

---

**CITY COUNCIL MEETING**  
**MONDAY, OCTOBER 26, 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 Mr. Muhammad Sela, Islamic Center of Reading.

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

**PROCLAMATIONS AND PRESENTATIONS**

The following Proclamations and Presentations were issued at this meeting:

- Presentation of the Waste Watcher Award by Jane Meeks, Executive Director of the Berks County Solid waste Authority.
- Presentation of Certificates to the Discovering Reality Easily and Meaningfully (DREAM) Program of the Olivet Boys and Girls Club.
- Commendation honoring Red Ribbon Week.

**PUBLIC COMMENT**

Council President Spencer announced that twenty-four (24) citizens were registered to address Council on agenda matters and one (1) citizen was registered to address Council on non-agenda matters. He stated that due to the large number of people registered to address Council this evening, no extensions

on speaking time will be issued. He asked those speaking to attempt to be concise. He reminded the citizens registered to speak about the public speaking rules.

**Bonnie Gernert, North 10<sup>th</sup> Street**, questioned several provisions contained in the amended animal control ordinance. She announced her intent to submit a petition expressing opposition to the provisions in the ordinance. She expressed the belief that the ordinance is unconstitutional and will not solve problems caused by irresponsible pet owners.

**Valerie McCleaf, North 4<sup>th</sup> Street**, described her long-term history with animal rescue and expressed the belief that the terms of the ordinance will not address the irresponsibility of bad pet owners.

**Robin Keller, Rieffton**, was not present.

**Joann Ross, Windsor Street**, expressed her fear that countless animals will be euthanized due to the terms of the ordinance.

**Dawn Roeder, Locust Street**, expressed her agreement with the prior points and expressed concern about the animal control ordinance. She stated that she does not support the ordinance and questioned the rationale behind the permit fee. She expressed the belief that the permit fee is nothing more than a revenue generator and inquired why taxes cannot cover the costs of the permit.

**Brian Skipper, Moss Street**, spoke in opposition of the amended animal control ordinance and suggested that the terms should be applied to irresponsible, not responsible owners. He also expressed the belief that the permit fee is intended to be a revenue generator.

**Juanita Hainley, Pear Street**, described her history of adopting and rescuing pets. She expressed the belief that the permit fee included in the animal control ordinance will be a hardship. She expressed the belief that the terms of the ordinance will cause the euthanization of many pets.

**Ron Lyons, Moss Street and AFSCME #2763**, requested an apology from the Executive Director of the library due to some inappropriate remarks he made about AFSCME employees. He also described the mismanagement of several City contracts which has caused the City to expend needless money. He suggested that improved management of City contracts would save money and improve the City's financial situation. He also described the need for improved training with the Hansen program.

**Susan Frymoyer, AFSCME #2763**, asked public and elected officials attending the Regular Meetings of Council to stop using electronic devices during the Regular Meeting. She questioned where City management found \$55K to pay a

new management employee during a time when others are slated for layoff. She also stated that the lack of proper staffing in the Tax office prevents proper collection procedures. She also described the inability of Tax employees to run internal reports that will assist in the collection of delinquent taxes and fees.

**William Frymoyer, AFSCME #2763**, stated that visitors to Council Chambers for Regular Meetings regularly disconnect their electronic devices. He asked that elected and public officials offer that same respect in return. He expressed the belief that emailing and using electronic devices during regular business meetings is improper.

Mr. Frymoyer distributed an article that appeared in the Reading Eagle from a young Reading resident asking for the library to remain open. He noted the miscommunication from the Administration about the number of layoffs planned. He stated that the number appearing in the paper differs from that contained in the proposed position ordinance. He also questioned the rationale behind dismissing the Human Resources Director for budgetary reasons when the Administration was able to provide the IT manager with a paid administrative leave. He expressed the belief that laying off employees will do more harm than good.

**Dennis Straub, North 10<sup>th</sup> Street**, stated that he is resident and a member of the Animal Control Board. He expressed his disagreement with the proposal to limit the number of pets per household in the amended Animal Control Ordinance. He expressed the belief that a properly run trap, neuter, release program will help alleviate animal issues in the City.

**Vicky Hoffman, Mount Penn**, noted her volunteer work with animals and her involvement in rescue operations. She described her experience as a Codes inspector and her experience working at a local veterinary office. She expressed the belief that many pets owned by irresponsible owners cause animals undue harm and suffering.

**Katheryne Waldron, North 2nd Street**, described the various inefficiencies of the current healthcare program. She expressed the belief that many people currently work for benefits, not for salary. She also expressed the belief that the single-payer plan will assist in correcting several recession based issues.

**Ernie Schlegel, Pear Street**, urged City Council to support the resolution supporting the single-payer healthcare resolution. He expressed the belief that the adoption of the resolution will show federal and state legislators that voters are ready for a change. He also urged City Council to override the veto of the IT audit. He expressed the belief that the study of the IT division is long overdue and much desired by many employees and citizens.

**Louise Grim, Exeter**, expressed the belief that various lobbyist and other individuals have pushed federal and state legislators to protect their own self

interests. She stated that she is originally from Canada and is experienced with the Canadian Healthcare System. She expressed the belief that most Canadians would not change systems with the United States. She described how the Canadian Healthcare program works and noted the benefits to switching to a system similar to that used in Canada.

**Lisa Kneer, Arlington Street and Berks Unity Solution**, noted her research showing that 42.5% of the events sponsored at the Reading Public Library are related to anti-drug activities. She noted that the majority of these activities occur at the branch libraries as only 15% of anti-drug programs were held at the main branch. She stated that Reading cannot afford to lose the beneficial programs at the Reading Public Library. She expressed the belief that the library system provides refuge for Reading citizens.

**Rosie Skomitz, Mount Penn**, spoke in support of State House Bill 1660 and Senate Bill 400. She expressed the belief that the single payer Healthcare program would assist the City with its financial issues and allow the retention of employees. She also expressed the belief that the current healthcare system disrupts the doctor-patient relationship. She asked City Council to support the healthcare resolution on tonight's agenda.

**Shelby Dalton-Boyle, Kenny Street**, stated that their City elementary school students asked the Administration and Council to keep the City's libraries open. He spoke about the benefits of the various programs offered at the Reading Public Library which offer children the opportunity to expand their educational opportunities.

**Ron Stouffer, Mount Penn**, asked Council to support the pro-healthcare resolution appearing on tonight's agenda. He stated that currently the average person pays 8-10% of their income for healthcare insurance. He stated that the single-payer plan will cost the average person 3% of their salary. He stated that the single payer program offers Medicare for people of all ages with no co-pays or deductibles. He stated that the single-payer plan proposed would save Reading \$5M annually, save Berks County \$13M annually and the Reading School District \$15M annually. He noted the other organizations that support the single-payer program issue and asked City Council to join in.

**Ann Sheehan, North 5<sup>th</sup> Street**, noted the contract BCTV has with the City to manage the City's municipal access program. She noted the work of the nine (9) member BCTV staff and their 200+ volunteers to educate and inform citizens of Greater Reading. She also described BCTV's work to team donations and financial support from a wide variety of community resources. She also described BCTV's continual search for new funding opportunities. She expressed the belief that BCTV and MAC offer reliable information and education to many citizens in Greater Reading.

**Carlos Zayas, South 11<sup>th</sup> Street**, expressed his agreement with the single-payer healthcare program and the need to reform a broken system. He noted that healthcare reform would help many Reading residents. He also urged Council to take a strong position to collect delinquent taxes and fees; however, he urged Council to refine contracts with collectors to limit payment of legal fees before the City is re-numerated.

**Bill Vitale, Hill Road**, expressed his support for State House Bill 1660 and Senate Bill 400 and urged Council to support the resolution appearing on tonight's agenda. He described his personal experience with the broken healthcare system. He stated that his research has failed to uncover flaws in the single payer program.

**Susan Ringer, West Greenwich Street**, asked City Council to oppose the proposed animal control ordinance on tonight's agenda. She expressed the belief that the proposed ordinance oversteps its boundaries. She stated that ARL currently is not staffed with people qualified to perform the required inspections that accompany the limitation on the number of pets per household. She expressed the belief that pet ownership is personal and private and is unproblematic if the owner is responsible.

**Ruth Martelli, Palm Street**, was not present.

## **AGENDA & MINUTES**

Council President Spencer called Council's attention to the agenda for this meeting and the minutes for the October 12<sup>th</sup> regular meeting of Council. He noted the need to amend the agenda by removing the rental registration renewal ordinance from the pending box and place it for Council action this evening.

Councilor Fuhs requested an amendment to the October 12<sup>th</sup> Regular Meeting minutes. He asked for the deletion of the sentence in the third paragraph, under Council Comment. The sentence to be deleted is as follows: "Councilor Fuhs expressed the belief that the body of Council should not change their position between meetings." He expressed that the belief that this sentence does not accurately reflect what he stated at the meeting.

**Councilor Fuhs moved, seconded by Councilor Sterner, to approve the agenda as amended and the October 12<sup>th</sup> regular meeting minutes as amended. The motion was approved unanimously.**

## **ADMINISTRATIVE REPORT**

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

- Halloween Activities on October 31<sup>st</sup> from 5pm-9pm
- \$9.5K grant from the US Tennis Association

- Centre Park meeting on November 17<sup>th</sup> at 7pm.

Managing Director Hottenstein responded to Public Comment. He noted that pulling a rabbit from the hat no longer exists for City officials. He stated that the City has fallen on hard financial times and must make hard decisions to resolve those issues. He also explained the inability of some staff members to have access to various components of the Hansen system.

### **AUDITOR'S REPORT**

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

- 2009 Admissions Tax collection equal to ½ of the budgeted amount
- 2009 Transfer Tax collection at 37% of that budgeted
- Update on unemployment compensation.

Councilor Goodman-Hinnershitz noted that the Real Estate Transfer tax and other revenue resources are not living up to expectation. She noted the need to discover viable alternatives

### **ORDINANCES FOR FINAL PASSAGE**

**Override of Veto Bill No. 56-2009** - in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an audit, and study of the IT Department (**Waltman**) ***Introduced at the September 28 regular meeting; Enacted at 10-12 Regular Meeting; Sent to the Mayor for approval on 10-13-09***

**Councilor Waltman moved, seconded by Councilor Marmarou, to override the veto of Bill No. 56-2009.**

Councilor Waltman noted the comments made by several employees have identified problems with the IT division. He stated that the Administration has been responsible for the management of the IT division for six (6) years and has made no efforts to correct the problems that currently exist. He stated that the IT problems have reduced employee efficiency and cost the city valuable resources.

Councilor Sterner agreed with the need to correct various IT issues. He expressed the belief that the \$10K allocated for the study may not be enough to solve the problems. He expressed the belief that the new Finance Director should have the ability to correct the problems internally before Council takes this strong action.

Councilor Goodman-Hinnershitz also expressed the belief in the need for internal action prior to external evaluation. She noted the need to allow Administration to develop an internal action plan and urged Council to hold Administration accountable for following through with plan.

Councilor Baez stated that she will support the override as the Administration has had many years to undertake internal corrections.

Council President Spencer agreed in part with the comments by Councilor Goodman-Hinnershitz; however he noted the need to assure tax payers that their tax dollars spent on the computer system were properly used. He also questioned Council's ability to hold the Administration accountable. He noted last December City Council passed a resolution authorizing various collection activities; however almost one year has passed and collection activity has not yet started.

Mayor McMahon stated that the Administration is aware of the various IT issues and will work to correct the problems.

Councilor Waltman expressed the belief that Council needs to hold the Administration accountable on the IT issue. He questioned the Administration's ability to take the necessary corrective action as they have not done so already.

**The motion to override the veto of Bill No. 56-2009 was not adopted by the following vote:**

**Yea: Baez, Marmarou, Waltman, Spencer, President - 4**

**Nay: Fuhs, Goodman-Hinnershitz, Sterner– 3**

**Bill No. 54-2009** – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers **(Spencer) Introduced at the September 28 regular meeting; tabled at the October 12 regular meeting.**

**Councilor Sterner moved, seconded by Councilor Baez, to table Bill No. 54-2009.**

**Bill No. 54-2009 was tabled by the following vote:**

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

**Nay: None – 0**

**Bill No. 57-2009** - amending the City of Reading Codified Ordinances Chapter 1, Section 1 – Animal Control by adding limitations on the allowable number of animals per household, establishing an exotic animal permit fee, amending the language regarding aggressive dogs, adding definitions, and renumbering sections as required, as attached in Exhibit A **(Animal Control Board & Council Staff) Introduced at the October 12 regular meeting**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to**

**table Bill No. 57-2009.**

**Bill No. 57-2009 was tabled by the following vote:**

**Yea: Baez, Goodman-Hinnershitz, Marmarou, Spencer, President - 4**  
**Nay: Fuhs, Sterner, Waltman – 3**

Councilor Sterner stated that the Public Safety Committee has been working on this bill for over six (6) months. He suggested that rather than sending it back to the Public Safety Committee, Council, as a whole, discuss the ordinance at either a Committee of the Whole meeting or a Work Session.

Councilor Fuhs suggested that the ordinance be referred to the Legislative Aide Committee for review.

**Bill No. 58-2009** - amending Part 10 of Chapter 24 Taxation, of the City of Reading Code of Ordinances, to be found at Sections 24-1001 to 24-1002, entitled "Schedule of attorney's fees for collection of delinquent earned income taxes, business privilege taxes and fees, per capita taxes, and other non-real estate based taxes and receivables" which shall authorize the imposition of attorney fees for the collection of such taxes and adding a new Part 11, formerly part 10, Residential "Rental Tax" of Chapter 24 Taxation, Special, of the City of Reading Code of Ordinances, to be found at Sections 24-1101 to 24-1110, entitled "Residential Rental Tax" which shall impose a tax on the transaction of entering into a lease for residential property; establishing the rate of such tax; providing procedures for the administration and collection of the tax; and providing penalties for violations **(Law) Introduced at the October 12 regular meeting**

**Councilor Sterner moved, seconded by Councilor Marmarou, to table Bill No. 58-2009.**

**Bill No. 58-2009 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7**  
**Nay: None – 0**

**Bill No. 59-2009** – amending the Codified Ordinances Chapter 1 Administration And Government – Part 2 Personnel Code, Sections 1-221 A Categories Of Employment, 1-271 Salary Administration, 1-272 Payroll Administration by providing clarifying language pertaining to the need for all full time positions to exist within the annual Full Time Position Ordinance. **(Spencer & Waltman) Introduced at the October 12 regular meeting**

**Councilor Waltman moved, seconded by Councilor Marmarou, to enact Bill No. 59-2009.**

Councilor Waltman explained that this ordinance will provide clarification on the position ordinance's role with the annual budget and clarify that positions need to be included in the budget and the position ordinance prior to payment of salary.

Council President Spencer asked the Solicitor if the Council is able to make this amendment to the Administrative and Personnel Code. The Solicitor replied affirmatively.

Councilor Goodman-Hinnershitz agreed with the need for clarification provided in the amendments regarding the position ordinance.

**Bill No. 59-2009 was enacted by the following vote:**

**Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,  
Spencer, President - 6  
Nay: Fuhs – 1**

**Bill No.60-2009** – amending the Codified Ordinances Chapter 1 Administration And Government – 1-121 Official Actions Of The Council And 1-186 Fiscal Provisions, Number 9 Annual Budget C Budget Organization And Content (2) by providing clarifying language pertaining to the need for the annual Full Time Position Ordinance **(Spencer & Waltman) Introduced at the October 12 regular meeting**

**Councilor Waltman moved, seconded by Councilor Baez, to enact Bill No. 60-2009.**

Council President Spencer stated that again this ordinance provides clarity about the position ordinance's relation to the annual budget.

**Bill No. 60-2009 was enacted by the following vote:**

**Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,  
Spencer, President - 6  
Nay: Fuhs – 1**

**Ordinance 61-2009** - amending Chapter 11 Housing of the City of Reading Codified Ordinances regarding rental registration renewal. (Law) Introduced at the August 10th regular meeting; pending the receipt of language clarification

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 61-2009.**

Managing Director Hottenstein explained that this amendment provides a ninety (90) day deadline which will be set to the day the registration bill is mailed.

Council President Spencer stated that the bills cover 2008-2009.

Councilor Waltman stated that he will not support this ordinance as he believes this is government at its worst.

Councilor Fuhs stated that he does support the ordinance; however he expressed the need to do more timely billing to collect the money owed to the City.

Councilor Goodman-Hinnershitz expressed the belief that the action of this ordinance will place a leveling off of the housing permit process. She expressed the belief that the changes made to the housing permit ordinance were difficult for the Administration to manage.

Council President Spencer agreed with the need to collect the monies owed to the City. He noted the changes made to the housing permit criteria to provide the Administration with an easier ability to manage. He stated that these changes seemed not to have helped and he questioned the Administration's ability to properly manage this process.

Councilor Waltman explained that the amended housing permit process was designed through the joint work of City Council, the Administration, and several partners in the housing industry. He added that the Administration agreed with the terms defined.

**Bill No. 61-2009 was enacted by the following vote:**

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

**Nay: Waltman – 1**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinances into the record:

**Ordinance** - amending the City of Reading Codified Ordinances Chapter 10 Part 17 Sidewalk Vendors by prohibiting sidewalk vendor operations outside the Downtown Improvement District on public and private property and renumbering as required, as attached in Exhibit A **(Council Staff)**

## **RESOLUTIONS**

**Resolution 118–2009** - appointing Robert Swope to the Board of Ethics **(Admin Oversight)**

**Resolution 119–2009** - appointing Bernardo Carbajal II to the Minority Business Procurement Board **(Admin Oversight)**

**Resolution 120–2009** - reappointing Gregory Geiger to the Stadium Commission (**Admin Oversight**)

**Resolution 121–2009** - reappointing Mark Feeney to the HVAC Board (**Admin Oversight**)

**The Administrative Oversight Committee moved to adopt Resolutions 118-2009 through 121-2009, making appointments and reappointments to the City's Boards and Commissions.**

Councilor Marmarou noted the talent and the skill of those being considered this evening. He noted the need for more volunteers to step forward to serve on the City's Boards, Authorities, and Commissions.

Councilor Goodman-Hinnershitz questioned the status of the Minority Procurement Board.

**Resolutions 118-2009 through 121-2009 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7**  
**Nay: None – 0**

**Resolution 122–2009** - supporting the Family and Business Health Security Act of 2009, as proposed by H.B. 1660 and S.B. 400 (**Spencer**)

**Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution 24-2009.**

Council President Spencer stated that this Resolution is brought forward for a second time at the request of state delegation.

Councilor Goodman-Hinnershitz expressed her belief in the need to encourage legislators to make healthcare reform in a way that would benefit citizens, businesses, and government.

Councilor Fuhs questioned the purpose behind the state delegation's request for Council to consider this resolution.

Council President, Spencer stated that the local state delegation are sponsors of the healthcare bill and they have requested support from the home municipality.

Councilor Fuhs noted the passion of those supporting this resolution. He described his understanding of the issue at the both federal and state levels. He also described his understanding of the plan used in Canada.

Councilor Sterner agreed with the need for healthcare reform and stated that he will support the resolution and questioned how this will effect the overall movement of federal or state action.

Councilor Waltman noted his agreement with various points made and added that the federal and state healthcare issue is a moving target. He stated that he does not know enough about this issue to be comfortable supporting the resolution. He expressed the belief that healthcare reform will not correct the symptoms of the true problem. He noted the need for application of constraints to properly address the root of the problem.

Councilor President Spencer noted the interesting path this issue has taken. He expressed hope that healthcare reform will meet some resolve in a way that creates a more affordable and improved plan.

**Resolutions 122-2009 was enacted by the following vote:**

**Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Spencer,  
President - 5  
Nay: Fuhs, Waltman – 2**

**COUNCIL COMMENT**

Councilor Baez was excused from the meeting at this time.

Councilor Sterner thanked all those providing input at tonight's meeting. He agreed that no one wanted to see the City's libraries close down. He also noted his willingness to partially fund BCTV.

Councilor Sterner described the Public Safety Committee's work on the Animal Control ordinance over a six (6) month period. He suggested that the whole body of Council review this ordinance before it's put forward for another vote.

Councilor Sterner stated that the Hillside light display grand opening will be held on Sunday, November 22 at 6pm.

Councilor Goodman-Hinnershitz stated that she was very impressed with the input from all citizens this evening. She noted the upcoming rally at the library on Friday, October 30<sup>th</sup>. She also expressed her belief in the mission of BCTV.

Councilor Fuhs noted that the \$15M deficit needs to be extracted from each annual operating budget moving forward. He suggested that employees and citizens provide input and suggestions.

Councilor Marmarou described the meeting with 13<sup>th</sup> and Union Elementary School students at the Northeast branch library last week. He stated that the

library is used heavily by children and families. He noted his agreement to work to find some viable solution to keep the libraries open. He also expressed the belief that BCTV programming promotes local involvement

Councilor Marmarou suggested that the Administration do the work necessary to correct the various IT problems and issues. He noted his repeated attempts over the past four (4) years for the Administration to take proper collection activities to no avail. He also noted the slow response of the Administration to resolution directing collection activities adopted in December 2008.

Councilor Waltman agreed with the need to find a funding approach for the Reading Public Library.

Councilor Goodman-Hinnershitz also noted the loss of other vital library programs on a broader level.

Councilor Fuhs questioned the revenue stream realized by the library through the rental of CDs and DVDs. He inquired if the rental of CDs and DVDs is used to bump up the circulation rate.

Council President Spencer suggested that Council consider moving the pet limitation from the Animal Control Ordinance for Legislative Aide review and move forward the other important components such as the aggressive animal language and the exotic pet permit fee, etc.

Council President Spencer reviewed the Council meeting schedule.

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

---

Linda Kelleher CMC, City Clerk