

**City of Reading City Council
Regular Business Meeting
Monday, January 27, 2014**

Council President Francis Acosta called the meeting to order.

The invocation was given by Pastor Prentice from the Reading Vicinity Ministerium Association.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Daubert, 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

City Council issued Certificates of Recognition to Berks Catholic High School outstanding fall athletes. The certificates will be mailed to the school.

City Council also recognized the Miss Teen America competition and those competing in this year's competition.

PUBLIC COMMENT

Council President Acosta reviewed the public speaking regulations and stated that one (1) individual is registered to address Council this evening on agenda matters and three (3) individuals are registered on non-agenda matters. He inquired if anyone objected to suspending the rule requiring non-agenda comment at the end of the meeting. No one objected therefore the rule requiring non-agenda comment at the end of the meeting was suspended. He reminded those registered to speak of the remaining rules.

Justus James, representing AFSCME, asked Council to approve the budget transfer to fund the recycling program listed on tonight's agenda. He stated that the in-sourced program was running well until the recent litigation over the recycling fees. He described the variables with the recycling program.

Bonita Clark, of Muhlenberg, requested an update on the concerns raised over pedestrian safety at 2nd and Penn Sts., 2nd and Washington Sts., and Front and Washington Sts. She expressed the belief that some of the proposed changes will address the problems at some intersections and she asked Council and the administration not to forget the disabled who rely on mobility devices. She described the problems created when vehicles encroach into the crosswalk areas at intersections.

Denise Dzubur, of Douglass Street, was not present.

Melvyn Jacobsen, of North 5th Street, stated that he is dismayed and aghast with the amount of money the mayor spent on legal expenses for Charter Board complaints. He noted that the firm representing the mayor is not local so the money spent will not benefit the community. He stated that the City's financial woes have placed a burden on the taxpayers and prevented the City from maintaining its infrastructure. He also noted that due to these financial issues the administration depends on grants to replace public furniture and make other infrastructure repairs and improvements. He questioned what the mayor will do to impress citizens and those who continue to volunteer on the City's boards, authorities and commissions. He expressed the belief that the money spent on Charter Board complaints is a public embarrassment.

The public comment period was closed.

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 from the January 13th Regular Meeting of Council. He noted the need to add an Ordinance for Introduction that will extend the Egleman's Park lease agreement and the withdrawal of Bill No.9-2014 relating to an amendment to the Position Ordinance under Ordinances for Final Passage.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the January 10th Regular Meeting of Council and the agenda, as amended for this meeting, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Award of Contract - to Crown Castle USA for Cellular towers (Purchasing Mgr)

ADMINISTRATIVE REPORT

The mayor read the report distributed to Council at the meeting in summary:

- Announcing the State of the City Address on Wednesday, January 29th at 3 pm in Council Chambers
- Update of the Downtown Revitalization Strategy
- Announcement of the Police Department's ReadiStat presentation at the Department Director's meeting tomorrow

Councilor Goodman-Hinnershitz stated that she is pleased that crime has decreased. She suggested that the Police Department place special focus on juvenile crime. She noted the safety risks associated with electric and propane space heaters used during the winter weather months.

AUDITOR'S REPORT

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

- Year-end 2013 Admissions Tax/Fee collection
- Year-end 2013 Real Estate Transfer Tax collection
- Submission of the Liquid Fuels MS-965 report to PennDOT

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

Paul Janssen, Charter Review Commission (CRC) facilitator and Rosemary Vitale, Chair of the Charter Review Commission, stated that the Commission which began meeting on the 24th of July submitted their report to the mayor and Council within the 6th month period required by the Charter.

Ms. Vitale stated the CRC met 19 times for more than 45 hours, which does not include the countless hours of research, deliberation and preparation. She stated that the members provided great discussion, perspective and professionalism. She described the CRC's attempt to encourage public participation. She noted that the CRC only expended \$3-5K of their \$20K budget. She stated that the CRC's recommendations include six (6) referendum questions that are being introduced this evening. She described the input obtained.

Mr. Janssen stated that as facilitator he tried to as stay unbiased in the process as he could and he strived to keep the CRC moving forward. He stated that tonight is the conclusion of the CRC's responsibilities. The final report has been distributed to the mayor and Council.

Mr. Janssen offered the following observations:

- After reviewing the Charter language, the CRC questioned the 2002 City Council's

refusal to place the CRCs recommendations on the ballot and they requested that an advisory opinion on this issue be sent to the Charter Board. The Charter Board issued an advisory opinion stating that Council must place recommendations on the ballot no later than the next municipal election. He noted the CRC's hope that all six (6) questions are on the spring ballot, although the spring ballot is not a municipal election.

- Asked that Council consider amending the Charter Board ordinance to add a mediation process.
- Noted that the joint request for the mayor and Council to have separate legal counsel was withdrawn by both parties.
- Noted the numerous amount of time the CRC spent discussing the form of government and noted that the recommendation to recommend a Council/Manager form was rejected by a close 6-5 vote.

ORDINANCES FOR FINAL PASSAGE

Bill No. 1-2014 - authorizing the transfer of \$250,000.00 from the General Fund (01) to the AGENCY Fund (31). The City has been awarded \$250,000.00 through PA RACP funding for the construction portion of the Main Library Improvement Project. This request provides interim funding (bridge loan) to cover the \$250,000.00 award as it is spent on construction **(Controller)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 1-2014.

Bill No. 1-2014 was enacted by the following vote:

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

Bill No. 2-2014 – authorizing the transfer of \$850,000.00 from the General Fund to the Trash/Recycle Fund to alleviate cash flow issues resulting from the distribution of the receivables from RAWA to the City on the 15th of each month as per current (April 9, 2013) MOU **(Controller)**.

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 2-2014.

Bill No. 2-2014 was enacted by the following vote:

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

Bill No. 3-2014 – authorizing the transfer of \$550,000.00 from the General Fund to the Trash/Recycle Fund to alleviate cash flow issues resulting from the distribution of the receivables from RAWA to the City on the 15th of each month as per current (April 9, 2013) MOU **(Controller)**.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 3-2014.

Managing Director Snyder explained that the transfer for the trash program is a temporary transfer to handle the cash flow issue; however, the transfer for the recycling program was caused by the delay in the collection of the recycling fee.

Bill No. 3-2014 was enacted by the following vote:

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

Bill No.4-2014 – correcting an error in the Per Capita Tax Ordinance **(Bus Analyst)**
Advertised 1-20-14

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 4-2014.

Bill No. 4-2014 was enacted by the following vote:

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

Bill No. 5-2014 - authorizing the mayor to execute an easement between the City of Reading and UGI Utilities, Inc., thereby conveying unto UGI Utilities, Inc. a non-exclusive, perpetual easement in gross upon that portion of premises known as TAX PARCEL # 531702762194 as shown on drawing number D-4900213 sheet 1 (SEE ATTACHED) **(Law) Advertised 1-20-14**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 5-2014.

Bill No. 5-2014 was tabled by the following vote:

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

Bill No. 6-2014 - amending §5-209 of the Administrative Code, Public Participation (**Council Staff/Law**) *Advertised 1-20-14*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 6-2014.

Bill No. 6-2014 was enacted by the following vote:

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

Nays: None - 0

Bill No. 7-2014 - amending the Administrative Code Section 5-204 C Special Meetings, D. Emergency Meetings and G. regarding postponement of meetings to provide clarification (**Council Staff/Law**) *Advertised 1-20-14*

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 7-2014.

Bill No. 7-2014 was enacted by the following vote:

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

Nays: None - 0

Bill No. 8-2014 – amending the Administrative Code Section 5-809 Department Of Police, Section B 2 to provide clarification. (**Council Staff/Law**) *Advertised 1-20-14*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 8-2014.

Bill No. 8-2014 was enacted by the following vote:

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

Nays: None - 0

WITHDRAWN - I. Bill No. 9-2014 – modifying the 2014 Position Ordinance, transferring one Clerical Position from the Department of Community Development, Property Maintenance Division, to the Department of Administrative Services, Citizens Services Center Division and amending the respective budgets accordingly (**Bus Analyst**)

Bill No. 10-2014 – authorizing the temporary easement on city-owned land in Perry/Richmond Townships to the Commonwealth of Pennsylvania (**Law**) *TO BE DISTRIBUTED*

on MONDAY; Advertised 1-20-14

Bill No. 11-2014 – authorizing the sale of city-owned land in Perry/Richmond Townships to the Commonwealth of Pennsylvania **(Law) TO BE DISTRIBUTED on MONDAY Advertised 1-20-14**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to table Bill Nos.10 and 11-2014.

Bill Nos. 10 and 11-2014 were tabled by the following vote:

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

INTRODUCTION OF NEW ORDINANCES

The following ordinances were read into the record:

A. Ordinance – Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 primary ballot to amend Home Rule Charter Section 904 (d) – Budget **(CRC/ Law)**

B. Ordinance - Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 primary ballot to amend Home Rule Charter Sections 215, 601, 602 and 908 (c) – Administrative Code, Procedures, Ordinances and [Budget] Amendment after Adoption **(CRC/Law)**

C. Ordinance - Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 primary ballot to amend Home Rule Charter Section 1203 – Review of Charter **(CRC/Law)**

D. Ordinance - Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 primary ballot to amend Home Rule Charter Sections 308 and 406 – Powers and Duties of the Mayor and Managing Director **(CRC/Law)**

E. Ordinance - Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 primary ballot to amend Home Rule Charter Section 502 – Eligibility of the City Auditor **(CRC/Law)**

F. Ordinance - Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 primary ballot to amend Home Rule Charter Section 1002 (c) – Membership Qualifications **(CRC/Law)**

G. Ordinance - authorizing the amendment of the Egleman's Park lease agreement (Man Dir/Law)

RESOLUTIONS

Resolution 10-2014 – approving the conditional use application for 918 Lancaster Avenue, to allow an additional residential unit in the former first floor commercial space (**Council Staff/Law**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution No. 10-2014.

Resolution No. 10-2014 was adopted by the following vote:

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

Nays: None - 0

Resolution 11-2014 – approving the conditional use application for 34 N 6th Street, to expand the zoning permit for a deli/grocery use to include a banquet hall (**Council Staff/Law**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution No. 11-2014.

Resolution No. 11-2014 was adopted by the following vote:

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

Nays: None - 0

Resolution 12-2014 – amending the Council Policy Book (**Council Staff/Law**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution No. 12-2014.

Resolution No. 12-2014 was adopted by the following vote:

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

Nays: None - 0

Resolution 13-2014 – approving the appointment of the City Clerk

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution No. 13-

2014.

Councilors Goodman-Hinnershitz and Reed noted the long standing good service provided by Ms. Kelleher as City Clerk. They stated that they can always count on Ms. Kelleher's assistance and historical knowledge about City operations.

Councilor Sterner stated that he has appreciated the assistance and guidance Ms. Kelleher has provided over the years and her ability as the "go to person" within City Hall.

Council President Acosta agreed that Ms. Kelleher has provided great support to him and to the other members of Council. He also noted his appreciation of the skill and support of the Council staff team over the past year.

Resolution No. 13-2014 was adopted by the following vote:

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

Motion to Reconsider - the adoption of Resolution 6-2014, appointing a Vice President of Council.

Council President Acosta stated that the Motion to Reconsider was requested by Councilor Daubert. He explained that the Motion to Reconsider must be made by someone who voted in the affirmative on Resolution 6-2014, which appointed the Council Vice President.

Councilor Daubert moved, seconded by Councilor Sterner, to reconsider the motion on Resolution No. 6-2013.

The Motion to Reconsider Resolution No. 6-2014 was adopted by the following vote:

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

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to nominate Councilor Goodman-Hinnershitz as Council Vice President.

Councilor Goodman-Hinnershitz stated she agreed to give up her continuity in the role of Vice President when Councilor Reed expressed the desire to take on this role. She noted that she was also willing to see Councilor Daubert fill this position. She stated that it is critical for

the Vice President to have good attendance at Council sessions and other functions and meetings. She distributed a meeting attendance listing for herself, Councilor Reed and Councilor Waltman.

Councilor Reed stated that she is saddened by this division of Council over selecting a Vice President and she also stated that she was also saddened that Councilor Daubert reconsidered his position after the vote was taken to nominate him as Vice President. She expressed the belief that Councilor Daubert, like Councilor Goodman-Hinnershitz, would have brought a good level of neutrality to this position.

Councilor Sterner agreed that Councilor Goodman-Hinnershitz has been very committed as Vice President. He noted that the issue for him became confused when he was unsure who truly wanted to fill this role. He stated that he made his commitment to Councilor Waltman and that he would stand behind his commitment. He agreed that the Vice President does need to keep a good attendance record and he stated that he would take issue if Councilor Waltman's attendance becomes problematic.

Councilor Goodman-Hinnershitz explained that while she wanted to continue on in the role of Vice President, she agreed to step aside when Councilor Reed expressed interest. She stated that she was also able to step aside to support Councilor Daubert.

Resolution No. 7-2014 to appoint Councilor Goodman-Hinnershitz as Vice President of Council was NOT adopted by the following vote:

Yeas: Goodman-Hinnershitz, Reed, Acosta, President - 3

Nays: Daubert, Marmarou, Sterner, Waltman - 4

Councilor Marmarou moved, seconded by Councilor Sterner, to nominate Councilor Waltman as Council Vice President.

Councilor Reed expressed hope that Councilor Waltman will perform the duties of Vice President in a good, honest and fair manner.

Councilor Goodman-Hinnershitz stated that while she respects Councilor Waltman, she would prefer that he step aside to allow someone new to have the opportunity to fill this role. She stated that she was surprised to hear that Councilor Marmarou supports Councilor Waltman as Vice President when he has been very vocal about some issues with Councilor Waltman.

Councilor Marmarou stated that he agrees that the Vice President needs to avoid absences and that he spoke with Councilor Waltman about the need to avoid being tardy and absent.

Councilor Waltman expressed the belief that the importance of this position has been overstated. He noted his long term history of making decisions based on facts and what is best for the City. He noted that each Councilor fills a leadership role. He stated that he served approximately eight (8) years as Vice President.

Council President Acosta noted that the Vice President is ceremonial and fills in when the President is unable to attend a meeting. He stated that he will not be relinquishing his duties as Council President. He noted the need for the President and Vice President to complement and assist each other. He also noted that as he and Councilor Waltman have similar occupational responsibilities they will need to work together to avoid attendance issues and tardiness. He stated that if both he and Councilor Waltman are late or absent he will need to designate another member to chair the session.

Councilor Waltman expressed his desire to move Council forward.

Resolution No. 7-2014 to appoint Councilor Waltman as Vice President of Council was adopted by the following vote:

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

COUNCIL COMMENT

Councilor Goodman-Hinnershitz stated that this Sunday, February 2nd is Groundhog's Day at the Pagoda. She stated that the ceremony will take place at 6:30 am.

Councilor Reed noted the passing of Harvey Kimball, community activist, and his burial last Saturday. She described the events he held to promote community in his neighborhood.

Councilor Marmarou noted the problems that UGI has created on his block of Linden Street as they continue their meter relocation project. He noted that during weekends large vehicles are left to sit in the block and they take up valuable parking spaces.

Councilor Sterner wished the Miss Teen Reading contestants well in the upcoming competition.

Council President Acosta noted the need to finalize the committee structure for 2014-15.

Councilor Waltman thanked all for their support.

Council President Acosta noted that Council had no choice but to authorize the payment of the Mayor's legal bills, as not paying them could have caused late fees and additional litigation. He stated that he agrees that an exorbitant amount of money has been spent to date; however, only the Mayor has the ability to stop legal counsel at this point.

Councilor Waltman noted the need for a modification to the Charter Board ordinance to add a mediation process. He suggested that parties to a complaint should first sit and discuss the problem to try to avoid the litigation process.

Councilor Goodman-Hinnershitz agreed with the need for a mediation process. She stated that the City Clerk is working with the Law Department to draft the ordinance.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk