

**City of Reading City Council
Regular Business Meeting
Monday, January 23, 2012**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Rabbi Lipsker, Chabad Lubavitch of Berks County.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Mayor V. Spencer
Managing Director C. Geffken
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

Council President Acosta stated that Council has issued recognition certificates for the Reading High School Outstanding Fall Athletes. He stated that as the athletes being recognized were unable to attend this meeting, the certificates will be mailed to the high school.

PUBLIC COMMENT

Council President Acosta announced that two (2) citizens were registered to address Council on agenda topics and seven (7) citizens were registered to address Council on non-agenda topics. He inquired if any member of Council objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule requiring non-agenda comment at the end of the meeting was suspended. He reminded the speakers of the public speaking rules.

Lynn Haubrich, of Locust Street, stated that she has been hit four (4) times with Quality of Life tickets that she feels are unjust. She stated that she received for improper recycling storage and for storing trash in bags at the side of her house. She expressed the belief that the

general population does not understand the City ordinances and regulations. She expressed the belief that this program is unfair as there are many blighted buildings in the City that are not cited.

Council President Acosta suggested that those commenting on Quality of Life ticketing speak with the Mayor before they leave this evening.

Sharon Gass, of Mulberry Street, stated that she received a Quality of Life fine for storing trash at the rear of her property. She expressed the belief that the City's regulations are vague and noted that if the City allows citizens to place trash at the curb in bags, why they can't store trash in bags on their property. She expressed the belief that this ordinance strikes at responsible citizens.

Eric Byrne, of Beaver Road, was not present.

Representative Tom Caltagirone, of Hill Road, noted his meetings with Latino businesses over the past couple of weeks. He stated his belief that the last enacted fees for food-related businesses is unfair and excessive. He noted the pressure small businesses feel from the economy and crime.

Justice James, representing AFSCME, was not present.

Frank Steiner, of Spruce Street, stated that he was the individual who cleared the downed trees at the Pagoda. He stated that he was encouraged to move back into Reading by Jim McHale, candidate for the District 1 Council seat. He endorsed the application of Mr. McHale.

Michael Wails, of Minor Street, expressed the belief that the Quality of Life Ticketing ordinance holds citizens hostage. He expressed the belief that trash can storage regulations are ridiculous. He also noted his problem with the way Quality of Life ticket appeals are handled.

Juan Zabala, of North Front Street, expressed the belief that the Health Permit fees are excessive. He expressed the belief that the increase was too dramatic for small businesses to handle. He also noted that the high fees discourages businesses from opening.

Javier Ortega, of North 5th Street, stated that he has been a business owner over the last eleven (11) years. He asked Council to consider setting aside ideologies and support Jim McHale for the District 1 Council seat due to Jim's strong desire to serve the City and its citizens.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the January 6th special meeting and the minutes of the January 9th regular meeting of Council. He noted the need to add three (3) resolutions to the Consent Agenda, promoting the Officers Liggett, Rothermel, and Gilbert to the rank of Sergeant.

Councilor Reed moved, seconded by Councilor Marmarou, to approve the agenda as amended, including the legislation added under the Consent Agenda heading and the minutes from the January 6th Special Meeting and the January 9th Regular Meeting of Council. The motion was approved unanimously.

Consent Agenda

A. Resolution 9–2012 promoting Officer Gilbert to the rank of Sergeant

B. Resolution 10–2012 promoting Officer Liggett to the rank of Sergeant

C. Resolution 11–2012 promoting Officer Rothermel to the rank of Sergeant

ADMINISTRATIVE REPORT

Managing Director Geffken read the report distributed to Council at the meeting covering the following:

- Encouraging citizens to use the Christmas Tree drop off site at Schlegel Park
- Noting the ad appearing in the Reading Eagle over the weekend pertaining to the roll out of the new Rental Permit regulations
- Describing the Public Hearings and Special Hearings required to re-open the budget on February 1st
- Staff participation in NIMS training

Councilor Goodman-Hinnershitz inquired when City Council will receive the proposed budget. Managing Director Geffken stated that he expects the budget to be delivered to Council on January 25th.

Councilor Marmarou inquired about the relocation of the Recycling operation to the former Public Works facility at North 14th and Walnut Streets. Managing Director Geffken stated that the entire Solid Waste and Recycling operation will move to this location.

Council President Acosta stated that City Council has not received the Mayor's proposed budget or Position ordinance. He stated that Council cannot meet to consider these documents until they receive them. He noted the misconception some people have that Council is refusing to meet, to consider the Mayor's proposed budget. However, Council was prepared to begin meeting this past weekend and set aside Mondays, Wednesdays and

Saturdays for budget review meetings.

AUDITOR'S REPORT

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

- Update on Admissions Tax collections
- Update on Real Estate Transfer Tax collections
- Report on the Mayor's Public Budget Meetings

ORDINANCES FOR FINAL PASSAGE

Bill No 1- 2012 - amending the 2011 City of Reading General Fund budget by authorizing the transfer of funds from the Sewer Minor Capital Equipment budget to the Contracted Services and Interdepartmental Direct Costs budgets **(Business Analyst)** *Introduced at the January 9 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 1-2012.

Managing Director Geffken explained that the approval of this transfer is required by City ordinance and is about a budget modification to the Sewer budget.

Bill No. 1-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President – 6

Nays: None- 0

Bill No 2- 2012 - amending the 2011 City of Reading Self Insurance Fund Budget by authorizing the transfer of funds from line items within the Self Insurance Fund Budget **(Human Resources)** *Introduced at the January 9 regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 2-2012.

Managing Director Geffken stated that this was reconciliation within the self insurance fund and is a housekeeping measure.

Bill No. 2-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

Bill No 3- 2012 - amending the City of Reading Codified Ordinances by creating a new Section 1-125 regarding the Council District Boundaries, as recommended by the Redistricting Committee (**Council Staff/Law**) *Introduced at the January 9 regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 3-2012.

Council President Acosta explained the Redistricting Committee evaluated the 2010 Census data to determine the need to change the Council District boundaries. He stated that minor adjustments were needed to correct the population in each District. He stated that the ordinance will be effective in 2013.

Councilor Reed noted that District 5 is unchanged. She stated that the Redistricting Committee was a committee of appointed citizens who received assistance from the Berks County Planning staff. She said that the Committee was efficient and did an excellent job.

Bill No. 3-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

Bill No 4- 2012 - establishing a four-way stop intersection at the North Fourth and Oley Streets in the City of Reading, Pennsylvania (**Law**) *Introduced at the January 9 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 4-2012.

Public Works Director Jones stated that the enactment of this ordinance will authorize the installation of a four-way stop sign at Oley and North Fourth Streets.

Bill No. 4-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

Bill No 5- 2012 - changing Division Street between Buttonwood and Schiller Streets in the City of Reading, Pennsylvania, from one-way southbound to two-way traffic direction **(Law)** *Introduced at the January 9 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 5-2012.

Public Works Director Jones explained the need to change traffic on Division Street between Schiller Street and Buttonwood to two-way traffic. He stated that this change is recommended by the Public Works and Police Departments.

Bill No. 5-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

Bill No 6- 2012 - re-enacting and affirming the Public Participation Regulations in §1-119 of the Administrative Code **(Council Staff)** *Introduced at the January 9 regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 6-2012.

City Solicitor Younger stated that with the enactment of this ordinance Council will reaffirm the public participation regulations in the Codified Ordinances. He noted that part of the regulations is stated by the President of Council at each meeting prior to the Public Comment period.

Bill No. 6-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

Bill No 7- 2012 - amending the City of Reading Codified Ordinances §1-115. Meetings to be Public, by adding language regarding the Use of Electronic Recording Devices (**Council Staff**) *Introduced at the January 9 regular meeting*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 7-2012.

City Solicitor Younger explained that this ordinance provides some control of electronic devices such as cameras. He stated that when this ordinance becomes effective those using recording devices will need to position themselves at the doorways of all meeting rooms. He stated that in Council Chambers electronic devices cannot be positioned closer than the podium.

Councilor Goodman-Hinnershitz questioned if this regulation is imposed on the media too. City Solicitor Younger replied affirmatively.

Councilor Reed noted that this ordinance is not being used to limit the public's opportunity to record a meeting or limit the openness and transparency of meetings. She noted that this ordinance is only meant to prevent disruption and interference at Council meetings.

Bill No. 7-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

Bill No 8- 2012 - amending Chapter 5, Code Enforcement of the Codified Ordinances of the City of Reading by adding Alleys, Recycling Storage and the Food Code to existing Quality of Life Violations and amending language regarding Waste/Trash Storage Times and in the Current Fines and Penalties Section (**Law**) *Introduced at the January 9 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 8-2012.

Bill No. 8-2012 was tabled by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

Bill No 9- 2012 - authorizing the exoneration of outstanding City property tax, penalties and interest for the year 2011 for the Reading School District for 412 Pansy Street, Reading, Berks County, Pennsylvania **(Council Staff)** *Introduced at the January 9 regular meeting* \

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 9-2012.

City Solicitor Younger explained that this is the triangular lot on Pansy Street that the Reading School District purchased for playground and parking usage. He stated that it is standard operating procedure to exonerate the taxes for Reading School District owned property.

Bill No. 9-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

Bill No 10- 2012 – authorizing the Mayor to execute agreements to obtain the necessary rights of way and easements for the purpose of installing, constructing, maintaining and operating the sanitary sewer conveyance system and upgrades between the 6th and Canal pump station and Fritz Island wastewater treatment plant **(Law)** *Introduced at the January 9 regular meeting*

Councilor Sterner moved, seconded by Councilor Marmarou, to enact Bill No. 10-2012.

Councilor Reed explained the need to record various pieces of properties. She explained that this easement and right-of-way authorization will assist in the placement of the force main, which part of the Consent Decree project.

Bill No. 10-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - amending the 2012 City of Reading general fund budget by authorizing the transfer of funds from the Department of Public Works to the Information Technology Division **(Controller)**

B. Ordinance - amending Code of Ordinances, City of Reading, Chapter 1, Administration and Government, Exhibit A City of Reading Purchasing Policy & Procedures, Administrative Procedure Bid Solicitation, Evaluation & Award Procedure to require an Approved Apprenticeship Program and Minority Hiring **(Law) To be distributed Monday**

RESOLUTIONS

Resolution 12–2012 - reappointing Linda Kelleher as City Clerk **(Council Staff)**

Councilor Marmarou moved, seconded by Reed, to adopt Resolutions 12-2012

Council President Acosta stated that City Council appreciates the dedication, hard work and guidance provided by Ms. Kelleher.

Resolution 12-2012 was adopted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None- 0

COUNCIL COMMENT

Councilor Sterner thanked those speaking tonight. He noted his agreement with the need to re-evaluate the Quality of Life ticketing program.

Councilor Goodman-Hinnershitz agreed that some regulations need to be re-evaluated as unexpected impacts have been uncovered.

Mayor Spencer stated that he will be going on a walk along with the Quality of Life Property Maintenance Aides next week.

Council President Acosta expressed the belief that the ordinance may need some modification. He also noted that enforcement of any regulation can bring the perception of targeting with it.

Council President Acosta noted the importance of seeing the crowd in the audience at this meeting. He thanked those who brought their issues forward.

Councilor Waltman agreed with the need to provide better and stronger community communication.

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk