

**MINUTES
CITY COUNCIL MEETING
Monday May 23, 2011**

Regular Session

Council President Karl Marking called the meeting to order at 7:37 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 Gary Rawlings, Assistant City Manager Kirby Hudson, Police Chief Julius Canale, 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 May 23, 2011 to discuss matters of personnel and legal matters.

President Marking announced Mr. Eggleston would not be in attendance and Mr. Brazzle will be attending momentarily.

Approval of Minutes: *May 9, 2011*

Vice President Hamrick made a motion to approve the minutes for May 9, 2011; Mrs. Jones seconded the motion. Motion passed 5-0.

Approval of Accounts Payable

Ms. Jorgenson asked about the expense to repay general fund temporary loan. Ms. Bjorhus explained the monies are used for cover from the General Fund until the Liquid Fuels monies are received. Mrs. Jones asked about Grannies Attic Shurt Haus. Mr. Lentz explained the expense is for Fire and Police Department Shirts. Mrs. Jorgenson inquired about the National Animal Control payment. Chief Canale explained the fee is for the Animal Control membership. Mr. Simpson asked if the West End Fire Company has received their payment. Ms. Bjorhus explained the invoice has not yet been received for their payment.

Vice President Hamrick made a motion to approve the accounts payable dated May 19, 2011; Ms. Jorgenson seconded the motion. Motion passed 5-0.

Additions, Deletions or Modifications to the Agenda

Vice President Hamrick made a motion to add Regular Action Item #5, Accept the resignation of the Fire Chief, Kevin Johnson; Mrs. Jones seconded the motion. Motion passed 5-0.

Mr. Rawlings asked to add Item of Discussion #9, Residential Parking. He announced the Special Event #2 from Carlo Aston has been cancelled.

Presentations

1. Volunteer Codes Committee – Allen Smith and Damalier Molina

Mr. Molina and Mr. Smith explained the process for the Volunteer Codes Committee (VCC). The VCC will be the City information force, going to every home, delivering the information about the anti-graffiti or other Ordinance compliance. The Committee will recruit members as they go through the City delivering the information. The Committee will also notify codes of frequent violators so that codes can then charge the fee for the Community Policing

Subcommittee's (CPSC) and others cleanup effort. The warning or violation form will be posted on the door of the property with the bill for the fee of the officer. The CPSC will begin cleaning properties with graffiti only one time without charge. The owner will be notified that the volunteer's service is a onetime only situation. The VCC will continue to track down and list the graffiti or other properties in violation. The VCC will be the eyes to spot the 2nd and multiple offenders. The VCC will report the second offenders to codes who will then issue the fee first for the cleanup before the CPSC or other volunteer groups go and clean it up. The regular codes enforcement process will take over from there if they refuse to pay the fee. However, they will not be able to get the fee waived unless they clean the graffiti or allow the CPSC to do so for free.

Mr. Brazzle entered the meeting at 8:00 pm.

Mr. Pawlowski explained over 100 areas have been cleaned by this program. The volunteers take pictures and email them to Mr. Molina. The program is extremely valuable to the City.

2. Financial Report – Stacy Bjorhus

Ms. Bjorhus explained the General Fund year to date revenues is \$3,123,949 and the expenditures are \$2,947,936 with a surplus of \$176,011. AS of April 30, 2011 the City has \$921,943 in unrestricted funds and \$13,482,926 in restricted funds. The current period favorable operating surplus is largely due to the April YTD EIT and RE transfer taxes. The negative variance in the City Councils YTD expense are due to auditor fees that were not anticipated when the 2011 budget was anticipated. Special Legal expenses were not anticipated in 2010, nor were the City Manager search fees. The negative variances for Personnel expenses are due to staff vacation payouts at time of separation. The negative variance for Police overtime is offset by revenue that is derived from Drug Task Force and Special Police Projects. The audit fees and legal expenses will require budget modification. They are expected to continue to outpace the 2011 Expenditure budget. The City MMO is expected to surpass budget estimates.

President Marking inquired about the expenses for training under Council. Ms. Bjorhus explained they are state fees. Mr. Simpson stated when adding the Council budget it is over by \$12,000.

Citizens' Hearings – Regular Action Items Only

John Pawlowski – Resident

Mr. Pawlowski asked about regular action item #4. Is the pre commencement to be able to clean before occupying the space? Council replied yes. Mr. Pawlowski announced volunteers have been placing lights on the trees in the business district. The money from the rent of the building at 105 East Diamond can help fund the costs of the lights and electric for the lights.

Ron Sigismonti – President of Washies

Mr. Sigismonti inquired about the resignation of Chief Johnson. He asked of the position has already been filled. President Marking replied temporarily. Mr. Sigismonti explained the appointment of a paid firefighter undermines the entire chain of command. This does not shed a good light on the City. The Washies will not allow any activities for the Fire Chief at their station. Mr. Sigismonti read sections of the Code pertaining to the Fire Chief position and the position should be filled by the Deputy Chief. The current appointment is a slap in the face to the volunteers

Mr. Simpson stepped out of the meeting at 8:25 pm.

Vice President Hamrick made a motion to close citizen's hearings on regular action items only; Mrs. Jones seconded the motion. Motion passed 5-0.

Special Events

1. A Special Event Permit Application was received from Hi-Way Cruisers for a 35th Anniversary Party on June 11, 2011 from 1:00 pm to 6:00 pm. A request has been made to close the street from 7th Merchant Street to Lumber Street. It is anticipated 75-100 people will be in attendance.
Mr. Brazzle stated that he thought the City was not closing anymore streets for events. Ms. Jorgenson explained it depends on the affair. President Marking explained it also depends on the street. Mr. Brazzle asked for consistency on approving/denying events.

Mr. Simpson reentered the meeting at 8:32 pm.

Mr. Brazzle explained if the event is public or private it can be held at one of the parks. Vice President Hamrick asked Chief Canale if he approved the event. Chief Canale replied yes. Mr. Simpson stated the City is starting to close the streets for everything. Mr. Brazzle asked if the events require Police presence. Chief Canale explained it depends on the amount of people at the event. If Police presence is required, it is an additional fee.

Vice President Hamrick made a motion to approve the special event application from Hi-Way Cruisers for a 35th Anniversary Party on June 11, 2011 from 1:00 pm to 6:00 pm closing the street from 7th Merchant Street to Lumber Street; Ms. Jorgenson seconded the motion. Motion passed 6-0.

2. A Special Event Permit Application was received from Carlo Aston for a Block Party on May 28, 2011 from 3:00 pm to 11:00 pm. A request has been made to close the 900 Block of Poplar Street. It is anticipated 75 people will be in attendance.
Event was cancelled. No motion taken.

Items for Discussion

1. Discuss Ordinance amending Section 218-11 of the City of Coatesville Parking Code to prohibit parking on the South Third Avenue from north of the driveway accessing 149 South Third Avenue south to the intersection with Oak Street on the Eastern side of the street.
President Marking asked if this is to work on the issue that has been plaguing Ms. Hess. Mr. Hamrick asked if the signs will be posted on both sides. Chief Canale explained a sign will be posted north of the driveway to prohibit parking. Vice President Hamrick asked for the curbs to be painted. Mr. Carnes provided a footnote on painting the curbs. Chief Canale explained that prohibiting parking will help to prevent any parking and anyone coming around the corner will not hit the car. Ms. Jorgenson suggested painting on the street.

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

2. Discuss Coatesville Savings Bank Parking Lot Lease. To renew the lease with Coatesville Savings Bank for the use of Parking Lot.
President Marking asked why the lease is different for the Bank parking lot than the Conti Property and CCA Lease. He asked why the City is not advertising? Mr. Carnes explained it is a grey area. The best policy is to advertise. He provided an Ordinance to help proceed with moving forward. The City had a 20 year lease which has expired over a year ago. The previous lease was implemented prior to the current City Charter. The draft Ordinance is to extend terms

which are more beneficial to the City. Mr. Carnes stated he would do more research and review the plans of the property. Mr. Simpson suggested making sure the City is named as additional insured on the bank insurance policy for the lot. Ms. Jorgenson asked if the City wants to do more research. Mr. Carnes stated he will contact the lawyer Mr. Jarvis regarding the parking facility and if any redevelopment agreement applies to the property. Mr. Carnes explained there was a verbal agreement by the previous City Manager. President Marking stated he wants to make sure the City follows the correct process. Real Estate is Real Estate.

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

3. Discuss Allen Smith, Weed and Seed. To discuss Mr. Smith as an independent contractor after the expiration of the Weed and Seed agreement.

The purpose is to provide an amicable solution to continue the action items in the 2010 Weed and Seed Revitalization and management of the Weed and Seed Program. Mr. Rawlings explained he met with Chief Canale and Lieutenant Shesko to discuss a way to continue with the contract and close out the Weed and Seed Grant. Ms. Jorgenson asked if we eventually have to close out the grants. She asked about the special payment to an Officer for the Weed and Seed. President Marking asked Ms. Bjorhus to explain the grants. Ms. Bjorhus explained the Federal grant has been extended until September 30, 2011. She explained the expenses to be charged to the grant. One consultant discontinued their services and she is not sure whether the funds can be designated to a new consultant. There are two pass thru grants. President Marking asked what closing out a grant entails. Ms. Bjorhus explains that it entails expending money approved the state and feds for what was approved in the original grant. Lieutenant Shesko explained in the Federal grant it is a requirement to have a coordinator until the end of the grant. The closing of the grant requires a rundown of what has been done during the grant. The Weed and Seed's whole emphasis is the Federal gave money for programs that the City was going to somehow support the programs moving forward. The absence of a Weed and Seed coordinator will be a difficult task to keep the programs up and running. Mr. Smith is continuing to work on another grant to help the youth mentoring programs. He has done an excellent job for the City. He cleaned up the previous fiscal reporting's. The Feds have put Mr. Smith on the list for grant writing classes. Chief Canale stated Mr. Smith has done a terrific job for the Police Department and the City of Coatesville. The key is to have a coordinator to keep the sustainability of the programs. He appreciates Mr. Smith's job and is in full support of this. Ms. Jorgenson stated it would represent partial support from the City to help with recreation.

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

4. Discuss sidewalks at 3rd Avenue and Lincoln Highway

Mr. Molina explained The Codes Enforcement division commenced enforcement action pursuant an Earth Disturbance Inspection Report issued on 9/6/07 from the Pennsylvania Department of Environmental Protection (PADEP), Bureau of Watershed Management, regarding the above referenced location. Written plans requested from Chetty Builders (September 18, 2007 and February 15, 2011) satisfying the requirements for compliance regarding the violations identified by the City of Coatesville Codes Enforcement Department never materialized.

Chetty Builders has sought relief from code enforcement action through the City Manager's Office and City Council by originally committing to such restoration work by March 2010. Enforcement action was stayed pending the sale of Millview Apartments.

Given the lack of any construction at the site, Codes enforcement sees no justification for maintaining the sidewalks and streets inaccessible for public use along E. Lincoln Highway and 3rd Avenue. Additionally, 3rd Avenue continues to deteriorate for failure to make the necessary improvements.

Council suggested Mr. Carnes and Mr. Molina meet to discuss moving forward and the costs that will be incurred for the City to replace the sidewalks. They should reach out to Chetty for the funds or inform him a lien will be placed on the property. President Marking asked Mr. Carnes to check to see if the City is within their legal boundaries. Mr. Simpson asked for the costs to be provided to Council.

5. Discuss Growing Greener Resolution. To support the Growing Greener Program for preserving open space and farmlands, developing community park and recreation areas, cleaning up abandoned mines and Brownfield sites, restoring impaired rivers and streams, and protecting and improving state game, forest and park lands.

The Growing Greener program has provided funding for preserving open space and farmlands, developing community park and recreation areas, cleaning up abandoned mines and Brownfield sites, restoring impaired rivers and streams, and protecting and improving our state game, forest, and park lands; and

The City of Coatesville seeks to protect the health of its citizens and enhance the quality of life for its residents, in part by planning for and implementing projects that preserve open space and historic resources, providing for community parks and recreation, and safeguarding water resources; and

The City of Coatesville understands that throughout Pennsylvania, Growing Greener II has helped to preserve nearly 34,000 acres of working family farms ; conserve more than 42,300 acres of threatened natural areas; restore more than 1,600 acres of abandoned mine lands; and enhance access to outdoor recreation through 234 community park projects and 132 state park and forest infrastructure projects.

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

6. Discuss Brandywine Conservancy Vegetation Management Riverwalk Project. To discuss the management plan for the vegetation along the Brandywine near the River Walk Trail.

On Behalf of the Brandywine Conservancy, they are please to assist the City of Coatesville Public Works Department with the management plan for the vegetation along the Brandywine near the Riverwalk Trail.

It is the understanding that the City officials are interested in improving the appearance of the vegetation along the Brandywine and opening up views to the water from the trail.

If the City were to consider using volunteers to assist with portions of the work, (for example, parolees, Weed and Seed, Chester County Trail Club), Brandywine Conservancy will be happy to provide some initial technical supervisory support at no cost to the City if needed.

Mr. Wilkinson explained the City will receive assistance to remove the vegetation from the parole office twice a week for as long as it takes. The City will supply the equipment.

7. Discuss the County of Chester Housing and Community Development Program. To Discuss the Department of Community Development commencing the preparation of a application for

funding under the Housing and Development Act of 1974, as amended, and the HOME Investment Partnership Program within Chester County for activities in fiscal years 2012-2014.

The Department of Community Development on behalf of the Board of Commissioners of the County of Chester have commenced the preparation of the application for funding under the Housing and Community Development Act of 1974m as amended and the Home Investment Partnership Program within Chester County for activities in Fiscal years 2012-2014. The US department of Housing and Urban Development (HUD) rules and regulations with respect to community participation are similar to those in previous years, The opt in/opt out procedure or failure to elect will again be effective for three years, Cooperation Agreements will not be required since all communities will be assumed to be cooperating unless and until an included until of local government or Borough or Township takes definite action to specifically exclude itself from Participating with the County. The City of Coatesville has executed an automatically renewing cooperation agreement with the County in order to participate.

Ms. Jorgenson asked if this has any relationship to regular action item #2, Resolution for Fair Market Rent. Mr. Hudson explained it is a small conflict. If the City were to dropout, the City would jeopardize their funding from grants. Ms. Jorgenson if the City opts in, the money comes in due to the demographics in Coatesville. Mr. Barry explained the City received a grant for \$300,000 for street repaving. Council agreed to continue with the automatic renewal on the agreement and not opt out.

8. Discuss the approval of the estimated 2011 Minimum Municipal Obligation for the three City's pension plans.

In February, 2011, the City was audited by the Auditor General's Office (AG) for the City's Pension Funds for 2007, 2008 and 2009. During the AG's exit interview it was noted that Mass Mutual's failure to remit MMO figures to the City created the need for the City to determine the 2011 MMO figures to the City created the need for the City to determine the 2011 MMO based on year end salaries.

Ms. Jorgenson asked if we will have to pay for prior years. Ms. Bjorhus replied yes. The \$503,000 is strictly for 2011. There is an additional \$300,00 for prior years. President Marking asked about the impact on the budget. Ms. Bjorhus announced only \$300,000 was assessed in the budget. Mr. Simpson asked where the percentages came from. Ms. Bjorhus explained Mass Mutual provided the percentages based on the Act 2005.

9. Discuss Residential Parking Permits

Mr. Hudson explained staff met to discuss language for the posting of all 2 hour parking signs (except by permit) within the City of Coatesville; to provide set fees for parking permits for residential street parking and municipal owned parking lots; and only 15 minute parking in the areas on both side of the street immediately in front of the Post Office. The City has numbered stickers per wards. The recommended fee is \$20.00 per month and \$180.00 annually. Mr. Hudson asked Council to move forward with an Ordinance. President Marking asked about the Municipal Parking lots. Mr. Barry explained the Ordinance regarding the 7th Avenue parking lot which is three parcels and one parcel is the City's name and the other two are in the RDA's name. Ms. Jorgenson asked for a breakdown on what neighborhood would be affected. Mr. Brazzle stated there is still work to do before passing an Ordinance. President Marking explained the item will need to be discussed further. He asked for the item to be placed on the next agenda as a discussion item.

Regular Action Items

1. Discuss preparation of a grant application for funding to update the City of Coatesville Comprehensive Plan of 1997. The Plan is a land use and growth management plan, prepared by the municipal planning commission and adopted by City Council.

The City's Codes Department is requesting authorization for Thomas Comitta & Associates (TCA), to prepare a grant application to the Chester County Planning Commission Vision Partnership Program for funding to update the City of Coatesville's Comprehensive Plan. The fee for preparation and attending the required meetings is \$1,500.00. NOTE: The projected estimated cost for a Comprehensive Plan is between \$35,000.00 - \$50,000.00

The Vision Partnership Program is a planning grant available to local municipalities and multi-municipal regions seeking to improve their planning programs and achieve consistency with the goals, objectives and policies of Chester County's Landscapes2 and the County's Comprehensive Policy Plan.

Mr. Rawlings suggested moving forward with the expenditure. The Comprehensive Plan is good for the City.

Mr. Simpson made a motion to approve the preparation of a grant application for funding to update the City of Coatesville Comprehensive Plan of 1997 by Thomas Comitta Associates; Ms. Jorgenson seconded the motion. Motion passed 6-0.

2. Consider Resolution for Fair Market Rent. The Federal Department of Housing and Urban Development published final notice establishing the Small Area Fair Market Rent Demonstration Project and requested participation from metropolitan public housing agencies.

Mr. Hudson explained the need for the Resolution for the Small Area Fair Market Rent Demonstration Project. The Federal Department of Housing and Urban Development published final notice establishing the Small Area Fair Market Rent Demonstration Project and requested participation from metropolitan public housing agencies.

The current system for setting FMRs has been long criticized for limiting voucher holders ability to move into higher opportunity neighborhoods and for its tendency to steer families into higher poverty areas. The purpose of the Small Area Fair Market Rent Demonstration Project is to provide voucher holders with the opportunity to move to areas with greater opportunity.

Mr. Simpson made a motion to approve a Resolution for Fair Market Rent; Ms. Jorgenson seconded the motion. Motion passed 6-0.

3. Consider hiring a part time Community Center Facilities Coordinator. The person will be determined as needed/as directed by approved scheduled event at the Coatesville Memorial Community Center.

In the absence of PAL and the elimination of the Director of Parks and Recreation Position, City no longer has a presence at the Coatesville Memorial Community Center. As such, the City continues to receive requests from citizens and organizations wishing to rent space in order to host parties and various other types of events within the Community Center facility. Per Council request a copy of a Rental Contract for the Community Center was provided for review.

Staff requests City Council to approve the hiring of a part time weekend Community Center Facilities Coordinator. This person will only work if an event is scheduled on the following days

and times: Weekends only – Friday’s, Saturday’s and Sunday’s until midnight. The actual opening will be determined as needed / as directed by the approved scheduled event.

Vice President Hamrick asked if the extension of time was added. Mr. Brazzle explained that he wrote the contract and suggested changing the extended hours to \$100.00 per additional hour. Ms. Jorgenson explained multiple events could be held per day. She asked how soon they could start. Mr. Hudson explained he is waiting to hear back from Marco regarding the Fire Alarm system. The fees in the Code book will require changing to the fees in the contract along with the security deposit amount and conditions.

Mr. Brazzle made a motion to approve hiring a part time Community Facilities Coordinator; Vice President Hamrick seconded the motion. Motion passed 6-0.

4. Consider Pre-Commencement and Occupancy for 105 East Diamond Street

A pre-commencement occupancy license and indemnification agreement was provided to permit early access with appropriate protections to the City both by way of indemnification and insurance for the tenant Wilson Wood, LLC for 105 East Diamond Street.

Mr. Rawlings explained this will provide Wilson Wood, LLC to open up and clean the building prior to their lease.

Mr. Simpson made a motion to approve the Pre-Commencement Occupancy License and Indemnification Agreement for 105 East Diamond Street; Mr. Brazzle seconded the motion. Motion passed 6-0.

5. Consider acceptance of the resignation of the Fire Chief Kevin Johnson

President Marking announced Chief Johnson resigned this morning. Mr. Simpson asked if Chief Johnson provided a reason for his resignation. Mr. Rawlings replied no.

Vice President Hamrick made a motion to accept the resignation of the Fire Chief Kevin Johnson; Mr. Brazzle seconded the motion. Motion passed 6-0.

Solicitors Report

Mr. Carnes explained the Fire Fighters Pension Resolution has been revised to correct an error in the earlier approved version.

Mr. Carnes explained the litigation with Millview regard improvements.

City Manager’s Report

Mr. Rawlings announced he is currently working on putting systems in place at City Hall. He is working with staff to become more systematic.

Citizens’ Hearings – Non-Agenda Items Only

Arthur Daggett – Resident

Mr. Daggett announced he is a member of the Fire Department. He is not in agreement with the decision regarding the temporary Fire Chief. This is a blatant violation of policy and procedures. There are no excuses and he expects the right thing to be done.

Matt Baker – Resident

Mr. Baker asked Mr. Molina about several Code violations within the City. Mr. Molina stated the violations are being reviewed. Mr. Baker asked the Chief Canale if the Police Department is citing for Noise variances. It is embarrassing with loud and obnoxious music. Chief Canale said he would look into it. He asked about yard sales. There are homes that have them every weekend and the Code only states four times per year. Mr. Baker explained that people know Codes does not work on weekends and the residents do work over the weekends without acquiring permits. He asked for a floater for the weekends from Codes.

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

Council Comments

Mr. Brazzle thanked everyone for attending the meeting. It was a nice election and there was very little turnout.

Mr. Simpson asked Ms. Bjorhus the process of the Solid Waste bills. There are checks that have never been cashed. HE asked if the City send out delinquent trash notices. Ms. Bjorhus stated the collection module is not in place. The 4gov system is not set up to send out delinquent notice. Mr. Rawlings has talked to the auditors. Mr. Simpson stated we need a system where delinquent notices are sent. Ms. Bjorhus stated a good idea is to add the past due balance on the invoice as a trigger.

Ms. Jorgenson asked the status with the County for Single Family Homes. Mr. Carnes stated he received a response in April. He sent an email to the President, Vice President and City Manager. The intent is to remove the ability to have residential conversion in the City. The County has suggested going to conditional use. Ms. Jorgenson asked for the Residential Conversion to be added as an item of discussion for the next meeting.

Mrs. Jones thanked everyone for attending the meeting. She wished everyone a good night.

Vice President Hamrick had no comment at this time.

President Marking had no comment at this time.

Adjournment

Mr. Brazzle made a motion to adjourn the meeting at 10:27 pm; Mr. Simpson seconded the motion. Motion passed 6-0.

Agenda Submitted by:
Gary Rawlings
City Manager