

City of Reading City Council
Regular Meeting
January 26, 2015

Council President Acosta called the meeting to order.

The invocation was given by Fire Chief William Stoudt, Jr.

All present pledged to the flag.

There was no executive session held during the Committee of the Whole meeting.

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

Council President Acosta stated that the mayor was recently involved in an automobile accident and that he is excused from this meeting.

PROCLAMATIONS AND PRESENTATIONS

There were no commendation or presentations at this meeting

PUBLIC COMMENT

Council President Acosta stated that there is one (1) citizen registered to address Council on agenda matters. He read the public speaking rules that were adopted by Council.

Carlos Luna Diaz, of Reading, stated that he no longer wished to address Council at this time.

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

12th Regular Meeting of Council. He stated that the Resolution regarding Duane Morris and the recycling litigation was withdrawn by the administration and the Resolution regarding Statewide Historic Preservation was being set aside until a presentation on the issue is made to Council.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the January 12th Regular Meeting of Council and the agenda, including the remaining legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

WITHDRAWN BY THE ADMINISTRATION

A. Resolution 10-2015 – authorizing the continuation of the engagement of Duane Morris to handle the recycling litigation **(Man Dir)**

B. Resolution 11-2015 – authorizing the promotion of Paramedic/Firefighter Trent Zulick to the rank Lieutenant in the Fire Prevention Division, effective February 2, 2015. **(Fire Chief)**

C. Award of Contract – for the 6th and Canal Long Term Improvements project – Phase II to Rummel, Klepper & Kahl LLP not to exceed \$386,647 **(Pub Works)**

SET ASIDE BY COUNCIL

D. Resolution 12-2015 – authorizing, endorsing and implementing the Pennsylvania’s Statewide Historic Preservation Plan **(HARB)**

ADMINISTRATIVE REPORT

No report was provided.

AUDITOR’S REPORT

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

- Update on the 2014 Admissions Tax collection
- Update on the collection of the Transfer Tax between 2010 and 2014
- Update on the MS-965 Report relating to the State Liquid Fuels Grant

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

None.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 1-2015 – authorizing the amendment of the RAWA Articles of Incorporation by adding two additional members to the Board of Directors and by defining the terms of the new members **(Council Staff/Law)** *Introduced at the January 12 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 1-2015.

Council President Acosta stated that with the expansion of RAWA Board membership, two additional seats have been authorized. He encouraged his Council colleagues to identify candidates for these seats.

Bill No. 1-2015 was enacted by the following vote:

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

Nays: None - 0

B. Bill No. 2-2015 – repealing sections 219-101, 219-102, 219-103, 219-105 & 219-106 of the City Code, as required by House Bill 80-2014 adopted by the Pennsylvania Legislators and approved by the Governor in November 2014. ***(Council Staff/Law) Introduced at the January 12 regular meeting***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 2-2015.

Councilor Daubert stated that he will support this ordinance to repeal our local firearms regulations as it will avoid additional legal costs due to the threatened litigation. However, he stated that repealing this legislation does not sit well with him because he agrees with having local firearms regulations. He expressed the belief that the State legislators should enact these regulations so they apply across the Commonwealth.

Councilor Goodman-Hinnershitz concurred with the statement made by Councilor Daubert. She noted the need to educate citizens about the responsibilities associated with firearms ownership. She noted the problems associated with illegal firearms.

Councilor Waltman stated that responsible firearms owners will continue to report stolen firearms; however, those who own illegal firearms did not report stolen firearms before and they will not report them in the future. He expressed the belief that guns in irresponsible hands are the problem and only resolving the underlying problems will correct irresponsible gun ownership. He expressed the belief that there were fewer problems with gun ownership in the 1950s.

Council President Acosta stated that the requirement to repeal these local regulations is an example of a City being bullied by various groups. He expressed the belief that the local regulations encouraged responsible ownership.

Councilor Marmarou stated that gun ownership was higher in the 1950s as permits were issued by the City. He expressed the belief that permits should be issued at the State level, which would provide improved monitoring.

Councilor Daubert disagreed with the message sent by the repeal of the local firearms regulations.

Bill No. 2-2015 was enacted by the following vote:

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

Nays: Acosta, President - 1

C. Bill No. 3-2015 – amending the Administrative Code, Chapter 5, Section 5-213 and § 5-302 regarding the use of outside legal counsel **(Council Staff/Law) Introduced at the January 12 regular meeting**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 3-2015.

Councilor Goodman-Hinnershitz expressed the belief that this is responsible legislation to address a problem that was unexpected.

Councilor Reed agreed with the quality of the legislation to address this problem. She stated that unfortunately the legislation is reactive, rather than proactive.

Bill No. 3-2015 was enacted by the following vote:

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

Nays: None - 0

D. Bill No. 4-2015 – amending the Administrative Code, Chapter 5, Section Re3117-0o5a-Ex A – Purchasing Policies regarding the use of outside legal counsel **(Council Staff/Law) Introduced at the January 12 regular meeting**

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 4-2015.

Councilor Goodman-Hinnershitz thanked the City Clerk and the Solicitor for their work to soundly address this problem.

Bill No. 4-2015 was enacted by the following vote:

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

President - 7

Nays: None - 0

E. Bill No. 5-2015 - amending Chapter 212, Fee Schedule, Section 104 Business Licenses-Annual License Tax and Section 114 Food Code, of the City of Reading Code of Ordinances to add Business License and Food Vendor Fees for Special Events **(Council Staff/Law) Introduced at the January 12 regular meeting; Advertised on Jan 19th**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 5-2015.

Bill No. 5-2015 was enacted by the following vote:

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

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - authorizing the transfer of funds covering HUD eligible salaries within the 2014 Budget between the General Fund and the Community Development Department **(Administration Division)**

B. Ordinance - amending the Fee Schedule by adding EMS membership fees and non-emergency wheelchair transportation fees **(Bus Analyst/Man Dir)**

RESOLUTIONS

A. Resolution 13-2015 - denying the Conditional Use application for 1537 Perkiomen Avenue and ordering de-conversion **(Council Staff/Law)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution No. 13-2015.

Resolution No. 13-2015 was adopted by the following vote:

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

Nays: None - 0

B. Resolution 14-2015 - denying the Conditional Use application for 922 A Franklin Street and ordering de-conversion **(Council Staff/Law)**

Councilor Sterner moved, seconded by Councilor Marmarou, to adopt Resolution No. 14-2015.

Resolution No. 14-2015 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Sterner, Waltman
Nays: None - 0
Abstain - Reed, Acosta, President - 2

C. Resolution 15-2015 – approving the Conditional Use application for 231 South 4th Street, adding two additional rental units, with conditions (**Council Staff/Law**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to adopt Resolution No. 15-2015.

Resolution No. 15-2015 was adopted by the following vote:

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

D. Resolution 16-2015 - approving the Conditional Use application for 1141 North 9th Street, allowing one additional unit, with conditions (Council Staff/Law) *To be distributed on Monday*

Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution No. 16-2015.

Resolution No. 16-2015 was adopted by the following vote:

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

COUNCIL COMMENT

Councilor Reed acknowledged the unfortunate passing of former Mayor Yarnell. She described her relationship with this dedicated public servant.

Councilor Goodman-Hinnershitz conveyed sympathy to the Yarnell family and noted the high level contributions this gentleman provided to the community. She also invited all to the Ground Hog Day event at the Pagoda on Monday, February 2nd at 7 am.

Council President Acosta reminded the public that a snow emergency is not in effect and he

reminded citizens to avoid shoveling snow into the street as it creates safety hazards.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk