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby ratify the appointment of Madeline Clausell, to the position of Secretary, License and Inspection, Department of Public Safety, effective February 28, 2022, to work no more than 37.5 hours per week, with a thirty (30) day probationary period, with no benefits, at the salary as provided in the Annual Appropriation Ordinance, pursuant to the Agreement between the City of Chester and Teamsters.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby ratify the appointment of Eleise Elam to the position of Building Compliance Monitor, Department of Public Affairs, for 37.5 hours per week, effective February 28, 2022, with no benefits, at the salary as provided in the Annual Appropriation Ordinance.

FURTHER, this is a temporary position and will end when the search process has been exhausted.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby ratify the appointment of Lamont Collins to the position of Residential Housing Inspector, License and Inspection, Department of Public Safety, with a sixty (60) day probationary period, with no benefits, effective February 28, 2022, at the salary range as provided in the Annual Appropriation Ordinance.

FURTHER, said appointment is contingent upon successful completion of all certification requirements being provided to Human Resources within ninety (90) days of date of this appointment.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby ratify the promotion of the following individuals to the position of Captain, Bureau of Fire, Department of Public Safety, effective February 28, 2022, with a ninety (90) day probationary period, at the salary range as provided in the Annual Appropriation Ordinance.

Amy DeNight
Brian Decker
Kevin Postlewait

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the appointment of Travis Thomas, as a member of the Civil Service Commission, term to expire December 31, 2025.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted.

Councilman Roots says this is one of the Resolutions our Receiver wanted us to pull.

Mayor Kirkland says correct.

Councilman Roots says why didn't we.

Mayor Kirkland says Receiver Doweary asked us to pull this Resolution. I chose not to pull it for a very simple reason (#1) This Resolution has nothing to do with Finances here in the City. It's a very simple Resolution that (Mayor Kirkland reads the legal jargon from the Pennsylvania Statutes Title 11) (See Attachment #1). Reason (#2) I was being pressured in the past to hurry up and make selections. Reason (#3) It is the Authority of the Board as Elective Officials to place names of individuals whom they believe are highly qualified to sit on the Board. The names that I've put forth is Travis Thomas who is a former Fire Commissioner here in the City. The other one is William "Al" Jacobs who is an Attorney who has been practicing Law for the past 30 years and the third person is Joe Morse, a retired Firefighter. The last two persons are alternates. So, we needed to fill this Board.

The following vote was taken: Yeas: Williams, Morgan, West, Mayor Kirkland. Nays: Roots.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the appointment of the following individuals as alternate members of the Civil Service Commission, terms to expire as stated.

<u>Name</u>	<u>Term of Office</u>
William "Al" Jacobs, Esq.	December 31, 2025
Joseph Morse	December 31, 2025

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Mayor Kirkland. Nays: Roots.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby accept the recommendation of the Chester Selection Committee and does hereby appoint CH Planning, as a consultant to the Chester Planning Department to update the City of Chester Vision 2020 Plan, for an amount not to exceed One Hundred Thousand Dollars (\$100,000.00).

FURTHER, said project shall be funded through a grant from the Department of Community and Economic Development.

FURTHER, a contract shall be prepared in accordance with the specifications and to the satisfaction of City Council.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted.

Mayor Kirkland says this is something else we've been trying to pass for a few weeks now. The Receiver chose to ask us to remove it and start all over in our RFP's because under his thinking they were going to be some more persons. I guess he had some more persons who wanted to put in their proposals which cost us money to put back in the paper. After we did it for the second time the same persons put in their Request For Proposal. We went through the process once again...delayed again...and now were at this point where we should have been approximately a month ago.

The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it is necessary for the City of Chester to engage the services of special legal counsel to represent the City in the matter of Davin, D. v. City of Chester, et al, NO. 336, MD 2020, Petition of Mandamus, in the Commonwealth Court of Pennsylvania.

FURTHER, it does hereby authorize the City Solicitor to engage the services for and on behalf of the City of Chester.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That the officials of the City of Chester, Delaware County, Pennsylvania, in regular session assembled on the 9th day of March, 2022, do hereby make an application for County Liquid Fuel Tax Funds in the amount of Fifty-four Thousand One Hundred Thirty-five Dollars (\$54,135.00) to be used for the 2022 Street Resurfacing Program.

FURTHER, that all materials used and work done hereunder shall conform to the current Pennsylvania Department of Transportation specifications or specifications approved by the Department and all work will be done within the legal right of way.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the proper City official to prepare the specifications for the advertisement of bids for the following:

1. Sale of Used Fire Equipment through Municibid

FURTHER, that it does hereby authorize the proper City official to advertise on Municibid.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

WHEREAS, the City of Chester owns various fire vehicles that are no longer in usable condition and the cost to repair those vehicles greatly exceeds the value of the vehicles; and

WHEREAS, each vehicle has been dismantled for usable parts and based on their age, condition, and mileage, it has been determined that each vehicle has an estimated value of less the \$1,000 each; and

WHEREAS, the vehicles have been placed out for bid previously and received no bids; and

WHEREAS, the City is under pressure to remove the vehicles from our service vendor's property, who has stored the vehicles for over two years at no cost to the City.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the following vehicles transferred to Loungo's Towing:

<u>YEAR</u>	<u>MODEL</u>	<u>VIN</u>
1990	Pierce Lance	LA000466
1989	Pierce Dash	KA040333
1989	Pierce	KA040385

FURTHER, prior to transfer all identifiable markings and emblems will be removed from all vehicles.

FURTHER, it does hereby authorize the proper City officials to take all necessary actions for the proper transfer and disposal of the aforementioned vehicles in accordance with the Third-Class City Code and final approval of the City Solicitor.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

WHEREAS, the City of Chester received payment for the installation of a handicap parking zone in the 300 Block of E. 23rd Street, in the amount of Twenty-five Dollars (\$25.00); and

WHEREAS, after a thorough investigation by the Department of Public Works, it has been determined the aforementioned individual does not meet the required criteria; and

WHEREAS, 72 Pa C.S.A. Section 5566(b) provides for the refund of monies paid to a political subdivision which is not legally entitled to said monies, within three (3) years of payment thereof.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby authorize the refund of Twenty-five Dollars (\$25.00) to Junius Davis, which represents the reimbursement of the sum paid, for the aforementioned service.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does approve and order payment of a series of bills and refunds as prepared by the Department of Accounts and Finance and as shown on Expenditure Approval List dated March 7, 2022 attached hereto and made a part hereof, subject to approval from the Department of Accounts and Finance.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted.

Councilman Roots says Councilman Morgan is there any way we can get these reports before the Agenda Meeting.

Councilman Morgan says yes. As I mentioned in Deliberative on Monday, we will make sure that we get the Expenditure List to Mayor and Council when the actual Deliberative Agenda comes out the week prior to the Council Day.

The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0.

The City Clerk proceeded with the reading of the Ordinances.

BILL NO. 1 ORD. 1, 2022

AN ORDINANCE LAST AND FINAL READING

**AN ORDINANCE OF THE CITY OF CHESTER,
DELAWARE COUNTY, PENNSYLVANIA,
AMENDING ARTICLE 1327 ENTITLED
“ALLOWED USES IN PRIMARILY NON-
RESIDENTIAL ZONING DISTRICTS” OF THE
CODIFIED ORDINANCES OF THE CITY OF
CHESTER, 1978, AS SUPPLEMENTED AND
AMENDED TO REVISE SUBSECTION 1327.01(c)
ENTITLED “INSTITUTIONAL/SEMI-PUBLIC
USES” TO CHANGE THE W-1 ZONING DISTRICT
FROM PERMITTED BY RIGHT TO NOT
PERMITTED AND REPEALING ALL ORDINANCES
OR PARTS OF ORDINANCES INCONSISTENT
THEREWITH.**

On motion of Councilor West, seconded by Councilor Morgan, Bill No. 1, 2022 was passed on its Last Reading. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0

BILL NO. 2 ORD. __, 2022

AN ORDINANCE FIRST READING

**AN ORDINANCE OF THE CITY OF CHESTER,
DELAWARE COUNTY, PENNSYLVANIA,
APPROVING THE EDITING AND INCLUSION**

**OF CERTAIN ORDINANCES AS PARTS OF
THE VARIOUS COMPONENT CODES OF THE
CODIFIED ORDINANCES OF CHESTER,
PENNSYLVANIA.**

On motion of Councilor West, seconded by Councilor Morgan, Bill No. 2, 2022 was passed on its First Reading. The following vote was taken: Yeas: Williams, Morgan, West, Roots, Mayor Kirkland. Nays: 0

Swearing-In of Fire Captains

**Amy DeNight
Brian Decker
Kevin Postlewait**

Public Comment

NONE

Mayor Kirkland says Mr. Crawford we just opened up a Sub-Station at Everest Care. It used to be one there many years ago. At that time, it was Community Hospital. In hopes to having more presence on that end of town.

Councilwoman Williams says on March 19, there will be an Open House here for people that need their Mortgage paid from 11a-2p. Also, on that date, there will be a Gentleman here to do phones and tablets. They are free if you qualify. **To All the Women out there We Rule The World!**

Councilman Morgan says we have a few openings here in the City of Chester. If you are interested, please go onto our Website and look for the tab that says jobs. You can email your information to (inaudible) chestercity.com. Some of you may have received the County Tax Bill already. We are having a few issues with the new financial software. The plan is to try and get those tax bills out by the end of the month. The American Rescue Plan, back in October of 2021, we had a discussion with community stakeholders to talk about the American Rescue Plan and how we'll try and intend to use those funds for the Community. One will be to provide an update and project tracker information on what we're going to do with the American Rescue Plan money. I believe this month we are looking to do some communications out to the Community. So please be aware and look for the flyers we will have on Social Media as we look to promote that. Lastly, I know that there has been some information put out there via the news or networks individuals can read from...what I will say is that this Mayor and Council has been elected by the people here in the City of Chester and will continue to serve each and every individual here. We are elected here to do what is necessary to put the City of Chester in a better position of what it was the day before. I am 100% positive when I say that we don't need anybody that's an outsider, not from the City of Chester, to come here and say what they think is best for our own Residents. For me, myself and in my Department, Department of Accounts and Finance, those individuals work tirelessly...day and night and on the weekends to do what's necessary for that department. To get the tax bills out. To make sure that the employees here have what they need when it comes to Human Resources related and make sure we get those payments out to vendors that are providing services to the City of Chester. I am going to do everything possible to make sure that the City of Chester is going to continue to move in the right direction. Whether if its in regards to Health, Finances, Business, Economic Development, you name it were going to do what is necessary to keep moving the ball forward. If there's anyone whether it's a Consultant or an individual that's here for the greater good in the City of Chester, I'm sure that Mayor and Council does not have a problem or an issue sitting down with them and talking about partnerships and collaborations. We have done that before; we've done it in the past and we continue to do it today as well.

Councilwoman West says our trash vendor, J.P. Mascaro, has started in the month of March going through the City to do a clean sweep of the Bulk Trash. **Starting April 4,** will be the **new Bulk Trash Pick-Up. Which means that what ever your trash day falls on you can put out ONE bulk item. We're only allowed ONE BULK ITEM A WEEK! MATTRESSES AND BOX SPRINGS MUST BE COVERED!! THEY WILL GET THE MATTRESS AND BOX SPRING BUT IF YOU HAVE (EX.) A**

DINETTE SET/BEDROOM SET, YOU CAN ONLY PUT OUT ONE PIECE AT A TIME!! This will eliminate a clutter of bulk trash on the sidewalk. You will get a Postcard in the mail. Certain appliances will be picked up. **Appliances with freon in them will not be picked up by the trash vendor. You can call those items into the City to the Streets Department.**

Councilman Roots says my short time here I can just see that the relationship between the The City and Receiver is deteriorating right before my eyes. It's to the point that they're taking us to Court on three issues related to us not adhering to their orders or their directives. One of them has to do with us raising our salaries by \$10,000.00. The other is on a liquor license we approved and the third is something that we didn't vote on but they are alleging that (inaudible) responsibilities of our Director of Finance. I voted against the salary increase and the liquor license. The Director of Finance issue didn't come up for a vote. But this body, Mayor and Council, rejected the Receiver's order and has chosen to fight them in Court. For now, I'm going to side with my Colleagues in this legal action for the following reasons: It's probably the only way to determine the scope of authority the Receiver actually has when he (inaudible) these orders; he is firm in his belief that the powers vested in him as Receiver gives him this authority; and we believe he's over stepping his bounds. This is a perfect opportunity for this issue to be clearly defined by the Courts. Until such decision is made, I don't see how the Receiver and the City can productively work together to resolve the financial issues that face the City. I'm not in favor of working collaboratively with the Receiver's Team following his orders and directives although as expected most of them are related to City Finances and not always in my Department. I believe like Councilman Morgan just stated that we can manage our own finances. But based on where we are we need help and the Receiver's Team is here to provide help. We have to be willing to admit that we need help. I don't believe they want to be here anymore than what we want them to be here. But while they're here we should take full advantage of their expertise and their (inaudible) unlimited budget to access resources that we can never afford on our own. What we want to see at the end of this process is that we're out of receivership. This court case is extremely important. I think it's going to clearly define what the roles are they have because many of these things have been tested in Court. So, let's go to Court. Let's figure it out. Let the Judge decide! I'm on this side. I'm with the Chester group!

Mayor Kirkland says the Receiver has made some statements that just weren't (inaudible). When the Receiver arrived here in the City of Chester, we welcomed him with open arms. There is no documentation that he has asked me of that I did not give him. It seems as though every thing that we provided for him for some strange reason can be used against us and not in partnership. The Receiver has now said...it's taking a personal swipe at myself when he says "Liquor License awarded to City Employee related to Mayor Kirkland". That's not true. That's a lie. First of all, **THE CITY DOES NOT AWARD LIQUOR LICENSES!** They are awarded by way of the Liquor Control Board! What the City did...he reads (**See attachment #2**). When you try to defame persons and try to mislead a whole community it is wrong. These young people down here have been digging in their pockets. This Downtown has been dormant and some of these buildings for over 30 years. The Young People have taken the initiative to take their hard own money and invest in these shuttered buildings. I don't care if you work for City Council or a business someplace else, if you take the time and the initiative to invest in this Community and you do everything properly and above board, we will support you. These young people are investing and I will not walk away or turn away from their investment. As for the other stuff that he said then there will even further court dates because you cannot scandalize my name like that. It's hard working with persons like that. He says "The Chester Receiver takes City Officials to Court for interfering with financial recovery act". We have never done that. He says "The City of Chester is about to go bankrupt". How do you go bankrupt and we got \$32 million dollars in the bank (inaudible)? This is how open I've been with the Receiver...You have the Chester Water Authority and someone is saying we will give you \$500 million dollars for that Authority and you have the Chester Water Authority that is saying we will give you \$61 million dollars not sale. What you have not seen which the Receiver knows because I shared it with them, there's the bigger chunk of the iceberg underneath that \$61 million dollars to (inaudible) of \$375 million dollars. He hasn't shared that with the folks. If I'm not mistaken, I think that's how Harrisburg got out by selling the system. I have the documents for whoever wants to review them. You can get a copy from me! Finally, he said something about pay raises. What we did is the year before being elected, we saw what they did to Mayor and Council salary (reduced them on purpose), we put the salaries back to what they were supposed to be and we ran an election, had we lost or whoever replaced that individual would have gotten that salary. What they won't tell you is when the Receiver's boss was the Mayor of York, if you want this information I got it, so it says "City Council okays generous raises for Bracey's Officials after a heated debate". Kim Bracey was the Mayor of York. She was going out of office in December of 2017. Two to three weeks before she left office, she gave raises to...\$16,000 raise to Receiver Doweary, \$11,000 raise to Mr. (inaudible), and a \$10,000+ raise to another young lady on her staff on her way out the door. Now let's talk about what's ethical and what's not. We never did that. We never hid behind no mess like that. The Receiver Doweary said that those raises were justified because he looked at six other municipalities that was similar to York and based their raises off of those other communities. This young lady has never taken the City's healthcare (Councilwoman Williams). We saved the City money. I didn't start taking the City's healthcare until two years ago. I didn't even take a paycheck my first year as Mayor and this one was 12 years without a raise (Councilwoman West). But for them to be so hypocritical. Then Mr. Murphy came out and said "you know they apologized to you". I said

apologize to me about what Mr. Murphy...they apologized because they said you were right, they were wrong. You did not, you were not the one that signed off and caused the City to lose/mis out on \$10 million dollars. Murphy Ford...Mr. Murphy they told you that. But they won't come publicly and say it. He said "well maybe sometimes it just good that he (inaudible) to somebody. This is the only Administration down through the years nobody else wanted to work with DCED and persons from Act 47...they refused. They didn't give them documents. They didn't work with them. They basically slammed the door in their faces. We have opened our doors to work with them and now this is what we have to go through. I'm so glad we're going to Court. And he brought in all these Consultants...I don't even know how many Consultants he has. I don't know what they make but I know they make over six figures. To imply that they don't use tax payers' money. Oh yes you do! You pay state taxes and so do I! That's our taxpayer's money. We was ordered to remove from our Resolution packet our roads information pertaining to road repairs and which roads we were going to repair. It costs us nothing. All we was going to do was pass the Resolution to identify funding sources and the roads that were to be repaired. He said take it off. Why? Just take it off. We took it off. It'll be the same thing back on the next Council Meeting. There will be no reason for us to taking it off simply behind the fact it...delay, delay, delay. All we want to do is fix the roads that need to be identified and get to work! I don't have a problem working with anyone. We have been given a charge by the Citizens of this Community. We've been elected to serve the Citizens of this Community and that's what we'll do. We will work with anybody that's going in the right direction. We will not be hindered by those who try to degrade us or hold this Councilman back.

There being no other business to come before Council, the meeting was adjourned at 8:09pm.

Respectfully submitted,

MARCH 9, 2022

Candice Newsome, City Clerk