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**City of Reading City Council**

**Regular Meeting  
Monday, August 11, 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 Reverend Fred Opalinski of Trinity Lutheran 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

Mayor T. McMahon  
Acting Managing Director R. Hottenstein  
Public Works Director C. Jones  
City Solicitor C. Younger  
City Auditor D. Cituk  
City Clerk L. Kelleher  
Sergeant at Arms, Lt. R. Shaeffer

## PROCLAMATIONS AND PRESENTATIONS

Trinity Lutheran Church Scholarships were issued by Pastor Fred Opalinski and Mayor McMahon to the following:

- Emily Becker – City Employee – 3<sup>rd</sup> & Spruce Recreation Department
- Megan Shobe – City Employee – 3<sup>rd</sup> & Spruce Recreation Department
- Cody Schreiner – Son of Police Officer Richard Schreiner
- Jasmine Lockhart – Daughter of Deputy Police Chief Mark Talbot

## PUBLIC COMMENT

Council President Spencer announced that there are nine citizens registered to address Council on non-agenda topics. He inquired if any Councilors objected to suspending the rule requiring persons speaking on non-agenda topics to speak at the end of the meeting. As no one objected this rule was suspended. Council President reminded those speaking of the rules requiring comment on non-agenda items to be limited to three minutes.

**Crystal Pearson** – of North 12<sup>th</sup> Street, noted the terrifying experience of her daughter being struck by a fallen tree branch during a walk. She noted the need for the City to require homeowners to maintain trees in the public right of way. She noted the public hazards associated with over grown trees.

**Antonia Panohaya** – of Spring Street, stated that she bought 1213 Green Street at a Sheriff Sale and described her problems with paying the back water charges.

**Dale Gresh** – of North 11<sup>th</sup> Street, was not present

**Dennis McDonugh** – of Oak Lane, requested that Council allow him to transfer his 3 minute comment time to Dr. John Stelmach registered to speak next.

**Dr. John Stelmach** – of Alsace Road, explained that Diakon sold the Caum Home two years ago to David Leeland, who intended to use the property as a bed and breakfast. Sometime after Mr. Leeland purchased the property he decided not to move forward with the bed and breakfast and remarketed the property. An assisted living facility for senior citizens was in line to purchase the property; however, the deal fell through and it was recently discovered that the Caum Home was sold to the Orange Stone Rehab Facility on Friday, August 8<sup>th</sup>. Dr. Stelmach noted this use is not permitted in an R1 zoning district and noted the adverse quality of life problems this facility would bring to this stable residential neighborhood. He requested the City provide assistance that will help this neighborhood retain its stability and tranquility.

**Leon McDevitt Jr.** – of Shillington, expressed the belief that the Administration should comply with the Charter Board’s order and require the Codes Manager to reside in the City of Reading. He also expressed his belief that the Giannasca Development proposal is nothing but a con job. He also expressed his agreement with the guilty verdict for Cletus Rivera who murdered police officer Scott Wertz in 2006.

**Dan Staverosky** – of Clymer Street, expressed the belief that the Reading Fire Department’s attack on the fire at the Clymer Mansion was disorganized.

**Cindy Olanin** – of Oley Street, noted the Reading Police Department’s improvement in assisting victims of crime but questioned the excuses given by Police Personnel when responding to calls for service. She noted the need for the Reading Police Department to increase their support for Reading citizens who call in crimes and quality of life problems to the desk sergeant area.

**Kevin Miller** – of Green Street, noted the upspring in vandalism to personal property in the Hillside neighborhood. He asked the police to provide additional patrol and to enforce quality of life problems to deter the activities of gangs and unruly teens.

## **THE AGENDA AND THE MINUTES**

Council President Spencer called Council's attention to the minutes from the July 28<sup>th</sup> meeting and the agenda, including items under the Consent Agenda heading. He stated that the Resolution to appoint Daniel Cedeno to the Police Department is being withdrawn as the appointment was already handled through the adoption of a Resolution 72-2008 at the July 14<sup>th</sup> regular Meeting of Council.

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to amend the agenda to add the award of contract resolution to hire a project and construction manager for the Waste Water Treatment Plant Project.**

The motion to amend the agenda to add the award of contract for the project and construction manager was not adopted due to the lack of super majority support.

**Yeas – Baez, Goodman-Hinnershitz, Sterner, Waltman – 4**

**Nays – Fuhs, Marmarou, Spencer President – 3**

**Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt the agenda, the items listed under the consent agenda heading, and the minutes from the July 28<sup>th</sup> Regular Meeting of Council.**

The motion was approved unanimously.

## **Consent Agenda Legislation**

**Resolution** – to amend the FFY2008 one year Action and the FFY2004 to FFY2008 five year Consolidated Plan to provide \$230,000 in un-programmed CDBG funds for renovations to Baer Park  
**(Community Development)**

**Award of Contract** – to American Rock Salt Co., LLC, P. O. Box 190, Mt. Morris, NY, 14510, at a bid price of \$62.23 per ton for delivered salt and \$60.00 for picked-up salt for the Department of Public Works  
**(Purchasing)**

### ADMINISTRATIVE REPORT

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

- The opening of the IMAX and Reading Movies 11 on Friday, August 8<sup>th</sup>.
- Governor Rendell’s announcement to allocate \$12 million for construction of the Doubletree Hotel and parking deck at 7<sup>th</sup> 7 Penn Streets at \$1.25 million to the Goggle Apartment Projects.
- Recap of the Pagoda birthday celebration occurring on the weekend of August 8<sup>th</sup>.

Councilor Fuhs inquired about the Mayor’s Plan to reinstate the funding of Public Art projects. Mayor McMahon noted his intent to reinstitute a Public Art Task Force to oversee and encourage public art. He stated that the Administration is currently considering regulations to require a contribution for development projects over a certain threshold (to be decided later). He also noted the ability of people to make donations to the Public Arts Fund.

Councilor Fuhs inquired if the City itself would be financially supporting the Public Art Task Force. Mayor McMahon stated that City would not be making allocations for Public Art. He noted the need for the Public Art Task Force to actively seek out public input for art projects. He reminded all that the Fine Arts Board was abolished by the Redevelopment

Authority without obtaining advice or direction from the Administration. He stated that the Fine Arts Board worked to install several murals and abstract Public Art sculptures such as the installation of River Speaks in front of the building at the Northeast corner of 2<sup>nd</sup> and Penn. He noted that public art raises property value and makes the City more attractive.

Councilor Fuhs expressed the belief that after considering Edward Giannasca's history the City should break all ties and stop negotiations for the Master Developer Agreement for the Riverview Project. He expressed the belief that this is not the type development company the City should do business with.

Councilor Goodman-Hinnershitz noted the massive contribution of the IBEW and several City businesses that assisted with the Pagoda Birthday celebration.

Councilor Waltman expressed his agreement with the importance of Public Art. He also urged the administration to apply stronger enforcement in the City's historic districts.

### **AUDITORS REPORT**

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

- 2008 Cable franchise fees
- 2008 Real estate transfer tax
- recalculation of municipal sewer rate

### **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 49-2008** – Storm Water Management (Public Works/Solicitor)  
*Introduced at the July 14 meeting*

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 49-2008.

**Bill 49–2008 was tabled by the following vote:**

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

Council President Spencer stated that the Storm Water Management Ordinance was tabled as the required map has not yet been submitted and completed.

**Bill No. 50–2008** – amending the City’s Code of Ordinances, Chapter 24 Taxation, Part 5 by adding a provision relating to the business privilege tax regulation’s procedure for determining manufacturing exemptions and by adding a refund claim provision. **(Tax Division and Law Department) *Introduced at the July 14 meeting***

**Councilor Waltman moved, seconded by Councilor Baez, to enact Bill 50–2008.**

Acting Managing Director Hottenstein explained that this housekeeping action will provide clarification to the state statutory regulations.

**Bill 50–2008 was enacted by the following vote:**

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

**Bill No. 51–2008** – Amending the 2008 Full–Time position Ordinance by reducing the number of police officers to 208 and the number of firefighters to 145. **(Council Pres. Spencer) *Introduced at the July 14 meeting***

**Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 51–2008.**

Council President Spencer stated that with the enactment of this bill Council will have more control over of the hiring of public safety officers. He stated that Chief of Police Heim and Fire Chief Rehr both support the Ordinance.

Councilor Goodman–Hinnershitz thanked the Fire Chief and the Police Chief for providing positive feedback.

**Bill 51–2008 was enacted by the following vote:**

**Yeas – Baez, Goodman–Hinnershitz, Marmarou, Sterner, Spencer,  
President – 5**

**Nays – Fuhs, Waltman – 2**

**Bill No. 52–2008** – setting forth its intent to issue a series of general obligation bonds, Series E Of 2008 of the City in the aggregate principal amount not to exceed \$60 million(**Man Director**) *Introduced at the July 28 regular meeting*

**Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 52–2008.**

Acting Managing Director Hottenstein stated that Council has reviewed and discussed these transactions over the past few months. He stated that the enactment of these two ordinances and the following two resolutions will assist the City’s cash flow and level off debt payments going forward.

**Bill 52–2008 was enacted by the following vote:**

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman – 6

Nays – Spencer President – 1

**Bill NO 53–2008** – setting forth its intent to issue two series of general obligation notes designated as Series C Of 2008 And Series D Of 2008 of the City in the aggregate principal amount not to exceed \$60 million  
(Man Director) *Introduced at the July 28 regular meeting*

Councilor Waltman moved, seconded by Councilor Goodman–Hinnershitz, to enact Bill 53–2008.

Councilor Goodman–Hinnershitz requested that a summary of the documents be posted on the website to educate the public about the transaction.

Bill 53–2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman – 6

Nays – Spencer President – 1

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinances into the record.

**Ordinance** - Amending The City Of Reading Code Of Ordinances Chapter 6, Part 7, School Time Curfew, To Add A New Section Pertaining To Prohibited Conduct Of Juveniles On School Days As Attached In Exhibit A (Police Dept)

## RESOLUTIONS

**Resolution 86-2008** - authorizing the termination of a certain Interest Rate Management Agreement previously executed with respect to its general obligation notes Series of 2005; authorizing the proper officers of the city to execute and deliver any necessary documents and authorizing the taking of other necessary action in connection with the foregoing (Man Dir)

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 86-2008.

Resolution 86-2008 was adopted by the following vote:

Yeas - Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,  
Waltman, - 6  
Nays - Spencer President -1

**Resolution 87-2008** - authorizing the execution and approving an Interest Rate Management Plan; approving the form of a certain interest rate management agreement relating to its federally-taxable general obligation variable rate demand notes Series C of 2008 and its federally-taxable general obligation variable rate demand notes Series D OF 2008 and authorizing the taking of other necessary action in connection with the foregoing (Man Dir)

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 87-2008.

Council President Spencer reminded all that the adoption of these two Resolutions accompany the two bond transactions enacted a few minutes ago.

Resolution 87-2008 was adopted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, – 6  
Nays – Spencer President –1

**Resolution 88-2008** – authorizing the hiring of Lee Niebel as a Reading Police Officer (Police Dept)

Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution 88–2008.

Resolution 88–2008 was adopted by the following vote:

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

**Resolution 89-2008** – authorizing the submission of an application to seek the reimbursement of monies expended to train Officer Daniel Cedeno

**Resolution 90-2008** – authorizing the submission of an application to seek the reimbursement of monies expended to train Officer Lee Niebel

Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution 89–90–2008.

Council President Spencer explained that through the adoptions of these resolutions the City will be able to apply for the reimbursement of training expenses for Officer Niebel and Officer Cedeno.

Resolution 89–90 –008 was adopted by the following vote:

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

Nays - 0

### COUNCIL COMMENT

Councilor Fuhs announced the anti-drug march scheduled for Saturday August 16<sup>th</sup>.

Councilor Sterner congratulated those winning scholarships and thanked Trinity Lutheran Church for their work to provide these opportunities for the City residents looking to further their education.

Councilor Sterner thanked all that are currently active in community groups and crime watch organizations and their work to preserve good quality of life for all City residents.

Councilor Baez noted the upcoming block party on Hollenbach Street. She also announced the upcoming Dare to Care organization meeting.

Councilor Waltman noted the variety of problems and issues associated with the Waste Water Treatment Project required under the consent decree. He noted the need for all to monitor this project.

Councilor Marmarou thanked residents of District 4 for their vigilance in reporting community problems and illegal property uses that allows the staff to respond quickly and accordingly.

Councilor Goodman-Hinnershitz noted the severity of the fire of the Clymer Mansion. She questioned if the catastrophic fire could have been avoided if the building was properly maintained. She noted that property maintenance shortcuts can create catastrophic situations.

Council President Spencer stated that although the City is looking to trim expenses they will not be cutting corners on crime fighting. He stated

that \$26 million of the \$72 million general fund budget covers police services.

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

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Linda Kelleher  
City Clerk