

**City Council
Minutes
Monday August 22, 2011**

Regular Session

Vice President Joseph Hamrick called the meeting to order at 7:35 p.m. and welcomed everyone to the meeting. Council members present were Council Vice President Joseph Hamrick, Mssrs., Jarrell Brazzle, Martin Eggleston, Edward Simpson, and Mrs. Ingrid W. Jones. Staff members present included City Solicitor John Carnes, Assistant City Manager Kirby Hudson, Lieutenant Rita Shesko, Acting Fire Chief Jim Lentz, Director of Planning and Codes Enforcement Damalier Molina, Director of Finance Stacy Bjorhus, and Recording Secretary Ruthann Mowday.

Vice President Hamrick announced an executive session was held earlier this evening, August 22, 2011 to discuss personnel and legal matters.

Vice President Hamrick announced President Marking and Mrs. Jorgenson would not be in attendance. Mr. Eggleston will be arriving late.

Approval of Minutes: *August 8, 2011*

Mr. Brazzle made a motion to approve the minutes for August 22, 2011; Mrs. Simpson seconded the motion. Motion passed 4-0.

Approval of Accounts Payable

Mr. Simpson made a motion to approve the accounts payable dated August 18, 2011; Mr. Brazzle seconded the motion. Motion passed 4-0.

Additions, Deletions or Modifications to the Agenda

Mr. Simpson made a motion to move Action Item #11, Acceptance of resignation of City Council President Karl Marking to Action Item #1 and vote for a new member: Mr. Brazzle seconded the motion. Motion passed 4-0.

Mr. Eggleston arrived at 7:38 pm.

Presentation

1. Presentation and update from representatives from Oliver, Tyrone, Pulver Inc. regarding Marriott Hotel Development.

Mr. Weiss explained Coatesville Inn Associates is asking for a change to the approved plans. The change would allow them to add a parking lot on the other side of the proposed office building. The current plans show a parking garage to be built in between the Hotel and Office building. The Planning has approved the changes to the preliminary/final land development plan.

Mr. Simpson questioned Mr. Weis regarding the access point for the City. In the original agreement the City requested an access point to the adjoining property. Mr. Simpson asked for new plans showing the access point prior to Council's approval.

2. Presentation by Chip Huston regarding letter of support for the Habitat for Humanity DCED Neighborhood Partnership Program

Mr. Huston addressed council requesting a letter of support for the Habitat for Humanity DCED Neighborhood Partnership Program. Habitats application is seeking to add 39 homes for low to moderate income families in Coatesville. The plan will increase homeownership within the City, will upgrade the

neighborhood house values, (Average home value is \$160,000) and will add thirty-nine new homes to an otherwise aging stock.

3. Presentation by Patrick Cox – GEO-Life Inc. regarding storm sewer improvements

Mr. Cox announced he is planning to apply for a growing greener grant for the City of Coatesville with City Councils approval. The grant is to implement a Brandywine Creek Stormwater restoration project. The project supports the MS4 Stormwater implementation plan and helps the City of Coatesville comply with EPA MS4 requirements. The restoration project will remove pollution and help prevent stormwater flooding. Mr. Cox explained the basin will be underground in Ash Park.

Mr. Eggleston asked how large the underground basin is. Mr. Cox explained it will be placed 3 to 4 feet below the surface and around 100' to 120' feet.

4. Presentation by Craig Bachik regarding co sponsorship of the Brandywine Trail Feasibility Study

Mr. Rawlings announced he attended a meeting August 16, 2011 involving the Borough of South Coatesville and their consultant, Kairos Design Group, LLC, who is putting together a TCDI Application on behalf of the borough to complete a Feasibility Study for the Brandywine Bike Trail. The feasibility study details a bike lane/trail from the Riverwalk down 1st Avenue and out into South Coatesville and Modena.

Mr. Bachik asked the City of Coatesville to be a joint applicant with South Coatesville for the feasibility study. Our match would be \$2,500.00 and South Coatesville is matching with \$7,500.00. At this time I do not know if Modena will also match.

5. Presentation by Pam Baker, City Auditor 2009 – 2010 independent account reports and financial statements and the 2009-2010 DCED audited financial statements

Ms. Baker explained the City had a balance of \$33,588 in the General Fund Account year ending 2010. The total assets were \$1,794,191 and total liability for 2010 was 1,760,603. The City currently has a large solid waste receivable from current and prior years. The City will need to add monies to the Pension fund in 2011. The current investments are \$11,889,360. The Reserve Trust currently has a balance of 13,489,575.

Ms. Baker explained she could not perform the audits for the city, because she had done so much of the work on the financial statements. Barbacane, Thornton cannot do an audit because of their involvement with the account reconciliations. The State may come back and ask for an audit. Mr. Brazzle asked if the finance department was not able to do the reconciliations. Ms. Baker replied that Barbacane Thornton did them.

Mr. Simpson asked the status of the Solid Waste Invoicing RFP. Mr. Rawlings and Ms. BJORHUS explained the Finance Department is working on the delinquent solid waste invoices for accuracy. The Finance Department wants to provide accurate information.

6. Financial Report – Stacy BJORHUS, Finance Director

Ms. BJORHUS explained the unrestricted funds as of July 31, 2011 are \$460,860 and the restricted funds are 13,541,889. The revenues are at a deficit of \$41,614 due to charges for services and district court fees. The expenditures are at a deficit of \$467,452 due to Council professional services, audit fees, Legal professional fees and Police Department overtime, personnel expense, and insurance and Fire for fire report, insurance and machine/equipment repairs. Mr. Simpson asked if the Rainy Day fund amount is different from the previous month. Ms. BJORHUS replied yes.

Citizens' Hearings – Regular Action Items Only

There were no Citizens' comments on *regular action items only*

Mr. Simpson made a motion to close citizens' hearings on regular action items only; Mr. Eggleston seconded the motion. Motion passed 4-0-1. Mrs. Jones abstained from the vote.

Special Events

1. A special event application was received from Elite Riders Motorcycle Club for a Block Party on September 3, 2011 from 3 pm to 9 pm. It has been requested to close the street from 8th Avenue and Chestnuts Street (8th and Main Street). It is anticipated 100-200 people will be in attendance.

Mr. Brazzle asked if the event is an annual event. Mr. Eggleston replied yes.

Mr. Eggleston made a motion to approve a special event from Elite Riders Motorcycle Club for a Block Party on September 3, 2011 from 3 pm to 9 pm requesting to close the street from 8th Avenue and Chestnuts Street (8th and Main Street) Mr. Brazzle seconded the motion. Motion passed 4-0-1. Mrs. Jones abstained from the vote.

2. A special event application was received from Jarrell Brazzle for a "Kids Day Cookout" at Palmer Park on August 27, 2011 from 12:00 pm to 7:00 pm. It is anticipated 75 people will be in attendance.

Mr. Brazzle explained the event is available to everyone in the City. The day is a day for the community and children interact with one another. It will be a fun day for everyone.

Mr. Simpson made a motion to approve a special event from Jarrell Brazzle for a "Kids Day Cookout" at Palmer Park on August 27, 2011 from 12:00 pm to 7:00 pm; Mrs. Jones seconded the motion. Motion passed 4-0-1. Mr. Brazzle abstained from the vote.

3. A special event application was from Graystone Society for the "September 11 Commemoration" on September 11, 2011 from 7:00 am to 12:00 pm at Gateway Park. It is anticipated 300 people will be in attendance.

Mr. Simpson made a motion to approve a special event from Graystone Society for the "September 11 Commemoration" on September 11, 2011 from 7:00 am to 12:00 pm at Gateway Park; Mr. Eggleston seconded the motion. Motion passed 5-0.

Items for Discussion

1. Discuss 2011 proposed budget amendments

A Budget Workshop was held July 25, 2011 to discuss various topics regarding the FY 2011 City Budget. Mr. Rawlings presented many ideas to lessen the gap between revenues and expenditures and Council reviewed the proposed budget amendments.

Council asked for the item to be placed on the September 22, 2011 agenda as an Action item.

2. Discuss Parks and Recreation Commission Appointment

The City has received an application from Yvonne Perry for appointment to the Parks and Recreation Commission. The Commission currently has a vacancy for the term 2009 – 2012.

Council asked for the item to be placed on the September 22, 2011 agenda as an Action item.

3. Discuss Council representation on Celebrate Coatesville Steering Committee

Since the very successful Celebrate Coatesville Event on 07.03.11 the organizers have started to meet and make preparations for 2012. It has been decided to form a Steering Committee which will make the major decisions and then each group represented on the Steering Committee will make their individual plans and report back to the Steering Committee who will coordinate efforts.

The organizers of the Steering Committee would like a Council representative on the committee. Meetings will be in the early evenings once a month and twice a month as we get closer to the event date.

Council asked for the item to be placed on the September 22, 2011 agenda as an Action item.

4. Discuss Donation request from Neighborhood Health Agencies
Andrea Devoti, President and CEO of Neighborhood Health Agencies, Inc. would like to make a presentation to Council regarding their work in the community and a request for a donation. The letter indicates the agency served 629 residents and made 17,486 visits during FY 2010-11. Funds are not budgeted in the FY 2011 GF Budget for donations.

Council asked for the item to be placed on the September 22, 2011 agenda as a presentation and item of discussion

Regular Action Items

1. Acceptance of resignation of City Council President Karl Marking and reappointment of resident for City Council 4th Ward.
Council Vice President Hamrick announced the City Council President, Karl Marking has submitted his resignation from City Council for the City of Coatesville. .

Mr. Brazzle made a motion to accept the resignation from City Council President Karl Marking; Mr. Simpson seconded the motion. Motion passed 4-0-1. Mrs. Jones abstained from the vote.

Mr. Brazzle nominated Joseph Hamrick for Council President. Nomination passed 5-0.

Mr. Brazzle nominated Martin Eggleston for Council Vice President. Nomination passed 4-0-1. Mrs. Jones abstained from the vote.
2. Authorize letter of Support for the Habitat for Humanity DCED Neighborhood Partnership Program and authorize Council President or Vice President to sign the letter.
Council is being asked to submit a Letter of Support endorsing Habitat for Humanity's Application to participate in the DCED Neighborhood Partnership Program. The application seeks to add 39 more homes for low-to-moderate income families in Coatesville. If the application is successful it will help Coatesville: Increase the percentage of owner-occupied homes; Upgrade house values; and Decrease the percentage of population with incomes below the poverty line.

Mr. Brazzle made a motion to approve a letter of Support for the Habitat for Humanity DCED Neighborhood Partnership Program and authorize Council President or Vice President to sign the letter; Mr. Simpson seconded the motion. Motion passed 5-0.
3. Approve a Resolution in support of the GEO-Life grant application

Geo-Life, Inc has put together a grant application for a Growing Greener Watershed Protection Grant Section 319 Nonpoint Source Pollution that will aid Coatesville with its MS4 commitments imposed by EPA. The local match is 10% which can be in-kind services.

The Brandywine Conservancy and the City Engineer are in compliance with this grant application and support its submittal. If implemented the project will remove stormwater pollution and provide flood control for our main stormwater line that runs under Ash Park.

Council asked for a copy of the application as it was submitted.

Mr. Simpson made a motion to approve submission of the grant application only for the GEO-Life grant: Vice President Eggleston seconded the motion. Motion passed 4-1-0. Mr. Brazzle was the dissenting vote.

4. Accept and place on file the 2009-2010 audited financial statements

Council does not have to approve the financial statements, but Council needs to accept the financial statements and place them on file so they are available for public use and review. Also the Financial Statements need to be on file if the city ever gets in a position of having to borrow funds.

Mr. Simpson made a motion to accept and place on file the 2009-2010 audited financial statements; Mr. Brazzle seconded the motion. Motion passed 5-0.

Mr. Simpson noted City Council accepted and placed on file the 2009-2010 audited financial statements, this does mean that the audit was approved.

5. Accept and place on file the 2009-2010 DCED audited financial statements and appropriate filing with the County and State

Council does not have to approve the financial statements, but you need to accept the financial statements and place them on file so they are available for public use and review. Also the DCED Financial Statements need to be on file and sent to the state for reporting purposes.

Vice President Eggleston made a motion to accept and place on file the 2009-2010 DCED audited financial statements and appropriate filing with the County and State; Mr. Brazzle seconded the motion. Motion passed 5-0.

6. Authorize City Manager to sign the Multi Municipal Comcast Cable TV Franchise Agreement and issue payment to East Brandywine Township of \$292.31 as the City's share of the agreement.

City Council is being asked to consider the approval for the City to move forward along with 13 other area municipalities to participate in the first phase of discussions for the renewal of a joint Multi-Municipal Comcast Cable TV Franchise Agreement for all participating municipalities. East Brandywine Township has taken the lead on this project and is in receipt of a proposal from the Law Firm of Unruh, Burke & Frees for the initial cost and draft of a model Comcast Agreement that will be shared equally among all of the municipal participants.

The initial proposed fee for legal services is a flat fee of \$3,800.00 with the City of Coatesville's respective share to be \$292.31. Because this project is being conducted on a somewhat informal basis, the original proposed cost of \$3,800.00 is being paid by East Brandywine Township on behalf of the other participating municipalities.

The City has received an invoice in the amount of \$292.31 that reimburses East Brandywine Township for the cost of the initial draft agreement. The City has also received the General Terms of Engagement that requires the signatures from all 13 participating municipalities

Vice President Eggleston made a motion to authorize City Manager to sign the Multi Municipal Comcast Cable TV Franchise Agreement and issue payment to East Brandywine Township of \$292.31 as the City's share of the agreement; Mr. Simpson seconded the motion. Motion passed 4-1-0. Mrs. Jones was the dissenting vote.

7. Approve on second reading and adoption an Ordinance amending Chapter 190 ("Solid Waste") of the general laws of the City of Coatesville to provide for more clarity in its enforcement provisions and to confer enforcement authority to the newly created position of "S.W.E.E.P Officer"

The City of Coatesville established a position of "S.W.E.E.P Laborer/Operator charged with the duties including enforcement of the Solid Waste Code regulated by Chapter 190 of the City Code as "SWEEP" or Solid Waste Education Enforcement Program. Under the current Solid Waste Ordinance Chapter 190, the City Code required more clarity in the enforcement provisions and to confer enforcement authority to the newly created position of "S.W.E.E.P Officer."

Mr. Simpson made a motion to approve on second reading and adoption an Ordinance amending Chapter 190 ("Solid Waste") of the general laws of the City of Coatesville to provide for more clarity in its enforcement provisions and to confer enforcement authority to the newly created position of "S.W.E.E.P Officer"; President Hamrick seconded the motion. Motion passed 5-0.

8. Approve on second reading and adoption an Ordinance amending Chapter 218, Vehicle and traffic for the City of Coatesville, Chester County, PA with the addition of Oak Street, North on Tuesday from 12:00 noon to 2:30 pm from Rosemont Avenue to South 1st Avenue

The City has received a request for an addition to the Street Sweeper schedule on the North Side of Oak Street from Rosemont Avenue to South 1st Avenue.

Currently there is no parking on the North side of Oak Street from South 5th Avenue to South 4th Avenue from 12:00 noon to 2:30 pm on Tuesday. The change will allow the street sweeper to start at South 5th Avenue and continue on the North of Oak Street to South 1st Avenue

Vice President Eggleston asked for the residents to be notified of the new street sweeper schedule. Mr. Hamrick suggested warning tickets at first.

Mr. Simpson made a motion to approve on second reading and adoption an Ordinance amending Chapter 218, Vehicle and traffic for the City of Coatesville, Chester County, PA with the addition of Oak Street, North on Tuesday from 12:00 noon to 2:30 pm from Rosemont Avenue to South 1st Avenue; Vice President Eggleston seconded the motion. Motion passed 5-0.

9. Approve a Resolution in support of H.R. 1489 "The Return to Prudent Banking Act".

Cities across PA are being asked to pass resolutions encouraging Congress to reinstate the Glass-Steagall Act of 1933 in order to deal with the economic crisis facing this country and reign in the deregulation that came about when the Glass-Steagall Act was repealed in 1999.

Mr. Brazzle made a motion to approve a resolution in support of H.R. 1489 "The Return of the Prudent Banking Act"; Mr. Simpson seconded the motion. Motion passed 5-0.

10. Resolution regarding Fleetwood Street and the waiver of taxes

The resolution is to waive the taxes for the property owned by the Redevelopment Authority on Fleetwood Street.

Mr. Brazzle made a motion to approve a Resolution regarding Fleetwood Street and the waiver of taxes; Mr. Simpson seconded the motion. Motion passed 5-0.

11. Accept the modified general release and settlement agreement as recommended by the City Solicitor

Mr. Brazzle explained he has not seen the revised report. Mr. Carnes explained the settlement agreement from a claim against the City.

Mr. Simpson made a motion to accept the modified general release and settlement agreement as recommended by the City Solicitor; President Hamrick seconded the motion. Motion passed 4-1-0. Mr. Brazzle was the dissenting vote.

Solicitors Report

Mr. Carnes asked if there were any questions on the Solicitors report.

City Manager's Report

1. Pennsylvania American Water Information

Mr. Rawlings announced he took a tour of the Pennsylvania American Water local operations.

2. Cooperative DPW efforts with Valley Township

Mr. Rawlings explained he has been working with Valley Township. The City has offered to use the street sweeper on some of Valley's streets and Valley Township will maintain Glencrest Road.

3. TCFYI Items

Mr. Rawlings announced that he will provide Council with TCFYI in the council packets under the City Managers report.

Citizens' Hearings – Non-Agenda Items Only

Pastor Harris – Resident

Pastor Harris asked why the special event for Tabernacle Baptist Church Community Day was denied. There is no difference for the church, motorcycle or Mr. Brazzle's event. He asked for the event to be approved. The applicant did not ask for all of Coates Street to be closed. After a brief discussion, Council asked Pastor Harris to resubmit his application.

James Pitcherella – Resident

Mr. Pitcherella inquired about a Finance Department employee. Mr. Carnes explained it is a personnel issue and cannot be discussed in public.

Carmen Boyd – Resident

Ms. Boyd stated she was present to support the event for Tabernacle Baptist Church Community Day.

Lula Wright – Resident

Ms. Wright inquired about opening up a secondary source of transportation such as a cab service. There is a lot of trouble with the current transportation and many veterans must walk. Mr. Brazzle offered his support if it meets the City's requirements.

Marie Hess – Resident

Ms. Hess announced the cleanup day was a success. The City was cleaned bridge to bridge. Ms. Hess asked for the Parks and Recreation to take over the Halloween Parade.

Elwood Dixon – Resident

Mr. Dixon asked about the \$110,000 owed to the city by a landlord. Council announced the case was settled a couple of years ago for \$5,000 without Council's knowledge or approval.

Dr. Tonya Thames Taylor – Resident

Dr. Taylor read the Athenian Oath and a quote from Benjamin Franklin and stated Coatesville is the Rising Sun. The event held by the Historical Commission of the Remembrance of Edgar Rice and Zachariah Walker was a success. Room was packed to the house.

Mr. Brazzle made a motion to close citizens' hearings; Mr. Simpson seconded the motion. Motion passed 5-0.

Council Comments

Council President Hamrick asked resident to put in writing their interest in volunteering for the City Council position to forward a request to the City Manager, Gary Rawlings. The position is for the 4th Ward. He thanked everyone for coming out to the meeting.

Mrs. Jones thanked everyone for attending the meeting, taking up time and sharing it with us.

Vice President Eggleston stated he is grateful and appreciative to all that have attended the meeting. He thanked Dr. Taylor for her words.

Mr. Simpson reminded everyone tomorrow is a special day at the Coatesville Flower Shop. He asked for everyone to come out and remember their daughter.

Mr. Brazzle thanked everyone for attending the meeting. He stated he will support 100% if it is in the best interest of the City. He announced the Cookout to be held on Saturday.

Adjournment

Mr. Simpson made a motion to adjourn the meeting at 10:08 pm; Mr. Brazzle seconded the motion. Motion passed 5-0.

Agenda Submitted by:
Gary Rawlings
City Manager