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**CITY COUNCIL MEETING  
MONDAY, AUGUST 24, 2009**

A regular meeting of City Council was held on the above date for the transaction of general business.

Stephen P. Fuhs, Vice President of Council, called the meeting to order.

The invocation was given by Tony Perez, Bethany Baptist Church.

All present pledged to the flag.

**ATTENDANCE**

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  
Sergeant at Arms, Captain R. Schaffer

**PROCLAMATIONS AND PRESENTATIONS**

Diane Price, chair of the Armed Forces Day Parade, issued recognition certificates to the public and elected officials for their assistance in coordinating the Armed Forces Day activities. Ms. Price stated that the Reading Armed Forces Day Parade began in 1948 and is the oldest Armed Forces Day Parade in the United States.

**PUBLIC COMMENT**

Councilor Fuhs announced that five (5) 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. Councilor Fuhs reminded the citizens registered to speak about the remaining public speaking rules.

**Richard Spangler, Schuylkill Avenue**, expressed his belief in the birth of the City's renaissance. He distributed an article that appeared in Forbes 500 on LGBT legislation. He expressed the belief that as private corporations provide LGBT protection the City should also adopt legislation adding the LGBT community to the City's ordinance.

**Ernest Schlegel, Pear Street**, presented Council with a petition supporting LGBT legislation. He requested that Council consider the amendment of the City's Human Relations ordinance without the waiting for the enactment of LGBT legislation at federal and state levels. He also thanked the Administration for the improvements they made to the City's parks, playgrounds, and ball fields.

**Ricardo Nieves, Northmont Boulevard**, apologized for making wait and see comments at the July 27<sup>th</sup> meeting. He encouraged the City's Law Department to conclude their research and bring a LGBT draft amendment forward. He noted the need for basic civil rights to be provided to the LGBT community as all men are created equal.

**Isabel Fick, Palm Street**, described the recent criminal activities and lack of response from the Police Department last Wednesday-Friday, in the early morning hours. She described the vigilance of neighbors in the Northeast area and their need for adequate police response.

**Desiree Seifrit, North 8<sup>th</sup> Street**, described her personal experience as a transsexual. She requested the enactment of LGBT legislation to protect the rights of affected individuals.

### **AGENDA & MINUTES**

Councilor Fuhs called Council's attention to the minutes from the July 27<sup>th</sup> and August 10<sup>th</sup> regular meetings, along with the agenda for this meeting and the legislation listed under the Consent Agenda heading.

**Councilor Baez moved, seconded by Councilor Marmarou, to adopt the agenda, including the legislation listed under the Consent Agenda heading and the minutes from the July 27<sup>th</sup> and August 10<sup>th</sup> regular meetings of Council. The motion to approve the agenda as amended and the July 27<sup>th</sup> and August 10<sup>th</sup> minutes was approved unanimously.**

**Award of Contract** - for furnishing Bituminous Materials and Asphalt Cements for pick-up to South Reading Blacktop, Division of Reading Materials, 148 Angstadt Lane, Birdsboro, PA 19508 who is the low bidder at the unit prices submitted for an estimated total bid price of \$108,849.00 **(Purchasing)**

## ADMINISTRATIVE REPORT

Councilor Fuhs reviewed the report distributed to Council prior to the meeting covering the following:

- o Latino Summit scheduled for Saturday, August 29th
- o Arts and Antiques Fair in September at Centre Park
- o Labor Day Parade scheduled for Monday, September 7<sup>th</sup>

## AUDITOR'S REPORT

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

- o Collection of 2009 Admissions Tax
- o Collection of Real Estate Transfer Tax
- o 2009 Unemployment Compensation Expenditures

## ORDINANCES FOR FINAL PASSAGE

**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 27<sup>th</sup> regular meeting; Tabled at the August 10<sup>th</sup> meeting for further information*

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

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

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,  
Waltman- 6  
Nay: None – 0**

Councilor Fuhs stated that the tabling of this ordinance will allow the modification of the accompanying agreement.

**Bill No. 47-2009** - 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)** *Introduced at the August 10<sup>th</sup> regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner to enact Bill No. 47-2009.**

Councilor Fuhs asked the City Clerk to explain this amendment.

City Clerk Kelleher explained that the zoning ordinance provides opportunity for

property owners to install a 24 ft. long concrete pad on their properties to park larger vehicles. However this parking ordinance as it stands prohibits parking of larger vehicles on public and private property. This amendment will allow smaller recreational vehicles to be parked on private property after approval of the 24 ft. concrete pad by the Zoning Office. A 24 ft vehicle is about the size of a Volkswagon van.

**Bill No. 47-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,**

**Waltman- 6**

**Nay: None – 0**

**Bill No. 48-2009** - 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) Introduced at the August 10<sup>th</sup> regular meeting)**

**Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill No. 48-2009.**

Councilor Fuhs stated that this position will be funded by the CDBG budget, not by the General Fund budget.

Councilor Goodman-Hinnershitz stated that she supports this position as it will assist the Community Development Director in monitoring the programs funded by the CDBG budget.

**Bill No. 48-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,**

**Waltman- 6**

**Nay: None – 0**

**Bill No. 49-2009** - 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)** *Introduced at the August 10th regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to enact Bill No. 49-2009.**

Councilor Fuhs stated that this PennVest loan taken by the Reading Area Water Authority will provide for many water system improvements.

**Bill No. 49-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,  
Waltman- 6  
Nay: None – 0**

**Bill No. 50-2009** – amending an ordinance of the City previously enacted on December 12, 2005, that authorized the incurrence of non-electoral debt through the issuance of a series of general obligation bonds of the city in the aggregate principal amount of twenty-five million dollars (\$25,000,000) **(Man Dir)** *Introduced at the August 10th regular meeting*

**Councilor Baez moved, seconded by Councilor Sterner, to enact Bill No. 50-2009.**

**Bill No. 50-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,  
Waltman- 6  
Nay: None – 0**

## **INTRODUCTION OF NEW ORDINANCES**

Councilor Fuhs read the following ordinances into the record:

**Ordinance** - amending Chapter 11 Housing of the City of Reading Codified Ordinances **(Law)** *Introduced at the August 10<sup>th</sup> regular meeting; amended version needed before final passage*

**Ordinance** - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division Of Codes Fees **(Man Dir)**

**Ordinance** - 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)**

**Ordinance** – amending the Full-Time Employee Positions for the City of Reading for the fiscal year 2009 by adding the position of Business Analyst **(Man Dir)**

**Ordinance** - establishing a Public Arts Commission in the City of Reading recognizing the cultural and economic value of public art to the City of Reading, providing for the appointment of members of the Public Arts Commission, establishing processes for the solicitation, review and award of contracts for the production of public art, establishing a funding mechanism to support the creation and maintenance of public art, encouraging public input to the selection and placement of public art in Reading, providing encouragement for inclusion of public art in the design and construction of major projects undertaken in the City of Reading **(Mayor)**

**Ordinance** - directing the Berks County Board of Elections to place a referendum question before City voters on the 2010 Primary ballot which would amend the City of Reading Home Rule Charter by eliminating the Departments of Human Resources and Finance and creating the Department of Administrative Services **(Man Dir)**

## **RESOLUTIONS**

**Resolution 104-2009** authorizing the Mayor to execute a FFY2009 one year Action Plan and FFY2009 to FFY2013 five year Consolidated Plan amendment **(Community Development)**

**Councilor Waltman moved, seconded by Councilor Baez, to adopt Resolution No. 104-2009.**

Councilor Waltman noted that this amendment to the CDBG action plan will provide some funding towards the improvement of the artifacts bank. These improvements are required for the artifacts bank to obtain an occupancy certificate. He noted the stability this improved building has brought to the neighborhood. He also noted the investment Centre Park Community has made

to the district as whole. He noted that the Centre Park group appreciates the City's supports in making these projects possible.

**Resolution 104-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman**  
**- 6**  
**Nay: None – 0**

**Resolution 105–2009** appointing George Viener to the Redevelopment Authority (**Admin Oversight**)

**Resolution 106–2009** appointing Jeffrey Rushing to the Downtown Improvement District Authority (**Admin Oversight**)

**Resolution 107–2009** reappointing Harriet Rauenzahn to the Environmental Advisory Council (**Admin Oversight**)

**The Administrative Oversight Committee moved to adopt Resolutions No. 105-2009, 106-2009, and 107-2009.**

Councilor Marmarou noted the talent and skill of the individuals being appointed and reappointed this evening. He thanked them for their desire to volunteer to assist the City.

**Resolution 105-2009, 106-2009, and 107-2009 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman**  
**- 6**  
**Nay: None – 0**

**Resolution 108–2009** denying the sidewalk vendor permit for Tacos Mexicanos (**Council Staff**)

**Councilor Waltman moved, seconded by Councilor Marmarou, to adopt Resolution No. 108-2009.**

Councilor Waltman stated that this location is within the 6<sup>th</sup> Council District which he toured. He noted that this sidewalk vendor competes with existing businesses in the area that sell similar items. He noted in his belief of the good faith effort of this business but expressed the belief that sidewalk carts should only be used for short term events in residential neighborhoods.

**Resolution 108-2009 was a by the following vote:**

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

**- 6**

**Nay: None – 0**

**Resolution 109–2009** denying the sidewalk vendor permit for Hogar Crea  
**(Council Staff)**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to adopt Resolution No. 109-2009.**

Councilor Goodman-Hinnershitz stated that Hogar Crea does not operate in a sidewalk cart and conducts sales activities while standing on the sidewalk. She stated that this activity goes against the confines of the sidewalk vendor ordinance. She also expressed the belief that the food vendor storage methods used by Hogar Crea are improper. She also noted the disruption this type of sales activity causes to pedestrian and vehicular traffic.

Councilor Waltman agreed noting that often salesman step into the street to try to entice drivers to purchase their food items. He noted the disruption this causes to both pedestrian and vehicular traffic.

**Resolution 109-2009 was adopted by the following vote:**

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

**- 6**

**Nay: None – 0**

**Resolution 110-2009** appointing Carl E. Geffken as Acting Director of Human Resources for a period of at least 180 days as required by Section 1-183, Part A of the City of Reading Administrative Code **(Man Dir)**

**Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution No. 110-2009.**

**Resolution 110-2009 was adopted by the following vote:**

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

**- 6**

**Nay: None – 0**

Councilor Fuhs noted that this Resolution was tabled at the request of the President of Council. He noted Council's agreement to hold these decisions when the full body is present.

## COUNCIL COMMENT

Councilor Baez stated that the Solicitor's office is currently completing work on the LGBT amendment. She thanked Ms. Price for recognizing Public Officials for their assistance with the Armed Forces Day Parade.

Councilor Baez announced the neighborhood meeting planned for August 27<sup>th</sup> at 6 pm at Wesley United Methodist Church at North Front and Windsor Streets. She stated that this meeting will cover the proposed amendment to the Animal Control ordinance and the City's Sidewalk, Alley, Curb Assessment Program.

Councilor Waltman agreed with the need to move the LGBT amendment forward.

Councilor Waltman announced his intent to issue a formal response to the Blue Ribbon Panel report from his personal perspective as chair of the Finance Committee.

Councilor Marmarou inquired if City Council will have opportunity to review Mr. Waltman's report prior to its submission to the panel. He also corrected the belief the Blue Ribbon Panel has that the members of Council who left to attend a Zoning Hearing Board meeting do not care about the report. He stated that the Zoning Hearing Board only allows testimony on applications on one meeting. As there were zoning applications for Council Districts 1 and 4, Council members needed to attend to provide testimony.

Councilor Goodman-Hinnershitz expressed the belief that it is appropriate for the Finance Committee Chair to submit a response to the Blue Ribbon Panel. She stated that a response from the full body panel would be difficult to draft as many Councilors have differing opinions.

Councilor Goodman-Hinnershitz announced the ice cream social planned for Wednesday, August 26<sup>th</sup> from 6pm-8pm at the Pagoda for all District 2 community groups. She also noted the town meeting planned for Thursday, September 3<sup>rd</sup> at the Liberty Fire House social room regarding the Correstack Evergreen Power Plant.

Councilor Sterner thanked Ms. Price for recognizing City Officials who assisted with the Armed Forces Day Parade. He also agreed to move the LGBT amendment forward.

Councilor Sterner announced the community meeting planned for Wednesday, August 26<sup>th</sup> at 7pm at St. Mark Church located at 10<sup>th</sup> and Windsor Streets.

Councilor Baez announced that the Glenside Community Council will be meeting on September 3<sup>rd</sup> at 6:30 pm at Christ Lutheran Church.

Councilor Fuhs thanked all those who attended this evening's meeting.

Councilor Fuhs noted that he looks forward to discussion on the LGBT amendment.

Councilor Fuhs announced the upcoming neighborhood meeting scheduled for Wednesday, September 9<sup>th</sup> concerning the need for a traffic signal at 5<sup>th</sup> and Bingaman.

Councilor Fuhs questioned the sense behind the stance the Fire Union has taken, which bans volunteer firefighter's participation in the upcoming Labor Day Parade. He noted that the Reading Fire Department has the longest history of a volunteer firefighting program. He notes his intent to discuss this issue with the Council President as he is coordinating the Labor Day parade. Councilor Goodman-Hinnershitz expressed the belief that all should work together to make the Labor Day parade a success.

Councilor Fuhs reviewed the Council meeting schedule.

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

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Linda Kelleher CMC, City Clerk