City of Reading City Council

Regular Meeting
Monday, April 14, 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 Council President Vaughn D. Spencer.

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
Council J. Waltman, District 6

Acting Managing Director, R. Hottenstein
City Solicitor C. Younger
City Auditor D. Cituk
City Clerk L. Kelleher
Public Works Director C. Jones
Sgt. at Arms Capt. R. Shafer

PROCLAMATIONS AND PRESENTATIONS

City Council issued a Commendation honoring the Reading Senior High School boy’s basketball team, accepted by members of the team and coach Reyes.
A Mayor Proclamation was issued in recognition of Fair Housing month, accepted by Kim Talbot Administrator Fair Housing and Human Relations Office.

**PUBLIC COMMENT**

Council President Spencer announced that five residents were registered to address Council on non-agenda matters. He inquired if Council wished to suspend a portion of the public speaking rules to allow them to comment at this point in the meeting. As no one objected, comment on non-agenda matters was permitted at this point in the meeting. Council President Spencer reminded those registered to address Council of the remaining public comment rules.

**Sharon Bates**, of Walnut Street, was not present.

**Alan Shuman**, representing Reading Outlet Center, stated that zoning in this area was changed to R-O (Residential-Outlet) which supported the mix of retailing shopping uses with high density residential. As it is unlikely that this type of use will dominate this area again, he requested that this area be changed to C-N (Commercial-Neighborhood) which will expand the available uses of these abandoned buildings. He stated that the Administration supports his request to change the zoning in this area from R-O to C-N. He asked Council to enact the legislation necessary to effect this change.

**Mary Kay Bernowski**, Executive Director of Berks Women in Crisis (BWIC), stated that the organization was founded over 30 years ago. She described the programs offered by BWIC that serves approximately 17,000 County residents. She noted the importance of the services provided by the shelter.

**Stefan Kosikowski**, of S 17th Street, noted the many difficulties associated with poverty nationwide. He described the difference between charity and poverty. He expressed the belief that poverty translates equally regardless of ethnicity.

**Carlos Zayas**, of N. 8th Street, expressed the belief that the City has not complied with the required EEOC and Affirmative Action plans. He also noted the importance of the work done by the Police Diversity Board which was created through litigation.

**APPROVAL OF AGENDA**
Council President Spencer called Council’s attention to the agenda for this meeting and minutes from the March 24, 2008 regular meeting of Council.

Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt the agenda for this meeting including the legislation listed under the consent agenda heading and the minutes from the March 24, 2008 regular meeting of Council. The motion was approved unanimously.

**CONSENT AGENDA**

**Resolution** – Requesting the City of Reading and Met Ed install street lighting in the alleyway between the 1600 block of N. 15th Street and Palm St (Councilor Marmarou)

**Award of Contract** – to URDC (Urban Research and Development Corporation for the preparation of a Zoning Ordinance, SALDO and Official Map for the City of Reading, at a cost not to exceed $53,600 (Purchasing)

**ADMINISTRATIVE REPORT**

Acting Managing Director Hottenstein highlighted the report distributed to Council at the meeting covering the following:
- Disaster preparedness training for community groups scheduled for May 30 at the Inn at Reading
- Citizen Codes Inspector quality of life sweeps scheduled for Tuesday, April 15 at 9 am and Saturday, April 19 at 9:30 am
- Great American Clean Up scheduled for Saturday, April 19
- Implementation of the Health and Safety Review Ordinance on June 1, 2008

Councilor Fuhs inquired when Council would be presented with a comprehensive financial plan that will deal with the proposed budget deficit announced by the Administration earlier this year. Acting Managing Director Hottenstein stated that this information will be presented at the May Finance Committee meeting.

Councilor Fuhs inquired if the Administration plans to use some or all of the revenue expected from the sale of Antietam to balance the deficit. Acting Managing Director Hottenstein stated that the Administration is currently considering all options.
Councilor Marmarou noted the Mayor’s previous sentiment to use the Antietam revenue to cover capital improvements parks and recreation areas. Acting Managing Director Hottenstein stated that this was sentiment, not a requirement.

Councilor Fuhs inquired when Council would be presented with a proposed amendment to the Capital Improvement Budget. Acting Managing Director Hottenstein stated that the Administration will be introducing this ordinance at the April 28th regular meeting of Council.

Councilor Goodman-Hinnershitz recalled the points made during discussions about the use of the revenue from the sale of Antietam. She noted the concern expressed by many citizens that this money will be placed in the general fund rather than be used to benefit public property. She requested that, in addition to discussion at the Finance Committee meeting, the Administration also present a full disclosure of the Capital Improvement amendments at the Public Works Committee meeting.

Councilor Waltman noted the need for thorough debate and consideration of all issues, capital and general fund.

AUDITOR’S REPORT

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

- 2007 DCED report revealing a positive general fund balance of $5.2 million as of 12/31/07
- Comparison of Real Estate Tax collections versus the general fund budget totals between 1988 and 2008 showing a decrease in property taxes collections when compared to the approximate $50 million increase in the City’s general fund budget over this 20 year period
- Report on motor codes traffic fines collected between 2004 and 2007
- Update on the 2007 external audit

Council President Spencer noted the large gap between the amount of property tax collected and amount of the general fund budget. He requested a break-out of the number of properties (rental and single family) from 1988 through 2008.

City Auditor Cituk noted the difficulty in obtaining information on the number of rental properties versus single family homes. City Clerk Kelleher stated that this information can be obtained from the Berks County Planning Commission.
Council President Spencer noted the dramatic change in his neighborhood since the 1980’s. In the 1980’s the majority of homes in his neighborhood were single family homes. However, now the majority of the properties in his neighborhood are rental properties. He noted the same property tax is collected for rental and single family homes. However, the homes require a larger amount of public services.

Councilor Waltman also noted the increase in exempt properties over the last 20 years. He requested a break-out of the number of exempt properties as approved by the Berks County Assessment Board between 1988 and 2008.

Councilor Waltman also noted the increase in expenditures over the last 10 years and the slight increase in City property value since the 1980’s.

Councilor Goodman-Hinnershitz expressed the belief that property taxes will never keep pace with City expenditures. She agreed that multi-unit properties require more public services than single family homes and property taxes will not cover the deficiency.

Acting Managing Director Hottenstein noted that property taxes are paid by the owners of single family and rental properties.

Council President Spencer expressed the belief that owner occupied properties are better cared for than rental properties. He also noted the increased need for public services at rental units.

Councilor Sterner noted the need to strike some balance to reduce expenditures. He noted the $23 million increase in the City’s general fund expenditures over the last five years.

**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*

Bill 21-2008 was tabled by the following vote:


Nay: None – 0.

**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*

Councilor Marmarou moved, seconded by Councilor Sterner, to table Bill 26-2008.

Bill 26-2008 was tabled by the following vote:


Nay: None – 0.

**Bill No. 30 - 2008**– amending Chapter 20 Part 1 Solid Waste of the City of Reading Codified Ordinances by defining the term limit of the members of the Solid Waste Board of Appeals (Council Staff) *Introduced at the March 24 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 30-2008.

City Clerk Kelleher explained the enactment of this ordinance will set term limits for citizens appointed to serve on the Solid Waste Board of Appeals. Without term limits for citizen appointments, those appointed would serve indefinite terms. She noted that elected and public officials serving on the Board change due to attrition and changes caused by the election cycles.

Bill 30-2008 was enacted by the following vote:

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – providing a cost of living increase to the Fire Pensioners retiring before January 2000 and their beneficiaries (Fire Pension Board & Council Staff)

Ordinance – amending the Officers and Employees Pension Ordinance by striking all references to beneficiaries (Pension Administrator and Council Staff)

Ordinance – amending the Police Pension Ordinance by adding language regarding beneficiaries to provide clarification (Pension Administrator and Council Staff)

Ordinance – 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)

RESOLUTIONS

Resolution 51-2008 – authorizing the submission of a letter to the federal Office of Economic Adjustment requesting that the City be names as successor to the Berks County Local Redevelopment Authority (LRA) (Council Staff)

Councilor Fuhs moved, seconded by Councilor Sterner, to adopt Resolution 51-2008.

Council President Spencer stated that the Berks County Commissioners undertook the LRA process when the Naval Marine Center on Kenhorst Blvd was decommissioned by the Department of Defense. Due to the change in Commissioners and the County’s change in plans for this building, the newly elected Commissioners decided unanimously to withdraw from the Local Redevelopment Authority process. The County’s withdrawal allows the City to secede and take over the LRA process where the County left off. He noted the importance of this parcel situated between residential areas zoned R-1 and R-2.
Councilor Goodman-Hinnershitz noted the need for Council to understand the LRA process and responsibilities thereunder.

Councilor Fuhs noted the Mayor’s discussions with Berks Women in Crisis about obtaining this property and noted the need for Council to discuss this issue with the Mayor. He stated that this parcel, located in the 18th Ward area, is a prime piece of real estate located between two low density residential areas. He noted the outcry from the 18th Ward citizens asking the City to avoid using this property in a way that would conflict with neighboring properties. He noted the seemingly strong interest from the Mayor to help BWIC relocate the Wyomissing Park area. He expressed the belief that the Mayor’s actions to collaborate with Berks Women in Crisis would create a conflict of interest interfering with his ability to participate on the City’s LRA.

Councilor Waltman questioned the composition of the LRA. Ms. Kelleher stated that this information will be gathered and presented to Council at the upcoming work session.

Councilor Marmarou noted the need for the Mayor and Council to work together and suggested that the Mayor avoid breaking out on his own to collaborate with Berks Women in Crisis.

Acting Managing Director Hottenstein noted the Administration’s intention to follow the process as required.

Councilor Goodman-Hinnershitz noted the need to define homeless as this definition will govern the uses applicable for this parcel.

Ms. Kelleher stated that the definition of homeless is provided in the McKinney Vento Act and will be provided with the work session materials.

Resolution 51-2008 was adopted by the following vote:


Nay: None – 0.

COUNCIL COMMENT

Councilor Fuhs noted the celebration of National Crime Victims Rights Week at various locations around the County.
Councilor Fuhs noted the enthusiasm of Mr. Zayas. He agreed that the City needs to update its Affirmative Action plan and has hired a Diversity Officer to effect that change. He stated that Mr. Zayas’ description that the City is making little correction on the changes requested by the Police Diversity Board is erroneous. He noted the City’s many accomplishments since the litigation settle in 2005 such as payment of bonuses to bilingual officers, change in the method used to select and hire officers off the Civil Service list, allowing candidates to re-test, etc. He also noted Council’s efforts to clarify the issue regarding the residency requirement for Police Diversity Board members. He noted the opinion issued by the Charter Board. The opinion requires all members of Boards, Authorities, and Commissions to comply with the City Constitution.

Councilor Goodman-Hinnershitz noted the need for broader discussion and education on Berks Women in Crisis and other similar organizations. She agreed with the need to follow the LRA process in the proper manner. She urged the Mayor to also follow that process.

Councilor Goodman-Hinnershitz thanked all for participating in the kick-off of the Pagoda Anniversary. She noted the great dedication of those who gave their volunteer time to the event and associated improvement projects.

Councilor Goodman-Hinnershitz noted the upswing in curfew problems in District 2 and asked that the Police Department respond accordingly.

Councilor Marmarou noted the College Heights Community Council is seeking volunteers to assist in their Great American Clean up project around the Sweet Street area on Saturday, April 19 at 9 am.

Councilor Waltman congratulated the Reading High School boy’s basketball team for their athletic ability and conduct during the 2007-2008 season. He stated that their actions are testimony to the community.

Councilor Waltman also agreed that the LRA process be followed and a mission defined.

Councilor Waltman expressed the belief that the City could have made greater strides towards achieving diversity in employment without litigation. He noted that the cost of the litigation along with the costs associated with the Police Diversity Board has been more of a hindrance than a help.
Councilor Sterner thanked all citizens who addressed Council this evening. He congratulated the Reading High School boy’s basketball team for their fabulous season. He noted that this is a terrific group of young men who represented the City well.

Council President Spencer stated that Council members review the monthly meeting minutes and reports from the Police Diversity Board and also attend Police Diversity Board meetings when they do not conflict with the City Council meeting schedule. He commended the Police Department for working to improve their hiring practices to yield better representation of the Reading community.

Council President Spencer noted the City’s continued funding of the Opportunity House and similar facilities available to protect and serve the homeless population.

Council President Spencer questioned the progress made on reprogramming CDBG funding as addressed by Triad. He also inquired about the progress made in hiring a Community Development Director to manage the Section 108 loan program.

Council President Spencer also questioned the progress on the sale of the Airport Land. He stated that new information has become available noting the need for the proposed research facility to only be successful if a strong bond is afforded by a research hospital rather than a research university. He noted the need for more feedback on this issue.

Council President Spencer also requested an update on the Berkshire Bottling plant construction and the African American Museum project.

Councilor Goodman-Hinnershitz noted the opening of the Abigail Teahouse at Clymer and Perkiomen Ave.

Council President Spencer reminded all of the upcoming meeting scheduled.

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

_______________________________
Linda Kelleher
City Clerk