
City of Reading City Council

Regular Meeting Monday, October 27, 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 Pastor Steve Elmarzouky, Islamic Center of Reading

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
Councilor Waltman, District 6
Mayor McMahon
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Sgt at Arms Capt R. Shafer
Managing Director Hottenstein
Michael Vind, Financial S&Lutions

PROCLAMATIONS AND PRESENTATIONS

A Mayoral proclamation was issued in honor of Learning Disabilities Awareness Day, accepted by Dr. Mary Schreiner, Professor of Education at Alvernia, and Alvernia students majoring in Special Education

PUBLIC COMMENT

Council President Spencer announced that 5 citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded those registered to speak about the remaining speaking rules.

John Krick, of Franklin Street, was not present.

Don Ziegler, of North 4th Street, was not present.

Bernardo Caibajal, representing Mid Penn Legal Services, stated that Mid Penn Legal can assist the City with legal issues associated with housing enforcement, codes and education. He stated that staff at the firm can assist those displaced through enforcement of the housing permit ordinance. He also described the available programs for those experiencing foreclosure. Their firm, located at 5th and Washington Streets, charges on an income based scale and offers a wide range of legal services such as civil and domestic.

Benita Mejia, from the Hispanic Center, was not present.

Marc Huchinson, of Birch Street, described the college student party at 1217 Amity Street that was broken up by the Reading Police on October 18th. He stated that when the Police arrived students and guests began fleeing from the rear of the property to escape. He stated that 3 citations and a DCR were issued. He suggested that Council amend the DCR and Housing Permit Ordinances to more stringent levels.

APPROVAL OF AGENDA

Council President Spencer asked Council to consider the agenda for this meeting including the legislation listed under the consent agenda heading. He noted the need to amend the agenda to include two ordinances amending parking fines and a resolution regarding Bernhart's Dam.

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

CONSENT AGENDA

Resolution 109-2008 - Awarding the Contract for the Auditing of the Finances of the City of Reading for the Fiscal Year 2008 (**Auditor**)

ADMINISTRATIVE REPORT

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

- EMS revenue update
- 2009 Holiday Parade
- Office of Neighborhood Development housing assessment in Northeast Reading (Amity to Walnut-Nicolls to North 14th)
- Crime Prevention meeting scheduled for October 30th

Councilor Fuhs inquired if the Fire and Police Diversity Boards were invited to the Crime Prevention meeting. Mr. Hottenstein replied affirmatively.

Councilor Goodman-Hinnershitz inquired about the Anti-Gang Press Conference scheduled for Thursday. Mayor McMahan stated that the Crime and Gang Prevention grant Press Conference is scheduled for 10:30 a.m. on Thursday the 30th.

AUDITOR'S REPORT

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

- 2008 Admissions Tax revenue collection
- Re-bid of the External Auditor contract
- Public Utility Realty Tax revenue collection

ORDINANCES FOR FINAL PASSAGE

Bill No. 67-2008 - authorizing the execution of a "Certification and Consent of Landlord" thereby evidencing the City'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)** *Introduced at the October 13 regular meeting of Council*

Councilor Waltman moved, seconded by Councilor Marmarou, to enact Bill 67-2008.

City Solicitor Younger explained that this is a simple house-keeping matter regarding the reorganization of the ownership of the Reading Phillies.

Bill 67-2008 was enacted by the following vote:

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

Nay: None – 0.

Bill No 68-2008 - amending the Ordinance previously enacted On November 30, 2006, by authorizing the incurrence of non-electoral debt through the issuance of a series of General Obligation Bonds of the City in the aggregate principal amount of \$50,000,000, pursuant to the Local Government Unit Debt Act to provide funds for certain projects of the City Recited therein; providing that said Ordinance be amended to permit the City to issue the bonds as Fixed Rate Bonds and authorizing and approving the terms and conditions of such Fixed Rate Bonds; authorizing and directing specified officers of the City to enter into an investment agreement or agreements with respect to the proceeds of the General Obligation Bonds; authorizing the termination of an Interest Rate Management Agreement previously executed with respect to the bonds; authorizing and directing specific officers of this city to do, take and perform certain necessary and/or appropriate acts and things relating to such amended ordinance; providing when this ordinance shall become effective; providing for severability of provisions; and repealing all ordinances or parts of ordinances insofar as the same shall be inconsistent herewith. *Introduced at the October 13th regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to enact Bill 68-2008.

Michael Vind from Financial S&Lutions explained that this transaction will seek to move the variable rated 2006 SWAP to a fixed rate, depending on market

conditions. Council President Spencer stated that Council reviewed and discussed this proposed transaction at the October Finance Committee meeting.

Bill 68-2008 was enacted by the following vote:

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

Nay: None – 0.

Bill No 69-2008 - amending 1-271 of the City of Reading Personnel Code (Salary Administration) by amending the Salary Range for the Community Development Director (Managing Director) *Introduced at the September 8 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 69-2008.

Mr. Hottenstein expressed his support for the proposed salary package due to the level of experience this candidate brings to the position.

Bill 69-2008 was enacted by the following vote:

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

Nay: None – Waltman, Spencer President - 2.

Bill No 70-2008 - setting the salary of the Community Development Director at \$85,000 (Managing Director) *Introduced at the October 13 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 69-2008.

Bill 70-2008 was enacted by the following vote:

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

Nay: None – Waltman, Spencer President - 2.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance - increasing the parking meter fines from \$12 and 25, after 10 days to \$15 and \$30, after 10 days. (Council Staff and Parking Authority)

Ordinance - increasing the fine for parking in a handicapped parking space without the required tags from \$75 and \$125, after 10 days to \$125 and \$200, after 10 days. (Council Staff and Parking Authority)

RESOLUTIONS

Resolution 110-2008 – directing the Administration to withhold from draining Bernhart’s Lake, as requested by the PaDEP due to the public health and safety issues surrounding the unremediated lead contamination at the property.
(Council Staff)

Councilor Marmarou moved to adopt Resolution 110-2008. Councilor Marmarou withdrew his motion to adopt the resolution.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman to table Resolution 110-2008.

Resolution 110-2007 was tabled by the following vote:

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

Nay: None - 0.

Resolution 111-2008 - Confirming the Appointment of Marty Mayes as Community Development Director for the City Of Reading (**Managing Director**)

Councilor Fuhs moved, seconded by Councilor Baez to adopt Resolution 111-2008.

Resolution 111-2008 was adopted by the following vote:

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

Nay: None - 0.

Resolution 112-2008 – extending the application deadline for mobile food vendors from November 15 to December 1 and extending the Vendor License Board’s review and approval of mobile food vendors to January 30 (**Council Staff**)

Councilor Baez moved, seconded by Councilor Fuhs to adopt Resolution 112-2008.

Councilor Waltman explained that the extension of the application period will allow Council and the Administration to meet with some of the vendors to review the terms of the program.

Resolution 112-2008 was adopted by the following vote:

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

Nay: Sterner - 1.

Resolution 113-2008 – appointing Michael Zielinski to the Downtown Improvement District Authority (**Admin Oversight**)

The Administrative Oversight Committee moved to adopt Resolution 113-2008.

Councilor Baez noted the vast experience and high energy level of Mr. Zielinski. She thanked him for stepping forward to provide volunteer for the DID Board.

COUNCIL COMMENT

Councilor Marmarou expressed gratitude for the service offered by Mid Penn Legal Services and their willingness to assist with codes and enforcement issues. He suggested that the Administration contact Mid Penn and work with them to

assist those displaced through the enforcement of the housing permit ordinance. He also noted that this firm can also assist those displaced by the DCR program.

Councilor Waltman described the role of Council to protect the interest of City taxpayers in the disposition of the airport property, some parcels donated by the War Assets Administration around 1950 and some parcels purchased by the City using tax dollars. He stressed the need for Council to perform due diligence on this and other transactions.

Councilor Waltman also questioned the recent push for the 9th Street Corridor and the PRD to support the Riverview project.

Councilor Waltman also noted the comments made by various community leaders on the City's financial issues. He stated that over 10 years ago PEL predicted a much grimmer picture than that realized. He noted the work of Council to make the necessary financial adjustments over the past 10 plus years to address the City's financial situation. He stated that many 3rd Class Cities are in much bleaker condition. He stated that although the City's finances are not perfect, they are certainly not in a "train-wreck" type condition. He suggested that community leaders choose more appropriate comments.

Councilor Goodman-Hinnershitz described her positive experience working with Mid Penn Legal in the past. She thanked them for stepping up to assist the City and City tenants displaced through the enforcement of the housing permit ordinance.

Councilor Goodman-Hinnershitz stated that the 9th Street Corridor and PRD need Council review and consideration.

Councilor Goodman-Hinnershitz thanked those involved with the Southeast People's Voice who planned the Halloween event at Amanda's Garden. She noted the efforts involved in planning a safe Halloween celebration. She also thanked those associated with the Ghost Story event at the Pagoda on October 24th.

Councilor Goodman-Hinnershitz announced that St Matthew's community group meeting this week. She also thanks the Reading Police Department for assisting with the criminal issues in District 2.

Council President Spencer described the 2 important State referendum issues associated with wastewater and water system improvement projects. He also noted the City referendum question that will break the relationship between the salaries of the Mayor and City Auditor.

Council President Spencer reminded all to be responsible and to curtail littering. He commended the Reading Police Department for their enforcement of the daytime curfew ordinance at Reading High School and for helping the School District with dismissal at the high school.

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

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Linda Kelleher
City Clerk