



***COMMITTEE of the WHOLE***  
***CITY COUNCIL***

**MINUTES**  
**April 26, 2010**  
**5:00 P.M.**

**COUNCIL MEMBERS PRESENT:**

D. Reed, S. Marmarou, F. Acosta, D. Sterner, V. Spencer, J. Waltman, M. Goodman-Hinnershitz

**OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Geffken, C. Younger, T. McMahon, C. Jones, M. Vind, P. Edelman

Mr. Spencer called the Committee of the Whole meeting to order at 5:08 p.m.

**I. Refund the 2002 Capital Appreciation Bonds**

Mr. Vind reviewed the information. He stated that this is a great opportunity as the current interest rate is at a 50 year low. He stated that this would close a SWAP and replace it with a bond. He stated that the City's trend has been to do these transactions to replace a variable interest rate with a fixed rate.

Mr. Waltman questioned if the Finance Committee supports this transaction. Mr. Acosta noted that it does.

Mr. Sterner questioned if the savings would be over the life of the bond. Mr. Vind replied that there would be a \$230,000 savings this year with this same approximate amount saved annually. He reiterated that it also eliminates the variable interest rate.

Mr. Waltman questioned if this bond would follow the same timeline as the SWAP. Mr. Vind stated that it would.

Mr. Edelman noted that this transaction would also eliminate the liquidity risk.

## **II. Main Street Designation Update**

Mr. Geffken stated that a resolution was proposed for Council's agenda this evening. However, when he reviewed the resolution he stated that it was not ready for Council action. He stated that an ordinance will be drafted regarding appointments to the Main Street Board and will be by Mayoral recommendation with Council approval and will follow the routine process for Board appointments. He stated his hope that the ordinance would be introduced at the May 10 meeting and the appointment interviews be conducted at the June Administrative Oversight Committee meeting. Ms. Katzenmoyer requested copies of the applications for processing and stated that it may not be feasible to have the background checks complete by the June Administrative Oversight Committee meeting. Mr. Geffken requested the application form.

Mr. Acosta questioned if the applicants are City residents. Mr. Geffken stated that they are.

Mr. Geffken explained that the designation was for future funding purposes as there is currently no funding available for this project.

Mr. Acosta questioned the purpose of moving forward. Mr. Geffken stated that the designation may allow future monies to be received from State and Federal budgets for Main Street projects. He stated that this Board will work in conjunction with the Downtown 2020 project.

Ms. Reed questioned if it would also work with the Penn Corridor. Mr. Geffken will research this and get Ms. Reed the information.

Ms. Goodman-Hinnershitz stated that Council needs to know the direction this Board will be taking to have meaningful appointment interviews.

## **III. Fire Training Center Land Lease**

Mr. Geffken reported that the County has sent the updated agreement. He stated that Law has reviewed the document and there are some small issues. He also stated that the Department Directors are reviewing the document and some have already noted that their suggestions are not included. He stated that these items will be relayed to Commissioner Barnhardt.

## **IV. Waste Water Treatment Plant Project Update**

Atty. Miravich joined the meeting at this time.

Council entered executive session at 5:23 pm to discuss litigation issues. They exited executive session at 5:55 pm.

## **V. Executive Session**

Council entered executive session at 5:55 pm to discuss personnel issues and conditional use decisions. They exited executive session at 6:21 pm.

## **VI. Agenda Review**

Council reviewed this evening's agenda including:

- Special Event Permit Ordinance

Mr. Marmarou stated that he has spoken with the Police Chief but does not see that language included in the ordinance. He requested that this be tabled until he can verify information with the Chief.

Ms. Goodman-Hinnershitz suggested moving this back to the Public Safety Committee.

Ms. Reed suggested leaving it as a Committee of the Whole topic.

- Business License Revocation Ordinance

Mr. Waltman stated that the Administration has worked hard on the implementation process for this ordinance. He stated his hope that the ordinance be used infrequently but effectively.

Mr. Spencer noted his concern that the Managing Director alone makes the decision on processing a complaint. He stated that one person complaining many times may be a basis for action and that it may be better to quantify complaints in some way.

Ms. Reed stated that it would be based on compliance with other City ordinances, not simply complaints for complaints sake. She stated that she is comfortable with the ordinance as is and that it follows a logical process.

Mr. Spencer stated that the phrase "at, near" a business is contained in the ordinance. He questioned at what point a business is responsible for actions taken outside its premises.

Mr. Waltman stated that the emphasis is for businesses to follow all applicable laws. He stated that if a business does not comply with multiple laws, it will be addressed. He stated that his goal is compliance and a strong policy to reach compliance.

Mr. Spencer requested a measure or perimeter outside the business to address the term "near."

Mr. Waltman stated that the offense outside the premises must directly correlate to the business. He stated that proof would be needed to tie the behavior to the business. He noted that the revocation of the business license would be a last resort.

Ms. Goodman-Hinnershitz noted her understanding of Mr. Spencer's concern. She compared this appeal board to the Disruptive Conduct Review Board. She stated that the Board would look at the whole picture. She stated that the DCR Board has been very objective and very consistent in its rulings.

Mr. Marmarou stated that drug laws note a 200 foot rule and suggested that this measurement be added to alleviate Mr. Spencer's concern.

Mr. Sterner stated his belief that a measurement was not needed.

Mr. Waltman stated that if the behavior could be tied to the business the number would be irrelevant.

Mr. Acosta noted his concern with the Managing Director deciding alone to act on the complaint. He stated that future complaints may be processed or rejected based on who you know.

Mr. Waltman suggested a panel to screen complaints. He stated that this ordinance can be amended as needed as the process is used and weaknesses are found.

Ms. Reed suggested that the ordinance be tabled and further discussions held with Mr. Kersley before moving forward.

Mr. Spatz, reporter for the Reading Eagle, questioned if the license was revoked was it revoked forever. Ms. Kelleher stated that it was not as there are provisions allowing its reinstatement.

Mr. Waltman suggested further discussion during Committee of the Whole.

- Ordinances increasing fees for appeals to trades boards, the Housing Board of Appeals, and the Property Maintenance Board of Appeals

Mr. Spencer noted that these ordinances increase the fee to file an appeal from \$100 to \$275.

Ms. Goodman-Hinnershitz stated that the City should not be subsidizing those who appeal citations.

Mr. Acosta expressed his belief that the fees should have been raised slightly annually to keep increases from being this large.

Mr. Sterner noted that there is much illegal construction occurring in City properties which could cause unsafe conditions. He noted that if they are caught and cited, they should pay the appeal fee in full with no City subsidy.

Mr. Spencer stated that this cost had been absorbed by the City in the past.

Mr. Acosta and Mr. Waltman requested a breakout of the fees.

- Police Pension amendment

Mr. Spencer stated that he received a response from the FOP attorney and requested this ordinance be tabled. Mr. Geffken stated that this issue has been discussed at Pension Board meetings and the FOP representative, Sgt. Fizz, was in favor of the amendment.

- Intergovernmental Agreement in mitigation of emergencies related to trench and structural collapse

Mr. Spencer questioned the financing of this agreement. Mr. Geffken stated that an amount is budgeted annually.

Mr. Spencer questioned if actions need to be taken by all partners collectively. Mr. Younger stated that his first reading would indicate that all partners must agree.

Ms. Goodman-Hinnershitz suggested this be tabled.

- Amendment to Handicap Parking

Mr. Spencer stated that he did not have time to review this resolution. He requested that this item be tabled.

The meeting adjourned at 7:04 pm.

Respectfully Submitted  
*Linda A. Kelleher, CMC*  
City Clerk