



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**SUMMARY**  
**March 8, 2021**  
**5:00 P.M.**  
**Virtual Meeting**

### **COUNCIL MEMBERS PRESENT:**

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

### **OTHERS PRESENT:**

L. Kelleher, S. Smith, M. Rodriguez, J. Abodalo, J. Kelly, J. Long, S. Rugis, A. Amoros, M. Mayfield, D. Peris, C. Jones, F. Denbowski, E. Moran, F. Lachat, P. Janssen, T. Krall, R. Tornielli, W. Stoudt, A. Booth (all electronically)

The meeting was called to order at 5:04 pm by Mr. Waltman. Due to the COVID-19 Emergency Declaration, the public is prohibited from physically attending the meeting. The meeting is convened via virtual app.

### **I. Subdivision and Land Development Ordinance (SALDO) Amendment**

Mr. Peris stated that this amendment project began at the request of the Planning Commission. He stated that as developers appear before the Commission, many similar technical issues arise and that this amendment streamlines the application process. He stated that this amendment also updates the list of preferred trees for plantings as recommended by the City Arborist. He expressed the belief that this amendment will make the process easier to navigate for developers. He stated that a consultant is used to review storm water and sewer issues.

Mr. Abodalo stated that this amendment will bring the SALDO to current standards and stated that additional amendments will come forward as the Planning Commission incrementally reviews the SALDO. He explained that the use of the consultant alleviates some tasks of the Planning and Public Works staff. He reminded all that the fee schedule amendment allowed the City to charge a fee for the use of the consultant. He stated that a future amendment will include consistent standards for construction and will move forward after the completion of the Downtown Plus Plan.

Ms. Sihelnik stated that she is looking forward to additional amendments and stated that she is glad the City is utilizing a consultant. She noted the need to focus on the downtown and applauded City staff for seeking assistance. She stated that sewer issues need to be addressed and thanked all for their efforts to move this forward.

Ms. Reed questioned how the consultant is paid, how one was chosen and the rate the consultant is paid. Mr. Abodalo stated that after the City Planner resigned in 2020 there was no Planning staff and a consultant was brought in. He stated that the Purchasing office contacted three local agencies. He stated that approximately \$30,000 of remaining salary was available and that Hawk Valley Associates was chosen. He stated that they were paid \$75 per hour in 2020. The other consultants' rates were much higher. He stated that this line item was taken into account in the 2021 budget. He explained that the land development fees now allow the City to collect consultant fees from the applicant. He stated that the consultant is paid by the City when working on City projects such as this SALDO amendment. He stated that the work was bid in 2021 to three local companies and that Hawk Valley Associates was again the lowest bidder at \$95 per hour.

Ms. Goodman-Hinnershitz questioned how this selection process is documented and questioned the use of quotes versus an RFP. Mr. Abodalo stated that the Purchasing office provides the information and expectations when requesting quotes. Mr. Peris stated that a brief scope of services is provided and that all work is done via email so there is written documentation. Mr. Abodalo stated that the documentation is kept by the Purchasing office.

Ms. Sihelnik noted her admiration of Mr. Peris and Mr. Janssen. She questioned if fundamental changes would be recommended through this process as many potential development projects are moving forward. Mr. Abodalo stated that this amendment mainly addresses the application process and the preferred tree list. He noted his hope to seek additional Federal and State funding to complete the Comprehensive Plan. He stated that he is willing to work with neighboring municipalities on joint zoning. He stated that the Zoning Ordinance and SALDO will also be amended after the completion of the Comprehensive Plan, which will not occur in 2021.

Mr. Janssen stated that he is thrilled to see the City moving forward. He thanked Council for allowing him to participate in the meeting this evening.

## **II. Agenda Review**

Council reviewed this evening's agenda including the following:

- Public Comment

Ms. Kelleher stated that there are three people registered to speak on non-agenda topics.

- Award of Contract to Lets Think Wireless for maintenance / support services and software updates for the Police VSU at the cost of \$83,208.99

Police Chief Tornielli stated that this is the annual maintenance on the camera system.

- Award of Contract to Vitra Systems to upgrade the current police simulation trainer at a cost of \$69,249.54 for police marksmanship training, including a trade value of \$10,000 for the current obsolete training system

Ms. Ventura questioned the type of training that would be provided by the simulator. Chief Tornielli stated that the simulator will provide marksmanship training and situational training including means to de-escalate situations.

Ms. Ventura questioned if this was a video system. Chief Tornielli stated that it is and explained that there will be large screens at the Police Academy. He stated that the simulator will respond to commands being made by the officer.

Ms. Sihelnik questioned the amount of the Police training budget and what types of trainings are provided. Chief Tornielli stated that this purchase is part of the capital budget. He stated that approximately \$205,000 is budgeted for the Police Academy and approximately \$95,000 is budgeted for officer's continued training, including the required annual recertification training.

- Resolution authorizing the purchase of Microsoft Server 2019 exchange licenses to modernize the email communication platform used across the City to Southern Computer Warehouse, a COSTARS vendor, at the cost of \$62,753.07

Ms. Ventura questioned how often the licenses are updated. Mr. Kelly stated that it has been several years since they were updated and that it is done as needed. He reminded Council that they approved the funding for his purchase in October 2020. He stated that the new server will allow employees to instant message and that the email system will be cloud based through Outlook. He stated that this moves the City to Microsoft 365.

- Resolution authorizing the submission of a Joint Enterprise Zone application to the PA DCED which offers a State tax incentive to stimulate economic development within communities (submitted by the Greater Reading Chamber Alliance and managed by the Greater Berks Development Fund)

Ms. Kelleher stated that the corrected resolution has not been submitted.

Mr. Janssen stated that this resolution would continue the City's use of the Enterprise Zone. He stated that the City has already participated in the program for 10 years. He stated that this Enterprise Zone applies only to State corporate tax credits and that residential projects are

not eligible to participate. He noted the need for the City to adopt the resolution and that it is managed by the State DCED. He explained that this is another tool for the City to use to entice the reuse of brownfield sites and expressed the belief that this is a great tool for redevelopment. He stated that this will add five additional years to the City's participation in the program and stated that there is no financial impact to the City.

Mr. Moran expressed the belief that it is better to have this tool and not use it than to need it and not have it.

Ms. Cepeda-Freytiz questioned the criteria to be eligible. Mr. Janssen stated that any developer is eligible as long as the project is not residential.

Ms. Sihelnik thanked Mr. Janssen for providing clarity on this program. She stated that she was confused at the last meeting with the co-mingling of the Enterprise Zone with Opportunity Zones. She stated that this is a renewal to continue participating and questioned if any changes were made to the program. She noted the need to move this forward. Mr. Abodalo stated that he doesn't believe any changes were made and that the program is exactly the same. He stated that Opportunity Zones can be City-wide and not specify certain areas. He stated that he will work with Law and have a draft resolution prepared tomorrow morning. He stated that the resolution will be presented to Mr. Amoros and Ms. Kelleher by mid-day tomorrow.

Mr. Janssen explained that the City has the ability to restrict the Enterprise Zone to certain areas but he recommends that it apply City-wide. He reminded all that projects cannot be residential.

Mr. Abodalo noted his hope that this would increase interest in the 50 acre site.

Ms. Reed stated that the project cannot be residential but that there are zoning districts with mixed uses. She questioned if projects in these districts could apply. Mr. Janssen stated that they can apply as long as the project is not residential.

Ms. Reed noted the need to stabilize neighborhoods. She questioned if proposed projects would still need City zoning and planning approvals. Mr. Janssen stated that they would.

Ms. Goodman-Hinnershitz stated that R-3 zoning districts have businesses within the residential uses. She noted the need for all to understand the importance of this program.

Mr. Janssen explained that the business would apply to the program.

Ms. Reed questioned if the RFP for the 50 acres would refer to the Enterprise Zone. Mr. Janssen stated that it can be included in the RFP as an additional enticement. He explained

that the project must have preliminary plan approval by the Planning Commission before an application for the project can be submitted to the State.

Mr. Janssen thanked all for the opportunity to be part of this meeting.

Mr. Waltman questioned if Council could consider this resolution this evening without having received it. He questioned if Council action should be deferred.

Mr. Janssen stated that Ms. Kelleher has the template. He stated that the template should be updated to Reading's needs.

Ms. Kelleher stated that she will update the template and send to Mr. Lachat and Mr. Abodalo to review before this evening's meeting.

Mr. Janssen left the meeting at this time.

- Award of contract for the replacement of the 11<sup>th</sup> & Pike Playground fencing to ProMax Fencing for the full perimeter of the park at \$40,725

Ms. Reed stated that there has been backlash on Facebook regarding the gating of parks and playgrounds. She noted the need for residents to have unrestricted access. She suggested that this be part of a larger discussion in the future.

Mr. Waltman questioned if this project replaces fencing that already exists. Mr. Rugis stated that it does. He stated that this is a capital project and that the original low bidder did not provide proof of insurance coverage to the City.

Mr. Waltman questioned if this is a chain link fence. Mr. Rugis stated that it is but that it is more than standard quality.

Mr. Waltman stated that this playground is heavily used.

Ms. Reed noted the need for restricted use as many parks and playgrounds are being ruined by ATVs.

Ms. Goodman-Hinnershitz stated that the Recreation Commission is meeting tomorrow and she will discuss the need to balance access and damage.

- Five ordinances for introduction authorizing accounting write offs for "due to/due from" transfers within City funds

Mr. Amoros requested that these ordinances be tabled at the Auditor's request.

- Ordinance vacating a portion of Liggett Ave and removing it from the City's topographical map as requested by the petition presented by the Reading Housing Authority and recommended by the Reading Planning Commission and Public Works Department
- Ordinance realigning the Liggett Ave intersection with Hancock Blvd/E Wyomissing Blvd and reflecting this realignment on the City's topographical map

Mr. Krall stated that these ordinances are related and that the plans were included in Council's agenda packet. He stated that there is a lot of asphalt in this area and that vehicles and pedestrians are often in conflict. He stated that SSM has completed a study of the intersection and recommends vacating one block of Liggett Ave so that it curves and has a 90 degree intersection with Hancock Blvd. He stated that a bike lane will be added and that this will resolve the congestion issue and improve safety.

Mr. Waltman questioned the impact to parking in the neighborhood. Mr. Krall stated that the Housing Authority (RHA) expansion project will integrate the vacated portion of Liggett Ave into their off street parking area. He stated that eleven on street spaces will be lost but that currently RHA employees must park on street causing parking conflicts with neighbors. He stated that the new off street parking area will add 44 spaces. He stated that an additional ten spaces will also be created on the street. He stated that this is an overall increase for residential parking.

Mr. Moran questioned if there would be parking impacts on other blocks of Liggett Ave. Mr. Krall stated that there would not.

Mr. Krall thanked Ms. Mayfield for her work on the language of the ordinances. He noted the need for both ordinances to move forward together.

Mr. Lachat explained that both ordinances need to have a 30 day layover. He stated that the plans are scheduled to be reviewed by the Planning Commission at their March meeting.

Ms. Mayfield stated that the realignment must be approved before the block of Liggett Ave can be vacated. She stated that she anticipates that the Planning Commission will grant conditional final approval. She stated that one of the conditions will be Council enactment of the ordinances.

Ms. Cepeda-Freytiz questioned if the land will be sold or leased to the Housing Authority. Ms. Mayfield stated that it is her understanding that the land will be given to RHA through a quit claim deed.

Ms. Cepeda-Freytiz stated that public hearings are indicated as part of the approval process. Ms. Mayfield stated that these dates are being considered and that enactment will occur after public meetings have been held.

Ms. Cepeda-Freytiz noted the need to correct the date on the draft quit claim deed.

Mr. Abodalo also thanked Ms. Mayfield for her work. He questioned if the Planning Commission gives conditional approval and Council does not enact the ordinances if the project is at risk. Ms. Mayfield stated that the project would be at risk.

Fire Chief Stoudt questioned if the realignment would allow Liggett Ave to remain a two way street. Mr. Krall stated that it would remain two way. He stated that although the drawing looks like the road narrows, the driving lane widths remain the same.

Ms. Sihelnik stated that this area has been reviewed over many years. She stated that there are massive expanses of asphalt in several other areas of District 1. She stated that she is glad to see this area proposed for better use and expressed the belief that this is a great solution. She complimented all on their work.

Mr. Moran stated that he was pleased to tour this area to get a sense of how the community uses these spaces. He stated that this project will result in a walkable and friendly upgrade.

Mr. Marmarou stated that this project has been in the works for many years and expressed the belief that it is a great project.

Mr. Booth thanked the City for their work and cooperation on the project. He stated that this will also correct storm water and parking issues. He stated that the intersection will also be more functional.

Ms. Cepeda-Freytiz questioned how the dates to comment were chosen. Ms. Kelleher stated that these are regular meeting dates that residents can make comment on the ordinances.

Mr. Waltman thanked all for their work.

Ms. Mayfield and Mr. Booth left the meeting at this time.

- Ordinance amending the General Fund Budget by transferring \$123,499 from the Fund Balance to the Agency Fund to finance a comprehensive City-wide parking study
- Ordinance amending the General Fund Budget by transferring \$92,000 from the Fund Balance to the Agency Fund for construction costs related to the new 9<sup>th</sup> & Marion Fire Station project

Mr. Kelly stated that the City has received grants for the projects and this will allow the City to spend down the grant funding.

Mr. Waltman questioned if a contractor had been chosen. Mr. Kelly stated that they have both gone through the bid process. He stated that the grant funds were received in lump sums and this will allow the funds to be spent down.

Ms. Sihelnik noted her understanding that the Parking Authority (RPA) is also performing a parking study. She noted the need to coordinate the studies and ensure both parties are working together.

Ms. Goodman-Hinnershitz suggested inviting RPA representatives to next week's Committee of the Whole meeting to discuss working together and suggested that this would help Council be prepared to vote on the fund transfers.

Ms. Kelleher stated that she will schedule this discussion.

Mr. Kelly explained that the comprehensive parking study was bid in 2019 and the grant funding was received in 2020. He stated that the RPA reviewed the bid documents before they were issued. He stated that these ordinances are needed to begin paying for the projects.

- Ordinance amending City Code Chapter 576 Vehicles and Traffic, Part 4 Parking, Section 576-404 Blocking Garage Entrance by adding rear parking areas and Section 576-408 Storage of Vehicles by removing the language regarding the parking of tractor / trailers bringing the section into compliance with the prohibition on tractor / trailer parking in Chapter 564

Ms. Kelleher stated that this will clean up language to address Ms. Cepeda-Freytiz's concerns. She stated that she worked with Chief Tornielli on the amendment.

- Award of Contract for the municipal ERP project to Tyler Technologies at a cost of \$1,100,468 with \$700,000 available in FY 2021 and the remaining costs covered in FY 2022

Mr. Waltman questioned if this contract award would be tabled again.

Ms. Cepeda-Freytiz stated that Ms. Ventura requested a presentation. She stated that Council received demonstration videos via email but the hope was for a live presentation. She stated that the Auditor has also sent Council email comments about the purchase. She noted the need to ensure that the City is getting the best quality for its money.

Mr. Waltman requested Councilors provide comments and concerns to Ms. Kelleher so they can be addressed. He requested a live presentation be scheduled.

Mr. Kelly stated that he will schedule the presentation when permitted. Mr. Amoros stated that Mr. Kelly should schedule the presentation.



Mr. Waltman requested that Mr. Kelly work with Ms. Kelleher.

- Resolution confirming the appointment of Fred Lachat as Acting City Solicitor for a 180 day period

Mr. Waltman stated that the appointment of an Acting City Solicitor has never been approved by Council in the past. He stated that the Administration can make this appointment and that Council approval is not required in the Charter.

Mr. Lachat stated that Council has approved additional 90 day extensions to the Acting Solicitor.

Ms. Reed suggested that this resolution be removed from the agenda.

Mr. Waltman agreed that it is not needed. He expressed the belief that Council has no role and that Mr. Lachat is already the Acting Solicitor.

Ms. Sihelnik noted the need for legal advice before a decision is made. She suggested discussing the issue in executive session.

Mr. Waltman again stated that Council has never done this previously. He agreed that discussion would need to occur in executive session.

Ms. Reed stated that this puts Council in a quandary. She expressed the belief that Council should not receive legal advice on this issue from Mr. Lachat because it has a direct impact on him. She suggested that Council should have a separate solicitor on this issue.

Mr. Waltman stated that he was unsure if an executive session is needed. He again stated that he is not aware of a Charter or Administrative Code requirement for Council to give its approval for an Acting Solicitor. He questioned if this is legally required.

Mr. Lachat stated that other counsel can opine on the matter. He expressed the belief that the Charter is clear that the Administration can make this appointment directly but that there is nothing to prevent Council action even if it is not specifically stated.

Ms. Goodman-Hinnershitz agreed that Mr. Lachat should not be advising Council on this issue. She suggested that Council not take action if they are not comfortable doing so.

Mr. Waltman agreed with Ms. Goodman-Hinnershitz. He questioned if Ms. LaMano is available. Mr. Lachat stated that Ms. LaMano is available.

Ms. Reed expressed the belief that this resolution should be tabled due to related litigation.

Ms. Kelleher's internet disconnected.

Mr. Marmarou expressed the belief that the discussion is prolonging the issue. He agreed that this has never been done in the past. He stated that this type of situation is why Council should have its own solicitor. He stated that the issue could have been resolved before the meeting began.

Mr. Amoros stated that this resolution was placed on the agenda at the advice of outside counsel.

### **III. Other Matters**

Ms. Cepeda-Freytiz reminded all that a presentation was going to be made to Council explaining zoning overall and the different zoning districts. She requested that this be scheduled.

Mr. Waltman requested that Ms. Kelleher schedule this presentation on an upcoming Committee of the Whole agenda.

Ms. Sihelnik stated that Ms. Kelleher has dropped off the call. She noted the need to stop the recording before Council enters executive session. *(Note: Ms. Smith was on the call as an attendee but did not have any Zoom controls.)* Mr. Lachat noted the need for IT to assist.

Mr. Waltman also requested an update on the 50 acres and the Penn Street properties.

Ms. Kelleher rejoined the meeting.

Mr. Marmarou stated that COVID restrictions are beginning to be lifted. He requested that meetings resume in Council Chambers. Ms. Reed and Ms. Goodman-Hinnershitz suggested that this can begin after more Councilors and employees have been vaccinated.

Mr. Waltman stated that as an 88 year old Mr. Marmarou should be very concerned with contracting COVID. He stated that the virus is still very dangerous and new strains are being discovered. He stated that he is still experiencing symptoms and expressed the belief that Council is nowhere near ready to go back to in person meetings. He stated that in person public access issues remain. He noted the need to protect Mr. Marmarou's health and safety due to his age.

Mr. Marmarou stated that he has been attending church in person. Mr. Waltman stated that this is a decision made by the church. He expressed the belief that good government will not put the public at risk. He suggested revisiting in person meetings in 3 – 6 months. He agreed that conducting business face to face is preferred.

Ms. Goodman-Hinnershitz stated that this is a public health issue and that others are leading the issue. She stated that each person can have their own opinion but that they are not experts.

Mr. Marmarou noted the need for a Berks County Health Department.

Mr. Waltman again stated that COVID should not be taken lightly. He expressed the belief that people are becoming too comfortable with the virus. He stated that many lives have been lost. He noted the need to contain the virus and to follow the advice of health professionals.

Ms. LaMano joined the meeting at this time.

#### **IV. Executive Session**

The seven members of Council, Ms. LaMano, Ms. Kelleher, Mr. Lachat, and Mr. Amoros remained in the meeting. All others were removed. Mr. Harvey joined the executive session.

Council entered executive session at 6:48 pm. Council exited executive session and the meeting adjourned at 7:28 pm.

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