
CITY COUNCIL MEETING
MONDAY, SEPTEMBER 28, 2009

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 President of Council Vaughn Spencer.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Marcia Goodman-Hinnershitz, District 2
Councilor Dennis Sterner, District 3
Councilor Stratton Marmarou, District 4
Councilor Maria Baez, District 5
Councilor Jeffrey Waltman, District 6
City Clerk, L. Kelleher
City Auditor, D. Cituk
City Solicitor, C. Younger
Mayor, T. McMahon
Managing Director, R. Hottenstein
Sergeant at Arms, Captain R. Schaffer
Public Works Director, C. Jones

PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations and Presentations issued at this meeting

PUBLIC COMMENT

Councilor President Spencer announced that three (3) citizens were registered to address Council on agenda matters and six (6) citizens were registered to address Council on non-agenda matters. He inquired if Council objects to suspending the rule requiring non-agenda comment after the legislative business is concluded. As no one objected, the rule requiring non-agenda comment at the conclusion of the meeting was suspended.

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

Ernie Schlegel, Pear Street, expressed the belief that Council should move

forward to adopt the ordinance which protects the civil rights of the LGBT community. He described past discretions against this community. He noted the need for civil rights for all human beings. He expressed the belief that Council's action at the local level will drive the necessary state and federal action.

Steve Glassman, chair of the PHRC, expressed his support for the enactment for the ordinance which protects the civil rights of the LGBT community. He noted that fifteen (15) other Pennsylvania communities have adopted similar ordinances. He expressed the belief that the adoption of this ordinance will prevent LGBT community from being placed in a second class role. He stated that the adoption of this legislation does not necessarily mean litigation regarding inappropriate facilities. He expressed the belief that the adoption of this ordinance will create no additional expense for the City Human Relations Commission.

Liz Bradbury, chair of the Allentown Human Relations Commission, stated that Allentown adopted a similar LGBT ordinance in 2002. She noted her belief for the inclusion of this community and the positive effect it had on the Allentown community.

Hogar Crea, South 5th Street, was not present

Victor DelaCruz, South 9th Street, was not present

Ron Lyons, president of AFSCME #2763, noted the Administration's out right rejection of AFSCME's proposed contract concessions. He stated that the rejection occurred on September 15th with no counter offer. He also questioned the closure of the branch libraries without proper discussion with AFSCME, as some of the employees who became unemployed are AFSCME employees. He also questioned how one management employee is receiving a \$13K pay increase when the employee's position is not a part of the full-time position ordinance.

Ruth Sassaman, AFSCME #2763, was not present.

William Frymoyer, AFSCME #2763, reminded Council of his remarks concerning retaliation to employees who address Council at Council meetings. He noted that that same type of retaliation occurred after the last meeting. He stated that AFSCME is only seeking equality. He described the past AFSCME concessions. He stated that AFSCME's concession offer rejected by the Administration asked for a three (3) year contract extension with no raise for the first year and a 1% increase to follow. He noted the pride that AFSCME employees have in providing public services to the taxpayers of Reading.

Barry Miller, Douglas Street, noted the importance of the public education service provided by BCTV. He stated that the service provided by BCTV costs approximately 20 cents per resident. He stated that the broadcast of City Council

meetings allows residents to watch Council meetings and get a better understanding of the complexity of City issues.

AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the September 14th regular meeting of Council. He announced that the agenda will be amended to include a resolution requesting a traffic study at 5th and Bingaman Streets and the legislation listed under the Consent Agenda heading.

Councilor Baez moved, seconded by Councilor Sterner, to approve the agenda as amended, including the legislation listed under the Consent Agenda heading and the minutes from the September 14th regular meetings of Council. The motion was approved unanimously.

Award of Contract - perform precise Global Positioning System (GPS) data collection work within the sanitary and storm sewer collection systems for use within the Department of Public Works **(Purchasing) Tabled at the September 14 meeting**

Award of Contract – for traffic signal maintenance to Telco, Inc., 1224 Cross Keys Road, Reading, PA 19605, who is the low bidder at the prices submitted. The total approximate bid price for the three-year contract is \$99,144 **(Purchasing)**

Award of Contract - for the demolition of 530, 532, 534, 536, 538, 540, & 544 Buttonwood Street to Northeast Industrial Services Corporation, 51 North Spruce Street, Mount Carmel, PA 17851, who is the lowest bidder, at a bid price of \$58,890.00 **(Purchasing)**

Resolution, No.114-2009 - resolution authorizing the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Grant application for the TreeVitalize – Greater Reading Metro Partner program **(Grant Coordinator)**

ADMINISTRATIVE REPORT

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

- 2010 budget, which will be presented to Council on October 1st.
- Act 47 hearing on October 14th at 7pm.
- EMS 2009 recap.

AUDITOR'S REPORT

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

- 2009 Admissions Tax collection
- 2009 Transfer Tax collection

Councilor Goodman-Hinnershitz noted the shortfall in several collection areas that will affect budget projections for 2010. She noted that the shortfalls will not be recovered given the current economic state of the country.

ORDINANCES FOR FINAL PASSAGE

Ordinance 53–2009 amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government Part 5 C Human Relations Commission by adding sexual orientation and gender identity and expression **(Law) Introduced at the September 14th regular meeting**

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 53-2009.

Councilor Fuhs stated that he could not support the ordinance in its current form, as he believes that gender identity and expression is a personal choice. He provided the definitions that he obtained through research and invited those in support of the ordinance to provide clarification.

Councilor Goodman-Hinnershitz agreed with the need for the City to begin the legislative path which will push the issue forward at the state and federal levels.

Councilor Waltman noted his belief in the importance of protecting individual rights.

Councilor Baez expressed her support due to the information obtained from various sources. She expressed her belief in the need to provide civil rights for this community.

Councilor Fuhs again stated his lack of support for the proposed ordinance as gender identity and expression is a personal choice, not a genetic issue. He stated that this ordinance does not represent group affiliation. He also expressed the belief that the enactment of this ordinance will have a negative impact on City businesses.

Councilor Waltman again noted the need to protect the civil rights of all individuals.

Councilor Baez called for the question.

Bill No. 53-2009 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 6

Nay: Fuhs – 1

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances (**Law**) *Introduced at the August 10th regular meeting; pending the receipt of language clarification*

Ordinance – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers. (Spencer)

Ordinance – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning approval of contracts (Spencer)

Ordinance – in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an investigation, audit, and study of the IT Department (Waltman)

Councilor Fuhs expressed the belief that the introduction of the ordinance requiring the study of the Information Technology (IT) division is an irresponsible action by Councilor Waltman and a negligent action of Council President Spencer.

Council President Spencer noted the right of any Councilor to place an ordinance on the table for consideration of the body. He asked the City Solicitor if any member of Council has the right and ability to present legislation to be considered by the body. The solicitor replied affirmatively.

RESOLUTIONS

Resolution 115-2009 – requesting a traffic study at 5th and Bingaman Streets.

Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution No. 115-2009.

Councilor Fuhs stated that this resolution represents follow-up to a community concern regarding the removal of the traffic signal at 5th and Bingaman Streets. He stated that the removal created vehicular and pedestrian hazards at this intersection.

Mayor McMahon expressed the belief in the need for safety measures at this intersection.

Councilor Goodman-Hinnershitz agreed with the need to invest in the protection of people that are placed at risk by those who choose to ignore the City's traffic regulations.

Resolution 115-2009 was adopted by the following vote:

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

Nay: None – 0

Resolution 116-2009 & 117– 2009 appointing Richard McDougall to the Downtown Improvement District Authority (**Admin Oversight**) and appointing Aaron Booth to the Historical Architectural Review Board (**Admin Oversight**).

Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution No. 116-2009 & 117-2009.

Councilor Marmarou stated that the City is fortunate to have citizens with this type of business experience volunteer to assist the City boards and authorities. He noted the need for more good volunteers to fill other openings such as those currently on the Board of Ethics.

Councilor Goodman-Hinnershitz also noted the need for volunteers to serve on the Environmental Advisory Council and noted the talent of Mr. Booth.

Resolution 116-2009 and 117-2009 was adopted by the following vote:

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

Nay: None – 0

COUNCIL COMMENT

Councilor Baez noted the upcoming meeting of the Glenside Community Group on Thursday, October 1st at 6:30 pm at Christ Lutheran Church. She expressed thanks to all who provided comment at tonight's meeting.

Councilor Fuhs expressed his thanks to the Reading Eagle for breaking the story pertaining to sex slavery in the county. He noted that two (2) massage parlors that were busted were located in District 1.

Councilor Fuhs highlighted the recovery shop located on South 5th Street that provides business wear for those seeking employment and the Upland Café located on Upland Avenue which provides a fine casual dining experience.

Councilor Goodman-Hinnershitz noted the importance of public/private partnerships to assist the City in the management of its parks. She also noted the importance of keeping the branch libraries open. She invited citizens to assist with providing new ideas that will offer efficiency and cost savings.

Councilor Goodman-Hinnershitz announced the upcoming crime watch meeting at Saint Paul's Church.

Councilor Sterner thanked those who provided public comment this evening.

Councilor Sterner noted that the County has refused to increase its contribution to the library for 9-10 years. He also noted the various cuts to library funding made over the years at the state level. He stated that the City cannot row this boat alone and needs assistance from the County Commissioners and the State.

Councilor Sterner also expressed the belief that other collective bargaining groups beside AFSCME should provide concessions.

Councilor Sterner suggested that BCTV seek out alternative revenue sources.

Councilor Baez and Councilor Fuhs were excused from the meeting.

Councilor Marmarou noted the importance of group participation at the upcoming budget meetings.

Councilor Waltman expressed the belief that many things relate to funding the library and the service it provides to all citizens. He expressed the belief that the last minute announcement in the Reading Eagle pertaining to the closure of the library branches was irresponsible. He noted that the problems this year were created over many years. He noted that the level of state aid provided to the school district is dangerous. He also expressed the belief that congestion and overcrowding in the City has severely increased the cost of human services at the county and state level, which limits the state and county's ability to assist the city with services like the public library.

Council President Spencer stated that he would refrain from making comments about 2010 budget until the budget is received.

Council President Spencer questioned the significance of the full-time position ordinance.

City Solicitor Younger stated that the full-time position ordinance determines the City's full-time employment positions for a calendar year.

Council President Spencer inquired if the Administration considers the full-time position ordinance before hiring employees.

Managing Director Hottenstein stated the full-time position ordinance is used as a benchmark unless dire need for additional employees occurs.

Council President Spencer inquired if the discovery of the dire need to hire an employee not covered by the full-time position ordinance would require City Council to amend the full-time position ordinance.

City Solicitor Younger stated that he cannot address these questions immediately

Council President Spencer inquired why an employee not covered by the full-time position ordinance should be paid.

City Solicitor Younger stated that he could not answer that question immediately.

City Clerk Kelleher stated that the full-time position ordinance authorizes full-time positions for the calendar year. She stated that the full-time position ordinance has been used pre- and post- Home Rule/Commission form of government. She explained that the first City Solicitor to the Home Rule form of government, Jack Linton explained that the full-time position ordinance and the ordinance levying property taxes are only good for the calendar year, like many other services and programs.

City Solicitor Younger requested time to research this issue.

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

Linda Kelleher CMC, City Clerk