

**City of Reading City Council
Regular Business Meeting
Monday, February 27, 2012**

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

The invocation was given by Reverend Robert Brookins of Holy Trinity Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Mayor Spencer
Managing Director C. Geffken
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Sergeant At Arms, Captain S. Powell

PROCLAMATIONS AND PRESENTATIONS

The City Council issued the following:

- Council Commendation recognizing the 100th Anniversary of Reading Foundry and Supply Co, accepted by Ryck Spengler

LIBRARY BOARD REPORT

Ernie Schlegel, President of the Library Board, and Library Board members presented a recognition certificate to Councilor Marmarou for his generous monetary donation that assisted with Library operations.

PUBLIC COMMENT

Council President Acosta announced that due to the total number of residents signed up to address Council this evening, Council will be hearing comment on agenda matters now and comment on general matters after the legislative business is concluded. He reminded those registered to speak of the public speaking rules.

Mark Burford, of West Oley Street, expressed the belief that the Quality of Life ticketing program is flawed. He stated that he received two (2) tickets for trash container set out; one container is used to store rock salt on his front porch and one container is for litter collection. He expressed the belief that cars parking in alleys, large trucks parking near intersections and other issues are much more pressing. He also expressed the belief that the program is nebulous and unfair. He asked Council to review the program.

Paul Skvarla, of South 3rd Street, asked Council to reject the amendment to the Property Maintenance Code due to the economy. He expressed the belief that the general public doesn't have the wherewithal to pay fines or make extensive property repairs. He made suggestions for amendments to various sections. He expressed the belief that this is a bad code in bad economic times.

Ed Terrell, of Lackawanna Street, stated that he spoke two (2) weeks ago on the city's hiring practices. He expressed the belief that City Council needs to hear the voice of the people as legislation is considered. He stated that tonight's audience provides strong community support. He expressed the opinion that the decision made at the last meeting concerning the appointment of the Administrative Services Director was not associated with racism but with bigotry. He noted the need for Council to understand the Reading community.

Gary Joseph, of North 13th Street, stated that his family moved to Reading from New York. He expressed the belief that the Mayor has a good heart and plan for Reading. He noted the need for the Mayor to have the team to get the job done. He asked that Council support the Mayor's proposed positions.

Robert Jefferson, of Wyomissing, stated that he is currently the President of the NAACP and he spoke in support of the appointment of the Mayor's preferred team. He read the Mayor's responsibilities from the Charter. He noted that Council members sat on the Transition Committees and were aware of the Mayor's plan. He questioned why the proposed team is being opposed. He expressed the belief that the lack of support is causing problems for the Mayor. He asked Council to approve the positions.

Vaughn Spencer, of Douglas Street, stated that he will defer his comment time until the Administrative Report.

Larry Murin, of Exeter, relinquished his time to **Angel Figueroa, of Pine Street.**

Mr. Figueroa stated that he is grateful for the opportunity to address Council. He noted his past participation on City Council, in the community and on the Transition Team. He expressed the belief that civility is no longer working. He reminded Council that other

Mayors put appointments forward which Council accepted unopposed. He questioned Council's micromanagement of these appointments. He noted his understanding of the duties of City Council and encouraged Council to consider the impact of their vote this evening.

Marisol Torres, of South 5th Street, relinquished her time to **Lourdes Torres, of South 5th Street**.

Ms. L. Torres stated that this is the first Mayor to encounter obstacles to appointments. She expressed the belief that enough is enough and asked that Council to move forward.

Eron Lloyd, of South 18th Street, stated that he is proud to serve as the Mayor's Special Assistant and relinquished his time to comment.

Mick Dee, of Whitehall, stated that it is great to see the community support the Mayor's proposed positions. He asked City Council to support the Communications position specifically. He described his accomplishments over the past two (2) months. He relinquished the remainder of his time to **Bill Vitale**.

Mr. Vitale spoke in support of the proposed positions for the Mayor's office. He noted his participation on the Sustainability Committee and expressed the belief that it is imperative that the Committee continue its work. He noted his firm belief in the work of the Committee. He suggested allowing this Mayor to have the opportunity to try something new as old methods no longer work.

William Frymoyer, President of AFSCME #2763, stated that as a City employee he is upset with the various news articles that have been appearing in the Reading Eagle. He expressed the belief that part-time positions should not be approved by Council. He questioned why the Mayor's part-time positions can work more than 28 hours a week, as this is a violation of the Administrative Code.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the minutes for the February 13th regular meeting of Council and the agenda for this meeting, including the legislation listed under the Consent Agenda heading.

Council President Acosta noted the need to make the following agenda amendments:

- Add an emergency ordinance for final passage authorizing the part-time Police positions
- Introduce an ordinance adding part-time, temporary and seasonal employees to the

- position ordinance
- Withdraw the Alvernia resolution from the Consent Agenda

Councilor Marmarou moved, seconded by Councilor Reed, to approve the agenda as amended, including the legislation under the Consent Agenda heading and the minutes from the February 13th, 2012 Regular Meeting of Council. The motion was approved unanimously.

Consent Agenda

Resolution 20-2012 - authorizing the Mayor to execute a FFY2008 (34th CD year - January 1, 2008 to December 31, 2008) CDBG-R Action Plan Amendment to cancel the 500 block of Franklin Street Improvements activity and to re-program \$200,000 in CDBG-R funds for the 500 to 700 blocks of Court Street Improvements activity (**Community Development**)

Resolution 21-2012 - authorizing the City of Reading to be a signatory for entering into a service contract for supply of electricity (**Purchasing**)

ADMINISTRATIVE REPORT

Managing Director Geffken summarized the report distributed to Council with the agenda packet as follows:

- Formation of a work group to meet and discuss a case management system for dangerous buildings
- Decrease of 16.5% in CDBG funding
- Automation of the rental permit process
- Announcing that this is his last report as Managing Director and thanked the City for giving him the opportunity to serve

Council President Acosta thanked Managing Director Geffken for his service. He stated that he admires Mr. Geffken's integrity and work ethic.

Mayor Spencer described his work to get elected and to create a plan to address the City's issues. He noted the need for the positions in the Mayor's office so his plan can be implemented and move the City forward. He stated that currently he is spending too much time on office operations and noted his need to get out in the broader community. He stated that this two (2) month delay has not made sense and asked for Council's support for the proposed positions.

Councilor Goodman-Hinnershitz thanked the Mayor and the Managing Director for their remarks. She noted that it is unfortunate that the Mayor did not make a similar eloquent statement concerning the need for the positions earlier. She thanked the Managing Director

for the skill and leadership he brought to this position.

Councilor Sterner noted the delay in bringing the positions forward first occurred because the Mayor and his staff did not submit the proper documentation to support the budget reopening.

Mayor Spencer noted the incorrect perception that he just brought the positions forward without thought or consideration.

AUDITOR'S REPORT

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

- 2012 Admission Fee/Tax Collection
- 2012 Real Estate Transfer Tax Collection
- 2012 Battle of the Badges

ORDINANCES FOR FINAL PASSAGE

Bill No. 13-2012 - amending the 2012 budget of the Property Maintenance Division of the Department of Community Development by authorizing the transfer of funds from salaries to purchase vehicles and to create a line item for vehicle purchase (**Bus Analyst**) *Introduced at the February 13 regular meeting*

Councilor moved Marmarou, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 13-2012.

Managing Director Geffken stated that this amendment will allow the purchase of more fuel efficient vehicles. He stated that currently Codes vehicles get 8-12 miles per gallon and the new vehicles will increase efficiency with 38 miles per gallon.

Bill No. 13-2012 was tabled by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President – 7
Nays: None- 0**

Bill No. 14-2012 - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 G Fiscal Provisions by reducing the amount of expenditures and allocations requiring council's approval from \$50,000 to \$25,000 (**Council Staff**) *Introduced at the February 13 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 14-2012.

Bill No. 14-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7**

Nays: None- 0

Bill No. 15-2012 – setting forth the salary of the Director of the Community Development Department at \$75,000 annually **(Council) Introduced at the February 13 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 15-2012.

Councilor Waltman stated that he will not support this salary as it is reduce from that presented.

Bill No. 15-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Acosta, President -
5**

Nays: Reed, Waltman - 2

Bill No. 16-2012 - amending the City of Reading Codified Ordinances Chapter 2 Animals Section 2-116 Animal Control Board Established by amending the membership of the Board to seven members and removing alternate members **(Council Staff) Introduced at the February 13 regular meeting**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 16-2012.

Bill No. 16-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7**

Nays: None- 0

Bill No. 17-2012 - setting forth Council's intent to issue a series of general obligation bonds of the City in the aggregate principal amount not to exceed five million dollars (\$5,000,000) **(Man Dir) Introduced at the February 13 regular meeting**

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 17-2012.

Managing Director Geffken stated that the City will be saving approximately \$400K overall through this refinancing.

Bill No. 17-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0**

Bill No. 18-2012 - amending the 2012 general fund budget, reallocating certain salary and benefit expenses and amending the 2012 position ordinance to provide funding for positions in the Office of the Mayor **(Bus Analyst and Council)** *Introduced at the February 13 regular meeting*

Councilor Sterner moved, seconded by Councilor Waltman, to enact Bill No. 18-2012.

Councilor Waltman stated that the City is only as poor as its decision making. He noted the difference between legislation and legislating and strangling the Mayor. He expressed the belief that personalities have interfered with various issues. He asked Council to approve the ordinance.

Councilor Sterner questioned the issue at hand. Council President Acosta stated that Council is not considering the amendment presented by the Managing Director, but that currently on the table.

Councilor Sterner that the Deputy City Clerk does not make \$45K proposed for the Communications Specialist and the Deputy City Clerk position has much more responsibility. He expressed his support for four (4) of the positions proposed but not the Communications position.

Councilor Goodman-Hinnershitz expressed the belief that the process used to bring the positions forward was flawed. She stated that initially the positions were proposed through the budget reopener which failed due to the lack of support documentation, then through the elimination of the Citizen's Service Center and now through unspent salaries from various departments. She questioned if the positions and their salaries are sustainable. She also noted that approving these positions would step away from the need to fund core services. She stated that while she cannot support the positions on the table this evening, she is open to further discussion. She also questioned the need to employ a Communications Specialist.

She expressed the belief that the communications issue can be handled by other staff members.

Councilor Corcoran thanked all for providing comment on this issue. He stated that he is willing to work with the Mayor but questioned the need for the Communications Specialist.

Councilor Waltman moved, seconded by Councilor Sterner, to amend Bill No. 18-2012 by eliminating the Communications Specialist.

Councilor Reed moved, seconded by Goodman-Hinnershitz to table Bill No. 18-2012.

Bill No. 18-2012 was NOT tabled by the following vote:

Yeas: Sterner, Waltman - 2

Nays: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Acosta, President - 5

Council President Acosta stated that the as Bill No. 18-2012 was not tabled, the Bill as presented is on the table.

Councilor Waltman expressed the belief that the approval for the positions cannot be delayed any longer.

Councilor Goodman-Hinnershitz agreed but noted the need to create only sustainable positions.

Council President Acosta noted his frustration with the process. He also noted the compromise resulting from the Committee of the Whole discussion and the Mayor's willingness to remove the Communications Specialist position. He stated that the problem is not people related, but with functionality and sustainability. He noted that every member of Council supported the Mayor in his campaign. He noted the problem with the change of information coming forward.

Managing Director Geffken explained the funding for these positions will hold for 2012.

Council President Acosta stated that he will not support all five (5) positions.

Councilor Waltman inquired if the body will reconsider the amendment which will eliminate the Communications Specialist.

Councilor Goodman-Hinnershitz noted the need for further discussion.

Councilor Reed moved, seconded by Goodman-Hinnershitz to call the question on Bill No. 18-2012.

The motion to call the question was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6
Nays: Waltman - 1

Bill No. 18-2012 was not adopted by the following vote:

Yeas: Sterner, Waltman - 2
Nays: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Acosta, President - 5

Bill No. 19-2012 - amending the 2012 City of Reading listing of positions by eliminating and adding positions in the Mayor's Office (Bus Analyst and Council) *Introduced at the February 13 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 19-2012.

Bill No. 19-2012 was not enacted by the following vote:

Yeas: - Sterner, Waltman - 2
Nays: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Acosta, President - 5

Bill No. 20-2012 - amending Chapter 5, Code Enforcement, Part 6, Property Maintenance, of the Codified Ordinances of the City of Reading, Pennsylvania, by adopting and amending the International Property Maintenance Code of the International Code Council, 2012 Edition, as deleted, modified or amended as set forth to create a revised City of Reading Property Maintenance Code establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures, by providing the standards supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and the demolition of such structures as attached as Exhibit A (Law)

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 20-2012.

Councilor Goodman-Hinnershitz noted the importance of educating the public about the changes in the Property Maintenance Code.

Bill No. 20-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0**

Emergency Bill No. 21-2012 – authorizing the employment of part-time Police positions.

Councilor Reed moved, seconded by Councilor Sterner, to enact Emergency Bill No. 21-2012.

Managing Director Geffken noted the receipt of the Charter Board Advisory Opinion noting the need for all positions to be approved in the Annual Positions Ordinance. He stated that the Administration was reminded by the City Clerk as well.

Council President Acosta asked Managing Director Geffken to explain this Advisory Opinion to AFSCME and its President.

Bill No. 21-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0**

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - amending the 2012 solid waste budget, reallocating certain advertising, contracted services and postage funds to the 2012 vehicles budget (**Bus Analyst**)

B. Ordinance - authorizing the Mayor to acquire, by condemnation or otherwise, a fee or easement interest, as deemed necessary or prudent by the mayor, in the parcels of land identified as property identification numbers 18530651852796 and 18530616947572 (the “properties”) located along the west shore of the Schuylkill River between the Sixth and Canal Pump Station and Fritz Island Wastewater Treatment Plant (“WWTP”) for the purpose of constructing and maintaining such sanitary sewer facilities required for the efficient

transportation of sewage to the WWTP (**Man Dir**)

C. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 2, §1-221. Categories of Employment by including compensated interns as temporary employees (**Law**)

D. Ordinance - establishing a four-way stop intersection at St. Bernardine Street and Greenway Terrace in the City of Reading, Pennsylvania (**Law**)

E. Ordinance - authorizing the Mayor to acquire the properties from the Berks County Tax Claim Bureau's current repository list as attached as Exhibit "A" (**Law**)

F. Ordinance - amending Bill No. 7-2012 and Codified Ordinances §1-115 - Meetings to be Public providing additional language relating to the use of electronic recording devices at meetings (**Council Staff/Law**)

G. Ordinance – refinancing the 2005 Bonds with a General Obligation Note, Series of 2012, in an aggregate principal amount not to exceed two million six hundred fifty five thousand dollars (\$2,655,000) (**Financial Solutions**)

H. Ordinance - authorizing the Mayor to attempt to acquire ownership of the premises known as 405A South 7th Street, Reading, Berks County, Pennsylvania, from the Berks County Sheriff's Judicial Sale (**Law**) *To be distributed Monday*

I. Ordinance – amending the Position Ordinance by adding all full-time, temporary and seasonal employees.

RESOLUTIONS

Resolution 22–2012 - allowing the City to reimburse funds expended for the waste water treatment plant project upon receipt of the debt financing (**Man Dir**)

Councilor Marmarou moved, seconded by Reed, to adopt Resolutions 22-2012.

Resolution 22-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,

President - 7

Nays: None- 0

Resolution 23-2012 - Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for the installation of vinyl replacement windows at 317 North 5th Street, Peter Hart, owner **(Council Staff/Law)**

Councilor Reed moved, seconded by Marmarou, to adopt Resolutions 23-2012.

Resolution 23-2012 was adopted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: Goodman-Hinnershitz - 1

Resolution 24–2012 - appointing Councilor Randy Corcoran to the Blighted Property Review Committee **(Council Staff)**

Councilor Goodman-Hinnershitz moved, seconded by Reed to adopt Resolutions 24-2012.

Councilor Reed noted her commitment to the Blighted Property Review Committee but expressed the belief that Mr. Corcoran, with his housing experience, was a much better fit, therefore she decided to relinquish her position.

Resolution 24-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None- 0

Resolution – appointing Lenin Agudo as Community Development Director **(Mayor)**

Councilor Waltman moved, seconded by Goodman-Hinnershitz, to adopt Resolutions 25-2012

Councilor Goodman-Hinnershitz noted her belief in the qualifications of Mr. Agudo and noted the need to accomplish residency within a one (1) year period. She also noted the difficulty in finding a good candidate for this position.

Council President Acosta noted that Mr. Agudo was well prepared for the interview. He also expressed his belief in the skill, integrity and ethics of Mr. Agudo.

Resolution 25-2012 was adopted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0**

PUBLIC COMMENT – GENERAL

Silvia Aviles, of Scott Street, noted her support for the Mayor and his plans to improve Reading. She also noted the need for changes in the City's rules to improve the City.

Harish Talani, of North 9th Street, was not present.

Al Carranza, of North 9th Street, stated that he owns a business on North 9th Street and has had a Merchant Parking Permit since the late 90's. He stated that now the Reading Parking Authority now wants to eliminate the program. He expressed the belief that the program should stay in place due to his difficulty to find time to fund meters and care for his customers.

Anthony Johnson, of North 9th Street, was not present.

John Santana, of North 9th Street, was not present.

Jesus Almonte, of North 9th Street, was not present.

Carmen Lopez, of North 9th Street, was not present.

Johanny Cepeda, of Walnut Street, stated that she is the owner of the Mi Casa, Su Casa restaurant on Penn Street. She expressed the belief that the health fees are too high and need to be reconsidered. She stated that she is embarrassed and frustrated by the Council President's attempts to control the audience and expressed support for the Mayor's ability to make changes to the new positions in his office.

Cresanc Duchaine, of North 9th Street, was not present.

Latasha Peguro, of North 9th Street, was not present.

COUNCIL COMMENT

Councilor Corcoran noted his understanding of the public's frustrations but asked them to consider the need for Council to make well thought out, not spur of the moment decisions.

Councilor Goodman-Hinnershitz described the efforts to build community and destination events around the Pagoda and Mount Penn.

Councilor Reed noted the Downtown 20/20 plans on a large scale and on a more doable, small scale.

Councilor Reed also noted the events planned to assist Deputy Fire Chief Wentzel in handling his illness. She noted her hope for his swift recovery.

Councilor Sterner noted that to cover the cost of the Health program, Council cannot change without input from the Administration, as the fees are based on the Maximus Cost Study to cover the cost of the program.

Council President Acosta reviewed the Council meeting schedule.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk