

**City of Reading City Council
Regular Business Meeting
Monday, June 23, 2014**

Council President Francis Acosta called the meeting to order.

The invocation was given by a volunteer from the audience

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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 Spencer

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Commendation recognizing the benefits of a diet high in fruits and vegetables and urging residents to participate in “Meatless Monday” by Councilor Daubert
- Recognition Certificates to the Reading Music Foundation Scholarship Winners
- Recognition Certificates to the RHS Berks Best
 - Patricia Paulino – Communications Winner
 - Joel Christophel – Computer Science Finalist
 - Erisson Contreras – Vocational/Technical Skills Finalist

PUBLIC COMMENT

Council President Acosta stated that there were four (4) citizens registered to address Council on non-agenda matters. He stated that the Public Comment Rules require non-agenda comment at the end of the meeting; however, he inquired if any member of Council objected to suspending the rules requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended. He reminded those registered about the public speaking

rules.

Kevin Deck, of West Lawn, distributed reports to Council about the overuse of fluoride in the water system. He expressed the belief that the over use of fluoride in drinking water, amounts in excess of 1.0 ppm or 1 mg/L causes health problems. He stated that in 2013 RAWA added 1.08 ppm to our drinking water. He expressed the belief that these doses of fluoride are unsafe.

Chris Gant, of Hanley Place, began asking Council questions about economic development. Council President Acosta explained that the public comment period is not a "Q&A" session but a time for people to express their opinions to the body of Council.

Mr. Gant expressed the belief that former warehouses should be converted into greenhouses and used for urban farming, which would provide jobs and sustainability of food for residents. He noted that the drought in the western portion of the United States has created sustainability issues. He also asked Council not to support the resolution regarding the privatization of the water system listed on tonight's agenda.

Council President Acosta stated that John Slifko is the next speaker and that Janie Zimmerman registered and deferred her time to Mr. Slifko.

John Slifko, of North 4th Street, noted that the last government study occurred 24 years ago resulting in the Home Rule Charter which went into effect in January 1996. He questioned if this form of government has succeeded in unifying the government and has created a professionally managed City. He expressed the belief that this form of government has failed almost since the beginning. He provided examples of dysfunction that apply to this and prior administrations and the expenses associated with the dysfunction.

Mr. Slifko stated that there are two main structural deficiencies associated with the current form of government: 1) providing a non-professional elected mayor some administrative function and 2) providing the elected mayor and Council with equal power, which creates an immediate conflict.

Mr. Slifko stated that "A Better Way for Reading" is a citizen's group who is undertaking an initiative to amend the Charter by providing all executive authority to the managing director appointed by Council and having Council lead by a full-time mayor who will have one vote as a member of Council. This form would eliminate the existing conflict, eliminate political management and create stable management. He stated that this form of government is predominantly used in United States cities that have more than 25,000 citizens. He stated that cities with the mayor-council form of government are declining.

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 June 9th Regular Meeting of Council. He noted the following adjustments to the Consent Agenda heading:

- Addition of an Award of Contract for the repaving of Cotton Street
- Addition of a Motion authorizing a WWTP project change order for the Design Contract with RK&K at a cost of \$842,315.78, which will result in savings over the life of the construction project

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the June 23rd Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 71-2014 - Authorizing the disposition of Contracts in the Law Office that have expired or were terminated prior to 2002 **(Solicitor)**

B. Resolution 72-2014 - authorizing the Mayor to sign and submit a DCED Commonwealth Financing Authority Greenways, Trails and Recreation Program Grant application to request funding (\$250,000) of the total project cost (\$300,000) for the Phase II rehabilitation of the Schlegel Park Pool. **(Pub Works)**

C. Resolution 73-2014 - authorizing the creation of a bank account at Wells Fargo for the Section 108 Loan for the Doubletree Hotel, as per Bill No. 45-2011. **(Man Dir)**

D. Resolution 74-2014 - Authorizing the Department of Police to establish a bank account at Pagoda Federal Credit Union for purposes of securing certain evidence and property, as per Bill No. 45-2011 **(Man Dir)**

E. Resolution 75-2014 - authorizing the City to submit an ESG (Emergency Solutions Grant) program application in the amount of \$75,000 to the PA DCED for Opportunity House. **(Man Dir)**

F. Award of Contract - for the paving of Cotton Street to Martin Limestone Inc., a Division of NESL, dba Burkholder Paving, 621 Martindale Road, Ephrata, PA 17522, for a total price of \$309,376.50. **(Purchasing)**

G. Motion - authorizing a WWTP project change order for the Design Contract with RK&K at a cost of \$842,315.78, which will result in savings over the life of the construction project. **(Pub Works)**

ADMINISTRATIVE REPORT

The mayor read the Administrative report distributed to Council, in summary:

- The opening of bids for the repaving of Cotton Street
- The 411% increase in the number of potholes requiring repair due to the 2014 winter
- The intent to reroute the mowing cycles for City parks

Councilor Goodman-Hinnershitz stated that the repairs made to the Hill Road area at Egleman's Park are outstanding. She noted the beautiful re-pointing of the stone wall. She agreed that the Public Works Department is understaffed and they need to explore ways to improve the maintenance of City properties such as planting vegetation that does not require constant mowing.

AUDITOR'S REPORT

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

- 2014 Admissions Tax
- 2014 Real Estate Transfer Tax
- 2014 Snow and Ice Grant
- Update on the actuarial reports on the City's three (3) pensions

Mr. Cituk stated that he expects the presentation on the final external audit to be delayed once again this year as the Redevelopment Authority and RAWA have not completed their external audits. He explained why the City's external audit needs to include the external audits from RAWA and the Redevelopment Authority.

Council President Acosta noted that one of the students who was to receive a recognition certificate just arrived. He asked Erisson Contreras, Vocational/Technical Skills Finalist, to step forward and the certificate was issued.

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

None.

ORDINANCES FOR FINAL PASSAGE

Pending – Further Legal Review Required

Bill 41-2014 – creating the Reading Regional Water Authority (**City Council**) *Introduced at the April 14 regular meeting*

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 meeting scheduled for June 25th at 5:30 pm in the Penn Room

Bill No. 47-2014 – authorizing the transfer of \$20,000 from the Salary line of the Fire-Prevention Education Division (Fire Marshal) to the Contracted Services line of the same division **(Fire) Introduced at the June 9 regular meeting**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 47-2014.

The Managing Director stated that since the former Fire Marshall resigned, the division now needs to contract out for plan review.

Bill No. 47-2014 was enacted by the following vote:

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

Nays: None - 0

Bill No. 48-2014 - amending the City Code Chapter 141 Animals, Part 2, Animal Control, by updating sections throughout, by adding Section 141-213 Limited Number of Animals Allowed Without Registration and renumbering as necessary **(Board of Health/Council Staff) Introduced at the June 9 regular meeting; Advertised June 16th**

Councilor Marmarou moved, seconded by Councilor Daubert, to enact Bill No. 48-2014.

The Managing Director stated that this ordinance requires a no cost registration of more than six (6) dogs/cats per household.

Bill No. 48-2014 was enacted by the following vote:

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

Nays: None - 0

Bill No. 49-2014 –amending the 2014 Budget for the Department of Fire and Rescue Services, authorizing the transfer of funds to avoid a late payment penalty on the purchase of a refurbished ambulance **(Managing Director) Introduced at the June 9 regular meeting**

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 49-2014.

Bill No. 49-2014 was enacted by the following vote:

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

INTRODUCTION OF NEW ORDINANCES

There were no ordinances introduced at this meeting.

RESOLUTIONS

A. Resolution 76-2014 – reappointing Wayne Bealer to the Planning Commission (Nom & Appts)

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution 76-2014.

Councilors Marmarou and Sterner noted the skill and ability of Mr. Bealer.

Resolution 76-2014 was adopted by the following vote:

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

B. Resolution 77-2014 – publically expressing City Council’s position on the sale of the City’s water system

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution 77-2014.

Councilor Goodman-Hinnershitz noted the amount of misinformation provided to the public during the discussions about the water system. She stated that at no time did any member of Council state or infer that they favored the sale of the system. She stated that the majority of Council want to retain ownership of the system. She expressed the belief that the water system is a public asset that should remain publicly controlled.

Councilor Daubert stated that while he will support this resolution on its merit, he noted that he disagrees with the definition of “privatization”. He expressed the belief that privatization applies to long term leases.

Councilor Reed agreed with the statement made by Councilor Goodman-Hinnershitz. She expressed the belief that the City should retain control of this public system now and in the future.

Councilor Waltman stated that he will not consider any type of RFP at this point in time for any type of water equity. He stated that the water issue has been a distraction from other pressing issues. He expressed the belief that all public assets, including the water system, require the City's protection.

Resolution 77-2014 was adopted by the following vote:

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

Nays: None - 0

COUNCIL COMMENT

Councilor Marmarou described the problems with the paving of Skyline Drive and the stone walls that frame the Skyline Drive roadway. He stated that the problematic areas are owned by Lower Alsace and Oley. He suggested that these municipalities undertake the required repairs.

Councilor Marmarou announced the upcoming Night in the Heights planned for Saturday, June 28th from 6-9 pm.

Councilor Daubert stated that he is holding a clean-up at Schlegel Park on Saturday, July 12th at noon. He encouraged citizens to attend and assist. He thanked Mr. Gant for suggesting the urban farming.

Councilor Waltman noted the success of the Centre Park Garden Tour over the past weekend. He stated that the group had perfect weather for the perfect event.

Councilor Reed agreed that the tour was gorgeous. She noted the improvements made to Adrienne's Inn on Centre Avenue. She also noted the passing of Bunny White who was a stalwart in the Reading community.

Councilor Reed expressed the belief that the change in form of government described by Mr. Slifko is 18 years overdue. She noted that 64% of cities with 22,000 residents are using the council manager form of government. She also agreed with making the mayor a member of council with one vote, which ends the conflicts that have existed with Council over the past 18 years. She asked the residents to consider supporting this initiative.

Councilor Sterner thanked those who spoke and those who were honored with commendations and recognition certificates.

Councilor Goodman-Hinnershitz expressed support for the amendment of the Charter to a council-manager form of government. She stated that the Pagoda has become a national symbol which helps drive visitors to Reading and Berks County. She announced the upcoming events scheduled at the Pagoda and at Skyline Drive. She noted the need to support the Pagoda Foundation and the volunteers that serve the Pagoda. She stated that a meeting of all parties that hold events on the mountain will be conducted to better organize the events.

The mayor noted that Mr. Slifko served on both prior Charter Review Commissions and on the Charter Board. He stated that the only recommendations that came out of the 2002 Charter Review Commission were a change in the form of government and the creation of the Charter Board. He noted his prediction that the Charter Board would be a costly endeavor. He noted that this last Review Commission worked to eliminate conflict and remove duplicity, which resulted in six (6) recommendations. He stated that Mr. Slifko did not support these recommendations and that Mr. Slifko cannot have it both ways by voting against the recommendations then saying a change in the form of government is needed. He stated that there was a lot of political wrangling during the Charter Review Commission meetings, which is reflected in the minutes. He stated that he looks forward to a discussion on a change in the type of government. He noted the expense of the Charter Board complaints. He stated that the problem is not always the form of government but the people serving in governmental positions.

Council President Acosta noted the repair of the façade of the building in the 000 block of South 5th Street. He stated that the owners of the building are very appreciative of the professionalism and dedication of Chief Building Inspector Brian Nicarry.

Council President Acosta explained that Council is holding a work group meeting to discuss the PLA (Project Labor Agreement) ordinance proposed by the mayor's office. He stated that this is a public meeting where people can sit in the meeting and listen to the discussion. He reminded the public that public comment is only required on the 2nd and 4th Mondays when regular business meetings are held. He stated that various people who have varying perspectives about the use of PLAs have been invited to participate in the discussion and assist Council in considering this issue. He stated that this explanation is meant to provide clarity to those who are misinformed about what public meetings are.

Councilor Goodman-Hinnershitz stated that much of the confusion about what a public meeting is and when public comment is permitted is created by specific people who work at City Hall and the act to misinform the public is intentional. She suggested that the supervisor hold these people accountable.

Council President Acosta stated that much of the misinformation comes from social media.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk