



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
May 13, 2013
5:00 P.M.

COUNCIL MEMBERS PRESENT:

M. Goodman-Hinnershitz, D. Sterner, S. Marmarou, D. Reed, R. Corcoran, F. Acosta, J. Waltman

OTHERS PRESENT:

L. Kelleher, C. Younger, D. Cituk, C. Snyder, M. Bembenick, V. Spencer

The Committee of the Whole meeting was called to order at 5:05 pm by Council Vice President Goodman-Hinnershitz.

I. Pay to Play Ethics Amendment

Ethics Solicitor Greg Shantz stated that the proposed ordinance is based on the one currently in place in Philadelphia, which has been challenged and upheld. He stated that he believes the Philadelphia ordinance was enacted in 2009 and immediately challenged. He stated that Pittsburgh and other municipalities are using the Philadelphia legislation as their model as it has been challenged and upheld.

Mr. Shantz explained that the proposed ordinance focuses on the disclosure of campaign contributions and campaign financial reporting and intended to provide increased transparency and prevent the appearance of kickbacks. He stated that the ordinance was originally placed into the procurement policies, when it should have been located in the Ethics Code.

Mr. Waltman inquired how this legislation works with the State Elections Code and how it affects contributions to those running for City positions. Mr. Shantz stated that there are gaps in the State Elections Code and this legislation corrects those gaps. He stated that the dollar amounts in this legislation are based from the Philadelphia ordinance and tailored for Reading. He stated that the proposed legislation limits those running for Mayor to a maximum of \$250K and those running for City Council to a maximum of \$100K. He again noted that the disclosure of those contributing is more important than the limits.

Ms. Goodman-Hinnershitz questioned the need to include references to this legislation in the City's RFPs. Ms. Katzenmoyer stated that the ordinance covers only no bid contracts.

Mr. Marmarou thanked Mr. Shantz and Ms. Katzenmoyer for their work on this legislation.

II. Agenda Review

Ms. Kelleher stated that the Fire Chief requested an amendment to the agenda to add two promotion resolutions onto the Consent Agenda. She stated that the promotions are revenue neutral, as the promotions are replacing retired employees.

A. Bill No. 27-2013 – authorizing the transfer of funds from the Trash/Recycle Fund (\$2 million) and Liquid Fuel Fund (\$400,000) to the General Fund (**Controller**)

Mr. Bembenick stated that this is a housekeeping item that returns funds borrowed from the General Fund earlier in the year.

B. Bill No. 28-2013 – Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part J Code of Ethics by adding definitions, amending the Solicitation/Acceptance of Gifts; Rebuttable Presumption, adding a provision regarding the Awarding of Contracts, and adding a provision regarding Campaign Contributions and Reporting Requirements (**Board of Ethics/Council Staff**) *Reviewed at 5-6 COW*

Ms. Goodman-Hinnershitz stated that this issue was addressed by Mr. Shantz at the beginning of this meeting.

C. Bill No. 28-2013 – Amending the Building/Trades and Property Maintenance Fee Schedules by applying certain fees to cover post-fire related activities, which will be billed against the fire escrow fund balance if the building has property insurance or billed to the property owner if the building is not covered by property insurance. (**Bus. Analyst**)

Mr. Cituk explained that the need for this ordinance was uncovered through a Fire Escrow workgroup composed of Mr. Kersley, Ms. Kelleher, Mr. Lachat, Ms. Kohl and himself. He stated that City post-fire activities will be charged to the fire escrow account for properties that have fire insurance. He noted that currently post-fire work is billed to the property owner and then liened when the property owner fails to respond to the billed charges. When fire escrow funds are available the charges can be immediately drawn down. He noted that the group also learned that delinquent taxes and utility charges can also be charged to the fire escrow account.

Mr. Cituk explained that when fire insurance exists, the property owner receives a payment from the insurance company to rehabilitate or demolish the property. The City receives a small portion to hold in escrow until the property owner either rehabilitates or demolishes the property. If the City demolishes the property the fire escrow funds can be used to offset the cost of the demolition.

Mr. Cituk stated that the work group identified other issues which should be moving forward in other proposed ordinances.

A. Resolution 38-2012 - approving the undertaking of a project by the Reading Area Water Authority for the operation and/or acquisition of a certain sewer collection, conveyance and pumping system serving the Berks Park 78 Owners Association in Bethel Township (RAWA) *Reviewed at 5-6 COW*

Ms. Snyder stated that she had a conversation with Mr. Miller regarding this project. She explained that the project will provide sewage transportation service for only five (5) customers who reside in this area. She stated that there will not be any expansion of services. She stated that RAWA provides water service for this area and they are interested in having RAWA bid to provide sewage transportation services. The sewage is currently treated at the Bethel plant.

Mr. Waltman noted that in previous years Council had conversations with RAWA about their annual budgets and policies; however, those conversations no longer exist. He questioned if RAWA has a pro forma on this project and he questioned RAWA's experience with sewage. Ms. Kelleher stated that while RAWA itself has no sewage expertise, Miller Environmental, owned by Executive Director Dean Miller, does have experience with sewage as they run some municipal sewage treatment plants. Mr. Waltman questioned why Miller Environmental would not submit a bid.

Ms. Kelleher was asked to contact Mr. Miller about attending Monday's Standards of Living Committee meeting to discuss this matter further.

A. Ordinance - Authorizing the Mayor to execute a Lease Agreement between the City of Reading and WFMZ for the Lease of a Portion of the "WEEU Building" for the installation of a transmitter on the existing Tower (**Law**)
Note: Ineligible for enactment until the June 24th meeting due to the Charter required 14 day lay over period

Ms. Goodman-Hinnershitz stated that this ordinance is being introduced tonight. She invited Barry Fisher, President of WFMZ to speak with Council.

Mr. Fisher stated that WFMZ began a local news program in Berks County in the early 1900's and Berks Edition began broadcasting in 1995. He explained that WFMZ currently uses a microwave link located on the WITF tower on the Fire Tower property on Skyline Drive. This link is used to provide a signal for broadcasts from the field. He stated that WITF no longer needs the signal and WFMZ needs to increase the height of the existing tower due to the growth of trees on the mountain. He noted that the trees interfere with the ability to access the signal. He stated that the tower will not be higher than 160 feet and that there are other towers that are higher.

Mr. Fisher noted that an agreement was made with former Mayor McMahan to locate a new tower on the Fire Tower building; however, due to the historical significance of the Fire Tower, WFMZ did not install the new tower on the building.

Ms. Goodman-Hinnershitz stated that due to the Charter required 14 day layover period, this ordinance will not be eligible for enactment until June 24th.

B. Resolution – approving the Conditional Use application for HM Investments at 912 Amity Street to add one residential unit on the first floor, after the conditions are met by the property owner (Council Staff)

C. Resolution - denying the Conditional Use application for a two unit rental (2 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) floor unit at 1146 North 6th Street submitted by James Kintzer and approving a Conditional Use permit for 1146 North 6th Street for a two unit rental (1 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) with conditions. (Council Staff)

Ms. Kelleher stated that the 912 Amity decision is drafted for approval with conditions that the permit will not be issued until the property is compliant with the Property Maintenance and Building/Trades code regulations. She stated that an inspection is scheduled for June 14th.

Ms. Kelleher stated that the 1146 North 6th decision denies the original application but approves an alternative that allows a one bedroom unit in the first floor and a three bedroom unit on the combined 2nd and 3rd floors. She noted that wording of this decision will not allow the second and 3rd floors to be subdivided into additional units nor allow a unit in the basement. Again the permit will not be issued until the property is in compliance with the Building/Trades and Property Maintenance regulations.

III. 2014 Budget

Mr. Bembenick stated that budget worksheets were distributed to the departments and are to be returned to Administrative Services by June 14th. The proposed budgets will be reviewed with those who submit the worksheets.

Ms. Reed suggested holding a budget summit in June or July. She noted that the past summits helped the Administration and Council to get on the same page with budget issues. Mr. Acosta agreed noting that the Mayor's staff is proposing some significant changes with this budget and it is important for Council to consider them well before the budget is presented and introduced.

Ms. Snyder stated that Mr. Mann has prepared a five year report on revenue projections, which is more optimistic than what was presented at the Finance Committee meeting last week. She stated that Mr. Mann is currently revising the report to include some additional revenue generation areas.

The Committee of the Whole meeting adjourned at 6:35 pm.

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