

**City of Reading City Council
Virtual Regular Meeting
May 10, 2021
At the conclusion of the COW Meeting**

Council President Waltman called the meeting to order at approximately 6:55 pm.

Due to the COVID-19 Emergency Declaration, the City was forced to change their meeting format to prohibit the public's ability to physically attend the meeting and for public comment to be provided through alternative methods. Public comment can occur in writing (email message or letter clearly marked for public comment) or via a telephone or internet connection with the virtual app. City officials are participating remotely by phone or electronically through a computer application. The meetings can be viewed live on the BCTV MAC Channel 99, Facebook Live or on the City's website at <https://www.readingpa.gov/content/city-council-video>.

There was a moment of silence in place of the invocation.

All present pledged to the flag.

There were no executive sessions held prior to this meeting.

ATTENDANCE

Council President Waltman - electronically
Councilor Sihelnik, District 1 - electronically
Councilor Goodman-Hinnershitz, District 2 – electronically
Councilor Ventura, District 3 – via telephone
Councilor Marmarou, District 4 – via telephone
Councilor Reed, District 5 – electronically
Councilor Cepeda-Freytiz, District 6 - electronically
Asst. Solicitor A. LaMano – electronically
City Clerk L. Kelleher - electronically
City Auditor M. Rodriguez – electronically
Managing Director A. Amoros – electronically

PROCLAMATIONS AND PRESENTATIONS

None.

PUBLIC COMMENT

Council President Waltman announced that there were two (2) citizens registered to provide public comment on agenda topics in writing and one (1) citizen registered to provide non-

agenda comment by connecting with the meeting.

The City Clerk read the written comments submitted (attached in their entirety).

Christopher Ellis, no address provided, spoke in opposition of the proposed Aggressive Loitering and Panhandling Ordinance.

Officer James Thomas, of the Reading Police Department, spoke in support of the Aggressive Loitering and Panhandling Ordinance noting the need for this tool.

APPROVAL OF THE AGENDA & MINUTES

Council President Waltman called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes from the April 26th Regular Meeting and the meeting summaries from the COWs held on April 26th and May 3rd, along with the May 3rd Nominations Committee meeting summary. He announced that Bill No. 34 regarding the elimination of college credit bonus points for police promotions is being withdrawn by the administration.

The minutes from the April 26th Regular Meeting, the summations of discussion as listed and the agenda, as amended, were approved by acclamation.

Consent Agenda

The Consent Agenda is designed to provide efficient approval of non-controversial legislation that does not require discussion/debate by giving approval via acclamation when the meeting agenda is approved. The President of Council will call Council's attention to the list of Consent Agenda legislation at the meeting before action is taken, which allows Council to remove a piece of legislation for separate consideration.

A. Award of Contract – for City-Wide Traffic Signal Operation and Maintenance Program to Traffic Planning and Design, Inc., Pottstown, PA at a total cost of \$415,640.00 over a 3 year period. The Project is being administered by the City with a PennDOT ARLE grant under the terms of the agreement and PennDOT Pub 740 as a local grant project with an 80/20 reimbursement/cost share

B. Award of Contract –

C. Resolution 46-2021 – authorizing the addition of a new 2021 bank account for Fund 47 at Wells Fargo to receive funding from the American Recovery Act

ADMINISTRATIVE REPORT

The managing director highlighted the mayor's activities since the last meeting. He thanked Council for agreeing to remove Bill 34 regarding college credit bonus points for police promotions from the agenda and he stated that the mayor believes that it is best to continue

this practice. He read the proclamation for Public Works Week and the administrative report, in summary:

COMMUNITY DEVELOPMENT:

- The Community Development Department began bi-weekly meetings with Desman Traffic Management, the Comprehensive Parking Study consultant. Desman is gathering information from RPA regarding traffic circulation and targeted areas at different time intervals to establish street parking.

FINANCE:

- The Citizens Service Center is assisting Public Works with a mass mailing to properties within the former DID area. The intent of the mailing is to communicate the progress that has occurred since the City has taken over duties within the downtown.
- The Finance Department Grants Division submitted an HHS Advancing Health Literacy to Enhance Community Responses to COVID-19 grant application on April 20th. The City served as the applicant while partnering with Reading Area Community College, Penn State College of Medicine, and Latino Connection on the proposal submitted. The intent is to improve health literacy by creating an effective community-centric system with a focused peer review program that can be integrated into health systems. The program will consist of three components; training community workers, reporting, and conducting rapid-cycle quality improvement initiatives to address COVID-19 vaccination efforts. The grant request is for \$3,999,382 for a two-year program. No funding match is required.
- 909 total rent and utility assistance applications were received (an addition of 19 applications since last reported.)
 - 900 applications for rental assistance
 - 613 applicants were facing eviction
 - 206 applicants were not actively facing eviction
 - 81 applicants resided outside of the City, but within the county.
 - 9 applications for utility assistance

POLICE:

- The Reading Police Department conducted Operation Cease Fire on various dates resulting in:
 - 27 traffic stops with 19 citations issued
 - 3 new misdemeanor
 - 2 new felony cases
 - 3 firearms seized
 - 28 home visits of individuals on probation or parole
 - 9 warrants served for probation/parole violations
 - 7 park-and-walk conducted in high crime areas
- RPD's Traffic Law Enforcement Division was awarded a \$12,000 grant for aggressive driving, pedestrian, and occupant safety (seat belt/child restraint seat) enforcement.

PUBLIC WORKS:

- PW continues pothole remediation efforts with two crews working to address the list of reported issues.
- PW is currently conducting an energy audit on five City buildings; one is complete, and four are at the preliminary report stage.

Councilor Sihelnik thanked the managing director for the report. She inquired about the administration's policy on employee vaccinations. The managing director stated that while the vaccinations are not mandatory, employees were sent a form to indicate if they intended to become vaccinated or sign a waiver saying that they are not going to be vaccinated. He expressed the belief that not many forms were returned and that approximately 50 employees participated in the recent local vaccination opportunities. He stated that he will provide an update at the next meeting.

Councilor Goodman-Hinnershitz inquired about the administration's policy on the issuance of special event permits. The managing director stated that an update will be provided at tomorrow's press conference at noon.

AUDITOR'S REPORT

The Auditor highlighted the report attached to the agenda and distributed electronically. In summary:

- 2021 Cable Franchise Fees Revenue – Update as of 03/31/2021

For the fiscal year of 2021, the City budgeted \$825,000.00 in revenue for the Cable Franchise Fees. Due to the fact that less revenue was collected in previous years, the administration with the recommendation of the City Auditor Office opted to budget \$50,000.00 less for 2021 compared to 2020 budget. For the first quarter of the current year, the City collected \$205,330.02 in revenue for this line item. The City may meet its budget expectations for 2021

- User Fees (EMS) Revenue – Update as of 3/31/2021

For the current fiscal year the City budgeted \$3,009,500.00, and for the first quarter of this year, the City collected \$876,287.19. The City may exceed the budget target for this revenue line item in 2021.

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

Scot Case, Chair and David Beane, Esq. Vice Chair provided an update on the Environmental Advisory Council's (EAC) work. Mr. Case stated that the written report will be provided as soon as it is finalized. He explained that the EAC works on environmental, infrastructure and sustainability issues. They produce a monthly program on BCTV. He stated that they regularly review steep slope issues, refuse collection policies and legislation, climate resiliency programs and plans. He noted that the EAC's desire to hold community meetings was delayed by COVID-19 and the meetings will resume as soon as safely possible. He explained the EAC's work with a wide variety of City employees and officials and other agencies and organizations.

Mr. Case noted that the EAC currently has only five (5) of the seven (7) seats filled and he asked Council to assist in identifying new members. He stated that while the current EAC members are environmental professionals, there is the need for more diverse representation.

He noted that the board has discussed the need to expand membership to assist with the large workload.

In response to a question, Mr. Case stated that the EAC has not defined the number of members they wish to have. He stated that several things require research prior to making that determination.

In response to a question, Mr. Case stated that while the EAC has national figures on COVID-19 related energy savings, local data is unavailable. He stated that he will follow-up with Public Works.

Council members thanked the EAC for their dedicated work and advice.

ORDINANCES FOR FINAL PASSAGE

A. Bill 31-2021 – amending the City Code Chapter 77, Part 1 Police Department by amending the experience requirements for the position of Captain *Introduced at the April 12 regular meeting; Tabled at the April 26 regular meeting and divided into two ordinances*

Councilor Marmarou moved, seconded by Councilor Ventura, to enact Bill No. 31-2021.

Councilor Cepeda-Freytiz moved, seconded by Councilor Ventura, to amend Bill No. 31-2021 by eliminating the strikeout of all references to college credit bonus points.

Assistant Solicitor LaMano explained that the amendment will eliminate the strikeout of all references to the college credit bonus points where they currently exist, retaining the language pertaining to college bonus points in Chapter 77.

The amendment to Bill No. 31-2021 was adopted by the following vote:

Yeas: Cepeda-Freytiz, Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Ventura, Waltman, President – 7

Nays: None - 0

Bill No. 31-2021, as amended, was enacted by the following vote:

Yeas: Cepeda-Freytiz, Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Ventura, Waltman, President – 7

Nays: None - 0

WITHDRAWN BY THE ADMINISTRATION

B. Bill 34-2021 – amending the City Code Chapter 77, Part 1 Police Department striking Section

110 College Credits for Sergeant, Lieutenant and Captain and reserving that section ***Introduced at the April 12 regular meeting; Tabled at the April 26th regular meeting and divided into two ordinances***

C. Bill 35-2021 – amending the zoning map by moving 226 North 5th Street into the same zoning district as 230 North 5th Street, also known as the Medical Arts Building property, into the same Commercial (C-C) Zoning District. As part of the project, both properties will be combined into a single parcel for commercial uses and residential apartments. ***Introduced at the April 26 regular meeting; Public Hearing held during the May 3rd COW***

Councilor Marmarou moved, seconded by Councilor Sihelnik, to enact Bill No. 35-2021.

Bill No. 35-2021 was enacted by the following vote:

Yeas: Cepeda-Freytiz, Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Ventura, Waltman, President – 7

Nays: None - 0

D. Bill 36-2021 – amending the zoning map by moving 654, 656, 658 & 660 Schuylkill Avenue into the same Commercial Neighborhood (C-N) Zoning District for a mixed use development. As part of the project the properties will be combined into a single parcel for a convenience store/restaurant, a barbershop, dwelling units, and a shared parking area. ***Introduced at the April 26 regular meeting; Public Hearing held during the May 3rd COW***

Councilor Reed moved, seconded by Councilor Cepeda-Freytiz, to enact Bill No. 36-2021.

Bill No. 36-2021 was enacted by the following vote:

Yeas: Cepeda-Freytiz, Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Ventura, Waltman, President – 7

Nays: None - 0

E. Bill 37-2021 – amending City Code Chapter 353 Loitering; Obstructing Public Places, by renaming the Chapter Loitering and Panhandling, creating replacing a diversionary program to be used to address aggressive panhandling or loitering when it is reported to the Reading Police Department or when police officers encounter it and eliminating the possibility of a prison sentence ***Introduced at the April 26 regular meeting***

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 37-2021.

Councilor Reed thanked everyone who worked on this ordinance over the past months to address this community need. She noted that the ordinance is not duplicative and offers a diversion to the stiff fine and potential incarceration that other current laws would apply.

She noted that the amendment applies to extreme cases, not those simply standing on a corner asking for aid.

Councilor Cepeda-Freytiz thanked those who spoke about this ordinance during the public comment period and she suggested exploring the suggestions made by Mr. Ellis. She thanked the group who assisted with drafting this bill.

Councilor Goodman-Hinnershitz thanked everyone for their creative work on this bill that will be applied in limited instances. She agreed with the need to explore underlying issues of the homeless population and connecting with the individuals to gain understanding about their homelessness.

Chief Tornielli explained how officers are regularly trained on new legislation and diversionary applications, noting how this bill will fit in with the other diversionary programs that are currently available.

Councilor Sihelnik noted that this ordinance applies city-wide and not only to Penn Street. She expressed the belief that the definition of aggressive panhandling in the current draft is too vague and subjective and should be improved.

Council President Waltman read the definition in the proposed ordinance:

PANHANDLING IN AN AGGRESSIVE MANNER –

- a. Following behind, ahead or alongside a person for more than 25 feet either before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;*
- b. Continuing to solicit from a person after that person has given a negative response to such soliciting or walked away from the solicitor;*
- c. Intentionally touching or causing physical contact with the solicited person without such person's consent;*
- d. Intentionally blocking or interfering with the safe or free passage of a person or vehicle being solicited by any means, including unreasonably causing a person or vehicle operator to take evasive action to avoid physical contact;*
- e. Using profane or abusive language or speaking in an unreasonably loud volume, either during the solicitation or following a refusal to make a donation, or making any statement or gestures toward a solicited person which would cause a reasonable person to be fearful or feel compelled; or*
- f. Soliciting from a person while that person is waiting in line for entry to a building or for another purpose.*

Council President Waltman expressed the belief that the definition is well written. He agreed

that in certain circumstances other ordinances can be used and that this will provide the police with a tool to use when other options are not applicable. He noted that he likes that this bill provides a diversionary option in place of laws that carry large fines and the possibility of incarceration. He stressed that this will be used for aggressive behavior and not instances where the individual is behaving peacefully.

Councilor Cepeda-Freytiz inquired about the training police officers will receive. Chief Torielli explained that officers receive annual updates on new and amended laws along with diversionary programs. He added that officers are required to cite specific laws to address the behavior or violations the officer observes.

Councilor Marmarou inquired if this law allows people to panhandle on a daily basis.

Council President Waltman stated that all people have the inherent right to be outside and if those choosing to panhandle are behaving peacefully, they are not violating this ordinance. He stressed that this bill in no way strips away a person's rights if he is behaving sensibly and with common sense.

Councilor Sihelnik suggesting having the Police Community Outreach Coordinator assist by connecting with the homeless population to assess their needs and issues.

Councilor Cepeda-Freytiz asked the Chief to report on the use of this ordinance in his updates in the administrative reports.

Councilor Reed suggested revisiting the application of this ordinance at a COW in August.

Bill No. 37-2021 was enacted by the following vote:

Yeas: Cepeda-Freytiz, Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Ventura, Waltman, President – 7

Nays: None - 0

F. Bill 38-2021 - authorizing an appropriations transfer of \$40,634.03 from Project #31-01-03, GL#01-00-00-2990 – Fund Balance to project #31-01-03 under GL #31-01-00-4510 General Plant Supplies in order to make the Samuel Pottieger Trust donations available for use during the current fiscal year ***Introduced at the April 26 regular meeting***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Cepeda-Freytiz, to table Bill No. 38-2021.

Bill No. 38-2021 was tabled by the following vote:

Yeas: Cepeda-Freytiz, Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Ventura, Waltman, President – 7
Nays: None - 0

G. Bill 39-2021 – authorizing an amendment to the 2021 Budget revenues reflecting the increase of \$1,427,667 in General Fund revenue pursuant to the recently negotiated Cooperation Agreement with the Reading Parking Authority ***Introduced at the April 26 regular meeting***

Councilor Marmarou moved, seconded by Councilor Cepeda-Freytiz, to enact Bill No. 39-2021.

Bill No. 39-2021 was enacted by the following vote:

Yeas: Cepeda-Freytiz, Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Ventura, Waltman, President – 7
Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

Councilor Goodman-Hinnershitz read the following ordinances into the record.

A. Ordinance – Amending City Code Section 576-403, Parking Prohibited in Specific Areas by adding the requirement to park inside parking stall lines

B. Ordinance – Amending City Code Section 576-416 by adding a fine of \$45 and additional 10 and 30 day penalties each in the amount of \$22.50 for parking outside the parking stall lines

C. Ordinance – authorizing the total transfer of \$99,000 from General Ledger Rental – Parking Authority, to General Ledger - Contracted Services to provide funding for Special Counsel to the Planning Commission to provide specialized legal advice relating to subdivision and land development projects; review of ordinance amendments, agreements, and resolutions; and general legal matters involving planning and zoning.

RESOLUTIONS

A. Resolution 47-2021– appointing Serenity Plaza, representing Council District 5, to the Youth Commission

B. Resolution 48-2021 – appointing Elta Jackson-Henry to the Diversity Board

Councilor Marmarou moved, seconded by Councilor Cepeda-Freytiz, to adopt Resolutions 47-48-2021

Councilors Marmarou and Goodman-Hinnershitz noted the strengths these individuals will bring to their perspective boards.

The motion to adopt Resolutions 47-48-2021 was approved by the following vote:

Yeas: Cepeda-Freytiz, Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Ventura, Waltman, President – 7

Nays: None - 0

COUNCIL COMMENT

Councilor Marmarou thanked everyone for their work on the 9th and Marion Fire Station, noting that the station was in dire need of replacement.

Councilor Marmarou once again took issue with the need to end virtual Zoom meetings and return to public, in-person meetings. He stated that he heard that in-person meetings would resume until the end of the year.

Council President Waltman noted that Council needs to proceed with caution due to the variants of COVID. He expressed the belief that some will be hesitant to restart open meetings immediately. He stressed the need to listen to advice from health professionals when considering returning to open meetings.

Councilor Marmarou stated that the public in District 4 is upset that they cannot attend the Council meetings and confront the commissioners in person. People are upset that they cannot speak with the commissioners.

Council President Waltman agreed that everyone would like to go back to pre-pandemic activities but caution is required. He urged everyone to have patience so the public and officials are protected. He noted that he had COVID in December and he is still recovering. He again urged patience for safety's sake.

Councilor Cepeda-Freytiz questioned how Council can respond to questions raised through the Zoom chat feature. Council President Waltman stated that Council will need to consider that moving forward; however, he warned that directly responding to questions mid-meeting would be distracting for officials.

Councilor Cepeda-Freytiz expressed the belief that meeting in Zoom has greatly expanded the ability of citizens to attend Council meetings and become educated on City business due to streaming the meeting on Facebook Live (*note at this portion of the meeting there were 408 citizens watching on Facebook Live*).

Councilor Cepeda-Freytiz noted that a 2nd COVID-19 recovery grant program is available for hospitality businesses through the Greater Reading Chamber Alliance.

Councilor Goodman-Hinnershitz thanked the community for the clean-up at Neversink playground in early May. She inquired about the return of basketball nets at the playgrounds.

Councilor Reed agreed with the reinstallation of basketball nets and other playground equipment at outdoor facilities.

Councilor Sihelnik noted the upcoming virtual race to support Mary's Shelter. She encouraged participation. Goggleworks is seeking a bilingual garden manager for work there and at Lauer's Park. She highlighted the discussion at the 2nd Youth Commission meeting that included many questions and a lesson on civics.

Council President Waltman reviewed the upcoming Council meeting schedule.

Councilor Sihelnik moved, seconded by Councilor Cepeda-Freytiz, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

-----Original Message-----

From: Christopher E [mailto:cmichaeellis@gmail.com]
Sent: Monday, May 10, 2021 12:16 PM
To: Council <council@readingpa.gov>
Subject: Public Comment for tonight

WARNING : This email originated from outside the system DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

The idea of a 'task force' to help those unhoused was put to the wayside and the public was told they can comment at meetings. So I will:

I write in opposition to Bill 37-2021. In addition to it likely being unconstitutional to limit freedom of expression, it is also duplicative in nature. Asking someone for money is not a crime. "Aggressively" asking someone is a completely subjective term, and we know that some law enforcement officers have not historically administered subjective laws in an equal and fair manner. Someone who is harassing another can be arrested for crimes already on the books. Why create this additional hurdle and create even more subjectivity/add another law on the books? I read the ordinance multiple times and I cannot figure out why it needs to exist.

My concern here is that this is not about actually helping people and what it could become. Administrations change. How a department reads and implements this now is not how one may read and implement it in the future. It did not come from a place where people who were unhoused were asked what was needed to help them and were part of crafting the ordinance. Who crafts and helps an ordinance usually reveals

the intent of it. I ask that you withdraw this/vote NO on this and seek to instead hire a tenant advocate and create stronger laws around wayward landlords. Create public restrooms with showers and laundry capability. Look at ways to provide housing for those without it. Help those who are addicted to a hard drug; don't provide them a 2 hour course we know won't do anything and fine them with money they don't have. We all have people in our family who have struggled in life, or continue to. The solution is not to create a law in search of a problem; it is to meet them where they are.

My councilperson asked me to come up with solutions; I have offered some that won't fix everything and would take a lot of work but would do a heck of a lot more for the people of this city than this ordinance would. I understand it is difficult to govern a smallish city with limits on budget and Act 47, but that doesn't mean we have to go another way.

Thank you for your time,

Chris Ellis, Reading

From: James Thomas

Sent: Thursday, April 29, 2021 1:46 PM

To: Valery Lower <Valery.Lower@readingpa.gov>

Subject: PANHANDLING ORDINANCE

The proposed amendment to the Loitering Ordinance – entitled Aggressive Loitering and Panhandling Ordinance - is a new tool the Department needs to address the issues created by those who take an aggressive stance when conducting these activities. The current Loitering Ordinance in Chapter 353 is unconstitutional and cannot be used. However, this proposed amendment provides us with the means to stamp out aggressive behavior when it is observed by the police or individuals under attack. The penalty for violating the proposed ordinance is more than fair and provides the charged individual with the opportunity to opt for social services rather than getting fined. This will provide us the “bite” we need to deter such activity.

While working on Penn St. for the past three years, I have responded to a number of complaints for loitering/panhandling. Most of these complaints occur outside of businesses in the 500 block, 600 block , and 800 blocks of Penn St., but since there was no enforceable ordinance on the books, there was very little I could do. The complaints varied from people asking for money or cigarettes, by means of verbal communication or signage. In most instances those approached were simply annoyed; however, in some cases the panhandlers were very aggressive and would walk up to people, or approach them from behind causing concern. One particular panhandler would aggressively approach 3,4,5 people asking them for a dollar as they walked by or exited the Family Dollar on Penn St. When I observed this my only choice was to attempt to chase the panhandler away.

Over the past months 2 additional officers were assigned to the downtown area. This increased police presence reduced the number of complaints received from business owners and citizens. However this will change come June when the additional officers will return to regular patrol assignments.

I encourage City Council to pass this ordinance and give us the tools that we need to help clean up Penn St., and make it a safe place for people to shop.