



# *CITY COUNCIL*

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## ***Committee of the Whole***

**Monday, April 14, 2014**

**4:45 pm**

**Agenda**

*Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.*

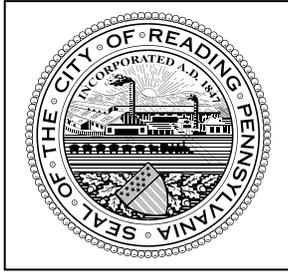
*All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012.*

**4:45 pm- Shuman Development**

**5: 15 pm - Disruptive Conduct Ordinance (T. Coleman)**

**5:30 pm - Pagoda Foundation (Mayor's Office)**

**6:15 pm - Agenda Review**



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**March 24, 2014**  
**5:00 P.M.**

**COUNCIL MEMBERS PRESENT:**

D. Sterner, S. Marmarou, D. Reed, C. Daubert, J. Waltman

**OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, A. Piper, C. Snyder, C. Younger, C. Jones, D. Cituk, F. Lachat, V. Spencer, L. Murin

The Committee of the Whole meeting was called to order at 5:06 pm by Council Vice President Waltman.

**I. Bridge Repair Update**

Mr. Piper distributed a project list for all pending projects in Reading.

Mr. Piper stated that the proposed work to reconstruct the West Shore bypass (Route 422) would take approximately 8 years. He stated that the reconstruction would include bringing the roadways to current standards and would widen the lanes and change the exit/entrance lanes from/to Penn St/Penn Ave.

Mr. Acosta and Ms. Goodman-Hinnershitz arrived at this time.

Ms. Reed questioned if the Buttonwood St Bridge would be closed to pedestrians. Mr. Piper stated that it would.

Ms. Reed questioned the installation of a guard rail on the Buttonwood St Bridge. Mr. Piper stated that it would need to be installed as the current concrete bridgework is not crash safe. He stated that this will also be added to the Penn St Bridge.

Ms. Reed questioned how long the Schuylkill Ave railroad bridge would be closed. Mr. Piper stated that this project will take 1 – 2 years. He stated that this road closure will push traffic onto N 4<sup>th</sup> St. Mr. Jones stated that both lanes will only be closed during the initial phase and that once a lane is completed, it will be reopened to traffic.

Mr. Waltman questioned when this bridge would be addressed. Mr. Piper stated that work on this bridge would begin after the Buttonwood St Bridge is complete. He explained that work on the Penn St Bridge will not begin until after the Buttonwood St Bridge is complete.

Mr. Waltman suggested that the City work on detour options. Ms. Reed suggested staggering projects to avoid the same neighborhoods being impacted during construction.

Mr. Piper reviewed the concept plans for the Penn St/Penn Ave interchange with the West Shore bypass. He stated that this work is constrained by the river and the railroad. He stated that this concept plan is subject to change but that it eliminates two of the current ramps and adds traffic signals to better control merges. He stated that the traffic signals will slow down traffic and may assist with back-ups at 2<sup>nd</sup> and Penn.

Mr. Piper reviewed the concept plans for the Lancaster Ave interchange with the West Shore bypass. He stated that both entrances and exits will be moved to the right side of the road and that they will utilize Route 10. He noted his hope that this will decrease congestion at the Route 10, Route 422, and Lancaster Ave intersection.

Ms. Reed questioned the impact this work would have on Schlegel Park. Mr. Piper stated that the entrance to the park that is located next to the fire station would need to be closed. He stated that it does not affect the pump station.

Ms. Goodman-Hinnershitz questioned the impact on the fire station. Mr. Piper stated that this is unclear at this time. Mr. Jones explained that the apparatus will need to go around the block to enter the station once the park entrance is closed.

Mr. Daubert questioned when this work would begin. Mr. Piper stated that it would not be for at least another four years as PennDOT is still selecting its

consultant. He stated that this entire project will cost \$650 million and to put that into perspective he stated that the County generally gets \$255 million for a four year period.

Mr. Waltman requested an update on Route 222 N as there are many rumors. He stated that one rumor is that the increase in the gas tax will be funding Septa. He questioned if Berks is getting a comparable proportion of the gas tax revenue. Mr. Piper stated that Berks is getting a comparable proportion. He stated that the same formula is used for the entire State in transportation funding. He did explain that there are no more federal earmarks for transportation and that State earmarks are unknown.

Mr. Waltman requested a breakdown of the projects on Route 222 north. Mr. Piper stated that the work will be in five phases:

- A roundabout will be added at Route 222 and 662
- Route 222 between Route 73 and Schaeffer Road will be widened to four lanes
- Route 222 at Long Lane (above Kutztown) will either get a traffic light or a roundabout
- Route 222 between Route 73 and the Kutztown bypass will be widened
- Route 222 between Kutztown and the County line will be widened

Mr. Waltman questioned the time needed to complete the five phases. Mr. Piper stated that it will be approximately 10 years. He stated that this will allow much more effective travel.

Ms. Goodman-Hinnershitz questioned if local contractors would be used for this work or local jobs created. Mr. Piper stated that there is potential for local contractors for the bridge work.

Ms. Reed stated that it will be challenging to travel in and out of the Reading area for the next 10 years. She stated that this may become an economic development challenge.

Ms. Goodman-Hinnershitz noted the need for public meetings on how this work will affect neighborhoods.

Mr. Waltman suggested discussing new traffic patterns internally for the many projects. Mr. Piper encouraged discussion but that any new traffic patterns must

be coordinated with PennDOT. He stated that he is willing to facilitate this discussion.

Mr. Piper left the meeting at this time.

## **II. Charter Board Ordinance Amendment**

Mr. Lachat stated that the Charter Board has submitted a proposed amendment. He stated that he has done only a cursory review but that his main concern is that this amendment would retain the investigative officer and therefore would retain the unpredictable costs. He stated that the investigative officer should also not be investigating and mediating at the same time.

Ms. Kelleher stated that she spoke with the Board's solicitor, Eric Smith, today. She stated that the Board has been working on this amendment for some time and that they believe it will decrease costs. Mr. Smith stated that the Board believes that Mr. Lachat's proposed amendment also retains costs and that they are uncomfortable with mediators who are not educated on the Charter and that settlements may not be Charter compliant.

Ms. Goodman-Hinnershitz stated that she recommends adding a mediation process and that the now three versions of the amendment need agreement. She suggested including Charter Board representatives in conversations with the Bar Association.

Mr. Waltman suggested that the City define a process that it wants that will decrease costs. He expressed the belief that mediation should be mandatory and that costs must be limited.

Mr. Acosta agreed and stated that the Charter Board should have a spending cap.

Mr. Waltman stated that the Charter Board process has turned into another level of court. Mr. Acosta agreed and stated that the Charter Board members are not judges. He noted the need for the amendment to be clear and the process open.

Mr. Sterner agreed with Mr. Waltman.

Mr. Acosta questioned if there were other municipalities with Charter Boards. Ms. Kelleher stated that there are none.

Ms. Goodman-Hinnershitz stated that many Charter Board complaints are filed because people are not communicating well. Mr. Waltman agreed and stated that this makes it worse.

Mr. Lachat explained that the Charter Board's proposed amendment adds mediation as an extra step but does not eliminate the investigative officer. He stated that his version removes the investigative officer and that the complainant must cover their own attorney fees.

Mr. Waltman suggested that the Charter Board mediate complaints and have no further role in the complaint process.

Mr. Lachat stated that prior to the Charter Board there was no mechanism for complaints and violations went straight to court. He stated that the Charter Board process has created a lower level court system and has increased costs.

Ms. Goodman-Hinnershitz suggested mapping the cost potentials to determine the level of savings that can be achieved. Mr. Waltman agreed and suggested using the last ten cases. He also suggested using these complaints to determine if mediation would have been successful.

Mr. Acosta stated that if the last ten complaints were mediated in the current process, the investigative officer would have been charging an hourly fee. He stated that the Bar Association would charge a flat fee per mediation. He stated that this alone could save thousands of dollars per complaint.

Mr. Waltman questioned how many complaints really need to be heard in court.

Mr. Acosta stated that the Charter Board rulings have been overturned in court anyway.

Mr. Lachat stated that taking a matter to court changes the level of conflict.

Ms. Goodman-Hinnershitz stated that Council now has three options before it.

Mr. Waltman again suggested that the Charter Board mediate complaints but do not issue rulings.

Mr. Acosta stated that this change would require the issue to appear on the ballot.

Ms. Goodman-Hinnershitz noted her frustration when she voiced her concerns about Charter violations but was not given a good response.

Mr. Lachat stated that his proposed amendment requires the complainant to certify that they tried to settle the issue before the complaint was filed. He stated that this combined with a filing fee would help ensure that the complainant is committed.

Mr. Acosta questioned if the revised process would work to reduce complaints. He stated that some people continue to file complaints. He questioned if the complaint was unfounded if mediation would still be necessary.

Ms. Goodman-Hinnershitz noted the need for people to have the opportunity to file even if points of view differ.

Mr. Acosta noted that he has a problem paying costs when complaints are filed by those who do not understand government and the law.

Mr. Waltman noted the need to draw the line on costs. He stated that even with a filing fee after the complaint is deemed to have merit, the rest of the costs lie with the City.

Mr. Daubert questioned if the Charter Board mediated complaints whether the investigative officer would be eliminated. Mr. Lachat stated that it would be eliminated. He suggested that the complainant hire their own attorney and pay court costs.

Mr. Sterner stated that there are many frivolous filings. Mr. Acosta expressed his belief that this would continue.

Ms. Goodman-Hinnershitz questioned if another meeting should be held with the Bar Association. Mr. Lachat stated that he would like to meet with the Bar Association.

Mr. Acosta explained that the Bar Association has a panel of 12 mediators. He stated that they are certified and would easily be able to study the Charter. He stated that they have great insight and are willing to do this job.

Ms. Kelleher questioned if the Charter Board should attend an upcoming Committee of the Whole meeting. Council did not believe that was necessary.

Mr. Waltman again expressed the belief that the Charter Board should mediate only.

### **III. UGI Meters**

Mr. Waltman noted the need to bring UGI and the PUC to the table.

Ms. Goodman-Hinnershitz agreed and suggested that the same model be used for this issue as was used with the remediation of Bernhart Park.

Mr. Waltman noted the need for UGI and the PUC to attend the same meeting.

Ms. Goodman-Hinnershitz noted the need for the City to clearly define its local issues. She stated that safety and infrastructure are high priorities.

Mr. Waltman stated that the relocation of the meters is for UGI's convenience only. He stated that PUC has still not passed the new regulations. He suggested that Reading's State legislators also be involved.

Mr. Acosta suggested that the City not issue street cut permits to UGI until there is better cooperation. Ms. Goodman-Hinnershitz stated that this would be a liability issue in the event of a catastrophe.

Ms. Snyder stated that the City has tried to address the condition of the streets through its street cut amendment. She stated that UGI has not followed up on the design of the meters. She stated that to her knowledge only the regulator must be placed outdoors.

Mr. Marmarou stated that many residents believe that UGI's disturbance in the streets is causing water leaks.

Mr. Waltman noted the need to meet with top level PUC and UGI representatives, Rep. Caltagirone, Rep. Rozzi and Senator Schwank. He noted the need for productive meetings.

Ms. Goodman-Hinnershitz again noted the need to model the meetings after those held regarding Bernhart Park.

Ms. Snyder stated that there is a rule making process for PUC. She stated that the comment period closed on this issue before the City had a chance to address it.

Ms. Kelleher stated that she reached out to the State legislators in the past and that they indicated that they were not interested in this issue. Mr. Acosta stated that he will speak with Rep. Caltagirone.

Mr. Waltman expressed the belief that the PUC was in collusion with UGI. Mr. Spencer noted the need for the State legislators to address this issue. Ms. Goodman-Hinnershitz noted the need for the State legislators to hear how this has devastated the City's infrastructure.

Mr. Waltman stated that the new rules would prevent UGI from placing many of the meters that they have relocated to their current position. He stated that the City should not allow this to continue.

Mr. Acosta stated that he suggested that Rep. Caltagirone coordinate with the other legislators to meet with the City on a Monday at 5 or a Thursday at 5. He stated that Rep. Caltagirone will be contacting the Council office with several dates.

#### **IV. Agenda Review**

Council reviewed this evening's agenda including:

- Resolution authorizing an agility agreement between the City and PennDOT

Mr. Jones stated that the last agreement has expired. He stated that this agreement gives the City and PennDOT the opportunity to work together and to share equipment and resources. He stated that the agreement has not been used in the past but that it is good to have in place in case of emergencies.

Mr. Marmarou questioned if this agreement could have been used to help the City plow and remove snow. Mr. Jones stated that it could not as PennDOT was addressing the same issues.

- Resolution applying for a PA DCNR grant for a project at Pendora Park

Mr. Daubert stated that there was a conflict with this resolution at the last Recreation Commission meeting. Ms. Goodman-Hinnershitz explained that the

executive director does not feel that this project is a priority for the Rec Commission.

Mr. Acosta questioned if there is disagreement between the City and the Rec Commission. Mr. Daubert stated that there is.

Ms. Goodman-Hinnershitz stated that the Rec Commission passed a resolution on this issue that should have been forwarded to Ms. Snyder. Ms. Snyder stated that she did not receive the resolution.

Mr. Daubert explained that the Rec Commission has other priorities.

Mr. Acosta questioned the specifics of the grant. Ms. Snyder stated that the grant coordinator stated that she had discussed the project with Public Works. She stated that this is a \$250,000 project and that ½ the project would be covered by CDBG funds and ½ the project would be covered by this grant. She stated that this area is in the MVA.

Ms. Goodman-Hinnershitz and Mr. Daubert stated that the MVA issue was also discussed at the Rec Commission meeting and there is disagreement if this project is located in the MVA.

Mr. Spencer questioned the condition of 11<sup>th</sup> & Pike. Ms. Goodman-Hinnershitz stated that it still needs a lot of work.

Mr. Spencer stated that the Pendora project may have moved forward in the ten year cycle of park/playground rehabs.

Ms. Snyder stated that 11<sup>th</sup> & Pike is being addressed at this time.

Mr. Daubert stated that Ms. Klahr is also concerned that if these funds are used for this project they will not be available for other projects that are Rec Commission priorities.

Ms. Goodman-Hinnershitz stated that this is difficult to discuss without Ms. Klahr in attendance.

Mr. Acosta stated that this resolution cannot be tabled if there is a deadline and funds will be lost.

Ms. Goodman-Hinnershitz stated that there were also concerns at the Rec Commission meeting that this grant would cover improvements to the baseball field. She stated that the field is not listed on this resolution.

Mr. Acosta questioned if this project would interfere with future Olivet construction on the park site. Ms. Goodman-Hinnershitz stated that this would occur in different areas. She noted her understanding that the water feature would be problematic as the current piping to the water feature is old and inoperable.

Mr. Waltman questioned if Council could vote this evening and the Mayor could hold the grant application until Council's questions were answered and Ms. Klahr could address the issues. Mr. Spencer stated that he was willing to delay signing the application. Ms. Snyder stated that she will determine if there is a deadline for the application.

The meeting adjourned at 6:34 pm.

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

CITY OF READING,  
PENNSYLVANIA  
MEMORANDUM



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**TO:** Members of Council  
**FROM:** Thomas Coleman, Esquire  
Linda A. Kelleher, City Clerk  
**DATE:** March 10, 2014  
**SUBJECT:** DCR Amendment

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**RECOMMENDATION**

Amending the Disruptive Conduct Ordinance to reduce the potential for a legal challenge to the ordinance as follows:

- Adding an exception for domestic abuse or domestic violence, as per Pa. Title 23 Domestic Relations, Chapter 61 and as defined herein
- Strengthening the appeal process and lowering the appeal fee
- Refining the internal processes to provide checks and balances before the issuance of DCRs.
- Making clarifications to improve the ordinance
- Assigning a City attorney as Hearing Master to the Housing Board of Appeals and authorizing him to provide legal advice to the Board
- Reduce the appeal fee to \$50, from \$275

**RATIONALE**

The legal challenge to the Norristown DCR created the need to review the City DCR ordinance and recommend changes that would reduce the potential for a similar challenge here.

The ordinance states in part “or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer...” As it is difficult to define “reasonable sensibility”, we suggested a change in the manner in which a DCR is issued. Currently the responding patrol officer issues the DCR. Moving forward, the patrol officer will issue a DCR Warning to the tenant with a copy going to the Officer of the Day, who shall review the justification provided by the issuing officer and determine if the DCR is valid or invalid. If the DCR is deemed valid the Property Maintenance Division will mail a Notice of DCR to the property owner and the tenant.

The forms have been revised to address the unintended impact the DCR caused to victims of domestic violence, families, and those with special needs. Although it is difficult to gauge the outcome the suggested changes will have, it is likely that the revised DCR will address those citizens who create a nuisance that justifiably warrants an official response.

For example, implementing the aforementioned changes will allow the City to provide an essential gate keeping function that will minimize, if not eliminate, impairing the protected classes HUD identified while demonstrating a willingness to comply with the spirit of the

Fair Housing Act. This collaborative effort, affirmed by City Council, signifies a progressive step in addressing a statewide concern and a willingness to protect the citizen's right to quiet enjoyment and the disenfranchised, alike. Although, pending litigation and a federal review is still a possibility, approving the changes will considerably improve the DCR because it will effectively create a process that incorporates the City's constituents into each contact and every decision made under its guidelines. Therefore, the City can confidently say that we've heard your concerns to both HUD and our tenants; we are attempting to address them, and we intend to do so while keeping unwanted noise from disrupting the process.