

BUREAU OF COUNCIL
Molly Bundrant, President
Carl Sizer, Vice President
David Koerth
Taylor Galaska



Robert Fiscus, City Manager
Brett Stedman, City Solicitor
Daphne Parrish, City Clerk

SHARON CITY COUNCIL
COUNCIL MEETING MINUTES

Council Chambers
Wednesday, January 17, 2024, at 5:30 PM

CALL TO ORDER AT 5:39 PM
PLEDGE OF ALLEGIANCE
ROLL CALL

Council:

President Bundrant
 Mr. Sizer

Mr. Koerth
 Mr. Galaska

Robert Fiscus, City Manager
 Attorney Stedman, City Solicitor
 Daphne Parrish, City Clerk

News Media:
 The Herald

Department Heads:

Jason Tomko, Finance Director
 Edward Stabile, Chief of Police
 David Tomko, Director of Code Enforcement
 Mark Settle, Public Works Director

CITY MANAGER'S REPORT

- Supplement #2 to the East State Street MultiModal Project – Mr. Fiscus said this is a supplement to the stormwater project being done along East State Street
- Change Order - Huntington Demolition Electrical Construction – Mr. Fiscus said there is a change order for approximately \$3,000 for necessary electrical work for this project

PUBLIC COMMENTS - AGENDA ITEMS

- Brian Bayowski, 240 Case Avenue; Mr. Bayowski stated this was his third time speaking against the reappointment of Samuel Walker to the Code Appeals Board. Mr. Bayowski received an Order from the Court of Common Pleas (copy attached) which states the decision of the Sharon Code Appeals Board was found to be inequitable. Mr. Bayowski sent an email to Council when he learned Mr. Walker's reappointment would be voted on this evening. He read parts of the email aloud and listed the reasons he believes Mr. Walker should not be reappointed. Mr. Bayowski read a list of synonyms of the word "inequitable". Mrs. Bundrant said Council is deciding whether or not Mr. Walker will be appointed to the Code Appeals Board and this decision from the Court has nothing to do with that appointment. Our job is to appoint members of the Board and Mr. Walker puts in a lot of time and effort. Mrs. Bundrant was unable to share the reason Mr. Walker was unable to attend Mr. Bayowski's hearing but has said he will attend future hearings in person. Mr. Fiscus reviewed the progression of Mr. Bayowski's case. They initially met because Mr. Bayowski disagreed with what Code was enforcing and Mr. Fiscus agreed that Code was appropriately upholding the Ordinance. The case then went to the Code Appeals Board who heard the complaint and ruled in favor of the City. The case then went to the Court of Common Pleas and the Judge found the ruling was legal. Now Mr. Bayowski is lobbying for Council to not appoint Mr. Walker, which is probably inappropriate. Mr. Bayowski said multiple people are filing appeals and Mr. Walker does not show up and does not receive anything. Mrs. Bundrant said Mr. Walker is receiving documentation at his home and calls in for the hearings. Mr. Bayowski said the only document turned in on his case was the appeal. Mrs. Bundrant said most of the Board members felt the case was cut and dry and the higher court has allowed it to stand. Mr. Bayowski said he would be seeking a 1925 opinion. Mrs. Bundrant said she was just advised that litigation matters cannot be discussed in public.
- Dave McLaren 1113 Haig Street; Mr. McLaren asked about Resolution #05-24 and if 3,000 tons of salt is a normal amount. Mr. Fiscus said the amount of salt used was evaluated based on historical usage and 3,000 tons represents the minimum amount the City would purchase; we can always purchase more.

- Mr. McLaren asked about Resolution #07-24 and the records being disposed of were discussed by Jason Tomko at the last meeting. Mr. Fiscus said yes.

RESOLUTIONS

MOTION that Resolution #05-24 entitled “A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing the proper City Officials to sign and execute a Salt Participation Agreement with the PA Department of General Services for the period of August 2024 through July 2025 for the purchase of 3,000 tons of salt” **be adopted.**

Motion: <u>Mr. Koerth</u>	Second: <u>Mr. Sizer</u>
Vote: <u>YES Mr. Galaska</u>	<u>YES Mr. Sizer</u>
<u>YES Mr. Koerth</u>	<u>YES Mrs. Bundrant</u>

MOTION that Resolution #06-24 entitled “A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, awarding the 2024 COG Bids under the Joint Municipal Purchasing Program” **be adopted.**

Motion: <u>Mr. Sizer</u>	Second: <u>Mr. Koerth</u>
Vote: <u>YES Mr. Sizer</u>	<u>YES Mr. Koerth</u>
<u>YES Mr. Galaska</u>	<u>YES Mrs. Bundrant</u>

MOTION that Resolution #07-24 entitled “A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing the disposing of certain municipal records” **be adopted.**

Motion: <u>Mr. Koerth</u>	Second: <u>Mr. Sizer</u>
Vote: <u>YES Mr. Koerth</u>	<u>YES Mr. Galaska</u>
<u>YES Mr. Sizer</u>	<u>YES Mrs. Bundrant</u>

MOTION that Resolution #10-24 entitled “A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, accepting Supplement #2 – Right of Way Plans proposal from Herbert, Rowland & Grubic, Inc., for additional engineering services for the East State Street Multimodal Project; addition to contract amount not to exceed \$5,000” **be adopted.**

Motion: <u>Mr. Koerth</u>	Second: <u>Mr. Sizer</u>
Vote: <u>YES Mr. Galaska</u>	<u>YES Mr. Sizer</u>
<u>YES Mr. Koerth</u>	<u>YES Mrs. Bundrant</u>

MOTION that Resolution #11-24 entitled “A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing the proper City Officials to approve Change Order EC-1 to the Huntington Bank Demolition Project with Penn Ohio Electrical Company for removal of corrosion, prime and paint poles, and replace two cracked globes on poles; total net increase to the contract not to exceed \$3,000” **be adopted.**

Motion: <u>Mr. Sizer</u>	Second: <u>Mr. Koerth</u>
Vote: <u>YES Mr. Sizer</u>	<u>YES Mr. Koerth</u>
<u>YES Mr. Galaska</u>	<u>YES Mrs. Bundrant</u>

MOTION that Resolution #12-24 entitled “A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, adopting the City of Sharon Military Pay Policy” **be adopted.**

Motion: <u>Mr. Koerth</u>	Second: <u>Mr. Sizer</u>
Vote: <u>YES Mr. Koerth</u>	<u>YES Mr. Galaska</u>
<u>YES Mr. Sizer</u>	<u>YES Mrs. Bundrant</u>

CONSENT AGENDA

THE FOLLOWING ITEMS ARE CONSIDERED BY CITY COUNCIL TO BE ROUTINE CITY BUSINESS AND WILL BE ENACTED BY ONE MOTION AND ONE ROLL CALL VOTE. ANY COUNCIL MEMBER, CITY OFFICIAL OR CITIZEN WISHING CLARIFICATION OF AN ITEM MAY ASK A QUESTION BY RAISING THEIR HAND AND IDENTIFYING THE ITEM BEFORE ADOPTION OF THE ITEM.

MOTION that Resolution #08-24 entitled “A RESOLUTION of the Council of the City of Sharon, County of Mercer, Commonwealth of Pennsylvania, authorizing, in accordance with Section 915 of the Home Rule Charter, The City Manager and Financial Officer to pay bills on attached Schedule “A” **be adopted**.

MOTION that Resolution #09-24 entitled “A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing appointments for certain Committees, Boards and Commissions” **be adopted**.

- Sharon Industrial Development Authority
 - Carl Sizer (Reappointment)
 - Robert Fiscus (Reappointment)
- Zoning Hearing Board
 - Courtney Saylor (Reappointment)
 - Joseph Nichols (Reappointment)
- Code Appeals Board
 - Samuel Walker (Reappointment)
- Sharon Human Relations Commission
 - Samuel Walker (Reappointment)

MOTION approving minutes from the November 29, 2023, Budget Public Hearing, the November 29, 2023, Special Council Meeting, and the December 6, 2023, Council Meeting, **be adopted**.

Motion: Mr. Sizer
Vote: YES Mr. Galaska
YES Mr. Koerth

Second: Mr. Koerth
YES Mr. Sizer
YES Mrs. Bundrant

COMMENTS

CITY MANAGER: Mr. Fiscus thanked Sonja Heard for her interest in serving on City Council and commended her on a great job with her interview. Mr. Fiscus requested an Executive Session to discuss pending litigation.

NEWS MEDIA: None.

MR. SIZER: None.

MR. KOERTH: None.

MR. GALASKA: None.

MRS. BUNDRANT: Mrs. Bundrant welcomed City Solicitor Brett Stedman to his first Council meeting. She thanked Sonja Heard for her interview.

CITIZENS:

Debby Pickens, 629 Sherman Avenue; Ms. Pickens asked for an update regarding Terrence Whalen and his ability to continue buying houses. Mr. Fiscus asked if David Tomko had any updated information. Mr. Tomko said scheduled hearings on these matters have been continued. Mr. Fiscus said he is not comfortable speaking specifically about Mr. Whalen. However, in general, there has been a lot of effort by the elected officials to budget and make sure talented staff are in place to manage rental units in the City. The Code Inspection Coordinator position was separated from the Code Department and is working in collaboration with the Fire Department to ensure compliance with the list of units in the City. Ms. Pickens said the house next to her was obtained for \$250 and Mr. Whalen has been there once; pieces of roof shingles are coming off the house and are scattered all over. She asked if there is a timeline for a condemned house to be updated/repaired. Mr. Fiscus said it is 18 months.

Hirman Griffin, 1082 Woodland Place; Mr. Griffin asked if a “No Parking” sign can be placed on Clover Street near St. Peter & Paul Church. When the Church is distributing food, people are parked on that side of the road and one car has been parked near the edge of the road. When turning off Stambaugh Avenue, if a car is coming up Clover Street, vehicles are getting stuck out on Stambaugh Avenue. Mr. Fiscus said he will review the Ordinance and will either erect a sign or evaluate it for legislation.

ADJOURNMENT

Meeting adjourned at 6:01 PM