CITY COUNCIL

Committee of the Whole

Tuesday, July 6, 2021
5:00 pm
Virtual Meeting
Agenda

Under the current COVID-19 Declaration of Emergency the public is prohibited from attending the Committee of the Whole meeting. This meeting can be viewed LIVE on the City's website while the meeting is taking place or at any time 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/94276890919?pwd=NVZqYmJxaDRmcFRyTWRHbmI4NzFPQT09

Passcode: 453623

Or One tap mobile:

+16465588656,,94276890919#,,,,*453623# US (New York)

+13017158592,,94276890919#,,,,*453623# US (Washington DC)

Or join by phone:

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

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799
Webinar ID: 942 7689 0919
Passcode: 453623

I.	**Fightin Phils Briefing on MLB Request for Stadium Improvements**	**30 mins**
II.	**Charter Amendment requiring Council to employ its own Solicitor** ***Bill 9-2020 attached – see page 3***	**15 mins**
III.	**Public Art Ordinance**	**20 mins**
IV.	**Administrative Code Amendments**	**20 mins**

- Defining a quorum and allowing for remote participation
- Continue allowing the submission of written public comment

V. Charter Amendment 30 mins

- Eliminating the requirement for the Public Works Director to be a licensed engineer
- Correction to remove Recall Provision – Charter Section §1110

Correction to remove Charter Section §907 Appropriation Revenue Ordinance - limiting property tax increases that will exceed 105% of the real estate tax income actually collected in the previous year.

> Charter Section 907 is invalid and is superseded by 53 Pa.C.S. § 2962(b) to the extent that it purportedly limits City Council's ability to impose a real estate tax rate above "105% of the real estate tax income actually collected in the previous year." *In re Charter § 907* (Adv. Op. 20, April 28, 2010) at 3.

- Correction to remove – Charter Section §1204 Charter Amendments a - The citizens of the City through the initiative process provided by this Charter;

- The citizens of the City through the initiative process provided

Drafted by: City Clerk
Referred by: Charter Review Commission
Introduced on: December 9, 2019
Advertised on:

I, LINDA A. KELLENER, City Clerk of the City of Reading, Pa., do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Council of the City of Reading, on the 13 day of Jan A. D. 2020. Witness my hand and seal of the said City this 22 day of Jan A. D. 2020

CITY CLERK

BILL NO. 9 2020

AN ORDINANCE

AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2020 PRIMARY BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER TO ARTICLE II CITY COUNCIL TO PROVIDE CITY COUNCIL WITH THE ABILITY TO APPOINT THEIR OWN SOLICITOR

WHEREAS, The Charter currently requires that the City shall have one City Solicitor who serves both the Mayor and Council; and

WHEREAS, having one Solicitor serving both parties often creates conflicts and requires Council to retain outside legal counsel; and

WHEREAS, a duly appointed Charter Review Commission has recommend that said Home Rule Charter Article II be amended by adding a new Section 226 allowing Council to retain their own independent legal counsel and renumbering the remaining sections as set forth herein.

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 2020 primary ballot:

Creating a new Home Rule Charter Section 226 – City Council Solicitor
"Shall Section 226 of the Reading City Charter be amended to provide City Council with the ability to appoint their own Solicitor, as fixed by the annual budget?"

Simple Explanation

A "YES" vote means the City of Reading Home Rule Charter would be amended to provide City Council with the ability to appoint an attorney to work solely for City Council, eliminating the current conflict of having one Solicitor serving both the Executive and Legislative branches of government, as authorized by the annual budget and position ordinance.

A "NO" vote would retain the current language designating one City Solicitor who works for both the Mayor and City Council."

SECTION 2. This ordinance shall become effective ten (10) days after it's adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted Jan 13, 2020

President of Council

Attest:

City Clerk

Submitted to Mayor:
Date: 1/14/20
Received by the Mayor's Office:
Date: 1/14/20
Approved by Mayor:
Date: 1/22/2020
Vetoed by Mayor: _____
Date: _____

Exhibit A

ARTICLE II

§ 226. City Council Solicitor

City Council shall appoint a Council Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Council Solicitor shall serve as legal advisor to City Council. Council's Solicitor shall perform professional legal services for City Council. The primary responsibility of the position of Council Solicitor is to advise City Council on questions of law. City Council's Solicitor shall have his or her own legal secretary to assist in the preparation of all opinions, memorandums, and whatever other correspondence is required in the performance of the Council Solicitor's duties. Compensation shall be fixed as Council, by budgetary provisions, provides, and who, in all other respects, shall be considered employees of the City.

Drafted by: City Clerk
Referred by: Councilor Reed & Cepeda-Freytiz
Introduced on: June 28, 2021
Advertised on:

BILL NO._____2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF READING BERKS COUNTY, PENNSYLVANIA, AMENDING THE CITY CODE BY ADDING NEW CHAPTER 433 PUBLIC ART

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

SECTION 1: Amending the City Code by adding a new Chapter 433 Public Art, as follows:

Chapter 433
Public Art

§ 433-101. Purpose. Art of all types and experiences located in public places and open to all is a vital part of a creative **place-making** project when it is joined to a larger vision for community goals and for the community itself. The purpose of this Chapter is to establish a process for the City to consider public art projects that will effectively enliven neighborhoods and create outcomes such as safety, livability, walkability, health, and economic development.

§ 433-102. Evaluation and Approval of Public Art Applications

A. Any person, organization or entity wishing to place any artwork installation upon public property shall submit such proposal to the City Clerk's Office.

B. An internal Public Art Review Committee shall review each proposal. The Committee shall be composed of the Historic Preservation Specialist, a City Planner, the Public Works Operations Division Manager, the City Clerk and Traffic Sergeant or his representative. The Director of Public Works shall appoint a Chairperson from the membership.

C. The Public Art Review Committee shall provide a written evaluation of each proposal based on the following factors: the suitability and appropriateness of the proposed location for the installation; the proposers' plan and ability for maintenance and upkeep of the installation; and provisions for insuring the memorial against damage, vandalism and disrepair. In addition, if the proposed location of an art installation has been subject to a master or comprehensive-planning initiative, the proposed installation should be in comport

with any such valid plan. The Review Committee shall provide this written evaluation to City Council with a recommendation.

D. At its discretion, the Public Art Review Committee may request the approval of or advice of the proposed art installation from the Planning Commission.

E. Any mural, banner, or other artwork installation proposed to be located within or immediately adjacent to a designated historic or conservation district shall be subject to the advance approval of the Historic Architectural Review Board.

F. Approval of the installation shall require the approval of City Council by resolution.

§ 433-103. Maintenance of Public Art

A. It shall be the policy of the City of Reading that the maintenance and upkeep of any art installation shall be the responsibility of the person or entity placing such approved art installation on any property for a minimum of two (2) years. A plan for the care and maintenance of the artwork, including graffiti abatement, and removal of the installation at the end of the two (2) year permit period or when directed to do so by the City of Reading Public Works Director.

B. In the event an art installation falls into disrepair and is not promptly repaired by the person of entity that installed it, the Director of Public Works, the City may provide written notice ordering the person or entity to remove the installation within 30 days. If the person or entity fails to remove the art installation or agree to a schedule for the removal of the artwork, approval of which is in the City's sole discretion, at the end of the two (2) year permit period or within the 30-day period on order of the Public Works Director, the City shall remove the installation at the person or entity's expense.

C. The Public Art Review Committee shall have purview over existing art installations and may promulgate policies and programs that improve this program with little or no public expense.

D. Vandalism to any art installation or the grounds that the installation sits on shall be subject to enforcement under the PA Crimes Code 18 Pa. C.S. §3304 Criminal Mischief and §3307 Institutional Vandalism.

E. The owner of the artwork installation shall indemnify the City, its officials, officers, employees and/or agents, from and against any and all third party claims related to the artwork installation.

SECTION 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Reading that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this ____ day of _____, 2021, by the Council of the City of Reading, Berks County, Pennsylvania, in lawful session duly assembled.

_____
President of Council

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____
Received by the Mayor's Office: _____
Date: _____
Approved by Mayor: _____
Date: _____
Vetoed by Mayor: _____
Date: _____

Drafted by: City Clerk/ Solicitor

Referred by:
Introduced on: June 28, 2021
Advertised on: , 2021

BILL _____-2021
AN ORDINANCE

AN ORDINANCE AMENDING CITY CODE CHAPTER 5 ADMINISTRATIVE CODE, PART 208 COUNCIL RULES OF PROCEDURE PROCEDURES BY DEFINING A QUORUM AND ALLOWING REMOTE PARTICIPATION

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending City Code Chapter 5 Administrative Code, Part 208 Council Rules of Procedure by defining a quorum and allowing remote participation as follows:

§ 5-208. Rules of procedure.
[Amended 4-9-2001 by Ord. No. 7-2001; 3-8-2010 by Ord. No. 7-2010]

A. The standard reference of Council shall be Robert's Rules unless not specifically provided for by the Rules of Procedure herein.

1. *Quorum – a quorum of Council shall be four (4) members present for the conduct of business. Council members participating by telecommunications device shall be counted to constitute a quorum.*

(a) The telecommunication device used permits the member or members of council not physically present at the meeting to:

(i) speak to and hear the comments and votes, if any, of the members of council who are physically present, as well as other members of council who may not be physically present and are also using a telecommunication device to participate in the meeting; and

(ii) speak to and hear the comments of the public who are present at the meeting.

(b) The telecommunication device used permits the members of council and the members of the public who are present at the meeting or participating remotely to speak to and hear the comments and the vote, if any, of the member or members of council who are not present at the meeting.

(c) Physical absence of a council member. Council members can choose to participate remotely for four (4) regular business meetings per year. Council can authorize additional remote participation at regular business meetings by telecommunication device for one or more of the following reasons:

(i) illness or disability of the member of council;

(ii) care for the ill or ~~newborn~~ child in the member's immediate family;

(iii) emergency or inclement weather; and

(iv) family or business travel; and

(v) schedule conflicts

(d) There is no limit on Council's ability to participate remotely in Committee meetings, Committee of the Whole (COW) meetings, and other sessions that are held.

(e) Nothing in this subsection shall be construed to limit the protections and prohibitions contained in any law or regulation relating to the rights of the disabled.

B. Business is conducted by acting on motions. Once a matter has been moved and seconded, no other matter shall be taken up until the main issue is disposed of.

(1) Rule No. 1. Disclosure of interest. A member who has personal or private interest in any question, measure, bill proposed or pending before the Council shall disclose that fact to Council and shall not vote thereon. If such interested person shall vote without disclosing his interest in such question, measure or bill, Council may avoid the enactment or transaction or not, as it deems best.

(2) Rule No. 2. Proposed amendments to these rules. Amendments to these rules must be presented in writing at a nonlegislative meeting of the Council held at least one week prior to the date when the same are to be finally considered. Amendments shall be adopted by the affirmative vote of the majority of all members of Council.

(3) Rule No. 3. Suspension of rules. These rules may be suspended by the affirmative vote of the majority of all members of Council present, but the suspension shall not extend beyond the adjournment. No rule of Council, which is also subject of legislative enactment, shall be suspended.

(4) Rule No. 4. Legislation.

(a) No rule, matter, bill or resolution shall be considered by Council unless a written memorandum, brief, resolution or bill is delivered to the City Clerk by 12:00 noon on the Wednesday preceding the meeting where the matter or legislation is to be considered, introduced or enacted/adopted by Council. The City Clerk shall furnish to the Mayor and all members of Council copies of all proposed resolutions and ordinances by posting the agendas on the website. **[Amended 10-28-2013 by Ord. No. 51-2013]**

(b) Legislation referred to or being considered by a Council Committee must be returned to the full body of Council for consideration with either a positive or negative recommendation. If the legislation is not returned in this manner, any three Council members may request that the full body, at a regular business meeting, consider the legislation.

(5) Rule No. 5. Voting.

(a) The vote upon any motion, resolution or ordinance will be taken by roll call. The City Clerk will clarify by reading aloud the content of the parliamentary motion, amendment, of the award of contract, ordinance or resolution before the roll call is taken.

(b) The yeas and nays of each Councilperson will be entered into the minutes. On the call of yeas and nays, no member shall be excused from voting as such, unless by the consent of the Council and the Solicitor, or if a bona fide conflict of interest exists as defined in Part 10, Code of Ethics, or other provisions of general law. Unless a member of Council is so excused or prevented from voting, the failure to vote shall be recorded as an affirmative vote.

(c) The City Clerk will rotate the order in which the roll is called after every vote with the exception of amendments to the main question.

(6) Rule No. 6. Duties of the presiding officer. The President of Council shall decide all questions subject to appeal by any two members of Council and have general supervision of

the meeting. He shall determine the appropriate committee to which legislation and other matters shall be referred. The President of Council shall be the designated representative of the body and shall communicate the intentions of Council, with respect to professional service, contracts, legislative action and other matters, as needed.

(7) Rule No. 7. Reconsideration. A motion to reconsider a question shall be entertained only at the next legislative meeting following the one at which vote was taken. No second motion to reconsider the same motion shall be entertained.

(8) Rule No. 8. Motions to be entertained.

(a) All motions must be moved and seconded. When a question (or main motion) is under consideration, no motion shall be entertained except for:

[1] Adjournment.
[2] Previous question (2/3 vote).
[3] Lay on the table.
[4] To postpone.
[5] To commit.
[6] To amend.
[7] End debate.
[8] Call for the question.

(b) These questions have preference in the order given. The first three must be decided without debate. A motion to adjourn is always in order when the main question has been ordered put, when a member has the floor, or during a call of the yeas and nays.

(c) Motions for the previous questions to postpone or commit shall preclude amendment or debate upon the original subject. Motion to postpone shall preclude commitment.

(9) Rule No. 9. Rules of debate.

(a) Prior to debate, a bill or resolution must be placed on the table by a first and second motion of the body. The sponsor of the bill or the referring committee will have the first opportunity to make a statement. After which, each member of Council shall be entitled to make one statement on the proposed legislation. President of Council may also invite the Mayor and Managing Director to comment. All first statements shall be no longer than three minutes in length.

(b) Second statements or comments shall be entertained after each member present has been given the opportunity to speak one time and shall be no longer than two minutes in length. In the event no other Council member wishes to address the issue and no one moves to end debate or call for the question, debate will be allowed to continue. In general, it is expected that the body will make their remarks concise and focused on matter or issue proposed. Amendments or statements not relating to the question shall not be made. All such matters not relating to agenda items will be entertained after the Council business portion of the agenda.

(c) President of Council or presiding officer may, at his discretion, choose to limit debate time on each agenda item to 10 minutes, as stated in Roberts' Rules of Order.

(d) Members wishing to speak shall request recognition from the presiding officer, at which time other Council members shall not engage in dialogue or interrupt except for the following:

[1] Call for the orders of the day (when they are not being conformed to).
[2] Raising a question of privilege.
[3] Point of order (calling the member who has the floor to order or calling his attention to the fact that he is not observing the rules).

[4] Call for a separate vote on one or more subjects that are included in a single motion.

[5] Request or inquiry that requires an immediate response.

C. The body may override the presiding officer's decision on any procedural rule through the passage of a motion.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____, 2021

_____

President of Council

Attest:

_____

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Drafted by: City Clerk

Referred by:

Introduced on: July 12, 2021
Advertised on: , 2021

BILL _____-2021
AN ORDINANCE

AN ORDINANCE AMENDING CITY CODE CHAPTER 5 ADMINISTRATIVE CODE, PART 209 PUBLIC PARTICIPATION BY INCLUDING WRITTEN PUBLIC COMMENT AT REGULAR MEETINGS, SPECIAL MEETINGS AND PUBLIC HEARINGS

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending City Code Chapter 5 Administrative Code, Part 2 Public Participation by including written public comment at Regular Meetings, Special Meetings and Public Hearings, as follows:

§ 5-209. Public participation.
[Amended 3-23-1998 by Ord. No. 10-1998; 6-24-2002 by Ord. No. 29-2002; 1-26-2004 by Ord. No. 1-2004; 1-23-2006 by Ord. No. 6-2006; 1-23-2012 by Ord. No. 6-2012; 4-9-2012 by Ord. No. 43-2012; 8-26-2013 by Ord. No. 35-2013; 1-27-2014 by Ord. No. 6-2014; 1-27-2016 by Ord. No. 2-2016]
These rules are intended to promote an orderly system of public comment, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his right of free speech. Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month. Public comment is not permitted at the City Council work sessions, committee meetings or Committee of the Whole meetings.

A. Regular meetings. Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled meeting or by printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5:00 p.m. and 7:00 p.m. on the day of the scheduled meeting. ***Citizens may also choose to submit written public comment via letter or email by sending a letter or email clearly marked "public comment" by 4 pm on the day of the meeting.***

B. Special meetings. Citizens desiring to address the Council at its special meeting may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled meeting or by printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers before the special meeting is called to order. ***Citizens may also choose to submit written public comment via letter or email by sending a letter or email clearly marked "public comment" by 4 pm on the day of the meeting.***

C. All remarks must be directed to Council as a body and not to any Council member or public or elected official in attendance. Any person making personally offensive or impertinent

remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by a majority vote of Council.

D. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing the Council may be called to order by the Presiding Officer, and may be barred from speaking before the Council unless permission to continue to speak is granted by a majority vote of the Council.

E. All comments by the public shall be made from the speaker's podium. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation.

F. Citizens may not ask questions of Council member or other elected or public official in attendance. However, Council members, elected or public officials may make a statement in response to comments made by citizens at the conclusion of the public comment period.

G. Public hearings. Citizens desiring to address the Council at its public hearing may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled hearing. Any person who fails to sign in with the City Clerk shall not be permitted to speak until all those who signed in have done so. Those testifying must limit their comments to three minutes. No person who has previously spoken during the public hearing on a particular item may speak again unless all other persons desiring to give testimony at the public hearing have spoken. A person speaking for a second time shall limit his comments to not more than one minute. ***Citizens may also choose to submit written public comment via letter or email by sending a letter or email clearly marked "public comment" by 4 pm on the day of the meeting.***

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____, 2021

_____

President of Council

Attest:

_____

City Clerk

Submitted to Mayor: _____

Date: _____

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Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____