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**City of Reading City Council**

**Regular Meeting  
Monday, October 13, 2008**

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

Council President Spencer called the meeting to order.

The invocation was given by Pastor Randy Mendez, of the Iglesia Evangelical Vida Nueva Church.

All present pledged allegiance 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  
Councilor J. Waltman, District 6

Managing Director R. Hottenstein  
City Solicitor C. Younger  
City Auditor D. Cituk  
Public Works Director C. Jones  
City Clerk L. Kelleher  
Sgt. At Arms Capt. R. Shaeffer

**PROCLAMATIONS AND PRESENTATIONS**

Mayor McMahon arrived at the meeting at this time.

City Council issued a commendation recognizing Columbus Day and Italian Heritage. A commendation will be mailed to Knights of Columbus.

### **PUBLIC COMMENT**

Council President Spencer announced that five citizens were registered to address Council on agenda matters and two citizens were registered to address Council on non-agenda matters. He inquired if Council wanted to suspend the portion of the rules to allow all citizens to address Council now. As no one objected the portion of the rules requiring comment on non-agenda matters at the end of the meeting was suspended. Council President Spencer reminded those registered of the remaining public speaking rules.

Ron Lyons – President of AFSCME 2763, stated his opposition to the proposed reorganization that will move Codes under the Police Department. He expressed the belief that as the Codes Administrator does not have the proper certifications, he should not be overseeing the certified inspectors.

Justus James – representing AFSCME 2763, expressed his agreement with the comment made by Mr. Lyons.

Mark Schrum – representing the Codes Office and AFSCME 2763, stated that although the Ordinance to create the position of Chief Clerk in the Codes Office has not yet passed the person who filled this position has already been hired from the outside. He expressed his belief that the position could best be filled internally. He noted the multi phased tasks performed by codes clerical staff. He expressed his belief that it is unfair to ask lower paid employees to train management.

Angel Figueroa – of Queens Court, suggested that Council provide further review of the sidewalk vendor ordinance. He noted the willingness of

Jania Heminez to assist with review and amendment of the Ordinance. He added that the use of a Ad Hoc committee can help to refine the ordinance.

Gerardo Sandoval – of Locust Street, spoke in behalf of his father who was a sidewalk vendor for many years. He stated that his father operated successfully until the change in sidewalk vendor requirements. He asked that Council work together with current sidewalk vendors to create changes that will benefit both the vendors and the City.

Ted Chase – of Eckertt Ave, was not present.

Phillip Valenti – of Upper Darby, asked Council to support the Federal Bill to assist with the repair of the financial crisis without the use of bailout funds.

Maryanne Ciarlone – of North 5<sup>th</sup> Street, described her difficulties with the Codes Department and the manner in which staff handles inspections. She reminded Council that she had invited Council members to attend inspection scheduled for Friday October 10<sup>th</sup>. She expressed the belief that codes inspections violate her constitutional rights. She stated that after she was served with an Administrative Search Warrant she refused to allow Codes personnel to access the interior of 511 Oley Street as the interior inspection is a violation of her constitutional rights. She stated that after refusing to participate in the inspection, codes personnel broke down the front door and entered the property illegally.

Ms. Ciarlone requested additional time to address Council. Council President Spencer inquired if Council objected with providing Ms. Ciarlone with additional speaking time. As no one objected Ms. Ciarlone was permitted to address Council for three additional minutes.

Ms. Ciarlone stated that a friend video taped the inspection and a portion has been uploaded on YouTube.com. She stated that neighbors witnessed codes personnel using a sledge hammer to gain access to the interior of

511 Oley Street. She then described the process used by codes personnel to break in the three apartment units. She expressed the belief that the process is wrong and is now in the hands of her attorney.

## **THE AGENDA AND THE MINUTES**

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the September 22nd Regular Meeting of Council. He noted that the Agenda will include two additional Resolutions; one appointing and acting Community Development Director and one prohibiting forced entry codes inspections. He stated that the approval of the Agenda will also approve the legislation listed under the consent agenda heading.

**Councilor Fuhs moved, seconded by Councilor Marmarou, to approve the minutes from the Septmeber 22<sup>nd</sup> Regular Meetings of Council and the agenda as amended including the legislation under the Consent Agenda Heading. The motion was approved unanimously.**

### **Consent Agenda Legislation**

**Resolution 103-2008** – that the Mayor is authorized to file an application for RACP funds in the amount of \$5,000,000.00 for the Albright College Science Center. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania  
**(Man Dir)**

**Resolution 104-2008** – authorizing the scheduling of a Public Hearing on Wednesday, November 19, 2008, the Advertisement of, and forwarding for comment the proposed amendment to the Zoning Ordinance which will add a Definition Of Personal Care Home, Provide The Use Of Life Care Retirement Facility And Nursing Home As A Special Exception And Requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) And C-R (Commercial Residential) Zoning Districts and to

correct And Add The Requirements of Residential Care Facility as a Conditional Use **(Council Staff)**

**Resolution 105-2008** – authorizing the scheduling of a Public Hearing on Wednesday, November 19, 2008, the Advertisement of, and forwarding for comment the proposed amendment to the Zoning Ordinance which will prohibit rental housing – single family and multi-family – in the R-1, R-1A and R-2 (low density residential) zoning districts **(Council Staff)**

### **ADMINISTRATIVE REPORT**

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

- Community Meetings on Crime Prevention
- Penn Street Bridge update
- City and Council Staff participation in feed a friend Kids Café at PAL/Olivets at Walnut Street.
- Chief Heim's training in Environmental Design that can assist developers and property owners to make improvements to protect property.

Council President Spencer inquired why the Codes Chief Clerk was hired before the position was created by Ordinance. Mr. Hottenstein stated that this employee was hired as a temporary worker and will be offered the Supervisor Position if the Ordinance is passed.

Councilor Fuhs inquired what salary accompanies this position. Mr. Hottenstein stated that the salary will be set at a rate similar to that earned by other Chief Clerk city positions. He stated that currently this employee is paid at the rate set for other temporary employees and the salary adjustment will be made after the Ordinance is approved.

Ms. Baez inquired if the person hired to fill this role is a City Resident. Mr. Hottenstein stated he does not know where this employee resides. He

then explained the application and interview process for those who applied internally and externally. He stated that the Committee consisting of representation from Codes, Human Resources, and Legal interviewed and selected this employee.

## **AUDITORS REPORT**

City Auditor Dave Cituk read the report distributed to Council covering the following

- Municipal Sewage Rate Calculations for 2009–2010
- Real Estate Transfer Tax Collections between 2004–2008
- Comments on the proposed budget and the Mayor’s proposed 22.9% property tax increase.

Councilor Goodman–Hinnershitz inquired if the real estate transfer tax paid on 2101–2225 Hampden Blvd. is located within the City’s boundaries. Mr. Cituk stated that this amount reflects transfer tax paid on the portion of the property that’s located within the City.

## **REPORTS FROM DIRECTORS BOARDS, AUTHORITY’S, AND COMMISSIONS**

Dean Miller, Executive Director of Reading Area Water Authority called Council’s attention to the handout distributed to Council summarizing his presentation and highlighting RAWA activities. Mr. Miller stated that the Water Authority was created in 1994 and is a five member who meets two times per month. He stated that RAWA has a \$20 million dollar budget and contributes \$6 million to the City annually. He stated that 59 City employees make up RAWA’s work force. He stated that RAWA serves 12 municipalities, 5 through interconnection agreements.

Mr. Miller stated that Ontelaunee Dam was purchased by the City in 1928. He stated that the lake has a 3.8 billion gallon capacity. He noted RAWA’s work to maintain this physical structure and protect this water resource.

Mr. Miller stated that Ontelaunee Lake has a 35MGD (million gallon per Day) capacity. Currently 14MGD is drawn form the lake to support those served by the City’s water system. Mr. Miller described the many capital improvement projects undertaken by RAWA.

Mr. Miller stated that at one time the City operated two treatment plants, one at East Reading and one at Ontelaunee. He stated that the average cost of a Route 61 water main break is &250,000. He stated that RAWA has completed \$14 million in capital improvements since 2001.

Mr. Miller stated that RAWA has worked to expand the water system North on Route 61, South on Route 10, East on Route 724, etc.

Councilor Goodman–Hinnershitz stated that the City’s water system is a fabulous asset and thanked Mr. Miller for his excellent presentation.

She inquired about the water main rehabilitation slated for the Cotton Street area and inquired if notification to residences is included in the plan for this project. Mr. Miller replied that ample notification time to affected residences is provided in this rehabilitation plan.

Councilor Goodman–Hinnershitz noted the need for water meter replacements in Reading Schools. Mr. Miller stated that RAWA has pressed the meeting with the Reading School District Officials to discuss this installation.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 63-2008** - Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled “Failure To Report Lost Or Stolen Firearms”, Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties (Mayor) *Introduced at the September 22 regular meeting*

Councilor Goodman–Hinnershitz moved, seconded by Councilor Baez, to table Bill 63–2008.

Bill 63–2008 was tables by the following vote:

Yeas – Baez, Goodman–Hinnershitz, Marmarou, Sterner, Waltman,  
Spencer, President – 6

Nays – Fuhs–1

Council President referred this Bill to the Public Safety Committee scheduled to meet Monday November 3<sup>rd</sup> 2008.

**Bill No. 64-2008 Ordinance** – Amending the 2008 City Of Reading Full–Time Position Ordinance by Eliminating and Creating Positions as Outlined Herein (Man Dir) *Introduced at the September 22 regular meeting*

Councilor Waltman moved, seconded by Councilor Goodman–Hinnershitz, to enact Bill 64–2008.

Mr. Hottenstein stated that this Bill represents the Administration’s on reorganization to improve the efficiency of staff. He stated that creation of these supervisory positions will enable staff to do more with less.

Council President Spencer inquired about the salaries these four supervisors will receive. Mr. Hottenstein stated that they will be paid at the level of other similar positions. He noted that these positions will be Union positions.

Councilor Waltman inquired if these new positions respond to code essential duties. He noted his disagreement with some models applied to Codes in the past. He stated that many codes employees are not producing the necessary results.

Mr. Hottenstein stated that these positions are working foreman and working supervisors.

Councilor Fuhs questioned how many employees the supervisors and foreman will oversee. Mr. Hottenstein stated that currently the Codes Administrator oversees 22 employees. Under the new model a Chief Clerk will supervise 4 clerical positions and 3 working foreman will supervise 5 to 7 property maintenance and health inspectors. He stated that the foreman will be promoted from within. He noted his belief in the skill sets offered by the Clerical Supervisor.

Council President Spencer inquired if Human Resources is involved in the selections of these employees. Mr. Hottenstein stated that Human Resources was involved in the selection of these four employees.

Council President Spencer inquired if Mr. Hottenstein would support the addition of these employees if Human Resources were not involved.

Mr. Hottenstein stated that he will still support these employees due to his belief in their skill sets.

Mr. Waltman noted that in the private sector the screening process employed does not always include Human Resources involvement.

Council President Spencer suggested that Council meet with the candidate for the Chief Clerk position before approving this portion of the Ordinance.

Councilor Fuhs noted his concern with hiring someone in anticipation of Council's enactment of the Ordinance.

Councilor Marmarou stated that the addition of these positions was reviewed by the Public Safety Committee. After discussion the Public Safety Committee believed that the addition of these positions will

improve codes operation as it will provide proper oversight if a seamless implementation is provided.

Council President Spencer inquired about the background of the Clerical Supervisor. Mr. Hottenstein stated that the employee has worked as an Office Manager.

Councilor Baez noted her personal experience working from the bottom up before becoming a clerical manager. She noted the benefit in learning the operations of a department from the bottom up. Mr. Hottenstein stated that this employee will learn from the clerical staff.

**Bill 64–2008 was enacted by the following vote:**

**Yeas –Goodman–Hinnershitz, Marmarou, Sterner, Waltman, – 4**  
**Nays –Baez, Fuhs, Spencer–President– 3**

**Bill No. 65-2008 Ordinance** - Amending Bill No 55–2008, Bill No. 54–2008, and Bill No. 43–2008 amending Chapter 11 – Housing – Rental – of the City of Reading Codified Ordinances by changing the section numbering to match that used in the Codified Ordinance Book (Law Dept) *Introduced at the September 22 regular meeting*

**Councilor Goodman–Hinnershitz moved, seconded by Councilor Sterner, to enact Bill 65–2008.**

Council President stated this is a housekeeping matter to correct some numbering errors made on the past three bills enacted.

**Bill 65–2008 was enacted by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7**  
**Nays – 0**

**Bill No. 66-2008 Ordinance** - to amend the City of Reading Zoning Ordinance by amending the definition of Life Care Retirement Facility and Nursing Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and correcting the requirements of Residential Care Facility as a Conditional Use (Law Department)  
*Introduced at the August 20 special meeting; public hearing held October 8<sup>th</sup>*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to enact Bill 66-2008.**

City Solicitor Younger stated that this Bill provides additional definitions that will clarify the zoning ordinance and add as a special exception in R-2, R-3, and CR zoning districts and add residential care facilities as a conditional use.

Councilor Waltman and Councilor Goodman-Hinnershitz suggested additional definition for personal care home. Solicitor Younger stated that this Ordinance is ahead of the curve when compared to that used by other Pennsylvania cities.

Councilor Waltman noted the need for clarification on intermediate care and 24 hour care.

Ms. Kelleher stated that further clarification will be provided through the Ordinance introduced this evening.

**Bill 66-2008 was enacted by the following vote:**

**Yeas - Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7**

Nays - 0

**Bill No 58-2008** – Requiring the POW MIA flag be flown at all City owned public buildings (Fuhs) *Introduced at the September 8 regular meeting of Council; tabled at the September 22 regular meeting of Council*

Councilor Goodman–Hinnershitz moved, seconded by Councilor Sterner, to enact Bill 58–2008.

Councilor Fuhs explained that this bill was tabled on September 22<sup>nd</sup> to allow the Administration to assess the location and cost associated with the flying of POW MIA flags at all City owned public buildings. This information has been gathered and the Administration is ready to move forward.

**Bill 58–2008 was enacted by the following vote:**

Yeas - Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer, President - 7  
Nays - 0

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinances into the record.

**Ordinance** – Authorizing The Mayor To Execute A “Certification And Consent Of Landlord” Thereby Evidencing The City Of Reading’s Consent To The Assignment Of The Revised And Restated Lease Agreement For Reading Municipal Memorial Stadium Dated October 25, 1999, As Amended On August 28, 2000, And January 26, 2004, From E & J Baseball Club, Inc., Trading As The Reading Phillies Baseball Club, A Pennsylvania

Corporation, To Reading Baseball LP, A Pennsylvania Limited Partnership  
(Law)

**Ordinance** – setting the Salary of the Community Development Director at \$85,000 (Managing Director)

**Ordinance** – amending the 2008 Bond Swap for the 2006 General Obligation Bonds (Man Dir)

**Ordinance** – amending the City of Reading Zoning Ordinance by prohibiting all rental uses – single family and multi family – in the R-1, R-1A and R-2 zoning districts. (Marmarou–Council Staff)

**Ordinance** – An Ordinance Amending The City Of Reading Zoning Ordinance Per Exhibit “A,” To Amend The Definitions Of Life Care Retirement Facility And Nursing Home, *To Add Definition Of Personal Care Home*, To Provide The Use Of Life Care Retirement Facility And Nursing Home As A Special Exception And Requirements Therefore In The City Of Reading R-2 (Residential), R-3 (Residential) And C-R (Commercial Residential) Zoning Districts And To Correct *And Add To* The Requirements Of Residential Care Facility As A Conditional Use (Law Dept)

## **RESOLUTIONS**

**Resolution 106–2008** – Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for 521 Douglass Street, owned by Bette Birmingham (Council Staff)

Councilor Waltman moved, seconded by Councilor Marmarou, to adopt Resolution 106–2008 which denies the appeal of the certificate of appropriateness for 521 Douglass Street.

**Resolution 106–2008 was enacted by the following vote:**

**Yeas – Baez, , Marmarou, Sterner, Waltman, Spencer, President – 5**  
**Nays – Fuhs, Goodman–Hinnershitz–2**

**Resolution 107–2008** – Directing the Administration to prohibit forced entry inspections until a standard operating procedure is prepared.

**Councilor Goodman–Hinnershitz moved, seconded by Councilor Baez, to adopt Resolution 107–2008.**

**Councilor Goodman–Hinnershitz moved, seconded by Councilor Baez, to amend Resolution 107–2008 to state that the standard operating procedure must be developed and or reviewed and approved.**

Councilor Fuhs expressed the belief that this entire process need further review and needs to be applied sensitively as it deals with forced entry of private residences.

Councilor Waltman agreed with the need to apply a sensitive approach before forcibly entering private residences. Councilor Goodman–Hinnershitz suggested referring standard operating procedure to the Housing Enforcement Committee.

**Resolution 107–2008 was adopted as amended by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7**  
**Nays --0**

**Resolution 108–2008** – appointing Marty Mayes as the Acting Community Development Director.

**Councilor Sterner moved, seconded by Councilor Goodman–Hinnershitz, to adopt Resolution 108–2008.**

Mr. Hottenstein stated that the adoption of this Resolution will allow the Administration to bring Mr. Mayes on board before the effective date provided in the legislation slated for adoption and enactment at the October 27<sup>th</sup> Regular Meeting of Council.

Councilor Marmarou requested that the Administration provide a copy of the benefits and moving expenses associated with this position to Council in writing.

Councilor Waltman stated that he does not support the hiring of this individual.

**Resolution 108–2008 was adopted by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, – 5  
Nays --Waltman, Spencer–President–2**

### **COUNCIL MEETING SCHEDULE**

Council President Spencer reviewed Council’s meeting schedule for the next two weeks.

**Councilor Marmarou moved, seconded by Councilor Baez, to adjourn the Regular Meeting of Council.**

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Linda Kelleher  
City Clerk