

**City of Reading City Council
Regular Business Meeting
Monday, December 9, 2013**

Council President Francis Acosta called the meeting to order.

The invocation was given by Councilor Corcoran.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, 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
Managing Director C. Snyder
Mayor V. Spencer

PROCLAMATIONS AND PRESENTATIONS

None.

PUBLIC COMMENT

Council President Acosta reviewed the public speaking regulations and stated that five (5) individuals are registered to address Council this evening on agenda matters and two (2) individuals are registered to address Council on non-agenda matters. He inquired if anyone objected to suspending the rule requiring non agenda comment at the end of the meeting. As no one objected, the rule was suspended. He reviewed the remaining public speaking rules.

Lee Olsen, of Bernville Road, stated that he is speaking as President of the Pagoda Foundation and he asked Council to support the Memorandum of Understanding (MOU) between the City and the Pagoda Foundation. He stated that the Foundation began forming approximately five (5) years ago to provide ongoing care and economic vitality for the Pagoda. He described the activities occurring at the Pagoda initiated by the Foundation, which includes an annual New Year's Eve event. He stated that an external audit of the

Foundation's finances was completed showing no findings or issues. He noted the need for the creation of a strategic plan.

Mike Reinert, of Pinewood Road, stated that he is speaking as the President of Pagoda Skyline and as a member of the Foundation. He encouraged Council to adopt the MOU. He stated that Pagoda Skyline also supports the MOU. He stated that the Pagoda is and always has been a destination in Reading. He described the various partnerships that create events that highlight the City and the Pagoda.

Corrie Crupi, of Orchard Court, stated that she is speaking as a member of Pagoda Skyline and a volunteer for the organization for over 25 years. She noted the need for the MOU to be in place to protect the Pagoda. She asked Council to support the MOU.

Fred Moreadith, of Glenside Drive, described the Berks Mountain Biking Association and the organization's work to improve the trails on Mt. Penn and around Antietam. He stated that this is a great riding area. He described the organization's work to market this trail system nationally. He stated that the trail system in this area is quite impressive when compared to other locations. He expressed appreciation for the Public Works Department and the great working relationship they have with Operations Division Manager Dave Ruyak.

Tom McMahon, of the Goggleworks Apartments, noted that prior to the Foundation's existence, the Pagoda attracted approximately 30,000 visitors per year. He stated that number has tripled since the Foundation was formed. He described the volunteer work to keep the facility open as a destination. He described the symbolism of the Pagoda as a community landmark. He noted the legitimacy of the Foundation, which was created when he was Mayor. He stated that the Foundation was patterned after the Museum Foundation.

Steve Gill, of Limerick, stated that he is the owner of 332 North 5th Street and he was surprised when his HARB appeal was denied by Council. He stated that due to the vandalism and problems with tenants it does not make sense to replace these expensive windows in the manner expected by HARB. He expressed the belief that the cost is unrealistic. He suggested an amendment of HARB's requirements. He again described the problems with broken windows that plagues the property. He asked Council to reconsider their denial and work with him to find a compromise.

The City Clerk stated that the decision was written to deny the appeal and to remand the issue back to HARB; therefore Mr. Gill needs to work with HARB to find a compromise.

Elpidio DeJesus Batista, of South 7th Street, through translation provided by Council President Acosta, stated that RAWA continues to charge him late fees. He stated that he has attempted to address the situation with RAWA unsuccessfully. He explained that his Social

Security check comes after the RAWA due date, therefore he cannot pay before the late fee is assessed.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the November 25th Regular Meeting of Council. He noted the need to add a resolution to the consent agenda regarding the transfer of the Navy Marine Center to Mary's Shelter.

Councilor Waltman asked that Resolutions C, D and E be addressed separately.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the November 25th Regular Meeting of Council and the agenda for this meeting, as amended. The motion was approved unanimously.

Consent Agenda

A. Resolution 101-2013 – authorizing the City to obtain reimbursement for costs associated with obtaining financing for improvements to the Wastewater Treatment Plant and Collection System **(Adm Services Dir)**

B. Resolution 102-2013 – authorizing the contract award for the Biosolids Removal Project in connection with the disposal of sewage sludge and biosolids generated by the Wastewater Treatment Plant to Advanced Disposal Services Shippensburg, LLC, in an amount equal to \$897,963.25, subject adjustment based on the proposed unit prices **(Purchasing)**

F. Resolution 108-2013 – authorizing a 50% reduction in the amount of transfer taxes for Mary's Shelter for the Navy Marine Center **(Man Dir)**

Council President Acosta inquired if any Councilor objected to taking Resolutions 103 and 104 together as they both deal with traffic issues in the Goggleworks area. No one objected.

C. Resolution 103-2013 – authorizing the submission of an Application for Traffic Signal Approval for 2nd and Penn Streets to PennDOT and to sign said Application on behalf of the City of Reading **(Law)**

D. Resolution 104-2013 – authorizing the submission of an Application for Traffic Signal Approval at 2nd and Washington Streets to PennDOT and to sign said Application on behalf of the City of Reading **(Law)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution No. 103 and 104-2013.

Councilor Waltman expressed the belief that these traffic changes will not reduce pedestrian

problems at 2nd and Washington and 2nd and Penn Streets. He expressed the belief that these changes will not calm pedestrian issues and will create distractions for drivers

Resolutions No. 103 and 104-2013 were adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Reed, Sterner - 4

Nays: Marmarou, Waltman, Acosta, President - 3

E. Resolution 105-2013 – authorizing the execution of a General Reimbursement Agreement for Federal-Aid Highway Projects for the River Road Extension on behalf of the City of Reading. Said Agreement **(Law)**

Councilor Reed moved, seconded by Councilor Marmarou, to adopt Resolution No. 105-2013.

Councilor Waltman stated that he is not sold on the need to spend \$8M on this road project. He stated that he needs to understand the full intent of the project before he can consider it.

Councilor Reed stated that she supports the project as it will increase the viability of the industrial track in the area. She noted that the creation of this new roadway will protect the surrounding residential neighborhood from any increase in truck traffic that could go along with the development of the industrial area.

Councilor Goodman-Hinnershitz stated that this money has been earmarked for this specific project by the State and the money cannot be used to address other road issues.

Councilor Corcoran expressed the belief that the creation of the roadway will attract development.

Councilor Waltman asked Council to consider delaying the project and to obtain additional information. He again expressed the belief that the project needs reconsideration.

Councilor Acosta stated that this area and others have a myriad of traffic issues that should be reviewed and considered.

Councilor Sterner noted his agreement with the merits of the project.

Resolution No. 105-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner - 5

Nays: Waltman, Acosta, President - 2

ADMINISTRATIVE REPORT

Mayor Spencer called Council's attention to the report distributed at the meeting in summary:

- Completion of Phase 2 of the Video Surveillance project
- Updates on CRIZ, Dana South and the Redesigning Reading CDC

AUDITOR'S REPORT

City Auditor Cituk stated that he would prepare a written report for the December 16th meeting. He noted that due to the timing of this meeting the accounting information he needs to prepare the report was not available.

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

None.

ORDINANCES FOR FINAL PASSAGE

Withdrawn by the Administration due to the Court Ruling on the Commuter Tax

A. Bill No. 65-2013 – Resident Home Rule EIT; a tax of one and five tenths percent (1.5%) (Reduction of 0.1%) **(Law) Introduced at the Sept 16th Special Mtg; Advertised Sept 30th, Oct 7th and Oct 14th; Tabled at the Nov 25 regular meeting - WITHDRAWN BY THE ADMINISTRATION**

B. Bill No. 66-2013 – Commuter EIT; a tax of up to a maximum of one and two tenths percent (1.2%) (Reduction of 0.1%) **(Law) Introduced at the Sept 16th Special Mtg; Advertised Sept 30th, Oct 7th and Oct 14th; Tabled at the Nov 25 regular meeting- WITHDRAWN BY THE ADMINISTRATION**

C. Bill No. 68-2013 – Commuter EIT; a tax of up to a maximum of one and three tenths percent (1.3%) **(Law) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 68-2013.

Managing Director Snyder stated that the Commuter EIT rate will remain at the 2013 rate, due to the Court of Common Pleas decision.

Bill No. 68-2013 was enacted by the following vote:

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

Nays: None - 0

D. Bill No. 69-2013 – Amending Chapter 576, Part 8 Entitled “Impounding And Booting Of Vehicles” by amending section 576-811 Definitions to restate in its entirety the definition for unsettled parking violations and amending and restating in its entirety section 576-812 Boot Installation (RPA) *Introduced at the Nov 25 regular meeting; Advertised on 12-2*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 69-2013.

Bill No. 69-2013 was enacted by the following vote:

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

Nays: None - 0

E. Bill No. 70-2013 - Amending the Code of Ordinances by amending Chapter 496 Solid Waste Part 1 Dumpster Placement by setting the set out time at 5:00 pm and correcting the snow removal requirements (Council Staff) *Introduced at the Nov 25 regular meeting; Advertised on 12-2*

F. Bill No. 71-2013 - Amending the Code of Ordinances by amending Chapter 496 Solid Waste Part 2 Storage and Collection by setting the set out time at 5:00 pm (Council Staff) *Introduced at the Nov 25 regular meeting; Advertised on 12-2*

G. Bill No. 72-2013 - Amending the Code of Ordinances by amending Chapter 180 Construction Codes Part 12 Property Maintenance Rules and Regulations by setting the set out time at 5:00 pm (Council Staff) *Introduced at the Nov 25 regular meeting; Advertised on 12-2*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bills No. 70, 71, and 72-2013.

Council President Acosta stated that these ordinances can be enacted with one motion, as they all relate to municipal waste set out.

Bills No. 70, 71, and 72-2013 were enacted by the following vote:

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

Nays: None - 0

H. Bill No. 73-2013 – Amending the Code of Ordinances Chapter 251 Food Code Part 9 Administration Section 0901.03 Permit/License by removing references to small processing and large processing (Council Staff) *Introduced at the Nov 25 regular meeting; Advertised on 12-2*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 73-2013.

Bill No. 73-2013 was enacted by the following vote:

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

I. Bill No. 74-2013 – Amending the Code of Ordinances Chapter 508 Street Cuts by adding an inspection fee, modifying the re-pavement requirements, modifying the permit and application requirements and making other clarifications. **(Bus Analyst Work Group) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Corcoran, to enact Bill No. 74-2013.

Managing Director Snyder described the terms of these new requirements for utility providers and those who perform street cuts.

Councilor Goodman-Hinnershitz thanked the Managing Director and the Work Group for addressing the problems associated with street cuts and the damage they do to the street system. She stated that the new ordinance provides much needed oversight and enforcement.

Bill No. 74-2013 was enacted by the following vote:

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

J. Bill No. 75-2013 – Memorandum of Understand (MOU) regarding the Pagoda **(Law and Council Office) Introduced at the Nov 25 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 75-2013.

Councilor Sterner thanked those who spoke in support of the MOU and he noted his agreement with the intent of the agreement.

Councilor Goodman-Hinnershitz stated that the MOU provides a bridge for the much needed

planning for the future of the Pagoda. She stated that the agreement protects the City and the Foundation. She noted that the agreement can be amended. She noted the joint agreement by the Administration to work with the Foundation on a strategic plan for the Pagoda. She stated that with the enactment of the MOU various issues surrounding the Pagoda can move forward.

Councilor Corcoran noted his agreement with the benefits of public/private partnerships.

Councilor Reed stated that the Pagoda is a community touchstone. She described the book drafted during the centennial celebration of the Pagoda approximately five (5) years ago. She stated that although the Pagoda is loved by the community it has never been a City priority. She described the Pagoda Pennies fundraising, started under Mayor McMahan. She expressed the belief that those who have contributed to the Pagoda have ownership of it.

Councilor Waltman expressed his support for the Pagoda but noted the need for a broader strategic plan that includes all of the Mount Penn area, which is a City jewel.

Council President Acosta stated that the Pagoda means something different to everyone. He described his initial visit to the building. He stated that the MOU is a first step toward taking this building seriously and securing its future.

Bill No. 75-2013 was enacted by the following vote:

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

Nays: None - 0

K. Bill No. 76-2013 - amending the Administrative Code, Exhibit A Purchasing Policies And Procedures, Section 11 Bid Evaluation, Parts 11.4.5 And 11.4.6, by reducing the amount required for contract approvals to \$10,000 **(Council Staff) Introduced at the Nov 12 regular meeting**

L. Bill No. 77-2013 - amending the Administrative Code, Section 5-806 Fiscal Provisions by Reducing the amount of expenditures and allocations requiring Council's approval from \$25,000 to \$10,000. **(Council Staff) Introduced at the Nov 12 regular meeting**

Council President Acosta stated that as these ordinances both deal with the dollar amount requiring Council approval, they can be considered with one motion.

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Bills No. 76 and 77-2013.

Bills No. 76 and 77-2013 were tabled by the following vote:

Yeas: Marmarou, Sterner, Waltman, Acosta, President - 4

Nays: Corcoran, Goodman-Hinnershitz, Reed - 3

M. Bill No. 78-2013 – amending the City Code Chapter 212 Fee Schedule by making additions and corrections **(Council Staff/Business Analyst) *Introduced at the Nov 12 regular meeting; Advertised on Nov 25th***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 78-2013.

Bill No. 78-2013 was tabled by the following vote:

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

Nays: None - 0

N. Bill No. 79-2013 – authorizing the transfer of \$250,000.00 from Contingency to Charter Board for legal fees **(Adm Services) *Introduced at the Nov 12 regular meeting***

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 79-2013.

Councilor Waltman expressed the need for a thorough review of the bills associated with this transfer. He noted the need to contain these expenses.

Councilor Goodman-Hinnershitz noted the need to amend the ordinance to add language requiring opposing parties to find compromise during the complaint process.

There was question if some or all Councilors had the ability to vote on this issue due to an apparent conflict as some or all Councilors are impacted by Charter complaints at some level. The Solicitor will research the matter.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 79-2013.

Bill No. 79-2013 was tabled by the following vote:

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

Nays: None - 0

O. Bill No. 80-2013 - authorizing the transfer of \$215,000.00 from Contingency 01-14-91-4739 to Public Works 01-07-14-4501 \$175,000, fuel and 01-07-74-4216 \$40,000 dam assessment reviews. **(Adm Services) Introduced at the Nov 12 regular meeting**

Q. Bill No. 82-2013 - authorizing the transfer of \$21,000.00 from Building and Trades Salaries 01-10-38-4000 to Building and Trades Contracted Services; and \$29,170.00 from Zoning Contracted Services to Building and Trades Contracted Services **(Bus Analyst) Introduced at the Nov 12 regular meeting**

Council President Acosta stated that as both these ordinances refer to transfers, they can be addressed with one motion.

Councilor Corcoran moved, seconded by Councilor Marmarou, to enact Bills No. 80 and 82-2013.

Bills No. 80 and 82-2013 were enacted by the following vote:

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

Nays: None - 0

P. Bill No. 81-2013 - amending the City Code, Chapter 467 Sewers And Sewage Disposal, Part 3 Sewer Service Rental, Sections 467-103 And 467-104 to establish sewer service rentals, and such sewer service rental shall be effective until amended **(Pub Works) Introduced at the Nov 12 regular meeting; Advertised Nov 25th**

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 81-2013.

Bill No. 81-2013 was enacted by the following vote:

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

Nays: None - 0

R. Bill No. 83-2013 - Amending the City of Reading Zoning Ordinance by making corrections and clarifications throughout **(Council Staff/Bus Analyst) Introduced at the Oct 14 regular meeting ; Advertised Oct 21st and 28th, Reintroduced on Nov 12th; Re-advertised on Nov 20th and 27th; Public Hearing Dec 2nd at 5:00 pm**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Corcoran, to table Bill No. 83-2013.

Bill No. 83-2013 was tabled by the following vote:

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

Nays: None - 0

S. Bill No. 84-2013 – Amending the Act 47 Recovery Plan by retaining the 2013 Commuter EIT rate. (Law & PFM) *Introduced at the Nov 25 regular meeting*

Councilor Corcoran moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 84-2013.

Bill No. 84-2013 was enacted by the following vote:

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

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

None.

RESOLUTIONS

A. Resolution 106-2013 – appointing Wynton Butler to the Diversity Board (Nom & Appts)

B. Resolution 107-2013 – reappointing Carl Herbein to the Berks County Convention Center Authority (Nom & Appts)

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolutions No. 106 and 107-2013.

Resolutions No. 106 and 107-2013 were adopted by the following vote:

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

Nays: None - 0

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk