

---

## City of Reading City Council

### Regular Meeting Monday, April 28, 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 Father Thomas Ursulak, from St. Peter's Roman Catholic Church.

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

Mayor T. McMahon  
Acting Managing Director R. Hottenstein  
City Solicitor C. Younger  
City Auditor D. Cituk  
City Clerk L. Kelleher  
Public Works Director C. Jones  
Chief of Police W. Heim  
Sergeant at Arms Capt. R. Shafer

#### **PROCLAMATIONS AND PRESENTATIONS**

City Council issued commendations to:

- In recognition of AFSCME Week, accepted by Ron Lyons, President Local 2763

- In recognition of the 125<sup>th</sup> Anniversary of St. Matthew's United Methodist Church, accepted by Rev. Mandy Stanley Miller

The Mayor issued proclamations to:

- In recognition of National Bike Month, accepted by Emily Weidner
- Jordan Jensen Eagle Scout Troop 183

The Greater Reading Young Professionals presented the City and Reading Police Department with a \$20,000 donation to assist with the surveillance camera project.

## PUBLIC COMMENT

Council President Spencer announced that there were two citizens registered to address Council on agenda matters and four registered to address Council on non-agenda matters. He asked Council if they would object to allowing all six citizens to address Council at this time. As no one objected, the speaking rule requiring citizens addressing Council on non-agenda matters was suspended.

Council President Spencer reminded the citizens registered to address Council about the remaining public speaking rules.

**Ed Ott**, of Muhlenberg St, expressed the belief that the majority of people living in rental units are good citizens and good neighbors. He stated his agreement with the proposed Residential Rental Tax as rental properties require a great demand on public services from police and EMS to codes. He encouraged Council to adopt the Residential Rental Tax as it would assist the City in covering some of the cost to provide those services to rental properties.

**Stefan Kosikowski**, of S. 17<sup>th</sup> St, expressed concern with some of the passages in the Canvassing and Solicitation Ordinance. He suggested that the exemption for political candidates needs to be clarified as the current version would not allow those running a write-in campaign to canvas.

**Ron Lyons**, of Moss St and representing AFSCME, explained that several AFSCME employees have donated their unused sick and vacation time to assist a new employee stricken with a serious illness. He described AFSCME's unsuccessful efforts to get buy-in from the FOP.

**Ruth Sassaman**, representing AFSCME, described the problem with the managers at the waste water treatment plant and sanitary sewer division in regard to disciplining employees. She stated that when this issue is

discussed at labor/management meetings, counseling of the involved management employees is the suggested discipline. She questioned why management employees are always offered minimal discipline as that greatly differs from the disciplinary technique used with AFSCME employees.

**Patricia Mierzejewski**, of Perry St, described the problems caused by garishly painted homes in her neighborhood. She explained that quality of life problems begin at properties like this. She also explained that neighborhoods with quality of life problems are often plagued with a decrease in property values.

**Jennaro Pullano**, of Blair Ave, noted the severe deterioration of City roads such as Spring St, Walnut St, and Court St. He stated that the great increase in truck traffic has caused greater stress on the City's roadways.

## **APPROVAL OF AGENDA**

Council President Spencer called Council's attention to the agenda for this meeting, including the legislation listed under the consent agenda heading and minutes from the April 14, 2008 regular meeting of Council. He stated that the award of contract listed under the consent agenda heading for site land development engineering will be withdrawn.

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to adopt the agenda for this meeting including the consent agenda legislation as amended and the minutes from the April 14, 2008 regular meeting of Council. The motion was approved unanimously.**

## **CONSENT AGENDA**

**Resolution** - granting the request by the Commonwealth of Pennsylvania, Governor's Office of Administration, Office of Public Safety Radio Services (OPRS), to locate a buried conduit for fiber connection between two OPRS sites, shown in Exhibit B. **(Solicitor)**

**Resolution** - requesting an approval for a revision to the "Official Sewage Facilities Plan" to provide a Sewage Facilities Planning Module for the proposed the development and construction of their Berks Community Foundation headquarters and community conference center. **(Public Works Dept)**

**Resolution** – requesting an approval for a revision to the “Official Sewage Facilities Plan” to provide a Sewage Facilities Planning Module to allow the construction on 4 single family homes at 1449 Monroe Street for Habitat for Humanity (**Public Works Dept**)

**Resolution** – requesting an approval for a revision to the “Official Sewage Facilities Plan” to provide a Sewage Facilities Planning Module to allow the construction on 4 semi-detached dwellings at 1131-1135 Luzerne Street for Habitat for Humanity (**Public Works Dept**)

**Resolution** – requesting an approval for a revision to the “Official Sewage Facilities Plan” to provide a Sewage Facilities Planning Module to allow the construction on 4 two semi-detached dwellings at 1415 Montgomery Street for Habitat for Humanity (**Public Works Dept**)

**Resolution** – requesting Met Ed install additional street lights, provide energy, and total maintenance on pole 51143-36869 in front of 240 Wunder St and on pole 51138-37857 in front of 1119 Spruce St (**Engineering**)

## **ADMINISTRATIVE REPORT**

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

- RFP for the first phase of the surveillance camera project
- Start of the K-9 training program at the airport kennel
- Review of resumes for Managing Director’s position, interviewing of candidates for the Community Development Director position beginning May 5, 2008
- Presentation of the financial comprehensive plan including amendments to the current budget at the Budget Summit scheduled for Saturday, May 31

Councilor Goodman-Hinnershitz thanked the Mayor for sharing the article recently in the Washington Post describing the author’s perception of the City. She stated that it is important to recognize when the City of Reading is covered by national media.

Councilor Fuhs recalled a statement made by the Administration to have the K-9 corp. funded through private contribution. He inquired if donations through private contribution have yielded enough funding to cover the program.

Councilor Fuhs expressed concern with the delay in searching for a Managing Director. He noted the difficulties of having one individual serve as the Acting Managing Director, the Finance Director and the Acting Community Development Director.

Mr. Hottenstein agreed that filling the three positions is a challenge but noted his appreciation to have the opportunity to assist the greater good.

## **AUDITOR'S REPORT**

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

- Update on the collection of the 2008 Admission Tax
- A comparison of the Property Tax collected versus the general fund budget totals between 1988 and 2008
- Collection of Real Estate Transfer Tax for 2008

The City Auditor also noted the recent receipt of the Reading Parking Authority's audit report and their \$550,000 payment to the City. He explained that this payment will be used to reduce the Parking Authority's debt service covered by the City. This payment will reduce that debt service to under \$1 million.

Councilor Fuhs inquired if the general fund balances shown in the Auditor's report are adjusted for inflation. City Auditor Cituk stated that the report contains raw figures.

Councilor Fuhs noted that between 1988 and 2003 the general fund budget increases were minimal. He questioned the \$25 million increase between 2003 and 2008. City Auditor Cituk noted the need for a long-term game plan along with the reassessment of City properties. He noted the need for all elected officials to work together to solve this major problem.

Mayor McMahon stated that the long-term plan will be discussed at the May 31<sup>st</sup> budget summit.

Council President Spencer noted the many construction and maintenance projects undertaken by the Reading Parking Authority at their own expense. He stated that the Parking Authority has overcome many financial challenges and become self-sufficient.

Councilor Goodman-Hinnershitz suggested that the Administration consider a downward adjustment in the amount budgeted for the Real

Estate Transfer Tax, as the figure currently in the 2008 budget is not attainable.

Council President Spencer suggested that the Administration and Council meet to discuss the City's financial problems earlier than May 31<sup>st</sup> as the Administration is to present the annual budget to Council one month earlier due to the Charter amendment.

Acting Managing Director Hottenstein stated that the Administration will be suggesting revisions to 2008 budgeted revenues and expenditures and presenting a projection of the 2009 revenue and expenditures at the May 31<sup>st</sup> budget summit.

Councilor Baez noted the Administration's prior commitment to present this plan at the May 5<sup>th</sup> Finance Committee meeting. Acting Managing Director Hottenstein stated that when the Administration began to review this issue they found additional time was necessary.

### **ORDINANCES FOR FINAL PASSAGE**

**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. **(Chief of Police-Council Staff) *Introduced at the 02/11/08 Regular Meeting; tabled at the 02/25/08 Regular Meeting; Scheduled for discussion at the 4-7 Public Safety Meeting; Discussed at 4-7 Pub Safety Committee; Tabled at the 4/14/08 Regular Meeting***

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 21-2008.

Bill 21-2008 was tabled by the following vote:

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

**Nay: None - 0.**

Council President Spencer stated that the Solicitation and Canvassing Ordinance was tabled to allow further review as suggested during public comment this evening.

**Bill No. 26-2008** - 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, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**) *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to table Bill 26-2008.**

**Bill 26-2008 was tabled by the following vote:**

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

**Nay: None – 0.**

Council President Spencer asked that Bill 26-2008 be placed in a pending mode until further review is obtained.

**Bill No. 31-2008** – authorizing the widening of the public right of way in the 200 block of Grape Street (**Planning**) *Introduced at the March 24 regular meeting of Council*

**Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill 31-2008.**

**Bill 31-2008 was enacted by the following vote:**

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

**Nay: None – 0.**

**Bill No. 32-2008** – providing a cost of living increase to the Fire Pensioners retiring before January 2000 and their beneficiaries (**Fire Pension Board & Council Staff**) *Introduced at the 4/14/08 Regular Meeting*

**Councilor Baez moved, seconded by Councilor Fuhs, to enact Bill 32-2008.**

City Auditor Cituk explained the need to provide fire pensioners a cost of living increase.

Councilor Goodman-Hinnershitz noted that cost of living increase will also create an additional cost to the City's general fund.

**Bill 32-2008 was enacted by the following vote:**

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

**Nay: None – 0.**

**Bill No. 33-2008 – amending the Officers and Employees Pension Ordinance by striking all references to beneficiaries (Pension Administrator and Council Staff) *Introduced at the 4/14/08 Regular Meeting***

**Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 33-2008.**

**Bill 33-2008 was enacted by the following vote:**

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

**Nay: None – 0.**

**Bill No 34 -2008 – amending the Police Pension Ordinance by adding language regarding beneficiaries to provide clarification (Pension Administrator and Council Staff) *Introduced at the 4/14/08 Regular Meeting***

**Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill 34-2008.**

**Bill 34-2008 was enacted by the following vote:**

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

**Nay: None – 0.**

**Bill No. 35-2008 – amending the City of Reading Codified Ordinances Chapter 21 – Streets and Sidewalks by increasing fees and making corrections as noted herein. (Public Works Engineering and Council Staff) *Introduced at the 4/14/08 Regular Meeting***

**Councilor Baez moved, seconded by Councilor Fuhs, to enact Bill 35-2008.**

Council President Spencer stated that the enactment of this ordinance will allow several corrections to the ordinance text and a slight increase in fees.

**Bill 35-2008 was enacted by the following vote:**

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

**Nay: None – 0.**

### **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following Ordinances into the record:

**Ordinance** – authorizing the execution of a document granting a thirty-five foot (35') wide easement and right of way from the City of Reading to Metropolitan Edison Company, located over a portion of property known as Berks County Alternate APN 18530616947572, near Millmont.  
**(Solicitor)**

**Ordinance** – amending the City's Codified Ordinances Chapter 24 Taxation, Special, by creating a new Part 10 Residential Rental Tax which levies a tax of \$50 on all Lease Transactions which authorize a person to be an Occupant of a Residential Rental Unit, regardless of when such person or persons commenced occupancy of the Residential Rental Unit  
**(Solicitor)**

### **RESOLUTIONS**

**Resolution 58-2008**– reappointing James Reber to an alternate position on the Board of Health **(Administrative Oversight and Land Use Committee)**

**Resolution 59-2008**– reappointing Brian Sands to the Plumbing Board of Examiners **(Administrative Oversight and Land Use Committee)**

**Resolution 60-2008** – appointing Charles Wanyo III to the DID Authority **(Administrative Oversight and Land Use Committee)**

**The Administrative Oversight and Land Use Committee moved to adopt Resolution 58-2008, 59-2008 and 60-2008, appointments to the City's Boards and Authorities.**

Councilor Marmarou noted the depth of experience those being reappointed will bring to the Board of Health and the Plumbing Board of Examiners. He also noted the intelligence of the nominee to the DID Authority and the benefit this appointment will bring to that board.

**Resolutions 58-2008, 59-2008 and 60-2008 were adopted by the following vote:**

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

**Nay: None - 0.**

### **COUNCIL COMMENT**

Councilor Fuhs thanked the Public Works Department and Recreation Division for the rehabilitation of the District 1 playgrounds.

Councilor Fuhs thanked those citizens commenting at tonight's meeting and reminded elected officials to preserve the Constitutional rights of Reading citizens and to take care of basic needs such as potholes and paving.

Councilor Sterner congratulated those receiving proclamations and commendations this evening. He announced the upcoming District 3 community meetings.

Councilor Sterner thanked the speaker supporting the Residential Rental Tax and the citizen suggesting amendment to the Solicitation and Canvassing Ordinance. He agreed with the need to take care of little problems that disrupt basic quality of life needs.

Councilor Marmarou stressed the need for citizens to report quality of life problems to the police and other City departments. He also noted the benefits of police ride-a-longs. He stated that riding along with an on-duty police officer affords one with the advantage to see the other side of complaint response.

Councilor Marmarou noted the upcoming meeting of the College Heights Community Council.

Councilor Baez congratulated those accepting proclamations and commendations this evening. She also thanked those who take the time to attend Council meetings and provide their opinion.

Councilor Baez encouraged all citizens to get involved in neighborhood groups. She noted the positive two way conversation that is afforded through neighborhood group meetings. She next announced the town meeting for District 5 residents on graffiti education in mid-May.

Councilor Goodman-Hinnershitz noted that many quality of life problems can be corrected by conversing with those residing in problem properties.

Councilor Goodman-Hinnershitz noted the opening of a teahouse at Clymer St and Perkiomen Ave. She encouraged all to visit this business and to enjoy the beautiful rehabilitation of this prominent property.

Council President Spencer agreed that residents need to address quality of life problems in their neighborhoods. He also agreed with the need for the City to attend to basic issues such as potholes, street paving, and street lighting.

Council President Spencer extended his and Council's sympathy to the family of police officer James Cooper IV who recently passed away.

Council President Spencer reviewed the meeting schedule.

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

---

Linda Kelleher  
City Clerk