



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
August 25, 2014
5:00 P.M.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, D. Cituk, R. Johnson, C. Younger, C. Snyder, V. Spencer, F. Denbowski, L. Olsen, T. Butler

The Committee of the Whole meeting was called to order at 5:05 pm by Mr. Waltman.

I. ADA Transition Plan

Mr. Olsen and Ms. Butler displayed maps and distributed a draft copy of the ADA Transition Plan.

Ms. Butler stated that the City must be accessible to all and that this includes all public buildings and the means to travel throughout the City. She stated that the Law office, Public Works, IT, Great Valley and Mr. Olsen have been working on the plan for over a year. She stated that the Plan is 90% complete and requested Council comments. She stated that the Plan has been reviewed with Abilities in Motion and that their comments were very helpful. She stated that Council will be passing the final Plan by resolution in the near future. She suggested that the draft Plan be placed on the City's website for additional public review and comment.

Ms. Reed arrived at this time.

Mr. Olsen reviewed the draft Plan. He stated that the Plan addresses City facilities and the means to bring them into ADA compliance. He stated that the Liberty Fire Museum and the Pagoda are special circumstances and require much work.

Mr. Olsen stated that the curb cuts needed to complete the ramps on the sidewalks will cost approximately \$4.1 million and includes 758 curb cuts. He explained that the estimated costs

for all the work is \$7.1 million and will be budgeted at \$356,794 per year for 20 years. He stated that there is a 4% escalation per year assumed.

Mr. Olsen stated that he has reached out to the Reading School District to coordinate curb cuts at school buildings with other projects that the District may be planning.

Ms. Butler explained that the Plan also includes a grievance procedure for citizens who need access and do not have it. She stated that this will guide adjustments to the Plan.

Mr. Sterner questioned approval of the plan. Mr. Olsen stated that Council will approve the plan showing how the City will work to make facilities and travel accessible.

Mr. Sterner questioned if there would be penalties if the City did not follow the plan and complete the work. Ms. Butler stated that the plan is a flexible document and can be changed. She suggested that the only problem would be if there was no progress and many complaints were filed. Mr. Olsen stated that many curb cuts are complete.

Ms. Butler explained that there are no set timelines given for compliance. She stated that this approach works best for the City's finances. She stated that the draft Plan covers 20 years to decrease the impact on the City's budget.

Mr. Marmarou questioned who was responsible for the curb cuts, the property owner as owner of the sidewalk or the City. Ms. Butler stated that it is the City's responsibility.

Mr. Marmarou expressed the belief that as the property owner owns and is responsible for the sidewalks, property owners should pay.

Ms. Reed agreed and suggested that they share the expense. She stated that many property owners have paid to install curb cuts and requested additional research on this issue. Ms. Butler stated that she did research the issue and will provide the information to Council.

Ms. Reed agreed with the need for an accessible City. She noted the need to ensure the curb cuts are the City's responsibility before spending funds. Ms. Butler stated that the City has already paid for many curb cuts. She stated that the curb cuts were prioritized with residential the lowest priority. She stated that the residential curb cuts remain unfinished.

Ms. Reed stated that many property owners have already paid for this work at their homes. She stated that it will be very difficult to explain to them that the City will be paying for others.

Ms. Goodman-Hinnershitz questioned how the City would force compliance if this is the responsibility of the property owner.

Ms. Butler stated that she has been working on this project for 18 months and this research is complete. She stated that the City is responsible for the curb cuts.

Mr. Waltman questioned if the curb cuts are made must the City maintain them once they are installed. Mr. Johnson stated that it must.

Ms. Snyder stated that if a corner property owner replaces their sidewalk it must include the curb cuts. Ms. Reed stated that this is a disparity. Some property owners are paying and some are not.

Ms. Butler stated that curb cuts must also be made at any alleyways between blocks.

Mr. Johnson explained that property owners must sometimes pay for improvements to other parts of the sidewalk when curb cuts are installed. He stated that the City pays for the curb cuts and it is sometimes a shared expense.

Mr. Waltman stated that Council needs to review the legal language.

Mr. Cituk stated that CDBG funds were used for curb cuts in eligible areas. He expressed agreement with the 20 year plan.

Mr. Marmarou stated that Albright College received complaints about campus not having curb cuts. He stated that the College worked with the City to complete them.

Ms. Goodman-Hinnershitz stated that much of East Reading is complete as it qualifies for CDBG funding. She suggested that property owners not pay.

Mr. Waltman expressed the belief that the per curb cut cost seems high. Mr. Johnson stated that this is an average as each curb is different. He stated that a four corner intersection will cost \$16,000 to complete and that if additional work (height, several ramps at one corner, etc) is needed the cost is higher.

Mr. Waltman stated that he worries that the City will get behind schedule during this multi year process. He suggesting discussing procuring all the funding now to get the projects completed sooner. He suggested a 10 year schedule as the costs will continue to rise over the 20 year period.

Ms. Snyder stated that she will analyze this option. She also stated that the ADA regulations are upgraded periodically and that may further increase costs.

Mr. Spencer stated that CDBG funds were used in the past as able. He stated that the City cannot stop making progress and that this is a big project and will take time.

Mr. Marmarou questioned if others have reviewed the draft Plan. Mr. Olsen stated that they have. Mr. Olsen stated that Abilities in Motion are glad the City is devising a plan but that getting the City fully accessible will take too long.

Mr. Marmarou noted the need for the City to make progress. Mr. Spencer stated that the City must continue to show they are making progress.

Mr. Johnson stated that there is no ADA enforcement. He stated that legal issues will arise if citizens or disabled organizations sue the City. He stated that Lancaster is currently involved in a lawsuit.

Mr. Waltman stated that he sees many wheelchairs in the streets. He stated that if the City is fully compliant this is an excellent marketing strategy.

Mr. Johnson stated that the curb cut schedule can be modified if the City learns of a resident who needs specific improvements.

Mr. Marmarou noted the need for residents to understand the Plan and the timeline.

Ms. Goodman-Hinnershitz suggested that curb cuts around senior housing and senior centers be addressed first.

Ms. Butler requested that Council review the draft Plan and provide comment. She questioned if Council agreed with placing the draft Plan on the website for public comment.

Mr. Waltman suggested waiting two weeks to place it on the website to allow Ms. Snyder to analyze funding.

Ms. Reed questioned if every municipality is facing this issue. Ms. Butler stated that it is.

Mr. Sterner expressed the belief that the draft Plan be placed on the website now. He stated that changes can be made based on comment and if the timeline is reduced, people should not have issue with that. Mr. Waltman agreed.

Mr. Johnson, Ms. Butler, and Mr. Olsen left the meeting at this time.

II. Charter Board Budget Transfer Request and Amendment to Mediate Complaints

Ms. Kelleher stated that the Charter Board has estimated that it will need an additional \$95,000 for the 2014 budget year. She stated that the breakdown of cost per complaint and advisory opinion is attached to the agenda.

Mr. Daubert suggested that the process be corrected before funds are transferred. Ms. Kelleher stated that the Charter Board's suggested mediation process amendment is also attached to the agenda.

Ms. Goodman-Hinnershitz stated that she will review the language as she was involved in this project in the past.

Ms. Kelleher stated that the Charter Board suggests using the Investigative Officer to mediate as they are familiar with the Charter and the process and it would provide consistency in enforcement. She stated that the amendment allows 30 days for the completion of the mediation process.

Mr. Waltman suggested this issue be reviewed by Committee. He expressed the belief that the lawyers must be removed from the process and that the Charter Board be used for advisory opinions only. He suggested that residents take the complaints straight to the Court system.

Ms. Katzenmoyer stated that there are invoices waiting to be paid for services that were already rendered. Mr. Waltman stated that the invoices will be paid. He stated that an ordinance should be placed on the next Council agenda.

Mr. Sterner questioned if the mediation process would be another referendum question. Ms. Kelleher stated that it would not.

Mr. Waltman stated that there will always be one or two lengthy complaints.

Ms. Kelleher stated that all complaints filed against Council that were not dismissed were mediated.

Mr. Spencer questioned why all complaints were not pursued through mediation. Ms. Kelleher stated that there was no formal process in the past. She suggested that Council review the Charter Board's suggested amendment and stated that the amendment does not need to be a referendum question.

Ms. Goodman-Hinnershitz stated that blaming the Charter Board for the costs is like blaming the victim of a crime. She stated that it is not the Charter Board's fault that Charter violations occur. She stated that the process needs improvement.

III. Executive Session

Council entered executive session at 5:59 pm to discuss personnel matters. Council exited executive session at 6:43 pm.

IV. Agenda Review

Council reviewed this evening's agenda including the following:

- Potential Override of Veto of Bill 61-2014 – the amendment of the Water Lease Agreement

Mr. Waltman stated that action on this item will be moved up on the agenda if Mr. Acosta is present via telephone.

Mr. Daubert stated that he supported Bill 61-20014. He stated that \$8 million is better than \$4 million but questioned if that was the best that could be done.

Mr. Waltman explained that there is a baseline of \$10 million from the water system valuation. He stated that throughout negotiations, the Water Authority understood that if the City needed more it would begin discussions. He stated that any amount higher than \$8 million will result in water rate increases. He stated that the \$8 million addresses the Act 73 issue but that the capacity to ask for increases remains.

Mr. Daubert expressed the belief that the \$8 million leaves a deficit situation for the City. He stated that service cuts will be felt deeply and he expressed the belief that raising water rates rather than property taxes makes more sense as rate increases are borne by more people.

Mr. Waltman stated that he agrees with Mr. Daubert regarding water rate increases versus tax increases. He stated that the \$8 million was agreed upon to prevent water rate increases at this time. He stated that the authorities were initially contacted to increase its assistance to the City to prevent a 25% property tax increase proposed in the current Recovery Plan. He reminded all that the amendment to the lease agreement also provides better Council oversight of the Water Authority.

Mr. Daubert stated that his first budget review will begin shortly. He questioned if the City can balance the budget deficit.

Mr. Waltman stated that Council is presented budgets which undergo adjustments each year. He stated that Council will follow that same process this year. He stated that he has real concerns over the next five years.

Mr. Daubert expressed the belief that \$6 million is a large deficit.

Mr. Sterner stated that the Water Authority cannot be used to solve the City's financial issues.

Mr. Waltman stated that during negotiations, Council asked the Water Authority to analyze how additional funds to the City would affect rate increases.

Mr. Spencer noted his disagreement with the amendment to the Lease Agreement. He questioned if he will be able to make comment at the regular meeting. Mr. Waltman stated that he will be able to make comment.

Mr. Waltman reminded all that there is still access to additional funds if they comply with Act 73.

Mr. Spencer questioned the purpose of the amendment to the Lease Agreement if negotiations will continue. Mr. Waltman stated that a primary concern of the amendment is the oversight of the Water Authority. He stated that negotiations for additional funds also occurred under the former Lease Agreement.

Ms. Goodman-Hinnershitz stated that Council will also be voting this evening to increase the membership of the Water Authority from five to seven. She reminded all that Council appoints the members but then has no further oversight.

Mr. Spencer questioned the additional oversight included in the amendment. Ms. Goodman-Hinnershitz stated that there is additional financial oversight and legal issues. She suggested that training be held for all authority members in the future.

- Introduction of Ordinance amending the Purchasing Policies

Ms. Snyder stated that this amendment would change the purchasing coordinator's involvement in committees as optional instead of mandatory. She stated that this will be most helpful for very technical purchases.

VI. Other Matters

Mr. Marmarou stated that Bethlehem requires landlords to submit tenant lists. He suggested that Reading reconsider adding this requirement back into its housing regulations. He stated that he does not remember voting to remove it.

Mr. Marmarou stated that Albright students moved back to campus and it was a horrible weekend. He stated that there were 30+ students in one block and that there are now six student homes in the 1500 block of N 14th St and new student homes in the 1500 block of Linden St.

Ms. Snyder questioned if the police were called. Ms. Kelleher stated that they were not. Mr. Marmarou stated that residents are fed up with this behavior and are tired of calling police.

Ms. Goodman-Hinnershitz stated that there are few police reports from this neighborhood. She noted the need for residents to report incidences as they are occurring.

The meeting adjourned at approximately 7:02 pm.

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