

**City of Reading City Council
Regular Business Meeting
Monday, December 12, 2011**

Council President Vaughn Spencer called the meeting to order.

The invocation was given by Reverend Dr. Sandra Fees of the First Unitarian Universalist 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
City Auditor D. Cituk
Legal Specialist T. Butler
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

The City Council issued the following:

- Council Commendation recognizing Ed Terrell for his artwork at the Reading Farmer's Market
- Council Commendation recognizing Olivet Boys and Girls Club for their artwork at the Reading Farmer's Market, accepted by Sheila Miller, Lloyd Hopkins and Phoebe Hopkins
- Council Commendation recognizing the 70th anniversary of Paul Essig Inc
- Council Commendation recognizing the 100th anniversary of Weis Markets

PUBLIC COMMENT

Council President Spencer announced that two (2) citizens are registered to address Council on agenda matters and three (3) citizens are registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no City Councilor objected, the rule requiring non-agenda comment at the end of the meeting was suspended. He reminded the speakers of the

remaining public speaking rules.

Steve Keiser, North 8th Street, asked Council to delay the enactment of the Housing Permit ordinance to provide time for a Public Hearing to address various questions about the ordinance. He also expressed the belief that the proposed Fee Schedule is grossly excessive, unfair, and unaffordable. He expressed the belief that the excessive City fees stymies investment in the City and makes investment in the City unaffordable. He described the problems with the inspection fees slated for rental properties. He expressed the belief that the enactment of the fee ordinance may culminate in a lawsuit. He also questioned the true cost of the trash program as the cost referenced in the Award of Contract listed under of the Consent Agenda is much lower than the fee proposed in the Fee Schedule.

Al DeGennaro, Audobon, PA, stated that he is General Counsel to Mascaro & Sons. He noted that the City is in-sourcing the Recycling Program to provide cost savings but noted that the City will still require a Recycling drop off site. He explained that bids were submitted for the Recycling drop off site are good for ninety (90) days. He stated that these bids will set the rate paid to the City for a three (3) year period. He requested that Council take action on this Award of Contract before the end of 2011.

William Frymoyer, AFSCME #2763, thanked the Administration for working with AFSCME to negotiate the new contract which will be ratified at the December 27th Regular Meeting of Council. He also thanked the Administration for considering in-sourcing the Recycling program as proposed by AFSCME members. He suggested that the new Administration take suggestions from various work groups City-wide to effectively refine and reduce the cost of programs. He described his green-belt project to recreate the Police false alarm program, which is expected to generate approximately \$500K in new revenue.

Robert Melendez, of Washington Street, submitted petitions containing approximately 97 signatures requesting that the transfer of the 122 acre parcel to RAWA be stopped. He expressed the belief that City assets should not be given away.

Gary Wegman, of Holly Road, asked Council to seek a Charter Advisory Opinion on various issues surrounding the appointment of the Council President. He stated that he, as a citizen, also requested an Advisory Opinion. He noted the need for clarity in this situation.

APPROVAL OF THE AGENDA & MINUTES

Council President Spencer called Council's attention to the minutes for this meeting November 28, 2011 and the agenda for this meeting. He noted the need to add two (3) pieces of legislation to the Consent Agenda as follows:

- Introduction of an ordinance setting the sewer rates
- Introduction of an ordinance amending the Water Fund Budget

- Resolution appointing the Zoning Administrator

Councilor Goodman-Hinnershitz requested that Resolutions 199-2011 and 200-2011 be pulled for separate action.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the November 28th Regular Meeting of Council and the agenda, as amended. The motion was approved unanimously.

Consent Agenda Legislation

Resolution 201-2011 - consenting to the borrowing of up to \$6,635,000 by the Reading Parking Authority (**Parking Authority**)

Resolution 202–2011 - authorizing the Mayor to file an application for RACP funds in the amount of \$3,000,000.00 for the African-American Museum and Cultural Center Construction Project. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania (**Man Dir**)

Resolution 203–2011 - for the acquisition of four (4) recycling trucks to perform the in house collection of recyclable materials and approving the entering into of the contract between the City of Reading, Pennsylvania and Kansas State Bank of Manhattan (**Purchasing**)

Resolution 204–2011 - designating the Managing Director as the FEMA agent under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (**Man Dir**)

Resolution 199-2011 – consenting to transfer and sale of Penn’s Common Court Apartments to LIHTC Preservation Properties I, LP subject to City of Reading’s loan and assumption of same by LIHTC Preservation Properties I, LP (**Community Development**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to table Resolution 199-2011.

Resolution 199-2011 was table by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,
President – 7
Nays: None- 0**

Resolution 200–2011 authorizing LIHTC Preservation Properties I, LP to apply for bonds

for a project at the Penn's Common Court Apartments (**Stevens & Lee**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to table Resolution 199-2011.

Resolution 198-2011 was table by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,
President – 7
Nays: None- 0**

ADMINISTRATIVE REPORT

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

- Announcing the finalization of the Housing Permit ordinance, which is ready for enactment
- Recommending the appointment of the Zoning Administrator
- Thanking the Hillside Playground Association for their incredible light show

AUDITOR'S REPORT

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

- 2011 Real Estate Transfer Tax Collection. Noting that \$212,625 was yielded from four (4) properties selling for over \$1M over the course of 2011
- Announcing some recent Police retirements

ORDINANCES FOR FINAL PASSAGE

Bill No. 69-2011 – establishing the 2012 solid waste trash removal fee for the City of Reading at \$204.65 per year payable quarterly (**Mayor**) *Introduced at the October 3 special meeting; tabled at the November 28 regular meeting*

Bill No. 70-2011 - establishing the 2012 solid waste recycling fee for the City of Reading at \$81.03 annually (**Mayor**) *Introduced at the October 3 special meeting; tabled at the November 28 regular meeting*

Mayor McMahon announced that the Administration is withdrawing these ordinances as the fees will be covered under the Fee Schedule ordinance being introduced this evening.

Bill No. 52-2011 – amending Chapter 11, Housing – Rental, Part 1, providing for the

issuance, denial, or revocation of rental housing permits; authorizing the Zoning Administrator to approve or deny the issuance of zoning permits for previously registered rental units and to deny non-conforming applications; providing for annual rental housing permits; establishing a surcharge for failing to apply for timely renewal of a rental housing permit; proscribing the failure to timely apply for a new rental permit following the acquisition of rental property and declaring the same an offense; providing for the imposition of penalties for operating rental housing without applying for a required permit; providing for the revocation of rental housing permits granted upon applications containing material misrepresentations, errors or omissions; and repealing Chapter 11, Part 1, Exhibit A (**Bus Analyst**) *Introduced at the Sept 26 regular meeting*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 52-2011.

Councilor Goodman-Hinnershitz inquired if the Housing Permit fees and inspection fees are included in this ordinance. Council President Spencer stated that the fees are not within the ordinance but are set out in the fee schedule. He also noted that the effective date was delayed until February 1st to allow City staff time to prepare.

Councilor Waltman noted the strong effort to develop this ordinance through the City work group over a considerable period of time. He suggested that this group continue to meet to refine the ordinance as it moves forward in implementation.

Bill No. 52-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,
President – 7
Nays: None- 0**

INTRODUCTION OF NEW ORDINANCES

The following Ordinances were introduced:

Ordinance – amending the City of Reading Codified Ordinances Chapter 10 Health and Safety by repealing Section 18 Health and Safety Inspection and recreating the Health and Safety Inspection with other provisions as a new Part 3 named “Certificate of Transfer” in Chapter 4 Buildings (**Council Staff/Law**)

Ordinance – amending the fee schedule relating to solid waste removal fees and property and restaurant inspections (**Bus Analyst**)

Ordinance – amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 18 Sewers and Sewage Disposal, Part 3 Sewer Service Rental, Sections

18-303 and 18-304 to fix the sewer service rental equal to the sewer service rental applicable in 2011, and such sewer service rental shall be effective until amended (**ManDir**)

Ordinance - amending the 2011 City of Reading water fund budget by authorizing the transfer of funds from the water fund administrative/collection/purification division(s) budget to the water fund collection division (**Controller**)

RESOLUTIONS

Resolution 205– 2011 appointing Barry Richardson to the Board of Ethics (Admin Oversight)

Resolution 206–2011 reappointing Ernest Schlegel to the Library Board (Admin Oversight)

Councilor Marmarou moved, seconded by Councilor Acosta, to adopt Resolutions 205-2011 and 206-2011.

Councilor Acosta noted the skill and qualifications of these two (2) applicants and noted the ability they will bring to these two (2) Boards.

Councilor Goodman-Hinnershitz reiterated the comments made by Councilor Acosta.

Resolution 205-2011 and 206-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,

President – 7

Nays: None- 0

Resolution 207-2011 appointing Craig Pfeiffer as Zoning Administrator

Councilor Reed moved, seconded by Councilor Acosta, to adopt Resolution 207-2011.

Councilor Reed noted the qualifications of this applicant and his matching high-quality references.

Council President Spencer stated that Mr. Pfeiffer will start at a salary of \$55K per year.

Resolution 207-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,

President – 7

Nays: None- 0

COUNCIL COMMENT

Councilor Waltman noted the success of the Centre Park Holiday Tour which occurred this past weekend. He also noted the availability of Christmas Trees at the Centre Park Artifacts Banks on North 5th Street.

Councilor Reed agreed with the success of the Tour and thanked the Centre Park Historic District for organizing this annual event. She also noted that the Tour concluded at the Historical Society. She noted that many people attending the Tour were unaware that the Historic Society had a museum with various displays.

Councilor Goodman-Hinnershitz noted Council's discussion at the Committee Of the Whole meeting regarding the appointment process for the Council President. She stated that Council requested that an Advisory Opinion be sought prior to the appointment of the new Council President.

Councilor Sterner congratulated those honored by commendations this evening.

Councilor Sterner noted the beauty of the Hillside light display and encouraged all citizens to visit the display.

Council President Spencer stated that the City and City's elected officials wish all citizens a happy holiday season.

Council President Spencer reviewed the upcoming meeting schedule.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk