



CITY COUNCIL

Meeting Agenda

REGULAR MEETING
COUNCIL CHAMBERS

MONDAY, NOVEMBER 23, 2009
7:00P.M.

OPENING MATTERS

CALL TO ORDER

INVOCATION: Ramon Mendez, First Evangelical Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamation

- Recognizing Keith Dmochowski, a member of Troop 413, for his Eagle Scout project
- Recognizing Gene Wise, of Wise Signs for his work on the Torri Gate
- Recognizing Rhonda Counts (Pagoda Volunteer) for her work on the Torri Gate

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA

MINUTES: Council Meetings of October 26, 2009 and November 9, 2009

AGENDA: Council Meeting of November 23, 2009

Consent Agenda Legislation

Contract Amendment – To authorize the administration to execute a contract amendment to the existing contract with Black & Veatch Corporation for design and related services for the City of Reading Wastewater Treatment Plant Upgrades Project **(Public Works)**

Award of Contract – to E. F. Martzall, Inc., 95 Reinholds Road, Reinholds, PA 17569, at a total submitted bid price of \$62,427.00 for various improvements to the Essick Playground for the Departments of Public Works and Community Development. E. F. Martzall is the low bidder to meet the specifications **(Purchasing)**

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS OF BOARDS, AUTHORITIES, & COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

Ordinance – authorizing the vacation of Beech Street and an unnamed alley between Pear and North 2nd Streets **(Law) Introduced at the November 9 regular meeting**

Ordinance - Authorizing the execution of a Temporary Construction Easement from the City of Reading to the Schuylkill Valley School District conveying unto said School District a Temporary Construction Easement in and over a portion of land being part of

Tax Pin Number 540100609178 that portion of premises designated as a Temporary Construction Easement on the "Highway Occupancy Permit Plans, Roadway Improvements For Schuylkill Valley School District," Dated July 20, 2009, being Project #080890 Prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County, Pennsylvania **(Law)) Introduced at the November 9 regular meeting**

Ordinance - authorizing the execution of an Easement Agreement between the City of Reading and Ontelaunee Township (both situate in Berks County) thereby conveying unto Ontelaunee Township two (2) non-exclusive, perpetual easements in gross upon that portion of premises shown and designated as two (2) twenty foot (20') strips of land and shown as a permanent stormwater easement on the "Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District," Dated July 20, 2009, being Project #080890, prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County, Pennsylvania **(Law)) Introduced at the November 9 regular meeting**

Pending

Advertisement and Public Hearing Required by MPC

Notice of Pending Ordinance Doctrine

Ordinance - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section **(Council Staff) Introduced January 2009; Public Hearing held March 18th at 5 p.m. in Council Chambers**

Pending Further Review

Bill No. 57-2009 - amending the City of Reading Codified Ordinances Chapter 1, Section 1 – Animal Control by adding limitations on the allowable number of animals per household, establishing an exotic animal permit fee, amending the language regarding aggressive dogs, adding definitions, and renumbering sections as required, as attached in Exhibit A **(Animal Control Board & Council Staff) Introduced at the October 12 regular meeting; tabled at the October 26 regular meeting; referred to the Legislative Aide Committee**

Ordinance - amending the City of Reading Codified Ordinances by creating a new Part 20 - Vacant Building Registration - in Chapter 10 Health and Safety Enforcement **(Council Staff & Law) Introduced at the April 13 regular meeting; Reviewed and discussed at the April 20th Work Session; Referred to Public Safety Committee**

Ordinance - directing the Berks County Board of Elections to place a referendum question before City voters on the 2010 Primary ballot which would amend the City of Reading Home Rule Charter by eliminating the Departments of Human Resources and Finance and creating the Department of Administrative Services **(Man Dir) Introduced at the August 24th regular meeting; referred to Committee of the Whole**

Ordinance - setting forth its intent to issue a federally-taxable general obligation note, series of 2009 of the City in the aggregate principal amount of three million two hundred fifty thousand dollars (\$3,250,000) pursuant to the act of the general assembly of the Commonwealth of Pennsylvania, known as the Local Government Unit Debt Act, 53 PA C.S. Chapters 80-82, as amended and supplemented (the "act"); finding that a private sale by negotiation is in the best financial interests of the City; determining that such note shall evidence non-electoral debt of the City; specifying that such indebtedness is to be incurred to provide funds to finance a project of the City which consists of, among other things: (1) the planning, designing, acquiring and constructing of improvements to, and the acquisition of certain equipment for, buildings and facilities on the premises of the Reading Municipal Memorial Stadium (the "Stadium"); (2) the planning, designing, acquiring and constructing of additional parking areas on the premises of the Stadium, and (3) paying the costs and expenses of issuing the note **(Man Dir) Introduced at the August 24th regular meeting; pending passage of State budget**

INTRODUCTION OF NEW ORDINANCES

Ordinance – amending the Codified Ordinances by adding a new ordinance that allows for the revocation of business licenses **(Law & Waltman) TO BE DISTRIBUTED ON MONDAY**

RESOLUTIONS

Resolution - exoneration of tax collection for City and School property taxes, penalties and interest for the year 2009 for 1058 Benner's Court, Reading, Berks County, Pennsylvania, owned by the Reading School District **(Council Staff/Law)**

Resolution - authorizing the exoneration of City property tax penalties for the year 2009 for 1452 North 10th Street, Reading, Berks County, Pennsylvania **(Council Staff)**

Resolution – approving the Conditional Use application for a Student Home zoning permit for 1524 Palm Street with conditions **(Council Staff)**

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, November 23

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday and Friday, November 26 and 27

City Hall Closed for Thanksgiving Holiday

Monday, December 7

Meeting with the Mayor – Mayor’s Office – 4 pm

Finance Committee – Council Office – 5 pm

Public Safety Committee – Council Office – 5 pm

Monday, December 14

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, November 23

DID Authority – Reading Eagle 3rd floor Conference Room – noon

BARTA – BARTA Office – 3 pm

Tuesday, November 24

Vending License Review Board – Council Chambers – 1 pm

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Environmental Advisory Council – Council Office – 5:30 pm

Planning Commission – Penn Room – 7 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Penn’s Commons Neighborhood Group – Penn’s Commons Meeting Room – 7 pm

Wednesday, November 26

Human Relations Commission – Penn Room – 5:30 pm
Parking Authority – Parking Authority Office – 5:30 pm
Outlet Area Neighborhood – St. Mark’s Lutheran Church – 6:30 pm
18th & Cotton Community Crime Watch – St. Matthew’s Church – 7 pm
Stadium Commission – Stadium RBI Room – 7:30 pm

Tuesday, December 1

Charter Board – Penn Room – 7 pm

Wednesday, December 2

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm
Board of Health – Penn Room – 6 pm
District 2 Crime Watch – St. Paul’s Lutheran Church – 6:30 pm

Thursday, December 3

Police Civil Service Board – Penn Room – noon
Glenside Community Council – Christ Lutheran Church – 6:30 pm
District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, December 7

Centre Park Artifacts Bank – 705 N 5th St – noon
Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, December 8

Airport Authority – Airport Authority Office – 8:15 am
RAWA Workshop – Penn Room – 4 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, December 9

Zoning Hearing Board – Penn Room – 5:30 pm
Center City Community Organization – Holy Cross Church – 6 pm

Thursday, December 10

Police Pension Board – Penn Room – 10 am
Legislative Aide Committee – Penn Room – 7:30 pm

Sunday, December 13

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, December 14

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

**CITY COUNCIL MEETING
MONDAY, OCTOBER 26, 2009**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Mr. Muhammad Sela, Islamic Center of Reading.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Marcia Goodman-Hinnershitz, District 2
Councilor Dennis Sterner, District 3
Councilor Stratton Marmarou, District 4
Councilor Maria Baez, District 5
Councilor Jeffrey Waltman, District 6
City Clerk L. Kelleher
City Auditor D. Cituk
City Solicitor C. Younger
Mayor T. McMahon
Managing Director R. Hottenstein
Sergeant at Arms Captain R. Schaffer

PROCLAMATIONS AND PRESENTATIONS

The following Proclamations and Presentations were issued at this meeting:

- Presentation of the Waste Watcher Award by Jane Meeks, Executive Director of the Berks County Solid waste Authority.
- Presentation of Certificates to the Discovering Reality Easily and Meaningfully (DREAM) Program of the Olivet Boys and Girls Club.
- Commendation honoring Red Ribbon Week.

PUBLIC COMMENT

Council President Spencer announced that twenty-four (24) citizens were registered to address Council on agenda matters and one (1) citizen was registered to address Council on non-agenda matters. He stated that due to the large number of people registered to address Council this evening, no extensions on speaking time will be

issued. He asked those speaking to attempt to be concise. He reminded the citizens registered to speak about the public speaking rules.

Bonnie Gernert, North 10th Street, questioned several provisions contained in the amended animal control ordinance. She announced her intent to submit a petition expressing opposition to the provisions in the ordinance. She expressed the belief that the ordinance is unconstitutional and will not solve problems caused by irresponsible pet owners.

Valerie McCleaf, North 4th Street, described her long-term history with animal rescue and expressed the belief that the terms of the ordinance will not address the irresponsibility of bad pet owners.

Robin Keller, Rieffton, was not present.

Joann Ross, Windsor Street, expressed her fear that countless animals will be euthanized due to the terms of the ordinance.

Dawn Roeder, Locust Street, expressed her agreement with the prior points and expressed concern about the animal control ordinance. She stated that she does not support the ordinance and questioned the rationale behind the permit fee. She expressed the belief that the permit fee is nothing more than a revenue generator and inquired why taxes cannot cover the costs of the permit.

Brian Skipper, Moss Street, spoke in opposition of the amended animal control ordinance and suggested that the terms should be applied to irresponsible, not responsible owners. He also expressed the belief that the permit fee is intended to be a revenue generator.

Juanita Hainley, Pear Street, described her history of adopting and rescuing pets. She expressed the belief that the permit fee included in the animal control ordinance will be a hardship. She expressed the belief that the terms of the ordinance will cause the euthanization of many pets.

Ron Lyons, Moss Street and AFSCME #2763, requested an apology from the Executive Director of the library due to some inappropriate remarks he made about AFSCME employees. He also described the mismanagement of several City contracts which has caused the City to expend needless money. He suggested that improved management of City contracts would save money and improve the City's financial situation. He also described the need for improved training with the Hansen program.

Susan Frymoyer, AFSCME #2763, asked public and elected officials attending the Regular Meetings of Council to stop using electronic devices during the Regular Meeting. She questioned where City management found \$55K to pay a new management employee during a time when others are slated for layoff. She also stated

that the lack of proper staffing in the Tax office prevents proper collection procedures. She also described the inability of Tax employees to run internal reports that will assist in the collection of delinquent taxes and fees.

William Frymoyer, AFSCME #2763, stated that visitors to Council Chambers for Regular Meetings regularly disconnect their electronic devices. He asked that elected and public officials offer that same respect in return. He expressed the belief that emailing and using electronic devices during regular business meetings is improper.

Mr. Frymoyer distributed an article that appeared in the Reading Eagle from a young Reading resident asking for the library to remain open. He noted the miscommunication from the Administration about the number of layoffs planned. He stated that the number appearing in the paper differs from that contained in the proposed position ordinance. He also questioned the rationale behind dismissing the Human Resources Director for budgetary reasons when the Administration was able to provide the IT manager with a paid administrative leave. He expressed the belief that laying off employees will do more harm than good.

Dennis Straub, North 10th Street, stated that he is resident and a member of the Animal Control Board. He expressed his disagreement with the proposal to limit the number of pets per household in the amended Animal Control Ordinance. He expressed the belief that a properly run trap, neuter, release program will help alleviate animal issues in the City.

Vicky Hoffman, Mount Penn, noted her volunteer work with animals and her involvement in rescue operations. She described her experience as a Codes inspector and her experience working at a local veterinary office. She expressed the belief that many pets owned by irresponsible owners cause animals undue harm and suffering.

Katheryne Waldron, North 2nd Street, described the various inefficiencies of the current healthcare program. She expressed the belief that many people currently work for benefits, not for salary. She also expressed the belief that the single-payer plan will assist in correcting several recession based issues.

Ernie Schlegel, Pear Street, urged City Council to support the resolution supporting the single-payer healthcare resolution. He expressed the belief that the adoption of the resolution will show federal and state legislators that voters are ready for a change. He also urged City Council to override the veto of the IT audit. He expressed the belief that the study of the IT division is long overdue and much desired by many employees and citizens.

Louise Grim, Exeter, expressed the belief that various lobbyist and other individuals have pushed federal and state legislators to protect their own self interests. She stated that she is originally from Canada and is experienced with the Canadian Healthcare System. She expressed the belief that most Canadians would not change systems with

the United States. She described how the Canadian Healthcare program works and noted the benefits to switching to a system similar to that used in Canada.

Lisa Kneer, Arlington Street and Berks Unity Solution, noted her research showing that 42.5% of the events sponsored at the Reading Public Library are related to anti-drug activities. She noted that the majority of these activities occur at the branch libraries as only 15% of anti-drug programs were held at the main branch. She stated that Reading cannot afford to lose the beneficial programs at the Reading Public Library. She expressed the belief that the library system provides refuge for Reading citizens.

Rosie Skomitz, Mount Penn, spoke in support of State House Bill 1660 and Senate Bill 400. She expressed the belief that the single payer Healthcare program would assist the City with its financial issues and allow the retention of employees. She also expressed the belief that the current healthcare system disrupts the doctor-patient relationship. She asked City Council to support the healthcare resolution on tonight's agenda.

Shelby Dalton-Boyle, Kenny Street, stated that their City elementary school students asked the Administration and Council to keep the City's libraries open. He spoke about the benefits of the various programs offered at the Reading Public Library which offer children the opportunity to expand their educational opportunities.

Ron Stouffer, Mount Penn, asked Council to support the pro-healthcare resolution appearing on tonight's agenda. He stated that currently the average person pays 8-10% of their income for healthcare insurance. He stated that the single-payer plan will cost the average person 3% of their salary. He stated that the single payer program offers Medicare for people of all ages with no co-pays or deductibles. He stated that the single-payer plan proposed would save Reading \$5M annually, save Berks County \$13M annually and the Reading School District \$15M annually. He noted the other organizations that support the single-payer program issue and asked City Council to join in.

Ann Sheehan, North 5th Street, noted the contract BCTV has with the City to manage the City's municipal access program. She noted the work of the nine (9) member BCTV staff and their 200+ volunteers to educate and inform citizens of Greater Reading. She also described BCTV's work to team donations and financial support from a wide variety of community resources. She also described BCTV's continual search for new funding opportunities. She expressed the belief that BCTV and MAC offer reliable information and education to many citizens in Greater Reading.

Carlos Zayas, South 11th Street, expressed his agreement with the single-payer healthcare program and the need to reform a broken system. He noted that healthcare reform would help many Reading residents. He also urged Council to take a strong

position to collect delinquent taxes and fees; however, he urged Council to refine contracts with collectors to limit payment of legal fees before the City is re-numerated.

Bill Vitale, Hill Road, expressed his support for State House Bill 1660 and Senate Bill 400 and urged Council to support the resolution appearing on tonight's agenda. He described his personal experience with the broken healthcare system. He stated that his research has failed to uncover flaws in the single payer program.

Susan Ringer, West Greenwich Street, asked City Council to oppose the proposed animal control ordinance on tonight's agenda. She expressed the belief that the proposed ordinance oversteps its boundaries. She stated that ARL currently is not staffed with people qualified to perform the required inspections that accompany the limitation on the number of pets per household. She expressed the belief that pet ownership is personal and private and is unproblematic if the owner is responsible.

Ruth Martelli, Palm Street, was not present.

AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting and the minutes for the October 12th regular meeting of Council. He noted the need to amend the agenda by removing the rental registration renewal ordinance from the pending box and place it for Council action this evening.

Councilor Fuhs requested an amendment to the October 12th Regular Meeting minutes. He asked for the deletion of the sentence in the third paragraph, under Council Comment. The sentence to be deleted is as follows:

"Councilor Fuhs expressed the belief that the body of Council should not change their position between meetings." He expressed that the belief that this sentence does not accurately reflect what he stated at the meeting.

Councilor Fuhs moved, seconded by Councilor Sterner, to approve the agenda as amended and the October 12th regular meeting minutes as amended. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Managing Director Hottenstein read the report distributed to Council at the meeting covering the following:

- Halloween Activities on October 31st from 5pm-9pm
- \$9.5K grant from the US Tennis Association
- Centre Park meeting on November 17th at 7pm.

Managing Director Hottenstein responded to Public Comment. He noted that pulling a rabbit from the hat no longer exists for City officials. He stated that the City has fallen on hard financial times and must make hard decisions to resolve those issues. He also

explained the inability of some staff members to have access to various components of the Hansen system.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2009 Admissions Tax collection equal to ½ of the budgeted amount
- 2009 Transfer Tax collection at 37% of that budgeted
- Update on unemployment compensation.

Councilor Goodman-Hinnershitz noted that the Real Estate Transfer tax and other revenue resources are not living up to expectation. She noted the need to discover viable alternatives

ORDINANCES FOR FINAL PASSAGE

Override of Veto Bill No. 56-2009 - in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an audit, and study of the IT Department (**Waltman**) ***Introduced at the September 28 regular meeting; Enacted at 10-12 Regular Meeting; Sent to the Mayor for approval on 10-13-09***

Councilor Waltman moved, seconded by Councilor Marmarou, to override the veto of Bill No. 56-2009.

Councilor Waltman noted the comments made by several employees have identified problems with the IT division. He stated that the Administration has been responsible for the management of the IT division for six (6) years and has made no efforts to correct the problems that currently exist. He stated that the IT problems have reduced employee efficiency and cost the city valuable resources.

Councilor Sterner agreed with the need to correct various IT issues. He expressed the belief that the \$10K allocated for the study may not be enough to solve the problems. He expressed the belief that the new Finance Director should have the ability to correct the problems internally before Council takes this strong action.

Councilor Goodman-Hinnershitz also expressed the belief in the need for internal action prior to external evaluation. She noted the need to allow Administration to develop an internal action plan and urged Council to hold Administration accountable for following through with plan.

Councilor Baez stated that she will support the override as the Administration has had many years to undertake internal corrections.

Council President Spencer agreed in part with the comments by Councilor Goodman-Hinnershitz; however he noted the need to assure tax payers that their tax dollars spent on the computer system were properly used. He also questioned Council's ability to hold the Administration accountable. He noted last December City Council passed a resolution authorizing various collection activities; however almost one year has passed and collection activity has not yet started.

Mayor McMahon stated that the Administration is aware of the various IT issues and will work to correct the problems.

Councilor Waltman expressed the belief that Council needs to hold the Administration accountable on the IT issue. He questioned the Administration's ability to take the necessary corrective action as they have not done so already.

The motion to override the veto of Bill No. 56-2009 was not adopted by the following vote:

Yea: Baez, Marmarou, Waltman, Spencer, President - 4
Nay: Fuhs, Goodman-Hinnershitz, Sterner– 3

Bill No. 54-2009 – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers **(Spencer) Introduced at the September 28 regular meeting; tabled at the October 12 regular meeting.**

Councilor Sterner moved, seconded by Councilor Baez, to table Bill No. 54-2009.

Bill No. 54-2009 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7
Nay: None – 0

Bill No. 57-2009 - amending the City of Reading Codified Ordinances Chapter 1, Section 1 – Animal Control by adding limitations on the allowable number of animals per household, establishing an exotic animal permit fee, amending the language regarding aggressive dogs, adding definitions, and renumbering sections as required, as attached in Exhibit A **(Animal Control Board & Council Staff) Introduced at the October 12 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to table Bill No. 57-2009.

Bill No. 57-2009 was tabled by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Spencer, President - 4
Nay: Fuhs, Sterner, Waltman – 3

Councilor Sterner stated that the Public Safety Committee has been working on this bill for over six (6) months. He suggested that rather than sending it back to the Public Safety Committee, Council, as a whole, discuss the ordinance at either a Committee of the Whole meeting or a Work Session.

Councilor Fuhs suggested that the ordinance be referred to the Legislative Aide Committee for review.

Bill No. 58-2009 - amending Part 10 of Chapter 24 Taxation, of the City of Reading Code of Ordinances, to be found at Sections 24-1001 to 24-1002, entitled "Schedule of attorney's fees for collection of delinquent earned income taxes, business privilege taxes and fees, per capita taxes, and other non-real estate based taxes and receivables" which shall authorize the imposition of attorney fees for the collection of such taxes and adding a new Part 11, formerly part 10, Residential "Rental Tax" of Chapter 24 Taxation, Special, of the City of Reading Code of Ordinances, to be found at Sections 24-1101 to 24-1110, entitled "Residential Rental Tax" which shall impose a tax on the transaction of entering into a lease for residential property; establishing the rate of such tax; providing procedures for the administration and collection of the tax; and providing penalties for violations **(Law) Introduced at the October 12 regular meeting**

Councilor Sterner moved, seconded by Councilor Marmarou, to table Bill No. 58-2009.

Bill No. 58-2009 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7

Nay: None – 0

Bill No. 59-2009 – amending the Codified Ordinances Chapter 1 Administration And Government – Part 2 Personnel Code, Sections 1-221 A Categories Of Employment, 1-271 Salary Administration, 1-272 Payroll Administration by providing clarifying language pertaining to the need for all full time positions to exist within the annual Full Time Position Ordinance. **(Spencer & Waltman) Introduced at the October 12 regular meeting**

Councilor Waltman moved, seconded by Councilor Marmarou, to enact Bill No. 59-2009.

Councilor Waltman explained that this ordinance will provide clarification on the position ordinance's role with the annual budget and clarify that positions need to be included in the budget and the position ordinance prior to payment of salary.

Council President Spencer asked the Solicitor if the Council is able to make this amendment to the Administrative and Personnel Code. The Solicitor replied affirmatively.

Councilor Goodman-Hinnershitz agreed with the need for clarification provided in the amendments regarding the position ordinance.

Bill No. 59-2009 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 6

Nay: Fuhs – 1

Bill No.60-2009 – amending the Codified Ordinances Chapter 1 Administration And Government – 1-121 Official Actions Of The Council And 1-186 Fiscal Provisions, Number 9 Annual Budget C Budget Organization And Content (2) by providing clarifying language pertaining to the need for the annual Full Time Position Ordinance (**Spencer & Waltman**) *Introduced at the October 12 regular meeting*

Councilor Waltman moved, seconded by Councilor Baez, to enact Bill No. 60-2009.

Council President Spencer stated that again this ordinance provides clarity about the position ordinance's relation to the annual budget.

Bill No. 60-2009 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 6

Nay: Fuhs – 1

Ordinance 61-2009 - amending Chapter 11 Housing of the City of Reading Codified Ordinances regarding rental registration renewal. (Law) Introduced at the August 10th regular meeting; pending the receipt of language clarification

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 61-2009.

Managing Director Hottenstein explained that this amendment provides a ninety (90) day deadline which will be set to the day the registration bill is mailed.

Council President Spencer stated that the bills cover 2008-2009.

Councilor Waltman stated that he will not support this ordinance as he believes this is government at its worst.

Councilor Fuhs stated that he does support the ordinance; however he expressed the need to do more timely billing to collect the money owed to the City.

Councilor Goodman-Hinnershitz expressed the belief that the action of this ordinance will place a leveling off of the housing permit process. She expressed the belief that the changes made to the housing permit ordinance were difficult for the Administration to manage.

Council President Spencer agreed with the need to collect the monies owed to the City. He noted the changes made to the housing permit criteria to provide the Administration with an easier ability to manage. He stated that these changes seemed not to have helped and he questioned the Administration's ability to properly manage this process.

Councilor Waltman explained that the amended housing permit process was designed through the joint work of City Council, the Administration, and several partners in the housing industry. He added that the Administration agreed with the terms defined.

Bill No. 61-2009 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer,
President - 6
Nay: Waltman – 1**

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance - amending the City of Reading Codified Ordinances Chapter 10 Part 17 Sidewalk Vendors by prohibiting sidewalk vendor operations outside the Downtown Improvement District on public and private property and renumbering as required, as attached in Exhibit A (**Council Staff**)

RESOLUTIONS

Resolution 118–2009 - appointing Robert Swope to the Board of Ethics (**Admin Oversight**)

Resolution 119–2009 - appointing Bernardo Carbajal II to the Minority Business Procurement Board (**Admin Oversight**)

Resolution 120–2009 - reappointing Gregory Geiger to the Stadium Commission (**Admin Oversight**)

Resolution 121–2009 - reappointing Mark Feeney to the HVAC Board (**Admin Oversight**)

The Administrative Oversight Committee moved to adopt Resolutions 118-2009 through 121-2009, making appointments and reappointments to the City's Boards and Commissions.

Councilor Marmarou noted the talent and the skill of those being considered this evening. He noted the need for more volunteers to step forward to serve on the City's Boards, Authorities, and Commissions.

Councilor Goodman-Hinnershitz questioned the status of the Minority Procurement Board.

Resolutions 118-2009 through 121-2009 were adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7
Nay: None – 0

Resolution 122–2009 - supporting the Family and Business Health Security Act of 2009, as proposed by H.B. 1660 and S.B. 400 **(Spencer)**

Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution 24-2009.

Council President Spencer stated that this Resolution is brought forward for a second time at the request of state delegation.

Councilor Goodman-Hinnershitz expressed her belief in the need to encourage legislators to make healthcare reform in a way that would benefit citizens, businesses, and government.

Councilor Fuhs questioned the purpose behind the state delegation's request for Council to consider this resolution.

Council President, Spencer stated that the local state delegation are sponsors of the healthcare bill and they have requested support from the home municipality.

Councilor Fuhs noted the passion of those supporting this resolution. He described his understanding of the issue at the both federal and state levels. He also described his understanding of the plan used in Canada.

Councilor Sterner agreed with the need for healthcare reform and stated that he will support the resolution and questioned how this will effect the overall movement of federal or state action.

Councilor Waltman noted his agreement with various points made and added that the federal and state healthcare issue is a moving target. He stated that he does not know enough about this issue to be comfortable supporting the resolution. He expressed the belief that healthcare reform will not correct the symptoms of the true problem. He noted the need for application of constraints to properly address the root of the problem.

Councilor President Spencer noted the interesting path this issue has taken. He expressed hope that healthcare reform will meet some resolve in a way that creates a more affordable and improved plan.

Resolutions 122-2009 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Spencer, President - 5
Nay: Fuhs, Waltman – 2

COUNCIL COMMENT

Councilor Baez was excused from the meeting at this time.

Councilor Sterner thanked all those providing input at tonight's meeting. He agreed that no one wanted to see the City's libraries close down. He also noted his willingness to partially fund BCTV.

Councilor Sterner described the Public Safety Committee's work on the Animal Control ordinance over a six (6) month period. He suggested that the whole body of Council review this ordinance before it's put forward for another vote.

Councilor Sterner stated that the Hillside light display grand opening will be held on Sunday, November 22 at 6pm.

Councilor Goodman-Hinnershitz stated that she was very impressed with the input from all citizens this evening. She noted the upcoming rally at the library on Friday, October 30th. She also expressed her belief in the mission of BCTV.

Councilor Fuhs noted that the \$15M deficit needs to be extracted from each annual operating budget moving forward. He suggested that employees and citizens provide input and suggestions.

Councilor Marmarou described the meeting with 13th and Union Elementary School students at the Northeast branch library last week. He stated that the library is used heavily by children and families. He noted his agreement to work to find some viable solution to keep the libraries open. He also expressed the belief that BCTV programming promotes local involvement

Councilor Marmarou suggested that the Administration do the work necessary to correct the various IT problems and issues. He noted his repeated attempts over the past four

(4) years for the Administration to take proper collection activities to no avail. He also noted the slow response of the Administration to resolution directing collection activities adopted in December 2008.

Councilor Waltman agreed with the need to find a funding approach for the Reading Public Library.

Councilor Goodman-Hinnershitz also noted the loss of other vital library programs on a broader level.

Councilor Fuhs questioned the revenue stream realized by the library through the rental of CDs and DVDs. He inquired if the rental of CDs and DVDs is used to bump up the circulation rate.

Council President Spencer suggested that Council consider moving the pet limitation from the Animal Control Ordinance for Legislative Aide review and move forward the other important components such as the aggressive animal language and the exotic pet permit fee, etc.

Council President Spencer reviewed the Council meeting schedule.

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

Linda Kelleher CMC, City Clerk

**CITY COUNCIL MEETING
MONDAY, NOVEMBER 9, 2009**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Bruce Osterhout, of the Christ Lutheran Church.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Marcia Goodman-Hinnershitz, District 2
Councilor Dennis Sterner, District 3
Councilor Stratton Marmarou, District 4
Councilor Jeffrey Waltman, District 6
City Clerk L. Kelleher
City Auditor D. Cituk
City Solicitor C. Younger
Mayor T. McMahon
Managing Director R. Hottenstein
Public Works Director C. Jones
Solid Waste Manager F. Denbowski

PROCLAMATIONS AND PRESENTATIONS

The following Proclamations and Presentations were issued at this meeting:

- Recognizing America Recycles Day, accepted by Solid Waste Manager Frank Denbowski

PUBLIC COMMENT

Council President Spencer announced that three (3) citizens were registered to address Council on agenda matters and two (2) citizens was registered to address Council on non-agenda matters. He inquired if Council objected to allowing those registered to speak on non-agenda matters during this comment period rather than after the legislative matters are concluded. As no objected the rule requiring non-agenda comment at the end of the meeting was suspended. He reminded the citizens registered to speak about the public speaking rules.

Roxanne Curan, South 11th Street, was not present.

Paulette Williams, Spruce Street, stated that she attended Saturday's budget meeting in the Penn Room. She noted her shock and fear with the proposed cuts to the Fire and Police departments. She noted the recent up rise in shooting and questioned if the reduced staff would be able to properly handle these activities. She expressed the belief that the cuts of Fire personnel create grave dangers to Reading citizens. She also expressed her support to the rise of fees and taxes to support these essential services. She noted the need for Administration and Council to work together early each year to search for new revenue sources. She stated that enhanced enforcement of City regulations by Police and other City departments could increase revenue through corresponding fines. She asked the Administration and Council how many mils a life is worth.

Ramona Turpin, West Greenwich St, was not present.

John Krick, Abilities In Motion, noted the increase in accidents of wheelchair bound individuals on the City's broken curbs and sidewalks. He asked the City to improve those conditions to increase the safety for all residents.

Rusty Barr, Wyomissing, was not present.

AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for tonight's meeting. He noted the need to add an Award of Contract for street lighting improvements in the 800-1000 blocks of Penn Street. He stated that this Award of Contract would be added to the Consent Agenda heading.

Councilor Waltman moved, seconded by Councilor Sterner, to adopt the agenda as amended including the legislation listed in the Consent Agenda heading. The motion was approved unanimously.

CONSENT AGENDA

Award of Contract to Hirneisen Electric Inc, Reading, PA at a total bid price of \$439,500 for the lightening project in the 800-1000 blocks of Penn Street.

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- 2010 Budget Update
- November 17th Centre Park Neighborhood meeting
- Receipt of award from the National Junior Tennis and Learning Organization
- November 21st Holiday Parade.

Mayor McMahon also noted his work to seek alternative funding for the Reading Public Library. He stated that if the City can find \$125K in funding for utilities, the United Way may be able to assist the funding to allow the branch libraries to open for a one (1) year period. He noted that this one time opportunity will provide the City with time to consider alternatives.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- External Audit Services 2009-2011
- Crossing Guard Reimbursement 2008-2009
- Cable Franchise Collections for 2009

City Auditor Cituk also noted that he has distributed his comments on the proposed 2010 budget as required by the Charter.

Council President Spencer asked Mr. Cituk how members of the selection committee are identified to choose a new external auditor. City Auditor Cituk explained the RFP process, noting how the different criteria are weighted and scored within the selection process. He stated that generally the Auditor, the Auditor's Assistant, the Finance Director, the Purchasing Manager, and other members of the Administration compose the selection committee.

Council President Spencer noted City Council's desire to assist with the selection of the new external auditor. City Auditor Cituk stated the need to defer that decision to the City Solicitor. City Clerk Kelleher stated that in the past the City Council Finance Committee participated in the selection of the External Auditor. The Committee then made a recommendation to the body of Council.

ORDINANCES FOR FINAL PASSAGE

Bill No. 54-2009 – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers **(Spencer) Introduced at the September 28 regular meeting; tabled at the October 12 regular meeting; tabled at the October 26 regular meeting**

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 54-2009.

Council President Spencer asked the Managing Director how many transactions Council would need to approve if the transfer amount would be reduced to \$10K. Managing Director Hottenstein stated that eight (8) transactions between \$10K-\$25K occur on average monthly basis.

Councilor Goodman-Hinnershitz noted her agreement with the reduction of the transfer amount, as City Council needs to stay abreast of various financial transactions that

occur. She suggested that transactions requiring Council's approval be referred to the Finance Committee, who can then review and make a recommendation to the body of Council.

Council President Spencer noted that eight (8) to ten (10) transactions on a monthly basis would not be difficult for the body of Council to manage.

Bill No. 54-2009 was enacted by the following vote:

**Yea: Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,
President - 5
Nay: Fuhs – 1**

Bill No. 58-2009 - amending Part 10 of Chapter 24 Taxation, of the City of Reading Code of Ordinances, to be found at Sections 24-1001 to 24-1002, entitled "Schedule of attorney's fees for collection of delinquent earned income taxes, business privilege taxes and fees, per capita taxes, and other non-real estate based taxes and receivables" which shall authorize the imposition of attorney fees for the collection of such taxes. **(Law) Introduced at the October 12 regular meeting; tabled at the October 26 regular meeting – eliminate language re Residential Rental Tax; Amended Ord attached**

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 58-2009.

Council President Spencer inquired if the language referring to residential rental tax has been removed from the ordinance. Managing Director Hottenstein stated that this language has been removed in the final draft of the ordinance. He also explained the benefits to adding the collection fees on top of the delinquent amounts.

Bill No. 58-2009 was enacted by the following vote:

**Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,
President - 6
Nay: None – 0**

Ordinance 62-2009 -amending the City of Reading Codified Ordinances Chapter 10 Part 17 Sidewalk Vendors by prohibiting sidewalk vendor operations outside the Downtown Improvement District on public and private property and renumbering as required, as attached in Exhibit A **(Council Staff) Introduced at the October 26 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to enact Bill No. 62-2009.

Council President Spencer explained that Council's consideration of several applications for sidewalk vendors outside the City's commercial core caused Council to discover the unhealthy competition that could be created with the location of the sidewalk vendor in the vicinity of a business offering a similar product, and located in a building.

Councilor Goodman-Hinnershitz explained the Public Safety's Committee's rationale to prohibit the use of sidewalk vendor activity in residential areas. She noted that vendors who wish to operate on private lots or parking lots can seek approval from the Zoning Hearing Board.

Bill No. 62-2009 was enacted by the following vote:

**Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,
President - 6**

Nay: None – 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance – authorizing the vacation of Beech Street and an unnamed alley between Pear and North 2nd Streets **(Law)**

Ordinance - Authorizing the execution of a Temporary Construction Easement from the City of Reading to the Schuylkill Valley School District conveying unto said School District a Temporary Construction Easement in and over a portion of land being part of Tax Pin Number 540100609178 that portion of premises designated as a Temporary Construction Easement on the "Highway Occupancy Permit Plans, Roadway Improvements For Schuylkill Valley School District," Dated July 20, 2009, being Project #080890 Prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County, Pennsylvania **(Law)**

Ordinance - authorizing the execution of an Easement Agreement between the City of Reading and Ontelaunee Township (both situate in Berks County) thereby conveying unto Ontelaunee Township two (2) non-exclusive, perpetual easements in gross upon that portion of premises shown and designated as two (2) twenty foot (20') strips of land and shown as a permanent storm water easement on the "Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District," Dated July 20, 2009, being Project #080890, prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County, Pennsylvania **(Law)**

RESOLUTIONS

Resolution 123-2009 - to approve submission of the FFY2010 (36th year - January 1, 2010 to December 31, 2010) action plan to the U.S. Department of Housing and Urban Development (HUD) **(Community Development)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution 123-2009.

Managing Director Hottenstein noted the City's improved use of Community Development block grant funds to support Reading neighborhoods.

Council President Spencer expressed the belief that handicapped ramps should be funded in each annual CDBG budget.

Resolutions 123-2009 was adopted by the following vote:

**Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,
President - 6
Nay: None – 0**

Resolution 124-2009 - denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for 47 South Sixth Street, owned by Allegheny East Conference of Seventh Day Adventist, ordering the removal of the vinyl siding as stated in HARB Resolution 65-09 **(Council Staff)**

Councilor Sterner moved, seconded by Councilor Marmarou, to adopt Resolution 124-2009.

Councilor Sterner noted that it is unfortunate that some property owners are unaware that their buildings are located within a historic district. He noted the need for improved education of property owners and potential property owners by the realtors who sell City properties and the need for increased responsibility from people who purchase properties.

Resolutions 124-2009 was adopted by the following vote:

**Yea: Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,
President - 5
Nay: Fuhs – 1**

Resolution 125–2009 - authorizing the Solicitor to take all necessary and appropriate action required for the City of Reading City Council to appeal the September 16, 2009 decision of the City of Reading Zoning Hearing Board (Appeal No. 2009-44) regarding the proposed parking lot in the 200 block of Penn Street at their October meeting. **(Council Staff/Law)**

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 125-2009.

City Solicitor Younger gave a brief explanation about the intervention in this matter.

Councilor Waltman expressed the belief that the streetscape in this gateway neighborhood has already been severely damaged. He expressed the belief that City Council should step in to prevent further damage to the City's streetscape.

Resolutions 125-2009 was adopted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,

President - 5

Nay: Fuhs – 1

Resolution 126–2009 - authorizing the Solicitor to take all necessary and appropriate action required for the City of Reading City Council to appeal the decision of the City of Reading Zoning Hearing Board regarding the variance Appeal No. 2009-58 for a proposed 60 washer/60 dryer Laundromat at 400 South 6th Street granted at their October 14, 2009 meeting. **(Council Staff/Law)**

Councilor Marmarou moved, seconded by Councilor Sterner, to adopt Resolution 126-2009.

Resolutions 126-2009 was adopted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,

President - 6

Nay: None – 0

Councilor Fuhs left the meeting.

COUNCIL COMMENT

Councilor Sterner thanked Ms. Williams for her good comments. He noted his overall agreement with the issues she raised concerning reductions in Police and Fire manpower and the potential safety issues associated with that. However, he noted the need for City Council and the Administration to find some balance with the City's severe financial constraints.

Councilor Sterner noted the upcoming opening of the Holiday Light Display at Hillside Playground.

Councilor Goodman-Hinnershitz noted that the nationwide economic issues we are currently experiencing have not been felt since the Great Depression. She thanked Councilor Waltman and City Auditor Cituk for their leadership and focus as Council reviews the proposed 2010 budget. She noted that the services the City could afford in the past could no longer be covered in the same manner. She suggested that all City employees re-look and re-think various budgetary issues, along with the City management and elected officials.

Councilor Goodman-Hinnershitz thanked PARC Chair Otis Smith and Deputy City Clerk Michelle Katzenmoyer for their work to begin citywide discussion that will assist in the amendment of the open space and park plan. She noted the dedication of the new Pagoda gate on Saturday at 1pm.

Councilor Marmarou stated that he is pleased that the Administration is beginning to address the collection of previously uncollected fines and fees authorized by a resolution adopted at the end of 2008.

Councilor Marmarou noted the positive College Heights Community Council meeting that occurred on Sunday, November 8th and described the discussion about this area becoming a historic district. He stated that during this discussion neighbors identified the need for realtors to inform potential buyers that they are purchasing homes within a historic district. He expressed the belief that many realtors only see dollars signs and do not properly advise potential buyers about zoning regulations and other issues that will apply to the property under consideration. He thanked the Mayor for his assistance in obtaining meeting space at Albright College.

Mayor McMahon expressed his thanks to Albright College for offering meeting space for the College Heights meeting. He noted a great presentation made by Fire Deputy Chief Jim Conrad, who is the City's Emergency Manager.

Council President Spencer noted his understanding of the comments and concerns raised by Mr. Krick concerning the City's sidewalks and curbs.

Council President Spencer thanked the Administration for their assistance during the budget review process. He stated that the before adopting the budget Council will consider maintaining some level of Public Safety manpower. He also noted the need to consider funding BCTV, who provides public education and allows residents to view government activities.

Council President Spencer reviewed the upcoming Council meeting schedule.

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

Linda Kelleher CMC, City Clerk

AGENDA MEMO

THOMAS MCMAHON, MAYOR
RYAN HOTTENSTEIN, MANAGING DIRECTOR

TO: City Council
PREPARED BY: Charles M. Jones, P.E., Public Works Director
MEETING DATE: November 23, 2009
AGENDA MEMO DATE: November 18, 2009
REQUESTED ACTION: To authorize the administration to execute a contract amendment to the existing contract with Black & Veatch Corporation for design and related services for the City of Reading Wastewater Treatment Plant Upgrades Project.

RECOMMENDATION

Authorize the administration to authorize the administration to execute a contract amendment to the existing contract with Black & Veatch Corporation of 601 Walnut Street, Suite 550W, Philadelphia, PA 19106 for design and related services for the Wastewater Treatment Plant Upgrades Project for a maximum not to exceed price of \$5,075,190. The contract amendment includes the design of the 6th & Canal tunnel, influent pump station, rehabilitation of the existing force main, and associated tasks.

BACKGROUND

The Consent Decree executed among the United States of America Department of Justice, the United States Environmental Protection Agency, the Commonwealth of Pennsylvania Department of Environmental Protection, and the City of Reading describes various improvements to be completed to the wastewater treatment plant, sanitary sewer collection system, and associated systems and programs. As design of the wastewater treatment plant improvements progressed, alternatives for the adequate conveyance of wastewater from the 6th & Canal area to the wastewater treatment plant were explored. Public meetings were held and City Council ultimately followed the Administration's recommendation to approve the tunnel alternative. Subsequently Black & Veatch was directed to begin work on design of the tunnel alternative. This contract amendment will provide the mechanism to include the necessary design tasks in the Black & Veatch design contract.

BUDGETARY IMPACT

The proposal includes a maximum not to exceed fee of \$5,075,190. Sewer Capital Funds are available for the design services relating to the Wastewater Treatment Plant Upgrades Project.

PREVIOUS ACTION

Council approved the Consent Decree on October 25, 2004. The Consent Decree

describes the required improvements at the wastewater treatment plant.

SUBSEQUENT ACTION

None.

REVIEWED BY

The Mayor, Managing Director, Director of Finance, Director of Public Works, and Utilities Division Manager.

RECOMMENDED MOTION

Approve/Deny authorization for the Administration to execute a professional services contract amendment with Black & Veatch Corporation for design of the 6th & Canal tunnel, influent pump station, rehabilitation of the existing force main, and associated tasks for the Wastewater Treatment Plant Upgrades Project at a maximum not to exceed fee of \$5,075,190.



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: November 23, 2009
AGENDA MEMO DATE: November 18, 2009
RECOMMENDED ACTION: Awarding of Contract for improvements to the Essick Playground for the Departments of Public Works and Community Development.

RECOMMENDATION

The recommendation is to award the contract to E. F. Martzall, Inc., 95 Reinholds Road, Reinholds, PA 17569, at a total submitted bid price of \$62,427.00 for various improvements to the Essick Playground for the Departments of Public Works and Community Development. E. F. Martzall is the low bidder to meet the specifications.

BACKGROUND

Bids for improvements at the Essick Playground for the Departments of Public Works and Community Development were received on November 12, 2009. The bid award is based on various items which include renovations to the sites, safety surface installation and playground equipment installation.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Community Development and Accounting have confirmed that funds sufficient for this contract have been included in Account Code 32-10-00-4212, project #32-10-84 and 31-07-00-4216, project #31-07-75.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the November 23, 2009 meeting.

RECOMMENDED BY

Mayor, Managing Director, CD Director, Directors of Finance and Public Works and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the improvements to the Essick Playground in order that the contract may be awarded to E. F. Martzall, Inc..

cc: File



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: November 23, 2009
AGENDA MEMO DATE: November 18, 2009
RECOMMENDED ACTION: Awarding of Contract for improvements to the Third & Spring Playground for the Departments of Public Works and Community Development.

RECOMMENDATION

The recommendation is to award the contract to E. F. Martzall, Inc., 95 Reinholds Road, Reinholds, PA 17569, at a total submitted bid price of \$116,145.00 for various improvements to the Third & Spring Playground for the Departments of Public Works and Community Development. E. F. Martzall is the low bidder to meet the specifications.

BACKGROUND

Bids for improvements at the Essick Playground for the Departments of Public Works and Community Development were received on November 12, 2009. The bid award is based on various items which include renovations to the sites and baseball field, safety surface installation and playground equipment installation.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Community Development and Accounting have confirmed that funds sufficient for this contract have been included in Account Code 32-10-00-4212, project #32-10-79 and 31-07-00-4216, project #31-07-75.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the November 23, 2009 meeting.

RECOMMENDED BY

Mayor, Managing Director, CD Director, Directors of Finance and Public Works and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the improvements to the Third & Spring Playground in order that the contract may be awarded to E. F. Martzall, Inc..

cc: File

November 12, 2009

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 11002-09 FOR ESSICK PLAYGROUND IMPROVEMENTS FOR THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA

| <u>BIDDER</u> | <u>TOTAL BID PRICE</u> |
|--|-------------------------------|
| E. F. Martzall, Inc. 95 Reinholds Road P.O. Box 149 Reinholds, PA 17569 | \$62,427.00 |
| Windsor Service, Inc. Division of Reading Materials 2415 Kutztown Road P.O. Box 13787 Reading, PA 19612-3787 | \$69,262.30 |
| Buzz Burger, Inc. 13 Twin Pine Way Glen Mills, PA 19342 | \$70,357.60 |
| Doug Lamb Construction, Inc. 1180 Zeager Road Elizabethtown, PA 17022 | \$77,440.60 |
| Lechmanik, Inc. 414 Birmingham Road West Chester, PA 19382 | \$77,630.00 |
| Bertolet Construction Corporation 100 South Church Road Wernersville, PA 19565 | \$78,513.20 |
| Smith & Smith General Contractors, Inc. 2250 Mahontongo Street Pottsville, PA 17901 | \$111,591.00 |

HEATHER DUNKLE
Purchasing Coordinator

November 12, 2009

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 11001-09 FOR THIRD & SPRING PLAYGROUND IMPROVEMENTS FOR THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA

| <u>BIDDER</u> | <u>TOTAL BID PRICE</u> |
|--|-------------------------------|
| E. F. Martzall, Inc. 95 Reinholds Road P.O. Box 149 Reinholds, PA 17569 | \$116,145.00 |
| Buzz Burger, Inc. 13 Twin Pine Way Glen Mills, PA 19342 | \$136,226.00 |
| Smith & Smith General Contractors, Inc. 2250 Mahontongo Street Pottsville, PA 17901 | \$141,415.00 |
| Lechmanik, Inc. 414 Birmingham Road West Chester, PA 19382 | \$147,385.00 |
| Windsor Service, Inc. Division of Reading Materials 2415 Kutztown Road P.O. Box 13787 Reading, PA 19612-3787 | \$148,901.60 |
| Bertolet Construction Corporation 100 South Church Road Wernersville, PA 19565 | \$149,914.50 |
| Doug Lamb Construction, Inc. 1180 Zeager Road Elizabethtown, PA 17022 | \$150,722.00 |

HEATHER DUNKLE
Purchasing Coordinator

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA VACATING BEECH STREET AND AN UN-NAMED ALLEY ADJACENT TO BEECH STREET AS PARTICULARLY SURVEYED AND DESCRIBED HEREIN.

WHEREAS, pursuant to the Third Class City Code, 53 Pa. C.S. §37919, the Council of the City of Reading (“Council”), upon Petition by owners of property abutting the proposed street to be vacated, may, by Ordinance, vacate the street described in said Petition; and

WHEREAS, a Petition to vacate Beech Street and an un-named alley adjacent to Beech Street has been presented to Council in September 2009; and

WHEREAS, Beech Street and the un-named alley adjacent to Beech Street are located within the City of Reading; and

WHEREAS, upon review of said Petition, Council believes that the vacation of Beech Street and the un-named alley adjacent to Beech Street is in the best interest of the residents of the City of Reading.

BE IT ENACTED AND ORDAINED, by the Council of the City of Reading, Berks County, Pennsylvania (“City”) as follows,

Section 1. Pursuant to 53 Pa. C.S. §37919 of the Third Class City Code, Council hereby vacates the public road known as Beech Street and the un-named alley adjacent to Beech Street within the City of Reading, Berks County, as particularly surveyed and described herein. Copies of the legal descriptions of Beech Street and the un-named alley adjacent to Beech Street to be vacated and the surveys of Beech

Street and the un-named alley showing the location and width thereof are collectively attached to this Ordinance as Exhibit "A" and incorporated herein by reference.

Section 2. All Ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 3. The provisions of this Ordinance are severable and if any provisions, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or entity, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this Ordinance.

Section 4. This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this _____ day of _____,
2009.

COUNCIL OF CITY OF READING,
BERKS COUNTY, PENNSYLVANIA

ATTEST:

City Clerk

President

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. _____-2009

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT FROM THE CITY OF READING TO THE SCHUYLKILL VALLEY SCHOOL DISTRICT CONVEYING UNTO SAID SCHOOL DISTRICT A TEMPORARY CONSTRUCTION EASEMENT IN AND OVER A PORTION OF LAND BEING PART OF TAX PIN NUMBER 540100609178 THAT PORTION OF PREMISES DESIGNATED AS A TEMPORARY CONSTRUCTION EASEMENT ON THE “HIGHWAY OCCUPANCY PERMIT PLANS, ROADWAY IMPROVEMENTS FOR SCHUYLKILL VALLEY SCHOOL DISTRICT,” DATED JULY 20, 2009, BEING PROJECT #080890 PREPARED BY DERCK & EDSON ASSOCIATES, SITUATE IN ONTELAUNEE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the legal owner of real property being part of Tax Pin Number 540100609178, Ontelaunee Township, Berks County, Pennsylvania; and

WHEREAS, the Schuylkill Valley School District has need of access to said property for purposes of construction; and

WHEREAS, the City of Reading is willing to grant to the Schuylkill Valley School District temporary construction easement in connection with said parcel for such purpose.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute a Temporary Construction Easement Agreement (attached as Exhibit “A”) to convey unto the Schuylkill Valley School District a temporary construction easement upon that portion of premises known and designated as a temporary construction easement on the “Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District,” dated July 20, 2009, being Project #080890, prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County, Pennsylvania.

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(LAW DEPT.)

Prepared by: James M. Snyder, Esquire
Stevens & Lee
111 North Sixth Street
PO Box 679
Reading, Pennsylvania 19603
610-478-2211

Return to: James M. Snyder, Esquire
Stevens & Lee
111 North Sixth Street
PO Box 679
Reading, Pennsylvania 19603
610-478-2211

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE made this _____ day of _____, 2009 by and between **CITY OF READING**, a third class city of the Commonwealth of Pennsylvania with offices situate at 815 Washington Street, Reading, Pennsylvania 19601 (hereinafter called “Grantor”), and the **SCHUYLKILL VALLEY SCHOOL DISTRICT**, a school district duly organized under the laws of the Commonwealth of Pennsylvania, with offices situate at 929 Lakeshore Drive, Leesport, Pennsylvania, 19533 (hereinafter called “Grantee”).

WITNESSETH:

That the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), as well as for diverse other considerations affecting the public welfare which it seeks to advance, has granted, bargained and sold, and by these presents does grant, bargain and sell unto the said Grantee, its successors and assigns, the free and uninterrupted use, liberty and privilege of, and passage in and through all that certain tract or parcel of ground situate in Ontelaunee Township, Berks County, Pennsylvania, along Ontelaunee Drive, (SR 4029), as more particularly shown as a Temporary Construction Easement on the “Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District,” dated July 20, 2009, being Project #080890 (15 sheets) prepared by Derck & Edson Associates, and being more particularly bounded and described in Exhibit ”A” attached hereto and made a part hereof.

Being a temporary construction easement interest in and over said land, being part of Tax Pin Number 540100609178, Berks County Records, owned by Grantor by deed recorded

in the Office of the Recorder of Deeds in and for Berks County at Deed Book
Volume _____, Page _____.

The easement described herein is a temporary construction easement, access to which is necessary for the installation of certain stormwater drainage devises, including but not limited to stormwater lines, to be located in those certain permanent rights of way granted by Grantor to Ontelaunee Township on even date herewith. This temporary construction easement shall be forever extinguished without further action or writing, upon the initial construction and completion by Grantee, its contractors and agents of such installations.

TO HAVE AND TO HOLD all and singular the privileges aforesaid unto the said Grantee to and for only the proper use and behoof of the said Grantee, its successors and assigns, as and for the convenience of Grantee in the installation of the said storm water drainage devises.

AND THE SAID GRANTOR, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that the said Grantor, its successors and assigns shall maintain the surface of the tract or parcel over which the said temporary construction easement does pass, upon completion of the installation of said stormwater drainage devises. However, Grantee, at its sole cost and expense, shall restore the surface of the said temporary easement to the existing grade, and spread grass seed upon completion of said initial construction and installation.

AND THE SAID GRANTOR, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, its successors and assigns, shall specially warrant and forever defend the real estate interests conveyed hereby.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be properly executed the day and year first above written.

CITY OF READING

By: _____
Mayor

Attest: _____

COMMONWEALTH OF PENNSYLVANIA :

:SS.

COUNTY OF BERKS :

On this ___ day of _____, 2009, before me, a notary public, the undersigned officer, personally appeared _____, who acknowledged him/herself to be _____ of the City of Reading and that he/she as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the City by him/herself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

I hereby certify that the precise address of the within Grantee is 929 Lakeshore Drive, Leesport, Pennsylvania, 19533.

BILL NO. _____-2009

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF READING AND ONTELAUNEE TOWNSHIP (BOTH SITUATE IN BERKS COUNTY) THEREBY CONVEYING UNTO ONTELAUNEE TOWNSHIP TWO (2) NON-EXCLUSIVE, PERPETUAL EASEMENTS IN GROSS UPON THAT PORTION OF PREMISES SHOWN AND DESIGNATED AS TWO (2) TWENTY FOOT (20') STRIPS OF LAND AND SHOWN AS A PERMANENT STORMWATER EASEMENT ON THE "HIGHWAY OCCUPANCY PERMIT PLANS, ROADWAY IMPROVEMENTS FOR SCHUYLKILL VALLEY SCHOOL DISTRICT," DATED JULY 20, 2009, BEING PROJECT #080890, PREPARED BY DERCK & EDSON ASSOCIATES, SITUATE IN ONTELAUNEE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the legal owner of real property situate along Ontelaunee Drive (S.R. 4029), Ontelaunee Township, Berks County, Pennsylvania, with Tax Pin No. 540100609178, and more particularly described in a certain deed appearing in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania, in Record Book Vol. _____, at Page _____; and

WHEREAS, the City of Reading is willing to grant to Ontelaunee Township a perpetual easement in connection with said parcel and a certain construction project.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute an Easement Agreement (attached as Exhibit "A") to convey unto Ontelaunee Township a non-exclusive, perpetual easement in gross upon that portion of premises shown and designated as two (2) twenty foot (20') strips of land and shown as a permanent stormwater easement on the "Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District," dated July 20, 2009, being Project #080890, prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County, Pennsylvania.

SECTION 2. The Mayor is authorized to execute an Agreement of Release (attached as Exhibit "B") as required in connection with the conveyance of above referenced easement.

SECTION 3. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PREPARED BY: JAMES M. SNYDER, ESQUIRE
STEVENS & LEE
PO BOX 629
111 N. 6TH ST.
READING, PA 19603
610 478-2211

RETURN TO: JAMES M. SNYDER, ESQUIRE
STEVENS & LEE
PO BOX 629
111 N. 6TH ST.
READING, PA 19603
610 478-2211

DEED OF EASEMENT

THIS AGREEMENT made this ____ day of _____, 2009, by and between **CITY OF READING**, a third class city of the Commonwealth of Pennsylvania, with offices situate at 815 Washington Streets, Reading, PA 19601 (hereinafter called “Grantor”), and **ONTELAUNEE TOWNSHIP**, a municipal corporation and Township of the second class, duly organized under the laws of the Commonwealth of Pennsylvania, with offices situate at 35 Ontelaunee Drive, Reading, Pennsylvania 19605 (hereinafter called “Grantee”).

WITNESSETH:

That the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), as well as for diverse other considerations affecting the public welfare which it seeks to advance, has granted, bargained and sold, and by these presents does grant, bargain and sell unto the said Grantee, its successors and assigns, the free and uninterrupted use, liberty and privilege of, and passage in and through those certain tracts or parcels of ground situate in Ontelaunee Township, Berks County, Pennsylvania, bounded and described as follows, to wit:

ALL THOSE CERTAIN two 20 foot strips of land shown as a Permanent Stormwater Easement on the “Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District,” dated July 20, 2009, being Project # 080890, prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County and Commonwealth of Pennsylvania and being more particularly bounded and described as follows, to wit:

TRACT NO. 1:

CONTAINING _____ more or less.

TRACT NO. 2:

CONTAINING _____, more or less.

TOGETHER with the perpetual right to the Grantee, its successors and assigns, to construct, lay, operate, renew, alter, inspect, maintain, repair, add to, change the size of, replace and renew such parts of the stormwater drainages lines, and other appurtenances pertaining thereto as the Grantee, its successors, assigns may from time to time require, including any pipes, conduits, grates, valves, boxes, drains, wire, structures and other facilities, used or useful in connection therewith, in, upon, over, under, through and across the said rights-of-way and easements above described.

ALSO, TOGETHER with the free and uninterrupted full right to the Grantee, its successors and assigns, to enter upon said premises with its agents, contractors, workmen, employees, tools, appliances, material and equipment, at all times as it may need and require for the purpose of constructing, repairing, renewing, removing or replacing the same as occasion may require.

TO HAVE AND TO HOLD all and singular the privileges aforesaid unto the said Grantee to and for only the proper use and behoof of the said Grantee, its successors and assigns forever, as and for the installation and maintenance of said stormwater drainage system.

AND THE SAID GRANTOR, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that the said Grantor, its successors and assigns, shall maintain the surface of the tracts or parcels over which the said rights-of-way pass.

NO BARRIERS, fences, or curbs or other obstruction to the free and unhampered use of said Easement shall hereafter be permitted, nor shall any automobiles, trucks, motor vehicles or other personal property nor any building or other structure be parked, stored, constructed, or permitted upon any part of said Easement (except for normal vehicular traffic).

AND THE SAID GRANTOR, for itself, its successors and assigns, by these presents, covenants, promises, and agrees to and with the said Grantee, its successors and assigns, that neither the Grantor, nor its successors and assigns shall nor will at any time hereafter ask, demand, or recover or receive of or from the said Grantee, its successors and assigns, any sum or sums of money as and for damages for the granting of said Easements.

THIS DEED may not be altered, modified, amended, or terminated unless by written instrument in recordable form, duly executed by Grantor and Grantee.

THIS DEED shall be construed, interpreted and applied in accordance with the laws of the Commonwealth of Pennsylvania.

THIS DEED shall be recorded of public record, at the sole cost of Grantor.

THE EASEMENT RIGHTS GRANTED HEREBY shall run with the land and be in effect in perpetuity.

AND THE SAID GRANTOR, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, its successors and assigns shall specially warrant and forever defend the real estate interests conveyed hereby.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be properly executed the day and year first above written.

CITY OF READING

By _____

Attest: _____

COMMONWEALTH OF PENNSYLVANIA :
 :SS
COUNTY OF BERKS :

On this _____ day of _____, 2009, before me, a notary public, the undersigned officer, personally appeared _____, who acknowledged himself to be of the City of Reading and that he as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

I hereby certify that the precise address of the within Grantee is 35 Ontelaunee Drive, Reading, Pennsylvania 19605.

RESOLUTION NO.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Approving the Conditional Use application for a Student Home zoning permit for 1524 Palm Street, owned by Mr. and Mrs. Thomas G. Mulvihill with the following conditions:

- The Student Home zoning permit will allow the Applicant's daughter Sarah and two (2) additional college students to reside at 1524 Palm Street, and
- The Student Home zoning permit shall expire on May 31, 2011, as requested by the Applicant at the Conditional Use Hearing, and
- To avoid disturbing the green space and ambience of the property the need for three (3) off street parking spaces shall be waived and the three (3) student residents of this property are hereby required to park their vehicles on the Albright Campus, and
- Upon the issuance of a Disruptive Conduct Report (DCR) by a City of Reading police officer or public officer, the Student Use zoning permit will be revoked within ten (10) days after the issuance of the first DCR.

Adopted by Council _____, 2009

Vaughn D. Spencer, President of Council

Attest:

Linda A. Kelleher CMC, City Clerk

**Conditional Use Application
1524 Palm Street**

| | | |
|------------------------------|---|------------------------|
| IN THE MATTER OF | § | BEFORE THE |
| | § | |
| MR. & MRS. THOMAS | § | CITY OF READING |
| MULVIHILL, OWNER OF | § | |
| | § | CITY COUNCIL |
| 1524 PALM STREET | § | |
| READING, PA | § | |
| | § | |

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Wednesday, October 28, 2009 at 5:00 p.m. in Council Chambers, the City of Reading City Council (Council) met to hear testimony on the Conditional Use application for a Student Home at 1524 Palm Street, owned by Mr. and Mrs. Thomas G. Mulvihill (Applicant).

Findings of Fact

1. The City of Reading Zoning Ordinance Section 27-1203 (9) defines the standards of Student Homes located within the R1 and R2 Zoning Districts and requires that City Council approve Student Homes by Conditional Use permit.
2. The City of Reading Zoning Ordinance Section 27-606 – Conditional Use allows City Council, as the governing body, to attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary.
3. The Applicant purchased 1524 Palm Street in May 2009 with the intent to use it for off campus housing for the Applicant's daughter Sarah, junior student at Albright College and two (2) of her friends who are also junior students at Albright College.
4. In mid-August the Zoning Enforcement Officer visited the property to investigate a complaint and informed Mr. Mulvihill about the Student Home requirements in R1 and R2 zoning districts.
5. The Applicant subsequently submitted the required Conditional Use form requesting a Student Home at 1524 Palm Street and appeared at the hearing held on Wednesday, October 28, 2009 and at the hearing requested that the Student Home zoning permit for 1524 Palm Street be approved with a condition that the Student Home zoning permit would only exist until Sarah Mulvihill graduates from Albright in May 2011 and would make the permit expire on May 31, 2011.
6. The City Legal Specialist and the Court Reporter issued the oath to the Applicant, the Applicant's daughter Sarah Mulvihill, Zoning Administrator Jennifer Oehler, City

Planner Andrew Miller and several people in the audience who registered to comment about the application.

7. The Applicant stated that he purchased the property in May 2009 to provide off campus housing for his daughter Sarah, a junior student at Albright College and two (2) of her friends also junior students at Albright College until they graduate in May 2011.

8. The Applicant stated that his realtor did not advise him about the Student Home zoning regulations. He also stated that he called Albright to inquire about off campus zoning regulations and was not advised about the zoning regulations. He stated that Albright instead advised him "to go for it."

9. The Applicant stated that in August he obtained a building permit to remove the unsecured garage door and replace it with siding and an entry door, similar to other properties in the neighborhood. He stated that the basement room was not intended for living quarters. He stated his intent to reinstall the garage door as the Student Home ordinance requires one off street parking space for each resident; therefore three (3) spaces are required.

10. The Applicant stated that 1524 Palm Street is not within 500 feet of a church, school building, group home, registered student home or housing for elderly or handicapped individuals and that he believes that the home complies with the regulations required by the Student Home section of the Zoning Ordinance.

11. The Applicant stated that he agrees to maintain the property up to City Code. He also stated that he applied for a housing permit, registered the tenants with Codes, applied for a business license and has a trash removal contract.

12. The Applicant stated that he instructed his daughter about the need to maintain the home and the need for all residents to be good neighbors.

13. The Applicant stated that he introduced himself to owners of neighboring properties and provided them with his contact information so they can reach out to him if there are any problems with the property or its tenants. He also stated that he explained to his daughter and her friends what their responsibilities are and advised them that if they cause problems they will be immediately evicted.

14. The Applicant stated that when his daughter graduates from Albright College in May 2011, he intends to sell the home if the housing market improves. However, if the market does not rebound he will rent the home as a single family property. He stated that he will not rent the property to college students.

15. The Applicant stated that he will agree to a time limit condition for the Student Home Conditional Use zoning permit. He stated that he is requesting that the Student Home zoning permit be approved until May 2011.

16. The Zoning Administrator stated that there are no other registered Student Homes or Student Use zoning permits within 500 feet of 1524 Palm.

17. The City Planner expressed concern that the green space and ambience of the property would be disturbed if an additional off-street parking space was added to flank the existing driveway. He suggested that as the Applicant is only requesting the Student Home zoning permit until May 2011 that Council consider waiving the addition of a third off-street parking space.

Conclusions of Law

The City of Reading Zoning Ordinance Section 27-1203 (9) defines the standards of Student Homes located within the R1 and R2 Zoning Districts and requires that City Council approve Student Homes by Conditional Use permit. Zoning Ordinance Section 27-1203 (9) requires one (1) offstreet parking space per resident and requires that the Applicant submit documents that indicate that all plumbing, heating, electrical equipment and facilities are adequate and appropriate for the proposed use. Zoning Ordinance Section 27-1203 (9) stated that there can be no more than one (1) Student Home every 500 feet and that Student Homes cannot be located within 500 feet of a church, school building, group home, registered student home or housing for elderly or handicapped individuals.

The City of Reading Zoning Ordinance Section 27-606 – Conditional Use allows City Council, as the governing body, to attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary.

Order and Agreed Resolution

1. The Applicant supplied all necessary documentation and applications required, and
2. The Applicant testified that the residents of 1524 Palm Street will be limited to the Applicant's daughter Sarah, junior student at Albright College and her two (2) friends who are also junior students at Albright, and
3. The Applicant requested that the length of the Student Home zoning permit expire on May 31, 2011.

Therefore the Council of the City of Reading approves the Student Home zoning permit for 1524 Palm Street with the additional conditions as follows:

- The Student Home zoning permit will allow the Applicant's daughter Sarah and two (2) additional Albright students to reside at 1524 Palm Street, and
- The Student Home zoning permit shall expire on May 31, 2011, as requested by the Applicant at the Conditional Use Hearing, and
- To avoid disturbing the green space and ambience of the property the need for three (3) off street parking spaces shall be waived and the three (3) student residents of this property are hereby required to park their vehicles on the Albright Campus.
- Upon the issuance of a Disruptive Conduct Report (DCR) by the City of Reading Police Department, the Student Home zoning permit will be revoked within ten (10) days after the issuance of the first DCR.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.

RESOLUTION NO. _____

AUTHORIZING THE EXONERATION OF TAX COLLECTOR FOR CITY AND SCHOOL PROPERTY TAXES, PENALTIES AND INTEREST FOR THE YEAR 2009 FOR 1058 BENNER'S COURT, READING, BERKS COUNTY, PENNSYLVANIA.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the City of Reading, City Council does hereby authorize the exoneration of the Tax Collector for all outstanding City and School Property Taxes, Penalties and Interest for the year 2009, for 1058 Benner's Court, Reading, Berks County, Pennsylvania, owned by the Reading School District with an account number (PIN) of 10531629089289.

Passed Council _____, 2009

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

AUTHORIZING THE EXONERATION OF CITY PROPERTY TAX PENALTIES FOR THE YEAR 2009 FOR 1452 NORTH 10th STREET, READING, BERKS COUNTY, PENNSYLVANIA

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the City of Reading City Council does hereby authorize the exoneration of City Property Tax Penalties for the year 2009 for 1452 North 10th Street, Reading, Berks County, Pennsylvania, owned by the Hannelore Riegel with account number CI17531729084286.

2009

Adopted by Council _____,

President of Council

Attest:

City Clerk