

**City of Reading City Council
Regular Business Meeting
Monday, December 13, 2010**

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Dr. Sandra Fees, of the First Ukrainian Unitarian Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Interim Managing Director C. Geffken
City Auditor D. Cituk
City Clerk L. Kelleher
City Solicitor C. Younger
Mayor's Assistant F. Denbowski
Sergeant at Arms, Capt. R. Schafer
Mayor T. McMahon

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following commendation:

- Recognizing the achievements of Harold Leifer, accepted by Michael Leifer

- Recognizing the actions of WFMZ employees Matt Roth, Assistant News Director/WFMZ-TV; Chad Blimline, Newsroom Supervisor/Berks Edition; Patrick Manwiller, Photojournalist/Berks Edition; Jamie Wenrich, Sales Representative/Berks Edition

PUBLIC COMMENT

There was no public comment at this meeting.

APPROVAL OF THE AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting, including

the legislation listed under the Consent Agenda and the minutes from the November 22nd Regular meeting of Council. He noted the need to add the following legislation to the Agenda for this meeting as follows:

- **Ordinance for Introduction**
 - Ordinance – amending the Blighted Property ordinance by removing the remaining appeal language, by State statute there is no opportunity for appeal until the eminent domain action begins.
 - Ordinance - amending the Zoning ordinance making clarifications and adding regulations regarding modular homes.
- **Consent Agenda**
 - Resolution – exonerating property taxes for the Reading School District for the former JCC building.
 - Resolution – authorizing the termination of the Letter of Credit for the Greater Berks Development Loan from 1989.

Consent Agenda Legislation

Resolution 114-2010 - authorizing the Mayor to execute a FFY2010 (36th CD year - January 1, 2010 - December 31, 2010) Action Plan Amendment to move \$54,500 in CDBG funding from the 2010 Street Lighting activity to the Renovation of the Third and Court Streets Fire Station activity (**Community Development**)

Resolution 115-2010 – that the Reading School District is relieved and granted a waiver of/from the requirements of posting a bond or surety pursuant to Chapter 22 Subdivision and Land Development Ordinance Section 309 Performance / Maintenance Guarantees (§22-309) of the City of Reading Codified Ordinance for development of a Playground with an address of 412 Pansy Street, Reading, Berks County, Pennsylvania per the plan approved by the City of Reading Planning Commission on May 12, 2009 (**Law**)

Resolution 116-2010 - that the City of Reading City Council opposes the application of Orange Stones Co. for a non-conforming use for 1711 Hampden Boulevard, Reading Berks County, Pennsylvania, before the City of Reading Zoning Hearing Board on remand by Order of the Berks County Court of Common Pleas in the matter of Orange Stones v. City of Reading Zoning Hearing Board and Jennifer Guckin City of Reading Zoning Administrator, a Mandamus Action filed by Orange Stones, Docket No. 10-17398. Be it hereby further resolved that the Solicitor of the City of Reading or his designee is hereby authorized and directed to take all necessary and appropriate action to represent the interest of the City of Reading and this resolution before the Zoning Hearing Board in the aforesaid matter and any appeal of any decision thereof (**Law**)

Resolution 117-2010 – exonerating property taxes for the Reading School District for the former JCC building.

Resolution 118-2010 – authorizing the termination of the Letter of Credit for the Greater Berks Development Loan from 1989.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to approve the agenda as amended, including the legislation listed under the Consent Agenda heading and the minutes from the November 22nd regular meeting of Council. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Announcing the increase in some employee contributions to parking and healthcare under the Act 47 recovery plan
- Noting the success of the holiday parade sponsored by DID
- Announcing the closing of the unfunded debt bond

Councilor Goodman-Hinnershitz noted that visitors were highly impressed with the cleanliness of downtown when attending the holiday parade. She thanked DID for their superior efforts in keeping the downtown clean and safe.

AUDITOR'S REPORT

City Auditor Cituk reviewed his comments on the 2011 budget and read the report distributed to Council at the meeting, covering the following:

- Collection of the Snow and Ice Grant between 2000-2010
- Collection of the Real Estate transfer tax between 2006-2010
- Plan for upcoming reports

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 34-2010 – establishing a four-way stop intersection at N. 13th St and Richmond St in the City of Reading, Pennsylvania **(Public Works)** *Introduced at the July 12 regular meeting; Tabled at the July 26 regular meeting; Second Traffic Study Requested; Second Traffic study performed November 9*

Councilor Marmarou moved, seconded by Councilor Reed, to table Bill No. 34-2010.

Bill No. 34-2010 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman, Spencer, President – 6.

Nays – None – 0.

B. Bill No 96-2010 – ordering an investigation under the authority of the Home Rule Charter Section 216, regarding the use of sewer funds **(Council Members)** *Introduced at the November 8 regular meeting; Tabled at the November 22 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table Bill No. 96-2010.

Bill No. 96-2010 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Spencer, President – 5.

Nays – Waltman – 1.

C. Bill No 100-2010 – establishing the Full Time Employee Positions for the City of Reading for the fiscal year 2011 **(Finance)** *Introduced at the October 4 special meeting; Tabled at the November 22 regular meeting*

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill No. 100-2010.

Interim Managing Director Geffken stated that the Full-Time Position ordinance reflects the reduction of twenty-four (24) positions, moves the Property Maintenance Division to the CD, and adds a legal specialist to reduce the need for outside legal counsel. He stated that if the ordinance is enacted as presented the City will have 636 employees at the start of the 2011 calendar year.

Councilor Goodman-Hinnershitz noted the due diligence used to review the discussed ordinance. She stated that she will support the ordinance as presented with the Administration commitment of the efficiency and effectiveness of the organization and its departments. She noted the need for offices and their employees to achieve stated goals and standards throughout the calendar year.

Bill No. 100-2010 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Spencer, President – 5 .

Nays – Waltman – 1.

D. Bill No 102-2010 – establishing the Capital Improvement Plan budget for the City of Reading including capital expenditures and revenues for the fiscal year beginning January 1, 2011 and ending December 31, 2011 **(Finance)** *Introduced at the October 4 special meeting; Tabled at the November 22 regular meeting*

Councilor Waltman moved, seconded by Councilor Acosta, to enact Bill No. 102-2010.

Interim Managing Director Geffken noted the good and stellar review of the projects planned in the 2011 CIP. He stated that this review caused some adjustment reflected in the plan considered this evening. He stated that the CIP is a living document that can be adjusted with Council's approval throughout the calendar year.

Bill No. 102-2010 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman, Spencer, President – 6.

Nays – None – 0.

E. Bill No 103-2010 - amending Chapter 1 Administration and Government Part 5 Boards, Commissions, Committees and Councils Subpart G Planning Commission Section 1-571 Creation of Commission by reducing the number of members from seven (7) to five (5) **(Law)** *Introduced at the November 22 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 103-2010.

Councilor Reed stated that the Planning Commission supports the amendment. She noted however how that the amendment does not lessen the authority or duties of the Planning Commission. She also noted the need for the Council Administrative Oversight Committee to identify qualified candidates to serve on the Planning Commission

Council President Spencer stated that the amendment was requested to assist the Planning Commission with quorum issues.

Bill No. 103-2010 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman, Spencer,
President – 6 .**

Nays: None – 0

F. Bill No 104-2010 - establishing a four-way stop intersection at North 13th Street and Elm Street in the City of Reading, Pennsylvania **(Law/Public Works)** *Introduced at the November 22 regular meeting; Traffic Study to be distributed on 12-14-10*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to tabled Bill No. 104-2010.

Bill No. 104-2010 was tabled by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman, Spencer,
President – 6.**

Nays: None– 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - amending the City of Reading Codified Ordinances Chapter 11 Housing Section 11- 109 (7) – Failure to Appear for Inspection and the City of Reading Fee Schedule, by increasing the fees, as required by the Act 47 Recovery Plan (CE07) adopted June 11, 2010 **(Business Analyst)**

B. Ordinance - amending Codified Ordinances of the City of Reading, Chapter 6 Code Enforcement Part 2 Plumbing Code, Part 4 Electrical Code and Part 5 Mechanical Code to increase the reciprocity fees and exam fees provided for therein **(Law)**

C. Ordinance - changing the curb line along the east side of 10th Street between Spruce Street and Muhlenberg Street as particularly surveyed and described herein **(Reading School District)**

D. Ordinance – amending the Blighted Property ordinance by removing the remaining appeal language, by State statute there is no opportunity for appeal until the eminent domain action begins.

E. Ordinance - amending the Zoning ordinance making clarifications and adding regulations regarding modular homes.

RESOLUTIONS

Resolution 119–2010 - appointing Ellen Horan to the Main Street Board (**Admin Oversight**)

Resolution 120 – 2010- appointing Charles Broad to the Main Street Board (**Admin Oversight**)

Resolution 121–2010 - reappointing Wayne Bealer to the Planning Commission (**Admin Oversight**)

The Administrative Oversight Committee moved to adopt Resolutions 119-2010 – 121-2010

Councilor Marmarou noted the skill and ability of those being appointed and reappointed this evening.

Resolutions 119-2010 – 121-2010 were adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman, Spencer, President – 6.

Nays: None– 0.

COUNCIL COMMENT

Councilor Waltman commended the Centre Park Historic District for their annual Holiday House Tour conducted through a huge volunteer effort.

Councilor Goodman-Hinnershitz noted the upcoming Pagoda activities and the New Years Eve fireworks planned for Mount Penn.

Councilor Marmarou noted the success of the College Heights Community Council holiday party. He stated that in addition to the party the group discussed the issues pending with the Caum home and the fight against Orange Stone using the facility for something other than residential use.

Councilor Reed also congratulated the Centre Park Historic District for their annual holiday tour. She noted the great volunteer efforts that go into making this event a huge success.

Councilor Reed noted the many wonderful small business located within Reading and she suggested that when holiday shopping citizens should support those wonderful downtown

business.

Council President Spencer reviewed the upcoming meeting agenda.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk