
City of Reading City Council

Regular Meeting Monday, February 25, 2008

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 Rev. Laddie Benton.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman-Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor M. Baez, District 5
Council J. Waltman, District 6

Managing Director L. Churchill
City Solicitor C. Younger
City Auditor D. Cituk
City Clerk L. Kelleher
Public Works Director C. Jones
Capt. R. Shafer (Sgt. at Arms)

PROCLAMATIONS AND PRESENTATIONS

City Council and the Administration issued a posthumous commendation honoring S. Henry "Hank" Lessig for his many years of dedicated service to the City of Reading.

PUBLIC COMMENT

Council President Spencer announced that six citizens were registered to address Council this evening; three on agenda matters and three on non-agenda matters. He inquired if anyone objected to suspending the public speaking rules to allow all citizens to speak at this point in the meeting. As no one objected, the rules were suspended. He reminded those registered to speak that those commenting on agenda matters shall limit their remarks to five minutes and those commenting on general matters shall limit their remarks to three minutes.

Barry Miller, of Douglass Street, noted the irony of honoring the service of S. Henry Lessig at the same meeting where Council is considering the adoption of legislation that, in a way, attempts to subvert from the Charter's residency requirement. He asked Council to deeply consider the overall effects the enactment of this reorganization ordinance.

Bill Woolworth, of Penn St, encouraged Council to approve the resolution adopting the City Park Master Plan as it will provide the venue to restore City Park in a phased manner.

Dan Gallagher, of Penn St, representing the Penns' Commons neighborhood group stated that City Park lies at the heart of the Penns' Commons district and the City. He noted how this park has provided outdoor living space to the City's residents from the time land was dedicated by William and Thomas Penn. He stated that the master plan will provide procedures and a schedule to preserve the park and its rich history.

Oswald Herbert, of West Reading, expressed the belief that the new housing permit process will work to improve Reading's housing stock. He congratulated Council and the Administration for implementing this ordinance. He described some problems he has experienced with scheduling the required inspections and questioned the codes staff interpretation and application of the ordinance.

Rev. Laddie Benton, of N. 10th St, described the problematic attitude of Water Authority employees. He expressed the belief that the water utility should be run by elected officials who can be held accountable by the electorate. He described the problem he has had with getting proper assistance from the Water Authority to settle delinquent bills.

Donna Reed, of Argonne Road, announced the arrival of the banners for the Pagoda's 100th birthday. She also noted the problems that occur when Parking Authority enforcement officers issue tickets during funeral services. She suggested that parking regulations should not apply to those attending funerals.

APPROVAL OF AGENDA

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the February 11, 2008 regular meeting of Council. He announced that the award of contract to Video Safety Network for the installation of security cameras will be withdrawn from the agenda.

Councilor Fuhs moved, seconded by Councilor Baez, to approve the minutes from the February 11, 2008 regular meeting of Council and the agenda, as amended, including the legislation listed under the consent agenda heading.

CONSENT AGENDA

Award of Contract- for Sodium Hydroxide for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority, to Brentag Northeast Inc. at a total estimated bid price of \$139,420.00 **(Purchasing)**

Award of Contract- for Sodium Permanganate, Potassium Permanganate and Extruded Potassium Permanganate for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority, to Brentag Northeast Inc. at a total estimated bid price of \$411,603.00 **(Purchasing)**

Resolution- requesting the City of Reading and Met Ed install street lighting in the alleyway behind the 1700 blocks of North 3rd and Rose Streets. **(Councilman Waltman)**

Resolution- directing Met-Ed Energy to upgrade a company owned street light fixture, from a 400 watt mercury vapor to a 250 watt high pressure sodium vapor in front of 1210 Hampden Blvd. **(Traffic Engineering)**

Resolution- directing Met-Ed Energy to upgrade a company owned street light fixtures, from a 250 watt mercury vapor to a 150 watt high pressure sodium vapor in front of 1600 Perkiomen Ave. **(Traffic Engineering)**

Resolution- directing Met-Ed Energy to upgrade a company owned street light fixtures, from a 175 watt mercury vapor to a 100 watt high pressure sodium vapor in front of 1716 Hill Rd. **(Traffic Engineering)**

Resolution- directing Met-Ed Energy to upgrade a company owned street light fixture, from a 400 watt mercury vapor to a 250 watt high pressure sodium vapor in front of 1820 Kutztown Rd. **(Traffic Engineering)**

Resolution- directing Met-Ed Energy to upgrade a company owned street light fixture, from a 175 watt mercury vapor to a 100 watt high pressure sodium vapor in front of 514 Crestmont Street. **(Traffic Engineering)**

Resolution- directing Met-Ed Energy to upgrade a company owned street light fixture, from a 175 watt mercury vapor to a 100 watt high pressure sodium vapor in front of 615 Front St. **(Traffic Engineering)**

Resolution- directing Met-Ed Energy to upgrade a company owned street light fixture, from a 175 watt mercury vapor to a 100 watt high pressure sodium vapor in front of 820 Lehigh Street. **(Traffic Engineering)**

Resolution- directing Met-Ed Energy to upgrade 2 company owned street light fixtures, from a 400 watt mercury vapor to a 250 watt high pressure sodium vapor in front of 649 and 850 Lancaster Avenue. **(Traffic Engineering)**

Resolution- directing Met-Ed Energy to provide energy to 6 company owned street light fixtures. The fixtures will be a 250 watt high pressure sodium vapor, installed along Hancock Blvd. **(Traffic Engineering)**

ADMINISTRATIVE REPORT

Managing Director Churchill highlighted the report distributed to Council at the meeting covering the following:

- Funding for security cameras – to date only the City’s contribution and private contributions have been secured totaling \$400,000. The remaining funds have been committed but not yet obtained. The project’s total cost is \$1.5 million.
- Update on the Mayor’s Kids for a Clean City Club

Council President Spencer inquired if the City has approached the State and Federal elected officials about the delay in receiving contributions towards the security camera project. Managing Director Churchill stated that the Administration has begun to contact State and Federal elected officials.

Councilor Fuhs reminded all that the City has hired a lobbyist to assist in these efforts. He questioned the lobbyist's progress in assisting the City in obtaining these funds. Managing Director Churchill stated that the City has utilized the lobbyist's services.

AUDITOR'S REPORT

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

- 2008 Admissions Fee/Tax
- Real Estate Transfer Tax 2004 - 2008

DIRECTORS, BOARDS, AUTHORITIES, COMMISSIONS REPORT

O. Christopher Miller, Chair of the Historical Architectural Review Board (HARB), provided an overview of the activities of this eleven member board. He stated that the Board's main function is to review applications for Certificates of Appropriateness for applicable changes in the façade of buildings located in the City's four historic districts. He described the guidelines used to weigh the proposed projects. He stated that in 2005 the HARB considered 82 Certificates of Appropriateness. In 1986, HARB considered 123 Certificates of Appropriateness and in 2007 HARB considered 157 Certificates of Appropriateness. He explained that approximately five per year are appealed to City Council. He described the positive impact historic districts have on buildings within the boundaries.

Council President Spencer commended HARB for their work to undertake this effort. He also noted the Board's willingness to find a reasonable compromise with applicants.

Councilor Waltman thanked HARB for undertaking the responsible effort to make very difficult decisions.

ORDINANCES FOR FINAL PASSAGE

Bill No. 13-2008 - Increasing the salary of the Finance Director to \$71,872.42 per annum retroactive to January 1, 2008. **(Managing Director) Introduced at the 01/28/08 Regular Meeting of Council; discussed at the 02/11/08 Committee of the Whole; tabled at the 02/11/08 Regular Meeting.**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to table Bill 13-2008.

Bill 13-2008 was tabled by the following vote:

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

Nay: None - 0.

Bill No. 17-2008 - an Ordinance amending the Codified Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 1 Administrative Code, H. Department Organization, Section 1-182 Chart, by making the following adjustments: placing the office of Information Technology under the Finance Department; placing the Citizens Call Center under the Finance Department placing the office of Neighborhood Development under the Police Department; placing Code Services and Zoning enforcement under the Police Department and defining the reporting relationship of Municipal Authorities. **(Managing Director/Solicitor) *Introduced at the 02/11/08 Regular Meeting of Council; discussed at the 02/25/08 Committee of the Whole.***

Councilor Waltman moved, seconded by Councilor Sterner, to enact Bill 17-2008.

Managing Director Churchill explained that a few years ago City Council approved a reorganization that separated departments such as Codes, IT, and Zoning away from the Community Development and Finance departments to the Managing Director's office. He described the benefits of combining the activities of Codes and Zoning with Police. He also noted other benefits that will occur through reconnecting these services with various departments which will bring the City's operations into compliance with the Charter.

Council President Spencer asked the City Solicitor to comment on the Commonwealth Court ruling on residency.

City Solicitor Younger explained that the Commonwealth Court's decision stated that the change in Adam Mukerji's title does not escape the need for the City to comply with the Charter's residency requirement. He expressed the belief that the proposed reorganization will bring these operations into compliance.

Councilor Waltman noted the need for the City Administration to find the proper vehicle to correct this issue and avoid future court challenges and complaints to the Charter Board. He stressed the need to fix areas open to interpretation and added that the City's continued "cat and mouse" game makes our City government look bad.

Councilor Goodman-Hinnershitz questioned the need to reorganize. She stated that, while she could support some individual moves, she cannot express this wholesale change. She noted that compliance with the Charter's residency requirement has existed since 1996. She reminded everyone of the need for all employees and elected officials to comply with the terms of the Charter.

Council President Spencer expressed the belief that the City's current organization will have a negative impact on some middle management employees.

Councilor Sterner noted the complexity of this issue. He stated that the Charter's residency requirements have many tentacles that could affect the many managers.

Councilor Fuhs stated that he will not support the reorganization as it is subject to litigation. He noted the importance of obtaining a court ruling on the City's compliance with its Constitution. He stated the belief that the proposed reorganization does not attend to subvert from the Charter but instead falls within the Administration's ability to propose changes in its organizational structure.

Councilor Goodman-Hinnershitz expressed the belief that the organizational structure currently in place works well. She stated that she does not agree with changes that will not increase the effectiveness of the overall organization.

Council President Spencer reiterated the meaning of the proposed reorganization.

Managing Director Churchill announced the Administration's desire to end litigation on this matter.

Councilor Waltman stated that he will agree to organizational changes that will improve the overall effectiveness and efficiency to City operations.

Councilor Fuhs expressed the belief that the approval of this reorganization will create a new thrust for litigation.

Councilor Baez stated that the City and City Council have wasted too much time discussing this issue. She called for the question.

Bill 17-2008 was NOT enacted by the following vote:

Yea: Sterner Spencer President – 2.

Nay: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Waltman – 5.

Bill No. 18-2008 - authorizing the Mayor to execute documents to effectuate the transfer of ownership of premises known as 1019-1021 Penn Street, 1016, 1022 and 1028 Court Street from St. Joseph Hospital to the City of Reading. **(Solicitor) *Introduced at the 02/11/08 Regular Meeting of Council; discussed at the 02/25/08 Committee of the Whole.***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to table Bill 18-2008.

Bill 18-2008 was tabled by the following vote:

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

Nay: None – 0.

Bill No. 19-2008 - amending the Codified Ordinances of the City of Reading by adding to Chapter 10- Health and Safety, by creating Part 15 – The Regulation and Limitation of Portable Home Storage Units. **(Council Staff) *Introduced at the 02/11/08 Regular Meeting of Council.***

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 19-2008.

Public Works Director Jones explained that these pods are used by Reading residents when they are preparing to change homes. He stated that these pods are dropped off and the resident moves their belongings into the unit. The unit is then picked up and moved to the new location. He noted the various problems that could occur without proper legislation to regulate the use of these units.

City Clerk Kelleher stated that the Public Works Department asked Council staff to research this issue and draft an ordinance that will

provide proper regulation. She stated that the ordinance is based on that used in other cities and the City's Dumpster Ordinance.

Bill 19-2008 was enacted by the following vote:

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

Nay: None - 0.

Bill No. 20-2008 - an Ordinance amending the City of Reading Codified Ordinances Fee Schedule, by increasing Park and Recreation fees. **(Council Staff/Public Works) *Introduced at the 02/11/08 Regular Meeting.***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to enact Bill 20-2008.

Councilor Goodman-Hinnershitz noted the need for timely review and change to the fees applied for various City services.

Bill 20-2008 was enacted by the following vote:

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

Nay: None - 0.

Bill No. 21-2008 - amending the City of Reading Codified Ordinances, Chapter 6 - Conduct, by creating a new Part 8- Solicitation, requiring a permit for solicitation and canvassing to protect the safety, health and welfare of those who live and visit the City of Reading. **(Council Staff) *Introduced at the 02/11/08 Regular Meeting.***

Councilor Waltman moved, seconded by Councilor Baez, to table Bill 21-2008.

Bill 21-2008 was tabled by the following vote:

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

Nay: None - 0.

Council President Spencer referred this ordinance to committee.

Bill No. 22-2008 - increasing the salary of the City Solicitor to \$68,002 per annum. *(Managing Director) Introduced at the 02/11/08 Regular Meeting.*

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 22-2008.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to amend Bill 22-2008 to eliminate an increase to the Solicitor's base salary and instead provide a one-time, lump sum payment of \$1,852 equal to a 2.5% merit increase.

The amendment to Bill 22-2008 was approved by the following vote:

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

Nay: Fuhs - 1.

Bill 22-2008 was enacted, as amended, by the following vote:

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

Nay: Fuhs - 1.

Councilor Fuhs stated that he will not support any salary increases due to new information presented the City Administration concerning the City's finances.

Bill No. 23-2008 - amending Section 1-271 of the City of Reading Personnel Code, by amending the salary range for the Chief of Police. *(Managing Director) Introduced at the 02/11/08 Regular Meeting.*

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz to table Bill 23-2008.

Bill 23-2008 was tabled by the following vote:

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

Nay: Fuhs - 1.

Bill No. 24-2008 - increasing the salary of the Police Chief to \$104,766.48 per annum, retroactive to January 23rd, 2008. **(Managing Director) Introduced at the 02/11/08 Regular Meeting.**

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 24-2008.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to amend Bill 24-2008 by eliminating a base salary increase for the Police Chief and making a one-time, lump sum payment of \$4,029.28 representing a 4% merit increase.

The amendment to Bill 24-2008 was approved by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 5.

Nay: Fuhs, Spencer President – 2.

Bill 24-2008 was enacted, as amended, by the following vote:

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

Nay: Fuhs – 1.

Councilor Goodman-Hinnershitz noted the skill and accomplishments of Chief Heim and the positive impact he has had on the Reading Police Department.

Bill No. 25-2008 - an Ordinance providing a cost of living increase to Officers and Employees Pensioners retiring before 2002. **(O&E Pension Board/Pension Coordinator/Council Staff) Introduced at the 02/11/08 Regular Meeting.**

Council President Spencer moved, seconded by Councilor Waltman, to enact Bill 25-2008.

City Auditor Cituk noted that these pension participants have not had an increase since 2001 and earlier. He noted the need to treat all pensioners fairly.

Bill 25-2008 was enacted by the following vote:

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

Nay: Fuhs – 1.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinance into the record:

Ordinance- an Ordinance amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures made from any and all agency funds and any and all line items and allocations made in the “Department: Non-Departmental” are of the General Fund Budget.
(Council Staff)

RESOLUTIONS

Resolution No. 15-2008 - authorizing the assumption of outstanding loan balance for the Medical Arts Building. **(Solicitor) *Tabled at the 02/11/08 Regular Meeting of Council.***

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 15-2008.

Councilor Waltman noted the need for the City to evaluate these requests separately and base decisions on the merits of the issue. He noted his belief in the intent of Mr. Galante, the new owner of the Medical Arts Building.

Councilor Goodman-Hinnershitz that this proper compromise will result in the further rehabilitation of an important downtown office building.

Councilor Fuhs announced that he will not support this resolution as the City will lose their first lien collection position.

Council President Spencer agreed with the statement made by Councilor Fuhs and noted the need for future applicants to present business plans with their requests.

Resolution 15-2008 was adopted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Waltman – 4.

Nay: Fuhs, Sterner, Spencer President -3

Resolution 27-2008 - authorizing the Mayor to execute an operating agreement between the City of Reading and the Redevelopment Authority, stipulating the reimbursement to the Authority, by the City, for all expenses associated with the employment of a fulltime Executive Director. **(Solicitor)**

Councilor Fuhs moved, seconded by Councilor Sterner, to adopt Resolution 27-2008.

Managing Director Churchill explained that the adoption of this resolution will allow the Redevelopment Authority to employ an Executive Director whose expenses will be billed to the City. He noted that financing for the Redevelopment Authority's Executive Director was approved in the 2008 budget.

Councilor Waltman and Councilor Goodman-Hinnershitz noted that they will not support this resolution until the exact costs are delineated.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to table Resolution 27-2008.

Resolution 27-2008 was tabled by the following vote:

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

Nay: None - 0.

Resolution 28-2008 - endorsing the City Park Master Plan **(Council Staff/Mayor's Office)**

Councilor Sterner moved, seconded by Councilor Waltman, to adopt Resolution 28-2008.

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 28-2008.

Resolution 28-2008 was tabled by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Spencer President - 4.

Nay: Fuhs, Sterner, Waltman - 3.

Council President Spencer explained that the resolution was tabled to allow Councilors to have more time to review the plan.

Resolution 29-2008 - appointing Patricia Cavanaugh to the Reading Library Board. **(Administrative Oversight)**

Resolution 30-2008 - reappointing Phillip Rabena to the Zoning Hearing Board. **(Administrative Oversight)**

Resolution 31-2008 - appointing Carson Kober-Mazurkawicz to the Planning Commission. **(Administrative Oversight)**

Resolution 32-2008 - reappointing Jess Cwiklinski to the Police Civil Service Board. **(Administrative Oversight)**

The Administrative Oversight Committee moves to adopt Resolution 29-2008, Resolution 30-2008, Resolution 31-2008, and Resolution 32-2008.

Councilor Baez expressed her belief in the skill and qualifications of all listed candidates.

Resolution 29-2008, Resolution 30-2008, Resolution 31-2008 and Resolution 32-2008 was adopted by the following vote:

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

Nay: None – 0.

COUNCIL COMMENT

Councilor Waltman agreed with the need for further discussion on the City's residency requirement. He noted the total dedication of Hank Lessig to City issues. He stated that Mr. Lessig never had an agenda but only the desire to improve the City of Reading.

Councilor Baez expressed her sympathy to the Lessig family. Councilor Baez noted the upcoming Jamestown Community meeting scheduled for Thursday, February 28.

Councilor Goodman-Hinnershitz agreed with the need to set the framework for the rehabilitation of City Park in a master plan.

Councilor Goodman-Hinnershitz noted the dedicated contribution of Hank Lessig on many City issues and campaigns of those wishing to run for public office.

Councilor Goodman-Hinnershitz announced a Town Meeting at St. Mary's Roman Catholic Church on Thursday, February 28 at 7 pm.

Councilor Sterner announced upcoming community meetings in District 3.

Council President Spencer reminded all of the upcoming Council meeting schedule.

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

Linda Kelleher
City Clerk