



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
September 26, 2016
5:00 P.M.

COUNCIL MEMBERS PRESENT:

S. Marmarou, C. Daubert, J. Waltman, J. Slifko, B. Twyman, D. Reed, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, D. Cituk, C. Castner, W. Scott, B. Murray, A. Palacios, P. Vasquez, R. Johnson, F. Lachat, J. Encarnacion, G. Mogel

The Committee of the Whole meeting was called to order at 5:04 pm by Mr. Waltman.

I. Council Calendar

Ms. Kelleher distributed the Council schedule for the week.

II. Mayor's Trash Collection Plan

As Mr. Steckman is currently at a professional conference, this topic was deferred until the next COW.

III. Rockland Street Project

Ms. Kelleher reported that last week Mr. Steckman and Mr. Johnson suggested delaying the October 6th public hearing until after they conduct a traffic study of the area with modeling that will emulate the design proposed. Mr. Waltman stated that Mr. Steckman also explained this preference to him and that he supported the delay.

Mr. Marmarou objected expressing the belief that the affected neighborhood should be able to provide input on the redesign of Rockland Street. Before the design is finalized.

Mr. Waltman asked Council if they preferred to delay the hearing or hold the hearing on October 6th at 6 pm. Mr. Marmarou, Twyman, Slifko and Daubert expressed the belief that a public hearing should occur before the design is finalized.

Ms. Kelleher inquired if a traffic study could occur now and after the final design is completed with the modeling. Mr. Johnson stated that both approaches could occur by the consulting engineer.

Mr. Scott agreed that the hearing should occur to find out if the affected area is in favor of the project. If they do want the project the traffic study should occur.

Mr. Marmarou inquire if the engineer has started a new traffic study, as today he observed four (4) people conducting a traffic study on Rockland Street. Mr. Johnson stated that he will inquire about the issue.

IV. 2017 Budget

Mr. Waltman stated that the 2017 budget will be distributed via email on Friday and the binders will be distributed on Monday. The budget review schedule will be discussed during the Committee of the Whole meeting.

V. Agenda Review

Commendations

Ms. Goodman-Hinnershitz stated that the Tack's commendation will be delayed as the owner is not able to attend tonight.

Consent Agenda Legislation

A. Resolution – approving the COA appeal of Mr. and Mrs. Michael Gordon pertaining to the HARB denial for the installation of an elevator at 1604 Bern Street

B. Award of Contract – for the collection of Fire Revenue Recovery to PA Fire Recovery Service, LLC, Periwinkle Macungie, PA

C. Resolution – appointing Ralph Johnson to the Reading Area Technical Committee (RATS)

D. Resolution – approving the inter-municipal liquor license transfer for Cubano Reading LLA at 25 N 2nd Street

E. Resolution – authorizing the disposition of purchasing records from 1995

Mr. Slifko requested that resolutions A and D be handled under the resolution section. He inquired why these decisions are always listed under the Consent Agenda. Ms. Kelleher explained that decisions of this nature are listed under the Consent Agenda because comment should not occur about these issues since they are appealable to the Court of Common Pleas.

Mr. Scott inquired if the Charter prohibits Mr. Johnson, as a City employee, from serving on RATS. Mr. Slifko opined that the Boards and Commissions section of the Charter applies only to City

created Boards and Commissions, not Boards and Commissions created by other entities. He noted that RATS is created by the State through PennDOT.

ORDINANCES FOR FINAL PASSAGE

Pending Legislation

Bill No. 2016 – creating the Reading Regional Water Authority *Introduced at the May 23 regular meeting*

Ordinance – amending the City’s Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions *Introduced at the August 8 regular meeting*

A. Bill No. 39-2016 - restricting parking by establishing a No Parking zone on the east side of Reed Street at the intersection of Buttonwood Street and Reed Street for a distance of approximately 28 feet. The purpose of the restriction is to establish a safe and sufficient turning space for vehicles turning from Buttonwood Street onto that section of Reed Street.

Mr. Johnson stated that Reed Street is 20’ wide with a 10’ right of way on both sides. He stated that the right of way on the east side belongs to the City and the City can prohibit parking in this area.

B. Bill No. 40-2016 – authorizing the transfer of cash reserves in the General Fund totaling \$85,000.00 from Fund Balance to Public Works

Mr. Johnson explained that this ordinance will correct a coding error that allowed expenses to be posted into and paid from revenue accounts, which is an incorrect accounting procedure. Mr. Cituk explained how the error was identified.

C. Bill No. 41-2016 – authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$61,717.50 from Fund Balance to Engineering Costs and to Administrative costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6th and Canal Pump Station for Phase I.

Mr. Cituk explained that this amendment will place this project in the USL project accounting system. He noted that the repeat External Audit finding about the need to improve the monitoring of State Grants may be in the 2015 External Audit Findings; however, the finding should not appear in the 2016 external audit. The USL project accounting system will provide the type of monitoring that is needed.

D. Bill No. 42-2016 – authorizing the transfer of \$35,000 from the Fund Balance to the Charter Board to cover their expenses through the end of 2016

Ms. Kelleher explained that at the Finance Meeting the Committee asked her to obtain the Legal Billing Guidelines from the Law Department and speak with the Charter Board Chair about the need for additional detail in the bills submitted. She stated that she completed those tasks and that the Charter Board Chair gave a copy of the guidelines to the attorneys with direction on the need to provide more detailed billing information.

Mr. Cituk added that Mr. Steckman was also to provide another account number and that the line items number could possibly be changed later.

INTRODUCTION OF NEW ORDINANCES

A. Bill No. 2016 – setting the salary of the CD Director at \$82,000 per annum

Mr. Waltman stated that this ordinance will need to be discussed further with Mr. Steckman.

B. Bill No. 2016 - authorizing the Administration to enter into a one-year intergovernmental cooperation agreement regarding the collection and recycling of various recyclable items generated at multiple Reading School District locations. The Agreement is between the City of Reading and the Reading School District and retroactively effective July 01, 2016.

Mr. Johnson explained that this agreement will allow the current arrangement for recycling collection and education with the School District to continue.

C. Bill No. 2016 - amending the City Code by adding Chapter 184 Controlled Substance, Drug, Device and Cosmetic making the possession of marijuana a summary offense

Mr. Waltman explained how this ordinance made its way onto this agenda. He noted that there are both pros and cons to this issue. He stated that he would be more comfortable if this ordinance went through a review process prior to its introduction.

Mr. Marmarou expressed the belief that the ordinance should be reviewed and refined before it is introduced. He suggested removing the ordinance from the agenda.

Ms. Reed stated that when she moved the ordinance forward she did not mean to be disrespectful to anyone. She stated that she hoped that the introduction would merely begin the process to discuss this issue and refine the ordinance. She noted that the decriminalization of marijuana is similar to the decriminalization of parking tickets. She expressed her belief that people holding small amounts of marijuana for personal use should not be subject to criminal charges. She expressed the belief that compromise and a beneficial solution can be found while discussing this issue. She stated that she is unwilling to remove the ordinance from the agenda.

Ms. Goodman-Hinnershitz expressed the belief that the ordinance should have been reviewed by Law, Police and the DA before the ordinance was introduced, which would have allowed the language to be modified. She noted that 30 grams of marijuana is not always just 30 grams of natural marijuana as there are unknown additives. She stressed the need for local ordinances to be consistent with State law and for Reading to take the right path.

Mr. Marmarou noted that if the ordinance is adopted it will be inconsistent with the laws in the surrounding municipalities creating an additional problem.

Mr. Daubert stated that he does not advocate for the use of marijuana or any other controlled substance. He stated that his decision to co-sponsor this bill occurred after numerous discussions with his constituents. He expressed the belief that the ordinance should be introduced then added to the pending box which will encourage further work on the bill. He agreed that further review should have occurred prior to the introduction of the bill; however, the review process can occur while the bill is considered pending.

Mr. Slifko expressed the belief that the introduction of the bill is too premature as the contours of the language have not been worked out. He expressed the belief that the ordinance does not violate State law, as Reading's status as a Home Rule city allows for the adoption of summary offenses. He also expressed the belief that this ordinance will be another tool for the police officers to use. He agreed that the bill requires further review.

Mr. Twyman applauded Ms. Reed and Mr. Daubert for moving this bill forward, although the introduction of the bill was flawed. He noted the need for the City to address various progressive issues.

Mr. Waltman stressed the need for the members of Council to discuss these big ticket issues prior to their introduction or at least for the sponsor to call each member to let them know a big ticket item is being introduced to make the others aware of the issue and avoiding a surprise when being contacted by the media. He expressed the belief that sending an email is very different than having a conversation or discussion. He suggested removing the bill from the agenda.

Mr. Scott questioned if adopting this bill may violate the oath of office as officials agree to uphold the Constitution of the United States and the Commonwealth of Pennsylvania. He suggested instead adopting a resolution asking the State legislators to consider adopting a State bill decriminalizing marijuana. He stated that the DA believes this issue should be addressed by the State and not the local municipality.

Ms. Reed agreed to work on the resolution Mr. Scott suggested.

Mr. Scott described the various flaws in the model ordinance drafted by the Keystone Cannabis Coalition.

Ms. Goodman-Hinnershitz stressed the importance of considering all sides of this issue, including use, addiction and treatment.

Mr. Twyman described the various problems with using the criminal justice system related to marijuana.

Mr. Slifko stated that the Community Foundation is holding a forum on marijuana on October 10th. The forum includes dinner and the cost is \$12 per person.

The ordinance introduction process was discussed.

D. **Bill No. 2016** - authorizing the addition of a budget item in the amount of \$270,000 to the 2016 budget for the PA DCED Reimbursement Grant for the Asset Conditions Assessment Project.

E. **Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$1,749,667.88 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on Waste Water Treatment Plant Upgrades

F. **Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$345,588.63 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 19th Ward Pump Station.

G. **Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$593,009.63 from Fund Balance to Program Management Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Program Management Services for the Consent Decree Program.

H. **Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$205,309.44 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6th and Canal Pump Station Phase II.

11. RESOLUTIONS

**Tabled at 9-12 Meeting; Pending Public Hearing and
Planning Commission recommendation**

A. Resolution 72-2016– authorizing the City Solicitor to execute the reimbursement agreement in the RAS with No. R16050006 for the Rockland Street Project initiated by the Wyomissing Foundation

A. Resolution – reappointing Mark Pinkasavage to the Electrician’s Examining Board

B. Resolution – appointing Josephina Encarnacion to RAWA to fill the unexpired term of Ron Hatt

C. Resolution – appointing Alejandro Palacios as CD Director

Mr. Waltman stated that Resolution B needs to be discussed in executive session along with the HARB appeal and inter-municipal liquor license transfer decisions.

The executive session began at 6:19 pm (attending Mr. Scott, Mr. Lachat, Ms. Kelleher and the seven members of Council) and concluded at 6:32 pm.

VI. RAWA Appointment Interview

Josephina Encarnacion stated that she has always been interested in serving on an authority board; however, she did not apply previously as she wanted to become acclimated to her position with the City. She expressed the belief that she is now ready to serve in this capacity. She stated that as a consumer of RAWA services she wants to make sure the best decisions concerning the water asset are made.

Mr. Slifko inquired about ways RAWA could improve. Ms. Encarnacion stated that RAWA should improve its communication and transparency with the community.

The meeting adjourned at approximately 6:50 pm.

*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*