

**MINUTES
CITY COUNCIL MEETING
Monday September 13, 2010**

Regular Session

Council President Edward Simpson called the meeting to order at 7:40 p.m. and welcomed everyone to the meeting. Council members present were Messrs., Martin Eggleston, Joseph Hamrick, Ingrid W. Jones and Karen Jorgenson. Staff member present included City Solicitor John Carnes, Interim City Manager Ted Reed, Director of Urban Planning and Codes Enforcement Damalier Molina, Director of Finance Stacy Bjorhus, Fire Chief Kevin Johnson and Recording Secretary Ruthann Mowday.

Mr. Simpson announced that Council met in Executive Session earlier on September 13, 2010 at 5:30 pm for the purpose of discussing Personnel and Legal and Council met with the Redevelopment Authority for an Executive Session on August 30, 2010.

Mr. Simpson announced Mr. Marking would not be in attendance.

Approval of Minutes: *August 23, 2010 and August 30, 2010.*

Mr. Hamrick made a motion to approve the minutes for August 23, 2010 and August 30, 2010; Mrs. Jones seconded the motion. Motion passed 5-0.

Mr. Brazzle entered the meeting at 7:43 pm.

Approval of Accounts Payable

Mr. Eggleston made the motion to approve the accounts payable listing dated September 10, 2010; Mr. Hamrick seconded the motion. Motion passed 6-0.

Additions, Deletions or Modifications to the Agenda

There were no additions, deletions or modifications at this time.

Presentations

1. Born Learning Trails

Ms. Mary Anne Feeley from United Way of Chester County provided a power point presentation for Coatesville to become involved in the national public engagement campaign called "Born Learning Trails". This program is focused on creating early learning opportunities for young children, their parents and other caregivers through the installation of a learning trail to provide information for children to learn. Trails provides an added value to communities by offering outdoor learning games that build pre-literacy skills critical to school readiness. Ms. Kristin Geiger and Mr. Ted Reed attended a meeting last week with United Way and Coatesville Youth Initiative to hear about this program and to discuss the possible location of the Born Learning Trail at Ash Park. This is an exciting opportunity to highlight the importance of early learning and Coatesville's commitment to the positive development of young people.

Mrs. Jorgenson asked when they would like to begin this. Ms. Feeley replied the beginning of October. Ms. Jorgenson asked for the item to be placed on the agenda for approval. Mr. Brazzle stated the Council has agreed to not add items on the same night for action.

2. Fire Police Officer Swearing in – Jared Buffington
Mr. Jared Buffington was sworn in as a Fire Police Officer by Judge Gregory Hines. Fire Police Captain Arthur Dagget held the bible as Mr. Buffington was sworn in.

Citizens' Hearings – Regular Action Items Only

Marie Hess – Resident

Ms. Hess inquired about the curfew on the agenda. A petition was handed to Council at the previous meeting asking for the time change to 9:00 pm. Ms. Hess asked Council to take into consideration for everyone under 18 to be in at 9:00 pm. There are no activities after 9:00 pm.

Mr. Reed explained Mr. Simpson stepped out for an emergency call at 8:05 pm. Mr. Brazzle made a motion for Mr. Eggleston to serve as temporary Council President until Mr. Simpson returns; Mrs. Jorgenson seconded the motion. Motion passed 5-0.

Mr. Hamrick made a motion to close citizens' hearings on agenda items; Mrs. Jorgenson seconded the motion. Motion passed 5-0.

Special Events

1. A Special Event Application was received from West End Fire Company #3 for a Chicken Barbeque at 134 Strode Avenue Parking lot on October 10, 2010 from 12:00 pm to 4:00 pm. It is anticipated 75 people will be in attendance.
2. A Special Event Application was received from Brother Earl Cooper for a Event for the Children on September 18, 2010 from 7:00 am to 7:00 pm at Ash Park. It is anticipated 200 people will be in attendance.
3. A Special Event Application was received from Genesis A.M.E. Zion Church to reschedule and host a picnic for the Missionaries on September 25, 2010 from 11:00 am to 4 pm at Ash Park. It is anticipated 75-100 people will be in attendance. The event was originally approved for July 24, 2010 but the event was cancelled due to the heat.

Mr. Brazzle made a motion to approve Special Events 1 -3 with the time change for event #2 to 12:00 pm to 5:00 pm; Mr. Hamrick seconded the motion. Motion passed 5-0.

Items for Discussion

1. Discuss Employee Manual Review

Mr. Reed explained the draft manual was sent to City Council for review. The staff has asked for direction.

Mr. Simpson entered the meeting at 8:12 pm and Mr. Eggleston relinquished temporary presidency.

Mr. Brazzle asked for Council to meet with the Human Resources Department and the attorney. Mr. Simpson asked if there were any discussions or questions on the handbook. Mr. Reed stated Mr. Marking had spoke to the attorney with questions. Mr. Brazzle asked for the attorney to attend the next meeting for council to ask questions.

2. Discuss Brandywine Trail Riverwalk Contract Closing

Both phases of the Brandywine Trail (River Walk) projects are complete or will be completed within the week. Staff has been working with our engineers to consider additional work believed appropriate to further enhance the River Walk. This includes the installation of a chain link fence between the River Walk and the remainder of the Flats on the west and in addition to a present wood railing fence to safeguard the remaining open area on the east side of the Trail.

Mr. Barry explained that the City can apply for additional funding for the fence and signs stating the hours of operations and use. The additional funding is \$82,076.50. Mr. Simpson stated the City will be applying for the additional funding. Mr. Barry explained the additional funding is a separate contract.

Council agreed to apply for the grant and then come back in front of Council for an approval or rejection.

3. Discuss Electric Procurement Program

For a number of months the Staff has been researching possible electric procurement program options to replace PECO, the present provider of electric use in the City government. In January, 2010, the deregulation of electricity will end and rates for utility products and services are expected to increase significantly. While electric transmission will remain with PECO, municipalities will have the option to select a purchasing program which will lower electrical rates below what PECO would charge.

The Pennsylvania Intergovernmental Act provides that two or more local governments in the Commonwealth may jointly cooperate in the exercise or performance of their respective governmental functions, powers and responsibilities to enter into joint agreements to procure electric service which will result in a lower rate for service. The Pennsylvania League of Cities and Municipalities has established a Municipal Utility Alliance (MUA) which exists as a non-profit corporation to facilitate joint bidding of utility services for its members in accordance with the Pennsylvania Intergovernmental Cooperation Act to provide efficient and cost effective means of procuring municipal goods and services, namely, electricity service.

Constellation Energy is the firm selected by the MUA to provide this service to over 90 municipalities throughout the state. Constellation Energy will provide a free estimate of the cost for electricity with no obligation based upon our largest account. Information is attached for Council's review along with a copy of an existing cooperation agreement and resolution from Lower Paxton Township for consideration.

The Staff is recommending that the Council authorize the submission of information to Constellation Energy for a non-binding price for electric service. If Council decides to move forward with this company, another price will be sought to be locked in upon Council's formal acceptance and execution of the necessary agreements and resolution.

Mr. Simpson asked if this is like a Co-op. Mr. Reed replied yes. The solicitor obtained the information. Mr. Reed explained the Pennsylvania League of Cities and Municipalities offers a free comprehensive procurement. Council agreed to have Mr. Reed move forward.

4. Discuss Chetty Request for Waiver

Mr. Carl Chetty is in the process of selling the Millview Apartments. As part of the process the Codes office reviewed outstanding issues needing to be resolved in order for the new buyer to receive a clear title to the property. There were 84 apartments that changed tenants during the year which, in accordance with the City Code, required an inspection of the apartment units at \$40 per unit before renting to a new tenant, however, the Codes office was not notified. This was brought to Mr. Chetty's attention but he failed to respond in a timely manner which invoked \$40 penalty per unit. Mr. Chetty paid the original \$40 fee per unit totaling \$3,320 (for 83 units) but failed to pay the penalty fee which amounts to an additional \$3,360. Additionally, Mr. Chetty

failed to pay the 2010 rental license in a timely manner again invoking a penalty of \$1,127. The total penalties owed by Mr. Chetty are \$4,487.

Notwithstanding the fire on Friday, with the pending sale of the property which should result in a Transfer Fee tax to the City in excess of \$300,000 this year, and in view of the fact that Mr. Chetty is one of the highest real estate tax payers in the City, Mr. Chetty is respectfully requesting that the City Council waive these penalties

Mr. Reed explained Chetty is responsible for letting the City know when changing tenants in the units. Mr. Chetty did not notify the City within 30 days which caused the penalties to be doubled. Mr. Chetty did not pay rental license and received penalties. Mr. Chetty has provided housing for the tenants and furniture for some of the tenants displaced by the fire. The sale has been postponed to September 23, 2010. Mr. Simpson asked if the sale would go through with the penalties. Mr. Carnes stated the title company would make the penalty payments due at the time of settlement. Mr. Reed announced the roads into Regency and up to Millview are in different stages of repair and the City has not dedicated the streets. Mr. Hamrick asked for the items to be moved to Regular Action items as to not hinder the sale of the property.

5. Discuss Real Estate Tax Reductions

Due to the current financial situation across the country many citizens are appealing their tax assessments to the Chester County Tax Claim Bureau for reductions which, of course, reduces the amount of real estate tax revenue the City receives. Some of the present real estate assessments are minor while some are rather extensive. For each \$1,000 reduction in assessment the City loses \$89.15. On January 1, 2010, the total real estate assessment was \$256,535,631. As of September 10, 2010 the assessment was \$256,039,941 or a loss of \$495,690. This reduction in assessment value represents a loss of \$44,191 in City real estate tax. Currently there are 28 residential and 8 commercial annual appeals before the Tax Bureau requesting a reduction in assessments.

The Staff and City Solicitor would like to discuss whether or not the Council would like to set a policy whereby the City would challenge appeals before the Tax Claim Bureau. Mr. Reed explained he met with the solicitor to discuss the homes. The homes have not been a significant decrease.

Council asked for the item to be placed on the next agenda as a Regular Action Item with a limit to the assessment amount to be appealed by the City Solicitor.

6. Discuss City Flag

Mrs. Jones provided Council with the Flag Sample from Mr. Marking. The flags would be \$7.50 each. The Flags Mr. Reed presented were \$27.00 each. Mr. Reed explained the manufacturer has lowered the payment to \$26.00. Mr. Reed explained that if the City could presell 75 flags an organization may consider donating \$10 per flag. The donation would lower the cost to \$16.00 per flag.

Council asked for the item to be placed on the next agenda as a Regular Action Item.

7. Discuss Intergovernmental Cooperation Agreement

During the regular meeting on August 23, the Council discussed the possibility of joining a consortium of municipalities through an Intergovernmental Cooperation Agreement for the UCC Board of Appeals which has an initiation fee of \$1,500 and an annual fee of \$200. The Staff has further reviewed this matter and is suggesting that the City Council discuss the possibility of

appointing three members from the Coatesville region (since it is not necessary to appoint residents of Coatesville) to a Coatesville UCC Board of Appeals. The Staff is seeking any names from the Council and will also seek other names to present to the Council at the next meeting.

Mr. Reed explained that one meeting has been held with the consortium. This would not be a good source of City money to join. Mr. Reed asked council for recommendation of professional people to serve on the UCC Board. The person must have a good background on Codes and Architecture (Does not have to be a City Resident). Mr. Simpson suggested not to join the consortium. Mr. Carnes suggested two Boards, the IPC Board and the UCC Board. Mr. Carnes stated the person can be a member of both boards. Mr. Reed asked for a recommendation of names for the boards at or before the next meeting.

8. Discuss Diamond Street Parking Lot Meter fee

During the last meeting the Council approved the first reading of a proposed Ordinance entitled: An ordinance amending section 218-54 of the city of Coatesville's parking code to provide for regulation (parking permit or metered parking) of the "Third Avenue and Diamond Street parking lot" with days of operation, hours of operation, parking period limits, and fees for permits or metered use established by resolution of city council.

Since that time the City Solicitor and Staff have reviewed the ordinance and a proposed resolution which would impose the parking fees for this lot. Before placing this Ordinance on Council's agenda for second reading the Staff believes it would be appropriate to discuss the proposed fees with Council so that when the Ordinance is presented for second and final reading the resolution establishing the fees can be immediately considered thereafter. Mr. Barry explained the fees for parking can be paid by cash and credit card.

Council asked for the Second Reading of the Ordinance and the Resolution to be placed on the agenda for the next meeting.

Mr. Hamrick made a motion to add Regular Action Item #5 Born Learning Trails; #6 Waiver of penalties for Chetty Builders; Mr. Brazzle seconded the motion. Motion passed 6-0.

Regular Action Items

1. Receive and Consider First Reading an Ordinance amending Chapter 92 – Curfew, Section 924- to establish Curfew Hours from 10:00 pm to 6:00 am.

Mr. Brazzle asked Council if they received the petition from Ms. Hess. Council replied yes at a previous meeting. Mr. Eggleston stated he sets the curfew at his house. The curfew has changed several times a year since he has been on Council and it has not made a difference. A penalty should be set in the Ordinance for the parents who have their children out after curfew. The frustration is also in the enforcement. Mrs. Jorgenson asked how we enforce it. Mr. Eggleston suggested citing the parent at the time. Mr. Simpson stated he would send an email to Chief Canale to enforce the curfew laws.

Mrs. Jones made a motion to approve the First Reading an Ordinance amending Chapter 92 – Curfew, Section 924- to establish Curfew Hours from 9:00 pm to 6:00 am Sunday through Thursday for ages 17 and under; 10:00 pm to 6:00 am on Friday and Saturday for ages 17 -13; 9:00 pm to 6:00 am on Friday and Saturday for ages 12 and under; Mrs. Jorgenson seconded the motion. Motion passed 6-0.

2. Receive and Consider First Reading an Ordinance amending Chapter 192, Special Events of the Code of the City of Coatesville, Chester County, Pennsylvania

Mr. Hamrick made a motion to approve for First Reading an Ordinance amending Chapter 192, Special Events of the Code of the City of Coatesville, Chester County, Pennsylvania; Mr. Eggleston seconded the motion. Motion passed 6-0.

Council asked for the Special Event Application to be amended showing "No waiver of fees for an event unless a City Sponsored Event".

3. Receive and Consider appointment to Regional Economic Development Study Committee
Through efforts originating from the Western Chester County Chamber of Commerce Regional Planning Committee a \$100,000 Regional Economic Development Study has been commissioned with a contract award to Triad (??) Engineering Company. Last year the City Council approved a local participation of up to \$1,000 although the actual cost to the City will probably be about \$500. A \$60,000 grant has been received from the Delaware Valley Regional Planning Commission and an additional \$30,000 has been approved from the Chester County Department of Community Development. Seven of the nine municipalities in the Coatesville Area School District, plus the CASD, have agreed to participate financially in the completion of this important Study.

Part of the study includes the creation of a Steering Committee composed of a member and alternate from each participating municipal and School District to act as an oversight committee during this study which has gotten underway. With this in mind it is important that the City appoint a Council member and an alternate which can be a Staff member to serve on the Steering Committee. The first meeting is scheduled for 7:00 p.m. on Wednesday, September 22 at the West Brandywine Municipal Building.

Mrs. Jorgenson made the motion to appoint Edward Simpson as the City's Representative and Jarrell Brazzle as alternate, to the Regional Economic Development Study Steering Committee; Mr. Eggleston seconded the motion. Motion passed 6-0.

4. Receive and Consider appointment to the Authorities, Boards, Commission and Committees
Mr. Eggleston made the motion to appoint John Carter to the Parks and Recreation Commission for the term of 2010-2013; Mr. Brazzle seconded the motion. Motion passed 6-0.
5. Receive and Consider to approve the Born Learning Trails Program in Ash Park
Mr. Eggleston made a motion to approve the Born Learning Trails Program in Ash Park; Mr. Brazzle seconded the motion. Motion passed 6-0
6. Receive and Consider a waiver for penalties for Chetty Builders
Mrs. Jorgenson stated we are talking about waiving a penalty for the largest tax payer in the City. Mr. Chetty is currently in the process of selling his property and the City will receive a substantial amount in transfer tax.

Mr. Hamrick made the motion to waive the penalty fees for \$4,487.00; Mrs. Jorgenson seconded the motion. Motion passed 4-2. Mr. Eggleston and Mr. Brazzle were the dissenting votes.

Solicitors Report

Mr. Carnes asked Council if there are any questions regarding the solicitors report. Mrs. Jorgenson asked when the Fleetwood Street demolition will be completed. Mr. Carnes explained that one person has not fulfilled all the terms for the settlement. The person signed the title and the deed but left due to a disagreement regarding a \$800.00 fee regarding trash. The owner stated the fee was paid by her mortgage company. Mr. Carnes stated the owner was in violation of the agreement signed by the City. Mr. Brazzle

stated “We could forgive Chetty for \$4,000, but could not forgive a \$800 trash bill”. Mr. Carnes stated the other settlements on the Fleetwood Street properties were successful. The City can take the one property and then sue for the \$800.00. Mr. Hamrick asked when the pension plan will be completed. Mr. Carnes stated Ms. Bakker has forwarded the draft document to the Police Pension Board and it is being reviewed.

City Manager’s Report

Mr. Reed announced on Thursday, September 9, he and Ms. Bjorhus attended a meeting of the Chester Tax Collection Committee of which Coatesville is a member. The City’s current Earned Income Tax (EIT) uses the provisions of the old Local Tax Enabling Act, Section 6913 which has been repealed by Act 32 which replaces it with the new provisions. This change will require the City to make some major revisions in our EIT which will now have to be with Keystone Collections Group through the Tax Collection Committee. He and Ms. Bjorhus are analyzing the extensive requirements and will be sending detailed information to Council before the September 27 meeting at which time we will need to have a full discussion. A number of ordinances and resolutions will be required to be approved before the middle of November in order to be effective January 1, If not approved there is a real possibility the City will not be able to assess or collect the EIT. The staff will also be analyzing the Local Services Tax (LST) which can be included with the Keystone contract as well as possibly considering changing our real estate tax collection contractor.

Mr. Reed explained the staff and the City Solicitor have not had the opportunity to delve into the East Lincoln Highway parking issues. Staff will attempt to have this done with recommendations by the September 27 meeting.

Mr. Reed explained the staff is continuing to review the Vacant Property and Instant Ticketing Ordinances to complete the detail necessary to make recommendations to the Council in October.

Mr. Reed announced that he spoke to Mr. Pacana who was injured in the fire. Mr. Pacana is in good spirits, he pierced his skin in two places and required plates and screw. Mr. Abel has a broken wrist and severe burns and should be released tomorrow. There were no severe injuries and no career ending injuries. Mr. Brazzle asked if there is an investigation regarding the fire. Mr. Reed explained the investigation is in motion and looking for a third party. Chief Johnson stated NIOSH (National Institute for Occupational Safety and Health) was contacted. Mr. Simpson asked what the purpose of their investigation is. Chief Johnson stated to show what was done right, wrong and how do we keep from doing it again. Mr. Brazzle asked if the sprinklers worked. Chief Johnson explained that some did and some didn’t. Mr. Reed explained the firewalls helped to keep the fire from below. Mr. Lentz explained the fire started on the balcony. Mr. Lentz explained the sprinkler system at Millview. Mr. Reed explained the workers compensation files have been delivered to the injured firefighters. Mr. Simpson asked how it works for the volunteers. Mr. Reed explains the City provides the workers compensation. Mr. Lentz explained the Firefighters Relief Association makes up for the 1/3 loss of pay for workers compensation.

Citizens’ Hearings – *Non-Agenda Items*

There were no citizen’s hearings for on non agenda items.

Mr. Eggleston made a motion to close citizen’s hearings for on non agenda items; Mr. Brazzle seconded the motion. Motion passed 6-0.

Council Comments

Mrs. Jones thanked everyone for attending the meeting. It has been nine months into the new job and there is still a lot to do.

Mrs. Jorgenson thanked the Fire Department for protecting the Community. Mrs. Jorgenson asked Council for a letter of recommendation from Council for the RDA to move forward with CCEDC to market properties. Mr. Simpson stated CCEDC is a very good asset for the community.

Mrs. Jorgenson made a motion to approve a letter of recommendations from City Council for the Redevelopment Authority to hire CCEDC to help market properties and bring industries into the City; Mr. Hamrick seconded the motion. Motion passed 6-0.

Mr. Hamrick stated his heart goes out to the fire fighters and their families. Mr. Hamrick shared his appreciation for the Police and Fire Department. Mr. Hamrick apologized to Mr. Molina for a misunderstanding.

Mr. Eggleston stated he honors and respects the Fire and Police Department. The men and women in the departments give their lives on the line at our expense. They are put in harm's way on a daily basis. Mr. Eggleston thanked all the volunteers.

Mr. Brazzle thanked the Fire and the Police Department who put their lives on the line. He will be praying for the families who lost their possessions. Mr. Brazzle thanked City staff for their hard work. Mr. Brazzle stated he likes how Mr. Reed handles the meetings and what he brings to the City. He hopes the City will keep Mr. Reed for another year. Mr. Brazzle stated the Public Works equipment is beat up and the City needs to invest in new equipment.

Mr. Simpson stated Public Works has been neglected for years. The Department's monies have been pulled over the years to other departments for items. Mr. Simpson thanked everyone for attending the meeting.

Mr. Hamrick made a motion to adjourn the meeting at 10:11 pm. Mr. Eggleston seconded the motion passed 6-0.

Mr. Simpson announced Council will be moving to executive session.

Adjournment

Ted Reed
Interim City Manager