

**MINUTES
CITY COUNCIL MEETING
Monday January 10, 2011**

7:30 p.m.

Regular Session

Council President Karl Marking called the meeting to order at 7:50 p.m. and welcomed everyone to the meeting. Council members present were Council President Karl Marking, Council Vice President Joseph Hamrick, Mssrs., Jarrell Brazzle, Edward Simpson, Mrs. Ingrid W. Jones, and Ms. Karen Jorgenson. Staff members present included City Solicitor John Carnes, City Manager Wayne Reed, Police Lieutenant Rita Shesko, Director of Public Works Donald Wilkinson, Director of Planning and Codes Enforcement Damalier Molina, Fire Chief Kevin Johnson, Director of Finance Stacy Bjorhus and Recording Secretary Ruthann Mowday.

Mr. Marking announced an Executive Session was held earlier this evening, January 10, 2011 to discuss personnel and legal.

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

Approval of Minutes: *December 13, 2010 and January 3, 2011*

Ms. Jorgenson made a motion to approve the minutes for December 13, 2010 as written; Mr. Hamrick seconded the motion. Motion passed 6-0.

Mrs. Jones made a motion to approve the minutes for January 3, 2011 as written; Mr. Simpson seconded the motion. Motion passed 6-0.

Approval of Accounts Payable

Mr. Hamrick asked if we have enough to pay the bills. Ms. Bjorhus stated not at this time. Mr. Marking asked about the fee for IDC. Ms. Bjorhus stated the fee is for the 4Gov system.

Ms. Jorgenson made a motion to approve the payable listing January 7, 2011; Mr. Simpson seconded the motion. Motion passed 6-0.

Additions, Deletions or Modifications to the Agenda

Mr. Hamrick made a motion to delete Regular Action Item #2, Receive and Consider AFSCME Non-Uniform Union Contract; Ms. Jorgenson seconded the motion. Motion passed 6-0.

Ms. Jorgenson asked for Item of Discussion #3, Creation of Ad Hoc Personnel Committee for 2011, to be removed until a new City Manager has been hired.

Mr. Marking asked for Presentation regarding the New City Website to be removed until the next meeting.

Presentations

1. City of Lancaster – Property Violation Notice System – Patrick Hopkins

Mr. Hopkins provided Council with a presentation on the Instant Ticketing Program currently used in Lancaster. The property violation notice system is used in Lancaster to help improve neighborhood quality of life; improve efficiency of City inspectors through use of technology; reduce court time the alternative enforcement of quality of life problems. The

property violation notice system work flow id similar to the parking ticket process and has an internal appeal process. There are two types of notice. The non abatement examples are failure to recycle; improper storage of trash, recycling, putting trash/recycling out on wrong day of collections and failure to remove snow/ice from sidewalk. The abatement examples are grass and weeds; improper maintenance of private property; graffiti; smoke detectors absent, and sewage in basement/sidewalk. The violation documentation includes a City inspection, photographs of the violation and the City re-inspection of abatable violations. The property violation notice system streamlines enforcement of neighborhood quality of life issues by delivering quick reminder of the violation including a low cost fine; integrated with the Housing Complaint System to provide comprehensive database of property violations, violation data and photographic evidence of violations; the flow of the property violation notice is similar to that of a parking ticket; and the eCitation system reduces staff time spent on manual entry and provides additional enforcement tools to the City inspectors. Mr. Hopkins encouraged the City to have open conversation with the District Judges.

2. Martin Luther King Proclamation
Mr. Marking read the proclamation as written.

Citizens' Hearings – Regular Action Items Only

There were no citizen's comments on Regular Action Items Only.

Mr. Simpson made a motion to close citizen's hearings on Regular Action Items Only; Mr. Hamrick seconded the motion. Motion passed 6-0.

Special Event

1. A Banner Permit Application has been received from Life Transforming Ministries for "Free IRS-Certified Income Tax Preparation" from January 10, 2011 to April 15, 2011, across Lincoln Highway at G.O. Carlson and Lincoln just West of 13th Avenue

Mr. Hudson explained Mrs. Jones provided Council with a letter requiring permission from Penn Dot for a banner to be placed across Lincoln Highway. Mr. Reed explained the first time a permit was required from Penn Dot was for the Christmas Parade. Mr. Molina explained the Banner is bigger than the City Code regulates.

Mr. Simpson made a motion to approve a banner permit from Life Transforming Ministries for "Free IRS-Certified Income Tax Preparation" from January 10, 2011 to April 15, 2011, across Lincoln Highway at G.O. Carlson and Lincoln just west of 13th Avenue contingent on compliance with the City Code and Penn Dot approval; Mr. Hamrick seconded the motion. Motion passed 6-0.

Items for Discussion

1. Discuss Authority, Board, Commission and Committee Openings

Mr. Marking announced Jonathan Kasitz has submitted his resignation from the Redevelopment Authority of the City of Coatesville. There are also other vacancies on various boards and committees. As directed by Council during the December 8 meeting, a notice has been published in the local newspaper and on the City's web site. One application has been received for appointment to the Zoning Hearing Board of Appeals and two applications have been received to the Redevelopment Authority. In addition there are a number of reappointments. Council asked for the item to be placed on the next meeting as a Regular Action Item. Mr. Marking stated the

term for Paul Johnson was to be corrected to the term of 2009-2011 for the Reserve Trust Fund Commission.

2. Discuss Conti Property Annual Renewal

In past years the City has rented out its "Conti Property" to local farmers for agricultural use during the growing season. Last year the Council discussed opening this rental for bid proposals from farmers interested in farming the land. The Staff is seeking approval to proceed with advertising for this annual rental. Mr. Simpson stated now that two people are interested in renting the property; the City should put the property out for bid. Mr. Carnes suggested acquiring an aerial view of the property. It seems as if more of the property was used in the past. The City should find out how much land has been cultivated.

3. Discuss Voting of President of Council

Mr. Marking discussed with the Council the appropriateness of the President of Council voting on issues in accordance with Robert's Rules of Order which Council adopted at its Reorganizational Meeting. Mr. Reed stated the Council President has the right to make motions and second motions. Mr. Carnes read the Code.

Regular Action Items

1. Receive and Consider the Development Agreement, the Financial Security Agreement and the form of Bond for the Walgreens Construction.

Mr. Marking announced Walgreens is ready to move forward with the building permit for the construction of its new store at Eighth Avenue and Lincoln Highway. Before it can, though, the Development Agreement, Financial Security Agreement, final plan and the form of bond must be approved by the Council. Once approved Walgreens will purchase the building permit immediately. Mr. Ross Weiss, attorney for Walgreens, was present to answer questions if needed, along with the City Solicitor.

Mr. Brazzle asked for more lighting around the development area. It is very dark and dangerous at night. Residents have voiced their concerns. Mr. Molina replied he will ask the developer for temporary lighting around the perimeter. Mr. Simpson asked if the City has received the fee in lieu of payment. Mr. Reed replied yes.

Mr. Hamrick made a motion to approve the Development Agreement, the Financial Security Agreement and the form of Bond for the Walgreens construction; Mr. Brazzle seconded the motion. Motion passed 6-0.

2. Receive and Consider a Second Reading and Final Reading an Ordinance of the City of Coatesville, Chester County Pennsylvania, amending Chapter 35 of the Administrative Code, which is entitled "Personnel Policies," to revise certain definitions contained therein, and to revise provisions of the code concerning job qualifications, transfer of employees, disciplinary actions and appeals, hours of work and benefits, and replacing all other Ordinances, or parts of Ordinances, in consistent therewith

Mr. Simpson made a motion to approve Second Reading and Adoption an Ordinance of the City of Coatesville, Chester County Pennsylvania, amending Chapter 35 of the Administrative Code, which is entitled "Personnel Policies," to revise certain definitions contained therein, and to revise provisions of the code concerning job qualifications, transfer of employees, disciplinary

actions and appeals, hours of work and benefits, and replacing all other Ordinances, or parts of Ordinances, in consistent therewith; Mrs. Jones seconded the motion. Motion passed 6-0.

3. Receive and Consider First Reading an Ordinance amending Chapter 84, "Building Contractors", Licensing of" of the General Laws of the City of Coatesville, narrowing the application of a licensing fee to contractors engaged in Commercial Construction, providing for the registration of all contractors engaged in business within the City of Coatesville for the purpose of providing insurance certificates, defining the term registration of contractors, providing for the establishment of the application requirements and fees, and providing for penalties for violations. Mr. Simpson made a motion to approve First Reading an Ordinance amending Chapter 84, "Building Contractors", Licensing of" of the General Laws of the City of Coatesville, narrowing the application of a licensing fee to contractors engaged in Commercial Construction, providing for the registration of all contractors engaged in business within the City of Coatesville for the purpose of providing insurance certificates, defining the term registration of contractors, providing for the establishment of the application requirements and fees, and providing for penalties for violations; Mr. Brazzle seconded the motion. Motion passed 6-0.

4. Receive and Consider Resolution amending Coatesville Firefighters Pension Plan
The present Coatesville Firefighters Pension Plan provides for after tax contributions by the full time Firefighters. The Third Class City Code provides that the retirement contributions by the Firefighters should be based upon the pre-tax income and "picked-up" and paid by the municipality. This will allow the firefighters to pay the income tax after retirement based upon a lower income at that time which should be a reduced tax and a larger retirement income. Two Resolutions are presented for Council's consideration. The first is to reaffirm the "pick-up" of the contributions as a municipal contribution and the second Resolution approves Amendment No. 1 to the Firefighters Pension Plan. Mr. Carnes explained the IRS looks for a Resolution.

Mr. Hamrick made a motion to approve Resolution 2011-4, a Resolution of the Council of the City of Coatesville, Chester County, Pennsylvania, establishing that the City shall "Pick Up" member contributions to the City of Coatesville Firefighters Pension Plan and Resolution 2011-05, a Resolution of the Council of the City of Coatesville, Chester County, Pennsylvania, adopting Amendment No. 1 to the City of Coatesville Fire Fighters Pension Plan to provide that City shall "Pick Up" member contributions; Mr. Simpson seconded the motion. Motion passed 6-0.

5. Receive and Consider Resolution amending Police Pension Plan
In 2007 the Council approved an amendment to the Police Pension Plan which specifically excluded the Chief of Police from the Plan to accommodate the then new Chief of Police who had no prior retirement benefit in the Plan. Since the present Chief of Police came in through the ranks of the Coatesville Police Department and was previously in the Plan, it is necessary to amend the Plan to include the current Chief of Police.

Mr. Simpson stated Chief Canale was an officer prior to becoming the Chief of Police. He asked how it would affect years down the road when another Police Chief is hired. Mr. Reed explained a new Police Chief would have to be qualified with years of service. Mr. Reed explained Chief Canale also received a 457 plan. When the previous Police Chief William Matthews was hired from outside the force, the City Code was changed to define the Chief of Police as not a Police officer for Pension Plan Purposes. Mr. Carnes stated the change is not permitted under the Third Class City Code and should never have been made. Mr. Simpson stated the change back to the

original code would give Chief Canale two pensions. Mr. Simpson stated Chief Canale is entitled to his pension. We do not want to set up a precedence when Chief Canale retires, and the City hires a new Police Chief, the City is contributing to two pensions.

Mr. Simpson made a motion to table Resolution amending the Police Pension Plan; Mr. Brazzle seconded the motion. Motion passed 4-1-1. Mr. Hamrick was the dissenting vote. Mrs. Jones abstained from the vote.

6. Receive and Consider Police Pension Plan – Plan Revision Guide

The City's Pension Plan is administered by Massachusetts Mutual Insurance Company and has been working with the City Staff and our legal counsel to develop the Pension Plans for all three City unions. Part of this development requires the a document called "Plan Provision Guide" which is a summary and smaller version of the actual Pension Plan and is used by Mass Mutual to develop its maintenance program which provides detailed information to each plan participant. The Police Pension Fund Commission met earlier today and approved the recommendation to the Council for their official approval which is required by the City Code.

Mr. Simpson made a motion to table the Police Pension Plan – Plan Revision Guide; Mr. Hamrick seconded the motion. Motion passed 6-0.

7. Receive and Consider Riverwalk Fence and Wood Barrier Project

At the last City Council Meeting, City Council approved \$84,936 additional grant dollars for the River Walk/Brandywine Creek Trail Fence and Wood Barrier project. This funding is provided through a grant from Chester County.

The additional funds are to be used for the installation of a fence along the west border of the trail from Lincoln Highway to Glencrest Road, the continuation of a wood barrier fence along the east border of the trail from Lincoln Highway to Glencrest Road, the installation of a pedestrian swing gate on the railroad spur bridge and the installation of three signs to address park rules, hours of operation, etc.

To minimize the amount of work, the County will allow the City to directly purchase the signs and swing gate, which can be installed by the Public Works Department. The remainder of the project will need to go out to bid.

Attached for Council's consideration is the Fence and Wood Barrier bid package which includes the construction of the fence and wood barrier. This bid package has been reviewed by the City Solicitor and will need final approval from the County before being released for bids.

Ms. Jorgenson made a motion to authorize the Staff to advertise and accept bids for the construction of a fence and wood barrier along the River Walk; Mr. Simpson seconded the motion. Motion passed 6-0.

8. Receive and Consider Appointment if Velodrome Negotiating Committee

The developers of the National Velodrome project have made an offer for the purchase of the RDA property known as "The Flats". The RDA is prepared to move forward with negotiations with these developers by the appointment of two of its Board members to a Negotiating Committee. The RDA believes it would be most fruitful if the Council also

appointed two of its members to serve on a Negotiating Committee to open discussions on the sale of the property since both bodies must approve any sale of RDA property.

Ms. Jorgenson made a motion to appoint Karl Marking to serve as the Council's representatives along with two representatives from the RDA Board as a Negotiating Committee to negotiate the potential sale of the property at First and Lincoln Highway; Mr. Hamrick seconded the motion. Motion passed 6-0.

Mr. Hamrick made a motion to appoint Edward Simpson to serve as the Council's representatives along with two representatives from the RDA Board as a Negotiating Committee to negotiate the potential sale of the property at First and Lincoln Highway; Ms. Jorgenson seconded the motion. Motion passed 6-0

9. Receive and Consider Tax Anticipation Note

The City is experiencing cash flow problems which are not unusual this time of the year when real estate and other taxes have not yet been billed. In order to meet the needs to pay the outstanding bills for the next couple of months until the tax revenues start to come in, the Staff has met with and obtained a proposal from the Coatesville Savings Bank for a temporary loan called a Tax Anticipation Note in the amount of \$675,000. The bank has proposed an interest rate of 2.5% for a six month loan and 2.75% for a nine month loan. Mr. Simpson asked what the issues were that cancelled the meeting on Friday for the Note. Mr. Carnes stated the completed paperwork was not received back from the bank. Mrs. Jorgenson asked what would happen if the Note was not approved. Ms. Bjorhus stated the bills would be held up for four to six weeks and would not be able to make payroll.

Mr. Hamrick made a motion to Approve Resolution 2011-03 authorizing the issuance and sale of a tax and revenue Tax Anticipation Note, Series 2011, of the City of Coatesville in an aggregate principal amount of \$675,000, establishing the terms, conditions and form of such note; providing security and establishing a sinking fund for the note; authorizing certain officials to execute and deliver the note and to prepare and file certain certificates and other proceedings; and authorizing other necessary action; Ms. Jorgenson seconded the motion. Motion passed 6-0.

Solicitors Report

Mr. Carnes asked if there were any questions on his report.

City Manager's Report

Mr. Reed announced the City received a refund of \$4,200 for Telecom. The monies were for taxes paid on utility bills. Mr. Marking asked of the monies were split between the City of Coatesville and Utilitech. Mr. Reed replied yes, Utilitech will receive \$2,100 and the City will receive \$2,100.

Citizens' Hearings – Non-Agenda Items

Earl Johnson – Non Resident

Mr. Johnson explained he received four trash bills for his various rental properties and sought relief for various reasons. One of the properties was uninhabitable and as such could be eligible for some relief. Mr. Johnson was directed to fill out the appropriate for said property.

Marie Hess – Resident

Ms. Hess thanked everyone for their support with the Tree Lighting Ceremony. Ms. Hess explained that parking in front of her home has been an ongoing issue and expressed her frustration with the inconsistent support she feels she has received from the Police Department. Council directed the Police Department to review the matter further.

Aaron Lucas – Resident

Mr. Lucas explained he learned a lot from the presentation from Lancaster. He asked who he could contact with ideas on the trash and beautification issues. Mr. Reed suggested that he meet with Mr. Molina, the Weed and Seed Beautification Committee, Ms Hess and Officer Ollis to get more involved.

Tonya Thames Taylor – Resident

Ms. Taylor explained the History of Coatesville and its role in the Under Ground Railroad. She asked for the Historical Commission to be relaunched.

Mr. Hamrick made a motion to close citizens' hearing on non agenda items; Mrs. Jones seconded the motion. Motion passed 6-0.

Council Comments

Mrs. Jones thanked everyone for attending the meeting. It is nice to engage in healthy enlightening dialogue.

Ms. Jorgenson thanked everyone for attending the meeting.

Mr. Brazzle thanked everyone for attending the meeting.

Mr. Hamrick thanked everyone for attending the meeting.

Mr. Simpson thanked everyone for attending the meeting.

Mr. Marking had no comment.

Adjournment

Mr. Simpson made a motion to adjourn the meeting at 10:18pm; Ms. Jorgenson seconded the motion. Motion passed 5-1. Mr. Marking was the dissenting vote.

Ted Reed
Interim City Manager