

City of Duquesne
Council Workshop Meeting
Tuesday, June 11, 2019
Minutes

The meeting was called to order at 6:38PM and opened with a moment of silence, the Pledge of Allegiance to our flag and a prayer.

Present: Mayor Nesby, Rev. Caldwell, Mrs. Henderson-Murphy and Ms. Washington.

Also Present: Interim City Manager MaryLouise Bittner, Police Chief Thomas Dunlevy, Fire Chief Frank Cobb, Interim Public Works Director Demeco Poindexter, City Engineer Dave Gilliland

Absent: Ms. McDaniel, City Treasurer David J. Bires, City Solicitor Myron Sainovich (arrived late)

Excused:

Citizen Comments on Agenda Items

Bill Danko at 508 Crawford Avenue states that he has a few questions. Are there any agreements on appointments? Mayor Nesby states, "No, it's what we have here." Mr. Danko states that someone needs to explain the duties of the Code Enforcement Officer and what the duties of the Deputy Mayor would be. Mr. Danko states that from what he understands there is an ordinance already for trees that you folks ignore and he has checked into that. Mr. Danko continues on to say that he doesn't worry about the litter too much. Mr. Danko asks who does he see about throwing his name in for the appointment to the City Council. Mayor Nesby responds stating that all you need to do is provide us with a letter stating your interest and a resume. Mr. Danko asks who he turns it into. Mayor Nesby states that you can turn it into me and that she will make copies and share it with everyone here. Mr. Sainovich states to Mr. Danko that he should give it to the City Manager so that the City Manager can make sure that it gets to everyone.

Mr. Sainovich responds to Mr. Danko's questions on the Deputy Mayor and the Code Enforcement Officer stating that the Code Enforcement Officer duties are to make sure that the codes of the City and the ordinances and just our basic legislation is enforced within the community. Mr. Sainovich continues on stating that the Deputy Mayor duties are to perform those duties or perform ministerial duties that the Mayor would actually do him or herself. The Deputy Mayor would act in the best interest of the City if the Mayor was unavailable but also on a daily basis help with the management of the City. Mayor Nesby states that in most municipalities that's done by the Councilperson that is in charge of Accounts & Finance.

Darlene Thompson of 32 Oakmont Avenue, Apt# 204 states that she is looking to purchase lots here on Second Street. Ms. Thompson states that she needs to get a reversal to have the house turned sideways because it won't fit on one lot. Ms. Thompson states that she was hoping to get some information on that.

Mr. Sainovich asks are you talking about sub-division where you are going to make the lot larger putting two or three lots together to combine them into one lot. Mr. Sainovich tells Ms. Johnson

what you would do is talk to the Code Enforcement Officer to determine whether or not placement of the house is going to be okay as far as the zoning is concerned. Mr. Sainovich continues on stating that you would then get an engineer or someone who is a surveyor to survey that lot and make up a plan which will have to be submitted to the Planning Commission of the City and also to the County's Planning Commission then come back to us so that we can approve it and you can then do what you need to do. Mr. Sainovich tells Ms. Johnson to talk to the Code Enforcement Officer first and that would be Mr. Poindexter. Ms. Bittner states that she does not own the lots right now so that may be a problem. Ms. Johnson states that she is about to purchase them but did not want to purchase them if I can't put a house on it. Mr. Sainovich again tells Ms. Johnson to talk to Code Enforcement to determine whether or not the house can be placed as you want it, however if it cannot be placed as you want, it you can make the sales agreement contingent upon you being able to do what you want to do.

Fran Spang of 1426 Ohio Avenue in White Oak states that he is a landlord here in Duquesne and is asking for more information on Workshop Item #6 Landlord Tenant Ordinance. Ms. Bittner informs Mr. Spang that this item is still in discussion. Mr. Sainovich states that the Landlord Tenant Ordinance is basically an ordinance whereby the landlord is required to notify the City of individuals who are moving into their properties and things like that. Mr. Sainovich continues on stating that we then have to send out the Code Enforcement Officer to make sure everything is correct in the property. Ms. Bittner states that she should point out that the ordinance is not in its final format because we still have some things to discuss yet. Mr. Sainovich tells Mr. Spang to leave his information with the City Manager.

At 6:53PM Mayor Nesby called for an Executive Session to discuss personnel and contractual matters.

Mayor Nesby, Rev. Caldwell, Mrs. Henderson-Murphy and Ms. Washington Ms. Bittner returned from Executive Session at 8:06PM.

New Business

1. Discussion on appointing Lieutenant Shaw as the Code Enforcement Officer. Mrs. Henderson Murphy states that in the past the Chief and Shaw have recommended that he become the Code Enforcement Officer. Mrs. Henderson-Murphy states that from what she understands in a lot of municipalities it's normally a police officer that is the Code Enforcement Officer so we are looking to make Lt. Shaw the Code Enforcement Officer. Ms. Bittner states that this will be part of his existing duties and that it is not an additional pay or anything like that.
2. Discussion on appointing a Deputy Mayor in the event the Mayor is unavailable. Mrs. Henderson-Murphy asks who that would be. Mayor Nesby states that generally what happens is if she was to get impeached or something happens to her the next person in line would take over and that is the person who was appointed to Accounts & Finance.
3. Discussion on opposing HB 349 so that the City of Duquesne retains the choice of having one or multiple third-party enforcement agencies.

Mayor Nesby states that she needs more information on this. Ms. Bittner states that for example we use two third party agencies to do inspections and that the PA Association of Building Code Officials requested that we send a letter to the state legislation opposing this.

4. Discussion on creating a Tree Ordinance.
Mrs. Henderson-Murphy states that she wants to try and implement a policy similar to other municipalities. Mayor Nesby states that she can send her the information pending on the CONNECT meeting on the Street Commission and what is required to do and also possible funding from several different resources.
5. Discussion on creating a Litter Ordinance.
Mayor Nesby states that this ordinance is pretty much the same as the Tree Ordinance and told Mrs. Henderson-Murphy when she has time, to check out Baldwin Borough's website because it is awesome and that they have been helpful.
6. Discussion on acknowledging Park and Recreation Professionals Day on July 19.
Ms. Bittner states that this came from the PA Recreation Parks Society. Mayor Nesby asks if was sent in an email to all of us. Ms. Bittner states that it was sent to Che's email and that she did share it with everyone. Mayor Nesby asks if they are looking for a proclamation. Ms. Bittner states no and that she thinks they just want to acknowledge that people do work in Parks and Recreation who don't necessarily get acknowledged for it.
7. Discussion on writing a letter to the Norfolk Southern Railway regarding the Pittsburgh Vertical Clearance Project (PVCP).
Ms. Bittner states that you all received a copy of a letter that the Council of Edgewood wrote and it has to do with the PVCP Project for public safety, lack of transparency notification and dialogue. They are trying to encourage Norfolk Southern to interact with the communities that it passes through. Mayor Nesby states that they have double-decker trains is what they are looking into moving and they had the meetings down in the Pittsburgh area, they didn't have them in the areas that are impacted by the railroad such as Edgewood, Rankin and Duquesne-McKeesport area. Mayor Nesby states that they did not notify any of the residents of the double-decker trains.
8. Discussion on going out to bid for an igloo for salt and a salt truck utilizing Liquid Fuels funding.
Mrs. Henderson-Murphy states that she read the request that we get a top to the igloo so that we can store our salt. Mrs. Henderson-Murphy states that we just have to wait for the day they give us the measurements, price and then we can move forward on it. Mayor Nesby states that for those of you who don't know, we actually have a base for our storage we have the 3 walls with no roof. Mr. Gilliland states that we have a quote from 2017 for a set of metal roofs that are arch shapes and half circle shapes of fabric for on top of the roof for \$6249.77 and that is just for the materials that's delivered to the site. Mr. Gilliland states that it can be a little more than that being that this is a 2yr. old quote. Mayor Nesby asks if the quotes states what the installation would be with that six grand for the

materials. Mr. Gilliland tells Mayor Nesby that he does not have a quote for the installation and that normally it's about half of the cost of the materials so we'll be looking at about \$10,000 which will be under \$20,000 which is the average for a hut. Mr. Gilliland states that Turtle Creek and Liberty Borough have the same setup. If Council desires authorization that we go out to get proposals Rev. Caldwell interjects asking with the Liquid Fuels funds, how much of a percentage will be used towards that. Mr. Gilliland states that it's hard to say.

9. Discussion on participating in the construction and design costs for the waterline facilities for the PA Turnpike Commission's proposed Mon/Fayette Expressway project. Rev. Caldwell asks what our position on this is and what our percentage that we have to pay is. Mayor Nesby asks if it was \$120,000. Ms. Bittner states that it's 25% which comes to \$122,750. Ms. Bittner states that it's not small potatoes but Mayor Nesby interjects stating that she spoke with the Turnpike Commission (Mr. Holland) regarding that we are a distressed community. Mayor Nesby further states that Mr. Holland said that they will allow us to work out a plan in order to pay it for as long as we need it for as little as \$5000 a month until the debt was paid. Mayor Nesby states that as far as interest, he did not indicate any interest on the balance and because of that Mayor Nesby states that she does know, from meeting previously, that they were going to do the design and incur all costs for the City so that we didn't have to incur any of that.
10. Discussion on allowing Duquesne Light to access City-owned property for soil testing for relocating electric transmission lines in support of the Mon-Fayette Expressway project. Mayor Nesby asks if we know where they are going to put those lines. Ms. Bittner states that she doesn't believe so.
11. Discussion on an agreement with Pennsylvania-American Water Company (PAWC) for the City to provide water consumption reports to PAWC so that PAWC can bill customers for wastewater services based upon the consumption amounts provided. Ms. Washington states that we also will be doing their terminations. Mayor Nesby states that terminations is the second one. Mayor Nesby continues on stating that they sent us out two contractual agreements. Mrs. Henderson-Murphy asks if they are going to pay our employees and Mayor Nesby states that they are going to pay for everything. Ms. Washington responds asking "Are you saying that she said that they were going to pay for everything?" Mayor Nesby states that they are going to pay us for the water consumption reports which currently they are not paying us for that. Mayor Nesby states they we have been giving to them for free so they need to pay us for that data.
12. Discussion on an agreement with Pennsylvania-American Water Company for water shut-off services and the collection of wastewater charges by the City. Mayor Nesby states that basically people are paying their water bill and not paying their sewage bill and PAWC wants to shut it off if the people are not paying it.
13. Motion to ratify participation in the Learn & Earn Program for the summer at no cost to the City.

Mayor Nesby states that this is to let everyone know that the City does not incur the cost and that it is a County-funded program.

First: Ms. Washington. **Second:** Mrs. Henderson-Murphy. **Motion carried:** 4-0.

14. Motion to ratify an updated Memorandum of Understanding (MOA) between the West Mifflin School District, the Boroughs of West Mifflin, Whitaker and the City of Duquesne for safe schools procedure.

Ms. Bittner states that it's more of a mutual aid agreement more or less for all the police departments; and the Chief states that they have been doing this for years but we just want to make sure that we are going through the right process for it.

First: Rev. Caldwell. **Second:** Mayor Nesby. **Motion carried:** 4-0.

Old Business

15. Discussion on the status and process of filling the Council position vacated by the resignation of Fawn McDaniel from Council effective May 28, 2019.

Rev. Caldwell states that if we could, for anyone that wants to apply, have a face-to-face and not just look at the application, but interview the potential candidate. Kristen Maser, Act 47 Coordinator's assistant suggests that we accept applications ASAP and either have all of the applicants come to the Council at once and interview them or take the top three candidates, interview them and make the decision at the next Council meeting. Ms. Maser states that it's just a suggestion.

Mayor Nesby excuses herself from the meeting for not feeling well.

A woman from the audience asks if there is a deadline to apply for the vacant Council seat. Mrs. Henderson-Murphy states that Ms. Maser made a recommendation that the City advertise but the City Manager said that we don't have to advertise but, yes, we will set a date for the deadline. Mrs. Henderson-Murphy states that she thinks we need to make a decision before the next meeting because we only have 30 days to fill the position with someone or it can go downtown where a judge will appoint someone. Ms. Bittner states that if you want to advertise it that she will have Virginia Finnegan advertise it tomorrow. Mrs. Henderson-Murphy states that we should advertise it in the Mon Valley Independent. Ms. Bittner states that she is not sure that it can get in the paper for tomorrow. Rev. Caldwell states that whenever you get it in the interested applicants will have a week from that time to submit their application and resume.

16. Discussion on adoption of the Landlord Tenant Ordinance.

Rev. Caldwell states that we pretty much know what that is which is the \$50 fee to every landlord changing tenants for the inspections of their property. Ms. Bittner states that Council hasn't made a decision on an amount. Ms. Bittner continues on saying that Kristen did some work on surveying so do you want to talk about that. Kristen Maser states that George Dougherty, the Act 47 Coordinator did and that she meant to ask him if it was shared with Council. Ms. Bittner states that she sent it to them. Kristen asks Council if they have seen the costs of other municipalities and what they charge and states that the recommendation from George is that the City should increase the fee to \$75 from the

current \$50 but we are not going to adopt it today but will draft the paperwork so that it can be adopted at the next meeting. Ms. Bittner states that it will have to go through the reading process and that we are just waiting to put the amounts in. Rev. Caldwell states so basically there is a recommendation of a \$75 fee for now but that doesn't necessarily mean that it's going to be \$75 so don't everybody go losing their mind over that. Kristen Maser states that there is currently a \$50 occupancy inspection permit fee for movement but her understanding that's not really being collected currently and that is what the recommendation is to increase. Kristen continues to say that the second part is to consider adding the tenant registration fee of \$50 per unit and that also requires landlords to let the City know who is living in each property. Ms. Bittner states so one is an annual fee, Kristen responds stating that one is a movement fee which we currently have and that will be increased and the second is adding the registration fee for I believe is when the other person moves in. Ms. Bittner states that the ordinance won't be ready if you don't tell me what to put in it and there's one other piece to that is for multi-units, which is 4 or more units in a building. Ms. Bittner states that there was a discount in the past for multi-units. Ms. Bittner states that she doesn't know what to put in the ordinance at this point. Kristen asks if we know what the discount is. Ms. Bittner states that the occupancy was \$35 for a single family, two family was \$50 and multi-family was \$75 per unit which to me doesn't make sense. Kristen states that if we figure that out for what seems to make sense, confirm with the proposed rates via email before next meeting, will that suffice. Ms. Bittner says that's okay.

17. Discussion of Storm Water Management Ordinance authorized to advertise at October 9, 2018 meeting.
Rev. Caldwell asks what that is. Mr. Gilliland states that he is not familiar with it but he's going to assume that it is the County model and that the County last year provided a storm water ordinance. Mr. Gilliland states that they had one done and they were asking each municipality to enact it so that everything is consistent across the County and if that's the case he recommends the City pass it. Ms. Bittner states that she does not have the physical ordinance. Mr. Sainovich states that he has the County's model. Rev. Caldwell asks then from this point it can be advertised. Ms. Bittner responds saying, "Yes." Mr. Sainovich asks if we have a storm water management plan. Mr. Gilliland states that we have a storm water ordinance now but that it does not pave into the County's standards. Mr. Gilliland also states that a developer has to submit a storm water management plan with the developments.
18. Discussion on second reading of an ordinance creating Tobacco-Free Zones at our local parks and playgrounds.
Rev. Caldwell states that we already had the first reading and the second reading will be in two weeks. Rev. Caldwell states that our children don't need to be sucking in second hand smoke while at the playgrounds and stuff. Rev. Caldwell states that this ordinance is just to keep cigarette smoking and/or vaping out of parks and playgrounds.
19. Discussion on adopting a resolution for the Complete Streets Policy.
Rev. Caldwell states that we can adopt the policy but don't necessarily have to use the policy. Rev. Caldwell states that if we don't adopt it we won't be able to get their help if

and when we need their help at the time we may need help. Rev. Caldwell states that he thinks that it would be best for us to adopt the policy but again we don't necessarily need to use it because it is quite expensive. Rev. Caldwell states that he thinks that we can handle it on our own but we still need backup and that would be our backup to this. Ms. Bittner states that she just wants to mention that originally this has been proposed as an ordinance but Kristen did some research and it's a resolution and it is fine just to adopt the policy. Ms. Bittner states that there is no ordinance it's just a resolution.

20. Discussion on registration for _____ to attend the PA Procurement Expo & Forum on September 4 & 5, 2019 in Harrisburg, PA.
Ms. Bittner states that this got tabled at the last workshop meeting and it's in September so we can table it again if you want. Rev. Caldwell states that we should push it back to the next meeting so that we can get all the information regarding it. Ms. Bittner states that it's just a matter of saying who you want to attend or if you want anyone to go.
21. Motion to ratify actions taken in executive session related to personnel matters.
First: Mrs. Henderson-Murphy. **Second:** Ms. Washington. **Motion carried:** 3-0.
Mr. Sainovich states let's just be clear so that it's on record that one of those are related to Mr. Knight.
22. Discussion on the Fire Department's existing exterior front rehabilitation project.
Mr. Gilliland states that bids were supposed to be open today for that project but we only had one bidder who picked up the spec tore and they picked it up last Friday. Mr. Gilliland states that we didn't have enough time to prepare a bid. Since then another company has picked up the spec tore and we have extended by addendum, we have extended bid opening to June 24 at 1PM. and bids will be open in this building for that project which is also the day before the next Council meeting. Mr. Gilliland states that hopefully we'll have some bid results available before the next Council meeting for you to consider. Rev. Caldwell asks who's receiving the bids. Mr. Gilliland states that there are two contractors that picked it up so far: Humanisk Construction and Wilson Construction and they did North Braddock with their situation with their fire department. Rev. Caldwell asks if they turn the bids into you. Mr. Gilliland states that they will turn the bids into the City's business office by 1PM. on June 24th and I'll be here to open the bids and publicly post them on our website so that everybody can look them over.
23. Discussion on a towing service agreement with an unnamed contractor, whose owner is listed as Karen A. Juank Lutz for fees as listed in Article 6, which refers to Appendix B (which is not attached, nor is there an Appendix A).
Mr. Sainovich states that this agreement, if in fact it's drawn up, because it's only a draft model used in the City of Aliquippa. Mr. Sainovich believes that Ms. Juank thinks it's a good idea for the City to designate a towing company to make sure that they have all the insurances and everything in place for when the police contacts them. Mr. Sainovich states the towing company should have a list of fees that are available of how much it's going to cost or the individual has a private towing agency that they would like to come and get their vehicle then they can do it. Rev. Caldwell asks if you all have the insurances and things in order because we have been working with you guys for years. The man Rev.

Caldwell addressed states that he looked the contract over but Mr. Sainovich interjects stating that just was a contract agreement I came up with from my area. Mr. Sainovich states that he will give the unknown gentleman his card and we'll just talk about the contracts. Ms. Bittner states that there is a copy of a memo from Chief Dunlevy with some of his comments on the contract and what he felt we needed to have from a towing service. Ms. Bittner also states she thinks that you would be looking for an RFP if you are interested in looking. Mr. Sainovich states that his point was that draft was not supposed to make it to any place other than for Herbert to see what someone else had.

24. Discussion to move forward on Community & Economic Development Corporation, UP, Unlimited Possibilities.

Ms. Bittner states that Mayor Nesby explained to her that the Economic & Development Corporation was formed in 2018 and she just wants to move forward and now she's not here so I'm not sure exactly what she had in mind. Ms. Bittner states I guess that you got an email from her last month on that.

25. Discussion on memberships to the CONNECT for \$480 and MIP for _____ tabled from May 14, 2019 meeting.

Kristen Maser states that she talked to some of her colleagues and they said that this is paid for 2019. Ms. Bittner states that she knows that it was and that they should ratify it at some point. Rev. Caldwell states that's what we'll do and that maybe next week we will ratify it since it's already paid. Ms. Bittner says, yes, and that Mayor Nesby was supposed to get me a number for the MIP and Ms. Bittner states that she still doesn't know what that is.

26. Discussion on Sabol Kennels payment and other proposed options.

Rev. Caldwell asks if we got an itemized list of what they're charging this much money for. Ms. Bittner states that she called them and they were going to try to get that for me today, it didn't come and hopefully we will have it for the next meeting. Ms. Bittner states that Sabol Kennels said that they had given it to us before and Ms. Bittner states that she told them that she understands that but she doesn't have that information and Council wants to have it. Rev. Caldwell states that in his heart of heart that there is no way in the world that the cost is \$26,000 for three dogs. Rev. Caldwell states that his thing is he wants to know if they are trying to scam us.

27. Solicitor update on status of ordinances.

Mr. Sainovich states that there are certain ordinances in the past since the beginning of 2018 that he has been trying to locate. Mr. Sainovich states that he is going to contact John Rushford and to see if he has copies of the ordinances that he can provide to our City Manager because we are unable to locate them at the present time.

Ms. Bittner states that she has checks that will be sent out if you all want to review them.

Ms. Pat Bluett states that she has two questions asking how something get puts on the agenda for the future. Rev. Caldwell states that the process is to talk to the City Manager and then whatever department it is she will bring to the Council person of that department and discuss it with you

and then we'll add it to the agenda. Ms. Pat states that we have an opportunity to have a city garden put in across the street from the Boys and Girls Club. Ms. Bluett states that the company is bringing all of the equipment and they want to do this tomorrow. Ms. Bluett states that she needs to know what steps she needs to take. Rev. Caldwell states that Ms. Bluett needs to find out who owns the empty lots first and then we have to see if they haven't had it for a long time. Mr. Sainovich interjects stating that if we find out who the owner is he believes that we can get permission from them. Mr. Sainovich tells Ms. Bluett it would be best if she can find the owner and request permission rather than the City to request it because it's a private thing not a City thing. Ms. Bluett states that Lowes on the Waterfront will be delivering everything and the company to do the garden is in Virginia.

Motion to adjourn Council workshop meeting at 9:05PM.

First: Rev. Caldwell. **Second:** Mrs. Henderson-Murphy. **Motion Carried:** 3-0.

Nickole Nesby, Mayor

MaryLouise Bittner, Interim City Manager