

**City of Reading City Council**  
**Regular Meeting**  
**September 26, 2016**

Council President Waltman called the meeting to order.

The invocation was given by Rev. Valerie Willace

All present pledged to the flag.

**ATTENDANCE**

Council President J. Waltman  
Councilor Daubert, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Twyman, District 3  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
Councilor Slifko, District 6  
City Auditor D. Cituk  
Asst. Solicitor F. Lachat  
City Clerk L. Kelleher  
Mayor W. Scott  
Police Chief Dominguez

There was (1) executive sessions on litigation and one (1) executive session on a quasi-judicial decision re the transfer of an inter-municipal liquor license at the Committee of the Whole meeting.

**PROCLAMATIONS AND PRESENTATIONS**

The following were issued at the meeting:

- Commendation celebrating Hispanic Heritage Month
- Recognition Certificates for District 2 residents participating in the Curb Appeal Contest and a Commendation to the winner of the contest

**PUBLIC COMMENT**

Council President Waltman stated that there are 11 citizens registered to address Council, six (6) on agenda matters and five (5) on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended.

Councilor Daubert read the public speaking rules that were adopted by Council.

**Ernie Schlegel, of Pear St.** spoke about the proposed ordinance to decriminalize marijuana locally and he provided an overview about the history of enforcement. He stated that while he does not support the use of marijuana, he agrees with the need to decriminalize it. He noted that the use of marijuana is a personal choice. He noted that the federal government has asked the States to address the decriminalization issue. He noted that Reading passed additional gun restrictions and LGBT legislation locally. He agreed that there should be discussion on the local decriminalization of marijuana. He thanked the councilors who moved this issue forward.

**Dave Baker, of Elm St.,** spoke in agreement with the proposed decriminalization of marijuana. He expressed the belief that employees who would have difficulty with the enforcement of this local legislation should be fired. He described the problems with the enforcement of possession of marijuana noting that enforcement ruin people's lives.

**Les Stark, of Keystone Cannabis Coalition,** stated that the coalition has a local office and he commended Council for their thoughtful discussion on the proposed ordinance at the committee of the whole meeting. He stated that the coalition played a role in getting the State's hemp bill passed along with the passage of local regulations in Harrisburg and Philadelphia. He noted his support of the enactment of local marijuana regulations does not condone the use of marijuana. He noted the savings that could be realized with the decriminalization of marijuana locally. He stated that the enforcement of marijuana began in 1933 near the end of Prohibition and its history moving forward.

**Erica McBride, of Keystone Cannabis Coalition.,** stated that cannabis has been used for 1000s of years. She expressed the belief that cannabis should not be a criminal offense as the drug is not detrimental to the public. She noted that this drug is not addictive like alcohol or cigarettes. She also expressed the belief that the decriminalization will eliminate or at least reduce the sale of synthetic marijuana. She noted the import role parents have in counseling children on staying drug free and making responsible decisions. She expressed the belief that cannabis is not a gateway drug; but it is a gateway to the criminal justice system.

**Manuel Guzman, of South 4<sup>th</sup> St.,** stated that he serves on the Reading School Board and he supports the decriminalization of marijuana. He suggested that Council avoid reinventing the wheel when the model ordinance could be enacted. He stated that decriminalizing marijuana would eliminate the existing problems created when a person gets charged with possession which jeopardizes their ability to stay in public housing and obtain federal aid and assistance. He noted that people of color are more frequently charged with drug related charges than others.

**Brianne Archer, from Temple,** stated that she works at a pharmacy and she noted that the use of natural marijuana is safer than the use of synthetic marijuana. She expressed the belief that natural marijuana is a safe drug and her support for the decriminalization of marijuana.

**Anne Marie Wolfe, of Franklin St.,** was not present.

**Rev. Mary Wolfe, pastor at Hope Lutheran Church,** stated that Hope Lutheran is located at 601 N. Front Street and she has served there for 10 years and she described the many outreach and community programs offered at the church. She stated that several years ago the church identified the collapsing buildings at 626 and 628 N. Front Street as possible sites for gardens and parking for the neighborhood. She stated that 626 N. Front was eventually demolished, followed by 628. She stated that the church was able to get title to 626 but the liens tied to 628 are preventing the church from taking title. She stated that the liens are all City related and she asked the Mayor and Council to assist the church by releasing the liens. She noted that the Planning Commission has signed off on the church's plan to turn the parcels into community garden space with a parking area and a parklet with a bench and table.

**Jason Orth, of Cherry St,** stated that he spoke at an August Council meeting requesting traffic calming to reduce the speeding on Cherry Street and one week later a young lady got hit by a speeding car while riding her bike. He again requested traffic calming devices and pedestrian signage. He noted the need for relief before more accidents occur. He also noted the problems caused by drug activity in the area. He stated that debris from drug use is common to find mixed with the litter on the streets.

**Brian McMahon, from the Steamfitters Local 420 Union,** stated that he spoke at the September 12<sup>th</sup> regular meeting from a prepared statement and that he was misquoted in the minutes. He stated that he provided a copy of his written statement to the City Clerk and she refused to make the change he requested. He expressed the belief that the September 12<sup>th</sup> minutes does not accurately reflect the statement he read at the meeting and he asked for a change in the meeting minutes. A copy of the statement provided is attached as Exhibit A to this document.

**Jack Miller, of South 6<sup>th</sup> St.,** thanked the elected officials for their service and he noted that there are different types of neighborhoods within Reading that have different needs. He stated that there are a number of rental properties in his neighborhood with owners who reside in New York. He questioned why these property owners are permitted to visit the properties over weekends to make property improvements without the required building/trade permits. He noted the problems of some rental properties with out-of-town property owners.

## **APPROVAL OF THE AGENDA & MINUTES**

Council President Waltman called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes from the September 12<sup>th</sup> Regular Meeting of Council. He stated that Council can consider the requested change to the minutes separately. He asked for a roll call vote on this issue. He noted that the administration is requesting the addition of a resolution to the Consent Agenda that will allow the transfer of a van to the Canteen associated with the Reading Fire Department. He stated that the resolutions regarding the HARB decision and the inter-municipal liquor license transfer will be handled under the Resolution section.

**Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz to approve the minutes from the September 12th Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading.**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to amend the agenda by removing Bill C regarding the decriminalization of marijuana from introduction at this meeting.**

Councilor Goodman-Hinnershitz suggested removing the Bill from introduction so it can be revised after input is obtained from the Solicitor, Police and others.

Councilor Daubert stated that although he co-sponsored this bill, he does not advocate the use of marijuana. He stated that he only advocates for the decriminalization of possession charges. He agreed that the Bill requires further refinement and review. He noted that change is messy and uncomfortable.

Councilor Reed stated that she supports introducing the ordinance and moving the issue forward. She agreed that perhaps the ordinance was introduced too quickly; however, she stated that effort to introduce the Bill was not subversive. She expressed the belief that the Bill needs to stay alive to encourage further review and refinement. She agreed with the need to fine for possession of marijuana rather than requiring the use of the judicial system.

Councilor Twyman noted the good discussion on this issue at the Committee of the Whole meeting. He applauded Councilors Reed and Daubert for moving the issue forward.

Councilor Slifko agreed that the approach to the introduction of this Bill could have been improved. He agreed that change never follows a straight line and that the issue should continue to be discussed.

Councilor Goodman-Hinnershitz stated that although marijuana is a drug obtained from nature, it is a hallucinogen and it should be controlled. She noted that other controlled

substances like alcohol and cigarettes are controlled by the State and Federal governments.

The mayor encouraged Council to draft and pass a resolution encouraging the State legislators to enact legislation that will decriminalize marijuana. He noted the many language flaws with the model ordinance being introduced. He suggested that supporters of this movement should use the referendum process to really test if Reading's electorate supports this issue. He suggested that adopting local legislation may violate the oath of office taken by elected officials and he suggested withdrawing the Bill.

Council President Waltman noted the need for good communication before introducing an ordinance such as this. He also suggested withdrawing the ordinance until it can be refined and input from multiple sources can be obtained. He stated that he too agrees with decriminalization but not the use of the drug.

**The motion to remove Bill C regarding the decriminalization of marijuana from introduction at this meeting was NOT adopted by the following vote:**

**Yeas: Goodman-Hinnershitz, Marmarou, Waltman President - 3**

**Nays: Daubert, Reed, Slifko, Twyman - 4**

## **Consent Agenda**

**B. Award of Contract** - for the collection of Fire Revenue Recovery to PA Fire Recovery Service, LLC, Periwinkle Macungie, PA

**C. Resolution 75-2016** - appointing Ralph Johnson to the Reading Area Technical Committee (RATS)

**E. Resolution 77-2016** - authorizing the disposition of purchasing records from 1995

**F. Resolution 78-2016** - authorizing the transfer of the former wheelchair transport van to the Canteen.

## **ADMINISTRATIVE REPORT**

The mayor stated that he will defer making a report due to the length if the discussion on the introduction of the Bill to decriminalize marijuana.

Councilor Goodman-Hinnershitz thanked the mayor for his input at the Committee of the Whole meeting on that topic.

## **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- A report on the collection of the Admissions Tax 2012-16
- A report on the collection of the Real Estate Transfer Tax 2012-16

**REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS**

None.

**ORDINANCES FOR FINAL PASSAGE**

**Pending Legislation**

**Bill No. 2016** - creating the Reading Regional Water Authority *Introduced at the May 23 regular meeting*

**Ordinance** - amending the City's Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions *Introduced at the August 8 regular meeting*

**A. Bill No. 39-2016** - restricting parking by establishing a No Parking zone on the east side of Reed Street at the intersection of Buttonwood Street and Reed Street for a distance of approximately 28 feet. The purpose of the restriction is to establish a safe and sufficient turning space for vehicles turning from Buttonwood Street onto that section of Reed Street.

**Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 39-2016.**

**Bill No. 39-2016 was enacted by the following vote:**

**Yeas:** Daubert, Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman,  
**President - 7**  
**Nays:** None - 0

**B. Bill No. 40-2016** - authorizing the transfer of cash reserves in the General Fund totaling \$85,000.00 from Fund Balance to Public Works

**Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 40-2016.**

Council President Waltman explained that this ordinance will correct a recurring accounting coding problem.

**Bill No. 40-2016 was enacted by the following vote:**

**Yeas:** Daubert, Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman,  
**President - 7**  
**Nays:** None - 0

**C. Bill No. 41-2016** – authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$61,717.50 from Fund Balance to Engineering Costs and to Administrative costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6<sup>th</sup> and Canal Pump Station for Phase I.

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 41-2016.**

**Bill No. 41-2016 was enacted by the following vote:**

**Yeas: Daubert, Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman,  
President - 7  
Nays: None - 0**

**D. Bill No. 42-2016** – authorizing the transfer of \$35,000 from the Fund Balance to the Charter Board to cover their expenses through the end of 2016

**Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 42-2016.**

**Bill No. 42-2016 was enacted by the following vote:**

**Yeas: Daubert, Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman,  
President - 7  
Nays: None - 0**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Waltman read the following ordinances into the record:

**A. Bill No. 2016** – setting the salary of the CD Director at \$82,000 per annum

**B. Bill No. 2016** - authorizing the Administration to enter into a one-year intergovernmental cooperation agreement regarding the collection and recycling of various recyclable items generated at multiple Reading School District locations. The Agreement is between the City of Reading and the Reading School District and retroactively effective July 01, 2016.

**C. Bill No. 2016** - amending the City Code by adding Chapter 184 Controlled Substance, Drug, Device and Cosmetic making the possession of marijuana a summary offense

**D. Bill No. 2016** - authorizing the addition of a budget item in the amount of \$270,000 to the 2016 budget for the PA DCED Reimbursement Grant for the Asset Conditions Assessment Project.

**E. Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$1,749,667.88 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on Waste Water Treatment Plant Upgrades

**F. Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$345,588.63 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 19<sup>th</sup> Ward Pump Station.

**G. Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$593,009.63 from Fund Balance to Program Management Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Program Management Services for the Consent Decree Program.

**H. Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$205,309.44 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6<sup>th</sup> and Canal Pump Station Phase II.

## **RESOLUTIONS**

**A. Resolution 74-2016** – reappointing Mark Pinksavage to the Electrician’s Examining Board

**Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution No. 74-2016.**

Councilor Marmarou noted the skill and experience Mr. Pinksavage brings to the board and his long standing service.

**Resolution No. 74-2016 was tabled by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman**

**President - 7**

**Nays: None - 0**

**B. Resolution 80-2016** – appointing Josephina Encarnacion to RAWA to fill the unexpired term of Ron Hatt

**Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution No. 80-2016.**

Councilor Slifko stated that Ms. Encarnacion was interviewed by the Nominations Committee and the Committee of the Whole. He stated that Ms. Encarnacion's interview was impressive and that she is very qualified to serve on this board.

Councilor Goodman-Hinnershitz noted the need for employees serving on authorities and other boards to always remember to keep the roles separate when making decisions that affect the authority of board.

Councilor Reed agreed that Ms. Encarnacion is qualified; however, she stated that she is uncomfortable with appointing another employee to serve on this autonomous Authority. She stated that she will not support this appointment, although the candidate is very qualified. She noted that her decision not to support this resolution is not anything personal against the candidate.

**Resolution No. 80-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Slifko, Twyman, Waltman President - 6**

**Nays: Reed - 1**

**C. Resolution 81-2016 – appointing Alejandro Palacios as CD Director**

**Councilor Daubert moved, seconded by Councilor Reed, to adopt Resolution No. 81-2016.**

Council President Waltman stated that when interviewed Mr. Palacios explained his strengths and weaknesses along with his understanding of the position. He stated that Mr. Palacios brings a strong financial background to the position, which is an important component. He also noted Mr. Palacios' strong ethical approach to the position.

**Resolution No. 81-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman President - 7**

**Nays: None - 0**

**D. Resolution 73-2016 – approving the COA appeal of Mr. and Mrs. Michael Gordon pertaining to the HARB denial for the installation of an elevator at 1604 Bern Street**

**Councilor Marmarou moved, seconded by Councilor Slifko, to adopt Resolution No. 73-2016.**

Councilor Slifko stated that during the appeal hearing Council learned about the Gordon's work to devise a plan that fits with the home's architecture, aesthetics of the neighborhood and

address their need. For an accommodation.

Councilor Reed stated that while she usually supports the decisions made by HARB, she cannot in this case as the Gordons went out of their way to select a design that works with the home's layout and architecture.

Councilors Twyman and Goodman-Hinnershitz agreed.

**Resolution No. 73-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman**

**President - 7**

**Nays: None - 0**

**E. Resolution 76-2016** – approving the inter-municipal liquor license transfer for Cubano Reading LLC at 25 N 2<sup>nd</sup> Street

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution No. 76-2016.**

Councilor Twyman stated that he supports the location of this restaurant at 25 N 4<sup>th</sup> Street.

Councilor Slifko explained that the PALCB regulations require testimony opposing the transfer if the transfer is denied. He stated that there was no testimony in opposition at the hearing. He also noted that the applicant made a diligent attempt to purchase one of the restaurant licenses currently in safekeeping.

Councilor Goodman-Hinnershitz noted the success of the applicant in the restaurant industry locally and in Lehigh County.

**Resolution No. 76-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman**

**President - 7**

**Nays: None - 0**

## **COUNCIL COMMENT**

Councilor Goodman-Hinnershitz noted the upcoming Recovery Walk this upcoming weekend and the event planned in City Park.

Councilor Reed promised to work diligently to refine the Bill to decriminalize marijuana

Council President Waltman reviewed the upcoming Council meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Daubert, to adjourn the regular meeting of Council.**

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

**EXHIBIT A**

more Union Contractors that bid the project then Open Shop Contractors for the third time.

I am on the Berks County Workforce Investment Board, formerly known as the Berks County Workforce Development Board. It is an appointed position by the county commissioners. I sit on the Youth Committee. We try to put young people to work here, in the city of Reading, and Berks County. Without jobs, the local building trades cannot help young people get into great paying apprenticeship programs and construction jobs. This also falls on every public official to do their part to get these young men and women great paying jobs.

I would like to propose to the Mayor and City Council, since you even rejected the one and only low bid that happened to be a Union bidder on the HVAC System, that City Council reject all the bids for the same reason as the first and second bids, way over budget and not enough bidders and since the Merritt or Open Shop Contractors did not bid under a PLA, and by law, they could have. And then they saw the bid numbers on the first and second rounds of bidding. Now that the project is still 29 million dollars over budget and everyone knows every ones numbers, maybe we should bid it for a 4<sup>th</sup> time to get the cost even lower.

At this time, I would ask that all the building trades members that live in the city of Reading and Berks County, stand up so the Mayor and City Council can see the number of men and women who contribute to the local economy and will be held from working on this project if council accepts the bids on this WWTP.

**Abraham Amoros, from the Laborers International Union**, described the relationship his organization has with other agencies. He expressed the belief that PLAs work to create smoothly running projects and benefits projects in other ways. He expressed the belief that the City should use a PLA for the WWTP project.

**Jimmy Rivera, from Buttonwood St.**, was not present.

**Ryan Helms, from the local IBEW 743**, stated that the WWTP project was bid out three (3) times; two (2) times with a PLA and once without a PLA. He expressed the belief that the presentation made a few years ago noting the benefits PLAs bring to projects fell on deaf ears. He noted that the bid without the PLA came in only \$5M lower than the last bid with the PLA. However, the bid still came in at \$28M over budget. He stated that the majority of the low bidders are not local companies. He stated that the use of the PLA would help keep local jobs for local contractors and their employees.

**Brian McMahon, from the Steamfitters Local 420 Union**, expressed the belief that PLAs benefit projects. He also noted that of the three (3) bids for the WWTP project, the final bid without the PLA still came in \$28M over budget. He expressed the belief that PLAs keep the dollars locally. **He noted that the lowest bidder for the HVAC component is a union shop from outside the area.** He suggested rejecting all bids submitted and rebidding the project a 4<sup>th</sup> time to drive the costs lower.

**Ed Braukus, representing Membership Development at IBEW Local 743**, stated that he represents 446 members and he spoke in support of the PLA as it would bring jobs home for local workers. He suggested that the lack of a PLA at the Citadel project for the Reading School District caused the project to be delayed and over budget. He explained that the PLA provides guarantees.

**Karl Baskin, of Fairview Street**, stated that he is president of the Ironworkers 420 Union and he described the volunteer service of his organization and their dedication to the community. He stated that at one time being a tradesman provided a wage that supported a family. However, now he looks to the right and he sees gangs; he looks to the left and he sees drugs; and he looks straight ahead and he sees minimum wage jobs and hairnets. He noted the importance of trades as a career. He stated that there are 25 trades' apprentices and there are no jobs available in their own City.

**Nate Rivera, of North 6<sup>th</sup> Street**, noted that October is Hispanic Heritage Month and he questioned why representative groups were excluded from the proclamation declaring Marc Anthony Day. He expressed the belief that parking tickets have reached an epidemic level and he suggested that tickets are not a solution to the City's financial problems. He