

**CITY COUNCIL MEETING
MONDAY, FEBRUARY 8, 2010**

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 Council President Vaughn D. Spencer.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
Managing Director R. Hottenstein
City Clerk L. Kelleher
Sergeant at Arms Lt. Evans

PROCLAMATIONS AND PRESENTATIONS

The following Mayoral Proclamations were issued to:

- A. Wood to Wonderful recognizing the CAN It Program, accepted by Doug and Louise Brown

- B. League of Women Voters, accepted by Pam Gockley, President

The following Council Commendations were issued in honor of:

C. Black History Month, accepted by Ed Terrell, African American Coalition of Reading

D. The 100th anniversary of Boy Scouting, accepted by Don Adams, Scout Executive

PUBLIC COMMENT

Council President Spencer announced that one (1) citizen was registered to address Council on agenda matters. Council President Spencer reminded the citizen registered of the public speaking rules.

Ernie Schlegel, of Pear Street, noted his opposition to the proposed salary for the Community Development Director. He expressed the belief that the \$80K salary is too high due to the City's financial condition and based on the salaries of other community directors in other Pennsylvania cities. He provided the background of the individual appointed to the CD Director position. He expressed the belief that the salary should be set lower due to the cities Act 47 condition. He stated that it is the responsibility of Council to get the City's costs under control. He asked City Council to table the issue and reconsider the proposed salary for the Community Development Director.

APPROVAL OF AGENDA & MINUTES

Council President Spencer asked City Council to consider the agenda for this meeting and the minutes from the January 25th regular meeting. He noted the need to include a new resolution under the Consent Agenda heading, which would allow the City to intervene in the Nieves appeal of the Zoning Hearing Board's decision to deny the operation of a lunch truck at 301 Washington Street. He also noted the need to remove the resolution listed under the Consent Agenda heading regarding the CDBG Action Plan amendment to relocate the RAFT program for separate consideration.

Councilor Marmarou moved, seconded by Councilor Acosta, to approve the minutes from the January 25th regular meeting and the agenda, including the legislation listed under the Consent Agenda heading, as amended. The motion was approved unanimously.

CONSENT AGENDA LEGISLATION

A. Resolution 14-2010 - authorizing the City Solicitor to take all necessary action required for intervention in the matter of Nieves vs The City of Reading Zoning Hearing Board, regarding the denial of the Zoning permit for the operation of a lunch truck at 301 Washington Street.

B. Resolution No. 8- 2010 - authorizing amending the FFY2010 CDBG Action Plan by moving the Recreation Activity For Teens Program from the Millmont Elementary School at 400 Summit Avenue to the City of Reading's Third and Spruce Recreation Center (CD Dir) Tabled at the 1-25-10 regular meeting

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to table Resolution No 8-2010.

Resolution No. 8-2010 was tabled by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

THE STATE OF THE CITY REPORT

Mayor McMahon presented a power point covering his State of the City address and distributed a hard copy of the power point presentation to the members of Council. The hard copy of the presentation is attached to the record and covers the following:

1. Review of 2009 activities
2. Description of 2010 Budget and Budget process.
3. Rationale behind his decision to petition the state for Act 47 designation.
4. His 10 point plan, which includes:
 - a. Improved financial tracking
 - b. Improved operational processes
 - c. Community Development integrations
 - d. Economic Development
 - e. Strengthen Neighborhoods

Mayor McMahon noted that the operative word for the future is collaboration in a wider community; with old animosities and hurts set aside to allow real progress. He also noted the need for citizens to step up and help with the business of government,

schools, and libraries.

Councilor Waltman noted the turmoil of 2009 and the various economic stresses. He expressed the belief that the goals identified by the Mayor are similar to those made in the past. He noted his agreement with the majority of the goals expressed; however he noted the difference between the Administration's and his own implementation plans for those goals. He expressed the belief in the need to improve accountability in all City operational areas. He also noted the need for the plan to contain measureable goals. He noted the need for all parties to work together to improve City operations. He expressed his appreciation for the Mayor's report.

Mayor McMahon stated that there will be expanded participation by the City's department directors and preparation of various and new administrative reports.

Councilor Goodman-Hinnershitz stated that the report contains no surprise but is a culmination of state, local, and federal issues. She noted the need for clear communication between the Administration and Council along with accountable goals based on the City's capacity. She stated that the plan's success will depend on Council and the Administration working together as a group. She noted the need for true and consistent focus on these goals and the Act 47 plan, which will speed the City's exit from Act 47. Councilor Goodman-Hinnershitz agreed with the need to improve two-way communication between the Administration and Council, including the Mayor.

AUDITOR'S REPORT

City Auditor Dave Cituk highlighted the report distributed to Council at the meeting covering the following topics:

1. Magisterial District Justice fines – annually and monthly
2. Description of the AHO audit process
3. The preparation of capital projects Audits

Councilor Waltman requested a time line on the completion of the AHO audit. City Auditor Cituk expressed the belief that the audit will conclude over the next few weeks.

Councilor Waltman noted the need to apply strict criteria to those properties following the AHO path.

Council Goodman-Hinnershitz agreed with the need to audit various City's processes and projects.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 2-2010 - amending the FY 2006-2012 Capital Improvements Plan for the City Of Reading (**Finance Dir**) *Introduced at the January 11 regular meeting; tabled at the January 25 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to table Bill No. 2-2010.

Bill No. 2-2010 was tabled by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

B. Bill No. 3-2010 – Amending the Codified Ordinances, Chapter 1, Sections 1-802, 803 and 804 relating to testing for Police promotions (**Police Chief**) *Introduced at the January 25 regular meeting*

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 3-2010.

Council President Spencer explained that this amendment will provide flexibility in the selection of tests for sergeants, lieutenants, and captains for the Police Civil Service Board.

Bill No. 3-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

C. Bill No. 4-2010 - amending Ordinance No. 41-2005, which, in part, authorized the re-establishment of the Reading Downtown Improvement District Authority and authorized assessments of benefitted property owners to amend Section 5 thereof, entitled, "Levy of Special Assessment," Subsection (B), entitled "Payment of Assessment" to change the deadline for the discount period to April 30 of each year; to change the deadline for flat rate payment to June 30 of each year; to assess a ten percent (10%) penalty for payment received after July 1 of each year; and to provide for up to

four (4) equal installment payments with a service fee of five dollars and 00/100 (\$5.00) added to each payment **(DID)** *Introduced at the January 25 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to enact Bill No. 4-2010.

Councilor Goodman-Hinnershitz noted her support as this will improve DID's assessment collections. She also expressed her belief in the services provided by DID.

Bill No. 4-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

D. Bill No. 5-2010 - Setting forth the salary of the Community Development Director at \$80,000.00 per annum **(Man Dir)** *Introduced at the January 25 regular meeting*

Councilor Sterner moved, seconded by Councilor Reed, to enact Bill No. 5-2010.

Managing Director Hottenstein requested Council's support as this salary is in line with other department directors who are employed by the City. He also expressed his belief in the skill and experience of Mr. Robinson.

Councilor Waltman stated that he will not support the salary proposed for the CD Director and he wished Mr. Robinson success in dealing with the various City challenges.

Council President Spencer also stated that he will not support the salary as it is a \$15K increase from Mr. Robinson's last position in York. He expressed the belief that department directors should not be hired before their salary is set by ordinance. He also noted his qualms with the experience of the candidate and added that the process to approve the appointment resolution before setting salary is flawed.

Councilor Acosta stated that it is too late to debate the salary issue. He noted his personal experience in the private sector where working for a larger organization yields a larger salary. He stated that if the information provided by the Mayor's office is correct Council has appointed the proper candidate with the right skill sets for this position. He added that he looks forward to seeing the results yielded by the new

Community Development Director.

Councilor Reed concurred with Councilor Acosta's remarks. She expressed the belief that the argument pertaining to his salary is "apples and oranges." She expressed the belief that the proposed salary was negotiated in good faith.

Councilor Sterner agreed that the process used to appoint before setting the salary is faulty. He also added that those hired at higher salaries raises their level of accountability and responsibility.

Councilor Goodman-Hinnershitz agreed with the need to refine the appointment and salary setting process; however she stated that the issue with the process can't affect the need to enact this ordinance. She stated that adjustments may be needed for all management salaries across the board. She noted that the Administration originally proposed \$85K for the new CD Director; however Council reduced that proposal by \$5K.

Councilor Marmarou expressed his belief in the need to keep the commitment made with the Administration at the January 25th regular meeting of Council.

Bill No. 5-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner - 5.

Nay: Waltman, Spencer, President- 2.

INTRODUCTION OF NEW ORDINANCES

There were no ordinances introduced at this meeting.

RESOLUTIONS

A. Resolution 15–2010 reappointing Jeff Darlington to the Board of Ethics (**Admin Oversight**)

B. Resolution 16–2010 reappointing Richard McDougall to the Downtown Improvement District Authority (**Admin Oversight**)

C. Resolution 17–2010 reappointing Larry Sundberg to the Downtown Improvement District Authority (**Admin Oversight**)

D. Resolution 18–2010 reappointing Lee Olsen to the Blighted Property Review Committee (**Admin Oversight**)

E. Resolution 19–2010 reappointing Raymond Schuenemann to the Reading Area Water Authority (**Admin Oversight**)

F. Resolution 20–2010 appointing Ernest Schlegel to the Library Board (**Admin Oversight**)

G. Resolution 21–2010 appointing Michael Kautter to the Building/Fire Code Board of Appeals (**Admin Oversight**)

H. Resolution 22–2010 transferring Robert Jefferson from the Fire Diversity Board to the City-wide Diversity Board at his request due to the inactivity of the Fire Diversity Board (**Admin Oversight**)

The Administrative Oversight Committee moved, to adopt Resolutions No. 15-2010 – 22-2010.

Councilor Marmarou noted the skill and willingness of these candidates who volunteer to serve the City.

Councilor Acosta agreed and noted that the knowledge and drive of these candidates has restored his faith in the future of Reading. He also welcomed Mr. Schlegel to service on the Library Board.

Councilor Reed echoed the previous remarks and noted her appreciation for those who volunteer to serve the City in this capacity. She stated that those volunteering for these positions face many challenges. She noted the need for additional volunteers to serve other boards, authorities, and commissions. She stated that those interested can contact a member of Council or Council staff.

Councilor Goodman-Hinnershitz thanked the Administrative Oversight Committee for their work to match the skill of individuals with the proper board, authority, and/or commission.

Resolution No. 15-2010 – 22-2010 were adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,

Spencer, President - 7.

Nay: None - 0.

COUNCIL COMMENT

Councilor Goodman-Hinnershitz stated that the large amounts of snow Reading has had created special parking challenges, as there is little place to go with the snow in dense urban areas. She inquired how the City will handle the forecast for additional 10-18 inches of snow. She suggested using the snow emergency plan.

Councilor Goodman-Hinnershitz inquired if those watching the Superbowl noticed that the commercial for the Airbender movie featured film taken at Ontelaunee Lake.

Councilor Reed inquired why the City did not use the snow emergency plan for the event that occurred over the past weekend.

Councilor Acosta agreed with the need for snow removal. He reminded citizens in the audience and those watching that it is illegal to throw snow into the street. He stated that he is working on a flyer with the City Clerk to educate property owners about snow removal issues. He described snow removal problems on South Parkside Drive and Summit Chase Drive. He noted the frustration of 18th ward residents, as they believe the City proper receives better snow plowing than they do.

Councilor Marmarou stated that he has been receiving similar complaints about snow plowing on half streets. He also described the problematic parking heavy snow events create. He noted his appreciation for the work of the Public Works staff to handle the snow event that occurred over the weekend.

Councilor Marmarou announced that the College Heights Community Council will be meeting on Sunday, February 14th at 7pm at Nativity Lutheran Church.

Councilor Sterner agreed with the hardship caused by snow events as the Public Works manpower has again been reduced. He asked that neighbors work together to address snow situations in neighborhoods.

Councilor Sterner congratulated those appointed this evening and honored by commendations and proclamations.

Councilor Waltman stressed the need for residents to clear the sidewalk of snow in a timely manner so streets do not become sidewalks.

Managing Director Hottenstein stated that the City does have a snow emergency program that starts when snow reaches fifteen (15) inches. He stated that the snow emergency is designated when the Mayor approves the Public Works Director's recommendation. He stated that when the snow emergency program is in effect, the City parking garages are open to provide free off street parking. He commended the job of the Public Works crew to remove the snow so efficiently.

Council President Spencer noted the problems the snow emergency plan creates when on-street parking is prohibited in areas where citizens do not have easy access to off-street parking.

Council President Spencer expressed the belief that apart from the country's current economic condition, the City has been headed in this dire direction for quite awhile. He noted the need to identify methods to offset expenditures. He also noted the need for the creation of an improved tax base and improved City demographics.

Council President Spencer reviewed the Council meeting schedule..

Councilor Acosta moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk