

City of Reading City Council
Regular Meeting
December 18, 2017

Council President Waltman called the meeting to order.

The invocation was given by Nancy Lennert, President, Reading-Berks Conference of Churches.

All present pledged to the flag.

The Committee of the Whole meeting included an executive session on litigation.

ATTENDANCE

Councilor Daubert, District 1

Councilor Twyman, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Slifko, District 6

Council President Waltman

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director G. Steckman

Mayor W. Scott

Council President Waltman announced that Councilor Goodman-Hinnershitz is recovering from surgery and is excused from this meeting.

PROCLAMATIONS AND PRESENTATIONS

Fire Lieutenant Zulick introduced Gracie, a 1 ½ year yellow lab, donated by the ATF to assist with fires associated with arson. He noted Gracie's skills that will aid in Reading and in other municipalities.

PUBLIC COMMENT

Council President Waltman stated that there are five (5) citizens registered to address Council on agenda matters and two (2) citizens registered on non-agenda matters. He inquired if any member of Council objected to suspending the rule requiring non-agenda comment at the end of the meeting. No one objected. Councilor Daubert read the remaining public comment rules, as per Council ordinance.

Steve Costa, of Blandon, expressed the belief that the Conversion Therapy ordinance is based on untested theories and studies. He expressed the belief that reparative therapy is positive and can be beneficial to the patient. He expressed the belief that sexuality is flexible and can change over the course of a person's lifetime. He suggested that Council take a deeper look at this issue prior to enacting legislation.

Jocelyn Youngs, of North 13th St., expressed the belief that Conversion Therapy is an unethical practice that can harm individuals subjected to it. She stated that failure to obtain State and Federal legislation to address Conversion Therapy has stimulated the need to ask local municipalities to address this issue.

Atticus Ranck, of North 8th St., stated that he works for the LGBT Center in Allentown and he described the effort to work with municipalities to create Conversion Therapy legislation. He expressed the belief that reparative therapy is a cruel practice. He described his personal experience with coming out.

Ben Remkus, of Schuylkill Ave., stated that he is the president of Reading Pride, which was founded in 2006. He thanked Council for providing the LGBT community with one additional step towards true equal rights.

Steve Ohnsman, pastor at Calgary UCC on Centre Ave., stated that he has been a pastor for 34 years. He explained that he is a heterosexual male and when he entered puberty he was immediately attracted to women. He noted that sexuality is ingrained in people and it is not a choice. He expressed the belief that reparative therapy will not change people.

Ernie Schlegel, of Pear St., stated that a local group is interested in seeking a Charter amendment that would make City Council elected at-large, rather than by districts. He noted the NAACP's successful challenge to the creation of at-large elections in Ohio. He expressed the belief that the outcome of this litigation may make a change to at-large elections a violation of voting regulations. He read from some NAACP materials about this litigation. He suggested forming a Charter Review Commission to address the use of at-large elections vs. Council districts. He also suggested that the City consider creating additional Council districts to build more opportunity for a diverse governing body.

Mark Ponce, of Temple, stated that the illegal truck parking lot at 1700 N 10th Street (located behind the rear parking lot at William's Family Restaurant) remains unresolved. He stated that the owner admitted at the zoning hearing board meeting that he has been operating this garage for 1 ½ years without the required permits or licenses. He described his personal experience with operating a parking lot and the citations that were issued to him. He questioned why this citizen is being treated differently.

The managing director asked the Police Chief to ticket the vehicles that are parking in this lot.

The Council President asked Mr. Ponce to provide his contact information to the managing director.

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 December 4th Regular Meeting of Council. He stated that the administration is withdrawing two (2) resolutions on the Consent Agenda:

B. Resolution 102-2017 – authorizing the Mayor to execute the Reading 18th Wonder Project grant agreement on behalf of the City of Reading.

E. Resolution 105-2017 - authorizing the City of Reading to make payment for the purchase of Building Blocks web-based software

Council President Waltman stated that City Council is withdrawing Bill No. 79-2017 from Pending Legislation and Resolution 101-2017 under the Resolution heading.

Councilor Marmarou moved, seconded by Councilor Daubert, to approve the minutes from the December 4th Regular Meeting of Council and the agenda, as amended, including the legislation listed on the Consent Agenda, as amended. The motion was approved unanimously.

Councilor Reed noted that the City of Easton and other municipalities had the political courage to enact legislation making the possession of a small amount of marijuana a summary offense. She noted that the Reading City Council had the courage to adopt a resolution supporting State Representative Jozwiak's state bill to address the same. She noted that several measures from the local ordinance were moved into the resolution asking Representative Jozwiak to consider adding them to his bill.

Consent Agenda

A. Award of Contract –

C. Resolution 103-2017 – removing Kelly Christman from the Shade Tree Commission, due to her lack of attendance at all meetings held in 2017, after the required notification and as requested by the Shade Tree Commission ordinance

D. Resolution 104-2017 – appointing Jeremy Searfoss as Emergency Management Coordinator

ADMINISTRATIVE REPORT

The mayor reported that he received great comments about the holiday decorating in the downtown. He noted the need to find a solution to the parking stress that exists in Reading neighborhoods. He suggested looking at the sensible solution implemented in Philadelphia using neighborhood parking lots and creating parking areas behind homes.

The mayor noted the recent reopening of Kenhorst Blvd., which has been long overdue. He noted that the democratic process often creates a wealth of differing opinions that can be used to discover a balanced solution that helps and protects people.

The managing director recognized FM Searfoss for being the Emergency Management Coordinator. He stated that a recent change in law will prohibit municipalities from using an early call of bonds to obtain a reduced interest rate. He noted that the early bond call that the City is closing prior to the end of December will be the last opportunity the City has to save money, in this case \$2.1M over the remaining term of the bond.

AUDITOR'S REPORT

City Auditor Cituk stated that the 2016 external audit is almost completed. Herbein & Co. will have the draft to Council on January 5th. A presentation to Council is planned for January 16th followed by the public presentation on Monday, January 22nd.

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

None.

ORDINANCES FOR FINAL PASSAGE

Pending Legislation

WITHDRAWN BY COUNCIL

Bill 79-2017 – amending the City Code by creating a new Chapter 184 Controlled Substances, Drug, Device and Cosmetics, which provides the police with the discretionary ability to charge a summary offense for the personal possession or personal use of small amounts of marijuana, rather than a misdemeanor under the Crimes Code ***Introduced at the July 24 regular meeting; Tabled at the August 14 and 28 regular meetings***

Bill 96-2017 – amending City Code Chapter 325 Law Enforcement by adding a new Part 3 allowing property owners to be billed for excessive police and property maintenance calls ***Introduced at the October 23 regular meeting; Tabled at the November 13th meeting***

Bill 97-2017 – amending City Code Chapter 212 by establishing a penalty and refundable appeal fee for Chapter 325, Part 3 Excessive Calls ***Introduced at the October 23 regular meeting; Tabled***

at the November 13th meeting

Bill 98-2017 – amending City Code Chapter 23, Part 14 Code and License Appeals Board by enabling the board to hear appeals applicable to Chapter 325 New Part 3 Excessive Enforcement ***Introduced at the October 23 regular meeting; Tabled at the November 13th meeting***

A. Bill No. 108-2017 – amending City Code Chapter 5, Section 806 Fiscal Provisions by moving the language on the Reserve to a new Part D “Reserve”, adding language regarding the use of the Reserve and renumbering the section accordingly ***Introduced at the November 27 regular meeting***

Councilor Reed moved, seconded by Councilor Slifko, to enact Bill No. 108-2017.

The managing director explained that this moves the updated Reserve language into the City’s Administrative Code.

Bill No. 108-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

B. Bill No. 109-2017 – amending the City Code Part 5-204 Council Organization and Procedures by correcting a reference to the Council Office and providing language consistent with Part 5-207 regarding the appointment of a Pro Tem in the event the Council President and Vice President are absent ***Introduced at the December 4 regular meeting***

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 109-2017.

Councilor Reed explained that this provides clarification and consistency on the appointment of a substitute if both the President of Council and Vice President are absent.

Bill No. 109-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

C. Bill No. 110-2017 – amending the 2017 budget to reflect the funding of the closeout activities associated with the rehabilitation of Digesters 4 & 5 in the amount of \$87,640.35 from the Reserve Fund to Construction Services ***Introduced at the December 4 regular meeting***

Councilor Daubert moved, seconded by Councilor Reed, to enact Bill No. 110-2017.

Bill No. 110-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

D. Bill No. 111-2017 – levying the real estate taxes at the current rate for the fiscal year beginning the first day of January, 2018, and ending the thirty-first day of December, 2018, replacing bill no. 100-2017 ***Introduced at the December 4 regular meeting***

Councilor Daubert moved, seconded by Councilor Marmarou, to enact Bill No. 111-2017.

Bill No. 111-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

E. Bill No. 112-2017 – decreasing the rate charged to property owners for recycling services and combined curbside collection as listed below:

Combined billing rate for	\$294.00
municipal trash and recycling service	\$289.43
Billing rate for recycling service only	\$74.04
	\$69.47

Introduced at the December 4 regular meeting

Councilor Slifko moved, seconded by Councilor Daubert, to enact Bill No. 112-2017.

The managing director explained that this is the second rate reduction, totaling \$22 per year, since recycling was outsourced in 2016.

Council President Waltman stated that it is refreshing to see this rate fall, as he believes it was too high in prior years.

Bill No. 112-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

F. Bill No. 113-2017 – amending the 2017 General Fund budget to reflect the approval of a contribution from Berks Alliance in the amount of \$50,000 to be used to fund the purchase of 2 fully equipped motorcycles for the police department ***Introduced at the December 4 regular meeting***

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 113-2017.

The managing director stated that through this donation, the City will be able to create a motorcycle patrol.

Bill No. 113-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

G. Bill No. 114-2017 – amending the City Code Chapter 212-116 Housing Fee Schedule by reducing the late fee for failure to submit annual housing renewal forms and for failure to apply for a housing permit, as attached in Exhibit A ***Introduced at the December 4 regular meeting***

Councilor Slifko moved, seconded by Councilor Daubert, to enact Bill No. 114-2017.

Councilor Slifko thanked the administration for reviewing and reducing these fees after hearing the input of a District 6 constituent.

Bill No. 114-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

H. Bill No. 115-2017 – amending the City Code Chapter 308 Housing, Section 104 by adjusting the submission requirements for the annual housing renewal forms ***Introduced at the December 4 regular meeting***

Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 115-2017.

Bill No. 115-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

I. Bill No. 116-2017 – amending the City Code Chapter 212 Fee Schedule by adding fees for telecommunications devices, DAS, etc. ***Introduced at the December 4 regular meeting***

Councilor Daubert moved, seconded by Councilor Reed, to enact Bill No. 116-2017.

Bill No. 116-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

J. Bill No. 117-2017 – authorizing the purchase of property located at 932a Penn Street for a fire station ***Introduced at the December 4 regular meeting***

Councilor Marmarou moved, seconded by Councilor Slifko, to enact Bill No. 117-2017.

The managing director explained that the purchase of this property will enable the City to move forward with a new fire station in the 900 block of Penn Street, which will consolidate two (2) older stations that no longer meet the ISO regulations. He stated that after the acquisition is complete the City can move forward to do an RFP for a project manager.

Councilor Daubert stated that he is struggling with this issue as he is unsure if the demolition of the property for a fire station is the best use of the property.

Council Reed agreed that a fire station is not the best use of this property that sits on the City's main commercial corridor. She noted that while she understands the need for consolidation of the fire stations, this property should not come off the tax rolls.

Council President Waltman expressed the belief that Council approval will be required for other components such as the project manager, financing, etc.

Councilor Slifko questioned if the reuse for a fire station is written in stone Councilor Slifko expressed the belief that public meetings with affected residents should occur first. He moved to amend the ordinance to strike the words "for a fire station".

Councilors Reed and Daubert stated that they would be more comfortable with this amendment.

The City Clerk reviewed the language in the ordinance and stated that the words "for a fire station" are not in the ordinance. The reference to the fire station is in the agenda memo and in the heading to describe the ordinance.

Councilor Slifko withdrew the motion to amend.

Bill No. 117-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

K. Bill No. 118-2017 – amending the City Code by creating a new Chapter 185 Conversion Therapy *Introduced at the December 4 regular meeting*

Councilor Reed moved, seconded by Councilor Slifko, to enact Bill No. 118-2017.

Councilor Daubert stated that he will enthusiastically support the enactment of this ordinance. He stated that as a public educator he has personally seen the catastrophic results of reparative therapy.

Councilor Slifko moved to amend the ordinance to replace a member of Council on the

appeals board with a mental health professional. Councilor Daubert provided a second.

Bill No. 118-2017 was amended by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

Councilor Reed voiced her support for this legislation. She expressed her hope that her generation is the last to question if LBGT is a choice and recognize the LGBT community, as a whole and as individuals.

Councilor Slifko thanked everyone who assisted with drafting this legislation that will silence a harmful practice. He noted that nine (9) states have enacted this or similar legislation along with 27 municipalities. He noted that Reading is the 4th municipality in Pennsylvania to successfully address this issue.

Bill No. 118-2017 was enacted, as amended, by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

L. Bill No. 119-2017 – amending the 2017 Budget by providing additional funding for Republic to cover the additional customers coming on to the City’s trash collection program ***Introduced at the December 4 regular meeting***

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 119-2017.

The managing director explained that this adjustment was necessitated by more customers moving onto the City’s combined trash and recycling collection program.

Bill No. 119-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

INTRODUCTION OF NEW ORDINANCES

Pending – Additional Documentation Required

Ordinance – authorizing the establishment of a Trust Fund for other post-employment benefits by depositing and segregating funds for the exclusive use of certain post-employment benefits, appointment of Trust Fund Trustees, and the execution of the Trust Agreement.

Councilor Daubert read the following ordinances into the record:

A. Ordinance – authorizing a utility easement at the Masano property at 1015 Lancaster Ave

B. Ordinance – restricting parking, and maintaining the requisite No Parking signs Along both sides of North Second Street in the 000 block (between Washington Street And Penn Street), with the exception of 8 parking spaces to be located along the north side of North Second Street, between Court Street and Penn Street. The purpose is to comply with the conditions of PennDOT Highway Occupancy Permit No. 134367 and the 2nd and Washington Streets Intersection Improvement Project.

C. Ordinance – authorizing the execution of a lease agreement for the installation of a monopole for T Mobile within Hampden Park near the baseball field located in the vicinity of Alsace Road

RESOLUTIONS

WITHDRAWN BY COUNCIL

A. Resolution 101-2017 – urging the County Commissioners to adopt legislation that will provide a new revenue source for the demolition of properties certified as blighted by the City or County Blighted Property Review Committees ***Tabled at the December 4 regular meeting***

B. Resolution 106-2017– appointing M. Scot Case to the Environmental Advisory Council

C. Resolution 107-2017 – reappointing Walter Pawling to the Reading Housing Authority

Councilor Daubert moved, seconded by Councilor Marmarou, to adopt Resolution Nos. 106 & 107-2017.

Councilors Marmarou and Slifko noted the attributes both applicants bring to the table.

Resolution Nos. 106 & 107-2017 were adopted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6

Nays: None – 0

COUNCIL COMMENT

Councilor Daubert thanked everyone for their support over his four (4) year term. He stated that he always tried to make the best decisions for the people of Reading. He expressed the belief that he will miss attending the various Council sessions.

Councilor Reed wished Councilor Goodman-Hinnershitz a speedy recovery. She noted that she has enjoyed working with Council Daubert and she will miss his contributions to the various discussions.

Councilor Reed noted the upcoming events planned for the Pagoda for Christmas Eve and New

Year's Eve.

Councilor Slifko thanked Councilor Daubert for always approaching his responsibilities with integrity, honesty and intelligence.

Councilor Marmarou wished Councilor Daubert well.

Councilor Twyman also wished Councilor Daubert well and wished everyone peace, love and blessed holidays.

The Auditor wished Councilor Daubert well and wished everyone joyous holidays.

Councilor Waltman thanked the administration for working with Council during a very productive 2017. He expressed the belief that Councilor Daubert is a benchmark for ethics in government. He noted that serving on City Council is a humbling experience if done for the right reasons.

The mayor noted that the Solicitor is also retiring in early January and he noted his 18 years of steady service.

Council President Waltman reviewed the revised December Council schedule.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk