

**City of Reading City Council
Regular Business Meeting
Tuesday, December 27, 2011**

Council President Vaughn Spencer called the meeting to order.

The invocation was given by Lucy Riegel of the West Lawn United Methodist 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 a commendation recognizing 1-800-Got-Junk, who provides no-cost services to Reading Beautification

PUBLIC COMMENT

Council President Spencer announced that two (2) citizens were registered to address Council on agenda matters and three (3) citizens were 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.

Lucy Riegel, Muhlenberg Street, noted the need for children to have structured activities and she asked Council to support the lease of Pandora to the Olivet Boys and Girls Club, as Olivet provides a variety of structured activities and nourishment to participating youth. She noted that the change in family structure demands a change in recreation and recreational programming for the City's youth.

Al DeGennaro, Audobon, PA, stated that he is general counsel to JP Mascaro & Sons and requested Council's support for the Recycling Award of Contract.

Lisa Kneer, Arlington Street, noted her belief in the Quality of Life ticketing program but questioned the inclusion of the placement of trash and recycling containers. She noted that her trash and recycling containers are shielded by the banister on her front porch; however she received a Quality of Life ticket. She distributed photographs of other Quality of Life violations within a two (2) block radius of her home. She expressed her belief of the inclusion of the requirement to store trash and recycling containers out of the public's view is unreasonable.

Laura James, Eckert Avenue, stated that she is present, representing Historical Architectural Review Board (HARB) regarding the decision on 118 South 5th Street. She distributed a copy of HARB's window replacement policy and requested that Council consider denying the appeal for 188 South 5th Street.

Carlos Zayas, South 11th Street, noted the importance of protecting the various constitutional provisions regarding apportionment, voters' rights and due process. He noted that the Redistricting Committee's proposal was finalized in Mid-November; however it was not presented to Council until the December Work Session. He noted the requirement for Council to hold a Public Hearing after they receive the recommendation from the Redistricting Committee. He also questioned the process used to appoint Committee members and noted the need to protect the voters' rights of the City's residents.

Council President Spencer announced that Mr. Zayas' time for Public Comment had expired. Mr. Zayas' requested one (1) additional moment to provide concluding remarks. Council approved his request.

Mr. Zayas' described the proposal presented by the Redistricting Committee at the December Work Session.

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 Heading and the minutes for the December 12th regular meeting of Council.

Councilor Marmarou moved, seconded by Councilor Reed, to approve the minutes from the December 12th Regular Meeting of Council and the agenda, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda Legislation

Award of Contract - for the Processing and Marketing Services for Recyclable Materials to Solid Waste Services, Inc., d/b/a J. P. Mascaro & Sons, 2650 Audubon Road, Audubon, PA 19403, who is the highest paying bidder (**Purchasing**)

ADMINISTRATIVE REPORT

Managing Director Geffken read the report distributed to Council at the meeting covering the following:

- Groundbreaking ceremony for the Waste Water Treatment Plant improvement project
- Christmas Tree recycling from January 2nd – January 31st at City Park and Schlegel Park
- Fireworks display on New Year's Eve at the Pagoda at 10 pm

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting regarding 2011 Admissions Tax Collection. He also commented on the newspaper column appearing in a column drafted by reporter Don Spatz last week regarding the City's financial management.

ORDINANCES FOR FINAL PASSAGE

Bill No. 44-2011 - authorizing the Mayor to execute a lease between the City of Reading and the Olivet Boys and Girls Club for a portion of the real estate situate in Pendora Park (**Law/Mayor**) *Introduced at the July 11 regular meeting; Tabled at the July 25 regular meeting; Public Meeting held July 27; Tabled at the August 8 regular meeting; Pending Zoning Hearing Board Decision in October; Zoning Variance granted October 12*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 44-2011.

Councilor Goodman-Hinnershitz noted the great citizen engagement around this issue and the importance of proper public input prior to the approval of this lease agreement. She also noted the importance of this project and its subsequent programming for the City's youth in and around East Reading.

Council President Spencer noted that the lease term is for a 29 year period and is renewable.

Councilor Sterner expressed the belief that this process was too drawn out and should have moved forward for approval much more quickly.

Councilor Goodman-Hinnershitz noted the importance of having Zoning approval for the project prior to Council consideration.

Councilor Reed expressed that the partnership between the Olivet's and the City is a great example of positive public-private partnership.

Councilor Waltman noted the importance of addressing the public for concerns. He expressed the belief that the children are the best City assets and those assets need proper programming.

Councilor Acosta congratulated Councilor Goodman-Hinnershitz for bringing this issue to a positive conclusion.

Bill No. 44-2011 was enacted by the following vote:

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

Bill No. 71-2011 – 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) Introduced at the December 12 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 71-2011.

Council President Spencer explained the program parameters noting that the program will become effective April 1, 2012.

Councilor Reed noted her support for this new program that will support and improve health and safety in the City’s residential and commercial properties.

Councilor Waltman noted the hard and diligent work of the group who drafted this ordinance and suggested that that group continue to meet to monitor its implementation moving forward.

Bill No. 71-2011 was enacted by the following vote:

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

Bill No. 72-2011 – amending the fee schedule relating to solid waste removal fees and property and restaurant inspections **(Bus Analyst) Introduced at the December 12 regular meeting**

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 72-2011.

Managing Director Geffken stated that the fees were defined by the Maximus Cost Study in relation to the City's cost for providing various services.

Councilor Waltman expressed the belief that some will view some of these fees as a heavy handed approach. He suggested following up as the fees are implemented.

Councilor Goodman-Hinnershitz requested an update report to Council every sixty (60) days.

Council President Spencer inquired if there was a disparity in the inspection fee for large or small groceries as the fees are the same.

Mr. Geffken explained that the fees were defined by the Maximus Cost Study and the fees depend wholly on the direct labor costs.

Bill No. 72-2011 was enacted by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman– 4

Nays: Acosta, Goodman-Hinnershitz, Spencer, President - 3

Bill No. 73-2011 – 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 **(Man Dir) Introduced at the December 12 regular meeting**

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill No. 73-2011.

Council President Spencer announced that this ordinance will set the sewer rate for 2012 at the current rate of 161% of the consumer's water consumption

Bill No. 73-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7

Nays: None- 0

Bill No. 74-2011 - 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**) *Introduced at the December 12 regular meeting*

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 74-2011.

Council President Spencer announced the need for this transaction.

Councilor Goodman-Hinnershitz thanked the Managing Director for his due diligence.

City Auditor Cituk stated that the amount stated in the ordinance is incorrect. He stated that the correct figure is \$80,500.

Bill No. 74-2011 was enacted by the following vote:

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

INTRODUCTION OF NEW ORDINANCES

There were no ordinances introduced at this meeting.

RESOLUTIONS

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**) *Tabled at the December 12 regular meeting*

Councilor Acosta moved, seconded by Councilor Marmarou, to adopt Resolutions 199-2011.

Managing Director Geffken stated that HDC (Housing Development Corporation) made a presentation in the preceding Committee of the Whole meeting which noted the City's investment in the LIHTC project long-term for affordable housing.

Councilor Waltman stated that LIHTC has demonstrated their good management and positive track record in the City over the past twelve (12) years.

Resolution 199-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman – 6

Nays: Spencer, President - 1

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**) *Tabled at the December 12 regular meeting*

Councilor Reed moved, seconded by Councilor Acosta, to adopt Resolution 200-2011.

Council President Spencer explained that the City’s Financial Advisor Steven’s & Lee made a presentation at the December 12th Committee Of the Whole meeting. Steven’s & Lee explained that this bond is for improvements to six (6) buildings owned by LIHTC in Reading, Dauphin County and Lancaster County.

Resolution 200-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7

Nays: None- 0

Resolution 208–2011 - Denying the appeal of the Certificate of Appropriateness and remanding the issue back to the Historical Architectural Review Board at their January 2012 meeting, as attached in the findings of fact, for the installation of composite replacement windows at 118 South 5th Street, Ed and Heather Hanna, owners (**Council Staff**)

Councilor Waltman moved, seconded by Councilor Reed, to adopt Resolution 208-2011.

Councilor Sterner stated that he understands the need for HARB to apply their policies consistently but suggested that HARB consider alternative materials in certain circumstances.

Councilor Goodman-Hinnershitz expressed concern with the remand, as it would delay the improvement project which may cause additional property damage. She stated that she will support this resolution. She also expressed the belief that the HARB policies and rules are well intended; however she noted the need to provide reasonable compromise. She expressed the belief that the appeal should be approved by City Council.

Resolution 208-2011 was adopted by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman, Spencer, President – 5

Nays: Acosta, Goodman-Hinnershitz - 2

Resolution 209-2011 – ratifying the agreement with AFSCME Local 2763 (Man Dir)

Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution 209-2011.

Managing Director Geffken highlighted the various contract terms.

Councilor Goodman-Hinnershitz thanked the Union representatives and the Administration for coming to acceptable terms within the Act 47 guidelines.

Resolution 209-2011 was adopted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,
President – 7**

Nays: None - 0

Resolution 210-2011 – ratifying the agreement with AFSCME Local 3799 (Man Dir)

Councilor Reed moved, seconded by Councilor Acosta, to adopt Resolution 210-2011.

Managing Director Geffken stated that the terms in this contract are very similar to the agreement with AFSCME 2763. He stated that AFSCME 3799 is a meet and discuss unit recognized by AFSCME.

Resolution 210-2011 was adopted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,
President – 7**

Nays: None - 0

COUNCIL COMMENT

Councilor Acosta noted that he has received many phone calls and messages regarding break-ins in District 1. He noted his intent to call a community meeting about this issue. He also noted the need for community vigilance whereby neighbors should report what they are viewing to the police department.

Councilor Marmarou described the recent muggings in District 4 and again noted the need for citizens to be the eyes and ears of the Police Department.

All Council Members and the Auditor expressed their congratulations to Mayor-elect Spencer and wished him well in his coming term.

Councilor Reed also thanked Mayor McMahon for his service over the past eight (8) years.

Councilor Goodman-Hinnershitz thanked Council for supporting the Pendora lease agreement.

Council President Spencer stated that he appreciates his work with Council members and noted the diligence of Council staff and the Solicitor. He announced his intent to keep lines of communication with Council open as he believes government works best when Council and the Administration work together.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk