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## CITY COUNCIL MEETING MONDAY, JULY 27, 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 Associate Pastor, Lori Reyes from Women's Ministry of the Spanish Church of God.

All present pledged to the flag.

### ATTENDANCE

Council President Vaughn Spencer  
Councilor Steve Fuhs, District 1  
Councilor Dennis Sterner, District 3  
Councilor Stratton Marmarou, District 4  
Councilor Maria Baez, District 5  
Councilor Jeffrey Waltman, District 6  
Mayor, T. McMahon  
Managing Director, R. Hottenstein  
Chief of Staff, C. Hemnitz  
Sergeant at Arms, Captain R. Schaeffer  
City Clerk, L. Kelleher  
City Auditor, D. Cituk

### PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations and Presentations issued at this meeting

### PUBLIC COMMENT

Council President Spencer announced that four (4) citizens were registered to address Council on non-agenda issues. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the conclusion of the meeting. No one objected, therefore, 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.

**John Stahl, Hill Road**, stated he is representing the Tea Party Group. He expressed the belief that 1% local option sales tax is misplaced. He described past discussions going 20 years back about the City's financial problems and

filing bankruptcy. He expressed the belief that a blue dog democratic group is needed to pull the City out of its financial problems.

**Carol Goodling, Lehigh Street**, described the quality of life problems relating to the construction of a billboard on the Warren Street Bypass directly behind R1 residential properties. She presented Council with a petition signed by neighbors opposing the construction of this new billboard.

**Ricardo Nieves, Northmont Boulevard**, stated that he is disgraced and disappointed with the wait-and-see approach taken by Council on the adoption of LGBT legislation. He stated that this practice sends a mixed message to the LGBT community. He expressed his hope that City Council will adopt a resolution concerning equal rights for the LGBT community independent of the state legislature.

**Leon McDevitt Jr., Shillington**, described the success of surveillance cameras to deter crime. He also questioned the competency of the individual captured by the surveillance cameras as he was attempting to shoot out one of the cameras. He also expressed the belief that the City should be glad the Pie-in-the-Sky proposal by Gannosca has not been moved forward.

## **AGENDA & MINUTES**

Councilor President Spencer called Council's attention to the agenda for this meeting and the minutes from the June 22<sup>nd</sup> and the July 13<sup>th</sup> regular meetings of Council. He stated that with approving the agenda Council will also approve the legislation listed under the Consent Agenda heading for this meeting. He suggested the following amendments:

- Addition of a resolution to hire Police Officer Aaron Demko
- Removing Resolution 86-2009 under the Consent Agenda heading for separate consideration.

**Councilor Baez moved, seconded by Councilor Waltman, to adopt the agenda as amended including the legislation remaining under the consent agenda heading and the minutes of the June 22<sup>nd</sup> and July 13<sup>th</sup> regular meetings of Council. The motion was approved unanimously.**

**Resolution 91-2009** approving the undertaking of a project by the Reading Area Water Authority consisting of the acquisition of a certain easement over lands of the Schuylkill River Greenway Association in Bern Township, Berks County, Pennsylvania, by purchase or condemnation for the purpose of locating a water line as well as sanitary sewer lines and storm water facilities **(Water Authority)**

**Resolution 92-2009** requesting State legislators keep the requirement for residential sprinklers in the amendment to the PA Uniform Construction Code **(Law & Fire)**

**Councilor Fuhs moved, seconded by Councilor Sterner to table Resolution 92-2009.**

**Resolution 92-2009 was tabled by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6  
Nay: None – 0**

### **ADMINISTRATIVE REPORT**

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

- Neighborhood meeting at the Historical Society on Thursday, August 13<sup>th</sup> at 7 pm, sponsored by the Centre Park, Historic District.
- Follow up on codes complaints

Councilor Fuhs agreed with the neighborhood's opposition to the illuminated billboard which will be placed on the Warren Street Bypass. He noted its proximity to the low density residential neighborhoods. He read from the transcript, highlighting that the use of billboards in low density neighborhoods is prohibited.

Councilor Waltman agreed and noted the need of a buffer to separate the billboard from a residential neighborhood. He also questioned the intent of the company installing the billboard and the need for them to work with the neighborhood.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk stated that in place of his report, Linda Himeback and Corey Wolf from Herbein & Co. will be presenting the results of the 2008 external audit.

Ms. Himeback stated that this is the last year of the external audit contract with Herbein & Co. She noted that many issues are present; however, some improvements have occurred. She stated that the City ends 2008 with a \$3.5M fund balance based on \$65M in expenditures. She noted that without the sale of Antietam and the refunding of debt service the City would have ended with an \$8.3M deficit.

Councilor Waltman thanked Ms. Himeback and Ms. Wolf for the external audit report and the briefing they provided to the Finance Committee. He suggested that state requirements for local fiscal controls would be more helpful than the application of Act 47. He also questioned the statement noting the use of a forward bond swap.

City Auditor Cituk thanked all who assisted with the preparation of the 2008 external audit.

Councilor Fuhs expressed the belief that the swap provided a surplus rather than a deficit.

Councilor Waltman replied that although the swap revenue was included in the 2008 budget, it wasn't realized as the transaction never culminated.

### **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 35-2009-** amending the full-time employee positions for the City of Reading for the fiscal year 2009 by amending the Human Relations Commission to add one (1) Human Relations Commission Executive Director and to eliminate the Human Relations Commission Administrator (**Man Dir**) *Introduced at the July 13 regular meeting*

**Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill No. 35-2009.**

Managing Director Hottenstein explained that this change is in title only and has been requested by HUD.

**Bill No. 35-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**  
**Nay: None – 0**

**Bill No. 36-2009 -** amending the Code of Ordinances of the City Of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Community Development Department, Division of Planning Fees (**Man Dir**) *Introduced at the July 13 regular meeting Advertised on 7-23-09*

**Councilor Waltman moved, seconded by Councilor Sterner, to enact Bill No. 36-2009.**

Managing Director Hottenstein stated that these increases reflect the need to recoup the City's costs and the delivery of services

**Bill No. 36-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**  
**Nay: None – 0**

**Bill No. 37-2009 -** authorizing the Mayor to execute an Easement Agreement between the City of Reading and the Reading Area Water Authority thereby conveying unto the Reading Area Water Authority a non-exclusive, perpetual easement in gross upon that portion of premises known and designated as

Easement 101-3 located within parcel id#530773-51-0576, situate between River Road and Schuylkill Avenue **(RAWA) Introduced at the July 13 regular meeting**

**Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill No. 37-2009.**

**Bill No. 37-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6  
Nay: None – 0**

**Bill No. 38-2009** – amending the Codified Ordinances Chapter 11 Housing, Section 11-116 (B) “Fees for Rental Housing” by requiring a \$25 fee for the third and subsequent inspections **(Codes & Council Staff) Introduced at the July 13 regular meeting; Advertised on 7-23-0, Advertised July23rd**

**Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill No. 38-2009.**

Managing Director Hottenstein stated that this will allow the City to recoup the costs of performing additional inspections at properties

**Bill No. 38-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6  
Nay: None – 0**

**Bill No. 39-2009** – amending the Codified Ordinances Chapter 10, Section 10-110 Animal Bite Incidents by bringing it into compliance with State quarantine regulations. **(City Health Officer & Council Staff) Introduced at the July 13 regular meeting**

**Councilor Sterner moved, seconded by Councilor Fuhs, to enact Bill No. 39-2009.**

Councilor Fuhs inquired why the ordinance cites the Property Maintenance Division rather than the Health Officer. City Clerk Kelleher replied that the Health Officer works under the Property Improvement Division.

Councilor Fuhs suggested that the ordinance be amended to specify the inclusion of the Health Officer.

Council President Spencer inquired if any member of Council objected to the amendment requested by Councilor Fuhs. As no one objected the suggested amendment was approved.

**Bill No. 39-2009 as amended was enacted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**  
**Nay: None – 0**

**Bill No. 40-2009** – increasing the Public Works Park and Recreation fees for the rental of fields, fieldhouses, etc. **(Man Dir & Pub Works) Introduced July 13<sup>th</sup> regular meeting; Advertised July 24<sup>th</sup>**

**Councilor Sterner moved, seconded by Councilor Waltman, to table Bill No. 40-2009.**

**Bill No. 40-2009 was tabled by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**  
**Nay: None – 0**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinances into the record:

**Ordinance** - establishing a fee of \$25.00 for each lien statement request received by the City of Reading's Law Department from individuals and/or entities **(Law Dept)**. **To Be Advertised Aug 3<sup>rd</sup>**

**Ordinance** – amending the Codified Ordinances Chapter 1, Part 5 Section 1-156 by allowing an appeal to the Building Board of Appeals after the Determination Hearing and eliminating language allowing an appeal to the Court of Common Pleas after the Certification Hearing, as per case law **(Law Dept)**

**Ordinance** – amending the definition of “installation” in Bill no 16-2009 Satellite Dishes in City Historic Districts **(Council Staff)**

**Ordinance** - amending the duties of City Health Officer as set forth in Chapter 1 Administration and Government Part 1 Administrative Code subpart G City Health Officer section 1-171 Duties of Health Officer **(Law)**

**Ordinance** - amending Codified Ordinances of the City of Reading, Chapter 5 Code Enforcement, Part 3, Section 9 Fees **(Law)**

**Ordinance** – authorizing the transfer of the ownership of premises known as 501 S. 5<sup>th</sup> Street, Reading, Berks County, Pennsylvania, from the Liberty Steam Fire Company, to the City of Reading for the purchase price of \$1.00 **(Fire Dept)**

## **RESOLUTIONS**

**Resolution 90-2009** – Hiring Aaron Demko as a Police Officer for the City of Reading Police Department, effective Monday, July 27, 2009.

**Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution 90-2009.**

**Resolution 90-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**  
**Nay: None – 0**

**Resolution 89-2009** - authorizing the City of Reading to file a funding proposal through the Department of Community and Economic Development Early Intervention Program to request funding (\$90,000) for the City to establish the position of Business Analyst (**Man Dir**) ***Tabled at the July 13 regular meeting***

**Councilor Waltman moved, seconded by Councilor Fuhs, to adopt Resolution 89-2009.**

**Resolution 89-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**  
**Nay: None – 0**

**Resolution 94–2009** appointing Cindy Weidel as a voting delegate and Carl Geffken as alternate to the Berks County Tax Collection Committee (**Council Staff**)

**Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution 94-2009.**

**Resolution 94-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**  
**Nay: None – 0**

**Resolution 95–2009** reappointing Joseph Amprey to the Board of Ethics (**Admin Oversight**)

**Resolution 96–2009** reappointing Margaret Davy to the Animal Control Board (**Admin Oversight**)

**Resolution 97–2009** appointing Michael Leifer to the Fire Civil Service Board (**Admin Oversight**)

**The Administrative Oversight Committee moves to adopt Resolutions 95-2009, 96-2009, and 97-2009.**

Councilor Baez noted the skill and talent of those being appointed and reappointed at this evenings meeting.

**Resolution 95-2009, 96-2009, and 97-2009 was adopted by the following vote:**

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

**Nay: None – 0**

**COUNCIL COMMENT**

Councilor Fuhs thanked Ms. Goodling for drawing Council's attention to the billboard being installed on the Warren Street Bypass. He noted his intent to discuss this issue with the Solicitor as it affects an R1 Residential Zone.

Councilor Marmarou the many neighborhood complaints regarding a fence installed in the Kelchner outfield. He stated that although the zoning permit terms it as a temporary fence, it appears that it will be permanently installed. He noted that the zoning permit does not define what temporary means. He announced that the Managing Director has promised to assist in addressing this matter. He stated that Albright has announced their intent to have the fence in place March through October; however, without temporary being defined on the zoning permit, enforcement will be impossible.

Councilor Baez also thanked Ms. Goodling for calling Council's attention to the installation of the billboard on the Warren Street Bypass.

Councilor Baez thanked Wayne Cockrell and Reading Beautification Inc. for the mural project that occurred in District 5 neighborhoods.

Councilor Sterner thanked those coming to comment at the regular meeting of Council this evening.

Councilor Sterner announced the community group meeting scheduled for Saint Marks Church this Wednesday at 7pm.

Councilor Baez inquired about a complaint brought to her by a District 5 resident. She stated that a resident questioned a Codes inspector about why they received a citation when citations for the same matter were not issued to other properties in the neighborhood. She stated that the Codes inspector informed the citizen that they are only required to issue a certain amount of Codes violations per week. Mr. Hottenstein promised to follow up accordingly.

Council President Spencer, in regards to the comments made by Mr. Nieves, explained that Council has not taken a wait-and-see stance on the LGBT legislation. He stated that as agreed to with Chair of the PA HRC the Law Department is currently working on a draft ordinance, which will be introduced to Council within the next 30 to 60 days. He announced Council's intent to hold a public hearing on this legislation. He also noted the need for citizens to understand the City's need to be prepared financially for the adoption of this legislation as it will have a financial impact. He stated that currently the City does not fund the Human Relations Commission. Funding is provided on a case by case basis for infraction, covered in the state and federal legislation.

Council President Spencer noted that the Local Option Sales Tax is not a bailout for the City alone, as it will supply revenue statewide.

Council President Spencer reviewed the upcoming Council meeting schedule.

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

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Linda Kelleher CMC, City Clerk