



# *CITY COUNCIL*

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## ***Committee of the Whole***

**Monday, January 12, 2015**

**5:00 pm**

**Agenda**

*Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.*

*All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012.*

**I. Agenda Review**

**II. Other Matters**



***COMMITTEE of the WHOLE***  
***CITY COUNCIL***

**MINUTES**  
**December 22, 2014**  
**5:00 P.M.**

**COUNCIL MEMBERS PRESENT:**

D. Sterner, S. Marmarou, C. Daubert, M. Goodman-Hinnershitz, F. Acosta

**OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Snyder, C. Younger, V. Spencer, D. Cituk, T. Coleman, F. Denbowski,

The Committee of the Whole meeting was called to order at 5:30 pm by Mr. Acosta.

**I. DCR Regulations**

Mr. Coleman stated that he is coming to Council with an update. He reminded Council that the DCR process and regulations were amended in April 2014 to add exceptions for victims of domestic violence and special conditions regarding children and disabilities. He stated that since then 47 DCRs have been issued and two appeal hearings have been held.

Mr. Coleman stated that of the 47 DCRs issued, there is one potential eviction and one person was held not responsible per the police officer at the appeal hearing.

Mr. Coleman stated that Norristown has recently settled with HUD regarding their DCR process. He stated that the settlement included a \$500,000 payment and the repealing of their regulations.

Ms. Reed arrived at this time.

Mr. Coleman stated that he has been trying to speak with Norristown's solicitor but has been unsuccessful. He stated that until he speaks with their solicitor he is unsure if Reading has a legal issue. He did state, however, that Reading's CDBG budget includes funding to further fair housing and the DCR regulations may be viewed as a hindrance to fair housing. He warned that future HUD funding may be lost. He stated that nuisance regulations should remain and be the focus of citations rather than DCRs.

Ms. Goodman-Hinnershitz questioned if there was middle ground. She suggested that rather than eviction the tenant signs an agreement to change their behavior and further citation results in eviction. She questioned what other cities have DCR regulations.

Mr. Coleman stated that HUD has already contacted Reading about their DCR regulations and that is what spurred the April amendment. He noted his concern about funding if the DCR regulations remain in place.

Mr. Marmarou noted the disruption college students cause in some neighborhoods. He stated that this behavior cannot be tolerated and that someone must be responsible for their behaviors.

Mr. Coleman requested that Council consider this issue and give him guidance moving forward. He stated that he will continue to try to speak with Norristown's solicitor.

Ms. Goodman-Hinnershitz stated that County arrest data does not show any activity for college age City residents. She stated that neighbors continue to report these behaviors but that the students are not being cited.

Mr. Coleman shared his concern about how the DCR is applied. He suggested educating property owners to add a clause to the lease to allow them to evict without the need for DCR if the tenant is found in violation of any federal, state, or local law.

Mr. Marmarou stated that there is no uniform crime report for Reading. He stated that the crime reports are public documents and should be reviewable.

Mr. Coleman stated that tenants should be cited for nuisance violations and not with DCRs.

Ms. Goodman-Hinnershitz questioned how to proceed with this issue. Mr. Coleman stated that he will continue contacting Norristown's solicitor. He stated that if this process moves forward there must be better cooperation from MDJs and the colleges.

Mr. Sterner reminded all that there are problem tenants in all of Reading's neighborhoods that have nothing to do with students. He stated that there must also be a way to address these residents and stated that people must be held responsible for their behaviors. Mr. Coleman stated that the nuisance regulations would apply in all neighborhoods.

Ms. Kelleher stated that HUD is being hypocritical as they allow housing authorities to add language to the lease allowing residents to be evicted for nuisance behaviors but do not allow municipalities to do the same. Mr. Acosta suggested that this is because it is easier to enforce in housing authority properties as the housing authority is the landowner.

Mr. Coleman stated that as part of Norristown's settlement they must educate property owners about the legal aspects of being a landlord. He suggested that Reading educate its property owners to add language to their leases and be sure that all (property owners and tenants) understand the language and what it means.

Mr. Acosta stated that a property owner in his neighborhood leases to students. He stated that this owner meets with the students and their parents and has them all sign statements that they understand that their bad behavior can result in eviction.

Mr. Coleman suggested adding information to the housing permit packets to begin the education process for property owners. He suggested that when a tenant is cited for a nuisance that the property owner receive a notification letter but no DCR is issued.

Ms. Goodman-Hinnershitz stated that there is an opportunity to partner with Alvernia on this issue. She stated that she has already begun to speak with Chief Heim about this possible partnership.

Mr. Coleman left the meeting at this time.

## **II. Discussion Topics for 2015**

Mr. Marmarou suggested starting the budget process very early as the City is already aware of challenges beyond 2015.

Ms. Reed noted the need to speak directly with the Parking Authority about the conditions placed on their 2015 contribution. Mr. Spencer agreed.

Mr. Acosta suggested scheduling this meeting as soon as possible. He suggested that the executive director and chairman attend an upcoming Council meeting.

Ms. Kelleher stated that the current towing contract does not expire until 2016. (*Note: the current contract expires in April 2015*)

Mr. Spencer stated that the Parking Authority understands that they need additional equipment. Ms. Snyder stated that there is much work to be done.

Ms. Reed requested minutes of the Parking Authority meeting where these conditions were discussed.

Ms. Kelleher stated that the contract for towing is over \$1 million. She suggested that if towing is not in-sourced, an RFP be issued. She suggested a revenue sharing option.

Mr. Marmarou stated that a storage facility will also be needed.

Ms. Goodman-Hinnershitz suggested that Councilors submit their questions and concerns to Ms. Kelleher before the meeting is scheduled so that the discussion is informative and Council's concerns and questions are addressed. Mr. Acosta agreed and stated that this will assist the Parking Authority in preparing for the meeting.

Mr. Spencer suggested discussing the board, authority and commission (BAC) appointment and reappointment process. He stated that when his office brings names forward, Council does not take action. He stated that on other occasions interviews occur before the Mayor has made a recommendation. He stated that he understands that anyone can apply. He stated that this is not a good process.

Mr. Acosta questioned if Mr. Spencer was referencing a specific situation. Mr. Spencer stated that it was Mr. Hatt for the Water Authority.

Mr. Acosta stated that he witnessed Mr. Marmarou state that all applicants would be interviewed before Council made a decision about appointing anyone to the Water Authority. Mr. Marmarou agreed and stated that the same disclaimer was made to those applying to serve on the Stadium Commission.

Mr. Acosta clarified that there are two different legal opinions regarding the appointment of Water Authority members. He stated that the Mayor understands that he makes recommendations which are confirmed by Council. Council has an opinion stating that they alone make appointments to the Water Authority.

Ms. Goodman-Hinnershitz stated that the overall process should be reviewed but stated the real issue with the Water Authority is that there are two legal opinions. Mr. Younger agreed that there are two legal opinions.

Mr. Acosta stated that no one on Council invited Mr. Hatt to apply for a position on the Water Authority. He reminded Council that the Water Authority is also increasing its membership to seven so there are three vacancies.

Ms. Goodman-Hinnershitz noted that all must agree with the appointment process.

Mr. Acosta stated that the two opinions are from Mr. Younger and Stevens & Lee. He suggested that this issue begin the conflict resolution/mediation process. He questioned how to start this process without a formal complaint. He suggested that this be a good topic to try out the new process.

Mr. Younger stated that the Stevens & Lee opinion does not give the Mayor a role in the RAWA appointment process (*Note: this is the process which has been used for many years.*)

Mr. Acosta suggested that a goal for 2015 should be to come to agreement on this issue.

Ms. Goodman-Hinnershitz suggested that no further interviews be held until this process is finalized.

Mr. Acosta stated that the appointments to the Water Authority are very important. He stated that this issue must be taken very seriously.

Mr. Spencer suggested a declaratory judgment in Court. Mr. Acosta questioned the cost of this action. Mr. Spencer was unsure.

Ms. Goodman-Hinnershitz expressed the belief that mediation is a better option in this case.

Mr. Acosta questioned how to begin the process.

Mr. Marmarou suggested that Mr. Younger meet with Stevens & Lee. Mr. Acosta expressed the belief that this would not be productive. He stated that both parties have put their opinion in writing and would lose credibility.

Ms. Goodman-Hinnershitz stated that including stipulations is a good practice. She noted the need for review by a neutral third party.

Mr. Younger agreed with using mediation. He stated that the Administration can pursue a declaratory judgment if they wish. He stated that there is a \$250 filing fee and the cost would grow from there.

Ms. Goodman-Hinnershitz again stated that interviews should not be held until the process is established.

Mr. Acosta stated that he will approve applications to move forward to the interview until the process is clarified.

Mr. Acosta noted the need for an executive session this evening to discuss a legal matter and a personnel matter.

Mr. Acosta questioned when the traffic light at 5<sup>th</sup> & Bingaman Sts would be installed. Ms. Snyder stated that it must go through the PennDOT process. Mr. Daubert stated that Mr. Johnson indicated it would be installed in spring 2015.

Mr. Marmarou noted the need to address the problems with the heating system in City Hall. He stated that workers should not be subjected to these conditions. Ms. Snyder stated that it is an issue with the boiler and is being addressed.

In summary, these topics were requested to be addressed in 2015:

- 2016 Budget process begin sooner
- Parking Authority conditions
- BAC appointment/reappointment process
- RAWA appointment/reappointment process

### **III. Agenda Review**

Council reviewed this evening's agenda including the following:

- Resolution authorizing the use of the sewer enterprise fund for the WWTP project

Ms. Snyder explained that this will allow the City to begin work and use these funds until loan or bond financing is received.

- Ordinance creating the Code and License Appeals Board

Ms. Kelleher explained that this Board will replace the Business License, Property Maintenance, Solid Waste, Vending Machine, and Housing Boards of Appeal. She stated that currently they are separate boards requiring a total of 15 citizens. Only one of the boards is functional. She stated that during 2014 the first appeal of the Property Maintenance Code was received and this Board is completely vacant and not functioning.

Ms. Snyder suggested taking action on this ordinance after the other appointment issue is settled.

Mr. Waltman arrived at this time.

Ms. Kelleher stated that currently the appointment process is different for each individual board.

Mr. Acosta questioned who makes appointments the way the ordinance is currently written. Ms. Kelleher stated that it is Council only.

Mr. Acosta questioned the number of citizens appointed. Ms. Kelleher stated that it is three citizens – a citizen at large, a citizen who is a member of a community group, and a citizen who is a business owner. Ms. Snyder stated that the Administrative Services Director is also a member along with the Councilor whose District includes the property in appeal.

Mr. Acosta suggested that the Mayor appoint the business owner. Council and Mr. Spencer agreed.

Ms. Katzenmoyer questioned if Council confirmation is needed. Council stated that it is not.

- Budget Transfers

Ms. Snyder stated that there are three budget transfers on the agenda – one from contingency to the law office for outside legal counsel relating to labor relations, one from contingency to Fire for suppression and EMS wages which is the result of a settlement regarding back pay and the minimum manning level, and one within the Public Works Department to cover the cost of temps hired in recycling during the lawsuit.

Mr. Sterner questioned the amount remaining in the contingency fund. Mr. Cituk stated that he will provide this information.

- Appointment of Maria Rodriguez to the Water Authority

Mr. Marmarou stated that the Nominations and Appointments Committee does not object to Ms. Rodriguez's appointment but he explained that all appointees would be interviewed before a final determination is made.

Mr. Daubert questioned if this would interfere with RAWA's ability to reorganize in 2015. Mr. Acosta stated that they currently have a quorum so there should not be an issue.

Ms. Goodman-Hinnershitz and Mr. Marmarou noted the need for consistency.

Mr. Acosta stated that appointments should not move forward simply to fill vacancies. He noted the need to be sensitive to issues facing the BACs. He stated that he has stopped several applicants from moving forward. He stated that he will review all pending applications with Ms. Katzenmoyer after this meeting

- Resolution amending the Naming Policy

Ms. Snyder stated that she has spoken with Mr. Johnson about the Naming Policy. Ms. Kelleher stated that this allows input from HARB, Planning, Public Works and Veteran's Affairs.

Mr. Spencer questioned who was responsible for setting policy. Mr. Younger opined that it was the Administration.

Ms. Goodman-Hinnershitz stated that she is not comfortable passing the new policy.

Ms. Snyder suggested withdrawing the resolution and bringing it before Council at a later date.

Ms. Goodman-Hinnershitz noted the need to analyze all Council actions in light of the new Charter language.

- Resolution supporting the Courthouse Lights

Ms. Reed stated that she requested that this resolution be added to this evening's agenda. She stated that it will assist when the group is applying for grant funding.

Ms. Goodman-Hinnershitz questioned how long the lights have been off. Ms. Reed stated that they have been off for many years. She stated that the cost is now reduced to \$51,000. She stated that the IBEW has agreed to donate their time once the materials have been purchased.

Mr. Acosta agreed to add this resolution.

Ms. Reed stated that she will draft the letter of support.

#### **IV. Executive Session**

Mr. Acosta announced that Council will be entering executive session to discuss a legal matter and a personnel matter. Council entered executive session at 6:40 pm and exited at 7:07 pm.

The meeting adjourned at approximately 7:07 pm.

*Respectfully Submitted by  
Linda A. Kelleher, CMC, City Clerk*