

**City of Reading City Council**  
**Regular Meeting October 13, 2014**

Council President Acosta called the meeting to order.

The invocation was given by Mr. Steve Elmarzouky, Islamic Center of Reading.

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

Council President Acosta stated that the purpose of the Executive Session on Monday, October 13th was related to personnel matters.

**PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations or commendations issued at this meeting.

**PUBLIC COMMENT**

Council President Acosta stated that there are (2) citizens registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended. He reminded the citizens about the public speaking rules.

**Aaron Thomas, of South 13<sup>th</sup> Street**, stated that the Charter Board recently ruled in a 5-0 vote that a citizen did not violate the confidentiality provision of the Charter Board Ordinance. He questioned the intent of the elected official who submitted that complaint. He expressed the belief that the complaint was frivolous, as the citizen filed his complaint due to his belief that Council has violated the Sunshine Act. He stated that after the Charter Board made their ruling, he learned that Council President Francis Acosta filed the complaint and he again

questioned the intent behind the complaint.

**Charles Phillip, of North Front Street**, stated that in 2007 the City electorate approved a referendum question on the meaning of residency, required by the Charter for various officials. He expressed the belief that the Managing Director's writing a check for apartment rent each month does not comply with the residency requirement. He stated that he has proof that the Managing Director has retained residency in her out of town home.

Council President Acosta reminded Mr. Phillip that his remarks singling out the Managing Director are out of order.

Mr. Phillip demanded that City officials follow the Charter. He also stated that a member of Council inappropriately uses their dashboard parking permit on Court Street occasionally.

## **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 September 22<sup>nd</sup> Regular Meeting of Council and the September 30<sup>th</sup> Special Meeting. He stated that the administration wishes to add a Resolution to the Consent Agenda that will authorize the Solicitor to seek Court approval for the 2015 Commuter Tax.

**Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the September 22<sup>nd</sup> Regular Meeting of Council, the September 30<sup>th</sup> Special Meeting and the agenda, including the legislation listed under the Consent Agenda heading, as amended. The motion was approved unanimously.**

## **Consent Agenda**

**A. Resolution 104-2014** – appointing Jose L. Ramos and Eric Honick as Police Officers (**Police Chief**)

**B. Resolution 105-2014** – Authorizing the following promotions within the Department of Fire and Rescue Services (**Fire Chief**):

2<sup>nd</sup> Deputy Fire Chief Thomas E. Kemmery to 1<sup>st</sup> Deputy Fire Chief

Fire Suppression Lieutenant Scot L. Landis to 2<sup>nd</sup> Deputy Fire Chief

Fire Fighter Michael R. Glöre to Fire Suppression Lieutenant

**C. Resolution 108-2014** – authorizing the Solicitor to seek Court approval for the 2015 Commuter Tax (**Law**)

## ADMINISTRATIVE REPORT

The mayor read the report distributed to Council at the meeting, as follows:

- The application for a Promise Zone which is a CD grant
- The Berks County Community Foundation (BCCF) made a donation to DID for outdoor events for DID and Main Street and they partially funded the Main Street Coordinator position
- The Streetlight Project for Wyomissing Park is in the planning phase, with construction expected to begin soon
- Reduction in the overall City crime rate

Councilor Goodman-Hinnershitz expressed the belief that the crime rate may be lower as citizens may not be reporting crimes which generate citations. She noted the need to increase attention to drug trafficking.

The mayor agreed that citizens need to report crimes to the Desk Sergeant so the Police Department can allocate its resources to handle neighborhood issues.

Councilor Reed asked the Auditor to determine the amount of Fine Arts money that was transferred to River Place, the amount of remaining funding and how the money was spent.

## AUDITOR'S REPORT

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

- Municipal Sewage Rate calculation for outlying municipalities for 2015-16
- Admissions Tax collection
- Real Estate Transfer Tax collection

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

None.

## ORDINANCES FOR FINAL PASSAGE

### *Pending - Further Legal Review Required*

**Ordinance** - authorizing a project labor management agreement for building projects in the City (*Mayor's Office*) **Introduced at the May 12 regular meeting; Additional review required; PLA Work Group meetings held June 25 and July 24**

**Bill No. 63-2014** - amending the Code Book, Chapter 600 "Zoning", Section 600-807 entitled "C-C Commercial Core District" by amending: (1) Subsection B "Allowed Uses" to include public parking garages and parking lots owned/or operated by the City of Reading or the Reading Parking Authority, and to prohibit non-public parking garages and parking lots; and (2)

Subsection C "Additional Requirements in the C-C District" to prohibit non-public parking garages or parking lots open to the general public. **(Parking Authority/Council Staff) Introduced at the July 28 regular meeting; Public Hearing 8-12-14; Ordinance Advertisement 8-11 and 8-18-2014**

**Consideration of the override of Bill 69-2014** - authorizing the budget transfer of \$205,000 from the Contingency Fund to the Council Office and the Charter Board for legal services **(Council Staff) Introduced at the September 8 regular meeting; enacted September 22 and Vetoed October 2, 2014**

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to override the veto of Bill No. 69-2014.**

Councilor Daubert noted the various lack of information would that have changed his perspective when the vote on this Bill originally occurred. He expressed the belief that it does not make sense for the group who negotiates a lease agreement to vote on the approval or rejection of the agreement.

The Solicitor stated that he needs further review of the legal opinion provided by Stevens and Lee as it contains case law citations that he had not considered when he issued his opinion. However, he expressed the belief that the case law applied to Harrisburg may not apply to Reading.

The Mayor expressed the belief that the RFP process was intentionally avoided and he questioned the conflict that negated the use of the RFP process.

Councilor Waltman expressed the belief that it is time to move past this issue. He stated that if there are problems with the processes used by both the mayor and Council that those processes be addressed separately.

Councilor Sterner, on the receipt of two differing legal opinions, noted that as there are many attorneys there are many differing legal opinions. He stated that the only person objecting to the process used is the mayor. He noted that the budget presented by the mayor contains \$8M in revenue from RAWA which matches the amount in the new agreement, not the \$4M which would apply to the former agreement. He questioned why the mayor used the amount from the new agreement if the mayor does not recognize the existence of the new agreement.

The mayor noted the need to separate the payment of the legal bills from the agreement itself. He stated that Council should have used the RFP process to select outside legal counsel, as a conflict did not exist.

Councilor Goodman-Hinnershitz stated that the mayor continues to fight the process used by Council, rather than the issue itself. She stated that the issue is completed due to the solid legal support provided by Stevens and Lee. She stated that in an executive session in late March the Solicitor and an outside attorney retained by the City told Council that they could not provide legal assistance or advice to Council over the water lease matter due to the conflict in the mayor and Council's positions.

The mayor again explained his beliefs.

Councilor Waltman expressed the belief that continuing to argue about this same topic is a futile waste of time. He stated that Council and the mayor both occasionally use processes that fall outside the norm. He suggested addressing those processes and moving away from issues regarding the lease agreement and legal bills.

Councilor Reed expressed the belief that the money Council spent for outside legal counsel was well spent, as a quality legal agreement was obtained. She agreed with the need to move past this issue.

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to call for the question and end debate.**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6**

**Nays: Acosta, President - 1**

**The override of Bill No. 69-2014 was approved by the following vote:**

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

**- 6**

**Nays: Daubert - 1**

**A. Bill No. 73-2014** – authorizing the transfer of \$37,000.00 from the Salaries Fund to the Contracted Services Fund in the Building Trades Budget **(Building Trades) Introduced at the September 22 regular meeting**

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 73-2014.**

**Bill No. 73-2014 was enacted by the following vote:**

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

**Nays: - 0**

**B. Bill No. 74-2014** - amending the City of Reading Code of Ordinances Chapter 23 Boards, Commissions, Committees and Councils, Part 4 GPU Stadium Commission, to rename the commission the First Energy Stadium Commission, by making this change throughout Part 4, and by amending Section 23-405 Officers and Procedural Rules by changing the title of an officer of the Commission **(Council Staff) Introduced at the September 22 regular meeting**

Councilor Marmarou moved, seconded by Councilor Daubert, to enact Bill No. 74-2014.

Bill No. 74-2014 was enacted by the following vote:

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

Nays: - 0

**C. Bill No. 75-2014** - authorizing the issuance of the City's Series of 2014 Bonds and the refunding of the Series C and Series D of 2008 Bonds **(Man Dir) Introduced at the September 22 regular meeting**

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 75-2014.

The Managing Director explained that this refinancing will convert these bonds to a fixed interest rate.

Bill No. 75-2014 was enacted by the following vote:

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

Nays: - 0

**D. Bill No. 76-2014** - Authorizing the transfer of \$300,000.00 from the Contingency account to the Building Repairs and Consulting Account; \$35,000.00 from the Contingency account to the Electricity Account; \$30,000.00 from the Contingency account to the Gas- UGI account **(CD/Man Dir) Introduced at the September 22 regular meeting**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 76-2014.

Bill No. 76-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6

Nays: - Acosta, President - 1

## INTRODUCTION OF NEW ORDINANCES

The following ordinances were read into the record:

**A. Ordinance** - amending City Code Section 23-1201. Purpose; Membership by decreasing the

number of Main Street Board Members to seven (7) **(Council Staff/Main St Bd)**

**B. Ordinance** – amending the Personnel Code, Section 70-703 Payroll Time Sheet to match the current process used for the submission and processing of employee time sheets **(Council Staff)**

**C. Ordinance** – authorizing the restriction of parking and to installing/maintaining appropriate No Parking signs in accordance with the PennDOT Highway Occupancy Permit (HOP) Application No. 42617 at 118 South 9<sup>th</sup> Street, aka the Jet Set Restaurant LLC. **(Man Dir)**

**D. Ordinance** – authorizing the restriction of parking and to installing/maintaining appropriate No Parking signs in accordance with the PennDOT Highway Occupancy Permit (HOP) Application # 61019 originally dated July 25, 2014. The purpose of this parking restriction is to ensure the proposed driveway has an adequate sight distance for vehicles entering the highway as shown in the application made by Domenico and Lucia Brutto for the business located at 290 Morgantown Road aka Mimmo’s Restaurant. **(Man Dir)**

**E. Ordinance** – Penn Square Properties Proposal **(Man Dir)**

## RESOLUTIONS

**A. Resolution 100-2014** – authorizing the execution of the MOU for the Reading Area Firefighter Museum **(Man Dir/Law)** *Tabled at the Sept 22<sup>nd</sup> meeting; Pending further legal review required*

**A. Resolution 106-2014** – reappointing Lori Knockstead to the Stadium Commission **(Nom & Appts)**

**B. Resolution 107-2014** – reappointing Troy Stricker to the Stadium Commission **(Nom & Appts)**

**Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution Nos. 106 and 107-2014.**

**Resolution Nos. 106 and 107-2014 were adopted by the following vote:**

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

**Nays: None - 0**

## COUNCIL COMMENT

Councilor Marmarou noted the wonderful event held to honor Puerto Rico and the need to continue to recognize their roots. He stated that the Greek Bazaar is scheduled for this weekend at Sts. Constantine and Helen Greek Orthodox Church.

Councilor Goodman-Hinnershitz thanked Public Works, Property Maintenance and the Police for their response to some complaints and problems in District 2. She noted that citizens appreciate when they see the value of their public services.

Councilor Reed congratulated the Reading Eagle and reporter Don Spatz for winning the awards for excellence in Pennsylvania. She noted the value of public reporting.

Councilor Sterner noted the upcoming Holiday Light display at Hillside Playground. He noted the need for volunteers and asked the public to contact the Council Office if they are interested in assisting with the event.

The mayor questioned when Council is going to adhere to the opinion of the Solicitor. He expressed the belief that the override of his last two vetoes and Council's opposition to various issues are personal and directed negatively against him. He stated that Council is on a slippery slope.

Councilor Waltman stated that after the administration walked away from the joint process with Council and the looming budgetary deadlines appeared, Council realized they needed to settle the water agreement issue so the 2015 budget could be developed.

Councilor Waltman noted that the gorgeous autumn foliage in Reading and on Mount Penn is a fabulous opportunity that many other municipalities do not have.

Councilor Sterner expressed the belief that Council's actions were not directed at the mayor in a negative personal manner.

Councilor Goodman-Hinnershitz noted the need for a Holiday tree for the Reading downtown for the upcoming holiday season.

Council President Acosta stated that he is reaching a point of disgust as people are beginning to use the Public Comment period as a time to insult others. He stated that he decided to run for public office due to his desire to serve; however, he stated that he is now finding it difficult to handle the personal way some people attack those in public positions on incorrect perceptions. He noted that public service is not always easy.

Council President Acosta stated that the City's financial problems are older than the current and past Home Rule administrations. He expressed the belief that the Solicitor's opinions are sometimes based on the mayor's desired outcome, rather than on the right or wrong of the issue.

Council President Acosta agreed that Council's actions are not personal or intentionally negative against the mayor.

Council President Acosta congratulated Berks Catholic football team. He also thanked those who assisted with the celebration over the past weekend.

Council President Acosta explained that at the celebration of Puerto Rico over this past Saturday, the Puerto Rican flag was raised on the City flag pole for a maximum of 15 minutes. He noted that in the past the City has done the same for those of German, Irish and Dominican heritage.

Council President Acosta reviewed the upcoming Council meeting schedule.

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

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