

SHARON CITY COUNCIL

Purpose: Regular Council Meeting
Date: Thursday, January 15, 2009
Time: 6:30 P.M.
Location: Sharon Municipal Building Council Chambers

MINUTES

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL - PRESENT:

TIME: 6:30 P.M.

Council:

President Donato	Mr. Flower
Mr. Connelly	Mr. Messina
Mr. Heutsche	

News Media:

Attorney Madden - City Solicitor	Courtney Anderson - The Herald
Mayor Robert J. Lucas	
Sharronda Faber - City Clerk	

Dept. Heads:

Terry Whalen - Fire Chief
Michael J. Menster - Chief of Police

Also in attendance:

Carol Swartz	Ed Palanski
Michael Unrue	Janet Thomas
Paul McSherry	Fred Hoffman
Kevin McMahan	Ron Maurice
Matt Grove	Kenny King
Bob Fiscus	Jason Clepper

PUBLIC HEARING FOR ORDINANCES

Public Hearing for Ordinance 34-08, introduced by Mr. Flower December 23, 2008 and Tabled January 5, 2009 - SECOND AND FINAL READING

An Ordinance authorizing a Collective Bargaining Agreement with Local 417 of the International Association of Firefighters for the period beginning January 1, 2009, through December 31, 2012.

Public Hearing for Ordinance #01-09, introduced by Mr. Donato - January 5, 2009 - SECOND AND FINAL READING

An Ordinance authorizing the lease of 1000' square feet of the Municipal Building to the City of Sharon Sanitary Authority for office purposes for and in consideration of \$12,000.00 for a term of one year; authorizing the sale of certain vehicles and equipment to the Sharon Sanitary Authority; authorizing a contract for administrative services; and appointing an agent for PA One Call Services; all effective January 15, 2009.

PUBLIC COMMENTS - AGENDA ITEMS

PUBLIC COMMENTS - ANY ITEM ON THE AGENDA:

Mayor Lucas advised that there were difficulties in negotiating the contract with the Fire Department as the City had many demands. He stated that the Fire Department "stepped up to the plate" and negotiated a good contract. He said the Contract addressed many recommendations from the Early Intervention report, and that the contract will help the City move in the right direction as far as the Fire Department goes. Mike Donato read a letter he received from the Home Rule Transition Committee expressing their concerns over the contract, and their belief that there is a conflict of interest with the Mayor, a retired firefighter, negotiating the Contract, and Mr. Donato, also a retired firefighter, voting on the Contract. They advised that it violates provisions of the Home Rule Charter. Mr. Ed Palanski stated that the Transition Committee takes their role seriously, and that while there is not a problem with the contract itself, their concern is the implementation of the Home Rule Charter during its first year. There are two provisions in the Home Rule Charter that address conflict of interest. He suggested that the solicitor render his opinion. Mr. Donato advised that in conversations with Atty. Madden, he has stated that the paragraph regarding conflict of interest in the Home Rule Charter is ambiguous at best. Mr. Palanski stated that he feels that it would be prudent for City Council to get a legal opinion first, else the public has a right to appeal the contract with the courts. Carol Swartz stated that as a resident, she is concerned with what's being given up by the Fire Department and balancing that with the thought about the service being performed by the Fire Department. She stated that the arguing between the Home Rule committee and the City Officials must stop in order for the City to move forward. Paul McSherry, a Sharon Firefighter, read a letter that he prepared. In his letter, Capt. McSherry defends the fire department against attacks by the media and others in the community. He advised that in 8 years there has only been a 12% increase in their budget. He advised that the contract is fair and that the Fire Dept. is taking several concessions in understanding of the City's financial crisis. He advised that the Fire Department has taken the initiative in applying for grants, and that without having additional manpower, the Fire Dept. has taken on rental inspections and an agreement for joint response with Farrell. He advised that the City is getting a bargain from the Fire Dept. and that their staffing levels are below those recommended by the Early Intervention Report. He stated that the Sharon Fire Department will continue to provide quality firefighting services at "bargain basement prices." Mr. Fred Hoffman inquired about the letter sent from the Home Rule Transition Committee, and stated that as a member of that committee, he does not agree with the letter. He stated that there is a concern with the role of the Home Rule Transition Committee moving to a "watchdog" position over everything that City Council is doing. He stated that they should be focused on the administrative code and in the search for a City Manager. Mayor Lucas advised that it is his role to negotiate contracts. Mr. Palanski thanked everyone for their comments and stated that the Home Rule Transition Committee is not trying to dismantle the Fire Department. He stated that it is not an option to have a volunteer fire department. He advised that he is glad to see communication between City Officials and members of the community and committee. He advised that there was simply a discussion at a Transition Committee meeting and they recognize their role to see an orderly transition from former government to Home Rule form of government. He stated that they need to work together - the only way to get ahead is to use everyone's talents and work as one. Councilman Heutsche stated that he has had a discussion previously with Mr. Palanski about the Transition Committee getting off track. He advised that although Mr. Palanski disagrees with this opinion, he will have a hard time continuing to participate with the committee in the future if this continues....Too much time is spent by the committee criticizing the City and the way things are being done. He advised that everyone is trying to do the best job for the City; he expressed being disenchanted with the route the Home Rule Transition Committee is going. Mr. Heutsche

referred to section 1707D of the Home Rule Charter, which states that the Transition Committee is to participate in the selection process for City Manager; he advised that the ultimate responsibility rests with City Council. He recommends that City Council take over control of the selection process of City Manager. He stated that since City Council has the legal responsibility to appoint a City Manager - not to exclude the Home Rule Transition Committee - then City Council needs to take control of the process. Mr. Palanski stated that he believes it is unfortunate to the future of the City to exclude the transition committee from the process. He stated at most meetings they work to update the administrative code. He advised that the committee is working on the selection process. He also discussion issues that are being discussed at the transition committee meetings, and feels that it is important for the committee to discuss them. He stated that he is not questioning the integrity of Mr. Donato but also feels that it is important to point out that the conflict of interest exists. Mr. Heutsche questioned the value of (the transition committee) pointing out every little thing; it creates a conflict between the committee and City officials. He advised discussion is needed on who controls the selection process.

Mayor Lucas advised that the City struck an agreement with the Sharon Sanitary Authority, which helped to balance the budget. He advised that there was good cooperation between the two entities

WORKSHOP

DISCUSSION OF AGENDA ITEMS BY COUNCIL:

I) ORDINANCES

Ordinance #02-09 - Set Tax Millage at 26.51 Mills - Carol Swartz questioned the Mayor over the confusion of not being aware of what happens with nonresidents.

with Ohio
Solicitor, and DCED
that by removing the
equates to approx. 5
will make the wage tax
contacting Rep. Longietti about
residents the same amount).

residents. He stated that he was also advised by the auditor, City
that Ohio residents can not be charged the 2.25%. He advised
increase for Ohio residents it creates a deficit of \$500,000, which
mills of property tax. He stated that the change in the Ordinance
for residents 2.25% and nonresidents 1%. He discussed
changing the legislation (to allow charging Ohio

II) RESOLUTIONS

Resolution #07-09 - Award 2009 COG Bids under Joint Municipal Purchasing Program - Councilman Heutsche disclosed that he is legal counsel for Flynn's Tires.

ORDINANCES

MOTION that Ordinance #34-08 entitled "An ORDINANCE of the Council of the City of Sharon authorizing a Collective Bargaining Agreement with Local 417 of the International Association for the period beginning January 1, 2009 through December 31, 2012" **pass FINAL reading by title.**

Motion: Mr. Flower

Second: Mr. Heutsche

Vote: Yes - Mr. Messina

Yes - Mr. Flower

Yes - Mr. Connelly

Yes - Mr. Heutsche

Mr. Donato - Abstained from voting

MOTION that Ordinance #01-09 entitled "An ORDINANCE of the Council of the City of Sharon authorizing the lease of 1000 square feet of the Municipal Building to the City of Sharon Sanitary Authority for office purposes for and in consideration of \$12,000.00 for a term of one year; authorizing the sale of certain vehicles and equipment to the Sharon Sanitary Authority; authorizing a contract for administrative services; and appointing an agent for PA One Call Services; all effective January 2009" **pass FINAL reading by title.**

Motion: Mr. Messina

Second: Mr. Connelly

Vote: Yes - Mr. Connelly

Yes - Mr. Heutsche

Yes - Mr. Flower

Yes - Mr. Messina

Yes - Mr. Donato

MOTION that Ordinance #02-09 entitled "An ORDINANCE of the Council of the City of Sharon amending and fixing the tax rate for the fiscal year 2009 for general City purposes, the sum of 21.51 mills on each dollar of assessed valuation; and for debt purposes, the sum of 5 mills on each dollar of assessed valuation, or the total of 26.51 mills on each dollar of assessed valuation, and repealing all Ordinances inconsistent herewith" **pass FIRST reading by title.**

Motion: Mr. Heutsche

Second: Mr. Flower

Vote: Yes - Mr. Heutsche

Yes - Mr. Connelly

Yes - Mr. Messina

Yes - Mr. Flower

Yes - Mr. Donato

MOTION that Ordinance #03-09 entitled "An ORDINANCE of the Council of the City of Sharon amending the Codified Ordinances of the City of Sharon, **Part Eight** - "Business Regulation and Taxation;" **Title Four** - "Taxation;" **Chapter 840** - "Earned Income Tax;" **Section .02** - "Imposition of Tax," to set the rate for nonresidents at 1%" **pass FIRST reading by title.**

Motion: Mr. Heutsche

Second: Mr. Connelly

Vote: Yes - Mr. Flower

Yes - Mr. Messina

Yes - Mr. Connelly

Yes - Mr. Heutsche

Yes - Mr. Donato

CONSENT AGENDA

THE FOLLOWING ITEMS ARE CONSIDERED BY CITY COUNCIL TO BE ROUTINE CITY BUSINESS AND WILL BE ENACTED BY ONE MOTION AND ONE ROLL CALL VOTE. ANY COUNCIL MEMBER, CITY OFFICIAL OR CITIZENS WISHING CLARIFICATION OF AN ITEM MAY ASK A QUESTION BY RAISING THEIR HAND AND IDENTIFYING THE ITEM BEFORE ADOPTION OF THE ITEM.

MOTION that Resolution #05-09 entitled "A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing, in accordance with Section 915 of the Home Rule Charter, the Mayor and Finance Director, or in the absence of a Finance Director, the Controller or Treasurer, to pay the bills on Schedule 'A' " **be adopted.**

MOTION that Resolution #06-09 entitled "A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing final payment in the amount of \$10,031.19 to Sharon Paving & Construction Company, Inc. for work completed on the 2008 Public Facilities & Street Improvement Project" **be adopted.**

MOTION that Resolution #07-09 entitled "A RESOLUTION of the Council of the City of Sharon, Award the 2009 COG Bids under the Joint Municipal Purchasing Program" **be adopted.**

Motion to approve items on the Consent Agenda:

Motion: Mr. Heutsche

Second: Mr. Flower

**Vote: Yes - Mr. Messina
Yes - Mr. Connelly
Yes - Mr. Heutsche**

**Yes - Mr. Flower
Yes - Mr. Donato**

COMMENTS:

NEWS MEDIA:

Courtney Anderson - The Herald - Inquired when the wage tax increase would go into effect. Attorney Madden advised that it was effective January 5, 2009 for Sharon residents. She asked if there was an issue with setting the millage. Attorney Madden advised no, the tax notices have not been sent out yet. She inquired if Council delayed passing the budget; Attorney Madden stated that the budget was passed at the January 5, 2009, meeting.

CITIZENS:

Carol Swartz - Commented on the microphones not working properly and difficulty hearing Council. Inquired to Mr. Heutsche about his vote on the Home Rule Transition Committee and on Council - stated that the vote trends are the same. Kudos to the street dept. for snow removal.

MAYOR LUCAS:

Commended the street department for snow removal; advised that it was the fourth largest snowfall that ever hit the City, and that they could only use 8 workers. Applauded citizens who attended the Council Meeting despite the cold weather. Stated that the TAN note was moving forward; should be received by the 26th of January; advised that it was the first time the City had not received it by the 5th and commented that two payrolls have already been made without it. Mayor Lucas addressed Mr.

Palanski and advised that it is difficult to work in the framework of the Home Rule Charter language. It is very ambiguous. He stated that everyone needs to work together. He also requested that the Home Rule Transition Committee move their meetings from Mondays to Tuesdays so that members of Council and the Mayor can attend.

MR. HEUTSCHE:

None

MR. FLOWER:

Commended Mr. Donato for doing a good job at his first meeting as Council President. Stated that Tuesdays are better for him for Home Rule Transition meetings. Discussed Martin Luther King Day and the upcoming inauguration of Mr. Obama.

MR. MESSINA:

Stated that quality communication is need in the City - looking forward to next three years on Council. Wants everyone to work together.

MR. CONNELLY:

None

MR. DONATO:

Commented to Mr. Palanski about the section of the Home Rule Charter that addresses conflicts of interest; stated that it was ambiguous. Questioned what if the new City Manager is a retired employee. He stated that he is now a Councilman and is doing what he was elected to do.

ADJOURNMENT:

Meeting adjourned at 7:30 P.M.

Motion: Mr. Heutsche

Second: Mr. Flower

**Vote: Yes - Mr. Flower
Yes - Mr. Messina
Yes - Mr. Connelly**

**Yes - Mr. Heutsche
Yes - Mr. Donato**

Council President

Attest:

City Clerk