
CITY COUNCIL MEETING
MONDAY, OCTOBER 12, 2009

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Eileen Levan, Nativity Lutheran Church.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Dennis Sterner, District 3
Councilor Stratton Marmarou, District 4
Councilor Maria Baez, District 5
Councilor Jeffrey Waltman, District 6
City Clerk, L. Kelleher
City Auditor, D. Cituk
City Solicitor, C. Younger
Mayor, T. McMahon
Managing Director, R. Hottenstein
Sergeant at Arms, Captain R. Schaffer
Fire Marshall, T. Jaeger
O. Smith, PARC

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamation

- Recognizing Diamante Chanee White, Reading High School senior, winner of the Berks County Outstanding Young Woman contest

Council Commendation

- Recognizing Fire Prevention Week, accepted by Fire Marshall Todd Jaeger

PUBLIC COMMENT

Council President Spencer announced that fifteen (15) citizens were registered to address Council on agenda matters. He reminded the citizens registered to speak about the public speaking rules.

Ruth Sassaman, AFSCME #2763, explained that AFSCME, as a contract

concession, offered a 2010 pay freeze in exchange for a three (3) year contract extension. That offer was rejected on September 15th. Recently the Administration announced their willingness to negotiate with AFSCME. She inquired why the Mayor filled a \$55K management position, when he's also looking at laying off Public Works, Police and Fire employees. She also noted on review of the City's Position Ordinance, additional AFSCME personnel positions were found to be missing with no reduction in first-level supervisors. She expressed the belief that the employee supervisor level ratios need further examination. She also questioned why the 2008-2009 rental permits have not been billed. She also noted that a past reduction in part-time Police Administrative staff has caused the cessation of false alarm billing.

Ron Lyons, City Resident and president of AFSCME #2763, stated that the Mayor's recent move to fill a mid-level management position at \$55K per year has affected the moral of AFSCME employees. He also inquired why the position cuts go further when comparing the position ordinance with the statements made by the Mayor.

Roxanne Curran, South 11th Street, was not present.

John Longenecker, City Resident and AFSCME #2763, was not present.

Michael Pappas, AFSCME #2763, explained that he is speaking before Council in the attempt to retain his position in the Streets Department. He explained that Street Sweepers attempt to improve the City's appearance. He noted that the other services performed by the eighteen (18) employees that work in the Streets Department, such as collection of bagged and loose leaves, collection of yard waste, etc. He described the department's approach to reduce overtime during the winter months.

Rich Kasperzewski, City Resident and AFSCME #2763, expressed the belief that the proposed layoffs lack accountability as the Administration has not defined a contingency plan to cover basic public services.

Nathaniel Thomas, AFSCME #2763, stated that he is also a library technician facing lay-off. He explained the services provided to the public by library staff and noted the affect the closure of the three (3) branch libraries would have.

Jennifer Ballas-Bressler, AFSCME #2763, and a reference librarian stated that she is also speaking as a citizen. She noted the importance of the services provided to the public by library staff. She also noted the drastic increase in the number of people coming to the library to use internet service to apply for jobs and unemployment. She also described the 27% cut in state funding that will also affect the libraries. She stated that the libraries also lifelines to the community.

Terri Higgins-Brown, Alsace Road, stated that she is a frequent visitor at the Northeast Branch library. She noted observing the huge jump in internet usage at the Northeast Branch due to unemployment. She also noted that library population has also boomed due to people not having funds to purchase books and rent movies. She expressed concern for the effect branch closures will have. She asked City Council to find some way to support the continuation of library services.

Cheryl Williams, Mount Penn, noted the contribution the library makes to the extended community. She stated that although she is a Mount Penn resident, she frequently visits the Southeast branch library. She described her volunteer activities at the Southeast branch. She described the variety of programs and activities for visitors of all ages. She expressed the belief that Police, Fire, and Library staff should not be reduced.

William Frymoyer, AFSCME #2763, expressed the belief that the reduction of Public Works and Library employees will reduce the level of core services depended on by City residents. He noted the increased risk factors that go along with reducing core services. He also described the services provided by library staff.

Debbie Kinkaid, Mount Penn, asked City Council to reconsider the reductions at the libraries, as libraries provide critical neighborhood services.

Justus James, AFSCME #2763, described the benefits public services have for citizens. He noted the 11:1 supervisor employee ratio and suggested that the Administration reevaluate this ratio. He also noted the Administration's request for AFSCME concessions without making any counter suggestion or offering a dollar value.

Ernie Schlegel, Pear Street, expressed his support for the ordinance authorizing a study of the IT department. He also questioned the motive of the Reading Eagle articles complaining about City Council's position on the proposed budget. He expressed the belief that this Administration has continued to fail to properly manage the City. He noted that the Charter requires the Managing Director to annually submit a five (5) year plan. He questioned if the Managing Director's failure to submit a five (5) year plan is a Charter violation. He also questioned if providing administrative leave to an employee is a Charter violation, as it is not defined anywhere in the City's codes. He also wondered if hiring a fulltime employee not authorized in the position ordinance is a Charter violation. He suggested that Council have some trust in the Administration, but verify before acting.

Ruth Martelli, Palm Street, expressed her support for the services provided by AFSCME employees. She also described her volunteer work at BCTV and asked City Council to reconsider that reduction,

AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting, including the two (2) items listed under the Consent Agenda heading and the minutes from the September 28th regular meeting of Council.

Councilor Sterner moved, seconded by Councilor Baez, to adopt the minutes from the September 28th regular meeting of Council and the agenda, including the items listed under the Consent Agenda heading. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Update on the 2010 budget process
- Act 47 public hearing on October 14th at 7pm
- City Youth Tennis Program update
- 25th Annual Haunted House Program scheduled for the Schlegel Park field house

Councilor Waltman stated that he agrees that this budget will be extremely difficult; however, he reminded everyone that the Administration could have been working to hedge these problems over the last six (6) years.

Councilor Waltman also questioned the Mayor's recent statement blaming the City's financial problems on the recession. He also noted his disappointment that City Council has not received any formal document describing the Administration's plan or what they hope to accomplish under Act 47.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- Collection of 2009 Franchise fees
- Payment In Lieu of Tax collections 2005-2009
- 2010-2011 Municipal Sewage Rate Calculation increase of 7.92%
- Collection of Public Utility Realty Tax 1997-2009

Mayor McMahon inquired if a reminder letter is sent out to non-profits to remind them of the need to remit a payment in lieu of taxes (PILOT). Mr. Cituk stated that that letter should be generated by the Mayor, not the City Auditor. He explained that some of the PILOT payments are the result of legal agreements. He suggested that the Mayor research this and take the proper action to reinstate these agreements.

REPORTS OF BOARDS, AUTHORITIES, & COMMISSIONS

Otis Smith, chair of the Park and Recreation Committee, described the PARCs

difficulty with retaining consistent participation by it's members. He noted the professional assistance from Deputy City Clerk Michelle Katzenmoyer, and Recreation Superintendent Mike Zuber. He described the PARCs intent to update the ten (10) year PARC and open space plan through public meetings and seeking the input and advice from all Reading citizens. He also described some new program ideas and noted the value of the recreation services provided to all citizens.

Council President Spencer thanked Mr. Smith and the PARC for their effort.

ORDINANCES FOR FINAL PASSAGE

Ordinance 54– amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers **(Spencer)** *Introduced at the September 28 regular meeting*

Councilor Fuhs moved, seconded by Councilor Marmarou, to table Bill No. 54-2009.

Bill No. 54-2009 was tabled by the following vote:

Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6
Nay: None – 0

Ordinance 55–2009 amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning approval of contracts **(Spencer)** *Introduced at the September 28 regular meeting*

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill No. 55-2009.

Bill No. 55-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6
Nay: None – 0

Ordinance 56–2009 in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an audit, and study of the IT Department **(Waltman)** *Introduced at the September 28 regular meeting*

Councilor Fuhs moved, seconded by Councilor Marmarou, to table Bill No. 56-2009.

Bill No. 55-2009 was not tabled by the following vote:

Yea: Fuhs, Sterner - 2
Nay: Baez, Marmarou, Waltman, Spencer, President – 4

Councilor Waltman moved, seconded by Councilor Marmarou, to enact Bill No. 56-2009.

Councilor Waltman stated that this study will provide follow up on the Blue Ribbon Panel recommendations to correct the various long standing problems in the IT area. He expressed the belief that the Administration should have reacted to the Blue Ribbon Panel's recommendations by now. As the Administration has not properly responded, City Council will need to initiate this study under the authority of Charter Section 210.

Councilor Fuhs noted that the usual reaction of the body is to table legislation when requested by a member who is absent. He expressed the belief that additional discussion is required before enacting this ordinance. He also noted the Mayor's promise in the Committee of the Whole meeting to begin to addressing IT issues internally.

Councilor Fuhs questioned various phrases and directives within the ordinance, such as, including other departments and agencies in the study. He suggested that Council provide clarification and amendment. He also noted a variety of other clarifications that are needed and expressed the belief that the ordinance lacks the Charter's requirement for specificity. He also noted the need for the application of a cap to the cost of the study.

Councilor Sterner inquired if Councilor Goodman-Hinnershitz made the request to table this ordinance to Council staff or to Councilor Fuhs directly. He agreed with the need to find a solution to the various IT problems and suggested that further discussion occur when all councilors are present.

Councilor Waltman noted his past announcement of the need for an audit of the IT area in his response to the Blue Ribbon Panel report. He noted repeat attempts and discussions over previous years to correct or attempt to correct various IT issues. He stated that this audit will provide a deeper look to the findings provided by the Blue Ribbon Panel. He stated that he brings the ordinance forward with no agenda or goal other than to improve the City's operations.

Council President Spencer read from Charter Section 210.

Councilor Waltman moved, seconded by Councilor Marmarou, to amend Bill No. 56-2009 to apply a cap of \$10K.

Councilor Fuhs expressed the belief that the cost and expanse of this study requires further discussion. He expressed the belief that a financially strapped City should not spend money on unnecessary studies when employees are facing salary cuts. He also suggested that an RFP to determine the costs and study terms occur prior to enacting an ordinance to authorize the audit.

Councilor Sterner expressed the belief that the Administration should have handled IT issues over the years and addressed recommendations made by the Blue Ribbon Panel. He agreed with the need for a review of the IT area by independent eyes.

Bill No. 56-2009 was amended by the following vote:

Yea: Baez, Marmarou, Waltman, Spencer, President - 4

Nay: Fuhs, Sterner– 2

Bill No. 56-2009 was enacted as amended by the following vote:

Yea: Baez, Marmarou, Waltman, Spencer, President - 4

Nay: Fuhs, Sterner– 2

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances **(Law)** *Introduced at the August 10th regular meeting; pending the receipt of language clarification*

Ordinance - amending the City of Reading Codified Ordinances Chapter 1, Section 1 – Animal Control by adding limitations on the allowable number of animals per household, establishing an exotic animal permit fee, amending the language regarding aggressive dogs, adding definitions, and renumbering sections as required, as attached in Exhibit A **(Animal Control Board & Council Staff)**

Ordinance - amending Part 10 of Chapter 24 Taxation, of the City of Reading Code of Ordinances, to be found at Sections 24-1001 to 24-1002, entitled “Schedule of attorney’s fees for collection of delinquent earned income taxes, business privilege taxes and fees, per capita taxes, and other non-real estate based taxes and receivables” which shall authorize the imposition of attorney fees for the collection of such taxes and adding a new Part 11, formerly part 10, Residential “Rental Tax” of Chapter 24 Taxation, Special, of the City of Reading Code of Ordinances, to be found at Sections 24-1101 to 24-1110, entitled “Residential Rental Tax” which shall impose a tax on the transaction of entering into a lease for residential property; establishing the rate of such tax; providing procedures for the administration and collection of the tax; and providing penalties for violations **(Law)**

Ordinance – amending the Codified Ordinances Chapter 1 Administration And Government – Part 2 Personnel Code, Sections 1-221 A Categories Of Employment, 1-271 Salary Administration, 1-272 Payroll Administration by

providing clarifying language pertaining to the need for all full time positions to exist within the annual Position Ordinance. (Spencer & Waltman)

Ordinance – amending the Codified Ordinances Chapter 1 Administration And Government – 1-121 Official Actions Of The Council And 1-186 Fiscal Provisions, Number 9 Annual Budget C Budget Organization And Content (2) by providing clarifying language pertaining to the need for the annual Position Ordinance (Spencer & Waltman)

COUNCIL COMMENT

Councilor Fuhs stated that tours of the Evergreen Power Plant are still available.

Councilor Fuhs encouraged people with pets to speak out at upcoming Council meetings as their rights to own pets may be limited by the enactment of an ordinance introduced this evening.

Councilor Fuhs expressed the belief that the body of Council should not change their position between meetings. He stated that all Councilors should be present when important legislation is enacted.

Councilor Sterner stated that he did not vote to support the audit of the IT area as he believes that an additional two (2) weeks would allow the Administration to prepare a response. He also expressed the belief that City Council members did not formally agree to table the IT audit ordinance at the Committee of the Whole meeting.

Councilor Sterner expressed congratulations to Ms. White for winning the Berks County Outstanding Young Woman contest.

Councilor Sterner thanked all those commenting this evening. He stated that he and his fellow Council members appreciate public input.

Councilor Marmarou agreed with the need for a study of the IT department and expressed his agreement with the need to retain Public Works and library services.

Councilor Marmarou described the great attendance at the recent College Heights Community Council meeting.

Councilor Baez congratulated Ms. White and thanked Fire Marshall Jaeger for his public safety work. She noted her support of public participation at Council meetings. Council Baez clarified the budget meeting schedule provided in the Mayor's report. She noted that she cannot attend the Act 47 hearing scheduled for Wednesday, October 14th due to a work commitment.

Councilor Waltman stated that he will accept responsibility to move the IT study

ordinance forward.

Councilor Waltman stated that he has served on City Council for the past nine (9) years and finds it interesting that, according to the Reading Eagle, he has never done anything right. He stated that the Reading Eagle bashes City Council members every year as the budget process progresses.

Managing Director Hottenstein responded to comments made during the public comment period regarding a conference attended by the Police Chief, the employee-management ratio and the collection of EIT and property taxes.

Councilor President Spencer commended Ms. White for her achievement.

Councilor President Spencer encouraged all residents to attend the Act 47 hearing scheduled for October 14th in Council Chambers.

Councilor President Spencer inquired if the Police conference was available via the internet. Mr. Hottenstein replied that some are and staff takes those opportunities when available.

Councilor President Spencer stated that the Solicitor will be responding on the inquiry concerning administrative leave. He noted that administrative leave is not provided in the Personnel Code, the Employee Handbook, or the Charter. He also stated that the Solicitor will be responding to an inquiry regarding the Human Resources Director's severance package.

Councilor Fuhs thanked Councilor Waltman for recognizing that some shift occurred after tonight's Committee of the Whole meeting and before this regular session.

Council President Spencer went over the council meeting schedule.

Councilor Waltman moved, seconded by Sterner, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk