
CITY COUNCIL MEETING
MONDAY, DECEMBER 14, 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 Laddie Benton, of the Washington Presbyterian Church.

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

PROCLAMATIONS AND PRESENTATIONS

No proclamations and presentations were issued at this meeting.

PUBLIC COMMENT

Council President Spencer announced that four (4) citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending the public speaking rule requiring non-agenda comment after the conclusion of the legislative business. As no objected the public speaking rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded the citizens registered to speak about the public speaking rules.

Ernie Schlegel, Pear Street, expressed the belief that Library, Police, and Fire services are all essential services. He stated that the Library provides the public with the tools for education and promotes literacy. He stated that without the Library untold consequences would place a strain on Police services and affect the education of adults and children. He also expressed the belief that prior to

citation the City should educate the public about regulations prohibiting parking vehicles on stone surfaces.

Paul Sklarva, South 3rd Street, expressed the belief that a reduction in the salaries of the Managing Director and Finance Director could help restore BARTA funding.

Jenarro Pullano, Blair Avenue, questioned the sudden start in enforcing the prohibition from parking on stone surfaces, when that regulation was never enforced before. He stated that the majority of the driveways in the Glenside area are stone and not paved. He also stated that many of the streets in the Glenside area are not completely paved. He stated that residents often cannot park on the street as they receive their mail in curbside mailboxes. He also noted that during rain events the streets in this area often flood due to the lack of storm sewers. He stated that his requests for a meeting with the Mayor were unanswered. He requested a meeting with the Mayor again.

Carl Straka, Blair Avenue, expressed the belief that the City's sudden enforcement of the zoning provision, prohibiting parking on stone surfaces, leaves residents in a hardship situation due to the expense of paving. He also stated that issuing citations now during the winter months also creates a hardship as paving often cannot be accomplished during the cold weather months. He expressed the belief that rather than enforcement the City should educate its citizens about this provision in the zoning ordinance.

Shirley Fisher, Carbon Street, noted her receipt of a letter saying she can no longer park on her stone driveway. She expressed the belief that the stone driveway is environmentally friendly, as it is not an impervious surface. She expressed the belief that enforcement of this provision creates a hardship and is improper as the City should instead prioritize for the repaving of streets or bridges. She asked the Mayor to visit Glenside for a walk around so he can view the area.

John Weidner, Chester Street, stated that he has lived in this area for thirty-five (35) years. He expressed the belief that zoning enforcement is waging an unfair war with residents. He expressed the belief that the letter received is harsh and unfriendly and noted that he received three (3) copies of the letter over a four (4) day period. He noted the financial hardship for complying with the letter by paving the driveway and the cost to appeal to the Zoning Hearing Board. He expressed the belief that on street parking detracts from the neighborhoods appearance and promotes car theft, while reducing the size of the driving lanes.

Irvin Gring, Chester Street, stated that he has lived in the area since 1953 and has always parked off street on his unpaved driveway. He expressed the belief that this issue is not complaint based.

Mark Iezzi, Erie Street, described the problem this area has with street flooding due to the lack of a storm sewer system. He circulated photographs identifying traffic issues, which will be created if street parking is required. He asked the City to further consider this situation.

Michele Impink, Erie Street, stated that she is a tenant of Mr. Iezzi and expressed the belief that residential life in a commercial neighborhood is very different than other residential areas. She circulated photographs identifying the lack of proper street paving which will create additional traffic hazards. She also noted that these commercial neighborhoods have increased truck traffic which increase the dangers of on-street parking.

AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for tonight's meeting and the minutes from November 16th Special Meeting. He stated that tonight's agenda needs to be amended to include the introduction of two ordinances.

- Ordinance amending the City's uniform commercial codes (UCC)
- Ordinance amending the 2010 budget.

Councilor Baez moved, seconded by Councilor Sterner, to approve the minutes from the November 16th Special Meeting of Council and the agenda for this meeting as amended.

CONSENT AGENDA

None.

ADMINISTRATIVE REPORT

Mayor McMahon reviewed the report distributed to Council at the meeting pertaining to the appointment of the Act 47 coordinator which will start an interactive process to develop the recovery plan to address the City's issues.

Mayor McMahon stated that the reduction of \$100K from the Library allocation will be covered by the United Way for the 2010 fiscal year, which will allow the main and branch libraries to remain open on a scaled back schedule.

Mayor McMahon explained that the recent enforcement of the prohibition to park on stone surfaces started due to complaint. He noted his willingness to work with affected residents to find a viable compromise. He also noted his willingness to schedule a meeting with residents to discuss the situation.

Councilor Waltman expressed the belief that this sudden enforcement effort shows a breakdown in a City process. He noted the need for good balance and good enforcement.

Councilor Waltman inquired about the Administration's participation in the selection of the Act 47 coordinator. Mayor McMahon stated that the Administration was not involved in the selection process. The selection was made by the DCED alone. Councilor Waltman stated that he looks forward to working with the coordinator to develop the City's recovery plan.

Councilor Baez noted her surprise that she has not learned about this enforcement in the Glenside area sooner. She also noted her surprise that the Mayor's office and the Managing Director's office did not respond to residents phone calls.

Councilor Goodman-Hinnershitz asked Glenside residents to stay until the end of the meeting to discuss their parking issues. She noted the need to improve transparency and inclusion.

Council President Spencer announced that Councilor-elect Reed has asked to address the body. He inquired if any Councilor objected. No objections were expressed.

Councilor-elect Reed explained that this parking issue was complaint driven and not initiated by the City. She agreed with the need to hold a meeting with affected residents to clarify the situation. She noted that the Glenside area has a very rural feel that is different from more developed areas of the City. She requested a meeting with the Mayor and Managing Director on Friday, December 18th.

AUDITOR'S REPORT

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

- 2007-2008 Liquid Fuels audit
- Recycling Grant revenue totaling \$532,964.00 for 2010 (\$200K allocated in the 2010 budget).
- 2009 Real Estate Transfer tax collections

ORDINANCES FOR FINAL PASSAGE

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; tabled at the October 26 regular meeting; referred to the Legislative Aide Committee for review of pet limitation; Amendment removes all language pertaining to the limitation of pets per household.*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table Bill No. 57-2009.

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

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

Bill No. 71-2009– amending the Codified Ordinances by adding a new ordinance that allows for the revocation of business licenses (**Law & Waltman**)
Introduced at the November 23 regular meeting

Councilor Waltman moved, seconded by Councilor Waltman, to table Bill No. 71-2009.

Bill No. 71-2009 was tabled by the following vote:

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

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinance into the record:

Ordinance – amending the City of Reading Codified Ordinances, Administrative Code Section 1-190 regarding the selection of an acting police chief (**Police Chief & Council Staff**)

Ordinance - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Trash Removal And Recycling Service Fees (**Man Dir**)

Ordinance – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Community Development Department, Division of Zoning (**Man Dir**)

Ordinance - amending the City of Reading Codified Ordinances Section 10-304 adding necessary language to establish Lead Inspection Fees in the City of Reading (**Codes/Law**)

Ordinance – amending the City's United Commercial Code (UCC) as requested by the state

Ordinance – amending the 2010 budget

RESOLUTIONS

Resolution 132–2009 approving the City of Reading's withdrawal from the Berks Area Reading Transportation Authority (BARTA) (**Mayor**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner to adopt Resolution 132-2009.

Mayor McMahon noted a misquote in the newspaper, which stated that he does not believe that BARTA is a core service. He stated that BARTA is a critical service that the City can no longer afford.

Councilor Goodman-Hinnershitz stated that she will support the resolution. She expressed the belief that this positive change will not impede the bus service that City residents depend on. She also expressed the belief that all citizens in the Greater Reading area should take advantage of the services provided by BARTA.

Councilor Sterner agreed with the value of BARTA services and expressed his gratitude to the many initiatives undertaken by BARTA.

Resolutions 132-2009 was adopted by the following vote:

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

Resolution 133–2009 approving the Conditional Use application for a Student Home zoning permit for 1524 Palm Street with conditions (Council Staff)

Councilor Marmarou moved, seconded by Councilor Baez to adopt Resolution 133-2009.

Councilor Marmarou stated that this property owner was misguided by both the realtor and Albright College as he was not informed about the regulations concerning student housing. He described the property owner's effort to traverse through the housing and zoning process. He expressed the belief that this permit should be approved due to the application of conditions, which will make it a short term student house. He asked Council to support this application.

Councilor Goodman-Hinnershitz stated that she will support the approval of this permit as the owner took the right steps through the various City processes. She also agreed with the application of conditions that will benefit the neighborhood. She also noted the need to begin enforcement to those student homes who not comply with the City's regulations.

Councilor Waltman expressed the belief that enforcement and approval are separate processes. He added that separate review of the legal and operative components of this particular zoning regulation is needed. He also expressed the belief that the overuse of conditions applied to zoning permits can create problems and the "cat and mouse" game.

Councilor Sterner stated that he will support the approval of the permit due to assurances by the City that enforcement will begin. However he also noted concern that enforcement efforts could become stalled.

Resolutions 133-2009 was adopted by the following vote:

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

Resolution 134-2009 declaring its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on July 23, 2009 **(Council Staff)**

Councilor Marmarou moved, seconded by Councilor Baez to adopt Resolution 134-2009.

Council President Spencer stated that this is a house keeping measure to adjust the City's retention and disposal program to match the new regulations approved by the State.

Resolutions 134-2009 was adopted by the following vote:

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

Resolution 135–2009 affirming the certification of blight for certain properties approved by the Blighted Property Review Committee and the Planning Commission.

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 135-2009.

Council President Spencer explained that this list of properties was certified as blighted through the Blighted Property Review Committee process and then referred to the City's Planning Commission, who reviewed and affirmed their re-use.

Resolutions 135-2009 was adopted by the following vote:

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

COUNCIL COMMENT

Councilor Fuhs expressed the belief that the City should take appropriate steps to refine the enforcement of the prohibition against parking on stone surfaces. He suggested that residents be provided with a longer window to achieve the paving, as paving projects are difficult during winter months.

Councilor Fuhs noted that the City's insolvency cannot be blamed on the union as unions are not responsible for the financial well being of the City. He stated that the purpose of a union is to protect the interests of their members.

Councilor Fuhs read from the Act 47 recovery plan section and expressed concern that Council may refuse to adopt the plan developed by the Act 47 coordinator. He stated that Council's refusal to adopt the plan and then fail to create an alternative could place the City in a penalty situation.

Councilor Waltman expressed the belief that some comments by elected officials are sometimes taken out of context when printed in the newspaper or when reflected on by others. He expressed the belief that the work to develop the recovery plan will be a positive process and the adopted plan will work well to address the City's issues.

Councilor Fuhs and Councilor Waltman left the meeting at this time.

Councilor Goodman-Hinnershitz agreed that the process to develop the recovery plan will be positive and the adopted plan will address the City's problems.

Councilor Goodman-Hinnershitz noted the need for a thorough review of the Uniform Commercial Code (UCC) as their provisions may be difficult to apply to the City's aging housing stock. She expressed the belief that some refinement may be needed.

Councilor Goodman-Hinnershitz stated that she is pleased with the regional path BARTA has embarked on and suggested that everyone consider the same path for the library system.

Councilor Goodman-Hinnershitz announced that due to inclement weather Santa will be stationed at the Pagoda this upcoming weekend.

Councilor Marmarou noted his familiarity with the zoning prohibition against parking on unpaved surfaces. He stated that constituents in District 4 have dealt with the same enforcement efforts. He stated as District 4 residents were given time to take corrective action, the same approach should be used for Glenside residents.

Councilor Marmarou noted the increase in illegal scams in the Reading area by people claiming to solicit funds for the Reading Officers Association and the

Reading Constable Association, among others. He stated that these agencies are not valid and suggested that people receiving phone calls from agencies request documentation of the validity of the solicitation effort before contributing. Councilor Baez thanked District 5 residents and Councilor-elect Reed for bringing this parking issue forward. She stated that she will attend the meeting that will be arranged by the Mayor to discuss this issue.

Councilor Baez wished all Reading residents a Happy Holiday season.

Councilor Sterner thanked those who attended tonight's meeting and provided public comment. He asked the Administration to work to find a reasonable compromise with Glenside residents who have received enforcement notices.

Councilor Sterner expressed the belief that Councilor Fuhs should not express concern about Council's refusal to adopt the recovery plan before the plan is drafted and received.

Councilor Sterner stated that Santa will be present at Hillside to greet Greater Reading residents through the holiday season.

Council President Spencer noted the need for the City to enforce legislation fairly while working to find a reasonable compromise.

Council President Spencer also agreed with the City's withdrawal from BARTA due to the City's financial stress. He also expressed the belief that the quality service provided by BARTA will continue in the Greater Reading area.

Council President Spencer stated that he changed his vote to support the Conditional Use permit for 1524 Palm Street due to his understanding of the enforcement steps planned by Zoning and the Administration. He stated that while he is willing to approve this particular permit, he is concerned with the application of enforcement due to past experience.

Council President Spencer stated that many Councilors have expressed concern with filing of Act 47 due to their belief that a recovery plan can be created to address the City's issues without entering the Act 47 process. He stated that Reading's problems are similar to other third class Pennsylvania cities. He also noted his concern for the City to make a successful exit from Act 47. He noted his willingness to do all work necessary to assist in the development of the recovery plan.

Council President Spencer reviewed the upcoming Council meeting schedule.

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

Linda Kelleher CMC, City Clerk