

**CITY COUNCIL MEETING  
MONDAY, APRIL 26, 2010**

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 Father David Kozak, St. Peter's Roman Catholic Church.

All present pledged to the flag.

**ATTENDANCE**

Council President Spencer  
Councilor Acosta, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
Councilor Waltman, District 6  
Mayor T. McMahon  
Interim Managing Director C. Geffken  
City Auditor D. Cituk  
City Clerk L. Kelleher  
City Solicitor C. Younger  
Sergeant At Arms Captain R. Schafer  
Public Works Director, C. Jones

**PROCLAMATIONS AND PRESENTATIONS**

The Mayor issued the following commendation:

- honoring the Central Division Championship winners of the Reading Inner-City Youth Boxing Club.

City Council issued the following commendations:

- recognizing AFSCME Week, accepted by Ron Lyons Local #2763 and George Fultz Jr Local #3799.

- recognizing Sexual Assault Awareness Month, accepted by Mary Kay Bernosky, Executive Director of Berks Women in Crisis.

## **PUBLIC COMMENT**

Council President Spencer announced that four (4) citizens were registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule which requires non-agenda comment at the end of the meeting. As no one objected, the rule requiring non-agenda at the end of the meeting was suspended. Council President Spencer reminded those registered to speak of the remaining public speaking rules.

**Roberta Carlisle, of North Sixth Street**, spoke in reference to the Centre Park meeting held on April 21<sup>st</sup> on a proposal to implement a Neighborhood Improvement District (NID) for the Greater Centre Park area. She expressed her belief that the behavior at the meeting was quite unprofessional. She stated that she attended the meeting to learn more about the proposed NID and was pleased to see that approximately 250 residents were in attendance. She expressed the belief that good communication can solve many of the neighborhood issues in the Greater Centre Park area. She also suggested using a block captain approach rather than the NID.

**Allison Little, of Chestnut Street**, was not present.

**Cecilia Zuber, of Douglas Street**, noted her outrage with the proposed NID. She expressed the belief that Council must be hiding under a rock if they are unaware of how tight the economy is and how difficult it would be for residents to find additional money in their home budgets to support the proposed NID. She expressed her belief that Council should not adopt any legislation that will implement the NID. She expressed her belief in the need for neighborhood pride and also agreed with the block captain suggested by Ms. Carlisle. She again noted her belief that in this economy people can't tolerate an additional fee for the NID program.

**Ernie Schlegel, of Pear Street**, stated that he was impressed with the turnout at the NID meeting on April 21<sup>st</sup>. He expressed the belief that residents in this area should take more responsibility for abating litter. He suggested that people work together to identify a method to abate problems in this neighborhood without the fee that accompanies the NID.

## **APPROVAL OF AGENDA & MINUTES**

Council President Spencer called Council's attention to the minutes from the April 12<sup>th</sup>

regular meeting of Council and the agenda, including the items listed under the Consent Agenda heading.

**Councilor Sterner moved, seconded by Councilor Waltman, to approve the minutes from the April 12<sup>th</sup> regular meeting of Council and the agenda including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.**

## **CONSENT AGENDA LEGISLATION**

**A. Resolution 43–2010** authorizing the disposition of public records from the City Auditor’s Office (**Auditor**)

## **ADMINISTRATIVE REPORT**

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

1. Groundbreaking ceremony for the Angelica Creek Environmental Education Center
2. Neighborhood Improvement Tour in the 700 block of Mulberry St.
3. The great participation in the Great American Cleanup
4. Expectation that the Act 47 recovery plan will be received next week

Councilor Waltman noted the success of the effort to rehabilitate the Second and Oley playground.

Councilor Goodman-Hinnershitz noted the neighborhood improvement yielded by the circulation of flyers on the City’s noise ordinance. She thanked the Council staff for assisting in this endeavor. She suggested that other flyers on City regulations be prepared and circulated as this offers a great approach to inform City residents.

Council President Spencer inquired if the Act 47 plan will be received next week. Mayor McMahon stated that the statement in his report reflects his belief only.

## **AUDITOR’S REPORT**

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

1. 2010 Admissions Tax Collection
2. 2010 Admission Tax Collection
3. Response to questions raised at the April 5<sup>th</sup> Finance Committee meeting

Councilor Goodman-Hinnershitz noted the need for the Administration and Auditor to regularly monitor all revenue areas and make adjustments as required. Councilor Acosta stated that at the Finance Committee meeting the Interim Managing Director and Mayor assured the committee they would be working smarter this year to monitor revenues and expenditures.

### **STADIUM COMMISSION REPORT**

Steve Harrity, chair and Greg Geiger secretary distributed a report on the Stadium Commission's activities as follows:

1. Distribution of 200 tickets for community use.
2. Stadium Commission meetings that occur monthly on the last Wednesday of the month at 7pm in the RBI room at the stadium.
3. Stadium Commission staffing at five (5) Basballtown Charity events.
4. Review of Capital Improvement Program to stadium.

Mr. Harrity noted the Stadium Commission's belief and support in the Capital Improvement Project planned at the close of this baseball season. He noted the fabulous work performed by the Reading Phillies professional staff overseen by Craig Stein and Scott Hunsicker.

### **ORDINANCES FOR FINAL PASSAGE**

**A. Bill No. 15-2010** - authorizing the issuance of the 2010 Notes to refund the 2002 Capital Appreciation Bonds (**Man Dir**) *Introduced at the April 12 regular meeting*

**Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 15-2010.**

Interim Managing Director Geffken explained that this transaction will allow the City to move from a variable to a fixed interest rate. He stated that City should save approximately \$230,000 over the life of the bond.

**Bill No. 15-2010 was enacted by the following vote:**

**Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.**

**Nay: None- 0.**

**B. Bill 16-2010** - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades by renaming Part 12 Parades, Special Events and Public Gatherings and amending to create regulations for Special Events (**Police Dept/Council Staff**) *Introduced at the April 12 regular meeting*

**Councilor Goodman-Hinnershitz** moved, seconded by **Councilor Acosta**, to table **Bill No. 16-2010**.

**Bill No. 16-2010** was tabled by the following vote:

**Yea:** Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.  
**Nay:** None- 0.

**C. Bill No. 17-2010** - providing for the Business Privilege License Ordinance under Chapter 13 Licenses, Permits & General Business Regulations, Part 4 Business Privilege License of the Code of Codified Ordinances and creating revocation procedures(**Law/Council Staff**) *Introduced at the April 12 regular meeting*.

**Councilor Acosta** moved, seconded by **Councilor Marmarou**, to table **Bill No. 17-2010**.

**Bill No. 17-2010** was tabled by the following vote:

**Yea:** Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.  
**Nay:** None- 0.

**D. Bill 18-2010** - amending the Codified Ordinances Chapter 5 Code Enforcement to add the \$750 fee for filing an appeal to the building – Fire Board of Appeals, Plumbing Board of Appeals, Electrical Board of Appeals and Mechanical Board of Appeals and make consistent timing for filing of appeals and hearing of appeals before all boards (**Law**) *Introduced at the April 12 regular meeting*

**Councilor Acosta** moved, seconded by **Councilor Goodman-Hinnershitz**, to table **Bill No. 18-2010**.

**Bill No. 18-2010** was tabled by the following vote:

**Yea:** Acosta, Goodman-Hinnershitz, Waltman, Spencer, President - 4.

**Nay: Marmarou, Reed, Sterner - 3.**

**E. Bill No. 19-2010** –amending the Codified Ordinances Chapter 11 Housing Part 1 Rental Section 11-124 Housing Board of Appeals Subsection 7 Fees and Costs to increase the fee for filing an appeal to the housing board of appeals from \$75 to \$275 **(Law) Introduced at the April 12 regular meeting**

**Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 19-2010.**

Councilor Reed expressed her belief in increasing the appeals fees as these costs should not be subsidized by the taxpayer and instead born by the appellant.

Councilor Goodman-Hinnershitz agreed that the City must cover these costs so they are not subsidized by the City taxpayers.

Councilor Acosta stated that he will not support the enactment of this ordinance as he has requested a breakout of the costs to be covered.

**Bill No. 19-2010 was enacted by the following vote:**

**Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 6.**

**Nay: Acosta - 1.**

**F. Bill No. 20-2010** - amending the Codified Ordinances chapter 5 Code Enforcement Part 6 Property Maintenance Code Section PM 111 Means of Appeals Subsection 111.1 Application for Appeal to increase the fee for filing an appeal to the Board of Appeals from \$100 to \$275 **(Law) Introduced at the April 12 regular meeting**

**Councilor Reed moved, seconded by Councilor Sterner, to enact Bill No. 20-2010.**

Councilor Acosta noted the request for the breakout of the cost to be covered by these four (4) ordinances prior to their enactment.

Council President Spencer explained the City had a cost study to determine the cost of all City services. Interim Managing Director Geffken explained the need for these fees to cover the salary and benefits of City employees.

Councilor Reed noted her belief in the merit of the cost study completed.

Councilor Goodman-Hinnershitz stated that by chance she had the opportunity to review the Maximus Cost Study over the prior weekend and expressed her belief in the quality of the report.

Council President Spencer noted that when considering the Maximus Cost Study Council adopted, in many cases, fees lower than the maximum suggested by Maximus in some areas.

Councilor Sterner stated that the City failed to increase fees in a variety of areas for approximately 20 years. He noted the need to correct this faulty practice.

Councilor Marmarou provided a comparison for cost today versus years past.

Councilor Acosta stated that he too agrees with the need to adjust fees to cover cost; however he sees the need for proper justification prior to enactment.

**Bill No. 20-2010 was enacted by the following vote:**

**Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 6.**

**Nay: Acosta - 1.**

**G. Bill No. 21-2010** – amending the Codified Ordinances Chapter 1 Administration and Government, Part 6 Pensions, A. Police Pension Fund, Section 1-607 to provide for application of previous time to a pension account upon being re-hired *(Law) Introduced at the April 12 regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed , to table Bill No. 21-2010.**

**Bill No. 21-2010 was tabled by the following vote:**

**Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.**

**Nay: None - 0.**

**H. Bill No. 22-2010** – authorizing the City to enter into an Intergovernmental Agreement for the purpose of providing mutual aid among the County of Berks, the Friendship Hook and Ladder Company No. 1 of Boyertown, PA, the City of Reading and the Township of Spring to assist first responders in the mitigation of emergencies related

to trench and structural collapse (**Law**) *Introduced at the April 12 regular meeting*

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to table Bill No. 22-2010.**

**Bill No. 22-2010 was tabled by the following vote:**

**Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.**

**Nay: None - 0.**

**I. Bill No. 23-2010** - authorizing the Mayor to execute a deed from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale & settlement statement), thereby conveying premises situate at Route 61, Ontelaunee Township, Berks County, Pennsylvania (**Law**) *Introduced at the April 12 regular meeting*

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 23-2010.**

City Solicitor Younger stated that this parcel is about 2,700 sq. ft. The City was compensated by PennDOT.

**Bill No. 23-2010 was enacted by the following vote:**

**Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.**

**Nay: None- 0.**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinances into the record:

**A. Ordinance** - amending Chapter 10 – Health Code of the City of Reading Codified Ordinances Section 1212.03.1, required, by requiring a food employee certificate for all food restaurants or facilities in the City of Reading (**Law**)

**B. Ordinance** – amending the Vending License Board of the Sidewalk Vendor Ordinance (**Law**) *To be distributed on Monday*

## **RESOLUTIONS**

**A. Resolution 41-2010** - denying the Conditional Use application to add two rental units to 226 West Oley Street (**Council Staff**) *Tabled at the April 12 regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to adopt Resolution No. 41-2010.**

**Resolution No. 41-2010 was adopted by the following vote:**

**Yea:** Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

**Nay:** None- 0.

**B. Resolution 42-2010** - denying the Conditional Use application to add four (4) rental units and expand the existing restaurant space at 549-555 N 10th Street (**Council Staff**) *Tabled at the April 12 regular meeting*

**Councilor Marmarou moved, seconded by Councilor Acosta, to adopt Resolution No. 42-2010.**

**Resolution No. 42-2010 was adopted by the following vote:**

**Yea:** Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

**Nay:** None- 0.

**C. Resolution 44-2010** adopting the 2009 Year-End Monitoring and Impact Ratio Analysis and the 2010 Affirmative Action Plan (**Human Resources/Law**)

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution No. 44-2010.**

**Resolution No. 44-2010 was not tabled by the following vote:**

**Yea:** Goodman-Hinnershitz, Waltman, Spencer, President - 3.

**Nay:** Acosta, Marmarou, Reed, Sterner - 4.

**Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 43-2010.**

**Resolution No. 43-2010 was adopted by the following vote:**

**Yea:** Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

Councilor Goodman-Hinnershitz had opportunity to review the affirmative action plan along with the executive summary with the agenda materials.

**D. Resolution 45-2010** - authorizing the unwinding of an interest rate management agreement previously executed with respect to its General Obligation Bonds, Series of 2002 (capital appreciation bonds); authorizing the proper officers of the City to execute and deliver any necessary documents and authorizing the taking of other necessary action in connection with the foregoing **(Finance)**

**Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution No. 45-2010.**

Interim Managing Director Geffken explained that this resolution is an accompanying transaction to the ordinance enacted earlier which will change the interest rate from a variable to a fixed rate.

**Resolution No. 45-2010 was adopted by the following vote:**

**Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.**

**Nay: None- 0.**

**E. Resolution 46–2010** amending the Handicap Parking Regulations as attached **(Law)**

**Councilor Acosta moved, seconded by Councilor Marmarou, to table Resolution No. 46-2010.**

**Resolution No. 46-2010 was tabled by the following vote:**

**Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.**

**Nay: None- 0.**

Council President Spencer explained that the legislation tabled at this evening's meeting requires more information and discussion.

## **COUNCIL COMMENT**

Councilor Marmarou noted his disappointment in the quick return of litter to areas cleaned during the Great American Cleanup in April.

Councilor Reed described the multitude of problems and miscommunication issues surrounding the NID in the Greater Centre Park area. She noted that the issue started with good intent; however, miscommunication led to strong negativity at the meeting held on April 21<sup>st</sup>. She stated that the NID issue is not before City Council.

Councilor Goodman-Hinnershitz thanked Councilor Reed for explaining the issues surrounding the proposed NID.

Councilor Goodman-Hinnershitz noted the need to educate people about littering and other City regulations.

Councilor Goodman-Hinnershitz described the Years of Tears event on April 21<sup>st</sup> and their planned activities to improve Mineral Spring Park

Councilor Sterner thanked those honored with commendations and those providing Public Comment tonight.

Councilor Waltman noted the great letter received by Hannah Shelly regarding the contamination of Bernhart's Park.

Councilor Waltman noted that the April 21<sup>st</sup> NID meeting was meant to be exploratory only. He noted his conservative approach to increasing taxes and fees while a member of the Reading City Council.

Mayor McMahan left the meeting at this time.

Councilor Waltman noted the need to examine a variety of City costs and adopt an Act 47 Plan that will help move the City forward in a positive way.

Council President Spencer noted the sluggish ticket sales at the Sovereign Center and the Sovereign Performing Arts Center along with the decrease in hotel tax revenue are caused by the poor economy. He noted the great work of the Civic Center Authority Board and professional staff to operate the facility in a fiscally sound manner.

Council President Spencer also noted the merits of working with City children.

Council President Spencer announced the upcoming Council meeting schedule.

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

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Linda Kelleher CMC, City Clerk