

City of Reading City Council
Regular Business Meeting
Monday, May 23, 2011

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

The invocation was given by a representative from First Century Worship.

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
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Mayor T. McMahon
Managing Director C. Geffken
Controller C. Zale
Sergeant at Arms Captain R. Schafer

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following commendations:

- Recognizing National Community Action Month, accepted by Carol Koursaros
Executive Director of Berks Community Action Program

Mayoral proclamations was issued to:

- Recognize National Public Works Week, accepted by Charles Jones Public Works
Director
- Recognize Manuel Rodriguez and Carlos Garcias, State Golden Gloves Champions
- Recognize the outstanding Central Catholic High School winter sports athletes
- Recognize the outstanding Holy Name High School winter sports athletes
- Recognize the Reading High School wrestling team

PUBLIC COMMENT

Council President Spencer announced that two (2) citizens were registered to address Council on agenda matters and five (5) citizens were registered to address Council on non-agenda matters. He inquired if any member of Council objected to suspending the rule requiring non-agenda comment at the end of 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 to speak of the remaining public speaking rules.

John Thomas, of North 5th Street, expressed the belief that the City should not hire a Graffiti Manager due to its Act 47 status. He expressed the belief that anti-graffiti efforts should be undertaken by current City employees. He expressed the belief that the position is only a political appointment.

Eric Byrne, of Greenwich Street, stated that he sent the City Clerk videos to share with City Council showing that the current anti-graffiti efforts fail as graffiti often pops back up at the same locations immediately after it's removed. He expressed the belief that the current procedure is only reactive.

Robert Young, of North 2nd Street, was not present.

Elias Cruz, of North 2nd Street, was not present.

George Davis, of North 13th Street, described his approach to hydroponic gardening and bio-fuels.

Benny Ohri, of Shillington, was not present.

Andrew Moore, of Jameson Place, expressed his concern about the cleanliness and conditions in the 15-6 precinct. He expressed his belief that this area is a disgrace.

APPROVAL OF THE AGENDA & MINUTES

Council President Spencer called Council's attention to the minutes for the May 9th regular meeting of Council and the agenda for this meeting, including the legislation listed under the Consent Agenda heading.

Councilor Goodman-Hinnershitz requested that the resolution regarding the micro-loan program funding be considered separately.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to approve the minutes from the May 9th Regular meeting of Council and the agenda as amended,

including the legislation listed under the Consent Agenda heading. The motion is approved unanimously.

Consent Agenda Legislation

Resolution 81-2011- City of Reading, Intervenor in the matter of In Re Appeal of Freedom Gate Ministries, Inc from the Decision of the Zoning Hearing Board of the City of Reading Dated January 12, 2011, Docket No. 11-2334, an appeal of the January 12, 2011 Decision of the Zoning Hearing Board for the City of Reading in Appeal 2010-48 granting with conditions the application for a non-conforming use of a group home at 132 South Ninth Street, Reading, Pennsylvania, agrees to settlement thereof through the amendment of Conditions of the Zoning Hearing Board Decision. **(Law/Council Staff)**

Resolution 82-2011- that the City of Reading approves the appeal of the Charter Board's Final Opinion and Order dated April 25, 2011 (Investigation 31). The City of Reading's Law Department is instructed to proceed accordingly **(Law)**

City Solicitor Younger explained why the Charter Board's Final Order is not attached to the agenda and releasable to the public. He suggested that those wishing to review the document file a Right-To-Know request with the Charter Board's Solicitor.

Resolution 70-2011 - authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment to move \$450,000 in CDBG unprogrammed funds to the 2011 Microenterprise Development Activity (Community Development) *Tabled at the May 9 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table Resolution 70-2011.

Resolution No. 70-2011 was tabled by the following vote:

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

ADMINISTRATIVE REPORT

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

- Noting the Employee Training program for June
- Updating on the renewed PILOT/SILOT collection
- City participation in the Summer Youth Employment Program

- Updated Pagoda Operational Hours

Managing Director Geffken introduced Controller Chris Zale who described the function and staffing of the Purchasing, Accounting, Payroll, Treasury, Pension, and Grant areas of the Finance Department. He also described efforts to streamline and improve operations such as invoicing and payroll.

AUDITOR'S REPORT

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

- 2011 Admissions Tax Collection
- 2011 Real Estate Transfer Tax Collection
- Receipt of 2011 Recycling Grant

Councilor Waltman expressed the belief that the numbers presented tonight by the Auditor show a shift in revenue that is created in part by the economy and in part by the significant tax increases within the City.

Councilor Acosta noted that the letter given to the Auditor today was not an attack but a request to work together. He noted the need for Council to have an ally in the Auditor to help correct various financial problems. He noted the need for the Auditor to play an instrumental role with the City Council Finance Committee.

City Auditor Cituk agreed that he needs to work together with the Finance Committee to handle the various financial challenges the City is facing.

ORDINANCES FOR FINAL PASSAGE

Bill No. 23-2011 – amending the City of Reading Full Time Position Ordinance by reducing the number of sergeant positions in the Police Department to 26 from 29. **(Police)**
Introduced at the May 9 regular meeting

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 23-2011.

Council President Spencer noted that this reduction is recommended by the Chief to better align the Department with its reduced manpower.

Councilor Goodman-Hinnershitz stated that this adjustment is also reflective of the Chief's organizational goals.

Bill No. 23-2011 was enacted by the following vote:

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

Nays: None - 0.

Bill No. 24-2011 – amending the City of Reading Full Time Position Ordinance by adding one (1) Graffiti Abatement Manager in the Solid Waste Office (**Business Analyst**) *Introduced at the May 9 regular meeting*

Councilor Reed moved, seconded by Councilor Sterner, to enact Bill No. 24-2011.

Managing Director Geffken stated that this grant funded County position was discontinued by the Commissioners. He stated that the City believes that this position is needed locally to retain and coordinate graffiti removal with community service for agencies and other support organizations.

Councilor Acosta questioned how the position will be funded. Managing Director Geffken stated that the position will be funded by the Solid Waste fund and located in Public Works.

Councilor Goodman-Hinnershitz noted that Mr. Geffken's description of the position goes beyond graffiti abatement. She inquired if those additional duties are reflected in the job description. Managing Director Geffken replied affirmatively.

Ms. Reed inquired if the position will be advertised. Managing Director Geffken stated that they are planning to retain the services of the County Graffiti Manager, as he is experienced in the field.

Councilor Sterner stated that it is unfortunate that the County is discontinuing this position. He noted the difficulty of identifying graffiti criminals and prosecuting them successfully without the assistance of this type of position. He stated that while working for the County, the Graffiti Manager successfully identified and prosecuted approximately five (5) graffiti vandals.

Councilor Waltman pointed out that graffiti is merely a symptom of other social problems. He expressed the belief that the lack of proper recreation programs increases graffiti and other related problems. He noted the need to solve graffiti and other problems in more creative and pro-active manner.

Mayor McMahon asked his assistant to comment. Mayor's Assistant Frank Denbowski stated

that the Graffiti Manager will also be educating youth in the City schools and will coordinate with Police to prosecute graffiti vandals.

Council President Spencer noted that graffiti is a major issue in all metropolitan areas. He described the multi-faceted variables with the graffiti issue. He agreed with the need to contain this problem.

Bill No. 24-2011 was enacted by the following vote:

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

Nays: None– 0

Bill No. 25-2011 – amending the City of Reading fees for public records in accordance with the Pennsylvania Right to Know law **(Law)** *Introduced at the May 9 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to enact Bill No. 25-2011.

Council President Spencer explained that this is a housekeeping matter, to make the City's fees compliant with State regulations.

Bill No. 25-2011 was enacted by the following vote:

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

Nays: None– 0

Mayor McMahon left the meeting at this time.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance - amending the City of Reading Codified Ordinances Chapter 25 Trees, Part 25-104 Administration, by adding a new Section 4 Requirements For Tree Work Contractors and amending new Section 6 A by setting the number of members of the Shade Tree Commission at Five (5), removing Section 110 requiring amendments to be made after Public Hearings are held and amending as necessary throughout as attached **(Council Staff/Shade Tree Commission)**

Ordinance – vacating the unopened portions of Eastman Road and Durham Street
(Law/Public Works) *To be distributed on Monday*

RESOLUTIONS

Resolution 84-2011 - that the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination
(Law/Community Development)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Resolution No. 84-2011.

Resolution No. 84-2011 was tabled by the following vote:

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

Nays: None – 0

Resolution 85-2011 - recognizing the request from the independent legal counsel to mark and /or write off as uncollectable, settled or otherwise resolved as so indicated due to either prior settlement of the loans, bankruptcy through which the debt was discharged, or the uncollectable of the loan as a result of either the inability to locate responsible persons, lack of a personal guaranty for the debt or expiration of the statute of limitations to recover said debt as a contract claim. (Community Development)

Councilor Sterner moved to adopt Resolution No. 85-2011. The motion failed for the lack of a second.

COUNCIL COMMENT

Councilor Marmarou described the upcoming Memorial Day activities at Veteran’s Grove in City Park and at Charles Evans Cemetery.

Councilor Marmarou expressed his belief in the need for anti-graffiti program. He also noted his concern with the individuals and corporations identified, who are being exonerated from repaying their CD loans.

Councilor Reed recognized the individuals who interrupted and stopped a crime who were highlighted in the Sunday Reading Eagle. She also commended the new owners of the Forrest Inn.

Councilor Reed also noted the community meeting May 24th at 7pm at the Covenant Church to discuss the areas desire to become a historic district.

Councilor Acosta noted his attendance at a weekend event where a locally produced movie was displayed at the IMAX Theater.

Councilor Goodman-Hinnershitz noted the Peace March in District 2 this coming Saturday and the Memorial Day event at Veteran's Grove in City Park.

Councilor Goodman-Hinnershitz stated that on June 1st the 16th & Haak Crime Watch meeting will be held at St. Paul's Church. She also stated that Thursday, June 2nd will be the beginning of the Sunset at the Pagoda events which will run every Thursday evening.

Councilor Sterner congratulated those honored with commendations and proclamations tonight and expressed thanks to those citizens who expressed their opinions during Public Comment.

Council President Spencer noted that two (2) law firms have been retained over a matter of approximately ten (10) years to advise the City of the un-collectability of the CD loans listed on tonight's agenda. He stated that PFM, the City's Act 47 Coordinator, is recommending that the City exonerate the loans so they come off the City's books.

Councilor President Spencer reviewed the upcoming meeting schedule.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk