

**CITY COUNCIL MEETING  
MONDAY, JULY 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 Reverend David Lawton, representing Saint Thomas U.C.C.

All present pledged to the flag.

**ATTENDANCE**

Council President Spencer  
Councilor Acosta, District 1  
Councilor Sterner, District 3  
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. Shafer  
Mayor's Assistant, F. Denbowski  
Public Works Director, C. Jones

Council President Spencer announced that Councilor Marmarou could not attend the meeting due to a conflicting engagement and Councilor Goodman-Hinnershitz was also unable to attend due to a death in the family and additional family issues. He expressed Council's condolences to the Goodman-Hinnershitz family.

**PROCLAMATIONS AND PRESENTATIONS**

There were no proclamation or presentations made at this meeting.

**PUBLIC COMMENT**

Council President Spencer announced that six (6) citizens were registered to address Council on agenda matters and two (2) citizens were registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule to allow all those registered to speak at this point in the meeting. As no one objected the

rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded those registered of the remaining the public speaking rules.

**Gina Crance, VP of Student Affairs at Albright College**, provided Albright's perspective regarding the stop sign installed at North 13<sup>th</sup> and Richmond Streets. She stated that three (3) serious accidents have occurred in one (1) year at this intersection. She expressed the belief that the growth of the College population and its facilities warrants a four way stop sign at this intersection. She also noted that increased community membership at the Schumo Center has caused additional pedestrians in this area. She appealed to Council to retain the stop sign to protect pedestrians and drivers.

**Sgt. William Henry, representing the Public Safety Department at Albright College**, stated that the traffic study was performed with equipment provided by Great Valley Consultants on May 18<sup>th</sup> at the North 13<sup>th</sup> and Richmond Streets intersection from 7am to 7pm by retired State Policeman who are employees of Albright's Public Safety Department. He stated that the pedestrian and vehicle traffic warrants a four-way stop sign.

**Barbara Marshall, VP of Public Relations located at 13<sup>th</sup> and Richmond Streets**, stated that she and her staff witnessed the three (3) serious accidents that occurred at the intersection and were first on the accident scene. She noted the increased volume of traffic at this intersection and expressed the belief that the stop sign will benefit the entire community.

**Kat Biehl, Albright Student**, expressed the belief that the stop sign is needed at 13<sup>th</sup> and Richmond Streets due to the increased pedestrian traffic at this intersection. She also expressed the belief that since the installation of the sign, pedestrian and vehicular safety has improved.

**Robert Walker Sr., representing Holy Trinity Church**, expressed concern about the effect the new zoning ordinance will have on new and existing churches in the City. He also expressed the belief that similar language has not worked well in Allentown.

**John Roland, Esquire, representing Albright College**, thanked the City for including the institutional zone over the City's colleges and other institutional uses.

**Illeana Cruz, of Schulykill Avenue**, was not present.

**Alberto Rosa, of Schulykill Avenue**, was not present.

## **APPROVAL OF AGENDA & MINUTES**

Council President Spencer called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the June 12<sup>th</sup> regular meeting of Council. He noted the need to make the following legislative changes:

- Add a resolution concerning the 5<sup>th</sup> and Bingaman pedestrian light to the Consent Agenda
- Add an ordinance for introduction concerning the memorandum of agreement for the Fire Training Center
- Withdraw one ordinance for introduction concerning the traffic signal at 5<sup>th</sup> and Bingaman Streets.

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

### **CONSENT AGENDA LEGISLATION**

**Award of Contract** – to Windsor Service, 2415 Kutztown Road, Reading, Pa 19605, at a total bid price of \$744,792.76 for the Departments of Public Works and Community Development for the 2010 Street Paving Project. Windsor Service is the low bidder to meet the specifications **(Purchasing)**

**Resolution 73–2010** removing Sonia Nina from the Board of Health **(Council Staff)**

**Resolution 74-2010** – resolution requesting a flashing traffic signal at 5<sup>th</sup> and Bingaman Streets.

### **ADMINISTRATIVE REPORT**

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

1. Encouraging Council to enact the Graffiti Abatement ordinance, along with Fire and Burglar false alarm fees
2. Request from Albright for the retention of the stop sign located at 13<sup>th</sup> and Richmond Streets
3. Announcing the Anti-Poverty public hearing scheduled for Tuesday, July 27<sup>th</sup> and Wednesday, July 28<sup>th</sup> from 4pm - 9 pm

### **AUDITOR'S REPORT**

City Auditor Cituk introduced Linda Himebach from Herbein and Company, who

prepared the 2009 external audit.

Ms. Himebach provided a summary of the audit results. She stated that the completed audit is sent to the State along with other parties. She stated that Herbein and Company was able to provide the City with an unqualified (clean) opinion. She noted some deficiencies and material weaknesses, along with the Administration's response to those findings. She stated that some improvement has been made since the 2008 audit. She reported that the City took in \$9M less in revenues than was budgeted in 2009. She stated that this shortage is probably due to the struggling economy. She also reported that expenditures for 2009 were over budget and largely caused by the overage in Public Safety expenses. She stated that 2009 closed with a \$24M deficit, noting that the City began with a \$3.5M fund balance. She reported that the enterprise funds yielded approximately \$6M in revenue.

City Auditor Cituk thanked all who assisted in the completion of the 2009 external audit.

### **ORDINANCES FOR FINAL PASSAGE**

**Bill 30 - 2010** - authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of certain premises situate in Ontelaunee Township, Berks County, PA from the City of Reading to Ontelaunee Township (**Law**) *Introduced at the June 15 regular meeting; Tabled at the July 12 regular meeting*

**Councilor Acosta moved, seconded by Councilor Reed, to table Bill 30-2010.**

**Bill 30-2010 was tabled by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer-President - 5.**

**Nay: None - 0.**

**Bill 33 - 2010** - establishing a four-way stop intersection at N. 13<sup>th</sup> St and Greenwich St in the City of Reading, Pennsylvania (**Public Works**) *Introduced at the July 12 regular meeting*

**Councilor Sterner moved, seconded by Councilor Acosta, to enact Bill 33-2010.**

Councilor Sterner expressed his belief in the need for the stop sign at this intersection due to its proximity to the 13<sup>th</sup> and Green Elementary school.

**Bill 33-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill 34 - 2010** – establishing a four-way stop intersection at N. 13<sup>th</sup> St and Richmond St in the City of Reading, Pennsylvania (**Public Works**) *Introduced at the July 12 regular meeting*

**Councilor Acosta moved, seconded by Councilor Sterner, to table Bill 34-2010.**

**Bill 34-2010 was tabled by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

Council President Spencer noted that this Bill was tabled pending an additional traffic study.

**Bill No. 35-2010** - amending the City of Reading Codified Ordinances Chapter 25 Trees, Part 25-104 Administration, Section 5 C by modifying the removal process for members of the Shade Tree Commission (**Council Staff**) *Introduced at the July 12 regular meeting*

**Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 35-2010.**

Council President Spencer noted that this is a housekeeping matter to make language consistent across enabling legislation for the City's Boards and Commissions.

**Bill 35-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill No. 36-2010** - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section I GPU Stadium Commission by adding the removal process for members of the Stadium Commission and renumbering as necessary (**Council Staff**) *Introduced at the July 12 regular meeting*

**Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 36-2010.**

Council President Spencer noted that this is a housekeeping matter to make language in enabling legislation consistent across the City's Boards and Commissions.

**Bill 36-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President- 5.**

**Nay: None- 0.**

**Bill No. 37-2010** - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section A Park and Recreation Advisory Committee by modifying the removal process for members of the Park and Recreation Advisory Committee (**Council Staff**) *Introduced at the July 12 regular meeting*

**Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 37-2010.**

Council President Spencer noted that this is a housekeeping matter to make language in enabling legislation consistent across the City's Boards and Commissions.

**Bill 37-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill No. 38-2010** - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section C Human Relations Commission by adding the removal process for members of the Human Relations Commission (**Council Staff**) *Introduced at the July 12 regular meeting*

**Councilor Acosta moved, seconded by Councilor Sterner, to enact Bill 38-2010.**

Council President Spencer noted that this is a housekeeping matter to make language in enabling legislation consistent across the City's Boards and Commissions.

**Bill 38-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill No. 39-2010** - amending the City of Reading Codified Ordinances Chapter 6 Conduct, Part 3 Graffiti, Section 6-304 Removal Of Graffiti by requiring graffiti removal costs to be billed to the owners of all commercial properties (including rental properties) within the City of Reading (**Bus Analyst**) *Introduced at the July 12 regular meeting; Advertised 7-19-10*

**Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 39-2010.**

Interim Managing Director Geffken explained the need for the fee, as proposed by the Business Analyst.

Councilor Waltman stated that he will not support the enactment of this ordinance for various reasons. He expressed the belief that this fee only attacks one area of a much larger problem.

Councilor Reed stated that she will support this ordinance as it may help to improve graffiti control.

Councilor Acosta explained that there is currently no fee for graffiti abatement. He expressed his hope that this new fee will improve the responsibility of property owners.

Councilor Sterner noted that the fee collected will be deposited in the anti-graffiti fund to further abatement efforts rather than the general fund.

Council President Spencer noted that this is a difficult issue as graffiti is a crime and places the property owner as the victim of the crime. He stated that he sees the ability of commercial property owners to cover this charge as their businesses generate a profit. He requested that, if enacted, this ordinance be monitored closely with quarterly reports to Council.

Councilor Waltman again expressed the belief that the fee will only attack one symptom of a larger problem.

Councilor Acosta noted the need for property owners to take pride in their properties. He also noted the need for all property owners to take pride and ownership when seeing graffiti vandals in their neighborhoods.

Councilor Reed expressed the belief that the fee will provide an incentive for the property owner to remove the graffiti as it appears. She also noted the importance of reporting graffiti vandalism to the proper parties.

Mayor McMahon urged Council to enact the graffiti abatement ordinance. Interim Managing Director Geffken stated that the Hansen program is capable of handling this automated process.

**Bill 39-2010 was not adopted by the following vote:**

**Yea: Acosta, Reed, Sterner - 3.**

**Nay: Waltman, Spencer, President - 2.**

**Bill No. 40-2010** - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 3 International Fire Code, Section 5-308 Fees, part F111, by increasing the false alarm fees, as required by the Act 47 Recovery Plan (FD06) adopted

June 11, 2010 **(Bus Analyst)** *Introduced at the July 12 regular meeting Advertised 7-19-10*  
**Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 40-2010.**

Council President Spencer noted the need to increase these fees as recommended by the Maximus Study and the Recovery Plan.

**Bill 40-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill No. 41-2010** - amending the City of Reading Codified Ordinances Chapter 13 Licenses, Permits and General Business Regulations, Part 1 Burglary and Robbery Systems, Section 13-115 False Alarms, by increasing the false alarm fees, as required by the Act 47 Recovery Plan (PD08) adopted June 11, 2010 **(Bus Analyst)** *Introduced at the July 12 regular meeting; Advertised July 19*

**Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 41-2010.**

Council President Spencer again noted the need to increase these fees as recommended by the Maximus Study and the Recovery Plan.

**Bill 41-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill No. 42-2010** - amending the City of Reading Codified Ordinances Chapter 10 Part 18 by creating a Mobile Vendors Section which includes licensing requirements, design and operation standards, an Appeal Board and procedures, penalties as well as renumbering the Sections as required, as attached in Exhibit A **(Law)** *Introduced at the July 12 regular meeting; Advertised July 19*

**Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 42-2010.**

Council President Spencer inquired about the City's ability to restrict smoking in mobile vending units.

Councilor Acosta noted the need to educate all citizens on the terms of this ordinance. He also noted the need for all business owners to obtain the proper licenses and permits.

**Bill 42-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman- 4.**

**Nay: Spencer, President - 1.**

**Bill No. 43-2010** - amending City of Reading Zoning Map to rezone 524 Arlington Street, 513 Crestmont Street, 512 Arlington Street, 514 Arlington Street, 520 Arlington Street, 522 Arlington Street, and 525 Crestmont Street from R-2 Zoning District to MC Zoning District (**Law**) *Introduced at the July 12 regular meeting; Advertised Aug 9<sup>th</sup> and 16<sup>th</sup>*

**Councilor Acosta moved, seconded by Councilor Reed, to table Bill 43-2010.**

**Bill 43-2010 was tabled by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

Council President Spencer noted the need for the bill to be tabled pending the August 24<sup>th</sup> public hearing.

**Bill No. 44-2010** - authorizing the amendment of the 2010 Expenditure Budget for the Wastewater Treatment Plant as attached in Exhibit A (**Finance Dir**) *Introduced at the July 12 regular meeting*

**Councilor Sterner moved, seconded by Councilor Waltman, to enact Bill 44-2010.**

**Bill 44-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill No. 45-2010** – establishing a change in the direction of traffic from two-way to one-way on South 14th Street in the City of Reading, Pennsylvania (**Law**) *Introduced at the July 12 regular meeting*

**Councilor Sterner moved, seconded by Councilor Waltman, to enact Bill 45-2010.**

**Bill 45-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill No. 46-2010** – establishing a new speed limit of 25 MPH for Schuylkill Avenue in the City of Reading, Pennsylvania **(Law)** *Introduced at the July 12 regular meeting*

**Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 46-2010.**

Councilor Reed explained the need to reduce the speed in this area. She also noted the tragic death caused by a speeding car in this neighborhood.

**Bill 46-2010 was enacted by the following vote:**

**Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.**

**Nay: None - 0.**

**Bill No. 47-2010** – approving the enactment of the new City of Reading Zoning Ordinance and Map. *Due to the size of the ordinance the summary is attached to the agenda. A full copy of the ordinance and the proposed map can be accessed on the City's website at [www.Readingpa.Gov](http://www.Readingpa.Gov) Under The Info & Downloads Tab Introduced At The June 28 Regular Meeting – Public Hearing Tuesday, July 20<sup>th</sup> At 5 Pm In Council Chambers; Advertised July 17<sup>th</sup> and 19<sup>th</sup>*

**Councilor Sterner moved, seconded by Councilor Waltman, to enact Bill 47-2010.**

Councilor Waltman noted the good process used over the past eighteen (18) months that involved a combination of staff and citizens. He congratulated all for their work to complete this project. He also noted that the process brought all points of view together resulting in an improved Zoning ordinance. He noted the need for Council to make amendments, moving forward.

City Clerk Kelleher, in response to Mr. Walker from Holy Trinity Church, noted that the amended Zoning ordinance will not affect existing churches that are operating with Zoning permits.

Councilor Acosta also agreed that the Zoning ordinance can be amended moving forward. He noted the need to consider a revised definition for the term church. He thanked all who worked to complete the new Zoning ordinance. He noted that amendments to the ordinance can occur moving forward.

Bill 47-2010 was enacted by the following vote:

Yea: Acosta, Reed, Sterner, Waltman, Spencer, President - 5.

Nay: 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 - Rental, Part 1 Rental §11-116 fees for rental registration, increasing the annual rental unit registration fee from \$50 to \$100 (**Bus Analyst**)

**B. Ordinance** - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section D Blighted Property Review Committee by modifying the removal process for members of the Blighted Property Review Committee (**Council Staff**)

**C. Ordinance** - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 4 International Electrical Code, Section 1102 Membership by adding the removal process for members of the Electrician's Examining Board (**Council Staff**)

**D. Ordinance** - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 2 International Plumbing Code, Section 109.2A Plumbing Board by adding the removal process for members of the Plumbing Board of Examiners (**Council Staff**)

**E. Ordinance** – amending the Legislative Aide Committee by adding the removal process for members (**Council Staff**)

**F. Ordinance** - amending Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances by adding a Part 15 to create a Re-Introduction of Power Inspection Program (**Law**)

**G. Ordinance** - amending the fee schedule of the City of Reading Codified Ordinances by adding a fee of \$65.00 under Codes Department Codes Enforcement Electrical Re-Introduction of Power Inspection Program (**Law**)

**H. Ordinance** – vacating Benner's Court and Maple Street for the Reading School District

**I. Ordinance** – authorizing the execution of the memorandum of understanding for the City Fire Training Center

**RESOLUTIONS**

There were no resolutions on this evening's agenda.

**COUNCIL COMMENT**

Councilor Sterner thanked all who worked to complete the new City Zoning Ordinance

Council President Spencer announced the upcoming Council meeting schedule.

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

---

Linda Kelleher CMC, City Clerk