



# CITY COUNCIL

## Committee of the Whole

Tuesday, June 21, 2022

5:00 pm

Hybrid Meeting

Agenda

*The City Council Committee of the Whole meetings are filmed and can be viewed LIVE while the meeting is taking place via the attached Zoom link and dial-in phone number, on Facebook and on BCTV MAC Channel 99 or at your convenience at <https://www.readingpa.gov/content/city-council-video>.*

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://readingpa.zoom.us/j/84519588918?pwd=aEdtajdiUEoxTGNNMVRwaW1kRjd1dz09>

Passcode: 555133

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 720 707 2699 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 845 1958 8918

Passcode: 555133

### I. Parking Study Results

### II. Review Draft Vehicle Use Policy

### III. Review Ordinances (introduced on 6-13-22) – All ordinances attached pages 3-14

1. **Amending Charter Section 912(a)(2)** allowing the Capital and GF Public Hearings to be held on the same night
2. **Amending Charter Sections 1102 through 1109** to replace the current Referendum & Initiative with the procedure in the Third Class City Code
3. **Amending Charter Section 404 (a) - (b)** – requiring Council approval for the termination of the Managing Director *Note: select simple majority vote or super majority vote*
4. **Amending the 2022 Fund 47 ARP Fund Budget** is hereby amended to provide the funds needed for the Mayor's Summer Youth Initiative Program expenditures. The funds will be made available by a budget appropriation in the City's 2022 ARP Fund budget.

5. **Authorizing the conveyance of 513 S. 14 ½ Street** to the RPA to be used as Residential Parking
6. **Authorizing the execution of a lease agreement to convey 924 - 932 Penn Street** to the RPA to be used as Residential Parking

**IV. Public Works Monthly**

- Existing Project Updates (different division each month)
- Accomplishments
- Report on staffing levels and needs

**V. Community and Economic Development Monthly**

- Update on projects in the CDBG Action Plan
- Amount in Un-programmed Funds (unspent HUD funding)
- Division Update (rotating through divisions)
- Planning and Zoning Updates

Referred by: City Council  
Introduced on: June 13, 2022  
Advertised on: June 20, 2022

**BILL NO. \_\_\_\_\_ 2022  
AN ORDINANCE**

**AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2022 GENERAL ELECTION BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER BY ALLOWING THE CAPITAL BUDGET PUBLIC HEARING TO BE HELD ON THE SAME DATE AS THE OPERATING BUDGET PUBLIC HEARING**

**WHEREAS**, Section 912(a)(2) of the City of Reading Home Rule entitled City Council Action on Capital Program requires City Council to advertise and hold a public hearing on the proposed Capital Program on a separate night from the Operating Budget Public Hearing; and

**WHEREAS**, historically members of the public have never attended this hearing; and

**WHEREAS**, the City believes more members of the public may attend if the hearings for the Operating Budget and the Capital Program were held on the same date.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2022 General Election ballot:

**Home Rule Charter § 912. City Council Action on Capital Program**

“Shall Section 912(a)(2) of the Reading Home Rule Charter be amended to allow for the holding of the Capital Program Public Hearing on the same day as the Operating Budget Public Hearing during each fiscal year of the City?”

**Simple Explanation**

The current City Charter requires City Council to hold two public hearings on separate days: one for the Operating Budget and a separate one for the Capital Program. Holding both budget hearings on the same day would be a more efficient use of time for Reading government officials and residents as well as encourage more public attendance and participation in the process.

**SECTION 2.** In the proposed amendment, the language of Charter Section 912(a)(1) shall be deleted and replaced as follows:

**§ 912. City Council action on capital program.**

(a) Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the capital program with a notice stating:

- (1) The times and places where copies of the capital program message and capital program document are available for inspection by the public.
- (2) The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. ~~The public hearing shall not be on the date of a regular Council meeting.~~
- (3) The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

(b) Adoption. Council must adopt an annual capital program by no later than December 15th of the fiscal year currently ending. If Council fails to adopt a capital program by December 15th, then the Mayor's original capital program shall become the official capital program of the City for the ensuing fiscal year.

**SECTION 3.** This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2022

\_\_\_\_\_  
Vice President of Council

Attest:

\_\_\_\_\_  
City Clerk

Drafted by: City Clerk  
Referred by: City Council  
Introduced on: March 14, 2022  
Advertised on: March 21, 2022

**BILL NO. \_\_\_\_\_ 2022  
AN ORDINANCE**

**AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2022 GENERAL ELECTION BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER BY ELIMINATING CHARTER SECTIONS 1102 THROUGH 1109 AND REPLACING THIS LANGUAGE WITH PA TITLE 11 CITIES, CHAPTER 110 COUNCIL, SUBCHAPTER B INITIATING ORDINANCES BY ELECTORS AND SUBCHAPTER C RECONSIDERING ORDINANCES BY ELECTORS AND RESERVING THE SECTION NUMBERS 1104 THROUGH 1109**

**WHEREAS**, Home Rule Charter Chapter XI SECTIONS 1102 through 1109 sets out the procedures for citizens to initiate an ordinance and repeal an ordinance enacted by City Council; and

**WHEREAS**, since the Home Rule form of government began in 1996, the Initiative and Referendum process in the Chapter XI of the Charter was undertaken several times and various deficiencies and flaws with this process were identified; and

**WHEREAS**, the City believes returning to the process within Title 11 Chapter 110 Council. Subchapter B Initiating Ordinances by Electors and Subchapter C Reconsidering Ordinances by Electors is much easier for the public, more organized, faster and more efficient for both the public and the City.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2022 General Election ballot:

**Home Rule Charter § 1102. Initiative and Referendum**

“Shall Sections 1102 through 1109 of the Reading Home Rule Charter be amended to replace the Initiative and Referendum process with that defined in the Pennsylvania Third Class City Code?”

**Simple Explanation**

The current City Charter sets out a local Initiative and Referendum process that is cumbersome and flawed. Returning to the provisions in the Pennsylvania Third Class City Code sets out a more efficient and effective process.

**SECTION 2.** In the proposed amendment, the language of Charter Chapter XI, Sections 1102-1103 shall be replaced as follows and Sections 1104-1109 shall be reserved:

**§ 1102. Initiation of Ordinances by Electors**

**(a) Submission.**--Except as provided in Section 1102(b), a proposed ordinance may be submitted to Council by a petition signed by the electors of the City and considered by Council in accordance with the same terms, conditions and procedure set forth in Title 11 Pa.C.S. Sections 11031 – 11041, as amended.

**(b) Exclusions.**--The following proposed ordinances may not be submitted by petition to council in accordance with this subchapter:

(1) A proposed ordinance:

(i) Expressly required to be enacted by the general laws of this Commonwealth including, but not limited to, those set forth in 53 Pa.C.S. § 2962, as amended;

(ii) Expressly required to be enacted by the provisions of any act of the General Assembly;

(iii) That contains provisions and matters which are subject to the approval of an officer or tribunal of the Commonwealth;

(iv) That provides for Tax levies or fees;

(v) That provides for and other appropriations;

(vi) That provides for the exercise of the right of eminent domain;

(vii) That provides for the preservation of the public peace, health, morals and safety;

(viii) That provides for the exercise of the police powers of the city government;

(ix) That provides for the prevention and abatement of nuisances;

(x) That provides for an election to increase indebtedness and any other ordinance which by law must be submitted to an election before it shall take effect;

(xi) That provides for the opening, paving, grading or other improvement of streets or highways if the improvement is petitioned for by a majority, in number or interest, of the abutting property owners;

(xii) That provides for the construction of sewers; or

(xiii) That provides for streets, highways and sidewalks to be kept in:

(A) Good order and repair.

(B) In a safe and passable condition.

(2) Proposed ordinances to repeal, amend or modify an ordinance which took effect after having been subject to the provisions of the referendum for reconsideration of the ordinance.

(3) Proposed ordinances to amend the City's Home Rule Charter

**§ 1103. Reconsidering Ordinances by Electors**

**(a) Timing.**--Except as provided in subsection 1103(b), an ordinance enacted by council may not go into effect before 10 days from the time of the ordinance's final enactment by council as per Charter Sections 219, 220 and 221.

**(b) Immediate enactment.**—The ordinances set forth in subsection 1102(b)(1) may be made effective upon final enactment.:

**(c) Petition and reconsideration of ordinance.**

With the exception of an ordinance dealing with the subjects set forth in Charter Section 1103(b) (relating to time ordinances go into effect), an ordinance shall be suspended from going into operation and shall be reconsidered by Council if all of the following occur:

(1) A petition is presented to council:

(i) within 10 days after the ordinance's final enactment;

(ii) in accordance with the same terms, conditions and procedure set forth in Title 11 Pa.C.S. Sections 11052 – 11064, as amended; and

(iii) which protests against enactment of the ordinance.

(2) The petition must be signed by electors as required in 11 Pa.C.S. Sections 11032(a), as amended (relating to number of signatures, examination and certificate by city clerk).

**§ 1104-1109. Reserved.**

**SECTION 3.** This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2022

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Drafted by:

City Clerk

Referred by: City Council  
Introduced on: June 13, 2022  
Advertised on: June 20, 2022

**BILL NO. \_\_\_\_\_ 2022  
AN ORDINANCE**

**AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2022 GENERAL ELECTION BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER BY REQUIRING THAT THE MANAGING DIRECTOR'S TERMINATION BE APPROVED OR REJECTED BY CITY COUNCIL BY RESOLUTION WITH A SUPER-MAJORITY VOTE**

**WHEREAS**, Sections 404 (a) - (b) of the City of Reading Home Rule Charter entitled Removal (of the Managing Director) provides the Mayor with the ability to remove the Managing Director from office at any time without cause and requires the Mayor to provide notice to City Council 15 days prior to the removal from office; and

**WHEREAS**, Section 402 (a) entitled Approval of Council (Managing Director) requires City Council to approve of the Mayor's appointment of a Managing Director within 30 days from the date of appointment; and

**WHEREAS**, this imbalance of power illogically eliminates City Council from termination decisions and leaves those appointed to the position of Managing Director vulnerable to Administration changes, and resulting in the lack of historical stability and continuity at this top executive position; and

**WHEREAS**, adding Council to approve the Mayor's termination of the Managing Director by Resolution with a super-majority vote is a logical corollary to the appointment approval power in Section 402(a) of the Charter and provides a critical check and balance which will improve the stability for this top executive position moving forward.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2022 General Election ballot:

**Home Rule Charter § 402. Removal (of the Managing Director)**



“Shall Sections 404(a) and (b) of the Reading Home Rule Charter be amended to require that the termination of the Managing Director require the approval of both the Mayor and City Council by resolution with a super-majority vote?”

**Simple Explanation**

The current City Charter provides the Mayor with the sole ability to terminate the Managing Director at any time, without cause, and without consideration by City Council, which is illogical given Council’s control over the appointment of the Managing Director and which has resulted in a lack of historical stability and continuity in this top position. Amending the Charter to provide Council with the decision-making power of termination together with the Mayor will improve the stability of this top position and improve the City’s ability to attract qualified candidates.

**SECTION 2.** In the proposed amendment, the language of Charter Section 402 (a) and (b) shall be deleted and replaced as follows:

**§ 404. Removal.**

(a) The Managing Director may be removed from office by the Mayor at any time, without cause, provided that City Council shall, by super-majority vote (5 votes), approve or reject the removal. Such decision of City Council shall be made within 30 days from the date of the removal decision by the Mayor. If no action is taken by City Council within such period, the removal of the Managing Director shall be automatic.

(b) At least 15 days prior to the removal from office, the Mayor shall notify the Managing Director and City Council in writing of such proposed removal.

(c) Council may, by ordinance, remove the Managing Director from office for failure to hold the qualifications set forth in § [401](#) or for violation of any of the prohibitions set forth in § [405](#).

**SECTION 3.** This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2022

\_\_\_\_\_  
Vice President of Council

Attest:

\_\_\_\_\_  
City Clerk

Drafted by: Law  
Sponsored/Referred by: Mayor's Office  
Introduced on: June 13, 2022

**BILL NO. \_\_\_\_\_-2021  
AN ORDINANCE**

**AUTHORIZING THE MAYOR TO CONVEY 513 S. 14 1/2 TO THE READING PARKING AUTHORITY TO BE USED FOR RESIDENTIAL PARKING**

**WHEREAS**, the City of Reading is a municipal corporation of the Commonwealth of Pennsylvania;

**WHEREAS**, the Reading Parking Authority is a municipal authority that operates parking facilities in the City of Reading;

**WHEREAS**, the Authority has created the Citywide Parking Relief program to create new parking lots in the City for use by residents;

**WHEREAS**, the City of Reading is the owner of that certain real property located at 513 S. 14 1/2 Street ("Property");

**WHEREAS**, the Authority can use the Property to create a parking lot for use by residents;

**WHEREAS**, the City will transfer the Property to the Authority for use as a parking lot;

**WHEREAS**, the Authority will be the owner of the Property and responsible for its upkeep and maintenance, including substantial improvements to the retaining wall and surface area in order to make the property usable as a parking lot.

**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Mayor is authorized to convey 513 S. 14 1/2 to the Reading Parking Authority.

**SECTION 2.** This Ordinance shall be effective ten (10) days after passage, as per Home Rule Charter Sections 219 & 221.

Enacted \_\_\_\_\_, 2022

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Drafted by  
Sponsored by/Referred by  
Introduced on

City Solicitor's Office  
Mayor's Office  
June 13, 2022

**BILL NO. \_\_\_\_\_-2022**

**A N O R D I N A N C E**

**APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT OF LEASE BETWEEN THE READING PARKING AUTHORITY AND CITY OF READING OF CERTAIN CITY-OWNED PROPERTIES FOR USE AS A PARKING LOT**

**WHEREAS**, the City own certain real properties located generally at 924 – 932 ½ Penn Street, the properties are described in more detail in the Lease Agreement attached as Exhibit “A,”

**WHEREAS**, the Reading Parking Authority has requested that the City lease the Penn Street properties to the Authority for use as a parking lot;

**WHEREAS**, the Authority intends to use the Penn Street properties as a parking lot to increase available parking to City residents and visitors;

**WHEREAS**, the City is willing to lease the Penn Street properties to the Authority for one year with one year renewals;

**WHEREAS**, the Authority will make improvements to the Penn St. properties and will maintain the properties while it leases them;

**WHEREAS**, the City will lease the Penn Street properties to the Authority pursuant to a lease agreement;

**WHEREAS**, the City and the Authority agree to be bound by the terms and conditions of the lease agreement.

**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Agreement of Lease attached hereto as Exhibit “A” is approved and the Mayor is authorize to execute the same.

**SECTION 2.** This Ordinance will become effective in ten (10) days, in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2022

\_\_\_\_\_

Vice President of Council

Attest:

\_\_\_\_\_  
City Clerk

Sent to Mayor \_\_\_\_\_ Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_ Date: \_\_\_\_\_  
Vetoed by Mayor: \_\_\_\_\_ Date: \_\_\_\_\_  
Over-ridden by Council: \_\_\_\_\_ Date: \_\_\_\_\_

**LEASE AGREEMENT**

**This LEASE AGREEMENT** (“Lease”) is made this \_\_\_\_ day of \_\_\_\_\_, 2022 (the “Effective Date”), by and between the City of Reading (“City”) with an address of 815 Washington St., Reading, PA 19601 and the Reading Parking Authority (“Authority”) with an address of 613 Franklin St., Reading, PA 19602. The City and the Authority are sometimes collectively referred to herein as the “Parties”.

**RECITALS**

WHEREAS, the City is the owner of certain real properties more fully described herein that it wishes to lease to the Authority; and

WHEREAS, the Authority wishes to lease these properties from the City for use as a parking lot to increase available parking to City residents and visitors; and

WHEREAS, the City and the Authority agree to be bound by the terms and conditions set forth herein.

**AGREEMENT**

**NOW, THEREFORE, intending to be legally bound hereby,** the City and the Authority agree to the following terms and conditions:

1. Recitals. The above recitals are incorporated herein and made a part of this Lease.
2. Leased Premises. City agrees to lease the following properties to the Authority, which will collectively be used and operated by the Authority as a surface parking lot (said properties collectively referred to herein as the “Premises”):
  - a. 924 Penn Street (Parcel Id. # 03531777002171)
  - b. 926 Penn Street (Parcel Id. # 03531777002083)
  - c. 928 Penn Street (Parcel Id. # 03531777003003)
  - d. 930 Penn Street (Parcel Id. # 03531777003018)
  - e. 932 Penn Street (Parcel Id. # 03531777003033)
  - f. 932 ½ Penn Street (Parcel Id. # 03531777003043)
  - g. 927 Cherry Street (Parcel Id. # 03531621093915)

3. Term. The term of this Lease is one (1) year, commencing on the Effective Date. The Lease shall automatically renew each consecutive year for a one (1) year term unless either party provides ninety (90) days written notice prior to the renewal date of its intention to terminate the Lease. The Authority will surrender possession of the Premises to the City upon expiration of this Lease.

4. Improvements. The Authority will pay for any necessary improvements to the Premises for its use as a surface parking lot. The Authority has determined through its consulting engineer that improved lighting is needed at the Premises. The Authority will pay for the improved lighting but the City, as owner, will need to make necessary arrangements for the installation of the lighting. City agrees that it will take all necessary actions for the required lighting improvements as well as any other improvements needed at the Premises upon request of the Authority.

5. Sale of Premises. The City shall permit the Authority to make an offer to purchase the Premises if the City decides to sell the Premises during the Term.

6. Lease Payment. The Authority will pay One Dollar (\$1.00) per year to lease the Premises.

7. Covenants. Authority agrees to the following as lessee:

- a. Authority will maintain the Premises and the sidewalks adjacent thereto. It will keep the Premises in a clean condition and it will provide for pothole repairs, snow removal and mowing at the Premises.
- b. Authority will insure the Premises through its current liability policies and will name the "City of Reading" as an additional insured. Authority will provide City a certificate of insurance naming City as an additional insured upon the full execution of this Lease.
- c. Authority will pay for lighting at the Premises as well as any related utility bills or other costs in connection with the Premises.

8. Repairs and Maintenance. Authority has inspected the Premises and accepts the Premises in its present condition. It agrees that City will not make any repairs to the Premises.

9. Liability. Authority shall hold City harmless from any loss that is caused by Authority's agents or employees, or any other person using the Premises over whom Authority can exercise control.

10. Right to cure. The Authority shall have thirty (30) days to cure any default hereunder upon written notice from the City, which time can be extended in writing by City upon request of the Authority.

11. Notices. Any notices required herein shall be in writing and shall be deemed served when delivered personally, or when deposited in the United States mail, postage paid, return receipt requested, addressed to Authority at 613 Franklin Street, Reading, PA 19602, Attention: Reading Parking Authority Executive Director, or addressed to City at 815 Washington Street, Reading, PA 19601, Attention: Law Department.

12. Waiver. Waiver by City of any default in performance by Authority shall not be deemed a continuing waiver of that default or any subsequent default.

14. Covenant of Title and Quiet Enjoyment. City covenants and agrees that it has good title to the Premises and all improvements located thereon and that the same are free and clear of all liens, encumbrances, tenancies and restrictions. City will defend the title to the Premises and indemnify Authority against any damages or expenses that Authority may suffer by reason of any claim against title or defect in title to the Premises. City covenants and agrees that Authority shall peacefully hold and enjoy the Premises during the Term without hindrance or interruption by City or any of its successors and assigns, or any person claiming by, through or under the City.

15. Severability. If any provision of this Lease shall be deemed invalid or unenforceable, the remainder of the provisions of this Lease shall not be affected thereby and each and every provision of this Lease shall be enforceable to the fullest extent permitted by law.

16. Entire Agreement. This Lease constitutes the entire agreement between the Parties with respect to the matters contained herein and supersedes all prior agreements, oral or written, and understandings with respect thereto. Any amendment, modification, or waiver of this Lease shall not be effective unless in writing.

17. Successors and Assigns. This Lease shall be binding upon the Parties and their successors and assigns.

IN WITNESS WHEREOF, and agreeing to be bound hereby, the Parties set their hands and seals:

CITY OF READING

READING PARKING AUTHORITY

By: \_\_\_\_\_

By: \_\_\_\_\_

ATTEST: \_\_\_\_\_

ATTEST: \_\_\_\_\_