

City of Reading City Council
Regular Meeting
May 11, 2015

Council Vice President Waltman called the meeting to order.

The invocation was given by Pastor Gerald Prentice, Reading Vicinity Ministerium Assn.

All present pledged to the flag.

An executive session was held about a HARB Appeal matter during the Committee of the Whole meeting held in the Council Office.

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

Council issued the following commendations:

- Recognizing National Historic Preservation Week, accepted by Historic Preservation Specialist Johnson and HARB Chair Booth
- Presentation of Historic Preservation Commendations from HARB:
 - 303 Windsor St. (Centre Park) - Big Brothers Big Sisters of Berks County, PA headquarters
 - 626 Centre Ave. (Centre Park)
 - 1700 Hampden Blvd. (Heights C.D.)
 - 1701 Alsace Rd. (Heights C.D.)

The City Clerk administered the oath of office to:

- 1st Deputy Fire Chief Sean L. Hart
- 2nd Deputy Fire Chief James G. Stoudt Jr.
- Fire Suppression Lieutenant David C. Williams

PUBLIC COMMENT

Council Vice President Waltman stated that there are four (4) citizens registered to address Council on non-agenda matters. He asked 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.

Councilor Daubert read the public speaking regulations adopted by City Council.

Shelia Perez of North 14th Street and Luis Tejada of North 14th Street, stated that a report on a proposed sustainable live poultry market was distributed to the mayor and Council last month. This business type would provide people with the option of purchasing freshly slaughtered poultry. They described the health benefits of consuming poultry versus beef and pork and the benefits of a sustainable lifestyle. They asked Council to consider allowing this business in the City.

Idella Hopkins, of North 11th Street, was not present.

Maryann Ciarlone, of North 5th Street, again read from the preliminary opinion written by Judge Sprecher in a RAWA lawsuit.

APPROVAL OF THE AGENDA & MINUTES

Council Vice President Waltman called Council's attention to the minutes of the April 27th meeting, and to the agenda for this meeting, including the legislation listed under the Consent Agenda heading. He noted the need to move Consent Agenda Resolution B regarding the removal of the Bushong Dam to the Resolution heading.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the agenda, including the legislation listed under the Consent Agenda heading, as amended, and the minutes as listed. The motion was approved unanimously.

Consent Agenda

A. Award of Contract – for the Local Limits Project to GHD, 1240 N Mountain Road Harrisburg PA 17112 with the total amount of the project at \$57,700

C. Resolution No. 46-2015 – authorizing additional three provisional Sidewalk Vendor licenses for 2015

D. Resolution No. 47-2015 - authorizing an application for approval of a traffic warning signal on Morgantown Road in the vicinity of Eberly Street

E. Resolution No. 48-2015 - Authorizing an Agreement with Norfolk Southern Railroad Pertaining to the Replacement of Certain Water Lines Associated with the Upgrade to the Waste Water Treatment Plant – *To be distributed Monday*

ADMINISTRATIVE REPORT

The Managing Director distributed the Administrative Report to Council at the meeting. She highlighted the following: topics:

- Opening of a new Dominican Restaurant in the 900 block of Penn Street this Thursday at 11 am
- Update on the fire that occurred on East Laurel Street and a thanks to the Fire personnel and Red Cross for handling this serious situation
- Opening of the downtown Farmers market in June at 5th and Penn Streets

Councilor Goodman-Hinnershitz described the tragic fire on East Laurel Street, a block that was formerly located within District 2. She thanked the Fire personnel who performed beyond the call of duty in dealing with this tragic event. She stated that she and Councilor Daubert will be working on a project to help restore this neighborhood.

AUDITOR'S REPORT

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

- Traffic and Fines Collection for the first quarter of 2015
- 2014 Appropriations Transfers
- Act 47 Town Meeting update

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

There were no reports issued at this meeting.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 19-2015 – Suspending Code of Ethics Section 12, Campaign Contributions and Reporting Requirements *Introduced at the April 13 regular meeting; Tabled on April 27*

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 19-2015.

Councilor Reed stated that she opposes making changes to these regulations while they are in effect during the current election cycle. She stated that she agrees that modifications are needed; however, the modifications should be considered by Council after the election cycle is completed.

Councilor Goodman-Hinnershitz noted that the regulations for campaign reporting were enacted in 2013. She agreed that modifications should be considered after the current election

cycle.

Councilor Waltman agreed that further modifications should be considered after the election cycle and he questioned if these regulations are valid in 3rd Class Cities.

Bill No. 19-2015 was NOT enacted by the following vote:

Yeas: None - 0

Nays: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman – 6

B. Bill No. 20-2015 – amending the 2015 Budget by transferring \$250,000 from Contingency to the Board of Ethics ***Introduced at the April 13 regular meeting; Tabled on April 27***

Councilor Daubert moved, seconded by Councilor Reed, to enact Bill No. 20-2015.

Councilor Reed stated that she disagrees with the concept of funding a complaint before one occurs.

Bill No. 20-2015 was NOT enacted by the following vote:

Yeas: None - 0

Nays: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman – 6

C. Bill No. 21-2015 – authorizing the transfer of cash reserves in the Shade Tree Fund (Fund 20) in the amount of \$201,000 and amending the 2015 Shade Tree Fund operating budget to allocate funds for the purchase of a bucket truck and chipper/shredder ***Introduced at the April 27 regular meeting***

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 21-2015.

Bill No. 21-2015 was enacted by the following vote:

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

Nays: None - 0

D. Bill No. 22-2015 – amending the City Code, Chapter 141, Part 2 Animals, Section 205 Caring for Animals by adding Dog Code Blue and Code Red requirements ***Introduced at the April 27 regular meeting; Advertised on May 4th***

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 22-2015.

Councilor Daubert stated that creating this program unties the hands of the City's animal control agent, the Animal Rescue League, and allows them to cite or impound during period

of more extreme weather conditions. He stated that this program will provide an additional level of welfare to dogs during inclement weather.

Councilor Goodman-Hinnershitz stated that the ordinance increases the health and welfare for dogs.

Bill No. 22-2015 was enacted by the following vote:

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

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

Councilor Goodman-Hinnershitz read the following ordinances into the record:

A. Ordinance – Amending the Chapter 212 Fee Schedule of the City Code, Section 123 Police Department Miscellaneous Fees regarding copies of police reports, call recording and background reports *Advertised May 18th*

B. Ordinance - authorizing the transfer of \$4,585,914.00 among debt service accounts based on refinancing bonds 2008 C & D with bond 2014; refinancing a portion of bonds 2008 and RRA 2003 lease revenue with bond 2015A; and refinancing pension obligation bond 2006 with bond 2015B

C. Ordinance – amending the City of Reading Code of Ordinances, Chapter 5 Administrative Code, Section 5-806 Fiscal Provisions for consistency with the Purchasing Policies to and incorporate revisions recommended by the City's Act 47 Coordinator as attached

D. Ordinance - amending the 2015 fiscal year employee position ordinance by reclassifying the Human Relations Investigator from one (1) full time position to one (1) part time position

E. Ordinance – authorizing a budget transfer of \$35,918 from Salary to Temporary Wages in the Human Relations Budget to fund the PT Investigator position

F. Ordinance – authorizing a budget transfer of \$75,000.00 between the above two accounts. This transfer has zero effect on General Fund Budgeted Spending to demolish the four properties on East Laurel Street damaged by the recent fire

RESOLUTIONS

A. Resolution No. 49-2015 – appointing Charles Milch to the CRIZ Authority

B. Resolution No. 50-2015 – appointing Barbara Waller to the Code and License Appeals Board

C. Resolution No. 51-2015 – reappointing Andrew Molteni to the Environmental Advisory

Council

D. Resolution No. 52-2015 – reappointing Michael Fiucci to the Berks County Convention Center Authority

Councilor Reed moved, seconded by Councilor Daubert, to adopt Resolution Nos. 49-52-2015.

Resolution Nos. 49-52-2015 were adopted by the following vote:

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

Nays: None - 0

B. Resolution No. 45-2015 – authorizing the submission of a PA DEP application for the removal of the Bushong Dam

Councilor Reed moved, seconded by Councilor Daubert, to adopt Resolution No. 45-2015.

Councilor Reed described the safety and liability concerns that this deteriorated dam and mill race create. She stated that the dam and mill race were originally created to power a paper mill in 1892. The paper mill went out of business approximately 100 years ago. She noted that the PaDEP offers grant funding to remove the dam but nothing to make the required \$600K in repair work. She stated that the removal of the dam will provide an opportunity to improve this park setting.

The Managing Director noted the deteriorated condition of the mill race. She stated that the removal of the mill race and the dam will allow improvements to the park area. She noted that the City can gain funding and partners only if the dam is removed.

Councilor Goodman-Hinnershitz stated that the Council must make dam decision. However, those decisions are based on the individual dams and the multitude of factors surrounding the issues identified at the dams.

Resolution No. 45-2015 was adopted by the following vote:

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

Nays: None - 0

COUNCIL COMMENT

Councilor Marmarou explained that the portion of Oak Lane that leads up the mountain to Skyline Drive is located in Lower Alsace and Alsace Townships, not in Reading. He explained that the Reading boundary ends just north of Bern and Oak Lane. He stated that these Townships were contacted about the need for road repairs.

Councilor Goodman-Hinnershitz stated that the maximization of the use of the Mt Penn area will begin through the strategic planning being conducted by the Pagoda Foundation.

Councilor Goodman-Hinnershitz stated that she and Councilor Daubert will be organizing some activities and events to assist those affected by the fire on East Laurel Street.

Councilor Waltman asked the City Clerk to place the sustainable poultry market issue on the Standards of Living agenda for June.

Councilor Marmarou moved, seconded by Councilor Daubert, to adjourn the meeting.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk