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## City of Reading City Council

### Regular Meeting

July 23, 2007

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 Pastor Franz Santiago, Hopewell Mennonite Church.

All present pledged to the flag.

### **ATTENDANCE**

Council President Spencer  
Councilor Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Baez, District 5  
Councilor Waltman, District 6

Mayor T. McMahon  
Managing Director L. Churchill  
City Auditor D. Cituk  
City Solicitor C. Younger  
City Clerk L. Kelleher  
Public Works Director C. Jones

### **PROCLAMATIONS AND PRESENTATIONS**

**Council Commendation:**

City Council issued a commendation to Louise Brown, from Wood to Wonderful, Inc., to recognize her achievement of receiving the 2007 Cable's Leaders in Learning Award.

### **Mayoral Proclamations:**

None

### **PUBLIC COMMENT**

Council President Spencer stated that seven citizens were registered to speak on agenda matters and five were registered to speak on non-agenda matters. He inquired if Council wished to suspend the public speaking rules to allow all to speak at this point in the meeting. As no one objected, the public speaking rules were suspended.

**Skip Moyer**, of Park Lane, expressed the belief that the proposed Housing Permit Ordinance attacks the good landlords. He suggested that Council, instead, develop a process to identify properties that are not in compliance. He expressed the belief that linking the housing and zoning process is both unfair and lengthy and will cause a decrease in City property values.

**Steve Keiser**, of N. 8<sup>th</sup> Street, expressed the belief that the proposed Housing Permit Ordinance does not address the City's problem properties. He stated that the adoption of this Ordinance will drive the good landlords out of the City and cause real estate prices to fall, which will erode the revenues received by both the City and the School District. He added his belief that the Housing Permit Ordinance attacks the availability of affordable housing and will increase homelessness.

**Stefan Kosikowski**, of S. 17<sup>th</sup> Street, noted that the IT Department did not post this evening's agenda in a timely manner. He questioned the need to strip the Charter Board of their penalty powers.

**Shawn Irely**, of N. 9<sup>th</sup> Street, stated that he resides in a rental property. He noted the grave problems and hazards caused by the repeated delay in his landlord's correction of numerous codes violations at the property. He stated that he has tried to address this problem with Codes, the Police Department and the Magisterial District Justices to no avail. He stated that the owner of this building is an absentee landlord which increases his problems. He asked the City to assist through some form of intervention.

**Chuck Liedike**, of the Reading-Berks Association of Realtors, disagreed with only three points in the proposed Housing Permit Ordinance.

1. Identification information for property owner should be secured from public view.
2. Identification information for property managers should be secured from public view.
3. Disagreement with the requirement to post the Housing Permit at the property as it is impossible for landlords and/or property owners to make sure the Permit is always in place.

**Jenarro Pullano**, of Blair Ave, noted the need for the City to improve their treatment of citizens with disabilities. He expressed the belief that the proposed Housing Permit Ordinance is unfair and will discourage investment in the City. He stated that allowing some conversions will assist in historic preservation and the rehabilitation of City properties.

**MaryAnn Ciarlone**, of N. 5<sup>th</sup> Street, suggested that Council have the proposed Housing Permit Ordinance reviewed by the Charter Board as it violates certain rights of privacy.

**Don Ziegler**, of Blair Ave, stated that this week is the 17<sup>th</sup> Anniversary of the Americans with Disabilities Act. He noted the improvements made to assist those with disabilities throughout the Country. He stressed the need for the City to continue to assist those with disabilities in employment opportunities, accommodations, and facilities.

**McCrae Boykins**, of Raymond Street, invited all City officials and citizens to the Anti-Drug March on Saturday, August 18. He noted that this annual event has grown from 125 participants to thousands of participants. He noted that this is a meaningful day for all Berks County residents. He stated that the March will begin at the Salvation Army at 10 am followed by activities at Barby Playground from 12 - 4 pm.

Mayor McMahon left the meeting at this point.

**Warren Lutz**, of Beech Road, Mohnton, noted the need for the City to continue to make various improvements that will assist handicap accessibility at bus stops and other public facilities.

**Mike Schorn**, of Palm Street, thanked Council for issuing the Wood to Wonderful commendation to Louise Brown. He announced that the Black Top Playoffs will occur this Wednesday and Thursday at City Park and next Monday, Tuesday, and Wednesday at the Sovereign Center. He stated that the event at the Sovereign Center is free for all who attend. Mr. Schorn also recommended that City Council discount claims made by

a previous speaker that the proposed Housing Permit Ordinance violates rights of privacy.

**Leon McDevitt**, of Madison Street, Shillington, noted the heartlessness of the recent shooting at McDonald's located at 9<sup>th</sup> & Spring Sts. He expressed the belief that the appearance of the Sovereign Plaza could be greatly improved through the removal of the mural. He expressed congratulations to the Police Officer for a recent shooting of a pit bull.

## **APPROVAL OF AGENDA AND MINUTES**

Council President Spencer called Council's attention to the minutes from the July 9, 2007 regular meeting and the agenda for this meeting. He stated that the adoption of the agenda will include the legislation under the Consent Agenda heading. He noted the request from the Managing Director to add two Resolutions to this evening's agenda.

- Resolution issuing a decision on the conditional use application for 1140 Perkiomen Ave.
- Resolution authorizing the abandonment of water lines at 2<sup>nd</sup> and Washington Sts.

**Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the July 9, 2007 regular meeting of Council as presented and the agenda as amended, including the legislation listed under the consent agenda heading. The motion was approved unanimously.**

## **CONSENT AGENDA**

**Resolution-** authorizing the Mayor to file an application with the Redevelopment Assistance Capital Program in the amount of \$6.5 million dollars for the Goggle Works Apartments. (Community Development)

**Resolution-** authorizing the Mayor to file an application with the Redevelopment Assistance Capital Program in the amount of \$4.6 million dollars for the "Reading Theater" project. (Community Development)

## **ADMINISTRATIVE REPORT**

Managing Director Leon Churchill reviewed the report distributed to Council at the meeting covering:

- Renovation of Kerper's Landing
- Playground improvement projects
- Update on the Gun Violence Task Force
- Reading Public Library winning national essay contest on library's the transform communities.

Councilor Fuhs thanked the Administration for their continuous work to improve the Brookline Playground and area. He noted his disappointment that the Mayor left before giving the Administrative Report. He provided the Managing Director with a copy of a study on fire arms laws and bans. He explained that the study shows that to date there is little evidence that such bans or laws have had an impact on violent crime in the United States. He asked the Managing Director disseminate copies of the study to the Mayor and Gun Task Force.

Councilor Goodman-Hinnershitz thanked the Managing Director for the report. She noted the good progress made at Angelica, City Park and the various river front trails. She also noted the need for the Administration to consider many different strategies when considering the anti-gun issue.

Managing Director Churchill noted his intent to follow up on the issues addressed during the public comment period.

## **AUDITOR'S REPORT**

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

- 2007 Admissions fee
- Real Estate Transfer Tax
- Tax Exempt Properties
  - Authorities - 140 parcels
  - Colleges - 35 parcels
  - Hospitals - 16 parcels
  - Utilities - 69 parcels
  - Miscellaneous - 220 parcels
  - Churches - 231 parcels
  - Government - 236 parcels

Councilor Goodman-Hinnershitz thanked the Auditor for his report and noted the unusually large amount of Real Estate Transfer Tax revenue collected during May. City Auditor Cituk explained that this large

increase was caused by the sale of two properties worth a total of \$9 million.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 28-2007** - amending Chapter 11, Housing, of the City of Reading Codified Ordinances (Managing Director/Solicitor) *Introduced at the 03/12/07 meeting of Council; tabled at the 03/26/07 meeting of Council; discussed by Council between March and July and reviewed by committees comprising citizens, members of Council and relevant administrative departments*

**Councilor Waltman moved, seconded by Councilor Marmarou, to enact Bill 28-2007.**

Council President Spencer stated that the debate over various issues contained in this Ordinance stimulated the use of two subcommittees composed of Council, Council staff, the Administration, and representatives from the both the Real Estate Investment Association and the Reading-Berks Association of Realtors. The committees met to address compliance and process issues. After these meetings concluded, the Law Department redrafted the Ordinance and Council, over a period of one month, reviewed and made further amendments. The version before Council tonight reflects input of all involved parties.

Councilor Waltman agreed that the issue was well discussed for a long period of time. He expressed the belief that the Ordinance is now both fair and manageable. He explained that the next phase of this process will identify those properties not in compliance with the Housing Permit Ordinance. He also expressed the belief that the past mismanagement of the housing issue created a variety of housing problems in the City. He explained that the Housing Permit Ordinance is a starting point. He stated that it is impossible to create a plan that will please everyone. He asked all citizens to trust the process developed through months of debate and discussion.

Councilor Sterner thanked Councilor Waltman for the great deal of work he did to get the Ordinance through this process. He agreed that the old Housing Permit process was quite ineffective and noted his support for this amended process.

Councilor Goodman-Hinnershitz noted that this amended Housing Permit process incorporates the disruptive conduct ordinance. She noted that most of the debate between REIA and REBAR was regarding the process which is covered in an Ordinance being introduced this evening. She

explained the Housing Permit Ordinance sets up the framework and the Ordinance being introduced this evening contains the process components.

Council President Spencer expressed concern that discussion on the proposed Housing Permit Ordinance only included REIA and REBAR not those targeted by the Ordinance.

**Bill 28-2007 was enacted by the following vote:**

**Yea: Baez, Goodman-Hinnershiz, Marmarou, Sterner, Waltman – 5.**

**Nay: Fuhs, Spencer President – 2.**

**Bill No. 40-2007** - conveying, for \$500.00, a parcel known as the Chester Street Lot to Mr. John Weidner (**Public Works Committee/Council Staff**) *Introduced at the 05/14/07 meeting of Council; discussed and endorsed at the 04/16/07 Public Works Committee meeting; tabled at the 05/29/07 meeting of Council; discussed and tabled at the 06/11/07 meeting of Council pending amendment to the proposed contract; reviewed at the 07/16/07 Public Works Committee meeting*  
Councilor Baez moved, seconded by Councilor Marmarou, to enact **Bill 40-2007.**

Councilor Baez explained the history of the issue noting that Mr. Weidner has been caring for this parcel for approximately 30 years.

Council President Spencer noted the inclusion of a covenant that will prohibit future development of this parcel.

Councilor Marmarou agreed with the addition of the covenant to prevent the development of this land.

**Bill 40-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 58-2007** - amending Chapter 1 of the City of Reading Codified Ordinances, Charter Board Ordinance, Section 599.25:

Enforcement, Violations and Penalties (Council Staff/Solicitor)  
*Introduced at the 07/09/07 meeting of Council*

Councilor Fuhs moved, seconded by Councilor Waltman, to table Bill 58-2007.

Bill 58-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

**Bill No. 59-2007** - placing a referendum question before City voters on the 2007 General Election ballot which would amend the City of Reading Home Rule Charter by changing the date for the presentation of the annual budget (Council Staff/Solicitor) *Introduced at the 07/09/07 meeting of Council*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to enact Bill 59-2007.

Councilor Goodman-Hinnershitz noted the need for this change. She explained that voter support for this referendum question will allow Council to have an additional 30 days to review and discuss the Mayor's proposed budget with the Mayor and Managing Director. She noted that the current time frame is much too short to allow productive and timely work on the budget as presented to Council on November 1.

Bill 59-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

**Bill No. 60-2007** - placing a referendum question before City voters on the 2007 General Election ballot which would amend the City of Reading Home Rule Charter by removing the relationship between the salary of the Mayor and City Auditor (Council Staff/Solicitor) *Introduced at the 07/09/07 meeting of Council*

Councilor President Spencer questioned Council's ability to place more than two referendum questions on the ballot at one election.

Councilor Waltman moved, seconded by Councilor Fuhs, to table Bill 60-2007.

Bill 60-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President - 7.

Nay: None - 0.

## INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

**Ordinance-** establishing the process by which the provisions of the Housing Ordinance will be implemented. **(Arrived at through collaborative efforts of Council Staff, the Solicitor's Office, Codes Division, Zoning and the Managing Directors Office)**

**Ordinance-** amending the current agreement between the City of Reading and Citizens Bank of Pennsylvania. **(Solicitor/Council Staff)**

**Ordinance-** amending the City of Reading Codified Ordinances by adding Part 17 to Chapter 10, Health and Safety, which adopts regulations governing Sidewalk Vending **(Endorsed by the Public Safety Committee)**

## RESOLUTIONS

**Resolution 88-2007** - appointing Joe Kuzminski to the Reading Area Water Authority *Tabled at the 07/09/07 meeting of Council*

Councilor Marmarou moved, seconded by Councilor Fuhs, to table Resolution 88-2007.

Resolution 88-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President - 7.

Nay: None - 0.

Council President Spencer explained that this Resolution and the Charter Board Ordinance were both tabled due to planned discussion at the August 6 Committee of the Whole meeting.

**Resolution 82-2007** - transferring a total of \$3.485 million dollars in Section 108 funds, from Our City Reading Inc., to Sunrich Foods Inc. and Hydrojet Inc, to effectuate the purchase of machinery (**Community Development**) *Tabled at the 07/09/07 meeting of Council*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to adopt Resolution 82-2007.**

**Resolution 82-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 91-2007** - directing the Administration to provide proper notification to Council in the event of major police and fire incidents (**Marmarou**)

**Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution 91-2007.**

Councilor Marmarou noted the continuing problem with the lack of proper notification to City Council members when a major Police, Fire, or emergency incident occurs. He explained that Council members receive phone calls from the constituency inquiring about events. Council members are also called by the press to comment on different events that occur. Without proper notification, City Council members are unable to address concerns expressed by the constituency and properly handle the media. He stated that in the past various promises have been made by this Administration to inform City Council members and the City Clerk when major Police, Fire or emergency incidents occur. However, this critical information is not passed on.

Councilor Goodman-Hinnershitz agreed with the need to develop a process that recognizes the sensitivity of the issue.

**Resolution 91-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

Nay: None – 0.

**Resolution 92-2007** - authorizing the City to intervene in the matter of Bruto v. City of Reading Zoning Hearing Board (**Council Staff**)

**Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 92-2007.**

**Resolution 92-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

Nay: None – 0.

**Resolution 93-2007** - requesting the installation of street lights in the 400 block of Funston Avenue (**Fuhs**)

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 93-2007.**

Councilor Fuhs noted past requests to install street lights in this block. He stated that two or three blocks in this area have no street lighting at all.

**Resolution 93-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

Nay: None – 0.

**Resolution 94-2007** - acting on the application for a Conditional Use for 1140 Perkiomen Avenue, submitted by John F. Mauer (**Solicitor**)

Council President Spencer read the decision aloud denying the Conditional Use Application for the conversion of 1140 Perkiomen Ave.

**Councilor Marmarou moved, seconded by Councilor Waltman, to deny the Conditional Use Application for 1140 Perkiomen Ave.**

**Resolution 94-2007, denying the Application for the conversion of 1140 Perkiomen Ave. was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 95-2007** - authorizing the execution of an agreed with Reading Movies LLC to abandon the water line located at 2<sup>nd</sup> and Washington Sts. **(Managing Director)**

**Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 95-2007.**

**Resolution 95-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

### **COUNCIL COMMENT**

Councilor Fuhs noted the upcoming Years of Tears event scheduled for Saturday, July 28 at the RACC Schmidt Center.

Councilor Fuhs noted the receipt of a letter from Kevin Murphy, Executive Director of the Berks County Community Foundation, regarding the drug forfeiture money. He commended both the Mayor and Police Chief for the strong position they are taking on this issue. He questioned why the Berks County Community Foundation would agree to assist the District Attorney with disseminating the money throughout other communities when the collection of the money occurred in the City of Reading. He asked the Administration to consider adding the Berks County Community Foundation to any legal action. He also noted that this drug forfeiture money would be subject to the 10% Administrative Fee taken by the Berks County Community Foundation.

Councilor Goodman-Hinnershitz thanked those who spoke at the beginning of the meeting. She also noted the City's ongoing work to make the necessary public improvements to facilitate the travel for those who have disabilities.

Councilor Goodman-Hinnershitz noted the need for the City Administration to address the problem with difficult truck passage through the bridge located at 7<sup>th</sup> & Laurel Sts.

Councilor Goodman-Hinnershitz suggested that the Administration provide affected neighborhoods with notification when special events permits are approved. She noted a recent event in her district caused some concern; however, that could have been avoided if the neighborhood had been notified about the event before it occurred.

Councilor Goodman-Hinnershitz noted the re-establishment of the Pendorf Park Association.

Councilor Sterner thanked those who addressed Council at the meeting and he congratulated Louise Brown and the Wood to Wonderful program.

Councilor Sterner asked the Administration to consider providing financial assistance through CDBG budgets to Wood to Wonderful programs.

Councilor Sterner noted the upcoming community meetings in District 3.

Councilor Marmarou stated that the enacted Housing Permit Ordinance will work for the betterment of City housing. He stated that all input was considered before the final draft was completed.

Councilor Baez congratulated Louise Brown and Wood to Wonderful. She announced the upcoming District 5 community meetings and encouraged all District 5 residents to attend.

Councilor Waltman noted the need to re-evaluate the ramifications and timelines contained in the Animal Control Ordinance. He suggested revisiting this topic at the upcoming Public Safety Committee meeting.

Council President Spencer noted the need to report animal care issues to the Humane Society which can help to address some issues before an incident occurs.

Council President Spencer expressed the belief that anti-gun legislation needs to be addressed by the State legislature. He suggested that the Administration's time could be best spent on working with the State legislators rather than holding their own meetings around the State.

Council President Spencer inquired why the City did not participate in a community initiated gun buyback.

Council President Spencer inquired if the City still continues the handicap curb replacement program. Public Works Director Jones stated that in the

past CDBG funding has been used where appropriate to install handicap curbs. Additional areas are addressed as requests are made.

Council President Spencer requested an update on the Earl Trust and how the Conservancy became involved with the Earl Estate Trust.

Council President Spencer noted the need for the County to finalize the Antietam deal or follow through on the eminent domain issue.

Councilor Goodman-Hinnershitz explained that the majority of the Antietam sale money will be coming from the State and will not be available until a survey is completed.

Council President Spencer read the City Council meeting schedule.

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

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Linda Kelleher  
City Clerk