

**City of Reading City Council
Regular Business Meeting
Monday, February 10, 2014**

Council President Francis Acosta called the meeting to order.

The invocation was given by Pastor Felipe Fana, Iglesia Misionera La Senda.

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

PROCLAMATIONS AND PRESENTATIONS

City Council issued a Council Commendation recognizing Black History Month to the NAACP.

PUBLIC COMMENT

Council President Acosta reviewed the public speaking regulations and stated that one (1) individual is 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. 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.

Daniel Giandomenico, of Mulberry Street, was not present.

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

27th Regular Meeting of Council.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the January 27th Regular Meeting of Council and the agenda, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 15-2014 - authorize the promotion of Officer Scott E. Shultz to the rank of Sergeant **(Police)**

B. Resolution 16-2014 - authorizing conditional offers of employment to the seven probationary Fire Department firefighters and paramedics as per the SAFER Grant, effective February 24, 2014 **(Fire)**

C. Award of Contract - for municipal trash slingers to the Laborers District Council of Eastern Pennsylvania at the cost of \$15.90 per worker **(Purchasing Mgr)**

D. Resolution 17-2014- signifying their intent to adopt the attached Policy and Procedures for Consultant Selection for the River Road Extension Project **(Pub Works)**

ADMINISTRATIVE REPORT

The report was distributed to Council.

AUDITOR'S REPORT

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

- District Court Summary Offenses with comparisons
- Cable Franchise Fee

The mayor arrived at the meeting.

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

Renee Dietrich, President of the Reading Public Library Board made the required annual report to Council. She stated that the Library celebrates two milestones this year; the 250th anniversary as a public library and the 100th anniversary as a Carnegie Library. She thanked the City for the beautiful renovations to the main and branch libraries that correct many deficiencies. She reported that the renovation project came in on time and on budget.

Ms. Dietrich reported on the financial contributions made by the City and the State. She noted that dwindling contribution from these two sources has created the need for the Library Board to withdraw \$300K annually from its endowment fund. She noted that \$100K

in fundraising contributions are made annually. She noted the City's plan to contribute \$200K in the 2014 budget was reduced back to the standard \$100K. She reminded everyone of the famous quote from John Ruskin "It's unwise to pay too much, but it's worse to pay too little. When you pay too much, you lose a little money - that's all. When you pay too little, you sometimes lose everything, because the thing you bought was incapable of doing the thing it was bought to do."

Councilors Goodman-Hinnershitz and Reed thanked the Library Board and staff for all they do to provide services to the community.

Councilor Daubert stated that he attended the recent grand opening. He stated that the Reading Public Library is a great equalizer as it provides equal opportunity to all.

Councilor Waltman agreed with the need to find a stable financial solution for the Library. He noted that a small portion of the Property Tax is dedicated to the Shade Tree Commission and he suggested dedicating an additional portion to the Library. He stated that a tenth of a mil is equal to approximately \$200K annually.

Council President Acosta also agreed with the need to find a stable financial solution to support the Library. He thanked the Board and staff for all they do to serve the population.

ORDINANCES FOR FINAL PASSAGE

A. 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)**
Introduced at the Jan 13 regular meeting; Tabled at the Jan 27 regular meeting

B. Bill No. 10-2014 – authorizing the temporary easement on city-owned land in Perry/Richmond Townships to the Commonwealth of Pennsylvania **(Law)** ***Introduced at the Jan 13 regular meeting; Tabled at the Jan 27 regular meeting TO BE DISTRIBUTED on MONDAY***

C. Bill No. 11-2014 – authorizing the sale of city-owned land in Perry/Richmond Townships to the Commonwealth of Pennsylvania **(Law)** ***Introduced at the Jan 13 regular meeting; Tabled at the Jan 27 regular meeting TO BE DISTRIBUTED on MONDAY***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to table Bill Nos. 5, 10 and 11-2014.

Bill Nos. 5, 10 and 11-2014 were tabled by the following vote:

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

D. Bill No. 12-2014 – 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) Introduced at the Jan 27 regular meeting; Final version to be distributed Monday**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 12-2014.

Councilor Goodman-Hinnershitz stated that she and Councilor Reed served as independent citizens on the Charter Review Commission. She stated that the Solicitor has opined that both she and Councilor Reed can vote on the referendum ordinances without conflict. She stated that her remarks reflect all referendum ordinances on the agenda tonight. She stated that the Charter Board's advisory opinion stated that all recommendations must be approved by Council ordinance; however, voting in favor of the bills does not reflect their individual opinions about the recommendations. She stated that it is up to the voters to decide on the referendum questions. She stated that she reserves the right to take an adverse opinion to these referendum questions.

Councilor Reed concurred with the statements by Councilor Goodman-Hinnershitz and she agreed that her vote of support does not reflect her actual opinion about the referendum questions.

Councilor Waltman expressed the belief that placing six (6) referendum questions on the ballot at one time is too much for the voters and he questioned their ability to scrutinize and understand the meaning of all six (6) questions. He expressed the belief that the questions should have been weighted and phased. He also questioned the Charter Board's Advisory Opinion stating that Council must approve these ordinances so they can be forwarded to the Elections Board. He questioned how Council can be mandated to approve legislation, as that removes Council's legislative powers. He stated that he will only support those he believes are most critical. He encouraged his colleagues to consider each referendum individually.

Councilor Marmarou agreed that six (6) referendum questions are too many for one ballot. He agreed that the questions should have been moved forward in a phased manner.

Councilor Sterner agreed that placing six (6) referendum questions for Charter amendments on the ballot at one time is too much. He stated that he has faith in the ability of the voter to prepare and become educated. He also agreed with the need for a more frequent review of

the Charter. He encouraged educating the voters.

Councilor Reed stated that some Charter Review Commission members believed that the changes suggested are too major to place on one single ballot. She noted that several Commission members believed that referring all six (6) recommendations at one time was too much. She suggested that all voters read the Charter Review Commission minutes so they can understand the impetus behind the amendments and those who supported them. She stated that it seems likely that all six (6) questions will appear on the ballot. She expressed the belief that six (6) questions at one time are too many.

Councilor Goodman-Hinnershitz suggested that voters review the volume of work from the Charter Review Commission to educate themselves. She stated that she personally disagrees with placing all six (6) questions on the ballot. She expressed hope that political action committees are formed to educate the public.

City Clerk Kelleher explained that this suggested amendment requires the position ordinance to become a required component of the annual budget.

Councilor Waltman expressed his belief in this first referendum question that relates to binding the position ordinance with the annual budget.

Bill No. 12-2014 was enacted by the following vote:

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

Nays: None - 0

E. Bill No. 13-2014 - 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) Introduced at the Jan 27 regular meeting; Final version to be distributed Monday**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 13-2014.

City Clerk Kelleher explained that this suggested amendment will replace the Administrative Code, enacted by Council and approved by the mayor, with an Administrative Manual created by the mayor alone.

Councilor Waltman expressed the belief that this referendum is too broad based for the voter to understand. He stated that while he understands why some desire this change, this change

would have a lot of unknown consequences. He also noted that too many Charter changes will create additional difficulties. He stated that generally the Charter works well.

Bill No. 13-2014 was NOT enacted by the following vote:

Yeas: Goodman-Hinnershitz, Reed, - 2

Nays: Daubert, Marmarou, Sterner, Waltman, Acosta, President - 5

F. Bill No. 14-2014 - 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) *Introduced at the Jan 27 regular meeting; Final version to be distributed Monday***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 14-2014.

City Clerk Kelleher stated that this question will empanel the Charter Review Commission more frequently.

Councilor Waltman stated that while this question has some merit he questioned empanelling the Commission this frequently. He also stated that the politics will never be completely removed from this process and he agreed with the need to have elected officials and employees participate on these panels.

Bill No. 14-2014 was enacted by the following vote:

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

Nays: Waltman, Acosta, President - 2

G. Bill No. 15-2014 - 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) *Introduced at the Jan 27 regular meeting; Final version to be distributed Monday***

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 15-2014.

City Clerk Kelleher explained that this question clarifies the powers of the mayor and the managing director.

Councilor Waltman expressed the belief that this recommendation is more based on current personalities rather than the need for true clarification. He expressed the belief that this question should not be prioritized.

Bill No. 15-2014 was enacted by the following vote:

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

Nays: Waltman, Acosta, President - 2

H. Bill No. 16-2014 - 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) Introduced at the Jan 27 regular meeting; Final version to be distributed Monday**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 16-2014.

Council President Acosta explained that this question will refine the qualifications of the elected auditor.

Councilor Waltman agreed with moving this question forward. He stated that Council's vote on the referendum question to add to the qualifications of the elected auditor was approved by only a narrow margin a few years ago.

Bill No. 16-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Sterner, Waltman, Acosta, President - 5

Nays: Marmarou - 1

I. Bill No. 17-2014 - 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) Introduced at the Jan 27 regular meeting; Final version to be distributed Monday**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 17-2014.

Council President Acosta explained that this question allows citizens to serve on no more than two (2) Boards, Authorities and Commissions, as long as there is no conflict.

Bill No. 17-2014 was enacted 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 – Requesting the transfer of \$40,000.00 from Contracted Services; \$13,000.00 from General Plant Supplies; and \$9,000.00 from Maintenance / Repair. With an overall total of \$62,000.00 to be transferred to Vehicles (20-07-02-4803) to cover cost of new vehicle purchase for the Shade Tree Commission **(Pub. Works)**

B. Ordinance – amending City Code Section 496, Part 2 by creating a curbside waste collection program **(Law)**

C. Ordinance – amending City Code Chapter 212 by creating a curbside waste collection fee **(Law)**

RESOLUTIONS

A. Resolution 18-2014 – adopting the Council Committee structure and assignments for 2014-15 **(Council Staff)**

Councilor Reed moved, seconded by Councilor Daubert, to adopt Resolution No. 18-2014.

Resolution No. 18-2014 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 thanked all Police, Fire and Public Works employees for continuing to provide services to residents through the repeated winter storms. She also reminded residents of the snow removal requirements and the need to remove snow from parking spaces and walkways to prevent the buildup of ice. She gave a “shout out” to Cindy and Scott Kauffman for their maintenance of the Pagoda and uncovering the lack of heat at the Pagoda which prevented the building’s pipes from freezing and bursting. She stressed the need for the Foundation to undertake the management of this facility.

Councilor Marmarou described the longstanding roof problems at the 9th and Marion firehouse which has created leaks onto the firefighter’s beds and equipment. The Managing Director agreed that the unresolved roof issues need to be addressed. She stated that an award of contract for the roof problems will be on the next Council agenda.

The mayor took issue with the comments made about the Charter Review Commission alleging that someone was trying to control the group or push an agenda forward. He agreed with the need for people to read the Commission's minutes and final report and that the points brought forward were well debated, well discussed and that many of the votes were close. He described the controversy over the issue to originally change the qualifications for the elected auditor. He expressed the belief that the referendum questions forwarded will resolve a variety of issues that have turned into Charter complaints. He stated that it is confusing that Council rejected changing the Administrative Code to an Administrative Manual as that change would resolve many issues. He also took issue with eliminating the ability of elected officials to sit on future Charter Review Commissions.

Councilor Waltman expressed the belief that the Charter Board Advisory Opinion regarding the requirement for Council to enact all referendum question ordinances referred from the Charter Review Commission is a conflict and that there is no state law that mandates a legislative body to blindly enact legislation. He stated that elected officials have the responsibility to make educated decisions and provide a filter. He stated that Charter amendments cannot resolve the potential for litigation. He expressed the belief that some changes are needed, some changes go too far and some changes are too complicated.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk