



COMMITTEE of the WHOLE

CITY COUNCIL

SUMMARY

June 27, 2022
5:00 P.M.
Hybrid Meeting

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

L. Kelleher, M. Gombar, J. Kelly, M. Rodriguez, E. Moran, F. Lachat, D. Dougherty, A. Schreiner, J. Stoudt (in person), S. Smith, K. Zeiber, F. Denbowski, BCTV, WFMZ (virtually)

The meeting was called to order at 5:02 pm by Ms. Cepeda-Freytiz.

I. 5G Zoning Amendment

Mr. Lachat stated that this topic will be discussed in executive session in July. He stated that he will distribute the draft amendment prior to that meeting.

Ms. Lynch from the Reading Eagle connected to the meeting at this time.

II. New Special Event Permit Process

Sgt. Dougherty from the Police Traffic Unit thanked Ms. Schreiner for her work on this process. He stated that Ms. Schreiner began working in the Traffic Unit in 2017 and learned the special event process on her own. He stated that several discrepancies were discovered and corrected. He stated that the new process is in line with Reading's sister cities and that the fees are similar. He noted the need for a clear and transparent process.

Sgt. Dougherty stated that the prior process noted that there will be no fee waivers permitted but there was a form to waive fees, which was used very frequently. He stated that the fees were also unclear. He also noted the need to define City sponsored events.

Sgt. Dougherty stated that this is not a revenue producing process and fees help the City recoup costs. He stated that there are three types of events.

Mr. Murray, Mr. Abodalo, and Mr. Oppenheimer connected to the meeting at this time.

After a brief technical issue, Sgt. Dougherty described the three types of special event permits

- Community Site permit – used to reserve a park, pavilion with no extra needs – no fee is charged
- Block Party permit – streets need to be barricaded for these events and neighbors must agree to move their vehicles from the street - \$75 fee
- Special Event permit – large events needing City services - \$100 permit fee plus \$500 security deposit and any additional costs incurred (\$50 permit fee with proof of non-profit status). The security deposit is returned if no damage is done.

Sgt. Dougherty stated that Community Site permits and Block Party permits can be processed in 30 days but that Special Event permits need 90 days to process. He stated that a lesser amount of time may be needed for smaller special events. He stated that food vendors increase processing time to verify the vendors have the necessary permits and licenses.

Sgt. Dougherty stated that he hopes that Council can help educate residents about the need for permits and to direct them to the Traffic Office to begin the process. He stated that an event that Councilor Cepeda-Freytiz is planning is serving as a pilot for the new process. He stated that he is available to meet with Councilors to discuss this more informally as needed.

Sgt. Dougherty stated that Ms. Schreiner has worked with the City's webmaster so that permits can be submitted online. He stated that this process will be seamless with the Energov system and makes the process fair to everyone.

Ms. Goodman-Hinnershitz thanked Sgt. Dougherty and Ms. Schreiner for these updates. She expressed the belief that the process is going flawlessly. She questioned how a situation would be rectified if a person without a permit is at a location when a person with a permit arrives. Sgt. Dougherty stated that the person with the permit should call the Desk Sergeant. He stated that permits, including photo ID, will be available to Desk Sergeant. He stated that an officer will respond and remove the unpermitted person / group.

Ms. Goodman-Hinnershitz questioned if venues could be marked so unpermitted events don't occur when the facility has been reserved. Sgt. Dougherty expressed the belief that this could be done with pavilions but that marking an entire park is not feasible. He stated that he works with the Recreation Commission and that the Commission may be able to assist.

Ms. Goodman-Hinnershitz questioned if groups would be removed if they don't have permits. Sgt. Dougherty stated that this would occur only if a call is made to the Police Desk.

Ms. Goodman-Hinnershitz expressed the belief that this has been problematic in District 2. Sgt. Dougherty stated that the next step is to publicize this process on social media so that residents know that they need permits.

Ms. Goodman-Hinnershitz noted her hope that Neversink Playground would be marked when reserved.

Mr. Kelly stated that Energov will automate City processes. He stated that the system will allow the City to create reports in advance of events to assist with posting of reserved venues. He stated that there will be a more coordinated calendar in the future.

Mr. Denbowski stated that some parks and pavilions are reserved through the Rec Commission. He expressed the belief that their process is different from the City's process and provides revenue to the Commission rather than to the City.

Mr. Kelly agreed but stated that the City's process sets aside specific event locations and that this information is shared with the Rec Commission.

Ms. Reed questioned if political groups are allowed to use City facilities. Sgt. Dougherty cited freedom of speech issues and noted that there is no right to refuse groups on this basis only.

Ms. Reed stated that a political group used City facilities in the past without permits. She expressed the belief that there are some groups that are problematic. Sgt. Dougherty stated that a description of the proposed use of the facility is part of the application process. He stated that this can be used during the vetting process to deny some uses.

Ms. Reed noted the need for legitimate uses of public properties. Sgt. Dougherty stated that questionable uses are reviewed with legal staff. He stated that the City has the right to refuse a use and used the horse racing on Skyline Dr as an example. He stated that this event was denied a permit but was held anyway. He stated that damage was done to the roadways.

Ms. Reed noted the need for uniformity. She noted the need for an equitable process that protects the public. She noted the need for the City not to infer support of fringe groups. She stated that use of public facilities by these types of groups is very concerning.

Mr. Gombar stated that the City cannot exclude these groups but can regulate how facilities are used. He stated that he will work with Mr. Lachat to determine if the regulations need to be amended.

Ms. Cepeda-Freytiz stated that the planning for her event is going smoothly. She stated that the constituent she is working with is very organized. She thanked Ms. Rivera for her assistance and expressed the belief that the event will be a win-win for the community. She

stated that there are very talented people working for the City and she appreciates all their work. She stated that Sgt. Dougherty has discussed a Christmas event in City Park with her.

Mr. Moran stated that he, Sgt. Dougherty and Mr. Denbowski have been looking at event fees and ways to keep the process fair. He expressed the belief that great things are happening. He expressed the belief that this is an easier process with fair pricing.

Ms. Cepeda-Freytiz suggested working with the Rec Commission for one single process. Mr. Moran stated that communication with the Rec Commission is improving.

Ms. Cepeda-Freytiz stated that there is a community calendar on the website. She stated that event information can be sent to Ms. Schreiner to be posted on the calendar.

Ms. Schreiner stated that any event being held in the City can be posted to the community calendar. She stated that event flyers / information can be sent to her for review and approval. She stated that the event will then be added to the calendar. She stated that she encourages event hosts to utilize this service. She stated that events that are posted to the calendar must be public events that occur within City limits.

Ms. Goodman-Hinnershitz thanked Ms. Schreiner on her work to accommodate a COCA event at 8th & Penn Sts. She explained that this location has a high overdose rate. She requested that Alsace and Lower Alsace Townships be informed of events so that the MP3 is aware of events that are occurring.

Ms. Kelleher stated that events are shared with the MP3 partners.

Ms. Cepeda-Freytiz thanked Sgt. Dougherty and Ms. Schreiner for their work on this project.

III. Redevelopment Authority Appointments

Mr. Gombar reminded Council that they have sole appointment authority for members of the Redevelopment Authority (RRA).

Ms. Cepeda-Freytiz stated that Ms. Goodman-Hinnershitz noted an issue with background checks at the last Nominations & Appointments Committee meeting.

Ms. Goodman-Hinnershitz stated that an opinion from Mr. Gombar was requested about outstanding taxes and fees preventing candidates from being appointed.

Mr. Gombar stated that Council's policy requires the background check. He stated that there is no legal reason to automatically exclude applicants with outstanding fees or taxes. He stated that this has been Council's practice, however, and he believes this is fair and reasonable. He stated that Council is not prohibited from appointing a candidate who has outstanding issues.

Ms. Cepeda-Freytiz questioned if candidates are vetted before their interview. Ms. Kelleher stated that they are.

Ms. Cepeda-Freytiz stated that candidates with background issues are not interviewed. Ms. Kelleher agreed. She stated that less than 5% of applicants have issues. She stated that a letter is sent describing the issue discovered and how to resolve it. She stated that most applicants correct the issue quickly and move forward for interview. She stated that if there is a small issue like one outstanding parking ticket that person will move forward.

Mr. Denbowski stated that the RRA is scheduled to meet on July 21 and a quorum of members is needed to move business forward. He noted the need for the RRA to resume daily operations.

Ms. Goodman-Hinnershitz noted the need for the Nominations & Appointments Committee to understand which candidates have issues. Ms. Smith stated that this information was provided in the past and candidates became upset when their personal information was shared publicly.

Mr. Daubert agreed with Ms. Smith.

Ms. Goodman-Hinnershitz noted the need to find balance. She noted the need for all to be aware of the process and to be fair to those without the capacity to resolve their issues.

Ms. Cepeda-Freytiz stated that candidates are given the opportunity to rectify their issues. She stated that they are informed about the issue and that they will move forward when the issue is resolved. She expressed the belief that Council staff uses a fair and equal process.

Ms. Reed reminded all that these interviews will take place at a Committee of the Whole meeting.

Ms. Goodman-Hinnershitz stated that there are more candidates than openings.

Ms. Cepeda-Freytiz stated that those not chosen for the RRA will be referred to other BAC vacancies.

Mr. Denbowski noted the need for Council guidance to conduct RRA business. He agreed that the vetting process and interviews are critical steps. He stated that RRA bills are not being paid which will lead to vendor issues.

Ms. Cepeda-Freytiz questioned if a special meeting should be held to conduct these interviews. Mr. Gombar stated that this is one option. He stated that they could also be

conducted during a Nominations & Appointments Committee or a Committee of the Whole meeting.

Ms. Cepeda-Freytiz suggested scheduling the interviews for the July 5 Nominations & Appointments Committee and that all of Council attend.

Ms. Smith stated that with the number of candidates the interviews will not be completed in one hour.

Ms. Reed requested a spreadsheet to tally scores for all applicants to choose which candidates will be appointed, like that used for the District 1 appointment.

Ms. Goodman-Hinnershitz stated that she will be participating remotely.

IV. Filling the Council President Seat / Position

Mr. Gombar reviewed the options to fill this position. He stated that Council's consensus is to fill the position with a current member of Council. He stated that this would then cause a vacancy in that District seat which would be filled by a member of the community.

Ms. Goodman-Hinnershitz agreed to fill the position with a sitting member of Council.

Mr. Gombar stated that Council has 30 days from the date of Mr. Waltman's passing. He suggested that action be taken by resolution at or before the July 11 meeting.

Mr. Daubert stated that Council is ready to move forward this evening.

Mr. Gombar noted the need for a nomination from the floor. He stated that the person appointed to the position would serve until the first Monday in January 2024.

Ms. Reed stated that a person will be elected to fill the rest of the term at the next municipal election. Ms. Gombar agreed.

Ms. Goodman-Hinnershitz requested that Mr. Gombar explain this to the public at this evening's meeting. Mr. Gombar agreed to do so.

V. Agenda Review

Council reviewed this evening's agenda including the following:

Mr. Gombar noted the need to read the ordinances in the pending box and make a motion to table them.

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

Ms. Ventura questioned why these ordinances are still pending. Mr. Gombar stated that they are still under review.

Ms. Cepeda-Freytiz noted the need to discuss the Deputy Managing Director position. She stated that the needs of this office are critical.

Mr. Denbowski expressed the belief that this deserves a thorough discussion. He stated that a new Managing Director will be named in the near future and that the person needs to be set up to succeed. He stated that adding a Deputy Managing Director increases available resources. He stated that acting in this capacity has been overwhelming for him.

Mr. Daubert stated that the discussion is mixing issues. He noted the need to determine if this is a Charter violation before moving forward.

Ms. Cepeda-Freytiz questioned if this creates a new position. Mr. Denbowski stated that it does not. He stated that the informal process has been for the Finance Director to become the Acting Managing Director as needed. He stated that this makes that the formal process.

Ms. Reed questioned if the additional salary would be received all the time or only during the absence of the Managing Director. She questioned the need for this formal title and the increased compensation.

Mr. Denbowski expressed the belief that the informal process is problematic because the person is not fully empowered. He stated that Council should determine the salary issue.

Ms. Reed questioned if the title is necessary. Mr. Denbowski expressed the belief that it is. He stated that titles matter. He stated that it would empower the person outside their regular scope of work and reduce confusion. He expressed the belief that it is not practical for one person to do all the work required of the Managing Director.

Ms. Cepeda-Freytiz stated that the Mayor is requesting an executive session to discuss this further. Mr. Gombar stated that Council can go into executive session now or wait until the end of the meeting.

The six members of Council, Mr. Gombar, Mr. Lachat and Mr. Moran left Chambers to meet in executive session at 6 pm. All returned to Chambers and the public session resumed at 6:19 pm.

- Ordinance amending the Charter Board Ordinance

Mr. Lachat stated that he, Ms. Kelleher and Mr. Gombar met with the Charter Board chair. He stated that he has updated the amendment to reflect that discussion.

Ms. Kelleher stated that the new draft has not been fully reviewed due to last week's schedule.

Mr. Gombar stated that the amendment is also being reviewed by the Ethics Board solicitor.

Mr. Lachat expressed the belief that the Ethics Board solicitor is not concerned with the proposed amendments. He stated that Code of Ethics issues will be addressed separately.

Ms. Cepeda-Freytiz stated that this ordinance will remain tabled.

- Ordinance amending Solid Waste by adding definitions of Container, Cart / Toter, Trash Can, Trash Bag and clarifying the set out of trash

Ms. Ventura questioned how set out will be clarified. Mr. Denbowski stated that grocery bags are not considered trash bags. He stated that this will also assist with enforcement.

- Ordinance to place a referendum on the 2022 General Election Ballot which would amend Charter Sections 1102 through 1109 to replace the current Referendum & Initiative with the procedure in the Third Class City Code

Ms. Ventura noted the need to ensure that voters understand the issue. She expressed the belief that people will not come to City Hall to sign a petition and stated that she does not support this ordinance.

Ms. Kelleher stated that citizens can complete a form which can be brought into City Hall, mailed, or emailed.

- Ordinance to place a referendum on the 2022 General Election Ballot which would amend the Charter requiring Council approval for the termination of the Managing Director

Ms. Cepeda-Freytiz stated that the Mayor has concerns about this amendment and has requested it be tabled.

Ms. Reed questioned the deadline to submit the ordinance to the Elections Board for the 2022 general election. Ms. Kelleher stated that the Elections Board must receive the ordinance by August 9 (13th Tuesday prior to the General Election).

Ms. Ventura questioned what needs to be discussed.

Mr. Moran stated that he has serious concerns about this amendment. He stated that he has written a formal statement. He noted that Reading has a strong Mayor form of government and expressed the belief that this is a change to the form of government. He stated that it has become apparent that this is a back door attempt to change the form of government away from a strong

Mayor. He stated that the Managing Director would begin to answer to Council. He stated that he is prepared to veto the ordinance.

Ms. Reed stated that this referendum question is the result of a compromise before empaneling a Government Study Commission. She stated that Council is engaged during the hiring process but then plays no other role. She stated that there has been a revolving door of Managing Directors. She stated that the concept of this amendment is to create more stability. She expressed the belief that Reading has a hard time attracting professionals because of the lack of stability. She expressed the belief that this has been problematic since 1996. She stated that the 10 – 12 Managing Directors plus Acting Directors during this time is part of why there is no progress in Reading.

Ms. Cepeda-Freytiz agreed with the need to protect qualified professionals. She noted the need to have just cause for firings and the need to learn from past mistakes.

Mr. Moran stated that he sympathizes with Council's feelings but stated that this amendment would tie the hands of the current and all future Mayors. He stated that he is a Mayor to serve the people and protect their rights. He expressed the belief that this is not the way to address the issue.

Ms. Cepeda-Freytiz stated that she has fielded many calls about this. She stated that this is the result of a fruitful discussion and noted the need to find solutions for continuity.

Ms. Reed questioned why Mr. Moran supports Council's role in the hiring process but not the firing process. She stated that many professionals have been removed without Council's approval.

Mr. Denbowski stated that Presidential appointments need Congressional approval but that the appointments can be terminated without Congressional action. He stated that this would cause legal personnel issues. He stated that employees have rights and cause is needed to fire an employee. He stated that this is a complicated issue.

Mr. Moran stated that he does not support the lack of Council approval for firings but it is mandated by the Charter. He stated that he does not support this referendum. He stated that it is concerning that Council is forgetting its role in serving the community.

Mr. Daubert stated that he had not considered employment law. He requested that this item be tabled.

Ms. Reed noted that this was an attempt to compromise. She expressed the belief that this form of government is not working. She stated that if this Charter amendment is not placed on the ballot she will push for a Government Study Commission. She noted the need for change.

Ms. Goodman-Hinnershitz noted her agreement with Mr. Daubert. She stated that she understands what is not working. She noted the issues that may be created if Council does not confirm the firing of the Managing Director and the Mayor needs to continue to work with them. She agreed that this should be tabled.

Mr. Butler questioned what legal issues Mr. Gombar predicts if this is moved forward. Mr. Gombar stated that he would prefer not to answer that in public. He stated that he has not evaluated the employment issues. He opined that tabling the ordinance is fair to allow further research.

- Ordinance amending the 2022 ARP Fund Budget to provide funding for the Mayor's Summer Youth Initiative Program

Ms. Reed stated that the first ARPA Review Committee meeting was held today. She expressed the belief that the Committee should review all ARPA spending.

Ms. Goodman-Hinnershitz noted her understanding that the ARPA Committee is only reviewing community applications for funding. Mr. Kelly stated that this is correct. He stated that the Committee does not need to review items proposed by the Administration.

Mr. Daubert stated that an ordinance is being introduced this evening to transfer \$10 million of ARPA funds to the capital budget.

Ms. Rodriguez questioned the amount of the transfer for this program. Mr. Kelly stated that \$100,000 has been requested.

- Ordinance amending the Electrical Code by adding fees at their current rate

Mr. Butler asked for an explanation of the fees. Mr. Denbowski stated that electricians are licensed based on their skills and training. He stated that this is a housekeeping matter. Ms. Kelleher stated that the fees are not changing. She stated that when reviewing the Electrical Code amendment no one realized that the necessary fees were not included.

Ms. Ventura left the meeting at this time.

- Ordinance conveying 513 S 14 ½ St to the RPA to be used as residential parking

Ms. Goodman-Hinnershitz noted her understanding that some residents don't want the former East Reading Pool property to become parking. She stated that she has talked to many neighbors who do support the addition of off street parking. She stated that she will support this ordinance and that she will miss the pool.

Ms. Cepeda-Freytiz noted the importance of community input.

Ms. Goodman-Hinnershitz stated that she has had face to face discussions with District 2 residents.

Ms. Ventura returned to the meeting at this time.

Ms. Goodman-Hinnershitz stated that many parking tickets are issued in this neighborhood.

Mr. Moran agreed with the need for community input. He stated that everyone is asking for parking relief.

Mr. Butler questioned why East Reading Pool cannot be reopened. Ms. Goodman-Hinnershitz stated that there is a high cost to renovating the property to reopen. She stated that the support wall is collapsing and requires an entire rebuild. She expressed the belief that this location is not feasible for a pool.

Ms. Ventura noted the need to stop using the lack of funding as an excuse to not have more pools.

Mr. Butler questioned the cost to make the property into parking. Mr. Denbowski stated that these costs will be borne by the Parking Authority and not the City. He stated that it will cost approximately \$750,000. He expressed the belief that reopening the pool will make the parking situation even worse for the neighborhood.

Ms. Cepeda-Freytiz noted her understanding of the need for more pools. She noted the need to identify better locations for pools while balancing the need for additional parking.

Ms. Goodman-Hinnershitz stated that several respected neighbors have been vocal to keep the pool but the majority of residents want parking. She stated that neighbors were no longer utilizing the pool before it closed.

- Ordinance authorizing the execution of a lease agreement to convey 924 – 932 Penn St to RPA to be used for residential parking

Ms. Reed noted the need for the lease agreement to clearly state that this is temporary on Reading's main street. She noted the need for landscaping. Mr. Gombar stated that the lease is one year renewable.

- Ordinance authorizing a budget transfer of \$250,000 to cover expenses related to the settlement of litigation matters

Mr. Lachat stated that this funding is to settle claims outside the self-insurance fund.

Ms. Cepeda-Freytiz questioned if this much has already been incurred. Mr. Lachat stated that it is in case it becomes necessary.

Ms. Rodriguez questioned if the transfer is from within the general fund. Mr. Kelly stated that it is being transferred from the fund balance.

- Resolution appointing a Council President

Ms. Goodman-Hinnershitz stated that Council has discussed this appointment and suggests Ms. Cepeda-Freytiz be appointed Council President. Mr. Butler agreed.

VI. Other Matters

Mr. Kelly stated that the \$10 million capital needs were explained by Mr. Anspach at last week's Committee of the Whole meeting.

Ms. Rodriguez requested the project list. Mr. Kelly stated that he will provide the list.

The meeting adjourned at 7:02 pm.

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