



# *COMMITTEE of the WHOLE*

## *CITY COUNCIL*

**MINUTES**  
**April 27, 2015**  
**5:30 P.M.**

### **COUNCIL MEMBERS PRESENT:**

D. Sterner, D. Reed, M. Goodman-Hinnershitz, S. Marmarou, C. Daubert

### **OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Younger, C. Snyder, D. Cituk, C. Curran-Myers, F. Denbowski, C. Peiffer, L. Agudo, V. Spencer

The Committee of the Whole meeting was called to order at 5:16 pm by Ms. Reed.

### **I. Solid Waste Minimization Plan**

Ms. Curran-Myers explained that the Environmental Advisory Council (EAC) has been working with Mr. Denbowski and Mr. Kelly on this resolution. She stated that the EAC recommends passage of the resolution. The EAC is always interested in reducing waste. She stated that they did outreach during the recycling lawsuit to encourage all to continue recycling.

Ms. Curran-Myers stated that the resolution seeks Council support to develop a Solid Waste Minimization Plan to have zero waste by 2050. She stated that this is a national movement and a STAR initiative.

Mr. Waltman arrived at this time.

Ms. Curran-Myers stated that the resolution calls for continuous improvement. She again stated that the EAC supports this resolution and recommends Council passage.

Ms. Goodman-Hinnershitz stated that she supports this effort. She suggested that the resolution not specify only the City administration but the City in general as it will take all working together to reach this goal.

Mr. Denbowski stated that the passage of this resolution will assist with his interaction on the project with the National League of Cities. He stated that there is a conference call tomorrow and he will be giving an update on the City's progress. The National League of Cities will assist with drafting the Solid Waste Minimization Plan. He stated that he will continue working with the EAC as the Plan is drafted.

Ms. Katzenmoyer stated that Council would need to determine if they wish to amend this evening's agenda to add this resolution or wait and take action on May 11.

Mr. Waltman noted the need for the Plan to have clear benchmarks. He noted the need to change the mindset of residents about trash, litter, and recycling. Ms. Curran-Myers agreed with the need for benchmarks. She stated that the Plan will have incremental improvement benchmarks.

Mr. Waltman noted the need to communicate with residents so they can make adjustments to their habits.

Ms. Goodman-Hinnershitz questioned how the baseline would be determined. Ms. Curran-Myers stated that the baseline is being determined by a study being done for a STAR metric. Mr. Denbowski stated that EPA information will also be used to determine the baseline.

Ms. Curran-Myers stated that she worked with DEP to draft Act 101. She stated that DEP thought at the time that 20% recycling would be challenging but that it is now 35% statewide. She stated that it has been a long haul but that it is working. She noted the need to continue to work to increase recycling and reduce waste. She stated that this resolution endorses the development of the Plan.

Council decided to add this resolution to this evening's agenda.

Ms. Curran-Myers left the meeting at this time.

## **II. Zoning Backlog**

Mr. Agudo stated that the process to clear the backlog has been reviewed by PFM as this initiative appears in the amended Recovery Plan. Mr. Agudo reviewed the report distributed at the meeting showing that 83% of the backlog has been cleared. He stated that the rest of the applications should be processed by July 2015 at which time the hearings will begin.

Mr. Agudo stated that there are two ways to process the hearings – via the Council resolution where Council as a whole and individual Councilors conduct the hearing or to have a hearing master hear the cases and make a determination.

Mr. Marmarou questioned how long it would take to order a deconversion if it was not done voluntarily by the property owner. Mr. Agudo stated that the City would first levy a fine, then revoke permits, and eventually end up in court.

Mr. Agudo explained that Council gives the property owner six months to deconvert in their resolutions. Mr. Marmarou noted the need to have a process that works.

Mr. Waltman stated that hearings would be needed for 671 properties.

Mr. Sterner expressed the belief that 18 months is too long to process these last properties. But he reminded all of the problems encountered in the past when using the Independent Hearing Officer.

Mr. Acosta arrived at this time.

Mr. Sterner suggested that the hearing master be given parameters and expectations by Council. He noted the need to prevent repeating past mistakes. Mr. Agudo stated that Council can control this process.

Mr. Sterner stated that he would prefer using a hearing officer to process the applications more quickly as long as the hearing officer followed Council's parameters.

Ms. Reed noted her understanding of Mr. Sterner's position but noted that when using the Independent Hearing Officer too many properties were approved that should not have been. She noted her opposition to using a hearing master. She noted the need for Council control.

Mr. Sterner suggested that Council sit in on the hearings of properties where there could be an issue.

Mr. Waltman suggested that the hearing master be used but that Council approve the hearing master's decision.

Mr. Agudo stated that of the 671 applications to be processed only 11% have a discrepancy in the number of units.

Mr. Waltman questioned if these properties continue to receive their annual permits. Mr. Agudo stated that they receive permits for the number of units on the City records only, which may not be the full number of units.

Mr. Waltman stated that Council has been trying to correct this issue for years. He recommended using the hearing master and retaining Council approval.

Ms. Goodman-Hinnershitz questioned who would appoint the hearing master. She noted the need for Council support of the individual. Mr. Agudo stated that the hearing master has already been chosen. Ms. Kelleher explained that the RFP process was used. She stated that she has been in contact with the hearing master and provided examples of Council resolutions, a list of questions that Council generally asks at hearings, and meeting minutes so he can see the hearing process used by Council.

Mr. Acosta agreed with the process to use a hearing master with Council making the final decision.

Mr. Agudo stated that he will work with Ms. Kelleher to amend the Council process if needed. He stated that he will also provide a list of addresses which will need hearings. He expressed thanks to Council for allowing him to address this issue in a fair process. He stated that the process has provided a way for the City to correct its databases and processes.

Mr. Waltman noted the need to keep the databases accurate.

Ms. Kelleher questioned the process that would occur if the application is denied. Mr. Waltman stated that it would go directly to the deconversion process.

Mr. Marmarou stated that it would be helpful if the seller and buyer appeared before Council together since many times there is a dispute about the number of units. Mr. Agudo stated that the Certificate of Transfer process tells the buyer the number of legal units. He stated that a map is being devised for the website which will show the number of legal units in every property in the City.

Ms. Goodman-Hinnershitz stated that the City has been very proactive and she has noticed more placards on properties. She stated that this is causing people to walk away and is leaving many properties vacant. She stated that vacant properties decrease the quality of life to neighbors. She noted that she is very concerned about this and requested that this be a future topic of discussion.

Mr. Marmarou agreed and stated that there is a property in his block that has been vacant for three years.

Mr. Agudo complimented Property Maintenance. He stated that as part of the Comprehensive Plan a vacancy study is being completed. He noted his hope that this map will also be available online. He noted the need to determine who will be managing this database. He stated that this issue will be addressed in 2016.

Ms. Reed noted the need for Councilors to be watchful of their neighborhoods. She suggested that all remove debris from porches and front yards to make vacant properties less visible.

Mr. Waltman noted the need for the CORE program and the Blighted Property Review Committee to have funding. He suggested giving the property away to get the property back on the active tax roles. He suggested focusing funding in these areas.

Ms. Reed agreed and suggested that the focus be in strong neighborhoods.

Mr. Waltman stated that he will support this funding if there is a feasible financial plan.

Mr. Agudo suggested the use of federal funds. Mr. Waltman cautioned taking this route as federal funds have many strings attached. He suggested using City funding.

### **III. Equal Business Opportunity Advisory Board**

Ms. Katzenmoyer distributed the most recent draft of this amendment. She stated that she continues to work with Mr. Coleman but that the legislation is not complete at this time. She stated that the Administration had hoped that this would be before Council for final passage before the primary election and stated that she and Mr. Coleman hope to have it ready in time. She stated that this ordinance is not listed on this evening's agenda for introduction and Council could add it if they wished.

Ms. Goodman-Hinnershitz noted the need for the legislation to be complete before it is moved forward. She stated that legislation should not be a response to comments made on social media platforms. She stated that there was good discussion about this amendment during the Nominations & Appointments Committee meeting.

Mr. Denbowski noted his misunderstanding of the timeline. He stated that this is a great product and commended the work of Mr. Coleman and Ms. Katzenmoyer on this project. He stated that this is a very complex issue.

Ms. Katzenmoyer requested Council comments and suggestions so they can be addressed during the review process.

Mr. Natale and Mr. Johnson arrived at this time.

### **IV. Agenda Review**

Mr. Acosta questioned if all those being commended this evening would be in attendance. Ms. Katzenmoyer stated that some were added by the Mayor's office. Mr. Spencer stated that they would all be in attendance.

Council reviewed this evening's agenda including the following:

- Resolution authorizing street lights for the Schuylkill Ave bridge

Mr. Johnson explained that there will be more lights at a different wattage which requires an update to the agreement with Met Ed.

Ms. Reed questioned if they would be the same type of lights. Mr. Johnson stated that he has not seen this information but that he will provide it to Council.

- Resolution removing street lights in Wyomissing Park

Mr. Acosta stated that the lighting ceremony will take place tomorrow evening.

- Resolution authorizing the submission of an application to PENNVEST for the WWTP project

Ms. Snyder explained that this funding would be used for the solids portion of the project.

- Resolution engaging Ballard Spahr as outside labor counsel

Ms. Snyder stated that this is to begin negotiations with IAFF.

- Ordinance increasing the number of food vendors

Ms. Snyder stated that Mr. Broad is scheduled to attend a future Council meeting.

Ms. Reed suggested that this ordinance be tabled this evening.

Mr. Acosta stated that there are also inspection issues.

Ms. Reed noted the need for DID and Main Street to speak with Council directly about this issue.

Mr. Natale left the meeting at this time.

- Ordinance suspending Code of Ethics section 12 Campaign Finance and
- Ordinance transferring funds from the Contingency Fund to the Board of Ethics

Mr. Acosta stated that Council has received opinions from Mr. Younger and from the Board of Ethics solicitor, Mr. Stock.

Mr. Daubert requested an explanation of the opinions.

Mr. Acosta stated that reporting requirements require a copy of all finance reports be filed with the County and the City. Mr. Younger opined that reporting requirements are contained

in the State Election Code which does not indicate that reports should be filed with the municipality. He expressed the belief that this is not enforceable.

Ms. Reed questioned why this was not addressed in the past before the provision was passed by Council in 2013. She expressed the belief that the timing looks suspect and stated that she would not support any changes to the Ethics Code until after the November election.

Mr. Waltman agreed that this should have been better vetted before it was passed by Council. He stated that local law cannot trump state law. He also suggested that it not be amended at this time but asked Council to consider a resolution to protect the City from legal action. He stated that it would become problematic if each municipality state-wide had its own campaign requirements.

Mr. Younger stated that according to Mr. Stock this is enforceable.

Mr. Waltman stated that it does not look good for Council to be discussing this now.

Mr. Younger stated that the requirements of the Ethics Code have not been followed.

Mr. Waltman expressed the belief that it cannot be enforced anyway. He stated that State law takes precedence. He again noted his liability concerns.

Ms. Goodman-Hinnershitz stated that this amendment has enormous implications. She stated that two weeks is not enough time to review the issue and that legislation will not change public perception. She noted the need to move forward carefully and deliberately. She noted the need to understand the goals, merit and jurisdiction of the requirements. She noted her preference to table this ordinance for further review.

Mr. Daubert stated that he has reviewed the opinions. He expressed the belief that if this remains on the books and complaints are filed, it could become another round of high legal bills.

Ms. Kelleher stated that the Ethics provisions are similar to the Charter Board provisions but that it will depend on the merits of the case, the attitude of Board members, and the attitudes of the complainant and the subject of the complaint.

Mr. Younger stated that there is also the option of appeal.

Mr. Acosta stated that there is not enough support to move this forward at this time.

Ms. Reed suggested that it be tabled.

Mr. Sterner suggested that it be withdrawn.

Ms. Goodman-Hinnershitz noted the need to go back to the origins of the legislation to begin discussions.

Mr. Younger stated that the immediate issue is that the City is open to litigation.

Mr. Waltman stated that he feels the City is liable either path it takes. He stated that these discussions are occurring too close to the election. He noted the difficulty enforcing the provision since the requirements were not followed.

Mr. Spencer questioned if this was enforced during the last election cycle. Ms. Kelleher stated that it was passed in May 2013 so this is the first election cycle that it is in effect.

Mr. Acosta requested that the Board of Ethics chair and solicitor meet with Council to discuss this in more detail.

## **V. Executive Session**

Mr. Acosta announced that Council would be entering executive session to discuss litigation. Council entered executive session at 6:30 pm and exited at 6:41 pm.

The meeting adjourned at 6:41 pm.

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