
**CITY COUNCIL MEETING
MONDAY, AUGUST 10, 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 Frank Gilyard.

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
Managing Director, R. Hottenstein
City Clerk, L. Kelleher
City Auditor, D. Cituk
City Solicitor, C. Younger
Public Works Director, C. Jones

PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations and Presentations issued at this meeting

PUBLIC COMMENT

Council President Spencer announced that two (2) 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.

Stephen Goodling, Lehigh Street, noted the neighborhood opposition to the installation of a billboard on the Warren Street Bypass. He stated that upon completion this billboard will have a detrimental affect on the quality of life of the neighboring properties. He inquired how a special permit for the billboard was

approved by the Zoning Hearing Board. He submitted a petition signed by 68 of the affected residents which lists the quality of life impact.

Donna Reed, Argonne Road, requested the City's assistance, as neighbors attempt to address the detrimental impact this billboard will bring to this low density residential neighborhood.

AGENDA & MINUTES

Councilor President Spencer called Council's attention to the agenda for this meeting. He asked Council to consider amending the agenda to include the following:

- A resolution authorizing the unwinding of the interest rate management agreement for the 2009 general obligation bonds.
- A resolution authorizing the exoneration of 2007 property taxes for 820 North 9th Street
- An introduction of an ordinance authorizing a swap in bonds approved by ordinance on December 12, 2005.
- Removing the award of contract for a traffic signal maintenance for separate consideration.

Councilor Waltman moved, seconded by Councilor Baez, to approve the agenda as amended. The motion was approve the agenda as amended was approved unanimously.

Award of Contract - to American Rock Salt Co., LLC, P. O. Box 190, Mt. Morris, NY, 14510, at a bid price of \$64.03 per ton for delivered salt and \$62.00 for picked-up salt for the Department of Public Works **(Purchasing)**

Award of Contract - award the traffic signal maintenance contract to Telco, Inc., 1224 Cross Keys Road, Reading, PA 19605, who is the low bidder at a submitted bid price of \$745,700. The recommendation is to award the mechanical and electrical construction contracts to MBR Construction Services, 307 June Avenue, Blandon, PA 19510, who is the low bidder at the prices submitted. The total approximate bid price for the three-year contract is \$99,144 **(Purchasing)**

Resolution 102-2009 agrees that while receiving any funds from the Commonwealth of Pennsylvania pursuant to said Act, the City of Reading shall adhere to the rules, regulations and training standards established by the Municipal Police Officers' Education and Training Commission for Officer Aaron Demko **(Police)**

ADMINISTRATIVE REPORT

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

- Update on the movement of Local Option Sales Tax, House Bill 1858
- Closure of the Whipping Post located at 1055 Greenwich Street
- Update on the request for traffic signal at 5th and Bingaman Streets.

Councilor Sterner thanked Berks County DA John Adams and the Reading Police Department for their work to close the Whipping Post. He stated that this has been a problem bar since he came on Council almost six (6) years ago.

Councilor Baez asked the Administration to keep her up to date on their progress to address the problematic billboard approved for the Warren Street Bypass.

Councilor Fuhs thanked the Administration for inviting Mayor Doherty for an educational discussion on Act 47. He also thanked the Administration for their assistance with the request for a traffic signal at 5th and Bingaman Streets. He noted his plan to meet with affected citizens this coming week.

Councilor Goodman-Hinnershitz noted the need for all parties to convince the state legislators to adopt legislation that will assist all third class cities. She also thanked the Administration for their attention to the proposed billboard on the Warren Street Bypass.

Councilor Waltman questioned the sense in removing the buffering foliage that separated the Warren Street Bypass from the residential property lines. He noted the need for the reinstallation of buffering foliage before the billboard is installed.

AUDITOR'S REPORT

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

- Update on the collection of 2009 Admissions Tax
- Update on the collection of 2009 Transfer Tax
- The expenditure of \$558,104.19 on labor disputes between 2006-2009

Councilor Goodman-Hinnershitz thanked the auditor for his detailed report on cost of labor disputes.

Councilor Fuhs questioned the rational behind this labor dispute report requested by the President of Council.

Council President Spencer explained that this type of detail broken out helps to identify various expenditure cost centers.

Council Goodman-Hinnershitz suggested referring this report to the Finance Committee.

ORDINANCES FOR FINAL PASSAGE

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 13th regular meeting; Advertised July 24th; Tabled at the July 27th regular meeting**

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill No. 40-2009.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner to amend the ordinance to remove the increase in fees to rent the Pagoda.

The motion to amend Bill 40-2009 by removing the increase in Pagoda rental fees was adopted by the following vote:

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

Councilor Goodman-Hinnershitz stated that removing the rental increase of the Pagoda now will allow further review by the task force as they consider the future use of the Pagoda.

Councilor Sterner noted that the current fee to rent the Pagoda will stand.

Councilor Goodman-Hinnershitz noted the importance of the work to adjust the City's fees to cover administrative costs.

Bill No. 40-2009 was adopted as amended by the following vote:

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

Bill No. 41-2009 - 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) Advertised Aug 3rd; Introduced at the July 27th regular meeting**

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 41-2009.

Council President Spencer explained that this new fee will cover the cost of processing lien statement request by the Law Department.

Bill No. 41-2009 was enacted by the following vote:

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

Bill No. 42-2009 – 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)**
Introduced at the July 27th regular meeting

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill No. 42-2009.

Council President Spencer explained that this amendment to the Blighted Property Review Committee ordinance will eliminate the availability of appeal after the determination hearing, as appeal is allowed during the eminent domain proceedings to follow.

Bill No. 42-2009 was enacted by the following vote:

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

Bill No. 43-2009 – amending the definition of “installation” in Bill no 16-2009 Satellite Dishes in City Historic Districts **(Council Staff)** ***Introduced at the July 27th regular meeting***

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 43-2009.

Council President Spencer explained that this amendment clarifies that the ordinance will affect satellite dishes that can be seen from a public right of way.

Councilor Marmarou reminded everyone that this ordinance is currently in place.

Bill No. 43-2009 was enacted by the following vote:

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

Bill No. 44-2009 - 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) Introduced at the July 27th regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to enact Bill No. 44-2009.

Bill No. 44-2009 was enacted by the following vote:

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

Bill No. 45-2009 - amending Codified Ordinances of the City of Reading, Chapter 5 Code Enforcement, Part 3, Section 9 Fees **(Law) Introduced at the July 27th regular meeting**

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 45-2009.

Council President Spencer stated that this is a housekeeping amendment that will move the outdated fire fees into the Codes Fee Schedule.

Bill No. 45-2009 was enacted by the following vote:

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

Bill No. 46-2009 – authorizing the transfer of the ownership of premises known as 501 S. 5th 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) Introduced at the July 27th regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to table Bill No. 46-2009.

Bill No. 46-2009 was tabled by the following vote:

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

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance - authorizing a swap in bonds approved by ordinance on December 12, 2005.

Ordinance - amending the Codified Ordinances of the City of Reading, Chapter 10 Health and Safety, Part 5 Storage of Motor Vehicle Nuisances, Section 505 – Parking trucks, trailers, mobile homes by adding definition to the allowable size of mobile homes, as attached in exhibit a **(Council Staff)**

Ordinance - amending the Full-Time Employee Positions for the City of Reading for the fiscal year 2009 by adding the position of CD Specialist in the Community Development Department **(Community Development)**

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances **(Law)**

Ordinance - authorizing and directing the incurrence of lease rental debt in the aggregate principal amount of \$6,600,000, evidenced by a Guaranty Agreement of the City and which Guaranty Agreement will secure a Debt Obligation of RAWA to be issued to the Pennsylvania Infrastructure Investment Authority (“Pennvest”) to finance certain RAWA capital projects and to finance the costs of issuing the Debt Obligation); authorizing and directing the preparation and filing of certain documentation with the DCED required by the Act for approval of the debt and its exclusion from the appropriate debt limits of the City; authorizing and directing the execution of a Guaranty Agreement and Reimbursement Agreement and approving the forms thereof; specifying the amount of the guaranty obligations; and authorizing the appropriate City officials to take all other required, necessary or desirable action in connection with the Project and the guarantee of the Debt Obligation. **(RAWA) TO BE DISTRIBUTED ON MONDAY**

RESOLUTIONS

Resolution 92-2009 – requesting State legislators keep the requirement for residential sprinklers in the amendment to the PA Uniform Construction Code **(Law & Fire) Tabled at the July 27 regular meeting**

Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution 92-2009.

Council President Spencer stated that this resolution was requested by the Fire Chief and Fire Marshall as the state is currently considering removing the requirement for residential sprinklers in new construction from the Uniform Commercial Code (UCC)

Councilor Goodman-Hinnershitz noted that this is a common sense resolution as it will increase the safety of people living in residential properties.

Councilor Sterner noted that sprinklers are only required in new residential construction.

Resolution 92-2009 was adopted by the following vote:

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

Resolution 102-2009 - authorizing the unwinding of the interest rate management agreement for the 2009 general obligation bonds.

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 102-2009.

Resolution 102-2009 was adopted by the following vote:

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

Resolution 101-2009 - authorizing the exoneration of 2007 property taxes for 820 North 9th Street.

Councilor Baez moved, seconded by Councilor Sterner, to adopt Resolution 101-2009.

Councilor Waltman explained that this church has been present in this block of North 9th Street since 1896. He noted the great out reach efforts the church has in the community.

Resolution 101-2009 was adopted by the following vote:

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

COUNCIL COMMENT

Councilor Fuhs thanked the Glenside neighborhood for pushing the issue regarding the proposed billboard for the Warren Street Bypass.

Councilor Fuhs also thanked Mayor McMahon for bringing Scranton Mayor Doherty to educate Council and the public on Act 47. He expressed the belief that several issues with negative financial impact could be alleviated for a period of time if the City files and is accepted as a distressed City.

Councilor Marmarou noted the success of the College Heights Community Council Ice Cream Social. He stated that the event was well attended. He stated that the next College Heights meeting is the second Sunday in September and a presentation will be made by Reading Area Water Authority executive director, Dean Miller.

Councilor Goodman-Hinnershitz described the upcoming community meetings in District 2. She also noted her inquiry regarding the need for the repaving of Cotton Street at the conclusion of the Reading Area Water Authority project.

Councilor Baez promised Glenside residents that she will stay on top of the proposed billboard on the Warren Street Bypass. She again requested that the Administration keep her informed as they investigate this issue.

Councilor Baez noted her upcoming neighborhood meeting for the Windsor and Front Street area in late August.

Council President Spencer noted the hardships created by the constant turnover in zoning administrators. He noted that his hope that the new zoning administrator would stay with the City and stay educated on the Reading community.

Councilor President Spencer noted the need for further study of traffic conditions at 5th and Bingaman Streets. He stated that he has been contacted by a number of residents in this neighborhood who have requested that the traffic signal be reinstalled.

Council President Spencer reviewed the Council meeting schedule.

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

Linda Kelleher CMC, City Clerk