

**CITY COUNCIL MEETING
MINUTES
Monday, February 8, 2010
7:00 p.m.**

Mayor Eisaman called the meeting to order at 7:00 p.m. City Administrator, Susan Trout, took roll call with the following members present: Councilwoman McCormick, Councilman Peterinelli-via phone, Councilman DePasquale and Mayor Eisaman. City Solicitor, Timothy McCormick and City Treasurer/Fiscal Director, Mary Perez were also present. Councilman Tridico was absent.

*****PLEDGE OF ALLEGIANCE*****Councilman DePasquale

*****REQUEST FOR PROPOSALS***Auditing Services**

<u>Bidder</u>		<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>Total</u>
Malin, Berquist & Co., LLP Greensburg, PA	Base Bid	<u>\$23,470</u>	<u>\$24,175</u>	<u>\$24,900</u>	<u>\$72,545</u>
	Single Audit	<u>No Bid</u>	<u>No Bid</u>	<u>No Bid</u>	<u>No Bid</u>
Maher Duessel Pittsburgh, PA	Base Bid	<u>\$14,450</u>	<u>\$15,025</u>	<u>\$15,625</u>	<u>\$45,100</u>
	Single Audit	<u>\$2,090</u>	<u>\$2,175</u>	<u>\$2,265</u>	<u>\$6,530</u>
Delisi & Assoc. Greensburg, PA	Base Bid	<u>\$15,900</u>	<u>\$15,900</u>	<u>\$15,900</u>	<u>\$47,700</u>
	Single Audit	<u>\$2,900</u>	<u>\$2,900</u>	<u>\$2,900</u>	<u>\$8,700</u>
Wessel & Co. Johnstown, PA	Base Bid	<u>\$28,500</u>	<u>\$29,400</u>	<u>\$30,300</u>	<u>\$88,200</u>
	Single Audit	<u>\$3,000</u>	<u>\$3,000</u>	<u>\$3,000</u>	<u>\$9,000</u>
Sarp & Co., CPAs Greensburg, PA	Base Bid	<u>\$14,440</u>	<u>\$15,476</u>	<u>\$16,012</u>	<u>\$45,928</u>
	Single Audit	<u>\$2,640</u>	<u>\$2,736</u>	<u>\$2,832</u>	<u>\$8,208</u>
Case Sabatini Pittsburgh, PA	Base Bid	<u>\$14,925</u>	<u>\$14,925</u>	<u>\$14,925</u>	<u>\$44,775</u>
	Single Audit	<u>\$2,015</u>	<u>\$2,015</u>	<u>\$2,015</u>	<u>\$6,045</u>

Ms. Trout, "As discussed at our agenda meeting last Tuesday we had received and opened five bids. We accepted a sixth bid the following day. There was a delivery error with the bid from Case Sabatini. They did provide proof that they had sent it timely. It was just a delivery error. The results are posted on the grid on the agenda. The low bid overall for all three years was Case Sabatini. We chose to interview four of the lowest priced firms based on the information they had submitted. Mary and I interviewed Case Sabatini, Maher Duessel, Sarp & Company and Delisi & Associates. We asked them extensive questions about their audit plan specifically who and what level of auditor would be on our audit. We talked to them about fees, additional costs associated with audits, if any, levels of experience, specific questions associated with different Governmental Accounting Standards Board (GASB) requirements of municipalities, and based on the responses and comparability, if you will, of one proposal to another, Mary and I recommend that we go with Maher Duessel. They're a Pittsburgh-based firm. The auditors that would be doing our audit are actually local. One is a City resident. Their total bid price for their base bid for the whole three years is \$45,100 and should we need a single audit over the three-

year period, the total price would be \$6,530. They're very well-versed in local government as I believe that is all they do and non-profits. There wasn't a single question that Mary or I asked them associated with the type of work and the type of things that we get involved with everyday that they didn't have a very good answer for. They had a great audit plan."

Ms. Perez, "They also had the most experience with cities and Home Rule municipalities such as ourselves."

Ms. Trout, "With that being said I recommend Maher Duessel with the base bid over the three-year period and the single audit. We know we're going to need one specifically in '09. We do anticipate it potentially in '10 and '11 for the price."

Mayor Eisaman, "Solicitor, correct me if I'm wrong, I'm assuming if we go with Maher Duessel, even though they are not the low bidder, but by qualifications we have the option since it's a professional contract?"

Solicitor McCormick, "That is correct. It's a professional service which is exempt from the bidding requirements, but I think the process used by Sue and Mary was a very thorough and good way to do it. So I think you should feel free to award the bid to the recommended party if that's what Council feels is appropriate."

Councilman DePasquale, "I'd just like to make a comment. It would be almost derelict if I didn't as a CPA myself, and I guess, just for purposes for the record. It's been a few years since the audit for the City was put out for bid. The environment in accounting has changed in recent years. We're not bound as a municipality by some of the guidelines by the legislation. Some of the legislation that has been passed in the last few years requires public companies to re-bid their audit every so many years to make sure there's an arm's length difference between the enterprise and the auditing firm. I think it was a good idea certainly as I said at the agenda meeting but I wanted to say now for the record that we put this out for bid. Even though we're not bound by some of the requirements of the legislation, it's been passed requiring public health companies to do it. I think that's a good guideline to follow. I thank Sue and Mary for all their work and diligence in looking over the proposals. All these firms are very well-respected but Maher Duessel does have their niche in the municipality market, so I think that will be good for us. Let's hope they provide some value as well as getting the audit done."

Councilman DePasquale **MOVED** to accept the proposal from Maher Duessel, and Councilwoman McCormick **SECONDED**. No further discussion. **All voted unanimously to accept the proposal from Maher Duessel.**

*****'SUMMERSOUNDS' REPORT***** **Gene James.** Mr. James, "As has been our practice the 'SummerSounds' committee likes to make sure you understand what we're doing. I must say that I'm happy with what we're doing. I have a copy of our annual report for the Council members. I want to point out a couple of highlights. We had a really wet summer with rain on eight out of our 14 concerts. Attendance was up 12% this year over 2008 so it just keeps growing and we're really happy with that. We continue to draw about 10% of our audience from outside Westmoreland County. That's due partly to the fact that we get a grant from the Tourism Bureau that helps us promote the concerts outside of the County. So we're bringing people to Greensburg. As a matter of fact depending on the show, but in general, I think around 44% of the people was beyond the Greensburg-Hempfield area. So we're bringing a lot of people into downtown and this year 44% of them told us they attended a local business presumably a bar or restaurant as a result of coming to the concerts. That amounts to a very substantial economic impact when you run those numbers out. It continues to be a family event and we try to keep it that way. Seventy-two percent of the attendees in our last survey were married which is way above the City's marriage rate. Sixty percent roughly were college graduates, so we're bringing people to town who have disposable income, I think. The other thing I want to say is I'm just

real happy to report that this concert series has become something that has drawn National and International attention. I'm getting calls from people in Europe who want to play here. We reviewed so far for 2010 on the order of 500 people who wanted to play. So the 2010 season is going to be a very good one; probably our best ever. I know a lot of people are going to be disappointed, but we aren't going to do the 'Beatlemania' show this year; perhaps again next year. With a total attendance last year of about 27,000 that works out to an average per-show of around 2,400-2,500 which is a good number for the park. The 'Beatlemania' show drew over 6,000 people and we felt that we were stretching the capacity of the park a little bit with that. I don't think that there were any adverse consequences. It was a great, well-behaved crowd. The 'SummerSounds' people tend to be adult with an average age of 52. I'd like to see that be a little bit lower. At any rate we're doing very well and we really appreciate the support of the City. As you know the concerts continue to be run by a volunteer team which is a little over 40 people. The bulk of the work is really done by the committee which is six people and we're really proud to have done so much to brag about Greensburg. An awful lot of people come here and say this is really a cool City. So I thank you again and I look forward to your support again next year. Any questions I can answer?"

Mayor Eisaman, "I would like to say on behalf of the City that I appreciate everything the committee does and the volunteers throughout the concerts. It's great to see those people in Greensburg on Friday nights and we appreciate all the hard work you do. Unfortunately I just see the activity on Friday night, but I am also well aware of how much work it is throughout the year to arrange all that, and I appreciate the many, many hours the committee and volunteers work benefiting the City of Greensburg and promoting the musicians coming into town. It's a great event; you produce it well."

Mr. James, "I know I speak for everyone on the committee to say that it's our pleasure. We enjoy working with the City and the City people."

Mayor Eisaman, "It's a great partnership."

Councilman Peterinelli, "Gene, I can't wait to get started to go see these on Friday nights again. I appreciate all he's doing."

Mr. James, "That would be Emil; front and center every show. Thank you very much."

Councilwoman McCormick, "Do you have a list of the performances for this year?"

Mr. James, "We've only booked five bands."

Councilwoman McCormick, "Five out of 14?"

Mr. James, "This year I'm not sure if it will be 13 or 14. The 14th show is underwritten by Seton Hill and they haven't made their commitment yet."

Councilwoman McCormick, "Are you still taking applications; are you still looking? Someone had recommended someone. They wanted to know if they could still put in an application."

Mr. James, "Always. The series is kind of marked by being a variety. For instance, we have booked our jazz bands for the year. So, if it's a jazz band, we'd look at it for next year."

Councilwoman McCormick, "I didn't know the process."

Mr. James, "We have boxes and boxes. Most of them are thrown away, but the ones we like we keep from year to year."

Councilwoman McCormick, "Sure. Thank you so much."

Mr. James, "Thank you very much."

Mayor Eisaman, "Thank you, Gene and thank you committee members and volunteers."

*****APPROVAL OF LAST MONTH'S COUNCIL MINUTES*****Councilman DePasquale **MOVED** to approve the minutes of last month's Council meetings, and Councilwoman McCormick **SECONDED**. No discussion. **Unanimously all voted in favor.**

*****APPROVAL OF MONTHLY BILL LIST*****Councilman DePasquale **MOVED** to approve the bill list and pay the bills as the money becomes available, and Councilman Peterinelli **SECONDED**. No discussion. **Unanimously all voted in favor.**

*****REPORTS OF COUNCIL*****

Councilwoman McCormick, “The Recreation Department is currently taking registrations for our Travel, In-house and Tot Soccer Programs for the spring season. These programs are designed for boys and girls ranging from two years old and up to 19 years old. The description of each program is posted on the City’s website at www.greensburgpa.org and you can call the Recreation Office at 724-834-4880 with questions about each program. We will also be taking registrations for Winter Baseball Camp. The camp will focus on the fundamentals of baseball, developing skills and providing the basic understanding of the rules that govern the game. It is for boys and girls ages 7-12 years old. There will be four, 2-hour sessions held on Saturday and Sunday, March 6-7, 2010 and March 13-14, 2010. Saturday times are 10:00 a.m. to noon, and Sunday times are noon to 2:00 p.m. The camp will be held at the Hempfield Recreation Center. Information on the Spring Baseball Program will be available on the City’s website, and this program is for boys and girls ages 5-16 years old and is projected to start in mid-April and continue until the beginning of July. The Kirk S. Nevin Arena will be hosting the 39th annual Laurel Hockey Tournament next month. It will be held on three consecutive weekends starting on Friday, March 12, 2010 and ending on Sunday, March 28, 2010. Some public skating sessions will be cancelled during this tournament and that information will also be on the website. This is important, and I checked with Frank. Tomorrow, February 9, 2010 will be the first day to start making reservations for pavilions at Mt. Odin and Lynch Field. The office will be open at 8:00 a.m. and it will be done on a first-come, first-serve basis. That is still going on for tomorrow.”

Mayor Eisaman, “I’m assuming if the people can’t make it tomorrow they can call down after the fact. After the first day we take the pavilion registrations by submitting applications. Can you call and get an application or is the application online because of the bad weather?”

Ms. Trout, “They’re online.”

Mayor Eisaman, “What I’m asking is will you accept after tomorrow mailed applications since there has to be a check?”

Mr. Lehman, “We take it as long as they have the payment.”

Mayor Eisaman, “So we will accept them via mail after the first day.”

Mr. Lehman, “Correct.”

Councilman Tridico, reported by Mayor Eisaman, “The weekend snowstorm required that all the resources available in the Street Department were employed. This included eight dump trucks with snow plows and salt spreaders, two backhoes, a snow blower and a truck equipped with only a snow plow. Between Friday evening and today a total of 235 man-hours have been logged by Department employees. This is just the Street Department so our Electric, Recreation and Maintenance Departments would be in addition to these 235 man-hours. An estimated total of 350 tons of salt were used during this same time period. We currently have approximately 500 tons in our storage building. Yesterday two contractors were employed to assist in removing snow with additional front loaders and dump trucks. They were also employed today. Initial efforts required that snow be removed from downtown and would expand to the neighborhoods as weather permits. Today the National Weather Service issued a Winter Storm Warning from 10:00 a.m. Tuesday until 7:00 p.m. Wednesday where we can assume that we may receive anywhere from one inch to many inches of snow.”

Councilman DePasquale, “I don’t think we’d want to go on without thanking everyone for the hard work they are doing. This is really, really a taxing time and I know at the college it looks like a war zone. Tell the guys to hang in there, keep their morale up, and thanks for everything they are doing.”

Councilwoman McCormick, “I personally would like to thank the firemen, police, road crews and everybody that has been out there keeping the citizens of Greensburg safe. Also, Les for being our emergency management person, Sue, the Mayor, you’ve all been working countless hours and I appreciate that and I’m sure everyone else does, too. If they only knew how many hours go into.....”

Mayor Eisaman, “In addition I want to thank the Council members for being available Saturday morning so we could declare a State of Emergency in the City of Greensburg. I appreciate their support in letting us proceed down that avenue for various reasons as far as getting contractors and possibly retaining dollars from the State of Pennsylvania if the dollars come with regard to disaster relief.”

Councilman Peterinelli, reported by Councilman DePasquale, “On tonight’s agenda under Council Approval there is a site plan/land development for Greensburg Commerce Park. The purpose of this plan is to construct an overflow parking lot for the new Dino’s Sports Bar on Towne Square Drive. The plan also includes new sidewalks to give the development pedestrian connectivity from the Hampton Inn all along Towne Square Drive down to the parking lot which is past Gander Mountain. This concludes my report.”

Councilman DePasquale, “Revenues at this point, of course we’re just starting the year, but after one month revenues are at 5% of budget after adjusting for the million dollar budget transfer. This is 1% higher than where we were with revenues at January 2009. Expenses are at 8% of budget. This is exactly the same as last year. Also, I want to report that the City received clean audit reports from the Department of the Auditor General for both the police pension plan and the non-uniformed pension plan for the years 2007 and 2008. That concludes my report.”

*****MAYOR’S REPORT*****

- a. Code, Fire and Police Reports.** Mayor Eisaman reviewed the Code, Fire and Police Reports. Copies of these reports may be obtained at the respective offices or the City Administration Office.
- b. State of Emergency.** Mayor Eisaman, “I would like to remind everyone that the City of Greensburg along with Westmoreland County and the State of Pennsylvania is in a State of Emergency that shall continue especially in the event that we get a significant amount of snow again tomorrow or Wednesday as potentially anticipated. If you are without power, a ‘warming center’ has been established at the Westmoreland County Community College in Founders Hall. I would also like to thank Seton Hill University for allowing a ‘warming center’ on their campus this past weekend. Even though we didn’t have a lot of participants, I think we had one or two, but it was very beneficial to have access for them for that program. Waste Management cancelled their trash pickup today for all residential customers in the City until next Monday. We ask that you please remove your trash and recyclables from the curbside so it doesn’t interfere with the snow plowing. At this point commercial trash accounts will be postponed one day. If you live near a fire hydrant please be kind enough to clear the snow away from the hydrant. Please do not shovel or blow snow into the streets. If you can, please shovel and blow the snow onto your own property. We understand

it may be difficult to clean sidewalks completely, however, please try to at least shovel a pathway on your sidewalks and clear a path from your residence to the street for emergency access. Finally I want to send a special thank you to all the emergency responders, road crews and police for their efforts, and most especially our volunteer firefighters, who without pay have put forth extensive hours and hard work serving the citizens of Greensburg during this emergency event this past weekend and ongoing as we speak. Thank you all once again for your efforts in making this situation the best that it can be.”

Councilwoman McCormick, “Are we making any announcements over the local radio station or is it going to be in the newspaper about the garbage, because all of my neighbors have their garbage out to the curb?”

Ms. Trout, “I was on the phone with Waste Management today and they have a computerized system where if they have your home telephone number they will call and leave a message on residential customers’ telephones. Obviously I’m sure they don’t have everybody’s number. They did assure us they would do some kind of advertising whether by newspaper or radio, I’m unsure. They’ve taken on the responsibility.”

Councilwoman McCormick, “So it’s up to them to do?”

Ms. Trout, “Yes. We can add that to the website, too.”

Mayor Eisaman, “Bob, if you could put a little article in the Tribune, we would appreciate that also.”

ADOPTION OF BILLS AS ORDINANCES

Bill No. 11 as Ordinance No. 1991 – AN ORDINANCE OF THE CITY OF GREENSBURG AMENDING ORDINANCE NO. 1647, KNOWN AS ‘VEHICLES AND TRAFFIC’ WHICH IS CHAPTER 249 OF THE CODE OF THE CITY OF GREENSBURG. Ms. Trout, “Formally tabled at the January Council meeting, a vote to adopt Ordinance No. 1991 would institute ‘Parking Prohibited’ at all times on the west side of the entire length of Towne Square Drive. We tabled this back in January. We were waiting on some changes that the Planning Commission had required of the John Wagner site plan. With that being said I think the site plan is up for approval, although this ordinance is in conjunction with it, there’s nothing I think that can stop your approval at this point of this ordinance to prohibit the parking. And this is on the side that’s closest to Route 30.”

Mayor Eisaman, “If I recall correctly from Rob’s report of the Planning that everything”

Ms. Ciampini, “It’s fine.”

Councilman DePasquale **MOVED** to adopt Bill No. 11 as Ordinance No. 1991, and

Councilwoman McCormick **SECONDED**. No further discussion. Roll call vote was taken. **All voted unanimously to adopt Bill No. 11 as Ordinance No. 1991.**

COUNCIL APPROVAL

- a. **Roster of Greensburg Volunteer Firefighters.** Ms. Trout, “Council approval would accept the roster of Greensburg Volunteer Firefighters from all six companies for the year 2010. Each company provided their roster. We reviewed it and there are approximately 294 firefighters listed on those rosters.”

Councilman Peterinelli **MOVED** to approve the roster, and Councilman DePasquale **SECONDED**. No discussion. **All voted unanimously to approve the roster.**

Mayor Eisaman, “Without the volunteers that serve in the Greensburg Volunteer Fire Department; we’re very fortunate that these people take the time to do this.”

- b. **Hiring of Recreation Department Seasonal Employees at Mt. Odin Park.** Ms. Trout, "I was asked today by Brian Tutich if we could add this to the agenda. Council approval would be for the hiring of George Peltier and Nathan Snider. They're both returns as Pro Shop employees to be utilized as needed beginning March 1, 2010 when the course opens, but this would be on a weather-permitting basis. These two gentlemen are returns and they have the approval of the Golf Pro, obviously, and it would only be if we would actually need them should we have great, sunny weather." Councilman DePasquale **MOVED** to approve the hiring of the Recreation Department Seasonal Employees, and Councilman Peterinelli **SECONDED**. Councilwoman McCormick, "I'm not opposed but I just wish you would have contacted me and talked to me. I sent him a card with my name and telephone number. I think that would have been the polite thing to do, but, obviously he didn't. I'm going to trust your judgment in this hiring." Mayor Eisaman, "You're referencing who?" Councilwoman McCormick, "The Golf Pro. I just think it would have been a courtesy if he would have called me and discussed this with me. He had it put on the agenda without talking to me." Mayor Eisaman, "I'm not arguing that point." Ms. Trout, "I'll discuss that with him." Mayor Eisaman, "Well, actually everything should be going through Frank." Councilwoman McCormick, "Frank usually informs me; that's why I was kind of shocked to see this on the agenda without being notified ahead of time." No further discussion. **All voted unanimously to approve.**
- c. **Maintenance Agreement between the City of Greensburg and Copier Corporation of America.** Ms. Trout, "Council approval accepts the agreement for the Toshiba copiers located in the Zoning Office and the City Administration Office for the period of February 27, 2010 through February 26, 2011 at .009 cents per copy which is the same price that we paid last year." Councilman Peterinelli **MOVED** to approve the maintenance agreement, and Councilman DePasquale **SECONDED**. No discussion. **Mayor Eisaman abstained, and all others voted unanimously to approve the maintenance agreement.**
- d. **Maintenance Agreement between the City of Greensburg and Amcom Business Systems.** Ms. Trout, "Council approval of this one-year agreement is for the Toshiba copier located in the Police Department at the rate of .0084 cents per copy effective February 16, 2010. This price reflects an annual increase of approximately \$35.19." Councilman DePasquale **MOVED** to approve the maintenance agreement, and Councilwoman McCormick **SECONDED**. No discussion. **All voted unanimously to approve the maintenance agreement.**
- e. **Grant Agreement between the City of Greensburg Recreation Department and the Community Foundation of Westmoreland County.** Ms. Trout, "Council approval accepts a grant in the amount of \$99 titled from the GFF-Greensburg Recreation Board through the Community Foundation of Westmoreland County. The 2010 designation shall be utilized to purchase new equipment for the Recreation Department's soccer program. Again, this was something that arrived Friday. According to discussions with Frank, this is the second time they've had a request from the Community Foundation

where they ask for a letter. It's nominal at \$99 but we added it for your approval because it is a grant agreement."

Councilman DePasquale **MOVED** to approve the grant agreement, and Councilwoman McCormick **SECONDED**. No discussion. **All voted unanimously to approve.**

- f. **Authorization for the City to Order and Purchase Rock Salt through the COSTARS State Piggyback Program for the 2010-2011 Winter Season.** Ms. Trout, "This authorization is to give our intent to order salt as instructed at the agenda meeting. I did go ahead and issue a letter to the COSTARS program asking that they decrease the timeline of the seven-day delivery to four or five days. I also understand that Hempfield followed our lead and asked for the same request. Obviously we haven't heard whether or not they granted it."
- Mayor Eisaman, "Hopefully if enough people ask maybe it will work."
- Councilman Peterinelli **MOVED** to approve the authorization, and Councilman DePasquale **SECONDED**. No further discussion. **All voted unanimously to approve.**

- g. **Issuance of Certificates of Appropriateness for the Slate of Projects Recommended for Approval by the Historic and Architectural Review Board (HARB).** Ms. Trout, "The HARB has recommended Council approve the following slate of projects presented at their January 2010 meeting: located in the Gateway District is a new sign for *PC Nerds* at 249 West Pittsburgh Street; in the Downtown and Gateway Districts is *Sun Kissed Exotico Tanning* at 114 South Main Street; and in the Historic, Downtown and Gateway Districts is a new sign for the *Cellar Door Café*."
- Councilman DePasquale **MOVED** to approve the issuance of Certificates of Appropriateness, and Councilman Peterinelli **SECONDED**. No discussion. **Mayor Eisaman abstained, and all others voted unanimously to approve.**

- h. **Agreement between the City of Greensburg and Idlewild Park Soak Zone.** Ms. Trout, "Council approval sets the date for the 31st annual Community and School Picnic at Idlewild Park for Friday, June 18, 2010. The advance discounted ticket price for this year's picnic is \$15.50 each, which is a savings of \$14.49 for a regularly priced ticket. Representatives from Idlewild Park will be at City Hall from 8:30 a.m. to 4:00 p.m. on June 15-17, 2010 selling tickets. We've also received approval for the date from the School District to coordinate the calendars."
- Mayor Eisaman, "Should this be referred to as Idlewild and Soak Zone Park?"
- Ms. Trout, "Yes."
- Councilman DePasquale **MOVED** to approve the agreement, and Councilwoman McCormick **SECONDED**. No further discussion. **All voted unanimously to approve.**

- i. **Site Plan/Land Development for John Wagner.** Ms. Trout, "Council approval is for a parking lot proposal on Towne Square Drive, Lot R. At their January 25, 2010 meeting, the Planning Commission unanimously recommended Council approve the amended site plan that was tabled at their November Planning meeting in regards to pedestrian movements. Barb has indicated that everything they've requested has been satisfied."
- Councilman Peterinelli **MOVED** to approve the site plan/land development, and Councilman DePasquale **SECONDED**. No discussion. **All voted unanimously to approve the site plan/land development.**

- j. **Tax Appeal Settlement with Family Video Movie Club, Inc.** Ms. Trout, "Council approval authorizes the Solicitor to execute a settlement for tax years 2008 and 2009 which changes the assessed value of the lot at 549 South Main Street from 18,860 to 32,400 for 2008 and 32,440 for 2009. The appropriate increase in taxes to the City annually will be \$333."

Mayor Eisaman, "This is an increase in taxes based on the assessment which we normally see a decrease in taxes due to assessments, so this is a change. This is in regards to the Family Video Movie Club, Inc. which I believe owns the building on South Main Street."

Councilwoman McCormick, "I want to explain my vote. Public perception of taxes is that they are not linked to wealth or income so this produces resentment in paying property taxes. Businesses struggle to survive during economic downturns and the last thing they can afford is higher taxes. It's my opinion that due to the economic times that we are now facing we must leave taxes as they are to show support to our local business owners. We need to encourage them to expand so we must not overburden them. If our City is to grow and prosper it will require individuals to invest in it. We must promote a business-friendly environment. We cannot afford to scare potential investors and business owners with higher taxes. Therefore, my vote is no on the upcoming two tax assessments."

Mayor Eisaman, "You haven't voted yet."

Councilwoman McCormick, "I haven't voted yet, but I just wanted to make that statement."

Solicitor McCormick, "Councilwoman, before you cast your vote can I ask you to consider the process by which this takes place? This comes about when one of the municipal entities can possibly file a change in the assessment. What happens is that typically appraisals are submitted to the Tax Claim Bureau and ultimately to the Court, which I think this case was on appeal to the Court. This really is not a function, a discretion of Council whether they want to agree with this or not, but it's really whether they're voting to reject the settlement that's before Council which is before the Court. The Court works to settle any and all civil cases that come before it. So the vote is actually not to reject an increase but the vote that any Councilperson would be making in rejecting a settlement is to proceed to trial."

Councilwoman McCormick, "Well, any way it goes about it still increases their taxes. Family Video had just filed for bankruptcy once again. They're closing down stores all over Pennsylvania and if we lose them out of that plaza you have only the pizza place. So you know then again we have empty retail. As I say in this case in the economic downturn this was filed in 2008; that was possibly before all of this had taken place. I still feel the way I do about any increase in taxes."

Solicitor McCormick, "This is a settlement that has been arrived at between Family Video Movie Club, Inc. and the municipalities involved. It's not that the municipalities are forcing this on Family Video and so fundamentally by voting 'no' a Councilperson would be actually acting against what the business entity is looking for in this instance, which is a settlement as opposed to the risk of trial."

Councilwoman McCormick, "I understand you're saying this was the Court."

Solicitor McCormick, "I understand this isn't your line of work and so you wouldn't be expected to understand how the Court process actually works, but by casting your vote you're actually saying 'no', we're forcing the subject to go to trial. Even that may not be and is not what the business entity wants to do."

Councilwoman McCormick, "Mr. McCormick, in all due respect, I'm one vote here and I'll be overruled by that vote. I just want it to be known that I think the way to increase

business is by lowering taxes and encouraging business to come into the City and you don't do that by raising any kind of taxes including that of commercial real estate. So I understand what you're saying."

Mayor Eisaman, "He was explaining the legal process and you're explaining your principle."

Councilwoman McCormick, "Exactly. That was all I was doing was expressing my point of view. I don't think there's any risk in it going to trial."

Councilman DePasquale **MOVED** to approve the tax appeal settlement, and Councilman Peterinelli **SECONDED**. No further discussion. **Councilwoman McCormick voted no, and all others voted unanimously to approve the tax appeal settlement.**

- k. Tax Appeal Settlement with Odyssey Real Estate Enterprises and Sukhleen Corporation.** Ms. Trout, "Council approval authorizes the Solicitor to execute this settlement that is also for tax years 2008 and 2009 changing the assessed value of the Choice Cigarette building at 555 East Pittsburgh Street from 81,480 to 103,950 for 2008 and 107,100 for 2009. The approximate increase in taxes the City will see annually is \$629."

Councilman DePasquale **MOVED** to approve the tax appeal settlement, and Councilman Peterinelli **SECONDED**. No discussion. **Councilwoman McCormick voted no, and all others voted unanimously to approve the tax appeal settlement.**

*****ADJOURNMENT*****Councilman DePasquale **MOVED** to adjourn the meeting.
SECONDED: Councilwoman McCormick. Unanimously all voted in favor to **adjourn**.

RESPECTFULLY SUBMITTED:

Susan M. Trout, City Administrator

ame