

**MINUTES
CITY COUNCIL MEETING
Monday May 14, 2012**

Call to Order President Simpson called the meeting to order at 7:50 p.m. and welcomed everyone to the meeting. Council members present were President Edward Simpson, Vice President Joseph Hamrick, Msrs., David Collins, Mrs. C. Villa Hunt and Mrs. Ingrid Jones. Staff members present included City Manager Gary Rawlings, City Solicitor John Carnes, Sergeant James Audette, Director of Public Works Donald Wilkinson, Acting Fire Chief James Lentz, and Recording Secretary Ruthann Mowday.

President Simpson announced an Executive Session was held earlier this evening, May 14, 2012 and on May 4, 2012 to discuss personnel and legal matters.

President Simpson announced Mr. Brazzle and Mr. LoPrinzi would not be in attendance.

Approval of Minutes:

1. April 23, 2012

Mrs. Hunt made a motion to approve the minutes of the April 23, 2012 meeting; Mrs. Jones seconded the motion. Motion passed 5-0.

2. April 30, 2012

Mr. Collins made a motion to approve the minutes of the April 30, 2012 meeting; Mrs. Hunt seconded the motion. Motion passed 5-0.

Approval of Accounts Payable

Vice President Hamrick made a motion to approve the accounts payable dated May 8, 2012; Mr. Collins seconded the motion. Motion passed 4-0-1. Mrs. Jones abstained from the vote.

Additions, Deletions or Modifications to the Agenda

Mrs. Jones made a motion to delete discussion item 8.1, discussions on a Resolution for the reinstatement of Glass-Steagall NAWAPA XXI; Mr. Collins seconded the motion. Motion passed 5-0.

Vice President Hamrick made a motion to add regular action item 9.7, an Ordinance amending Chapter 38.8.3 Police Pension; Mr. Collins seconded the motion. Motion passed 5-0.

Vice President Hamrick made a motion to add regular action item 9.8, Approval of Offer Letter for John Marcarelli; Mr. Collins seconded the motion. Motion passed 5-0.

Presentations:

1. Redevelopment Department Update by Rob Barry

Mr. Barry apprised Council with the status of the City's projects; Riverwalk/Brandywine Creek Trail Fence and Wood Barrier; Street Repaving and Storm Sewers; Coatesville Train Station Redevelopment; Veledrome; and the Courtyard Marriott Hotel. The City is currently working on items for the Central Business District and concrete barriers on the shoulder along Route 82. He announced the Redevelopment Authority Audit is underway. The open City/RDA grants: Riverwalk/Brandywine Creek \$84,936 (CRP), \$25,000 (DCNR); Street Repaving and Storm Sewers \$300,000 (CDBG); Coatesville Train Station Redevelopment \$1,000,000 (FTA), \$300,323 (PennDot), \$700,000 (CRP), \$977,500 Third Avenue Streetscapes (Pass Thru Grant),

\$14,989,000 Federal Transit and State; Flats Predevelopment \$38,890 (DCED); and Coatesville Courtyard Marriott \$5,750,000 (RCAP).

2. Fire Department Update by Acting Chief Jim Lentz

Acting Chief Lentz announced he has been working with the reps from both Firehouses to incorporate background checks into all the Fire Department recruitment procedures. He announced he is working with the City Solicitor on an Ordinance to cover Fire Inspections/Fees. The Officers are currently working with him to explore options to purchase a reserve ladder truck. The hope is to budget for a new ladder truck in the not so distant future. He announced he is currently attending a Codes Training Course. Acting Chief Lentz stated the Fire Department and Codes Department are working together to provide a safe environment for the residents. There are hard choices when it becomes the safety of the citizens, and asked for Council support when the Codes and Fire Department need to make these decisions.

3. Public Works Department Update by Don Wilkinson

Mr. Wilkinson explained that his Department continues to be challenged by the shortage of personnel in day-to-day activities due to commitment to the SWEEP Program. The streets special projects are: Negotiating with PAWC to develop a process to have the city streets paved as a result of any PAWC major improvement project; Met with PennDot regarding use of Liquid Fuels money for paving and received an updated list of dedicated streets; Repaired 35' of 15" storm water line in the 1200 block of Juniper St.; Replaced 115 faded or damaged street signs; Developing a Street Improvement Priority List; Developing an updated map of storm water inlets and a process to track maintenance; and Repaired 62 street lights. The scheduled projects are: Continued litter control in Cooperation with the SWEEP officer; Collected parking meter money; Collected metals and yard waste; Transported "street sweepings" to landfill; and Transported scrap metals for recycling

The Parks special projects are: Installed "safe cover" mulch at play equipment; Removed damaged play equipment from Swing Park; and Prepared 3rd Ave. parking lot. The scheduled projects are: Supported Parks and Recreation, Community Policing, Brandywine Conservancy and Brandywine Valley Association in the cleanup and planting at the Brandywine River area; Cleaned and mowed parks. The buildings special projects are; Cleaned out and prepared Community Center for lease; Installed security system at Community Center; Met with energy consultant to improve the efficiency of energy usage at City Hall, etc.; and Attended Penna. "Energy Star" Portfolio Manager Seminar.

The Solid Waste Education Enforcement Program has issued 32 citations since January, 10 cases to DJ, won all cases.

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 5-0.

Citizens' Hearings – Non-Agenda Items Only

Joe Harkins – Resident

Mr. Harkins voiced his concerns about the closing of the ROTC Program in Coatesville School. The program instills moral character and helps the kids give back to the community. He asked for Council's support of the ROTC Program.

James Clark – Resident

Mr. Clark voiced his concerns about the Codes Department staff. He is working with the Codes Director regarding the staff and discussing the Codes enforcement issues. Mr. Clark stated he would provide Council with a letter explaining the issues.

William Lambert – Resident

Mr. Lambert asked when Coates Street will be fixed. He inquired about programs for the youth and announced the NAACP is prepared to help with youth programs. He voiced his concern for rumors of disrespect of people on boards.

Rev. Narcisse – Resident

Rev. Narcisse stated this is 2012 and we need to learn to love one another and get over the barriers. He voiced his concerns regarding a racial comment the City Manager had made. He asked for an explanation and apology. He stated that the City cannot have someone in power making these statements. Mr. Rawlings explained the statement and apologized. Mrs. Hunt asked for Council to adjourn to Executive Session. President Simpson stated Council would adjourn to an executive meeting after the regular session has been adjourned to discuss the personnel matter. Mr. Collins explained the make-up of Council. Rev. Narcisse explained there was a riot on Maple Avenue, when the Police were called, no one showed up.

George Lamber – Resident

Mr. Lambert gave his minutes to Mr. Hannah.

Lewis Hannah – Resident

Mr. Hannah stated the issue he was here to discuss has been addressed and Council will be speaking with Mr. Rawlings. He thanked everyone for attending the NAACP meeting.

Jim Gable – Resident

Mr. Gable explained that he works for PAWC and would like to partner with the City to restore/overlay the streets.

Darrell Williams – Resident

Mr. Williams explained that he got wind of the rumor of what the City Manager said and thanked the City Manager for admitting to what was said. He is glad there is a City Council that will not rubber stamp. He said that hopefully we will adapt and work to make the City move forward.

Joe Hamrick – Resident

Mr. Hamrick asked the status of the tree lights along Lincoln Highway. He asked if everything was up to code.

Rich Rouff -Resident

Mr. Rouff announced Celebrate Coatesville will be held on July 1, 2012.

Mr. Collins made a motion to closed citizens' hearings on non-agenda items only; Mrs. Jones seconded the motion. Motion passed 5-0.

Special Events

1. A special event application has been submitted by Greater Deliverance Church for a Street Church Service on June 21 and June 22, 2012 from 5:00 pm to 8:00 pm. It has been requested for a street closing at 7th Avenue between Merchant Street and Chestnut Street.

Mrs. Hunt made a motion to approve the special event submitted by Greater Deliverance Church for a Street Church Service on June 21 and June 22, 2012 from 5:00 pm to 8:00 pm requesting a street closure at 7th Avenue between Merchant Street and Chestnut Street; Mr. Collins seconded the motion. Motion passed 5-0.

2. A special event application has been submitted by Quincy Teel for a Basketball League from June 18, 2012 to August 18, 2012 at Ash Park from 6:45 pm to 9:15 pm.

President Simpson questioned the insurance coverage. Mrs. Hunt asked if this would interfere with the summer league. Mr. Wilkinson explained that this is the summer league. Mr. Teel took over the league a few years ago.

Vice President Hamrick made a motion to approve a special event application submitted by Quincy Teel for a Basketball League from June 18, 2012 to August 18, 2012 at Ash Park from 6:45 pm to 9:15 pm; Mr. Collins seconded the motion. Motion passed 5-0.

3. A special event application was received from the Chesco Grand Prix, Coatesville Rotary Club and the City of Coatesville for the Bike Race, Celebrate Coatesville Festival and Fireworks on July 1, 2012 from 11:00 am to 10:00 pm. A request has been made to close streets for the Bike Race.

Mr. Collins asked if the track was the same as last year.

Vice President Hamrick made a motion to approve a special event application submitted by Chesco Grand Prix, Coatesville Rotary Club and the City of Coatesville for the Bike Race, Celebrate Coatesville Festival and Fireworks on July 1, 2012 from 11:00 am to 10:00 pm and the request to close streets for the Bike Race; Mr. Collins seconded the motion. Motion passed 5-0.

Discussion Items

1. Discussion on appointing a Council person to represent the City for the Council of Governments
Vice President Hamrick announced that he and Mr. Collins attended the last COG Meeting. A person from Council should be appointed by the Council President to the Committee. The appointed person will then have voting rights. Council agreed to appoint Vice President Hamrick. President Simpson appointed Vice President Hamrick to the Committee as the City of Coatesville Representative.

2. Discuss Sweat Equity Agreement for Summer Camp Participants

Mr. Rawlings explained the "Sweat Equity Program" is to help parents who want their children to attend Summer Camp at the Community Center and cannot afford the cost. The Solicitor has prepared a release for the parents to sign. The release would allow parents to volunteer 8 hours of work to the City in exchange for one week of summer camp for a child. The city's insurance company has given the okay for the program. Mrs. Hunt and Vice President Hamrick asked people to get the word out and get parent participation. Council asked for the item to be placed on the next agenda as an action item.

Regular Action Items

1. Receive and consider extension request for Coatesville Redevelopment Project
Vice President Hamrick made a motion to approve an extension request until November 30, 2012 for the Coatesville Redevelopment Project; Mr. Collins seconded the motion. Motion passed 5-0.

2. Receive and consider Vision Partnership Program Contract with Chester County.
President Simpson explained the city received a proposal from the professional planner, TCA, to update the City's Comprehensive Plan for a cost of \$35,800.00. The City received a grant in the amount of \$25,350.00 to the aid the City with the Comprehensive Plan update. The City is required to post a 26% match of \$8,950.00. Mr. Comitta, City Professional Planner, explained the background for the previous plan called the Tier I and Tier II dated 2002. The State of Pennsylvania MPC says the City Comprehensive plan must be updated from time to time not to exceed 10 years.

Vice President Hamrick made a motion to approve the Vision Partnership Program Contract with Chester County; President Simpson seconded the motion. Motion passed 5-0.

3. Receive and consider a Resolution and letter of support challenging Act 13 of 2012
President Simpson explained municipalities across the state are being asked to support a challenge to Act 13 of 2012 "the Shale Gas Law". Chapter 33 of Act 13 of 2012 preempts municipal zoning of gas and oil operations in all municipalities in the Commonwealth; the Act basically allows gas drilling and other aspects of gas development in all zones in a municipality, including residential zones, and requires municipalities to allow other gas and oil operations in districts prescribed by the State.

Among other restrictions placed on municipal controls, municipalities are not allowed to adopt more stringent regulations, for instance, for setback distances from a gas well or other operations to a home, stream, water well, or other community resources than what is prescribed in Act 13. A lawsuit has been filed based on the unconstitutionality of Act 13.

Vice President Hamrick made a motion to approve a Resolution and letter of support challenging Act 13 of 2012; President Simpson seconded the motion. Motion passed 5-0.

4. Receive and consider West Lincoln Highway sidewalk repairs
Mr. Simpson explained the sidewalk fronting 190 W. Lincoln (RDA property) is being repaired with a hydraulic mix concrete solution at a cost of \$4,200.00. A similar condition exists with the sidewalk adjacent to the River Walk Project and Mr. Wilkinson is having the contractor apply the same remedy to that situation. The cost for that sidewalk is \$1,500.00. Mr. Collins asked if the property was an RDA property and if they should pay for the repairs. Mr. Barry stated he would discuss this with the board. Mr. Collins asked Mr. Wilkinson why the repairs have taken so long since it was an emergency. Mr. Wilkinson explained he was required to obtain a quote from a contractor and the property is owned by the RDA.

Vice President Hamrick made a motion to approve the West Lincoln sidewalk repairs; Mr. Collins seconded the motion. Motion passed 5-0.

5. Receive and consider Municipal Tractor repairs and 14' Mower repair/purchase

Mr. Simpson announced the 1996 Trackless 4x4 Municipal Tractor and the 14 ft. mower attachment were taken to U.S. Municipal in King of Prussia for repairs. We needed to make sure there would be no more snow before we could let it leave the building. The tractor itself is in need of \$6,789.98 of repairs. For a comparison a new Trackless 4x4 Municipal Tractor costs \$123,053.00. This machine is an extraordinarily important part of our vehicle inventory. This machine mows all parks and the flail attachment mows street “shoulders” in the summer months.

The center section (6 ft.) of our 14 ft. mower does not operate properly and cannot be repaired. They do not sell the center section individually. A new 14’ mower costs \$18,710.00. There is a good “barely used” 14’ mower at the King of Prussia yard selling for a total of \$7400.00.

\$8,000.00 is budgeted in Department 454 (Parks). The 2012 GF Budget did not anticipate a major breakdown such as this piece of equipment. The difference (\$6,189.98) will have to be accounted for when a Request to Amend the Budget will be directed to Council later on this year.

Vice President Hamrick made a motion to approve the municipal tractor repair and purchase of 14’ mower; President Simpson seconded the motion. Motion passed 5-0.

6. Receive and consider appointing Shayla Durnell to the Parks and Recreation Commission for the term 2012-2015

Mrs. Jones made a motion to appoint Shayla Durnell to the Parks and Recreation Commission for the term 2012-2015; Vice President Hamrick seconded the motion. Motion passed 5-0.

7. Receive and consider an Ordinance amending Chapter 38-8.3 Police Pension

Mr. Carnes explained the change to the original Ordinance for the Police Buyout by adding Pensionable Earnings – Pensionable Earnings for purposes of calculating the Final Average Earnings of a Participant’s accrued benefits under the Early Retirement Window is defined as the greater of the Participant’s current Base Wage or the five (5) year consecutive average of the Participant’s Base Rate of Pay times the number of actual hours worked in each calendar year (divided by five (5)).” Mrs. Hunt explained the Ordinance was delivered to Council right before the meeting. If the Ordinance was provided properly it would have been considered.

Vice President Hamrick made a motion approve an Ordinance amending Chapter 38-8.3 Police Pension Chapter 38-8.3; President Simpson seconded the motion. Motion failed 2-3. Mr. Collins, Mrs. C. Villa Hunt and Mrs. Jones were the dissenting votes.

8. Receive and consider offer letter for John Marcarelli, Finance Director

Vice President Hamrick made a motion approve an offer letter for John Marcarelli, Finance Director; Mr. Collins seconded the motion. Motion failed 3-2 due to lack of majority of full Council.

Solicitors Report

Mr. Carnes read his solicitors report and asked if there were any questions. There were no questions.

City Manager’s Report

1. TCFYI Items

Mr. Rawlings asked if there were any questions on his TCFYI items. There were no questions.

2. Audit Letter from the PA Department of Labor dated April 24, 2012

Council Comments

Mrs. Jones thanked everyone for attending the meeting. It was a nice crowd to start out the evening. She wished everyone a good night.

Mr. Collins thanked everyone for attending the meeting. He reminded everyone that it is Council's responsibility to serve the City and hold the City Manager and staff accountable.

Mrs. Hunt thanked everyone for attending the meeting. She also reminded everyone that it is Council's responsibility to serve the City and hold the City Manager and staff accountable. She thanked Mr. Wilkinson for getting the lights back on 9th Avenue, and explained the lights are out on Coates Street near the train station.

Vice President Hamrick explained this was his second year to attend the NAACP dinner and was asked to speak this year. He remembers when he was young and shared fellowship with his neighbors. When he votes, he votes from his heart (majority always rules and he supports no matter whatever he voted) The seven on Council are one.

President Simpson thanked everyone for attending the meeting. He announced Council will be adjourning into an executive meeting.

Adjournment

Mrs. Hunt made a motion to adjourn the meeting at 10:15 pm; Mr. Collins seconded the motion. Motion passed 5-0.

Submitted by:
Gary Rawlings
City Manager