



COMMITTEE of the WHOLE

CITY COUNCIL

SUMMARY

February 1, 2021
5:30 P.M.
Virtual Meeting

COUNCIL MEMBERS PRESENT:

J. Waltman, J. Cepeda-Freytiz, M. Goodman-Hinnershitz, D. Reed (all electronically), M. Ventura, S. Marmarou (via dial-in)

OTHERS PRESENT:

L. Kelleher, K. Cochran, W. Stoudt, E. Kraft, A. Alvarez, C. Jones, S. Smith, M. Rodriguez, A. Amoros, F. Denbowski, S. Rugis, D. Klahr, N. Matz, R. Tornielli, N. Matz, T. Profit, J. Abodalo, J. Kelly (all electronically), E. Moran (via dial-in)

The meeting was called to order at approximately 5:45 pm by Mr. Waltman. Prior to the start of this COW the following officials met in a virtual executive session on litigation as per PA Sunshine Act Title 65 § 708. Executive Sessions (a) 4:

E. Kraft, L. Kelleher, J. Waltman, F. Lachat, S. Rugis, C. Jones, E. Stock, M. Goodman-Hinnershitz, F. Denbowski, A. Amoros, S. Marmarou, J. Cepeda-Freytiz, M. Ventura and D. Reed.

Mr. Waltman stated that Ms. Sihelnik is excused from the meeting due to an illness. Due to the COVID-19 Emergency Declaration, the public is prohibited from physically attending the meeting. The meeting is convened via virtual app.

I. Loitering and Panhandling Ordinance Review

Mr. Waltman asked Ms. Reed to provide background on this ordinance.

Ms. Reed stated that former District 6 Councilman John Slifko asked Ms. Kelleher to research this issue to find a solution to panhandling and loitering for Reading. Ms. Kelleher identified similar laws used in Harrisburg and Lancaster and broached the topic with members of the Police Department and they agreed with the need for this tool to address the multiple problems in Reading. When the draft ordinance was presented for Council review, Council

opined that a stronger a social service handoff was required along with the elimination of the fine.

Through Chief Torielli, Ms. Kelleher then worked with several members of the Police Department to revise the ordinance to add a stronger social service handoff and replace the fine with community service and counseling requirement.

Chief Torielli stated that the Department needs a tool to properly handle panhandling and loitering. He noted that the ordinance is crafted to identify people who are panhandling that are homeless or have mental health issues, and allow the city to get those individuals into the proper programs, which is the best compromise as opposed to fining and threatening the imprisonment of these individuals

Mr. Marmarou noted that there are very aggressive panhandlers in District 4 who often threaten him and others.

Mr. Waltman inquired if the ordinance is based on legislation used in Lancaster and Harrisburg. Ms. Reed asked Ms. Kelleher to highlight the ordinance.

Ms. Kelleher stated that the draft legislation is based on the legislation used in Lancaster and Harrisburg. However, this version draws in a stronger social service handoff and applies a penalty of community service and counseling, rather than the fines Council originally objected to. The Lancaster and Harrisburg laws include graduating fines with no reference to a social service handoff.

Ms. Goodman-Hinnershitz suggested redefining how the agency to provide counseling is identified and the need to define how those providing community service will be supervised. She volunteered to flesh out the social services connection.

Ms. Cepeda-Freytiz agreed with the need to redefine the assignment of counseling services as the Homeless Coalition may not be the proper resource.

Mr. Moran expressed concern with Public Works ability to manage the community services component as they are taking on the replication of DID services.

Mr. Waltman stated that he needs time to step through the terms of the ordinance he stated that he is uncomfortable with many components such as Section 104 a.

§ 353-104. Panhandling. No person shall engage in an act of panhandling, solicitation or begging:

a. Within 25 feet of the outside perimeter of an outdoor café or a sidewalk café unless expressly authorized by the owner, manager or supervisor of the establishment.

Ms. Kelleher noted that there are many outdoor dining opportunities in Lancaster and Harrisburg and 104.a was meant to provide the police with means to enforce as the restaurant would not authorize activities that would disrupt their clientele.

Ms. Reed stated that she is interested in considering input and she inquired why West Reading does not have a problem with loitering and panhandling. The applicable section from the West Reading Borough Code is copied in below:

Borough of West Reading Chapter 418 Peddling, Soliciting, Transient Retail Sales and Mobile Vendors

§ 418-11 Prohibited acts and suspension of license.

B. It shall be unlawful for any person to engage in peddling or soliciting in an aggressive manner. As used in the section, "aggressive manner" means either approaching a person present at the residence or continuing the peddling or soliciting activity after the person has made a negative response, whether before or after being invited into the residence, in a manner that:

- (1) Is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in a person's possession or in or about the residence; or
- (2) Is intended to or is likely to intimidate the person into responding affirmatively to the peddling or soliciting activity; or
- (3) To refuse to display a permit to the person being solicited; or
- (4) To refuse to leave premises upon being told to do so by the owner, tenant, occupant or person in control of the property; or
- (5) In violation of a sign properly posted on said property that prohibits solicitations.

G. Engage in any activity that interferes with the safe and convenient movement of persons and vehicles, creates any hazardous condition or is detrimental to the public health safety or general welfare.

§ 418-12 Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Berks County.

Mr. Moran stated that the draft ordinance is a double-edged sword that would need to be applied carefully. Mr. Waltman agreed

Ms. Goodman-Hinnershitz agreed with the need for a means of intervention for this issue so additional downtown economic development can occur.

Ms. Cepeda-Freytiz inquired about a timeline to revise the draft ordinance. Ms. Reed suggested having the final draft completed by the end of March. She suggested having a special COW regarding this sole issue.

Ms. Kraft stated that she would like to make sure that the ordinance does not impede on 1st amendment rights and does not create additional liability for the City.

Due to the snowstorm, Ms. Kelleher lost power and internet services.

II. Reopening Recreation

Ms. Klahr, Executive Director of the Rec Commission, thanked Mr. Moran for recognizing the Rec Commission's activities in his state of the city report. She updated the group on the current rec programs.

Ms. Kelleher's internet and power were restored.

Ms. Klahr suggested using the Commission's meal distribution sites to provide educational materials to citizens about COVID-19 and the vaccinations. She described the plan to reopen Commission after school activities to a limited number of participants beginning Feb 8th.

Ms. Cepeda-Freytiz questioned how the Commission will be determining the cutoff point for participants. Ms. Klahr stated that registration will first be offered to those having memberships at no charge and if there is room for additional participation, the opportunity will be opened to the general public.

III. Parking Ordinance Review

Mr. Waltman asked Ms. Goodman-Hinnershitz to lead this portion of the meeting.

Ms. Kraft recapped the amended language which will provide the Police Chief with the authority to void tickets issued by either the Parking Authority (RPA) or the Police Department.

Chief Torielli noted that this practice has been in place for decades and that there is a need to have this in writing. He noted that the practice is used on a very limited basis, mostly when tickets are issued in error, which eliminates the need for people to go through the appeals process. He added that he has not voided a ticket since taking this position in an acting or full capacity.

Mr. Matz stated that he reviewed the revised language and he has no opinion on or objection to the language.

IV. Other

Ms. Cepeda-Freytiz inquired about the City's litter regulations and the enforcement of those regulations.

§ 346-102. Deposit of litter and private advertising matter.

No person shall throw, place, deposit or sweep litter or private advertising matter in any public place such as a street, sidewalk, park or playground, nor in the open entrances to buildings or on open porches or on private sidewalks, entranceways or doors of public or private buildings, including but not limited to residences within the City.

§ 346-103. Restrictions on distributing advertising matter.

[Added 12-10-1980 by Ord. No. 52-1980; amended 4-14-2014 by Ord. No. 33-2014]

No person, partnership, firm or corporation shall distribute or cause to be distributed any handbills, advertisements, circulars, wastepapers or other advertising matter whatever in the City by casting, scattering, placing or handing the same upon any of the streets of the City or on the pavements, sidewalks, alleys, footways or automobiles thereof. However, nothing herein shall prevent any person from handing any noncommercial literature or other printed matter upon any of the streets, pavements, sidewalks, alleys or footways in the City to any person willing to receive the same, and nothing herein shall prevent any person with permission of the owner from distributing or causing to be distributed handbills, advertisements, circulars or other advertising matter upon private property located within the City.

§ 346-104. Deposit in receptacles.

Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

§ 346-105. Sweeping litter into public places.

No person owning or occupying premises within the City shall sweep into or deposit in any gutter, street or any other public place an accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying premises within the City shall keep the sidewalk in front of such premises free of litter.

§ 346-106. Throwing litter from vehicles.

No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City or upon private property.

§ 346-107. Depositing litter in storm sewer.

No person shall throw or deposit litter in any storm sewer in the City.

Mr. Waltman stated that littering should be included in a comprehensive zero-tolerance plan. He stated that he drafted a plan a few years ago and he will share that with Council.

Ms. Reed noted the responsibility of property owners to clean up debris on their properties.

Ms. Goodman-Hinnershitz suggested educating residents about their responsibility to clean up debris.

Ms. Ventura suggested that having more trash receptacles available would help to eliminate the littering problem.

Mr. Waltman noted that many believe it is the City's responsibility to clean up litter, noting that many sweep debris into the street on the day the sweeper is scheduled to be in the neighborhood.

Mr. Moran stated that he is grateful for the work Public Works did during the latest snow storm. He stated that 500 lbs. of salt was used. He asked residents to avoid shoveling our parking spaces and throwing snow into the street and to assist neighbors who need help with snow removal.

Mr. Waltman noted the need to clear the snow away from fire hydrants.

Ms. Reed noted that due to internet and power problems BCTV went off the air at approximately 6:30 pm. The meeting is still on Facebook Live.

Mr. Matz stated that the parking garages will remain open for free parking until Monday, February 8th which will help with snow removal.

Ms. Cepeda-Freytiz inquired about scheduling a retreat. Mr. Waltman stated that he will speak with the administration about a retreat to define priorities and tasks.

The meeting adjourned at approximately 6:50 pm.

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