

MINUTES
CITY COUNCIL MEETING
October 27, 2014

Call to Order

President Hamrick called the meeting to order at 7:45 p.m. and welcomed everyone to the meeting. Council members present were President Joseph Hamrick, Mssr, Edward Simpson and Mrs. C. Arvilla Hunt, Mrs. Marie Lawson, Mrs. Ingrid W. Jones, and Mrs. Linda Lavender-Norris. Staff members present included City Manager Kirby Hudson, City Solicitor John Carnes, Finance Director John Marcarelli, Director of Planning and Codes Enforcement Damalier Molina, Public Works Director Donald Wilkinson, Police Chief John Laufer, and recording secretary Ruthann Mowday.

An Executive Session was held earlier this evening October 27, 2014 to discuss personnel and legal matters.

President Hamrick announced Vice President Collins would not be in attendance.

Approval of Minutes:

Mrs. Hunt made a motion to approve the October 13, 2014 meeting minutes; Mrs. Lavender-Norris seconded the motion. Motion passed 6-0.

Approval of Accounts Payable

Mr. Simpson made a motion to approve the accounts payable; Mrs. Lavender-Norris seconded the motion. Motion passed 6-0.

Additions, Deletions or Modifications to the Agenda

Mrs. Hunt made a motion to delete discussion item 10.2 Fire Chief; Mrs. Lavender-Norris seconded the motion. Motion passed 6-0.

Mrs. Lavender-Norris made it a motion to add discussion item 10.2 reorganization meeting; Mrs. Lawson seconded the motion. Motion passed 6-0.

Presentations

1. Downtown Economic Retail Strategies and Incentive Program by 1st State Community Fund – Van Hampton

Mr. Hampton announced the First State Community Loan Fund (CLF) is a not-for-profit Community Development Financial Institution (CDFI) that was established in 1993. Their mission is to actively promote and provide creative opportunities for access to capital for small businesses, community organizations and developers of affordable housing throughout Delaware in Southern Pennsylvania. There are various types of loans such as the Micro Loan Fund which provides loans from \$5000-\$50,000 at an interest rate of 7.25% to 8.5%. The loan terms are for up to five years. The purposes include but are not limited to equipment inventory and working capital. There is also a Business Growth Fund with a lending range of \$50,000-\$250,000 at an interest rate of 7.25% to 8.5%. The loan terms are up to 25 years. The loan purposes include but not limited to equipment, inventory, leasehold improvements, real estate, and working capital.

Mr. Hampton explained the Technical Assistance Program (TA) is an integral component of First State CLF's lending programs. TA includes one-to-one counseling sessions, classroom style training, and topic specific seminars, designed to meet the needs of new and existing borrowers.

TA may include: assistance with loan application and business plan; managing growth; marketing; procurement; and accounting/bookkeeping.

The Retail Assistance Program's (RAP) primary goal of the program is to mitigate some of the risks typically associated with starting or expanding a business by taking a value added approach, which includes access to determine accurate information, organizational experience and technical assistance and necessary capital resources. It's a startup retail, service sector owners in existing retail businesses with continuum of customized/personalized services to support the specific growth goals, including access to loan capital. The first HLF will provide technical assistance in one-on-one and/or group setting to circumstances prescribed, providing a level of training and support to retail business owners that will increase your capacity and sustainability. The outcome of the retail assistance program is to increase business startups, business expansion, business sustainability, job creation, better educated business owners, and more vibrant retail and service sector business community.

Mrs. Lawson asked if we could look into startup businesses. Mr. Hampson explained they work with both startup companies and pre-existing companies. Mrs. Hunt asked about the creditally challenged new businesses. Mr. Hampson explained the bank would work with the new business but cannot guarantee assistance will be approved. Mr. Simpson asked if the city would put up collateral. Mr. Hampton explained the city were to put a collateral, the interest rate on the loan would be lower for the business.

2. Coatesville Community Development Corporation – Allen Smith

Mr. Smith explained the Community Development Financial Institutions Fund (the CDFI Fund). Their vision to economically empower America's underserved and distressed communities. The mission is to increase economic opportunity and promote community development investments for underserved populations and in distressed communities in the United States.

The CDFI Fund was created for the purpose of promoting economic revitalization and community development through investment and assistance to community development financial institutions (CDFI's).

The CDFI fund achieves its purpose by promoting access to capital and local economic growth through it Community Development Financial Institutions Program by directly investing in, supporting and training CDFI's that provide loans, investments, financial services and technical assistance to underserved populations and communities and through its New Market Tax Credit Program by providing an allocation of tax credits to Community Development Entities which enable them to attract investment from the private-sector and reinvest these amounts in low-income communities.

He suggested the City put out a Request for Qualification for the CDFI. The City should look at all possible CDFI's before making a decision.

Citizens' Hearings – Regular Action Items Only (3 Minutes)

David DeSimone

Mr. DeSimone inquired about the Ordinance before Council for the Second Reading. He asked if there were any changes since the last meeting.

Mrs. Hunt made a motion to close citizens' hearings on regular action items only; Mrs. Lavender-Norris seconded the motion. Motion passed 6-0.

Citizens' Hearings – Non-Agenda Items Only (3 Minutes)

Alphonso Williams

Mr. Williams voiced his concerns on the transparency on formal complaints regarding properties. He asked why the complainant can no see the inspection report. Mr. Molina stated he would provide Mr. Williams the complaint information.

Paul Evans

Mr. Evans announced a meeting was held between the Coatesville Housing Association and Mr. Molina. There was open discussion on permit fees. Mr. Molina discussed his concerns with covering Codes costs. Mr. Evans stated the two entities will be meeting again on permit fees.

Bryan Clark

Mr. Clark thanked Council for starting up ward meeting. He will be attending the meeting in his ward. He voiced his concerns regarding the Codes Department.

Mrs. Lavender-Norris made a motion to close citizens' hearings on non-agenda items; Mrs. Hunt seconded the motion. Motion passed 6-0.

Regular Action Items

1. Receive and consider Second Reading and Adoption an Ordinance amending Article II (Non-Uniformed Pension Plan, F/K/A Retirement Income Plan) of Chapter 38 of the City of Coatesville's code entitled "Pensions" to adopt certain amendments thereto relating to the participation of the City of Coatesville employees who are members of the bargaining unit represented by the City of Coatesville Local 1821 of the American Federation of State, County and Municipal Employees, District Council 88 (the "Union") hired on, or after, January 1, 2001.
Mrs. Lawson made a motion to approve second reading an adoption an ordinance amending Article II (non-uniformed pension plan, F/K/A retirement income plan) of chapter 38 of the City of Coatesville's code entitled "pensions" to adopt certain amendments thereto relating to the participation of the City of Coatesville's employees for members of the bargaining unit represented by the City of Coatesville local 1821 of the American Federation of state, County and municipal employees, district Council 88 (the "Union") hired on, or after, January 1, 2001; Mrs. Hunt seconded the motion. Motion passed 6-0.
2. Receive and consider Second Reading and Adoption an Ordinance amending Chapter 190 to address permit fees and inspections privately owned dumpsters throughout the City by adding a preamble to set forth the purpose of said fees (and related inspections) at Section 190-24 and re-identifying the prior section 190-24 to be Section 190-24.1; amending § 190-25 to identify the inspection process by adding a new section 190-25.D and revising Section 190-25D (to correct typographical errors) as a new section 190-25E.
Mrs. Hunt made a motion to approve Second Reading and Adoption an Ordinance amending Chapter 190 to address permit fees and inspections privately owned dumpsters throughout the City by adding a preamble to set forth the purpose of said fees (and related inspections) at Section 190-24 and re-identifying the prior section 190-24 to be Section 190-24.1; amending § 190-25 to identify the inspection process by adding a new section 190-25.D and revising Section 190-25D (to correct typographical errors) as a new section 190-25E; Mrs. Lavender-Norris seconded the motion. Motion passed 5-1. Mrs. Jones was the dissenting vote.

3. Receive and consider Second Reading and Adoption an Ordinance amending Chapter 108-1 (L)(3) fees in the City of Coatesville to address use dumpsters.
Mrs. Hunt made a motion to approve second reading an adoption an ordinance amending chapter 108-1(1)(3) fees in the City of Coatesville to address use dumpsters; Mrs. Jones seconded the motion. Motion passed 6-0.
4. Receive and consider First Reading an Ordinance amending Chapter 38, Article II, of the Code of the City of Coatesville “The Retirement Income Plan” by amending Section 38-12 “Retirement Benefits” to add at subsection A. (3) (a) four (4) new \$5.00 increases in monthly pension benefits effective for years 2014 through 2017 and applicable to AFSCME Members hired before January 1, 2001 and other non-union non uniform City employees covered by the plan.
Mrs. Lawson made a motion to approve First Reading an Ordinance amending Chapter 38, Article II, of the Code of the City of Coatesville “The Retirement Income Plan” by amending Section 38-12 “Retirement Benefits” to add at subsection A. (3) (a) four (4) new \$5.00 increases in monthly pension benefits effective for years 2014 through 2017 and applicable to AFSCME Members hired before January 1, 2001 and other non-union non uniform City employees covered by the plan; Mr. Simpson seconded the motion. Motion passed 6-0.
5. Receive and consider of Offer/Request from Family Dollar to extend the 90 day clock for purposes of review under the MPC
Mrs. Lavender-Norris made a motion to approve the request from the Family Dollar to extend the 90 day clock for review; Mrs. Lawson seconded the motion. Motion passed 6-0.
6. Receive and consider to solicit proposals for a 2015 Tax Anticipation Note (TAN)
Mrs. Hunt made a motion to approve to solicit proposals for 2015 Tax Anticipation Note (TAN); Mrs. Lawson seconded the motion. Motion passed 6-0.
7. Receive and consider to advertise public meetings and workshop sessions as indicated in the 2015 budget calendar.
Mrs. Jones made a motion to advertise the public meetings and workshop sessions as indicated in the 2015 budget calendar; Mrs. Lavender-Norris seconded the motion. Motion passed 6-0.

Solicitors Report

Mr. Carnes announced the Family Dollar supplied a written request to extend the 90 day review. The plans and other documentation should be in order for the conditional approval on the 10th of November. The sister has advertised the Third Class City Pension plan for approval at second reading to comply with the Third Class City Code in the AFSCME collective bargaining agreement for employees hired on or after July 2, 2001. The Solicitor advertised for second reading to ordinances which 1) amend Chapter 108-1 to reduce the fees for dumpsters from \$100-\$25 and, 2) establish the procedure and rationale for inspecting the registering private dumpsters under Chapter 190 – 24 and the City Code. The Solicitor drafted an ordinance for first reading amending Chapter 38 of the City Code Section 38-12 to address increases in monthly pension benefits for years 2014 through 2017 applicable to all AFSCME members hired prior to January 1, 2001 and also to non-uniform nonunion employees of the City.

City Manager’s Report

Mr. Hudson stated the Verizon Franchise fee audit process is still underway and we anticipate receipt of financial information from Verizon within the next few weeks. He announced the Delaware Valley Regional Planning Commission (DVRPC) will be performing traffic counts in our municipality. Mr. Hudson provided the flyers for Mrs. Hunt and Mrs. Lavender-Norris’s ward meetings. Mrs. Hunts

meeting will be held on October 30, 2014 and Mrs. Lavender-Norris's meeting will be on November 8, 2014.

Discussion Item

1. Discuss Norcini – Office Building

Mr. Molina explained an application was submitted by Mr. Norcini to construct an Office building on 6th Avenue and Merchant Street. The application was incomplete. It lacks a plan date, location and contour date. He is asking for waivers related to curbs, sidewalks and landscaping. The Planning Commission recommended the application satisfy the City's requirements from the City Engineer and Planning Consultant. Mr. Norcini was provided a 90 day extension which ends on November 25, 2014. He has failed to comply with the requirements. Mr. Molina explained that Mr. Norcini has contested the Engineer review fees for his project. Mr. Carnes explained the City may be forced to enter into arbitration to discuss the disputed fees. He recommended the City take action at the next meeting to approve or deny the application. If action is not taken by the November 25, 2014 deadline, the plan is approved. Council asked for the item to be placed on the November 10, agenda for action.

2. Discuss Reorganization Meeting time

Mr. Carnes explained the time of the organizational meeting can be changed by City Council if; 1) City Council takes formal action sufficiently in advance of the organizational meeting; 2) public notice is provided in accordance with the law prior to the organizational meeting; and 3) the change times justified as necessary to ensure the benefits of attendance of all members of City Council.

The rule of reason and statutory construction establish that 3:00 PM date is not critical to the purposes of the organizational meeting and can be changed. In the event an organizational meeting occurs on the date of the first Monday January the Charter does not restate the 3:00 p.m. time. The purpose of the organization meeting is to organize and elect the President and Vice President. The fact that the 3:00 PM time is not re-stated relative to an organizational meeting on a date other than the first Monday January indicates that the time is not critical. This is further supported by other language in a Charter

Previously, all members the City Council have been able to meet at 3:00 PM. Under current circumstances, however, not all members can be present at this time. As this circumstance has been identified in advance, the City Council does have the authority to change the time of the meeting - as the actual time of the meeting is not critical to the purpose of the meeting. This needs to be approved by City Council and the public will need to be given notice.

In Section 2-211 of the City Charter it is noted that the "City Council shall adopt rules and regulations which meetings shall be designed to assure full and equal participation...by all its members and shall not be inconsistent with specific provisions of the Charter." Where a City Council member will be excluded from the organizational meeting as a result of the 3:00 p.m. meeting time, but can be present (with all members at 6:00 p.m.) this justification for changing the meeting time to allow the purpose of the organizational meeting to take place with full participation by all officials the City Council. This also came in the public which will be more available able to attend.

Mrs. Lawson and Mrs. Lavender-Norris asked what would happen if there was not a quorum at 3:00 pm. Mr. Carnes explained no vote would be taken.

Mrs. Hunt asked Mr. Carnes to further investigate the matter before Council approves the time change. She does not want it to come back that they were not in compliance with the Charter.

Special Events

There were no special events at this time.

Council Comments

Mrs. Lavender-Norris thanked everyone for attending the meeting. She stated she will be at the first meeting in January at 5:00 pm.

Mrs. Lawson thanked everyone for attending the meeting. She is looking forward to the Ward meetings. She thanked Council for the flexibility with the Reorganization Meeting time. It is important to have all seven members present. She stated she will be at the first meeting in January at 5:00 pm also.

Mrs. Jones thanked everyone for attending the meeting. She stated “the Law is clear, Laws are on the books because they are Laws. She quoted “Action without study is failed, study without action is futile.”

Mr. Simpson thanked everyone for attending the meeting and wished them a good night.

Mrs. Hunt thanked everyone for attending the meeting. She encourages everyone to come out to her Summit on October 30th from 7:00 pm to 9:00 pm. She stated Ebenzier Church has requested to close Lincoln Highway to Diamond Street on November 21, 2014 from 9:00 pm to midnight for a “Midnight Miracle Service.” If the City was unable to grant the street closure, they suggested the use of the parking lot in front of City Gate.

President Hamrick thanked everyone for attending the meeting and wished everyone a good night.

Adjournment

Mr. Simpson made a motion to adjourn the meeting at 9:05 pm; Mrs. Lawson seconded the motion. Motion passed 6-0.

Kirby Hudson
City Manager