



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
January 27, 2014
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, S. Marmarou, M. Goodman-Hinnershitz, D. Reed, C. Daubert, F. Acosta, J. Waltman

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Younger, R. Johnson, V. Spencer, L. Murin, C. Snyder, D. Cituk, J. Miravich

The Committee of the Whole meeting was called to order at 5:03 pm by Council President Acosta.

I. Executive Session

Mr. Acosta announced the need for an executive session to discuss the recycling litigation and real estate disposition.

Council entered executive session at 5:03 pm and exited executive session at 6:25 pm.

II. Agenda Review

Council reviewed this evening's agenda.

Ms. Kelleher noted the need to add the introduction of an ordinance regarding a lease agreement for Egelman's park ball field. She also distributed the agenda memo regarding the contract award listed under the consent agenda heading along with the lease ordinance.

- Ordinances recommended by the Charter Review Commission

Ms. Goodman-Hinnershitz stated that all the ordinances must be passed by Council.

Mr. Waltman disagreed stating that no one can mandate Council action.

Mr. Younger stated that Charter section 1203 states “All proposed amendments shall be placed on the ballot no later than the next municipal election.” He stated that the word shall makes the passage of the ordinances mandatory as per the Charter Board’s advisory opinion.

Mr. Waltman stated that this then removes the need for ordinances and that the amendments should be forwarded to the Elections office directly by the Charter Review Commission. He stated that the Charter does not require an ordinance and that this sets precedent for entities to require Council action.

Ms. Goodman-Hinnershitz noted her agreement with Mr. Waltman and stated that she voiced these concerns to the Charter Review Commission.

Ms. Kelleher stated that the Elections office requires an ordinance to place an item on the ballot.

Mr. Acosta stated that this forces Council to pass the ordinances even if they do not agree with the recommendations.

Mr. Sterner stated that approving the amendments is ultimately up to the voters.

Mr. Acosta agreed but stated that six questions are too many and that there will be much confusion.

Mr. Younger stated that he will do further research and render an opinion to Council before the ordinances are ready for final passage.

Mr. Acosta questioned if additional Charter amendment ordinances can be added. Ms. Reed and Ms. Goodman-Hinnershitz stated that Council can pass ordinances placing Charter amendments on the ballot at any time.

Mr. Acosta stated that many voters do not follow local issues and will not have a clear understanding of the amendments and what their vote means. Ms. Reed stated that education of the public on these issues is paramount.

- Resolution approving the conditional use at 34 N 6th St

Mr. Daubert questioned if approving the resolution creates a bottle club. Ms. Kelleher stated that the approval allows the banquet use only. She stated that she included the PA LCB rules in the decision along with the City Code sections relating to bottle clubs and sidewalk cafes so that the operators understand the additional steps they need to take if they wish to add alcohol or a sidewalk cafe.

Mr. Waltman questioned the operating hours. Ms. Snyder stated that they may remain open until 2 am.

Mr. Daubert stated that the property is located within 1000 feet of a church. He questioned if they would be able to obtain a license for alcohol. Mr. Acosta stated that this is a state issue. Ms. Kelleher stated that bottle clubs are also not allowed in this zoning district.

Mr. Sterner questioned why the police did not support this decision. Ms. Snyder explained that people who have rented the banquet space in the past provided alcohol to their guests. She stated that this caused police issues and stated that it is an illegal activity.

Ms. Goodman-Hinnershitz questioned why a nearby restaurant can operate as a BYOB. Ms. Kelleher stated that the PA LCB does not require restaurants allowing carry-in bottles to have a license for BYOB.

Mr. Sterner questioned the Administration's position on this issue. Mr. Spencer stated that the Zoning Administrator spoke in favor of the use at the hearing.

III. Selection of Council Committee Assignments

Mr. Acosta stated that he met with Council staff and Managing Director staff to discuss Council Committees. He distributed a memo outlining his recommendations for Committees. He stated that any questions should be addressed to him directly.

Mr. Waltman noted the need to adopt the Committee structure by resolution.

IV. Other

Mr. Spencer stated that he has copies of transcripts of the Charter Board hearings held by Judge Rowley. He stated that copies are available to Council members if they wish to review them.

The meeting adjourned at 6:58 pm.

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