

**CITY COUNCIL MEETING
MONDAY, DECEMBER 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 Father John Gibbons, St. Margaret's Roman Catholic Church.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Maria Baez, District 5
Councilor J. Waltman, District 6
Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
Managing Director R. Hottenstein
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

Council commendations were issued to the following:

- RHS senior David Mengel for his scholastic achievements and achievements with the Reading School District's Music Programs.

Police Chaplain Oath of Office Ceremony

- to Rev. Eileen LeVan, Nativity Lutheran Church

PUBLIC COMMENT

Council President Spencer announced that one (1) citizen was registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded the citizen registered about the remaining speaking rules.

Federico Leon, of South 17th Street, questioned the process of changing Klein Avenue to a one-way street. He expressed the belief that neighborhood education and input should have occurred prior to the change. He requested that the City return the street to a 2-way street, as the change has dramatically increased the amount of traffic in this neighborhood.

APPROVAL OF AGENDA & MINUTES

Council President Spencer asked Council to consider the agenda for this meeting and the minutes from the November 23rd and December 14th regular meetings and the November 30th special meeting. He noted the need to remove the BARTA appointment resolution from the agenda. He stated that the legislation listed under the Consent Agenda heading will be approved with the adoption of the agenda.

Councilor Baez moved, seconded by Councilor Marmarou, to approve the minutes from the November 23rd and December 14th regular meetings, the minutes from the November 30th special meeting and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda Legislation

Resolution 137-2009 –Disposing of Tax Records as attached and as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009 **(Tax)**

Award of Contract – to perform civil engineering and planning services for the Downtown 20/20 Master Plan and final design of 500 block Franklin Street for the Department of Public Works to Barry Isett and Associates, 85 South Route 100 and Kressler Lane, Trexlertown, PA 18087, at a total submittal price of \$129,200 **(Purchasing)**

ADMINISTRATIVE REPORT

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

- The change in the trash/recycling collection due to the holidays.
- New Year's Eve fire works event.
- Update on 2009 EMS billing and collection

Councilor Fuhs inquired about the group seeking funding from the Parking Authority and Water Authority to prepare a secondary recovery plan. He also inquired if the Council President belongs to the group. Council President Spencer stated that while he is aware of the group's activities, he is not a participant.

Councilor Fuhs stated that if the Council President is participating in the work of the group to prepare a secondary plan, a conflict of interest would be created, leaving the Council President unable to vote to approve or deny the recovery plan being created by the Act 47 Coordinator. Council President Spencer stated that he is not participating in the work being performed by the group. He explained that the group is preparing a plan or report that will be presented to the Act 47 Coordinator. He noted that the Act 47 Coordinator is seeking input from elected officials, City employees and members of the community. The plan or report being created by the group is merely their input on what they believe should be included in the Recovery Plan.

Councilor Goodman-Hinnershitz stated that a difference of opinion regarding the best traffic plan for Klein Avenue exists between the surrounding neighborhoods. She agreed that the increase in traffic on Mineral Spring Road has moved some traffic down to Klein Avenue, which has increased congestion and traffic problems.

Mayor McMahon noted the need for further study of the traffic issues on Klein Avenue and Mineral Spring Road. He also agreed to hold a public meeting with the neighborhood to discuss these issues.

AUDITOR'S REPORT

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

- 2009 Amusement Fee collections

ORDINANCES FOR FINAL PASSAGE

Bill No. 71-2009 - 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; Advertised October 26, 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; tabled at the December 14 regular meeting; definition of Exotic Animal added**

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

Councilor Sterner noted the importance of this amendment that will add an exotic permit fee, add language to mirror the State Aggressive Dog Law and make other clarifying changes.

Bill No. 57-2009 was enacted 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; tabled at the December 14 regular meeting; Advertised 12-4**

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to withdraw Bill No. 71-2009.

The motion to withdraw Bill No. 71-2009 was adopted by the following vote:

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

Nay: None - 0.

Mr. Spencer explained that the delay in passing this ordinance will provide the

Administration time to create an implementation plan. The Administration has committed to preparing this plan by the end of March 2010.

Bill No. 72-2009 – setting forth its intent to issue a federally-taxable general obligation note, series of 2009 of the City in the aggregate principal amount of three million two hundred fifty thousand dollars (\$3,250,000) pursuant to the act of the general assembly of the Commonwealth of Pennsylvania, known as the Local Government Unit Debt Act, 53 PA C.S. Chapters 80-82, as amended and supplemented (the “act”); finding that a private sale by negotiation is in the best financial interests of the City; determining that such note shall evidence non-electoral debt of the City; specifying that such indebtedness is to be incurred to provide funds to finance a project of the City which consists of, among other things: (1) the planning, designing, acquiring and constructing of improvements to, and the acquisition of certain equipment for, buildings and facilities on the premises of the Reading Municipal Memorial Stadium (the “Stadium”); (2) the planning, designing, acquiring and constructing of additional parking areas on the premises of the Stadium, and (3) paying the costs and expenses of issuing the note **(Man Dir) Introduced at the August 24th regular meeting; pending passage of State budget; Discussion planned for 12-28 COW**

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill No. 72-2009.

Bill No. 72-2009 was enacted by the following vote:

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

Nay: Fuhs - 1.

Bill No. 73-2009 - amending the City of Reading Codified Ordinances, Administrative Code Section 1-190 regarding the selection of an acting police chief **(Police Chief & Council Staff) Introduced at the December 14th regular meeting**

Councilor Sterner moved, seconded by Councilor Baez, to enact Bill No. 73-2009.

Bill No. 73-2009 was adopted by the following vote:

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

Nay: None - 0.

Bill No. 74-2009 - amending the Code of Ordinances of the City of Reading, Fee Schedule, by increasing the Trash Removal And Recycling Service Fees **(Man Dir) Introduced at the December 14th regular meeting, Advertised 12-21-09**

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 74-2009.

Managing Director Hottenstein explained that participation in the City's recycling program is State mandated and participation in the trash collection program is voluntary. The proposed costs were determined by the increased cost of both programs.

Councilor Fuhs stated that he will not support the proposed increases as he believes that the charge for core public services should not be increased to this level. He also noted his discomfort that the projected revenues from the collection of these increased fees are included in the 2010 General Fund budget.

Councilor Waltman clarified that the recycling and trash revenues are not located within the General Fund budget, but in the Trash and Recycling Enterprise Funds. He also stated that he will not support the increase in these fees as he believes they have been increased too dramatically. He suggested considering a new program model.

Councilor Fuhs inquired if the General Fund supported the Trash and Recycling Enterprise Fund programs. Managing Director Hottenstein explained that before 2010 the General Fund supported yard waste collection, which is now covered by the recycling program.

Councilor Goodman-Hinnershitz noted that the new recycling fee includes the cost of the yard waste collection. She expressed her belief in the benefit of this service.

Councilor Sterner thanked Solid Waste Manager Frank Denbowski for his work to improve all collection programs.

Bill No. 74-2009 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, – 4.

Nay: Fuhs, Waltman, Spencer, President -3.

Bill No. 75-2009 - amending the Code of Ordinances of the City of Reading, Fee Schedule, by increasing the zoning Fees **(Man Dir) Introduced at the December 14th regular meeting, Advertised 12-21-09**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 75-2009.

Managing Director Hottenstein explained that the zoning fee increase is supported by the Maximus fee study.

Councilor Goodman-Hinnershitz added that recommended increases were also compared against the fees charged by other municipalities.

Bill No. 75-2009 was enacted by the following vote:

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

Nay: None - 0.

Bill No. 76-2009 - 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) Introduced at the December 14th regular meeting, Advertised 12-21-09**

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 76-2009.

Council President Spencer explained that these fees will cover the City's cost of lead inspections by the City's Health Inspectors. City Clerk Kelleher noted that the fees match the fee in the Property Maintenance Code.

Bill No. 76-2009 was enacted by the following vote:

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

Nay: None - 0.

Bill No. 77-2009 - authorizing the amendment of the 2010 budget – revenues and expenditures – as attached in Exhibit A **(Finance) Introduced at the December 14th regular meeting**

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill No. 77-2009.

Managing Director Hottenstein explained the difficulties associated with preparing the 2010 Budget.

Councilor Fuhs reminded his colleagues about the Committee of the Whole discussion

about the proposed amendments. He stated that a budget balanced on collection assumptions is not a balanced budget. He noted that the 2010 Budget is based on assumptions related to a \$100,000 contribution from the Reading Area Water Authority (RAWA) and the payment of the increased Trash and Recycling Fees.

Managing Director Hottenstein clarified that the City expects to receive \$500,000 from RAWA, not \$100,000 as stated by Councilor Fuhs. If RAWA fails to provide this \$500,000 contribution further budget amendments will be needed.

Councilor Waltman explained that all budgets are based on assumptions, such as the collection of earned income and property taxes. He noted that budget amendments can occur throughout the fiscal year to adjust for faulty assumptions.

Councilor Goodman-Hinnershitz stated that all budget projections are based on collection trends. She stated that this year's projections are fairly conservative. She noted the amount of work by Council and the Administration to define the adopted budget. She agreed that further amendments can occur if the projections underperform.

Councilor Fuhs stated that he is mystified with the comments concerning the 2010 Budget. He stated that the Charter requires a balanced budget based on collections not assumptions. He expressed the belief that the inclusion of the uncollected \$500,000 RAWA contribution makes the 2010 Budget unbalanced.

Councilor Waltman stated that each budget is based on assumptions and projections not cash in hand.

Bill No. 77-2009 was enacted by the following vote:

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

Nay: Fuhs- 1.

Bill No. 78-2009 - adopting the 2009 Editions of the International Building Code, Existing Building Code, Electrical Code, Mechanical Code, Residential Code, Plumbing Code, Fire Code, Wildland-Interface Code, Performance Code for Buildings and Facilities, Fuel Gas Code and Energy Conservation Code in accordance with the Commonwealth of Pennsylvania Uniform Construction Code Act 45 Of 1999 as amended, and amending the same **(Law) Introduced at the December 14th regular meeting; Advertised 12-21-09**

Councilor Baez moved, seconded by Councilor Marmarou, to enact Bill No. 78-2009.

City Solicitor Younger stated that this amendment will bring the City into compliance with the building code adopted by the State.

Councilor Goodman-Hinnershitz noted the importance of applying these codes with practicality that considers the City's aging housing stock.

Bill No. 78-2009 was enacted by the following vote:

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

Nay: None - 0.

INTRODUCTION OF NEW ORDINANCES

None.

RESOLUTIONS

Resolution 138-2009– reappointing Ryan Helms to the Electrician’s Examining Board
(Admin Oversight)

Resolution 139-2009– reappointing Allen Webster to the Historical Architectural Review Board
(Admin Oversight)

Resolution 140-2009 – appointing Reimundo Encarnacio to the Human Relations Commission
(Admin Oversight)

Resolution 141-2009 – reappointing Ronald Hatt to the Library Board
(Admin Oversight)

Resolution 142-2009 – reappointing Philip Coles to the Redevelopment Authority
(Admin Oversight)

The Administrative Oversight Committee moved to adopt Resolutions No 138-142-2009.

Councilor Marmarou deferred to Councilor Baez.

Councilor Baez noted the enthusiasm and knowledge of those being appointed tonight and their willingness to volunteer.

Councilor Goodman-Hinnershitz inquired about the need to dispose of the BARTA appointment.

Resolution No. 138-142-2009 were adopted by the following vote:

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

Nay: None - 0.

Resolution – reappointing Michael Roeberg to BARTA (**Admin Oversight**)

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to withdraw this appointment resolution.

The motion to withdraw this resolution was adopted by the following vote:

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

Nay: None - 0.

COUNCIL COMMENT

Councilor Fuhs thanked District 1 residents for the honor of serving them for the past four (4) years. He wished his Council colleagues future success.

Councilor Baez thanked District 5 residents, the Administration and her Council colleagues for their support and assistance.

Councilor Goodman-Hinnershitz thanked Councilor Fuhs for offering the benefit of public debate. She thanked Councilor Baez for her sensitivity and gentle approach to a variety of matters. She noted that the City is ending a challenging decade and expressed her belief that the City is strong enough to become the best it can be.

Councilor Marmarou stated that it has been a privilege and honor to serve with Councilors Baez and Fuhs.

Councilor Marmarou noted the tremendous District 4 improvement brought on by the installation of new handicapped curbs. He explained that the recent rash of cold weather has prevented crews from pouring the concrete to finish the project.

Councilor Sterner stated that it has been an honor to serve with Councilors Baez and Fuhs. He agreed with the benefit of healthy debate as a part of the legislative process.

Councilor Waltman noted the time and effort of Councilor Baez to educate herself and her constituents on various issues. He also agreed with the value of debate and the education it provides to Reading citizens.

Council President Spencer noted the difficulties of public service and thanked Councilors Baez and Fuhs for the passion they brought to the table. He expressed the belief that all public officials base their decisions on what is best for their constituents.

City Auditor Cituk and Mayor McMahon thanked Councilors Baez and Fuhs for their dedicated service.

Managing Director Hottenstein and Councilor Fuhs left the meeting at this time.

Councilor Sterner gave kudos to those involved in the annual Hillside Light Display. He described the hard work of those who assist with this annual event. He also noted the number of Greater Reading residents who visit this light display annually.

Councilor Goodman-Hinnershitz wished all Reading residents good will.

Council President Spencer reviewed the January 2010 meeting schedule.

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

Linda Kelleher CMC, City Clerk