

**MINUTES
CITY COUNCIL MEETING
Monday March 28, 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., Jarrell Brazzle, 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, 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 22nd to discuss matters of personnel and earlier this evening, March 28, 2011 to discuss personnel and legal matters.

Approval of Minutes: *March 14, 2011*

Ms. Jorgenson made a motion to approve the minutes for March 14, 2011; Mr. Simpson seconded the motion. Motion passed 6-0-1. Mr. Brazzle abstained from the vote.

Approval of Accounts Payable

Ms. Jorgenson inquired about the phone reimbursement charges and the Cardmember Services charges. Mrs. Jones asked why the addresses for Pennsylvania American Water Company and PECO are not all the same.

Ms. Jorgenson made a motion to approve the accounts payable listing dated March 24, 2011; Vice President Hamrick seconded the motion. Motion passed 7-0.

Additions, Deletions or Modifications to the Agenda

Vice President Hamrick asked to add Item of Discussion # 7, Transfer Fleetwood Street Properties to the Redevelopment Authority.

Presentations

1. Brandywine Valley Association – Ms. Jane Fava

The Brandywine Valley Association as lead organization, with assistance from Chester County Water Resources Authority, Chester County Conservation District, and Red Clay Valley Association and with the active participation of the municipalities located within the Christina Basin (Brandywine Creek, Red Clay Creek and White Clay Creek/Christina River watersheds) are prepared to develop a Restorations and TMDL Implementation Plan for the PA portion of the Christine Basin. This plan will be watershed based and portions of the plan can be used as the TMDL implementation plan for the municipal MS4 requirements. This is an opportunity for us to work together toward a significant improvement of water quality as well as be ready for the new MS4 permit soon to be released and the TMDL requirements that are expected to be included. They would like Coatesville to join the effort.

Ms. Fava explained the MS4 Regulations permit the storm water into the Brandywine. The plan is to address major impairments in the watershed including sediment, nutrients, and bacteria and dissolved oxygen. The Chester County Conservation District will lead the effort on implementation of agricultural BMPs. Each municipality will review the impaired streams within their boundaries and develop a list of at least five projects that they could implement.

By developing and implementing a watershed based plan the effectiveness will be measured across the entire watershed and each municipality shares the water quality improvements from all projects that are implemented.

Council asked for the item to be placed as an Item of Discussion for the next meeting.

2. Financial Report – Stacy Bjorhus

Ms. Bjorhus explained the unrestricted funds as of February 28, 2011 are \$353,444 and the restricted funds are \$13,705,287. The year to date General Fund Revenue is \$614,439 and the year to date expenditures is \$1,552,940 leaving an operating deficit of \$938,502. The fuel and legal expenses will need to be monitored for budget revisions. The City will need to repay the TAN. The repayment will require the current expenditures to be monitored. Ms. Bjorhus explained the over budget items in Council, Finance, Legal, Police, Fire, Codes, Public Works, Transit and Community Center salary. Mr. Simpson questioned the Insurance year to date actual and the Human Resources year to date actual. The amounts are incorrectly posted.

Citizens' Hearings – Regular Action Items Only

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

Vice President Hamrick made a motion to close citizens' hearings on regular action items only; Mr. Simpson seconded the motion. Motion passed 7-0.

Special Event –

1. A Special Event Permit Application was received from Hiway Cruisers M/C for a Bike Blessing on April 17, 2011 from 2:00 pm to 5:00 pm. A request has been made to close the street on 7th Avenue from Merchant Street to Lumber Street. It is anticipated 75-100 people will be in attendance.

Vice President Hamrick made a motion to approve a special event permit from Hiway Cruisers M/C for a Bike Blessing on April 17, 2011 from 2:00 pm to 5:00 pm closing the street on 7th Avenue from Merchant Street to Lumber Street; Mr. Simpson seconded the motion. Motion passed 7-0.

2. A Special Event Permit Application was received from New Life in Christ Fellowship for a Block Party on July 16, 2011 from 8:00 am to 6:00 pm. A request has been made to close the street from 500 Block Lincoln Highway (East) between 5th and 6th Avenue.

Ms. Jorgenson asked if there is a problem with closing Lincoln Highway. Chief Johnson explained the City does not have jurisdiction, it is a state road. Mr. Eggleston suggested contacting the event sponsor and suggest a different street.

Ms. Jorgenson made a motion to approve a Special Event Permit Application from New Life in Christ Fellowship for a Block Party on July 16, 2011 from 8:00 am to 6:00 pm closing the street from 500 Block Lincoln Highway (East) between 5th and 6th Avenue; Mr. Simpson seconded the motion. Motion failed 0-7. All members of Council were dissenting votes.

Council asked Interim City Manager Hudson to contact the event contact to get permission for the road closure or discuss moving the event to another location

3. A Special Event Application was received from Takeisha Butcher for a Block Party on April 16, 2011 from 12:00 pm to 8:00 pm. A request has been made to close from South 5th Avenue to Ash Court. It is anticipated 75 people will be in attendance.

Vice President Hamrick asked Chief Johnson about the street closure. Chief Johnson stated it is a life safety issue to close residential streets. Mr. Wilkinson explained the two streets do not meet. Mr. Eggleston asked for more clarification on the block party and the time of the event.

Mr. Eggleston made a motion to approve a Special Event Application from Takeisha Butcher for a Block Party on April 16, 2011 from 12:00 pm to 8:00 pm closing the street from South 5th Avenue to Ash Court; Mr. Brazzle seconded the motion. Motion failed 0-7. All members of Council were dissenting votes.

Council asked staff to contact the event contact to get more clarification on the time for the party and what the block party is for.

Items for Discussion

1. Discuss PA Construction Code Act – Section 503 amendment process

It is commonly known and understood that the Pennsylvania Association of Building Code Officials (PABCO) is opposed to any legislative amendment to any of the adopted ICC Codes unless a particular provision is technically infeasible, in which case, there is a record of supporting legislative amendments to deal with issues of technical infeasibility. Residential sprinklers are not technically infeasible, and as such, PABCO has indicated that it cannot support any legislative amendment that would strip them from the IRC.

That being said, PABCO is greatly concerned that the current language in HB 377, HB 725 and SB 752 regarding the legislative removal of sprinkler requirements from the IRC for one and two family dwellings would preclude / prohibit an opt-in municipality from proposing or enacting an amendment to the UCC to require residential sprinklers, using the PA Construction Code Act (Act) - Section 503 amendment process. The City of Coatesville is an opt-in municipality.

PABCO's position is that if the legislature removes the sprinkler requirements for one and two family dwellings, it should NOT eliminate the option within the Act for an opt-in municipality to adopt a more restrictive amendment. This local option, while not creating the uniformity desired, is nonetheless an option that the legislature has desired to be part of the UCC dating back to 1999.

Mr. Molina explained the proposed amendment from Senator Mike Waugh. The amendment would make it easier for opt-in municipalities to adopt a Section 503 amendment in the 2009 IRC or future editions. He asked Council for a letter to the State Representatives showing support for Senators Waugh's proposed bill to require compliance with the Section 503 process.

Mr. Simpson made a motion to draft and send a letter to the State Representatives for Section 503; Ms. Jorgenson seconded the motion. Motion passed 7-0.

2. Discuss National Velodrome Center Request for 105 East Diamond Street Building

On Thursday, March 24, 2011, The City received a new / amended proposal to lease the City owned CCA garage located at 105 east Diamond Street from Mr. Crosby Wood of the National Velodrome Center.

Mr. Carnes explained this is a grey area as to whether lease the property with or without a bid process. His recommendation is to put it out to bid. The language in the City Code regarding

whether leases have to be put out to bid are vague. If the property is not put out to bid, the City can be criticized. It can't be criticized if following the bidding process. Mr. Simpson stated that everyone knows what it is going to be used for and what fee has been presented. The Velodrome offer has been made public at previous meetings. Mr. Carnes suggested making the lease conditional. Mr. Simpson stated there should have been an Ordinance drafted for this meeting. The item has been placed on several agendas with no action.

Council asked for the item to be placed on the next meeting agenda as a Regular Action Item with a prepared lease and Ordinance.

3. Discuss Public Works/Solid Waste Enforcement Officer

As a means to increase the quality of life for the citizens of Coatesville, the Department of Public Works would like to hire a Laborer / Solid Waste Enforcement Officer having the responsibility (three days per week) to search and to investigate problems / violations of City Code that have an adverse affect on the "Quality Of Life" (ie..Illegal, trash, high grass, graffiti, tires, yard waste, mattresses, construction debris, etc).

The Staff believes this position would have even more value if the City adopted the "Instant Ticket Program". The next steps are the Laborer / Solid Waste job description has been forward to AFSCME for their review and approval; once the position has been approved by AFSCME, the position must be posted for 15 days to allow employees the opportunity apply; if no internal candidates are interested in the position, the Human Resources Department may need to post externally.

Mr. Simpson stated this is a great idea. Only 20% of the City residents recycle.

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

4. Discuss approval conditional offer letter of Permanent City Manager

President Marking announced the City Council has a conditional offer letter for the permanent City Manager with a salary of \$95,000 per year. Health, medical, vision and dental under the non uniform employee plan or the City could also purchase a Medicare Supplement Plan. The City Manager must have residency in the City. In lieu of participating in the City's pension plan the City will contribute up to 7% of the base salary with deferred compensation Act 457 Plan. He will receive four weeks' vacation per year, sick days earned at one per month, three personal days and the standard ten holidays. The City will reimburse up to \$5,000 for relocation expenses. The City will reimburse for mileage at the maximum IRS allowance per mile. The City will offer a severance of three months whether for cause of no cause if terminated by City Council. The Manager will be required to thirty days written notice of intent to resign.

Mr. Simpson asked when the new City Manager can start. President Marking stated the first business day of May.

Ms. Jorgenson made a motion to move Item of Discussion #4, approve condition letter of permanent City Manager to Regular Action Item #5; Vice President Hamrick seconded the motion. Motion passed 6-1. Mrs. Jones was the dissenting vote.

5. Discuss Solid Waste late fee checklist

The Staff would like to recognize as well as thank Council President Karl Marking for his

suggestion to utilize a Solid Waste Late Fee Checklist in order to help streamline citizen's requests to waive late fees due to mailing and wrong address errors made by the City. Staff is requesting Council to consider the following check-list for approval, thus assisting the Finance Department to alleviate the need to bring such matters forward for resolution by council while the City's data file containing addresses are reconciled. Is the person making the request a new resident; Do we know that their address was wrong in the year they are requesting that the late fee be waived; How long have they lived here - less than 2 years (thinking here is that if they've lived here more than 2 years, they should probably know better); Do they have an outstanding balance from a prior year?

President Marking explained the checklist process will help to alleviate the need to bring such matters forward resolution by council while the data files addresses are reconciled. Ms. Bjorhus suggested one year instead of two years for the length of time living in the City.

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

6. Discuss Draft Residential Conversion of Single Family Dwelling

Staff would like to introduce to Council, a draft Zoning Ordinance Amendment which follows the Norristown approach of prohibiting conversions to apartments. At the last meeting of the Planning Commission, a quorum was present and, after discussion, the Planning Commission voted to adopt an Ordinance based upon the Norristown model. Previously there had been some division between the two members of the Planning Commission on how to address the issue. However, with all present and after a lively discussion, the decision was unanimous. This Ordinance was prepared following the instructions of the Planning Commission. The Planning Commission can also conduct a last review and, if it meets with all parties' approval, a finalized version can then be sent to the County Planning Commission for comments and the Ordinance can then be advertised for approval in accordance with the requirements of the Municipalities Planning Code.

Mr. Molina explained the Ordinance will remove from the City Zoning Code, all the provisions governing the conversion of single family detached and semi detached dwellings in to multifamily residential. The Planning Commission voted to adopt an Ordinance upon review of the finalized version reviewed by the County Planning Commission.

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

7. Discuss Transferring Fleetwood Street properties to the Redevelopment Authority

Vice President Hamrick announced money has been set aside for the Train Station. The City is in discussions regarding the Trains Station He suggested transferring the properties on Fleetwood Street the City acquired after the fires to the Redevelopment Authority. The Redevelopment Authority will be able to apply for grants. Mr. Eggleston explained the residents on Fleetwood Street are concerned about the future of their homes. They have made upgrades and renovations to the homes after the fires.

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

Regular Action Items

1. Consider First Reading an Ordinance amending Section 218-54 of the City of Coatesville's Parking Code to provide for Permit Parking at City Hall Place Parking Lot and at Harmony Street Lot, No. 1, adding reserved employee and two hour City Hall business parking at City Hall Place

parking lot, removing 2 hour limit for parking where permitted parking is involved and re-setting permit fees at \$25.00 per month from \$12.00 per month.

Mr. Simpson made a motion to approve First Reading an Ordinance amending Section 218-54 of the City of Coatesville's Parking Code to provide for Permit Parking at City Hall Place Parking Lot and at Harmony Street Lot, No. 1, adding reserved employee and two hour City Hall business parking at City Hall Place parking lot, removing 2 hour limit for parking where permitted parking is involved and re-setting permit fees at \$25.00 per month from \$12.00 per month; Vice President Hamrick seconded the motion. Motion passed 5-2. Mr. Brazzle and Mrs. Jones were the dissenting votes.

2. Consider Second Reading and Final Adoption an Ordinance amending Chapter 38, Article I, "Police Pension Fund", of the General Laws of the City of Coatesville, to provide: 1) A 100% Killed-in-Service Survivor Benefit funded by the Commonwealth in Accordance with Act 51 of 2009; and 3) an improved Non-Service Disability Pension benefit as set forth in the Collective Bargaining Agreement reached between the City of Coatesville and the Coatesville Police Officers' Benevolent Association for the period of 2011 through 2014.

Vice President Hamrick made a motion to approve Second Reading and Final Adoption an Ordinance amending Chapter 38, Article I, "Police Pension Fund", of the General Laws of the City of Coatesville, to provide: 1) A 100% Killed-in-Service Survivor Benefit funded by the Commonwealth in Accordance with Act 51 of 2009; and 3) an improved Non-Service Disability Pension benefit as set forth in the Collective Bargaining Agreement reached between the City of Coatesville and the Coatesville Police Officers' Benevolent Association for the period of 2011 through 2014; Ms. Jorgenson seconded the motion. Motion passed 7-0.

3. Consider Second Reading and Final Adoption an Ordinance amending Chapter 192 – Special Events of the Code of the City of Coatesville, Chester County, Pennsylvania to address League Use (Baseball) and the fees provision in Chapter 108 thereof to provide for a league use fee subject to amendment by Resolution of City Council.

Vice President Hamrick made a motion to approve Second Reading and Final Adoption an Ordinance amending Chapter 192 – Special Events of the Code of the City of Coatesville, Chester County, Pennsylvania to address League Use (Baseball) and the fees provision in Chapter 108 thereof to provide for a league use fee subject to amendment by Resolution of City Council; Mr. Simpson seconded the motion. Motion passed 6-1. Mrs. Jones was the dissenting vote.

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

Mr. Eggleston made a motion to appoint Fredrick Sharpe to the Parks and Recreation Commission for the term 2009-2012; Mr. Brazzle seconded the motion. Motion passed 7-0.

Mr. Simpson made a motion to appoint Brenda Geesey as administrative staff to the Non-Uniform Pension Commission for the term 2011; Ms. Jorgenson seconded the motion. Motion passed 7-0.

5. Consider Conditional Offer for the City Manager.

Mr. Pitcherella asked who the New City Manager is. President Marking stated Gary Rawlings.

Vice President Hamrick made a motion to approve the Conditional Offer for the City Manager; Ms. Jorgenson seconded the motion. Motion passed 6-1. Mr. Eggleston was the dissenting vote.

Solicitors Report

Mr. Carnes asked if there were any questions on the Solicitors report. There were no questions.

City Manager's Report

Mr. Hudson read a letter to the Department of Community Development expressing support for the efforts of the Southeastern Pennsylvania First Suburbs Project. He asked everyone to sign up for a public meeting on Thursday April 14, 2011 with the HUD Regional Administrator, Jane Vincent to address all the issues.

Citizens' Hearings – *Non-Agenda Items*

Harvel Brown – Resident

Mr. Brown explained the issues involving PAL and the Heritage Group regarding the use of the Community Center. Mr. Brazzle asked what the problems with PAL were. Mr. Brown stated he never met with them until the 25th. PAL will not be utilizing the Community Center.

Leonard Smoker – Non-Resident

Mr. Smoker explained he has cleaned up the Conti Tract and farmed the property for the past two years and the property is now up for bid. Mr. Carnes explained the bid process and informed Mr. Smoker a bid package has been developed.

James Pitcherella – Resident

Mr. Pitcherella announced the Bike Race will be the largest event Coatesville has seen in a long time.

Patti Brown – Resident

Ms. Brown inquired about the status of the video cameras. She asked if some of the funding from entertainment events can be used for security cameras. She thanked everyone for their support.

Marie Hess – Resident

Ms. Hess announced the cleanup on March 19th was successful. There were over 30 volunteers. Ms. Hess thanked Public Works, Codes and Mr. Eggleston for their help. Ms. Hess announced an event will be held on April 22nd for Earth Day and a Riverwalk clean up on April 30th.

Mr. Brazzle made a motion to close citizens' hearings on non agenda items; Vice President Hamrick seconded the motion. Motion passed 7-0.

Council Comments

Mr. Brazzle thanked everyone for attending the meeting. He thanked Sole Source for fixing his computer. The Council is continuing to move the City forward.

Mr. Eggleston thanked everyone for attending the meeting. He wished everyone a wonderful evening.

Mr. Simpson thanked everyone for attending the meeting. He appreciates all the volunteers for their work in the community. It is a big part of making the community a better place to live. Mr. Simpson thanked the volunteers and everyone involved. It is unbelievable the work they have actually done. It helps out a lot and he appreciates all that they do.

Ms. Jorgenson stated she absolutely agrees with Mr. Simpson. She thanked everyone who has done work for the community. It does make a difference in the community. She complimented staff for moving forward. She thanked Mr. Hudson for the effort on the First Suburbs and wants to make the meeting on the 14th. She thanked staff for the information on the Residential conversion.

Mrs. Jones thanked everyone for attending the meeting. It is always good to see everyone. She wished everyone to have a nice night tonight and a good day tomorrow.

Vice President Hamrick thanked everyone for attending the meeting.

President Marking announced the website is finally up and running. We are working out the final kinks. The new site has three times the hits as the prior site. It looks like it is being utilized, which is good news.

Adjournment

Mr. Simpson made a motion to adjourn the meeting at 9:55 p.m.: Mr. Brazzle seconded the motion. Motion passed 7-0.

Kirby Hudson
Interim City Manager