City of Chester
Chester City Council Meeting Agenda

One 4th Street
Chester, PA 19013

Wednesday, October 9, 2024 **7:00 PM** **Council Chambers**

INVOCATION: Bishop Febus AM Hunter, of the Greater Faithful Zion Baptist Church in Chester, PA; Chester Chaplains Corps; and DelCo Sheriff's Office

PLEDGE TO THE FLAG

ROLL CALL

MINUTES OF PREVIOUS MEETING: September 25, 2024

PUBLIC COMMENT (AGENDA ITEMS ONLY)

COURTESY AND PRIVILEGE OF THE FLOOR RULES

Please observe the Rules of Council when addressing the body. The City website also includes all the meetings and material for the agenda, videos of previous meetings, and a link to current meetings that are in progress.

Public Comment Rules:

If you would like to speak, we are asking that you fill out the Sign-in Sheet located on the podium.

Please address the Council President (The Mayor). You are given privilege of the floor to provide public comment. This is a time to present comments, it is not a question-and-answer session. If you are speaking on behalf of yourself, you have three minutes and if you are speaking on behalf of a group that has several members present, you will be given five minutes - the idea being the entire group does not come up and make the same type of statement. Please be sure to state your name and address for the record and fill out the sign-in sheet.

Courtesy of the Floor is meant to provide public comment on items that are not on the agenda; Council will take all comments under advisement and have the appropriate officials get back to you if necessary. If you have materials for Council, please distribute it to the City Clerk.

Public comment during consideration of ordinances, resolutions and motions is limited by topic – your comments must be relevant. Public comments are taken before the council votes on items.

Council will not entertain personal insults or attacks, name calling or other behavior that is inconsistent with the purpose of conducting official business. Please address the Council President (The Mayor). Refrain from using offensive language, cursing, and making noises while other people are speaking. Act with decorum. Remove your hat and turn cell phones off.
Please be aware that comments and/or behavior in violation of these rules will result in a forfeiture of all remaining time and you will be asked to return to your seat.

COMMUNICATIONS: *Council meetings are held on the second and fourth Wednesday of each month beginning at 10:00 AM in Council Chambers, with the exception of every other month when the Council meets on the second Wednesday at 7:00 PM. For copies of the agenda or meeting announcements, please visit our website at www.Chestercity.com or contact the City Clerk at CNewsome@chestercity.com to receive an email notice of the meetings.*

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ORDINANCE (To be voted on):

Final Reading of Bill No. 9, Ordinance No. 8, Amending Article 901, entitled "Excavations"

- Amending Article 901, entitled "Excavations", of the Codified Ordinances for the City of Chester, by adding new Subsection (c) to 901.13, entitled "Backfilling and Repaving" to include circumstances for base repair, surface milling and overlay.

First Reading of Bill No. 10, enacting an Ordinance for the collection of delinquent taxes

- Approving collection procedures and adopting penalty, interest and schedule of attorney fees to be added to the amount collected as part of delinquent real estate taxes municipal claims for delinquent accounts.

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

R – 103

Authorize approval reappoint Susan J. Dennis, as a member of the Chester City Planning Commission, term to expire December 31, 2028.

Submitted By: Justin Tibbels, Special Assistant to the Mayor & Constituent Affairs Manager

Attachments: Resolution

R – 104

Authorize approval to ratify an Independent Contractor Agreement with Nicole Wagman, to provide community and economic development services, commencing October 1, 2024 until March 31, 2025.

Submitted By: Thomas Moore, Chief of Staff

Attachments: Resolution

PRESENTATION

- Councilman Fred Green
- David Schwartz - EPA Community Change Grant application update
- Elizabeth Dejesus, University of Pennsylvania and Ms. Rosetta Carter for Breast Cancer Awareness

PUBLIC COMMENT:

ADJOURN

BILL NO. 9

1st READING 9/25/2024

PASSED 10/9/2024

NO. 8, 2024

A N O R D I N A N C E

AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, AMENDING 901.13 ENTITLED "BACKFILLING AND REPAVING", OF ARTICLE 901 ENTITLED "EXCAVATIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER, 1978, AS SUPPLEMENTED AND AMENDED BY ADDING NEW SUBSECTION (c) TO 901.13 TO INCLUDE CIRCUMSTANCES FOR BASE REPAIR, SURFACE MILLING AND OVERLAY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:

SECTION 1. That Subsection 901.13 entitled "BACKFILLING AND REPAVING" of Article 901 entitled "Excavations" of the Codified Ordinance of the City of Chester, 1978, as supplemented and amended, which reads as follows:

901.13 BACKFILLING AND REPAVING.

(a) Backfilling of excavation in streets shall be done in such manner as meets the approval of the Department. In case of neglect or failure on the part of any person to do backfilling properly the Department is hereby authorized to refuse the issuing of subsequent permits to the offending person during such time as the Department may determine.

(b) After an opening in the Street has been backfilled and inspected the Department shall repave the same.

Be and the same is hereby amended to read as follows:

901.13 BACKFILLING AND REPAVING.

(a) Backfilling of excavation in streets shall be done in such manner as meets the approval of the Department. In case of neglect or failure on the part of any person to do backfilling properly the Department is hereby

authorized to refuse the issuing of subsequent permits to the offending person during such time as the Department may determine.

(b) After an opening in the street has been backfilled and inspected the Department shall repave the same.

(c) The permittee shall include base repair, surface milling and overlay for the full width of the cartway, to include edge of paving to edge of paving for the greater of the entire block of 100 lineal feet, under any of the following circumstances:

1. Where the street has been overlaid within the most recent five (5) years.
2. Where openings of more than 25 square feet have been made within 200 linear feet of pavement.
3. Where an opening of 50 continuous linear feet has been made.

SECTION 2. If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this article. It is hereby declared as the intent of the City of Chester that this Article would have been adopted had the unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 3. That all Ordinances or parts of Ordinance inconsistent with the provisions of this Ordinance, be and they are hereby repealed.

WE HEREBY CERTIFY that this Ordinance passed Council this Ninth day of October, A.D. 2024

_____
MAYOR

Attest:_____
CITY CLERK

BILL NO._____10_____

1st READING___10/9/2024___

PASSED_____

NO._____, 2024

A N O R D I N A N C E

AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROVING COLLECTION PROCEDURES AND ADOPTING PENALTY, INTEREST AND SCHEDULE OF ATTORNEY FEES TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF DELINQUENT REAL ESTATE TAXES MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS.

THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:

WHEREAS, it is necessary and prudent for the City of Chester to promptly recover Delinquent Real Estate Taxes and Municipal Claims, and if and/or when necessary, to accomplish such recovery through legal proceedings;

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. §7101, *et seq*. (hereinafter, the "MCTLA"), authorizes the addition of, *inter alia*, interest, costs, charges, expenses and fees, including reasonable attorney fees, to the total payable with respect to Delinquent Real Estate Taxes and Municipal Claims;

WHEREAS, the City of Chester has determined that it is in the best interest of all taxpayers and residents to enforce the payment of Delinquent Real Estate Taxes and Municipal Claims; and,

WHEREAS, the City of Chester has determined that the addition of interest, costs, charges, expenses and fees, including those paid or incurred by the City of Chester or its appointed collector, to the total payable with respect to Delinquent Real Estate Taxes and Municipal Claims is reasonable and just.

NOW THEREFORE, be it ordained by the City of Chester, the following Ordinance is hereby adopted:

1. E-Collect PA, LLC ("E-Collect") is appointed as collector, and is authorized and directed to file liens for Delinquent Real Estate Taxes and Municipal Claims with the Delaware County Office of Judicial Support in accordance with the provisions of the MCTLA. E-Collect shall charge the City $20.00 for the preparation and mailing of the initial notice of delinquency to the delinquent property owner. The City of Chester may and is legally authorized to add this cost to the balance owed by the property owner so that it may be reimbursed.

2. Pursuant to §7106 of the MCTLA, it is hereby established that the fee for the collection of Delinquent Real Estate Taxes and Municipal Claims is 5% of the Delinquent Real Estate Taxes and Municipal Claims and interest collected by E-Collect and paid to the City. All fees to be paid to E-Collect shall be paid by the property owner. E-Collect shall also be permitted to all reasonable fees and expenses it charges or incurs with regard to the collection of any delinquent account under the MCTLA, including as more fully set forth in the following Fee Schedule, with all fees and expenses being added to the balance owed by the property owner. E-Collect shall also collect the penalties, interest and fees authorized or directed by the City of Chester, as well as reasonable out-of-pocket fees, costs and expenses, such as, but not limited to, postage, title searches, court and sheriff fees, which are in addition to the Fee Schedule, with all penalties, interest, fees, costs and expenses being added to the balance owed by the property owner. Any document sent or mailed by certified mail shall be subject to a minimum charge or fee of $15.00.

FEE SCHEDULE

Prepare and Provide Notice of Delinquency	$ 20.00
Open File and Issue Legal Demand Letter	150.00
File Lien and Send Second Demand Letter	165.00
Prepare and File Writ of Scire Facias	165.00
Obtain Re-Issued Writ	30.00
Prepare and Mail Correspondence per Pa.R.C.P. §237.1	30.00
Prepare Motion for Alternate Service	165.00
Prepare and File Default Judgment	165.00
Prepare and File Writ of Execution	700.00
Attendance at Sale; Review Schedule of Distribution; Resolve Distribution Issues	400.00
Petition to Assess Damages	45.00
Petition for Free and Clear Sale	400.00
Continue Sheriff Sale	20.00
Bankruptcy Proof of Claim	100.00
Extended Payment Plan	45.00
Handling Fee for Returned Check	25.00
Handling Fee to Issue Refund Check	25.00

Services Not Covered Above	At an hourly rate between $60 - $200 per hour

3. The proper officials of the City of Chester are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance, and are authorized to direct E-Collect to collect any interest, costs, charges, expenses and/or fees permissible under the MCTLA. Further, the City of Chester is authorized the execute the Agreement with E-Collect for the Collection of Delinquent Real Estate Taxes and Municipal Claims attached hereto as Exhibit "1," the terms of which are incorporated herein by reference.

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City of Chester reserves the right to amend this Ordinance or any portion thereof from time to time as it deems advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 3. This Ordinance shall become effective immediately upon approval.

SECTION 4. This Ordinance is enacted by the Council of the City of Chester under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Option Plans Law," and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

WE HEREBY CERTIFY that this Ordinance passed Council this _____ day of _____, A.D. 2024.

_____
MAYOR

Attest: _____
CITY CLERK

R E S O L U T I O N

NO. 103 - 2024

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby reappoint Susan J. Dennis, as a member of the Chester City Planning Commission, term to expire December 31, 2028.

WE HEREBY CERTIFY that this Resolution passed Council this Ninth day of October, A.D. 2024.

_____
MAYOR

Attest: _____
CITY CLERK

R E S O L U T I O N

NO. 104 - 2024

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby ratify the approval of an Independent Contractor Agreement between the City of Chester and Nicole Wagman, for professional services related to community and economic development, to commence on October 1, 2024 and shall continue until March 31, 2025.

FURTHER, that it does hereby authorize the proper City official to execute the agreement for and on behalf of the City of Chester.

WE HEREBY CERTIFY that this Resolution passed Council this Ninth day of October, A.D. 2024.

_____
MAYOR

Attest:_____
CITY CLERK