



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

### **SUMMARY**

**May 23, 2022**  
**5:00 P.M.**  
**Hybrid Meeting**

#### **COUNCIL MEMBERS PRESENT:**

D. Reed, J. Cepeda-Freytiz, M. Goodman-Hinnershitz, W. Butler, C. Daubert (in person)

#### **OTHERS PRESENT:**

L. Kelleher, M. Gombar, J. Kelly, J. Stoudt, M. Rodriguez, J. Bower, I. Litvinov (in person), S. Smith, K. Zeiber, R. Tornielli, T. Krall, BCTV (virtually)

The meeting was called to order at 5:00 pm by Ms. Cepeda-Freytiz.

#### **I. Amendment to Electrical Code**

Mr. Bower stated that minimal revisions have been made. He stated that this is the tri-annual amendment which follows the PA UCC schedule.

Mr. Oppenheimer connected to the meeting at this time.

Mr. Bower explained that this amendment links the City's regulations with the State's so that in the future an amendment to the City's Code will not need to occur every three years. He stated that the largest change is that the City has removed the use of third party inspectors except at the Electrical Inspector's discretion during emergencies.

Mr. Moran connected to the meeting at this time.

Mr. Bower stated that the City is also changing its testing agency.

Ms. Cepeda-Freytiz questioned if the change in testing agency would cause delays for those seeking licenses. Mr. Bower expressed the belief that there would be less of a delay because the new agency allows testing any time after the Board reviews the application rather than having to wait for three months.

Mr. Bower left the meeting at this time.

## **II. River Road Extension Update / W Windsor St Update**

- River Road Extension

Mr. Krall stated that there has been much accomplished at this project. He provided a brief background of the project and screen shared a project plan map. He stated that this project connects the industrial park along River Rd to Route 183.

Mr. Krall stated that the intersection of Schuylkill Ave and W Windsor St is approximately 12,000 square feet and is the largest intersection in the City. He stated that the changes being made at this intersection are important for traffic flow. He stated that the roadway by the Schuylkill Ave Bridge in front of the Northwest Branch Library has been permanently closed to traffic. He explained that the blinking light will be replaced with a new traffic signal and new crosswalks will be painted. He stated that no left turns onto Schuylkill Ave will be allowed from Eberhart St.

Mr. Krall stated that this project began in 2014 and will cost a total of \$9.5 million - \$8 million will be paid by PennDOT and \$1.5 million will be paid by City liquid fuels funds.

Mr. Krall stated that the connection of River Rd to Spring St was completed in 2021 and work is currently focused on the Lincoln St connector. He stated that a stormwater management pond will be installed and the road will curve from Spring St to Windsor St because of elevation changes. He noted his hope that the project would be completed in the fall of 2023. He stated that an ordinance will be before Council shortly to update the City's topographical maps to include these new roadways.

Ms. Reed questioned how this project impacts the former playground at Windsor & Ritter Sts. Mr. Krall stated that the City purchased only the portion of the playground that was needed for this project and the rest remains School District property. He stated that the District still owns approximately one acre of land on each side of the roadway. The area that has been disturbed will be graded and reseeded. He stated that it will remain the School District's responsibility to maintain the two acre parcels.

Ms. Reed questioned the use of these two acres by the District. Mr. Krall stated that this has not been communicated to him.

Ms. Reed requested that the Administration follow up with the District about the intended use of this area. She stated that it has not been properly maintained for the last several years.

Ms. Reed questioned if changes to parking were needed on Windsor St near Lincoln St due to the new roadway. She noted the need for clear lines of sight and stated that she will sponsor ordinances as needed to address this. Mr. Krall stated that there will be some new parking restrictions.

Ms. Reed noted the need to discuss the problems with vehicle repairs that happen in the street at this intersection. Mr. Krall stated that to date this has not been problematic for the project. He stated that these vehicles will need to be relocated during the repaving of Windsor St. He stated that Windsor St will be repaved between the new roadway and N. Front St.

- W Windsor St

Ms. Goodman-Hinnershitz expressed the belief that an action plan is needed to address this vehicle repair shop. She stated that there has been much discussion over the past seven years but that nothing changes.

Mr. Kelly stated that this area is an R-3 Zoning District and the garage has a zoning permit from 2013 for auto repair that was transferred to the new business owner. He stated that the garage was cited for working on vehicles in the street and having vehicles parked on the sidewalk in February. He stated that the vehicles on the sidewalk were moved and there has been no further need for citation.

Mr. Kelly stated that Zoning sent a letter to the business owner reminding him of the limitations of the permit. The owner says this is limiting his business and that he had an agreement with former Mayor Scott that he could go beyond the permit limitations.

Mr. Kelly stated that Zoning offered to meet with the owner but that he did not attend the meeting or respond to the letter. He requested photos of vehicles being worked on in the street so that there can be further follow up by Zoning. He stated that the City has been closely monitoring this situation for many years.

Ms. Reed expressed the belief that this situation is a tragedy waiting to happen. She stated that one of the garage bays is full of tires and it is unknown how they are disposed of. She stated that mechanics lay and kneel in the street working on cars causing traffic to swerve into the opposing lane. Pedestrians need to walk in the street because the sidewalk is blocked. She stated that the owner disrespects the nearby church and this operation is a public safety hazard. She stated that she is prepared to introduce an ordinance prohibiting parking in that entire block of W Windsor St.

Using the chat feature Ms. Kelleher questioned if there would be a traffic signal or stop signs at Lincoln and W Windsor when the new roadway is completed. Mr. Krall stated that there would be stop signs.

Ms. Reed stated that this garage operation did not cause these disruptions in the past. She stated that she is beyond frustrated with the situation.

Ms. Martinez and Ms. Ventura connected to the meeting at this time.

Mr. Kelly noted the need for photos.

Ms. Goodman-Hinnershitz again noted the need for an action plan. She agreed that this is a dangerous situation and stated that she avoids driving in that area because it is hazardous. She expressed the belief that the agreement with former Mayor Scott sets a bad example for others and has compromised code enforcement.

Ms. Reed questioned if this situation impeded any emergency vehicles. Fire Chief Stoudt stated that apparatus has had problems moving through this area.

Ms. Reed requested the Administration review the area and recommend new no parking areas and suggested that there be no parking any time on W Windsor St along the edge of the School District property. She requested Council support for the new parking restrictions.

Ms. Cepeda-Freytiz stated that the prior owner of the business did not cause these problems. She questioned if the City has met with the current owner. Mr. Kelly stated that the current owner did not attend the scheduled meeting.

Mr. Abodalo disconnected from the meeting.

### **III. Government Study Commission**

Ms. Reed expressed the belief that a Government Study Commission is long overdue. She expressed the belief that the Charter was well intended but is not successful. She stated that there is no continuity in administrative positions and that the intent of the Charter was for the professional managing director and department directors to remain with the City through elected official transitions. She expressed the belief that it is too easy for a Mayor to remove administrators and it has now been proven that the Charter is not working. She stated that Reading has made little progress compared to other PA sister cities. She noted the need to study other options. She stated that Council staff is the only staff continuity within City Hall and that the constant change in administrations is wreaking havoc with Reading's progress.

Mr. Daubert questioned the form of government of Lancaster and Bethlehem. Ms. Kelleher stated that Lancaster and Bethlehem are optional third class cities and follow the PA 3<sup>rd</sup> Class City Code. She stated that Allentown has the same Home Rule as Reading.

Mr. Kelly stated that there is no perfect form of government. He questioned how Ms. Reed would change the current form of government. Ms. Reed stated that Reading's commission form of government had issues and that is why it was changed to Home Rule. She expressed the belief that a Council / Manager form of government would provide good balance with the Mayor acting as President of Council with no additional power or authority than other Council members. She stated that this provides the Mayoral persona for ministerial functions only. She reminded all that the Government Study Commission studies other options and makes a recommendation without approval by current elected officials.

Mr. Gombar described the process to empanel a Government Study Commission. He stated that the Council ordinance would indicate the number of members on the Commission and the question that will be placed on the ballot. He stated that, if passed by the electorate, the Commission would have 18 months to perform their study and place their recommendation on the ballot for voters to decide if there is a change in the form of government.

Mr. Daubert questioned if the Commission could recommend changes beyond the scope of the original question. Mr. Gombar stated that it would depend. He reminded all that there is a process to amend the current Charter.

Mr. Daubert stated that he is concerned by the choice of only three questions. Mr. Gombar stated that they are the only three questions allowed by State law.

Ms. Goodman-Hinnershitz noted the need to be careful what you ask for. She stated that current elected officials will have no control over the Government Study Commission and that the Commission may go down a path that is not wanted. She noted her concern that Council is considered part time but doing more than part time work. She again noted that there is no control over the outcome. She expressed the belief that those who are elected impact the government function. She stated that Reading has a legacy of corruption and that the legacy continues. She noted the need to work with the electorate about how to choose elected officials.

Mr. Kelly noted the generational change that has occurred with employees and the result of the "Great Resignation." He expressed the belief that changing the form of government does not guarantee that employees will remain in their positions longer. He expressed the belief that people don't stay long term with one employer as they did in the past.

Ms. Kelleher noted the need for the current and former Mayors to stop referring to the Managing Director and Department Directors as a cabinet. She stated that these positions were intended to be professionals that stayed in their positions through Mayoral transitions.

Mr. Kelly stated that he has never been treated like a cabinet member.

Ms. Cepeda-Freytiz questioned what the Commission would study. Ms. Goodman-Hinnershitz noted the need to provide the Commission with resources so that it does not become chaotic. Mr. Gombar stated that the Commission can hire a consultant and work with DCED. Mr. Kelly stated that there is a small number of people at DCED that are qualified to assist in this process. He stated that he does not recommend empaneling a Government Study Commission.

Ms. Kelleher stated that she is often contacted by Government Study Commissions from other municipalities requesting information.

Ms. Cepeda-Freytiz questioned how long it took to change from the Commission form of government to a Home Rule Charter. Ms. Reed stated that the Commission form was in place for 50 – 70 years and three Government Study Commissions occurred during that period.

Ms. Cepeda-Freytiz questioned how to proceed. Mr. Gombar stated that Council would enact an ordinance to get the process started.

Ms. Cepeda-Freytiz noted the need to address the lack of continuity. Mr. Gombar suggested amending the Charter.

Ms. Cepeda-Freytiz questioned if the continuity issue was addressed in the past. Mr. Gombar stated that it was not but that other amendments have been made to the Charter.

Ms. Cepeda-Freytiz questioned if that approach could be considered.

Ms. Reed suggested legislation to amend the Charter to clarify that the Managing Director and Department Directors are not terminated by the Mayor alone. Mr. Gombar stated that he will research this issue. He agreed with the need for oversight and checks and balances on both the hiring and firing of the Managing Director and Department Directors.

Ms. Cepeda-Freytiz questioned how old the City's current Comprehensive Plan is. Ms. Kelleher stated that it is 22 years old.

Ms. Cepeda-Freytiz questioned if a new Comprehensive Plan would assist in this process. Mr. Kelly stated that the Comprehensive Plan focuses on planning and zoning issues.

Ms. Goodman-Hinnershitz stated that the Charter Review Commission can also recommend Charter amendments. She expressed the belief that part time Councilors take on more than this Charter was designed for. She stated that governmental function depends on who is sitting at the table. She noted her understanding of the purpose of the Government Study Commission but again noted that there is no guarantee in how it will turn out. She noted the need to prepare candidates for the required work to fill elected positions. She stated that she feels like Reading is on a treadmill and noted that Act 47 oversight by PFM provided guidance for the progress that has been made. She noted the need for continuity and expertise.

Mr. Kelly stated that it is impossible for people to know everything. He noted the importance of having elected officials attend annual trainings offered by PML, CELG, etc.

Ms. Reed stated that it is both a great thing and a terrible thing that everyone can run for elected office. She stated that she feels that Reading won't get anything done unless there is change and used the example of the current state of the Penn Square properties. She expressed the belief that this government is not working and encouraged others to support the formation

of a Government Study Commission. She noted the need to gauge how the citizens feel about this government.

Ms. Cepeda-Freytiz questioned what would improve if the part time Council became full time.

Ms. Reed stated that the premise of the Charter was that the Mayor would be a figurehead and ambassador with professionals running the day to day business. She stated that Council must approve the hiring of these professionals but the Mayor can fire them without Council approval. She stated that the concept of a part time Council was to have retired professionals in office who have more time to devote to Council work. She stated that it is often 30+ hours per week plus other professional and personal responsibilities. She stated that Councilors work far beyond Monday evening. She stated that citizens still believe that Councilors are full time and expect responses 24 / 7. She stated that what was intended in the Charter and what has occurred are different. She stated that she never understood why Council was not included in the firing process and suggested that the Charter has been flawed from the start. She stated that this contributes to why professionals don't remain with Reading.

Mr. Butler expressed the belief that being a part time official does not appeal to young adults.

Ms. Cepeda-Freytiz cautioned that if it does not appeal to young adults because of the pay there is a price for public service. She stated that public position salaries are not competitive with the private sector.

Mr. Butler noted the need for young adults to find full time jobs. He stated that if the Charter is designed for senior citizens, young adults will not get involved.

Ms. Goodman-Hinnershitz noted that this has been an interesting discussion. She again noted that current elected officials will have no control over the results of the Government Study Commission. She stated that everyone's insights are different. She stated that Councilors are elected to serve their District but actually serve the entire City. She agreed that being a Councilor takes much time and that this is a complex issue. She noted the need to speak with the community before the Commission is empaneled so that decisions are not made in a vacuum.

Mr. Kelly stated that all Home Rule councilors are part time except for Philadelphia. He stated that the Charter can be amended every election without a Charter Review Commission or Government Study Commission.

Ms. Cepeda-Freytiz noted her appreciation of being able to amend the Charter and agreed with the need for citizen education.

Ms. Reed stated that the need for the Public Works Director to be an engineer will remain in effect because that question was not ratified by the voters. She noted her preference for a

Government Study Commission but stated that citizens are not engaged. She stated that no one attends City meetings unless there is a critical issue that they want to address. She stated that less than 20% of registered City voters voted in this primary election.

Ms. Goodman-Hinnershitz agreed that it is a challenge to educate voters let alone have them understand their function if they are elected to office.

Ms. Reed noted the need to continue to make changes.

Ms. Cepeda-Freytiz suggested adding the need for Council to approve the firing of the Managing Director and Department Directors to the Charter.

Ms. Reed expressed the belief that it never made sense for Council to approve the hiring but not the firing of these positions. She suggested that these positions not be fired at will. Mr. Kelly stated that PA is an at will state.

Ms. Reed stated that good people have been let go in the past without cause. Other people should have left but didn't. She agreed that amending the Charter to add this language would be a step forward.

Mr. Daubert noted his support of a Charter amendment rather than a Government Study Commission. He again noted the lack of control of a Government Study Commission and that the results could end up being worse than the current Charter. He agreed that the lack of continuity hinders Reading.

Ms. Cepeda-Freytiz noted the ongoing problem of citizen engagement and the need for continued discussions.

Ms. Reed suggested that a Charter amendment regarding the firing of the Managing Director and Department Directors be drafted. Mr. Gombar stated that he will begin researching the amendment.

#### **IV. Review Upcoming Topic List**

All present reviewed the topic list as distributed.

Mr. Kelly requested that the Fire Escrow discussion be delayed until August.

Ms. Rodriguez stated that the 2021 Fire Escrow is complete and being reviewed by Herbein. She stated that it will be presented to Council in July.

Ms. Kelleher explained that the topic is not related to the audit. She stated that it is a discussion on the procedure to use these funds to repair fire damaged properties and how many of the fire damaged properties are repaired.

Mr. Kelly stated that most property owners do not repair the property.

Ms. Goodman-Hinnershitz agreed with Mr. Kelly. She stated that this speaks to the blight in Reading.

Mr. Daubert stated that it is 6:20 pm and the agenda review needs to be completed.

Ms. Cepeda-Freytiz requested that Council review the current topic list and make suggestions for additional topics via email.

## **V. Agenda Review**

Council reviewed this evening's agenda including the following:

- Award of Contract to Dutchman Contracting LLC for \$160,355.80 for repairs to the Egelman's Park Large Pavilion

Ms. Goodman-Hinnershitz requested that this contract award be moved to the Resolution section so that she can make comment.

- Award of Contract to H & K Group for \$4,000,732.77 for road work

Mr. Kelly stated that he has distributed maps and lists of the streets that will be repaved.

- Ordinance increasing the salary of the Finance Director by \$15,000 to \$120,000 due to the expansion of that role as Deputy Managing Director

Ms. Goodman-Hinnershitz questioned if an amendment to the Position Ordinance is also needed to create this position. Mr. Gombar stated that this amendment is necessary.

Ms. Goodman-Hinnershitz questioned how to amend the agenda. Ms. Kelleher stated that this ordinance amends the Position Ordinance but not two other related sections of the Administrative Code. She stated that these amendments have not been presented to Council.

Ms. Goodman-Hinnershitz stated that this ordinance will be introduced but not enacted until the other amendments are also ready to be enacted.

Ms. Cepeda-Freytiz requested that this salary increase and required Code amendments be discussed at an upcoming COW meeting.

Mr. Gombar stated that Mr. Lachat has also requested discussing the amendments to the Charter Board Ordinance at an upcoming COW meeting.

- Resolution approving the Conditional Use application for 2040 Centre Ave requiring approval of a parking variance and a bottle club operation by the Zoning Hearing Board

Mr. Gombar stated that if the applicant can acquire additional parking there is no need for a parking variance.

Ms. Reed questioned closing the facility at 10 pm when alcohol will be served. Mr. Gombar stated that this should be discussed in executive session.

## **VI. Other Matters**

Mr. Kelly questioned who would be reviewing the RAWA bill issue. Ms. Kelleher stated that Mr. Murray will be invited to make this presentation.

## **VII. Executive Session**

Mr. Gombar noted the need for an executive session to deliberate the conditional use decision and about a personnel matter.

The six members of Council, Ms. Kelleher, Mr. Gombar, Ms. Smith, and Mr. Litvinov entered executive session at 6:34 pm to discuss the conditional use decision. Ms. Kelleher and Ms. Smith left the meeting prior to the personnel discussion.

The executive session ended and the meeting adjourned at approximately 7:05 pm.

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