

MINUTES  
CITY COUNCIL MEETING  
Monday March 14, 2011

**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., Martin Eggleston, Edward Simpson, Mrs. Ingrid W. Jones, and Ms. Karen Jorgenson. Staff members present included City Solicitor John Carnes, Interim City Manager Wayne Reed, Assistant City Manager Kirby Hudson, Police Chief Julius Canale, Fire Chief Kevin Johnson, Director of Public Works Donald Wilkinson, Director of Planning and Codes Enforcement Damalier Molina, Director of Finance Stacy Bjorhus and Recording Secretary Ruthann Mowday.

President Marking announced an Executive Session was held March 2nd to discuss matters of personnel and earlier this evening, March 14, 2011 to discuss personnel and legal matters.

President Marking announced Mr. Brazzle would not be in attendance.

**Approval of Minutes:** *February 28, 2011*

Vice President Hamrick made a motion to approve the minutes for February 28, 2011; Mrs. Jones seconded the motion. Motion passed 5-0-1. Mr. Eggleston abstained from the vote.

**Approval of Accounts Payable**

Vice President Hamrick made a motion to approve accounts payable dated March 10, 2011; Ms. Jorgenson seconded the motion. Motion passed 6-0.

**Additions, Deletions or Modifications to the Agenda**

Vice President Hamrick made a motion to add Regular Action Item #5, Mr. Hudson to become Interim City Manager; Ms. Jorgenson seconded the motion. Motion passed 6-0.

Vice President Hamrick made a motion to add Regular Action Item #6, Resolution 2011-11, approve the 60 day extension of Section 4 only of the contract of employment for the Interim City Manager between the City of Coatesville and Wayne G. Reed; Mr. Simpson seconded the motion. Motion passed 6-0. Vice President Hamrick explained the Resolution. Mr. Carnes stated the purpose is to take a the provision for a 60 day extension to determine the eligibility of Mr. Reed in the City Pension.

**Presentations**

1. Proclamations – Matthew Baker and District Attorney Joseph Carroll  
President Marking read and presented the Proclamations Matthew Baker and District Attorney Joseph Carroll recognizing their community efforts.
2. Check Presentation from PA American Water  
The Coatesville Fire Department applied for a grant from Pennsylvania American Water Company to purchase two pagers for use by Fire Personnel. The grant was approved.

Mr. Gibbs presented Fire Chief Johnson with a check in the amount of \$880.00 for the purchase of two pagers.

**Citizens' Hearings – Regular Action Items Only**

There were no citizens' comments on regular action items only.

Mrs. Jones made a motion to close citizens' hearings on regular action items only; Vice President Hamrick seconded the motion. Motion passed 6-0.

**Special Event –**

1. A Special Event Permit Application was received from the Virtuous Sisters for Christ Ministries to hold a parade on April 9, 2011 beginning at 10 am to noon. Approximately 100 people will march from Gateway Park to Abdala Park along Lincoln Highway carrying signs and playing live music. The Police will escort the marchers.

Mr. Reed explained the event. Ms. Jorgenson asked if this event has been held before. Mr. Eggleston replied yes, this is an annual event.

Mr. Eggleston made a motion to approve the Special Event application from the Virtuous Sisters for Christ Ministries to hold a parade on April 9, 2011 beginning at 10 am to noon, marching from Gateway Park to Abdala Park; Ms. Jorgenson seconded the motion. Motion passed 6-0.

**Items for Discussion**

1. Discuss Draft Ordinance for the Coatesville Adult Baseball League

The Coatesville Adult Baseball League President, Richard Jenkins, made a presentation to the City Council at a previous meeting in which he requested the use of the Ash Park Baseball field five days per week between May and July. Mr. Jenkins has requested a multiyear agreement through 2016 with five year renewal options. The League has offered to continue the annual fees comparable to 2010 in the amount of \$800 to include the maintenance of the field.

Mr. Simpson asked Mr. Carnes why he does not recommend a 5 year lease. Mr. Carnes stated a five year lease could be a non exclusive lease. A five year lease is more problematic. President Marking asked if the City should alleviate the problem before it starts to change from Baseball and make it non specific. Mr. Carnes stated he does not see a problem.

Mr. Simpson made a motion to add Regular Action Item #7, Ordinance for the Coatesville Adult Baseball League for the year 2011; Vice President Hamrick seconded the motion. Motion passed 6-0.

2. Discuss National Veledrome Center Bicycle Race

Representatives from the National Veledrome Center (NVC) made a presentation in which there are plans to hold a bicycle race on July 3 around downtown and Ash Park areas in conjunction with Celebrate Coatesville event sponsored by the Rotary Club of Coatesville and the City's concert and fireworks display. In order to begin proper plans, the NVC would like to have an indication from Council that the City will support this race and would tentatively consider approving a Special Events Permit at the appropriate time. A Highway Occupancy Permit from the Department of Transportation must be approved in order to close the roads.

Vice President Hamrick made a motion to add Regular Action Item #8, National Veledrome Center Bicycle Race; Mrs. Jones seconded the motion. Motion passed 6-0.

3. Discuss National Veledrome Center Request for 105 East Diamond Street Building

Mr. Crosby Wood of the National Velodrome Center presented a proposal to Council during a previous meeting to lease the City owned CCA Garage at 105 East Diamond Street for a period of three years with an option to purchase the property for \$125,000 expiring on December 31, 2012. The offer is for \$950 per month in year one; \$1,000 per month in year two and \$1,050 per month in year three.

The Interim City Manager has spoken with Mr. Wood and explained the Council's inability legally to enter into an option to sell the property and also explained the Council's reluctance to enter into a long term lease. Mr. Wood has indicated that he would propose a shorter term lease arrangement which would allow the developers to move equipment from another area to Coatesville to support the July 3 bicycle race and possibly other issues until the Veledrome construction gets underway. He also indicated his firm would be willing to consider repairing the roof of the building which is leaking badly.

Mr. Simpson asked if the building is permitted for the use. Mr. Molina explained a permit has not been submitted for the use of the building. Mr. Simpson stated the City is the owner of the building. Mr. Simpson asked why staff did not call them up and say this is what we want and this is what we want to do. Ms. Jorgenson stated the Interim Manager stated the Interim City Manager did follow up with the offer. Mr. Simpson asked why we did not look into the usage for the building before the meeting. President Marking thought staff was directed to determine the usage of the building. Mr. Carnes explained the Third Class City Code states that a property owned can only be sold by the bid process. A lease requires an Ordinance. The property will need to be placed out to bid to get the best offer or best price. Mr. Simpson stated he would like to have the building rented to the Veledrome people, nothing has been done to move forward with the process. Mr. Molina stated the Velodrome would be able to use the building as storage because it is would be the continuation of the same use.

Mr. Carnes suggested he make a firm ruling if this needs to be put out to bid. If a short term lease is requested a bid may not be required. He would discuss with the terms of the proposal with Mr. Crosby Wood. Mr. Carnes stated the Item would be placed on the agenda as a regular action item at the next meeting.

4. Discuss Draft Ordinance for City Hall Parking Lots

During the last meeting the Staff presented a proposal for use of the City Hall parking lots on the West side and north side of the municipal building. The Council directed staff to prepare a draft ordinance to present for Councils consideration.

Council pulled the discussion due to the draft Ordinance has not yet been completed.

5. Discuss Draft Ordinance for Police Pension Plan

In February Council approved a Resolution which changes the Police Pension Plan with the addition of the Planned Provisional Guide. This requires a change in the City's Ordinance. The City Solicitor has prepared the draft Ordinance to implement the change. Mr. Carnes explained Section 1 of the Ordinance implements the Collective Bargaining Agreement and is consistent with the Third Class City Code. Section 2, 38-8.2, Killed in Service Benefit is in Compliance with the Commonwealth of Pennsylvania.

Council asked for the First Reading to be placed on the March 28, 2011 meeting agenda.

6. Discuss Public Works/Solid Waste Enforcement Officer

As a means to increase the quality of life for our citizens, the Codes Department and the Public Works Department have been discussing the possibility of using a Public Works employee to become Laborer/Solid Waste Enforcement Officer who would be charged with the responsibility three days per week searching for and investigating violations of the City Code pertaining to quality of life issues. This would include excess or illegal trash in the neighborhoods, high grass, graffiti, tire, etc. A member of the Codes Office has applied for and offered the position of Laborer/Operator at the Public Works Department and the Staff believes this individual will have the capabilities of acting as Laborer/Solid Waste Enforcement Officer. Although this position would stand alone, it would be very useful if the City adopted the Instant Ticket Program.

Mr. Reed explained Public Works and the Codes Department have been in discussions regarding the position. Hopefully this position will be a way to have more enforcement through the Public Works Department. Mr. Wilkinson explained a possible person would be available to do the quality of life issues on the three days in the Codes Department when the trash contractor comes through the city and the additional two days will be in the Public Works Department. Mr. Hudson asked if the position will be a union position and will this be competitive with other positions. Mr. Barnes stated the position must be posted. Mr. Wilkinson explained a job description will need to be developed for the position. President Marking asked if the job description was to be approved by Council or is this administrative function. Mr. Reed stated it is an administrative function.

**Regular Action Items**

1. Consider YMCA Management Proposal – Ash Park Swimming Pool

The Council has discussed a proposed Management Agreement between the City and the Brandywine YMCA for the operation of the Ash Park Swimming Pool during the summer season. The City Solicitor has worked with the YMCA to revise the draft agreement and present the agreement for Council's considerations.

Mr. Carnes explained there were minor changes to the proposal submitted at the prior meeting. All the additions requested by the City have been included in the agreement.

Vice President Hamrick made a motion to approve the YMCA Management Proposal for the Ash Park Swimming Pool; Mr. Simpson seconded the motion. Motion passed 6-0.

2. Consider approval of the Solid Waste Collection and Disposal Contract

The Solid Waste Collection and Disposal contract expires on March 31. The staff advertised and received proposals on February 28 for a new contract to begin April 1. The bids were as follows: Eagle Disposal year one \$384,000, year two \$389,000, year three \$395,640 totaling \$1,168,640; Charles Blosenski Year one \$392,472, year two \$393,465.60, year three \$414,828 totaling \$1,200,765.60; J.P. Mascaro year one \$419,196, year two \$419,196, year three \$419,196 totaling \$1,257,588.

The City Solicitor has reviewed the bids and closely checked the bid of the apparent low bidder Eagle Disposal. He found all specifications bonds, financial securities and forms to be in order. In a conversation with the owner of Eagle Disposal, Mr. William Deihm, he was questioned about his equipment and manpower to perform the work. He explained that he will be able to execute the work with his two large trucks, compared to the present contractor's four trucks, but if he runs into any problems he will put one of his other 24 trucks on the job.

The City Solicitor and Staff are recommending that a three year contract be awarded to Eagle Disposal with a proviso that should the company not be able to perform the contract in a manner suitable to the City, the City will give at least 120 days notice to the contractor that it intends to advertise for bids and award remaining two year to the lowest responsible bidder.

Mr. Simpson asked who talked to Mr. Diehm regarding the usage of two trucks only. Mr. Carnes explained that he along with Mr. Reed, Mr. Wilkinson spoke to Mr. Diehm regarding the usage of only two trucks. Mr. Diehm explained Eagle Disposal has been employed by the City before and will supply additional trucks if required. Ms. Jorgenson asked if the trucks will be able to go through the alleys. Mr. Deihm's son explained they familiarized themselves with the area and made sure the trucks would be able to get through. The recyclables can be mixed together and Eagle Disposal will separate the recyclables.

Vice President Hamrick made a motion to approve a three year contract for Solid Waste Collection and Disposal to Eagle Disposal in a total amount of \$1,168,640 with a proviso that should the company not be able to perform the contract in a manner suitable to the City, the City will give at least 120 days notice to the contractor that it intends to advertise for bids and award remaining two year to the lowest responsible bidder; Mr. Simpson seconded the motion. Motion passed 6-0.

3. Consider approval of the Fireworks contract with East Coast Pyrotechnics

The staff contacted East Coast Pyrotechnics, Inc. about providing the fireworks display again this year for the Celebrate Coatesville on July 3. This company has provided the fire works for the last ten years or so. The quoted price is \$22,500 which is the same price for the fourth year in a row half of which would be due on April 1. The City Solicitor has researched this type of service and has rendered the opinion that this is a unique service and does not require competitive bidding. Adequate funds are included in the 2011 municipal budget; however, attempts will be made to obtain sponsorships to offset some of the costs of this program.

Ms. Bjorhus asked if there were any other bids taken or if this is the only price asked for. Mr. Marking stated the City Solicitor has researched this type of service and has rendered the opinion that this is a unique service and does not require competitive bidding.

Vice President Hamrick made a motion to authorize the City Manager to execute an agreement with East Coast Pyrotechnics, Inc. to provide firework services on July 3 at a set cost of \$22,500 with \$11,250 to be paid by April 1, 2011; Mr. Eggleston seconded the motion. Motion passed 6-0.

4. Consider appointments to the Authorities, Boards, Commissions and Committees

Ms. Jorgenson made a motion to appoint Jeffrey Ross to the Historical Commission for the term 2010-2012; Vice President Hamrick seconded the motion. Motion passed 6-0.

Vice President Hamrick nominated Frederick Sharpe for the Parks and Recreation Commission for the term 2011-2014. Nomination failed 3-3. Mr. Eggleston, Mr. Simpson and Ms. Jorgenson were the dissenting votes.

Mr. Eggleston nominated Tony Harkins for the Parks and Recreation Commission for the term 2011-2014. Nomination passed 6-0.

Mr. Simpson asked if members of the Fire Advisory Committee must be residents. President Marking explained two seats must be held by residents of the City of Coatesville. The Fire House appointees are appointed from the president of the Fire House. President Marking stated the Code does not state an alternate for the Advisory Fire Committee. Mr. Carnes stated adding the alternate is not a problem. Chief Johnson asked for Steve Dobson to be appointed to Acting Deputy Chief until a formal vote has been made for the permanent

Ms. Jorgenson made a motion to appoint Steve Dobson as the Acting Deputy Fire Chief at the West End Fire Company to replace Robert Pacana; Vice President Hamrick seconded the motion. Motion passed 6-0.

President Marking read Mr. Randy Scott and Mr. Bob Law were appointed to the Advisory Fire Committee by the President of the West End Fire Company. Mr. Mark Sweitzer and Mr. Ron Sigismonti will join Chief Johnson on the Fire Advisory Committee with Dan Paulukinas as an alternate.

5. Consider Kirby Hudson as Interim City Manager

Vice President Hamrick made a motion to appoint Kirby Hudson as Interim City Manager; Mrs. Jones seconded the motion. Motion passed 6-0.

6. Consider approval for a 60 day extension of Section 4 only of the contract of employment for the Interim City Manager between the City of Coatesville and Wayne G. Reed

President Marking explained the action item is to approve the extension of Section 4 only of the original employment contact with Wayne Reed relevant to the preferred compensation plan for a 60 day extension to resolve the matter.

Mr. Simpson made a motion to approve a 60 day extension of Section 4 only of the contract of employment for the Interim City Manager between the City of Coatesville and Wayne G. Reed; Vice President Hamrick seconded the motion. Motion passed 6-0.

7. Consider Ordinance for the Coatesville Adult Baseball League to use Ash Park for the year 2011

Vice President Hamrick made a motion to approve an Ordinance for the Coatesville Adult Baseball League for the use of Ash Park for the year 2011; Ms. Jorgenson seconded the motion. Motion passed 6-0.

8. Consider National Veledrome Center Bicycle Race

Mr. Simpson made a motion to approve the National Veledrome Center Bicycle Race on July 3, 2011; Vice President Hamrick seconded the motion. Motion passed 6-0.

### **Solicitors Report**

Vice President asked about the Riverwalk/Brandywine Creek Trail Fence and Wood Barrier Project. Mr. Carnes stated Mr. Barry has executed the contract with the low bidder and is moving forward with the approval from the County.

### **City Manager's Report**

Mr. Reed announced two retired Fire Chiefs from Philadelphia have begun their investigation into the fire at Millview Apartments last year. They have interviewed the Fire Chief and other firemen involved in this tragic event. There has been much information given to these retired professional fire fighters along with written responses to many of their questions. Pictures, interviews, films and news articles have been

provided to assist in their investigation. There is no specific time frame indicated for their report but it will be made available to the Council and Fire companies when completed.

Mr. Reed announced the Solid Waste bills were not sent out until March 8 which was about one month after the Finance Department began working on this project on February 7, and after my several reminders in October, November and December to prepare the necessary information to be ready to bill in accordance with the City Code which provides that the bills can be sent after January 15 of each year. This amounted to seven weeks beyond the date we should have sent the bills. There were a number of glitches and problems encountered which caused weeks of delay. The total amount billed for 2011 is \$1,093,910 which is budgeted in the Solid Waste Fund. From this Fund we pay the contracted solid waste collection and disposal fees and also the tipping fees which are paid to the Chester County Solid Waste Authority as fees at the Lanchester Landfill in Honey Brook. From this Fund \$350,000 is to be transferred to the General Fund Revenue to help with operating expenses. It is strongly suggested that in November or early December of this year the Finance Department begin preparation for the Solid Waste Billing in order to be ready to send the bills out on January 16 rather than waiting several months later.

Mr. Reed explained it is with mixed emotions that he steps down as Coatesville's Interim City Manager for the past year. He deeply appreciate the opportunities to work with the City Council and Staff and the hundreds and hundreds of citizens and community leaders in and around the City with whom he came in contact over the last twelve months. The vast majority of the City Staff are very dedicated and capable people with whom he has much respect.

There are truly many exciting projects underway with the distinct promise of many more ahead. He plans to remain involved in Coatesville through community organizations and local projects and hope to be a part of the City's future.

Mr. Reed expressed his deepest appreciation to the City Council for allowing him to be there for the year. He wished them much success and happiness as the community moves forward.

#### ***Citizens' Hearings – Non-Agenda Items***

##### **Matthew Baker – Resident**

Mr. Baker explained he called the SPCA and was told it was a fifty dollar donation. The Police Chief explained when the City drops off a cat they are charged a sixty-five dollar fee per cat. The Police Chief explained he is looking into an alternative solution. Mr. Baker asked Mr. Molina about the status of the several properties regarding Codes enforcement issues. There are properties that have not received citations and another property that is in violation and has not received a citation since June 25, 2010.

##### **Khadijah Al-Amin – Resident**

Ms. Al-Amin asked if the Solid Waste fee is the same as last year. She asked if the Solid Waste fee will be modified for the residents. The citizens should reap the benefit of the decrease in the Solid Waste fee. The recycling needs to be enforced. The citizens that recycle should reap the benefit and the citizens that don't recycle should be fined to cover the costs.

Vice President Hamrick made a motion to close citizen's hearings on non agenda items only; Mr. Simpson seconded the motion. Motion passed 6-0.

Vice President Hamrick made a motion to reopen citizen's hearings on non agenda items only; Mr. Eggleston seconded the motion. Motion passed 6-0.

**Marie Hess – Resident**

Ms. Hess announced there is a home on Third and Walnut Street. The home is spray painted completely with infowars.com. The roof is collapsing and the home is boarded up. There is a Community Clean Up Day on March 19, 2011 followed by a cookout. Mr. Molina stated the property is owned by the County. Mr. Hudson stated he would call the County regarding the property.

**Ben Bruton - Resident**

Mr. Bruton asked when the new City Welcome packet will be placed on the website. Mr. Marking explained the information is being updated and will be placed on the new website.

Vice President Hamrick made a motion to close citizen's hearings on non agenda items only; Mr. Simpson seconded the motion. Motion passed 6-0.

**Council Comments**

Mr. Eggleston announced he is glad to be back. Thanked everyone for the email and the cards. He stated he is glad to be back in the saddle again.

Mr. Simpson thanked everyone for coming out. He thanked Mr. Reed for the past year, prior to his arriving in Coatesville, it was not favorable. The past year Mr. Reed has done a lot to bring back the respect and credibility to the city of Coatesville. Thanks again and wished Mr. Reed continued success.

Ms. Jorgenson thanked everyone for coming to the meeting this evening. She thanked Mr. Reed for serving City Council. She thanked Ms. Bjorhus for sending out the trash bills.

Mrs. Jones thanked everyone for coming and asked everyone to please come back again. She thanked Mr. Reed for his service.

Vice President Hamrick stated he agreed with Mr. Reed. He had the pleasure to work with Mr. Reed on the on two collective bargaining units. Mr. Reed was professional at all times. Vice President Hamrick stated he is trained in unions to stop unions and he had to switch his other hat and learned a lot and had to hold my tongue but we got through it and I really appreciate it.

President Marking echoed all the comments for Mr. Reed. He thanked Mr. Reed for his year of service. He thanked Ms. Jorgenson on her help with the Proclamation to Mr. Reed. He thanked Ms. Bjorhus for her efforts in cleaning up the data file which he understood is the prime reason for the delays in the Solid Waste bills. He thanked everyone for coming out to the meeting.

**Adjournment**

Mr. Simpson made a motion to adjourn the meeting at 9:30 pm; Vice President Hamrick seconded the motion. Motion passed 6-0.

Ted Reed  
Interim City Manager