



COMMITTEE of the WHOLE

CITY COUNCIL

SUMMARY
October 24, 2022
5:00 P.M.
Hybrid Meeting

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

L. Kelleher, M. Gombar, F. Lachat, J. Stoudt, F. Freytiz, J. Abodalo, M. Rodriguez, J. Kelly, E. Moran, D. Anspach (in person), S. Smith, R. Torielli, K. Zeiber, S. Callulori, K. Stank, S. Harrity, M. Oppenheimer, BCTV, WFMZ (virtually)

The meeting was called to order at 5:06 pm by Ms. Cepeda-Freytiz.

I. Planning Commission Appointment Update 5:00 pm – 5:15 pm

Mr. Gombar noted the need for a minimum of four Planning Commission members to reach a quorum. He stated that one current member is out of town and will miss the scheduled Planning Commission meeting on October 25. He stated that one option is to appoint Council members to serve as alternate members until the current vacancies are filled. He stated that this is allowed by the PA MPC.

Mr. Gombar stated that Mr. Lachat has just cautioned him that the City Charter prohibits elected officials from serving on Boards and Commissions. He stated that the Planning Commission is created by the State and he must research whether this prohibition would prevent current Councilors from serving as alternate members of the Planning Commission. He stated that this is difficult timing but a real issue and noted the need for additional research. He noted the need to err on the side of caution and not violate the Charter. He stated that he is unsure of the business on the Planning Commission agenda for tomorrow's meeting.

Ms. Reed stated that there is much business and it is a huge agenda.

Mr. Moran stated that two applications were taken to the Clerk's office today. He suggested that one of these applicants be appointed this evening to reach quorum for tomorrow's meeting. He stated that the applicant is available for an interview this evening if necessary.

Ms. Reed cautioned against this approach and noted her disappointment that an advisory opinion from the Charter Board regarding Councilors serving as alternate members of the Planning Commission cannot be provided this evening. She stated that the Planning Commission is reviewing important projects and suggested that their meeting be postponed until a quorum can be reached.

Ms. Goodman-Hinnershitz stated that she does not support making this appointment quickly and at the last minute. She stated that this is not prudent. She stated that she is glad to hear that applicants have moved forward but noted the need to follow the regular process. She stated that current members can continue on expired terms until they are replaced. She thanked Mr. Gombar for his work on this issue.

Mr. Gombar stated that he will continue his research and will provide additional information later during this meeting. He reminded all of the PA MPC timelines for projects and cautioned that if the Planning Commission misses the deadlines the projects will be deemed approved.

Ms. Lynch connected to the meeting virtually at this time.

Ms. Reed noted her agreement with Ms. Goodman-Hinnershitz. She noted the importance of vetting the applicants and holding interviews. She stated that she served on the Planning Commission in the past and stated that there is much work which needs to be done to prepare for meetings. She expressed the belief that there are some very sensitive projects on tomorrow's agenda.

Mr. Moran stated that one applicant is highly respected in the community, is a former employee, and is familiar with the Planning Commission and the Charter – Frank Denbowski. He expressed the belief that Mr. Denbowski can step in immediately.

Mr. Abodalo stated that there are twelve items on tomorrow's Planning Commission agenda and most of them require final plan approvals. He stated that the meeting can be postponed until next week. He stated that new members of the Planning Commission are encouraged to attend Planning and Zoning classes at the Center for Excellence in Local Government. He expressed the belief that knowledge of the Reading community is essential. He noted his hope for new members as soon as possible and reminded all that the Redevelopment Authority is currently understaffed.

Ms. Cepeda-Freytiz noted her concern with moving the applicants forward too quickly. She questioned how the projects would be affected with a meeting postponement. Mr. Abodalo stated that it will be a negative setback for developers. He stated that final approvals can

include conditions which will be needed to move projects forward. He noted his hope to prevent delays.

Ms. Cepeda-Freytiz questioned if the full body of Council would conduct the interview. Mr. Gombar stated that Council would decide that matter.

Ms. Goodman-Hinnershitz stated that Council is familiar with one candidate but that consistency is needed. She cautioned against fast tracking candidates and suggested that the interview take place this week and a special meeting be held to make the appointments so the Planning Commission can meet next week. She stated that the other candidate is unknown at this time.

Ms. Reed stated that generally candidates are not announced until after they have been vetted.

Ms. Cepeda-Freytiz questioned how to proceed. Mr. Gombar suggested continuing on the agenda and coming back to this topic after he has done additional research.

This portion of the discussion concluded at 5:21 pm.

II. ARPA Funding Update

5:15 pm – 5:30 pm

Mr. Kelly stated that the amount of ARPA funding that is eligible as lost revenue is \$31,415,144. He stated that the amount of ARPA funding that has already been committed is approximately \$32 million and that to date, none of the ARPA funding that has been received is tied to the ARPA regulations. He stated that the amount of lost revenue will continue to be recalculated as needed and stated that the City is trying to categorize all the funding as lost revenue. He stated that the \$32 million that has been committed includes \$1 million for each of the three colleges / universities.

Ms. Cepeda-Freytiz questioned the remaining balance. Mr. Kelly stated that the City will receive approximately \$61 million so approximately \$30 million needs to be committed.

Ms. Goodman-Hinnershitz questioned if the \$32 million that has been committed includes the capital projects. Mr. Kelly stated that the capital projects are included.

Ms. Goodman-Hinnershitz questioned if additional funding could be used for capital. Mr. Kelly stated that it can be used for capital as needed.

Mr. Kelly shared his screen and reviewed the ARPA spreadsheet to date and stated that there are currently eleven projects using ARPA funds.

Ms. Cepeda-Freytiz stated that \$5 million has been allocated to non-profits and \$2 million has been allocated for small businesses. Mr. Kelly stated that \$2 million has been proposed. He stated that he is working with the Chamber to use the City's allocation as seed money for

businesses to participate in the Chamber's program with Community First Fund. He stated that the Chamber has a revolving loan program.

Ms. Rodriguez questioned if ARPA funding will be transferred into the General Fund. Mr. Kelly stated that it will not be. He stated that the General Fund is strong and ARPA funding is not needed at this time to close deficits.

Ms. Rodriguez expressed the belief that the funding from the Parking Authority, Water Authority and Sewer Fund contribute to the current strength of the General Fund. Mr. Kelly stated that this was not reflected in the external audit.

Ms. Rodriguez stated that Herbein discussed the need for funds in the General Fund. Mr. Kelly stated that the Parking Authority and Water Authority funds are lease payments, not transfers. He stated that the Sewer Fund transfer has been increased from \$3 million to \$4.5 million per the update to the Consent Decree.

Ms. Cepeda-Freytiz recommended that Ms. Rodriguez and Mr. Kelly meet regularly to discuss these types of issues. Mr. Kelly stated that he has an open door policy.

The discussion concluded at 5:31 pm.

III. Land Bank Board Composition and Oversight 5:30 pm – 6:00 pm

Mr. Abodalo provided handouts to Councilors in attendance.

Mr. Abodalo stated that the Land Bank Act allows the Land Bank Board to be 5 – 11 members and states that it must contain representatives of all taxing agencies (City, School District, and County), one resident, one business owner, and one employee of the City, School District and County. He stated that there are no nominations at this time and that the Steering Committee will begin meeting again in early November.

Mr. Daubert questioned if the Act requires the County and School District to be members. Ms. Calluori stated that there must be an odd number of members and that officers and employees of the taxing agencies can be members. She stated that one resident will serve and one member of a community group will serve. She stated that the Steering Committee will share their recommended membership to Council. She stated that representatives of the three taxing bodies are on the Steering Committee and they each want to serve on the Board due to financial issues when forgiving back taxes.

Mr. Daubert stated that it seems like two different answers were given. He questioned the membership required by law. Mr. Abodalo stated that this is what is required by law. He stated that he will provide a copy of the Act to Council. He stated that the Act gives latitude to the municipality to allow the Redevelopment Authority or the City to manage the Land Bank.

From the Act:

§ 2105. Board.

(a) **Membership.**--A board shall consist of an odd number of members and be not less than five members nor more than 11 members. Unless restricted by the actions or agreements specified in section 2104 (relating to creation and existence) and subject to the limits stated in this section, the size of the board may be adjusted in accordance with bylaws of the land bank.

(b) **Eligibility to serve on board.**--

(1) Notwithstanding any law to the contrary, a public officer shall be eligible to serve as a board member, and the acceptance of the appointment shall neither terminate nor impair that public office.

(2) A municipal employee shall be eligible to serve as a board member.

(3) An established land bank board shall include at least one voting member who:

- (i) is a resident of the land bank jurisdiction;
- (ii) is not a public official or municipal employee; and
- (iii) maintains membership with a recognized civic organization within the land bank jurisdiction.

(4) A member removed under subsection (d) (3) shall be ineligible for reappointment to the board unless the reappointment is confirmed unanimously by the board.

(5) As used in this subsection, the term "public officer" means an individual who is elected to a municipal office.

Mr. Kelly stated that the three taxing bodies will need to take action to discharge liens against properties proposed for the Land Bank. He stated that having representatives on the Board will allow the Board to approve the discharges without having to go to all three agencies for formal actions.

Ms. Reed questioned if the representatives can take action without consulting with the full body. Mr. Abodalo stated that this detail will be established in the Land Bank's policies. He stated that the Steering Committee recommends that the Board approve the discharge without needing to go to the full body for formal action.

Mr. Kelly stated that an Inter Municipal Agreement (IMA) will be established for each taxing body.

Ms. Reed questioned if the City representative would act on the City's behalf. Mr. Kelly stated that they would if Council agrees to this process.

Ms. Calluori stated that according to the Act, the School District must approve all discharges as a body.

Mr. Daubert questioned if this was required by law. Ms. Calluori stated that this is mandated by law. She noted her hope that the IMAs would address how to discharge taxes within specific parameters (certain dollar amounts, for example). She stated that the big advantage of using a Land Bank is to acquire properties before others may during the tax sale process. She stated that most of the properties that the Land Bank acquires will have already had their taxes discharged as part of the tax sale process.

Mr. Daubert expressed the belief that having the three taxing bodies on the Land Bank Board would save two steps but not three.

Mr. Abodalo stated that the Land Bank is an additional tool to address blight. He stated that the City will still accept property donations and can condemn and demolish properties. He stated that the Land Bank is not in business to forgive liens.

Mr. Abodalo reviewed the list of Land Banks and their management that he distributed to Council members. He stated that Philadelphia has designated staff for their Land Bank. He expressed the belief that each municipality has determined the management based on convenience and staffing needs. He stated that generally municipal staff manages the Land Bank. He reminded all that the Redevelopment Authority does not have staff and is managed by City staff. He expressed the belief that for the Land Bank to be effective it needs City staff management and consultants. He recommended keeping the Land Bank and the Redevelopment Authority separate but to have a member of the Redevelopment Authority serve on the Land Bank Board.

Ms. Reed noted the need for additional review and discussions. She suggested speaking with other municipalities about the pros and cons for their Land Bank.

Ms. Cepeda-Freytiz expressed the belief that this project is moving in the right direction and stated that it is time to move forward.

Mr. Abodalo stated that the Steering Committee will provide a draft ordinance to City Council shortly and that the matter can be discussed again at that time.

Ms. Cepeda-Freytiz suggested meeting with Lancaster about their Land Bank. Mr. Abodalo stated that he would be happy to arrange this discussion.

Ms. Cepeda-Freytiz noted the need for Council to see the costs, staff requirements, organizational chart, timeline, etc. before moving forward.

Ms. Reed agreed and noted the need for proper funding to be allocated in the 2023 budget.

Planning Commission Appointment Update (continued)

Mr. Gombar confirmed the Charter prohibition but stated that the Charter cannot override the PA MPC. He stated that this was the basis for his opinion about Planning Commission membership requirements. He stated that legally Council is able to appoint Council members as alternate Planning Commission members. He stated that the resolution on the agenda can move forward or can be withdrawn so that the regular process can be followed. He stated that the Nominations & Appointments Committee could also elect to interview fellow Council members who are interested in serving as alternate members.

Ms. Calluori and Ms. Stank disconnected from the meeting at this time.

Ms. Reed stated that there is no Council meeting next Monday due to it being Halloween. She stated that it is too late to schedule a Special Meeting for this week. She suggested that the Planning Commission meeting be postponed for two weeks to allow the interviews to occur on November 7 and the appointments that same evening at a Special Meeting prior to the Budget Review meeting.

Ms. Cepeda-Freytiz noted the need to take the candidates' availability into account.

Ms. Reed stated that a fast track process has never been used before and that appointments should move forward consistently.

Police Chief Tornielli disconnected from the meeting and arrived in person at this time.

Ms. Reed suggested that as an alternate option the interviews take place on October 31 and a Special Meeting be held on November 1 prior to the Budget Review meeting. She questioned if the person who is unavailable tomorrow will be back next week. Mr. Abodalo stated that he will be available next week.

Ms. Cepeda-Freytiz and Ms. Reed stated that a new schedule is not needed.

(Note: The Planning Commission interviews will be scheduled at the November 7 Nominations & Appointments Committee meeting and the appointment resolutions, as recommended, will be placed on the November 14 regular meeting agenda.)

Mr. Gombar stated that there is no action needed on this matter this evening.

The discussion on this issue concluded at 6:00 pm.

IV. Agenda Review

6:00 pm

Council discussed this evening's agenda including:

- Award of Contract for the sole source purchase to replace the Peace Dove in City Park with a cast stone replica created by Kreilick Conservation at the cost of \$81,048 allocated from ARPA funding

Ms. Reed suggested that this contract award be moved out of the consent agenda to allow discussion. Mr. Miller agreed.

Ms. Goodman-Hinnershitz thanked Public Works for moving forward with a workable solution.

Mr. Daubert agreed to move this contract award to the Resolutions section of the agenda.

- Award of Contract for the Skyline Drive Overlook clearing project to Bartlett Tree Experts at the cost of \$165,498 from the Public Works budget to remove all trees and large underbrush as identified by the City Arborist to create a clean and unobstructed line of sight at all three observation overlooks

Mr. Daubert questioned if the cost will be determined by the amount of work required. Mr. Anspach stated that this is the case. He stated that the first 100 feet will cost 50% of the projected total and additional work will be determined at that time. He stated that if the cost of this project is lower than anticipated the additional funds will clear brush around the Pagoda.

Mr. Butler connected to the meeting virtually at this time.

- Resolution authorizing the purchase of office furniture for the Property Maintenance Division from GSA approved vendor EthoSource in the amount of \$54,785 from the budgeted account for City Hall Office Upgrades

Mr. Kelly stated that this furniture will allow Property Maintenance to better utilize their space.

Ms. Reed questioned what would be done with the old furniture. Mr. Kelly stated that it will be reused by other City offices or would be held for a future asset sale.

Ms. Reed noted the need for caution as former Administrations made inappropriate purchases.

- Award of Contract for trash and nuisance removal and the securing of properties to Hope Works and to Stubbs Cleaning Services at the total cost of \$100,000 to be split between the two companies from the Public Works budget

Ms. Ventura questioned if this was City-wide. Mr. Abodalo stated that the contractors will clean properties as needed for property maintenance and nuisance issues. He stated that the City liens the property to recoup the costs.

Mr. Kelly stated that this is a CD expense and not Public Works. He stated that this is a typo.

Mr. Abodalo also noted the need to correct a typo in Consent Agenda Resolution E. He stated that the funding is not CDBG but is CDBG-CV.

Ms. Ventura questioned the pending legislation. Ms. Cepeda-Freytiz stated that it will remain pending. She stated that a presentation by the Charter Board is scheduled and that the elected official salaries will be addressed after the budget discussions are complete.

- Ordinance amending the fee schedule by increasing the fee for solid waste collection from \$190.92 per unit per year in 2022 to \$196.65 in 2023 for a total of \$340 for solid waste, recycling, and clean city

Mr. Kelly stated that this increase reflects the 3% annual increase included in Republic's contract.

Ms. Cepeda-Freytiz questioned the term of this contract. Mr. Harrity stated that it is a five year contract expiring in December 2026.

Ms. Cepeda-Freytiz questioned if the contract included annual increases. Mr. Harrity stated that it includes a 3% annual increase. Mr. Kelly stated that the increase is capped at 3%.

Ms. Cepeda-Freytiz noted her concern for increased costs for constituents.

- Ordinance authorizing conveyance of 131 and 133 Schuylkill Ave to the City from Berks County Conservancy Properties Inc (a subsidiary of Berks Nature that is being dissolved)

Ms. Reed requested a description of the properties. Mr. Gombar stated that it is a pocket park and that the City owns the adjacent property.

Ms. Reed stated that this is currently an art park at the corner of Schuylkill Ave & Walnut St.

- Ordinance authorizing a transfer of \$75,000 within the Sewer Fund from vehicles to gas (\$25,000) and sewer repair supplies (\$50,000) to cover projected increased costs for 2022

Mr. Daubert questioned what the original funds were budgeted for. Mr. Zeiber stated that it was to purchase a service vehicle at the WWTP.

Mr. Daubert questioned if it was determined that the vehicle was not needed. Mr. Zeiber stated that the vehicle was not purchased.

- Resolution making appointments to the Planning Commission

Mr. Gombar suggested withdrawing this resolution from the agenda.

Agenda review ended at 6:20 pm.

IV. Executive Session

Ms. Cepeda-Freytiz noted the need for executive sessions on litigation and personnel issues.

Council entered executive session at 6:25 pm.

The seven members of Council, Mr. Gombar and Mr. Lachat were present for one litigation topic. After that topic concluded, Mr. Lachat left the meeting and an additional litigation matter and a personnel matter were discussed.

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

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