

**City of Reading City Council  
Regular Business Meeting  
Monday, October 28, 2013**

Council President Francis Acosta called the meeting to order.

The invocation was given by Pastor Eileen LeVan, of Nativity Lutheran 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  
City Auditor D. Cituk  
City Solicitor C. Younger  
City Clerk L. Kelleher  
Managing Director C. Snyder  
Mayor V. Spencer

**PROCLAMATIONS AND PRESENTATIONS**

None.

**PUBLIC COMMENT**

Council President Acosta reviewed the public speaking regulations and stated that three (3) individuals are registered to address Council this evening on non agenda matters. He inquired if anyone objected to suspending the rule requiring non agenda comment at the end of the meeting. As no one objected, the rule was suspended. He reviewed the remaining public speaking rules.

**Patrick Miley, of Union Street**, was not present.

**Roberto Vasquez, of Gregg Avenue**, stated that he received two (2) parking tickets and when he reviewed them he found errors on the tickets and began the appeal process. He noted that the delays with the appeal process and the questionable dispute process apply questionable due process issues. He stated that a Parking Authority and Magisterial District Judge

employee told him that the appeal process is created by Council. He asked Council to consider amending the process.

**Lynn Christy, of Penn Street**, stated that he owns four (4) properties in the 1000 block of Penn Street; three (3) commercial properties and one (1) residential property. He stated that all properties would receive large tax increases under the Land Value Tax application. He expressed the belief that the data being applied is over two (2) years old.

## **APPROVAL OF THE AGENDA & MINUTES**

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes for the October 14<sup>th</sup> Regular Meeting of Council.

**Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the October 14<sup>th</sup> Regular Meeting of Council, the agenda for this meeting, including the legislation under the Consent Agenda heading. The motion was approved unanimously.**

### **Consent Agenda**

**A. Resolution 84-2013** – denying the 2011 tax exoneration request from Journey Fellowship for 600 Alton Ave **(Council Staff)**

**B. Resolution -2013** – Deny the request for a small stone marker commemorating the Civil War field hospital that was located near the present day comfort station in City Park and approving a historical marker, similar to those installed by the Pennsylvania Historical and Museum Commission on or around the comfort station as approved by the Public Works Operations Division Manager. **(Council Staff)**

**C. Award of Contract** - for the LED Light Project to Telco, Inc., Reading, with total bid price of \$60,770.70 **(Purchasing)**

**D. Award of Contract** - for the Uniform bid to Aramark Uniform Services, 424 Reading, who is the low bidder with total bid price of \$49,344.36 for uniforms, \$1,123.20 for towels and \$8,604.96 for mats for a three year contract. **(Purchasing)**

**E. Award of Contract** – for the Fire/Building/Trades Software Project to Trade Master/Mobile Eyes, Troy, MI with total price of \$72,962.00. **(Purchasing)**

## **ADMINISTRATIVE REPORT**

Mayor Spencer called Council's attention to the report distributed at the meeting, noting that the report will now contain updates from various offices and departments. He stated that this report provides an update from Public Works, IT and Police.

Councilor Marmarou stated that he is pleased to see that repairs will occur at the 9<sup>th</sup> and Marion firehouse and the EMS station, as they have been in a state of disrepair for some time.

Councilor Goodman-Hinnershitz described the problems with the retaining wall at the Pagoda and the need to move forward with the MOU between the City and the Pagoda Foundation.

## **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting. In summary:

- Report on the escalation of the MMO payment - \$1.8M in 2003 and \$11.1M in 2013
- Report on the City's required contribution to the pension funds after receipt of state aid between 2003 and 2013
- Report on the Public Utility Tax 1997-2013
- Budget comments on the 2014 Revenue projections

## **REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS**

None.

## **ORDINANCES FOR FINAL PASSAGE**

**A. Bill No. 44-2013** - Authorizing the transfer of \$56,363 from the General Fund account code (01-07-74-4101) Light and Power to account code (01-07-74-4216) Contracted Services for the purpose of payment to Susquehanna Municipal Finance for the Honeywell contract. **(Pub Works)** *Introduced at the Sept 23 regular meeting; Tabled at the Oct 14 regular meeting Tabled at the Oct 14<sup>th</sup> regular meeting*

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 44-2013.**

Ms. Snyder stated that this payment is for the financing of the project, not a payment to Honeywell. She stated that she will have a response to Councilor Sterner's request within two (2) weeks.

**Bill No. 44-2013 was enacted by the following vote:**

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

**B. Bill No. 49-2013** – amending Chapter 576 – Vehicles and Traffic, Part 12 Parades, Special Events, and Public Gatherings by making clarifications to the terms of the ordinance **(Bus Analyst)** *Introduced at the Sept 23 regular meeting; Advertised Oct 7<sup>th</sup>; Tabled at the Oct 14<sup>th</sup>*

*regular meeting*

**Councilor Corcoran moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 49-2013.**

Councilor Goodman-Hinnershitz thanked Council Staff for their work to clarify this process.

**Bill No. 49-2013 was enacted by the following vote:**

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

**President - 7**

**Nays: None - 0**

**C. Bill No. 50-2013** – Authorizing the transfer of \$ Transfer of \$300,000 from the 2013 General Fund Account 01-14-91-4739, Contingency, to 01-12-25-4216 Special Counsel - Contracted Services **(Bus Analyst) Introduced at the Oct 14 regular meeting**

**Councilor Sterner moved, seconded by Councilor Waltman, to enact Bill No. 50-2013.**

Councilor Sterner expressed the belief that these issues could have been settled through a mediation process, rather than through the court system. He stated that Council has no choice but to approve the payment of these bills.

Councilor Goodman-Hinnershitz stated that she will not support this expense as it could have been avoided. She expressed concern for the misuse of public funds.

Councilor Waltman agreed that a mediation process could have avoided these legal bills.

Council President Acosta noted that this transfer will handle the legal fees for the Charter Board and the Mayor's legal team.

**Bill No. 50-2013 was enacted by the following vote:**

**Yeas: Marmarou, Sterner, Waltman, Acosta, President - 4**

**Nays: Corcoran, Goodman-Hinnershitz, Reed - 3**

**D. Bill No. 51-2013** – Amending the Administrative Code, Chapter 5, Section 208 Rules of Procedure, by correcting the conflict regarding the submission of legislation and matters for inclusion on an agenda **(Council Staff) Introduced at the Oct 14 regular meeting**

**Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 51-2013.**

Council President Acosta stated that this ordinance and the following ordinance clear up some conflicts in the Administrative Code.

**Bill No. 51-2013 was enacted by the following vote:**

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

**E. Bill No. 52-2013** – Amend the Administrative Code, Chapter 5, Section 203 Organization Meeting by eliminating the need to hold an organizational meeting during the first meeting of each year **(Council Staff) *Introduced at the Oct 14 regular meeting***

**Councilor Marmarou moved, seconded by Councilor Corcoran, to enact Bill No. 52-2013.**

**Bill No. 52-2013 was enacted by the following vote:**

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

**F. Bill No. 53-2013** – Amending Chapter 508, Section 700 of the City Code Book relating to street cuts making clarifications and changing the fee schedule for street cuts on streets that have been repaved **(Business Analyst) *Advertised on October 21<sup>st</sup>, Introduced at the Oct 14 regular meeting***

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 53-2013.**

Managing Director Snyder stated that this is the first round of repairs to the Street Cut ordinance. She stated that this first correction strengthens the language around the repair of streets paved within 1-10 years. She stated that one additional adjustment will occur before the end of 2013.

**Bill No. 53-2013 was enacted by the following vote:**

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

**G. Bill No. 54-2013** – Amending the Act 47 Recovery Plan by reducing the Commuter and Home Rule Resident EIT by 0.1%. **(PFM/Council Staff/Law) *Introduced at the Oct 14 regular meeting***

Councilor Corcoran moved, seconded by Councilor Goodman-Hinnershitz, to table Bill No. 54-2013.

Bill No. 54-2013 was tabled by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 5

Nays: Corcoran, Acosta, President - 2

## INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

**A. Ordinance** - creating a process to handle requests for memorials on public property and creating a moratorium on the addition of new memorials on public property **(Business Analyst Work Group) Advertised on Nov 4<sup>th</sup>**;

**B. Ordinance** - amending the Administrative Code, Exhibit A Purchasing Policies And Procedures, Section 11 Bid Evaluation, Parts 11.4.5 And 11.4.6, by reducing the amount required for contract approvals to \$25,000 which will bring the section into compliance with the expenditure reduction approved in Bill No. 14-2012 **(Council Staff)**

**C. Ordinance** - authorized to execute an Easement Agreement (attached as Exhibit "A") to convey unto the Muhlenberg Township Authority a non-exclusive, perpetual easement in gross and temporary sanitary sewer construction easement upon that portion of premises known and designated as Tax Parcel # 66531810461680, generally located to the northeast of Spring Valley Road, Muhlenberg Township **(Law/Public Works)**

**D. Ordinance** - Amending the Department of Fire & Rescue Services Budget by authorizing the transfer of a total of \$10,450.00 in the {EXPLORER POST \$1200.00 and MACHINERY & EQUIPMENT \$9250.00} line item #01-09-33-4728 & #01-09-33-4802 to the {GENERAL PLANT SUPPLIES} line item #01-09-33-4510. **(Bus. Analyst)**

**E. Ordinance** - Amending the Rain Barrel Ordinance to make the regulations the overflow consistent with pre-manufactured rain barrels, reducing the size of the overflow to 1". **(EAC) Advertised on Nov 4<sup>th</sup>**

### PENDING

**Ordinance** - 2014 General Fund Budget Advertised Sept 20th

**Ordinance** - 2014 Capital Improvement Program Budget Advertised Sept 20th

**Ordinance** - 2014 Position Ordinance

**Ordinance** – Resident Home Rule EIT; a tax of one and five tenths percent (1.5%) (Reduction of 0.1%) Advertised Sept 30<sup>th</sup>, Oct 7<sup>th</sup> and Oct 14<sup>th</sup>

**Ordinance** – Commuter EIT; a tax of up to a maximum of one and two tenths percent (1.2%) (Reduction of 0.1%) Advertised Sept 30<sup>th</sup>, Oct 7<sup>th</sup> and Oct 14<sup>th</sup>

## **RESOLUTIONS**

**A. Resolution 86-2013** – authorizing the Solicitor to petition the Court of Common Pleas to seeking a Non-resident EIT rate of 1.2% (**Law**)

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution No. 86-2013.**

**Resolution No. 86-2013 was tabled by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Reed, Waltman - 4**

**Nays: Marmarou, Sterner, Acosta, President - 3**

**B. Resolution** – authorizing the Solicitor to petition the Court of Common Pleas to seeking a Non-resident EIT rate of 1.3% (**Law**)

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Resolution No. 87-2013.**

**Resolution No. 87-2013 was NOT tabled by the following vote:**

**Yeas: Goodman-Hinnershitz, Reed, Sterner - 3**

**Nays: Corcoran, Marmarou, Waltman, Acosta, President - 4**

Council President Acosta stated that the motion to table failed, leaving the resolution on the table.

**Councilor Corcoran moved, seconded by Councilor Reed, to adopt Resolution 87-2013.**

Councilor Waltman stated that the City should retain the current rate as it does not make sense to make a reduction knowing the challenges that will be faced in 2015-16.

Councilor Sterner expressed the belief that we have not done enough to curb expenses. He stated that he will not support retaining the current rate. He stated that if he saw a larger budget deficit he could support retaining the current rate.

Councilor Goodman-Hinnershitz expressed the belief that it does not make sense to reduce the EIT now when we may need to increase it for the 2015 budget.

Councilor Corcoran stated that he will not vote to support retaining the current rate as he believes expenses can be trimmed further.

**Resolution No. 87-2013 was adopted by the following vote:**

**Yeas: Goodman-Hinnershitz, Sterner, Waltman Acosta - 4**

**Nays: Corcoran, Reed, Acosta, President - 3**

## **COUNCIL BUSINESS / COMMENTS**

Councilor Marmarou announced the Charter Review Commission meeting at Nativity Lutheran Church on Wednesday, October 30<sup>th</sup> at 6 pm. He encouraged District 4 residents to attend.

Councilor Corcoran stated that the Commission is trying to encourage public input at these meetings and hopes that meetings within the Council Districts will increase participation.

Councilor Reed thanked those who contributed to the K9 fundraiser over the past weekend. She stated that the funds will be used to acquire another dog.

Councilor Corcoran recalled this time last year when we were bracing for Hurricane Sandy.

Councilor Goodman-Hinnershitz described the play "Ruins" production at the Miller Theater this coming weekend.

Mayor Spencer questioned why two (2) Councilors who were involved in the Charter complaints voted against paying the resulting legal bills. He asked the Solicitor if voting on paying the legal bills after filing a complaint was a conflict.

Mayor Spencer went on to say that not supporting the payment of legal bills after filing complaints is hypocritical and expressed the opinion that those who filed a complaint should not vote on the payment of legal bills.

The Solicitor stated that he will consider the issue and provide his opinion.

Mayor Spencer also took issue with Council's statements regarding the need for the administration to continue reducing expenses. While he agreed that the new positions would cost about \$500K, he noted that this is a small expense when considering the budget as a whole.

Mayor Spencer also suggested that Council speak with Legal Specialist Lachat to learn why the legal bills have not been released to the public. He suggested that people expect responsibility for their actions.

Council President Acosta stated that his questions related to the Charter Board's legal expenses and the City as a whole.

Councilor Waltman agreed that there will always be issues between the two branches of government but a better way to deal with them, outside of the legal system, is required.

Councilor Goodman-Hinnershitz expressed the belief that use of public funds should be disclosed to the public. She noted the need for the City to live within its means, just as Reading's residents do.

Councilor Corcoran, in response to the Mayor's statements about the Charter complaints and the resulting legal bills, noted that if the Mayor had followed the proper process there would be no need for Charter complaints. He also noted that the Mayor violated the Charter when he made statements about the Charter complaints during this comment period. He suggested that the Mayor be more careful when deciding what to speak about.

Mayor Spencer stated that he did not disclose names, although the Reading Eagle has.

Councilor Sterner thanked the Mayor for assisting the Hillside Playground Association with correcting some issues with the Holiday Light Display. He also again noted that 10 years ago the annual budget was \$42M and it has now grown to \$82M.

Council President Acosta thanked Dr. Christy for commenting on the Land Value Tax. He also told Mr. Vasquez that the City will explore the issue with the parking ticket appeal process.

Councilor Goodman-Hinnershitz noted the upcoming Jewish Food Festival.

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

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