

SHARON CITY COUNCIL

Purpose: Regular Council Meeting
Date: Thursday, November 12, 2009
Time: 6:30 P.M.
Location: Sharon Municipal Building Council Chambers

MINUTES

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL – Present:

TIME: 6:34 P.M.

Council:

President Donato
Mr. Connelly
Mr. Heutsche

Mr. Flower
Mr. Messina

Attorney Madden - City Solicitor
Mayor Robert J. Lucas
Sharronda Faber – City Clerk

News Media:
Courtney Anderson - The Herald
Jeanne Starmack - The Vindicator

Dept. Heads:

Terry Whalen - Fire Chief
Michael J. Menster - Chief of Police
Diane Thut - Treasurer
Joseph Fragle - Community Development
John Cave - Street Dept.

Also Present:

Larry Reeher
Noel Moss
Ed Palanski
Rich Wallace
William McConnell Jr.
Ann Weisley
Delores Jisko
Tom Lavorini
Amy Lavorini
Chris Gavin
Carol Swartz
Alec Moyer
Marcia Moyer
Norm Giardina
John Heutsche

Phillip Nespor
Dick Morjan
Judy Marjan
John Evans
Don Reed Jr.
Karen Reed
Capt. Travis Martwinski
Gerald Mitchell
Bob Means
Dave Kepics
Nicholas Baron
Dawnle Scheetz
Larry Scheetz
Maureen Dunn

PUBLIC HEARING FOR ORDINANCES

Public Hearing for Ordinance 12-09, introduced October 15, 2009 - SECOND AND FINAL READING

An Ordinance amending Ordinance 28-08, an Ordinance establishing and designating the authorized personnel for each of the City's six administrative codes for the year 2009, to add thereto one Patrolman to the Police Department

No Comments or discussion.

WORKSHOP

DISCUSSION OF AGENDA ITEMS BY COUNCIL:

I) ORDINANCES

Ord. 15-09 – Mr. Connelly inquired about the increase in millage. Mayor Lucas explained that a mill is worth about \$92,000; the original budget proposed called for a higher tax millage but he has been working to reduce it to only about .4 increase in tax mills.

Ord. 20-09 – Inquired about the change in personnel. Mayor Lucas clarified that the complement called for one full-time code enforcement officer. Mr. Connelly also inquired about why there are no part-time firefighters listed in the complement. Mayor Lucas advised that the number fluctuates for the number of part time firefighters, and that he listed it in the budget under per diem firefighters (to fund the positions) but not in the complement. Attorney Madden suggested putting the maximum number that would be having on board in 2010 in the complement. Mr. Connelly stated that he was confused about eliminating the Chief Clerk's position. Mayor Lucas advised that he proposed cutting the Chief Clerk's part time position as well as eliminating one full time position in the tax office.

II) RESOLUTIONS

Res. #93-09 – Mr. Connelly inquired if this is where the money is coming from to fix the light at Case Ave./State St. Mayor Lucas advised that it is not – it will come from a different line item.

PUBLIC COMMENTS - AGENDA ITEMS

PUBLIC COMMENTS - ANY ITEM ON THE AGENDA:

Carol Swartz – Ordinance 15-09 – Inquired about the tax increase. Mayor Lucas explained that some things are coming in cheaper and in 2010 the City can take advantage of Act 44 (Pension – MMO) which will help to reduce the expenses. He anticipates the tax increase as only 0.4 mills.

William McConnell Jr. – Inquired about the increase in real estate taxes. Asked why raise taxes if you have not yet held a review of the budget (by City Council). Mayor Lucas advised that it takes to readings to pass the budget. He stated that the second reading is the one that matters as it is the final reading. Mr. Heutsche explained that if City Council does not pass the budget ordinances by first reading tonight, then there will have to be a special council meeting called in order to have the budget finalized in time.

ORDINANCES

MOTION that Ordinance #12-09 entitled “An ORDINANCE of the Council of the City of Sharon, County of Mercer, Commonwealth of Pennsylvania, amending Ordinance 28-08, an Ordinance establishing and designating the authorized personnel for each of the City’s six administrative codes for the year 2009, to add thereto one Patrolman to the Police Department” **pass FINAL reading by title.**

Motion: Mr. Flower

Second: Mr. Heutsche

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

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

MOTION that Ordinance #15-09 entitled “An ORDINANCE of the City of Sharon fixing the tax rate for the fiscal year 2010 for general City purposes, the sum of 23.1 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 28.1 mills” **pass FIRST reading by title.**

Motion: Mr. Flower

Second: Mr. Heutsche

**Vote: NO - Mr. Messina
NO - Mr. Connelly
Yes - Mr. Flower**

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

ORDINANCE 15-09 PASSED 1ST READING BY 3-2 VOTE

MOTION that Ordinance #16-09 entitled “An ORDINANCE of the City of Sharon adopting the Community Development Administrative budget for fiscal year 2010 in the amount of \$302,556” **pass FIRST reading by title.**

Motion: Mr. Connelly

Second: Mr. Messina

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

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

MOTION that Ordinance #17-09 entitled “An ORDINANCE of the City of Sharon adopting the Community Development Entitlement budget for fiscal year 2010 in the amount of \$751,555” **pass FIRST reading by title.**

Motion: Mr. Flower

Second: Mr. Connelly

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

**Yes - Mr. Connelly
Yes - Mr. Donato**

MOTION that Ordinance #18-09 entitled “An ORDINANCE of the City of Sharon adopting the Liquid Fuels budget in the amount of \$335,150 for fiscal year 2010” **pass FIRST reading by title.**

Motion: Mr. Flower

Second: Mr. Connelly

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

**Yes - Mr. Messina
Yes - Mr. Donato**

MOTION that Ordinance #19-09 entitled “An ORDINANCE of the City of Sharon adopting the Capital Improvements Budget in the amount of \$849,317 for fiscal year 2010” **pass FIRST reading by title.**

Motion: Mr. Heutsche

Second: Mr. Messina

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

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

MOTION that Ordinance #20-09 entitled “An ORDINANCE of the City of Sharon establishing and designating the authorized personnel for each of the six (6) administrative codes for 2010” **pass FIRST reading by title.**

Motion: Mr. Flower

Second: Mr. Heutsche

**Vote: Yes - Mr. Heutsche
NO - Mr. Messina
NO - Mr. Connelly**

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

ORDINANCE 20-09 PASSED 1ST READING BY 3-2 VOTE

MOTION that Ordinance #21-09 entitled “An ORDINANCE of the City of Sharon appropriating specific sums estimated to be required for the specific purposes of City Government during the fiscal year 2010 in the amount of \$8,161,443” **pass FIRST reading by title.**

Motion: Mr. Flower

Second: Mr. Heutsche

**Vote: Yes - Mr. Flower
Yes - Mr. Heutsche
NO - Mr. Messina**

**NO - Mr. Connelly
Yes - Mr. Donato**

ORDINANCE 21-09 PASSED 1ST READING BY 3-2 VOTE

RESOLUTIONS

MOTION that Resolution #92-09 entitled “A RESOLUTION of the Council of the City of Sharon

approving the Five Year Consolidated Plan for FY 2010 – FY 2014 and Annual Action Plan for the Fiscal Year 2010 CDBG Program” **be adopted.**

Motion: Mr. Connelly

Second: Mr. Flower

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

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

MOTION that Resolution #93-09 entitled "A RESOLUTION of the Council of the City of Sharon, Pennsylvania, authorizing a General Fund Budget Transfer" **be adopted.**

<u>From Acct #</u>	<u>To Acct #</u>	<u>Amount</u>
01445540	01403260	
Electric/Lighting	Audit Expense	\$11,500.00

Motion: Mr. Flower

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 #94-09 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 #95-09 entitled “A RESOLUTION of the Council of the City of Sharon, Pennsylvania, accepting the audit report for the City from Black, Bashor & Porsch, LLP for year ending December 31, 2008” **be adopted.**

MOTION that Resolution #96-09 entitled “A RESOLUTION of the Council of the City of Sharon, Pennsylvania, authorizing Payment No. 1 to Drew Excavating, Inc. in the amount of \$25,585.61 for the 2009 Public Facilities and Street Improvement Project for Storm Inlet Replacements” **be adopted.**

MOTION that Resolution #97-09 entitled “A RESOLUTION of the Council of the City of Sharon, Pennsylvania, authorizing Final Payment to Butch and McCree Paving, Inc. in the amount of \$40,356.37 for the 2009 Public Facilities and Street Improvement Project” **be adopted.**

MOTION to approve the minutes from the October 15, 2009, Regular Council Meeting" **be adopted.**

Motion to approve items on the Consent Agenda:

Motion: Mr. Heutsche

Second: Mr. Messina

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

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

SHARON CITY COUNCIL

THURSDAY, NOVEMBER 12, 2009

AGENDA – ADDENDUM

The following items were added after the agenda was completed:

MOTION that Resolution #98-09 entitled “A RESOLUTION of the Council of the City of Sharon authorizing the proper City Officials to accept a Federal Byrne Justice Assistance grant in the amount of \$16,290 for the purchase of a server, Citrix software, and five (5) laptop computers for use in the police cruisers” **be adopted.**

Motion: Mr. Heutsche

Second: Mr. Connelly

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

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

MOTION that Resolution #99-09 entitled “A RESOLUTION of the Council of the City of Sharon appointing Mr. Thomas Lavorini as City Manager for the City of Sharon for an interim period of up to twelve (12) months in accordance with the terms of the letter of agreement” **be adopted.**

Motion: Mr. Connelly

Second: Mr. Heutsche

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

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

MOTION that Resolution #100-09 entitled “A RESOLUTION of the Council of the City of Sharon authorizing the execution and delivery of a correcting quit claim deed to George Joseph George a/k/a George Joseph Wahabe for property on Lafayette Avenue” **be adopted.**

Motion: Mr. Flower

Second: Mr. Connelly

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

**Yes - Mr. Connelly
Yes - Mr. Donato**

MOTION that Ordinance #22-09 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 \$14,000 for a term of one year” **pass FIRST reading by title.**

Motion: Mr. Connelly

Second: Mr. Flower

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

**Yes - Mr. Messina
Yes - Mr. Donato**

<u>COMMENTS:</u>

Mr. Donato introduced the newly hired City Manager, Mr. Thomas Lavorini. Mr. Lavorini stated that he is looking forward to working for the City but cautioned that it will not be easy; we are agents of change. He stated that the residents began the change when they voted for Home Rule and the changing of the City government. The City also had an early intervention report completed. He stated that he is looking forward to working with everyone. Mr. Donato announced that Mr. Lavorini starts on Monday, and that he will work with the Mayor through a transition period, and to help finalize the preliminary budget.

NEWS MEDIA:

Courtney Anderson – The Herald - Inquired about the salary and benefits for the City Manager. Asked for comments from Council members about the new City Manager. Mr. Messina stated that it has been a grueling process for the Home Rule committee, and that they have done a tremendous job in picking the City Manager. Mr. Flower stated that they made a great choice and commended the committee for their hard work. Ms. Anderson inquired about the “no” votes from Mr. Connelly and Mr. Messina. Mr. Connelly stated that as he went through the budget he found a disparity in collection of taxes and he doesn’t know where it’s at. He stated that with a 13% unemployment rate the City needs to be more frugal, and also more aggressive with cutting expenses. He also advised that he will not vote for the budget until the complement is corrected and with no tax increase. Mr. Messina advised that it is the law of diminishing returns – we continue to have more people who can’t afford to pay the taxes now and yet we are proposing an increase. He stated that other cities are finding ways to stay within their means. Mr. Heutsche advised that this Council has not raised taxes for the past 6 years. They raised the earned income tax in 2009 but that was revenue neutral. Mr. Messina stated that the school district and county are raising taxes and he does not believe the City should also. Mr. Donato advised that this is only a proposed budget and is not final. Mayor Lucas explained the process for finalizing the budget and that City Council has a lot of work to do in order to pass the budget. It is a work in progress. Ms. Anderson inquired about the audit report and if there were any findings. Mayor Lucas advised that there were no findings and invited her to review it in his office. He stated that the City finished the year in a plus. Inquired about the Quit Claim Deed. Attorney Madden explained that in 1952 the City held a treasurer’s sale of property. When the deed was done, the name on it was reversed and one of the legal descriptions of the property was incorrect. This will

correct the record.

Jeanne Starmack – The Vindicator – Inquired about what the proposed tax increase is. Mayor Lucas explained that the millage was set at 26.51 mills for 2009 and that the proposed 2010 millage is 28.1 mills. She inquired about the reason for the tax increase. Mayor Lucas explained that health care costs are increasing by 30% and that there are also increases in some other costs. He advised that since he first proposed the 2010 budget some costs have decreased, so he is down to an increase in millage of only .4 mills.

CITIZENS:

Bob Means – Forker Blvd. – Commended the City for replacing some of the lighting and making it better. Inquired about whether the ditches along State St. would be repaired (from construction). Mayor Lucas advised that it is an Aqua project and that it is not completed yet. Mr. Means inquired about the status of the lawsuit to release names of delinquent sewer bill customers. He was advised that he would have to ask the Sharon Sanitary Authority. Attorney Madden commented that Judge St. John has not completed his findings of fact yet.

Robert Wilson – Yahres Rd. – Inquired if the 30% increase in health care costs mentioned by the Mayor has already been established. Mayor Lucas explained that he went to 5 different carriers for quotes. He stated that two were not willing to bid and two were higher than the 30% increase. He cited at least six health care claims from the past year that were higher than \$25,000 as being part of the reason for the higher proposed premiums.

William McConnell Jr. – Yahres Rd. – Spoke in reference to Mr. Heutsche's statement that City Council had not raised taxes in recent years. He stated that City Council's increase in the earned income tax was the highest tax increase in the City's history and disputed Mr. Heutsche's claim that they had not raised taxes.

Don Reed – Alcoma St. – Stated that those who voted for Home Rule offered an opportunity to shift the tax burden to those who are working. Advised that on behalf of the Chamber of Commerce (Mr. George Gerhart was unable to attend the meeting) offered commendation for the great leadership and for the past year's property tax decrease.

Carol Swartz – Lorain St. – Complained about traffic being backed up at Budd St./Irvine Ave. with the stop signs. Requested that the City put the lights back up. Mayor Lucas explained that the problem with the traffic lights is that truck traffic would travel through at a higher rate of speed. He said that the stop signs help control the speed, and that the City is still looking at another year with the freeway closed. Inquired about Mr. Lavorini and whether he had submitted a resume. She stated that she was surprised that his name appeared as the one the City hired when he was not one of the candidates introduced at the "meet and greet." Mr. Donato advised that Mr. Lavorini submitted his resume after the meet and greet and that the candidates that were introduced were not finalists. He advised that the process was still open to accept resumes. Ms. Swartz inquired if Mr. Lavorini was going to live in Sharon. Mr. Lavorini stated that he has no plans at this time to move. Mr. Connelly described the process to hire a City Manager as a "process that ended up being a marathon" with about 50 resumes being received. Mr. Wilson advised that the process was not completed at the public interview session – it has been an ongoing search.

Marvin Weisberg – Bentley Ave. – (Joined by Frank Powell) Discussed a problem with parking tickets being issued recently to residents who live along the street. He advised that it has never happened before and that all the residents get along. He stated that they circulated a petition

requesting that City Council amend the Ordinance to allow parking on both sides of the street. Mayor Lucas explained that the complaint came from a school bus driver. He recommended to City Council that they amend the Ordinance to allow parking on both sides of the street, and did not anticipate a problem with emergency vehicles having enough room to get through.

James Carter – Hazen Pl. – Discussed a parking problem on his street and traffic having a difficult time getting through due to the parking situation. Mayor Lucas advised that parking is currently allowed on both sides of the street, but that it should be reviewed due to the narrow size of the road, and that parking possibly be restricted to one side of the street.

Dave Slovesky – Inquired about the burning ordinance and complained about neighbors having fires in their back yards. Chief Whalen explained the burning ordinances, and stated that fires for cookouts is not really addressed in the ordinance. He stated that the fire department works with residents to allow bonfires, but that they should not be happening nightly. He advised that permits are issued for mostly industrial properties. Mr. Slovesky requested that the ordinance be amended to address residential cooking fires. He also inquired about parking on sidewalks. He stated that he sees it everywhere and it is not being enforced. Chief Menster advised that the police department responds to complaints, but that there is not a full time traffic enforcement officer.

MAYOR LUCAS:

Commended the crowd for attending the Council meeting. Complimented the police department for handling the recent homicide investigation. Discussed the new fire truck, and stated that today the fire department saved a house on North St. Stated that he looks forward to working with Mr. Lavorini.

MR. HEUTSCHE:

Stated that he was pleased to note that Route 60 was redesignated as I376. Discussed renaming Dock Street to Martin Luther King Boulevard, as requested by the ministry a while back.

MR. FLOWER:

Stated that approximately 6 years ago, when the ministry requested changing the name of Dock St. to MLK Blvd., he advocated doing something else to honor the late Dr. King, such as renaming Bicentennial Park. He suggested that they look at the issue again next month. He welcomed Mr. Lavorini to the City. Stated to Mayor Lucas that he had also received a complaint about the work that Aqua did on State St.

MR. MESSINA:

Congratulated Mr. Palanski and Mr. Heutsche for their victory in the recent election. Welcomed Mr. Lavorini. Thanked the transition committee. Complimented the Police Dept and Fire Dept for their work on the homicide.

MR. CONNELLY:

Commended the police and fire departments for their hard work. Stated that he was glad to see the crowd, and hoped they would help fill vacancies on the boards and commissions. Welcomed Mr. Lavorini and his wife, and stated that hiring the City Manager was the culmination of three years of work. Thanked the Home Rule Transition Committee and acknowledged the work of Mr. Hoffman, Mr. Biro, Mr. Palanski, Mr. Fiscus, Mr. Evans, Mr. McConnell, Mr. Wilson and Mr. George.

MR. DONATO:

Announced the dates for the public hearings on the budget: Monday, November 23, 2009 at 6:00 p.m. and Wednesday, December 2, 2009 at 6:00 p.m.

ADJOURNMENT:

Meeting adjourned at 7:40 P.M.

Motion: Mr. Flower

Second: Mr. Heutsche

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

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

Attest:

Council President

City Clerk