



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
August 13, 2012
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Reed, J. Waltman, D. Sterner, R. Corcoran, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Younger, C. Snyder, L. Lee, M. Bembenick, R. Johnson, T. Caltagirone, P. Edelman, D. Cituk

The Committee of the Whole meeting was called to order at 5:02 pm by Council Vice President Goodman-Hinnershitz.

I. House Bill 1803

State Representative Caltagirone gave a brief background about House Bill 1803, which he sponsored. He explained that Philadelphia and Pittsburgh already have the ability to pursue parking tickets as a civil matter and HB 1803 would allow 3rd class cities in Pennsylvania to do the same. He stated that during his tenure he has become infuriated that PA residents can be jailed for nonsensical issues like parking tickets. He stated that he has spoken with area judges about the issue.

Mr. Caltagirone stated that approximately 1,500 tickets per month are appealed to the District Judges. Removing these cases from the criminal system would decrease expenses to Berks County and State Court systems and would also decrease the population at Berks County Prison.

Chief Heim arrived at this time.

Mr. Caltagirone stated that moving ticket appeals in this direction would also increase revenue by approximately \$500,000 annually to the Parking Authority, and therefore to the City. He noted his hope that the City would use this additional revenue to increase the Police force.

Mr. Caltagirone stated that part time Constables should not be earning nearly what they do and that this additional income is mostly due to Constables' pursuit of warrants for people with unpaid parking tickets. He explained that there are eleven 3rd class cities with parking authorities which would benefit from this legislation. He stated that he will be contacting the other cities' elected officials requesting support for HB 1803. He expressed his belief that the Constables pursue parking ticket violations rather than real criminals.

Mr. Marmarou requested information on the number of criminals the constables detain.

Ms. Reed questioned who would be more influential in moving this bill – elected officials from 3rd class cities or constables. Mr. Caltagirone expressed the belief that it would be the officials from 3rd class cities. He stated that constables can be eliminated from the justice system as they have been from Westmoreland and Lehigh counties. He stated that Berks County can eliminate them through a simple action from the President Judge.

Ms. Goodman-Hinnershitz reviewed the resolution on the agenda for action this evening.

Mr. Waltman arrived at this time.

Mr. Lee thanked Mr. Caltagirone for his work on this issue. He explained that ticket revenue continues to decrease. He expressed his belief that the civil ticket process would be fairer and would unclog the court system. He stated that different District Justices have different processes for parking tickets and some DJs dismiss up to 59% of parking tickets on a monthly basis.

Mr. Lee explained that moving to a civil process also allows the Parking Authority to collect ticket fees from out of state violators and would allow the violator's vehicle to be booted if he/she returns to the area without paying the violation. He stated that he would prefer having a retired judge preside over the hearings.

Mr. Marmarou questioned if out of state violators include local college students. Mr. Lee stated that it does. He explained that under the current system, violators receive a letter explaining the violation but that payment is voluntary.

Mr. Waltman noted that approximately 20,000 parking tickets were appealed to the DJs during 2011. Mr. Lee stated that this is correct. He noted that these 20,000 tickets do not include those issued by the Police Department and apologized that he had not yet spoken with the Police Chief about this issue. He noted his willingness to schedule hearings involving officers at consecutive times to decrease the overtime needed for officers and would also support using an Administrative Officer to testify to further decrease overtime.

Mr. Waltman questioned why the ticket revenue received through the DJ offices was decreasing. Mr. Lee explained that the loss of a DJ in January necessitated the reissuance of

many hearing notifications. He stated that the other DJs have not yet caught up with the extra cases.

Mr. Waltman questioned if there could be other reasons for the decrease in revenue. Mr. Lee stated that other reasons are unclear as there are many different possibilities.

Mr. Lee explained that he would design the appeal system to be user friendly and would be accessible via internet.

Mr. Waltman expressed concern that residents would feel this process to be unfair as the entity who issued the ticket would be hearing the appeal. Mr. Caltagirone noted the increased costs if found guilty by the DJ. He also reminded all that moving to the civil process would remove the criminalization of parking violations.

Mr. Waltman requested Mr. Lee's revenue projection. Mr. Lee explained that approximately \$1 million in revenue is lost annually. He stated that moving to a civil process would make this \$1 million more collectable. Mr. Caltagirone reminded all that increased revenue means increased police presence.

Chief Heim noted his agreement with this process change. He stated that in addition to increased revenue, this system would decrease police overtime. He explained that even if the parking ticket is enforced by the DJ, the City does not recoup enough to cover the cost of the overtime for the officer testifying.

Mr. Waltman noted the problematic parking City-wide. Mr. Lee stated that the Parking Authority has been busy and several initiatives will be coming before Council in the coming months.

Mr. Sterner noted his support of the new process. He stated that Council has been hearing complaints about the DJs for many years and this would make the process uniform.

Ms. Reed questioned if Council's action would influence the Senate Majority Leader to move this item out of Committee. Mr. Caltagirone stated that only eleven municipalities have parking authorities. He expressed the belief that this resolution will influence the Senate Majority Leader. He again stated that non-violent offenders do not belong in prison. He stated that this will free up court time.

Ms. Reed questioned if Senator Schwank supported HB 1803. Mr. Caltagirone stated that she does, along with many other Senators. He stated that HB 1803 has enough support in the senate to pass.

Ms. Goodman-Hinnershitz expressed her belief that it never seemed logical to her to have parking tickets a jailable offense. She stated that a resolution supporting HB 1803 is on this evening's agenda.

II. Ordinance regarding Temporary Staffing Levels

Ms. Snyder stated that she has been working on determining areas where the City needs newer processes. She stated that she has also identified processes that need to be streamlined. She noted that the City's Position Ordinance defines the number of employees by type in each Department. She stated that this number cannot be exceeded without Council approval in the form of an amendment to the Position Ordinance.

Ms. Snyder explained that in many cases this is not problematic but noted that some instances require planning for continuity when there are personnel changes. She stated that she will provide a verbal report to Council when this becomes necessary and requested an amendment to the Administrative Code to allow the number of positions to be exceeded as needed for succession planning only. She stated that this would only be recommended for police and fire training and when there is a lot of institutional knowledge which needs to be transferred. She stated that the temporary increase would not exceed the total amount budgeted for wages.

Ms. Reed noted her support of this issue. She stated that succession planning is very important. She questioned if new positions would be included. Ms. Snyder stated that Council would always have advance notice and that she would consider their input.

Ms. Reed noted the need for the amendment to be clear about not using this as a means to add new positions.

Mr. Sterner agreed with the need for this amendment. He questioned the process. Ms. Goodman-Hinnershitz stated that an amendment is being introduced his evening. Ms. Snyder stated that she will review the amendment and suggest additional language, if needed, to eliminate the possibility of using this amendment to add new positions.

Mr. Marmarou questioned if the City could request employees give longer notice before leaving a position to allow for succession planning.

Mr. Spencer arrived at this time.

Ms. Snyder stated that many employees do this when they are able and plans are composed.

Mr. Corcoran stated that the amendment sets clear parameters and that no action can be taken without approval of the Managing Director. He stated that he is comfortable with the language as written.

Mr. Waltman stated that this amendment would be successful. He noted the need to continue to seek Council action when fund transfers to cover additional wages exceed \$25,000.

Ms. Goodman-Hinnershitz suggested that this ordinance be reviewed as a Committee of the Whole on August 20.

David Beane, chair of the Environmental Advisory Council arrived at this time.

Mr. Corcoran supported the proactive position this amendment takes.

III. PennVest Loan for WWTP Project

Mr. Edelman stated that this ordinance is before Council for its second reading this evening. He stated that the loan is for just over \$10 million and has an interest rate of 1% for years one through five and just over 2% for the rest of the term. He noted his hope that this bond would have settlement the first week of October. He stated that the WWTP project is moving forward and noted his hope that PennVest would grant the City permission to begin work before the settlement date.

Mr. Waltman stated that these are very favorable rates.

Ms. Goodman-Hinnershitz stated that this is before Council for action this evening.

IV. Agenda Review

Ms. Katzenmoyer distributed a resolution which was requested to be added to this evening's agenda. The resolution is for the disposition of towing records and can be added to the consent agenda.

Council reviewed this evening's agenda including the following:

- Ordinance regulating rain barrels

Mr. Beane explained that this legislation does not mandate the installation of rain barrels.

Ms. Reed stated that she has heard this rumor in the community. She noted the need for this to be clear at this evening's meeting.

Mr. Spencer stated that the installation of a rain barrel may offset part of the storm water utility in the future.

Ms. Goodman-Hinnershitz suggested that Mr. Beane remain for the public meeting to make a brief explanation about the legislation. Mr. Beane stated that he is willing to remain for the public meeting.

- Ordinance amending the Intergovernmental Agreement with the Reading School District regarding the Recreation Commission

Mr. Spencer stated that this amendment defines the amount remitted to the Recreation Commission by the City and the School District. It also states that the Recreation Commission receives the revenue from all recreation rentals except the showmobile and the bandshell.

Ms. Goodman-Hinnershitz stated that the School District must also approve the amendment.

- Ordinance amending Chapter 11 Housing regarding appeal language

Mr. Younger explained that this language removes language in conflict and reflects the appeal to the Housing Board of Appeals.

V. Certificate of Transfer

Mr. Waltman stated that the new Certificate of Transfer process is identifying back fees for housing permits - some as far back as the 1980's. He noted the need to address this issue as new buyers should not be responsible for back fees of former irresponsible owners. He suggested this be discussed at the Housing and Economic Development Committee.

Mr. Corcoran stated that he has also heard that the Certificate of Transfer is causing problems at the settlement table as this is when the information is learned.

Mr. Waltman suggested that forcing a buyer to pay these additional fees may cause them to walk away from the property. He noted that the City should be collecting back fees but must be careful in how it is approached.

Mr. Sterner suggested that uncollected back fees would seem to be a City enforcement issue.

Ms. Goodman-Hinnershitz suggested that this topic be vetted in Committee. She stated that City enforcement declined in the past but is now increasing.

Mr. Corcoran noted the need to know about the fees before getting to the settlement table.

VI. Audit Committee

Mr. Cituk stated that the Audit Committee held its first meeting with representatives from Herbein to review the draft 2011 external audit findings. He stated that the external audit is still in process.

Mr. Cituk explained that there was an Audit Committee in the past but that it has not been used recently. He stated that the use of an Audit Committee is included in the Act 47 Recovery Plan as initiative CA 02. He stated that the Committee will be reviewing the findings and following up with the Administration on their progress to correct the findings.

Ms. Reed stated that it was an excellent meeting.

Mr. Cituk stated that the Committee will meet again on August 24 to review the CD findings as Mr. Agudo was on vacation during the last meeting. Ms. Kelleher explained that she also invited Ed Stock, solicitor to the Board of Ethics, to the meeting to address the Board of Ethics' work on the Pay to Play provision and conflicts of interest. Ms. Katzenmoyer stated that she has been trying to get the Pay to Play provision added to the Code of Ethics since 2008.

VII. Recycling Trucks

Ms. Kelleher distributed letters to Council from Golden Equipment about the City's recycling trucks. She stated that a representative from Golden Equipment will also be addressing Council during public comment.

Mr. Waltman stated that this is an Administrative issue.

Mr. Younger stated that it is a legal issue which would need to be discussed in executive session.

Ms. Goodman-Hinnershitz stated that an executive session will be called if necessary after the information is reviewed.

The Committee of the Whole meeting adjourned at 6:12 pm.

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