



CITY COUNCIL

Committee of the Whole

Monday, March 4, 2024

Hybrid Meeting

Agenda

At the conclusion of the HARB Appeal Hearing

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.

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

Please click this URL to join. <https://readingpa.zoom.us/j/87976599344?pwd=NqvEB6foCA9gzT7wNhS0fg9ODZ9YAW.1>

Passcode: 904322

Description: Note- the COW may begin before 6 if the HARB Appeal ends early.

Or join by phone:

Dial +1 646 558 8656

Webinar ID: 879 7659 9344

Passcode: 904322

I. Review 2024 Council Policy Handbook 5:30 – 6 pm

- Create policy on Commendation limitations
- Setting parameters on mailings for Community meetings

III. Review of Tabled and/or Introduced Legislation 6 – 6:30 pm

A. Ordinance – authorizing the redirection of ARPA 2021 and ARPA 2023 funds from the Bushong Dam project and the New Pole Barn concrete project to the Egelman’s Dam Project

B. Ordinance – authorizing the amendment Chapter 212 Fees of the Section 147 Zoning and Historic Preservation and Section 141 SALDO (Subdivision and Land Development Ordinance) as attached in Exhibit A

C. Ordinance – authorizing the amendment of the 2023 ARPA Fund Budget to appropriate budgeted expenditures over what was previously budgeted for general construction of the 9th & Marion fire station by \$710,000. The budget appropriation will be made in the ARPA Fund, increasing the budget line-item Contracted Services, in the amount of \$710,000, and will be funded by an increase in Grants and Gifts, in the amount of \$710,000. Amount is composed of amended contract of \$5,936,000 less \$226,000 expended in CIP fund less \$5 million previously budgeted for this project

AGENDA MEMO

Public Works Department

TO: City Council

FROM: William Heim, Managing Director
Jamar Kelly, Director of Finance
Kyle Zeiber, Director Public Works

PREPARED BY: David Anspach, Capital Projects Manager

MEETING DATE: February 26, 2024

AGENDA MEMO DATE: February 21, 2024

NOTIFICATION OF ACTION: COUNCIL APPROVAL TO REDIRECT ARPA 2021 AND ARPA 2023 FUNDS FROM BUSHONG DAM AND CONCRETE NEW POLE BARN TO EGELMAN'S DAM PROJECT

BACKGROUND:

The City recently received contract bid responses for the Egelman's Lower Dam Modification project. This project through City and Community cooperation seeks to raise the lake bottom as well as increase the size of the spillway thereby creating an impoundment that will withstand the testing parameters of a 100 year flood. These improvements are required by the PaDEP in order to maintain the waterbody and are in efforts to create a permitted and functional space for the continued enjoyment of the Citizens of Reading.

The Egelman's Lower dam modification low bidder was received at \$1,358,500. During the planning phases 2 years ago the City initially budgeted \$600,000. It was comprised of ARPA 2021 \$250,000, 47-07-74-48001 and a PA H2O Grant of \$350,000.

The City Council allocated \$800,000 in ARPA 2021 funds to the Bushong Dam Removal project. The engineering of the project is still in progress and has a current engineers estimate of less than \$500,000.

The City Council allocated \$500,000 in ARPA 2023 funds to the Concrete New Pole Barn project. While in process of the final ruling of funds the CIP Department in conjunction with the Public Works Department sought quotes to complete the project due to an extreme need for space in the Public Works Program. The project was completed in Dec 2023 at a value of \$61,965.00. While it was significantly overestimated in value, there is no longer a need for this project to be funded via ARPA 2023.

The influx of ARPA project funds from the 2021 and 2023 allocations, to the Egelman’s project will ensure that a shovel ready project can move forward pending PaDEP and Berks County Conservation District Approvals. Reallocation of funds in conjunction with the award of contract will assure the funds are committed per the guidelines of the ARPA Program and will not be forfeited for failure to expend funds.

BUDGETARY IMPACT:

There are no additional funds needed, but authorization to redirect funds already appropriated within the same budget line items from:

ARPA 2021- Bushong Dam Removal \$300,000 47-07-74-48001 and ARPA 2023- New Pole Barn Concrete \$500,000 47-07-71-48001 to the Egelman’s Lower Dam Rehabilitation project creating a total project budget of \$1,400,000 comprised of ARPA 2021- \$550,000 ARPA 2023- \$500,000 H2O Grant \$350,000.

SUBSEQUENT ACTION:

The redistribution should be approved by Council.

RECOMMENDED BY:

The Managing Director, Director of Finance, and Director of Public Works.

RECOMMENDED MOTION:

Approve/Deny the redistribution of funding as requested.

| | |
|--------------------------|--------------|
| Drafted by | Controller |
| Sponsored by/Referred by | Fin Dir |
| Introduced on | Feb 26, 2024 |
| Advertised on | N/A |

BILL NO. ____-2024

AN ORDINANCE

COUNCIL APPROVAL TO REDIRECT ARPA 2021 AND ARPA 2023 FUNDS FROM BUSHONG DAM AND CONCRETE NEW POLE BARN TO EGELMAN’S DAM PROJECT

The Council of the City of Reading hereby ordains as follows:

Section One: The 2023 ARPA Fund Budget is hereby redistributed to a different project but using the same budget funding lines already appropriated.

Section Two: ARPA 2021- Bushong Dam Removal \$300,000 [340774-149] and ARPA 2023- New Pole Barn Concrete \$500,000 to the Egelman’s Lower Dam Rehabilitation project [340774-148] creating a total project budget of \$1,400,000 comprised of ARPA 2021- \$550,000 (470774-48001) ARPA 2023- \$500,000 (470771-48001) and H2O Grant \$350,000 (310748-42160).

Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _____, 2024

President of Council

Attest:

City Clerk

Sent to Mayor _____

Date: _____

Signed by Mayor _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Over-ridden by Council:

Date: _____

TO: CITY COUNCIL
FROM: WILLIAM HEIM, MANAGING DIRECTOR,
PREPARED BY: JAMAL ABODALO, COMMUNITY DEVELOPMENT DEPARTMENT
MEETING DATE: FEBRUARY 26, 2024
AGENDA MEMO DATE: FEBRUARY 20, 2024
REQUESTED ACTION: ORDINANCE ADOPTING FEE SCHEDULE FOR ZONING PERMITS AND LAND DEVELOPMENT

RECOMMENDATION:

It is recommended that City Council approve the attached ordinance adopting the Fee Schedule for Zoning Permits and Subdivision and Land Development plans.

BACKGROUND:

In order to determine appropriate fee amounts, the Planning staff had estimated the average staff time necessary to review an application, and the associated costs. The proposed fees will cover a percentage of administrative costs than do the current fees.

The staff review of incoming applications range from a simple request to install a fence to extensive review of new residential or commercial construction, including off-street parking for large projects. Staff is required to review all proposals for literal compliance to the City's Zoning Ordinance as well as determine if the proposed use is permitted by right, a special exception use or a conditional use. Special exception and conditional use permits require additional staff review.

The processing of special exception uses and variances requires an appeal to the Zoning Hearing Board, in which legal and stenographic expenses are incurred in addition to staff administrative costs. Staff is also responsible for explaining the permitting and review process that often follows zoning approval, which could also include subdivision/land development, building and Public Works reviews.

BUDGETARY IMPACT:

Adopting the fee schedule will have a improve our services to constitutes that require specific detail to complete their applications. Proposed fee amendment will be used to increase in cost for legal advertising, and legal support including other professional services.

PREVIOUS ACTION:

The current fees were established by the Mayor and recommended for adoption by City Council effective April 1, 2024.

SUBSEQUENT ACTION:

Approve/deny ordinance at Council meeting on February 26, 2024.

RECOMMENDED BY:

Mayor, Managing Director and Community Development Director.

RECOMMENDED MOTION:

Approve/deny the ordinance adopting the Fee Schedule for Zoning Permits and Appeals.

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|--------------------------|---|
| Drafted by | Jamal Abodalo –Director Community Development |
| Sponsored by/Referred by | Managing Director |
| Introduced on | February 26 ,2024 |
| Advertised on | March 4, 2024 |

AN ORDINANCE

**AMENDING THE CITY OF READING CODE SECTION 212-147, ZONING FEES, AND SECTION 212-141,
SUBDIVISION AND LAND DEVELOPMENT FEES**

WHEREAS, the City of Reading is authorized by the Pennsylvania Municipalities Planning Code to establish reasonable fees for the administration of its Zoning Ordinance, for hearings before its Zoning Hearing Board; and for the review and processing of subdivision and land development plans, plats, and surveys;

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

Section One: Amending Section 212 Fees of the Code of the City of Reading is amended in accordance with Exhibit A contained herein.

Section Two: All relevant ordinances, regulations, and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

Section Three: If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Four: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Section Five: This amendment to Section 212, and the imposition of the change in the fee schedule set forth herein, shall take effect on April 1, 2024.

Adopted _____, 2024.

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: _____

§ 212-147. Zoning and Historic Preservation.

[Amended 7-10-2017 by Ord. No. 62-2017; 12-18-2017 by Ord. No. 116-2017; 7-23-2018 by Ord. 23-2018; and 12-28-

2020 by Ord. No. 96-2020]

| Description | Fee |
|--|---------------------------------------|
| Zoning Permit Application Fees | |
| <i>See "Change in use"</i> | |
| Single-family residential: change of use and improvements, including fence/wall, deck, garage, gazebo, above ground pool, shed, solar panels, patio, building addition, accessory structure. | \$60 <u>\$75</u> |
| Commercial and non-single family residential: change of use and improvements, including fence/wall, deck, garage, gazebo, above ground pool, shed, solar panels, patio, building addition, accessory structure. | \$120 <u>\$150</u> |
| In-ground pool | <u>\$150</u> |
| Building expansion | \$120 plus plan review fee |
| New construction | \$120 plus plan review fee |
| Accessory use, structure, or parking area (commercial and non-single family residential) | \$120 plus plan review fee |
| Parking areas (all, including driveways and parking lots) | <u>\$150</u> |
| <i>See "Accessory structure (single family residential)"</i> | |
| No-impact home based business | \$0 <u>\$75</u> |
| Home occupation | <u>\$150</u> |
| Yard sales | \$50 <u>\$0.0</u> |
| Accessory structure (single family residential) | \$60 plus plan review fee |

| | |
|--|---|
| Accessory paved areas under 160-180 sq. ft. or less (single-family residential) | \$60 plus plan review fee |
| Sign | \$120 <u>\$150</u> per sign, plus plan review fee for the first sign <u>\$75</u> for each additional sign for the same project and permit |
| See "Change in use" | |
| Temporary zoning permit or extension | \$60 <u>\$75</u> |
| Demolition | \$60 <u>\$75</u> |
| Zoning Hearings | |
| See 'Zoning Permit Application Fees' above | |
| Variance | \$1,200 plus plan review fee |
| Variance (single-family dwelling residential - dimensional) | \$300 plus plan review fee |
| See "Variance" | |
| See "Special exception" | |
| Special exception | \$1,200 plus plan review fee |
| Appeal of zoning officer action | \$1,200 plus plan review fee |
| See "Zoning permit extension" | |
| See "Conditional use" | |
| Conditional use | \$1,200 plus plan review fee |
| Site Plan Review Fees | |
| Accessory structure (single-family residential) | \$0 first submission |
| Accessory paved areas under 160 sq. ft. (single-family residential) | \$0 first submission |
| Resubmitted/corrected plan (for commercial and non-single-family residential) | \$120 <u>\$150</u> |
| New construction/building expansion/parking lot | \$120 |
| Historic/conservation district (nonresidential/multiunit) | \$120 |
| Wireless communications facility | see 'Wireless Communications Facilities' below |
| Data Requests | |
| Black and white electronic format CD, per tile | \$120 |
| Contour data electronic format CD, per tile | \$120 |
| Printed format, black and white, per tile | \$30 |

| Wireless Communications Facilities | |
|---|---|
| WCF Application Fee - New Pole or Tower | \$1,000 |
| WCF Application Fee - Existing Poles/Towers | \$500 (single application including up to 5 WCFs) \$100 (per additional WCF) |
| WCF annual right-of-way compensation, per WCF | \$270 |
| Access fees for WCF on City-owned real property (not in ROW) | To be determined pursuant to City Purchasing Policy |
| Applicants shall be responsible to reimburse the municipality for all administrative, legal and engineering review fees for WCF application permits expended by the municipality in excess of the application permit fees listed above. | |
| Zoning Ordinance/Map Amendments | |
| Zoning ordinance text amendment | \$2,000 |
| Zoning map amendment | \$2,000 |
| Zoning curative amendment | \$2,000 |
| Other Fees | |
| Zoning verification (standard form) | \$60 <u>\$75</u> |
| Zoning verification letter (custom) | \$120 <u>\$150</u> |
| Inspection | \$120 |
| Zoning permit extension | \$60 <u>\$75</u> |
| Zoning inquiry | <u>\$0 for first ¼ hour of Zoning Officer's time</u> <u>\$15 for each ¼ hour of Zoning Officer's time after the first ¼ hour</u> |
| Violations | |
| If application is submitted after a violation is reported and work has already commenced: | |
| Zoning permit application fee | Double the standard fee amount |
| Certificate of appropriateness application fee (violation) | \$100 per violation |
| Failure to appear/gain access | \$250 |

§ 212-141. Subdivision and Land Development.

[Amended 12-28-2020 by Ord. No. 96-2020] **Proposed Revisions 12-07-2022**

| Description | Fee |
|--|---|
| Subdivision and Land Development Plan Application Fees-Residential | |
| SKETCH PLAN <u>CDSD Administration Fee ⁽¹⁾</u> <u>Professional Escrow Review Fee ^{(2) (4)}</u> | \$1,000 \$2,000 |
| PRELIMINARY PLAN <u>CDSD Administration Fee ⁽¹⁾</u> <u>CDSD Site Improvement Fee ⁽¹⁾</u> <u>Professional Escrow Review Fee ^{(2) (4)}</u> | \$2,000 plus \$100 per 10,000 sq. ft. impervious coverage \$2,000 \$30 per lot or unit plus \$100 per 10,000 square feet of improved building space (interior) and site improvements (exterior) \$7,000 |
| New construction | \$30 per unit |
| Redevelopment/reuse | \$40 per unit |
| FINAL PLAN <u>CDSD Administration Fee ⁽¹⁾</u> <u>CDSD Site Improvement Fee ⁽¹⁾</u> <u>Professional Escrow Review Fee ^{(2) (4)}</u> | \$1,500 plus \$100 per 10,000 sq. ft. impervious coverage \$2,000 \$30 per lot or unit plus \$100 per 10,000 square feet of improved building space (interior) and site improvements (exterior) \$7,000 |
| New construction | \$30 per unit |
| Redevelopment/reuse | \$40 per unit |
| PRELIMINARY/FINAL PLAN <u>CDSD Administration Fee ⁽¹⁾</u> <u>CDSD Site Improvement Fee ⁽¹⁾</u> <u>Professional Escrow Review Fee ^{(2) (4)}</u> | \$2,000 \$30 per lot or unit plus \$100 per 10,000 square feet of improved building space (interior) and site improvements (exterior) \$5,000 |
| Subdivision/Land Development: Nonresidential/Mixed Use | |
| SKETCH PLAN | \$1,500 |
| PRELIMINARY PLAN | \$4,000 plus \$100 per 10,000 sq. ft. impervious coverage |
| New construction | \$30 per unit |
| Redevelopment/reuse | \$40 per unit |
| FINAL PLAN | \$3,000 plus \$100 per 10,000 sq. ft. impervious coverage |
| New construction | \$30 per unit |
| Redevelopment/reuse | \$40 per unit |

| Supplemental or Other Fees | |
|--|---|
| Plans exempted by standard procedure | \$1,000 |
| Municipal Improvements Agreement Fee ⁽⁴⁾ | \$1,000 |
| Stormwater Management Agreement Fee ⁽⁴⁾ | \$1,000 |
| Reaffirmation of Approval Fee ⁽⁴⁾ | \$1,000 |
| Sewage Facility Planning Module Fee ⁽⁴⁾ | \$1,000 |
| On-Lot Sewage Application Fee ⁽⁴⁾ | \$3,000 plus \$1,000 per probe/percolation test site |
| City of Reading Public Works Department ⁽⁴⁾ | To Be Determined or Verified by PWD |
| Berks County Planning Commission ⁽⁴⁾ | To Be Determined or Verified by BCPC |
| Berks County Conservation District ⁽⁴⁾ | To Be Determined or Verified by BCCD or PADEP |
| Commonwealth of Pennsylvania ⁽⁴⁾ | To Be Determined or Verified by the designated state agency |
| On-Lot Sewage Suitability | |
| Reading and recording 2 deep probes | \$300 |
| Additional soil probes | \$50 |
| Observation to 6 hold percolation | \$500 |
| Permit processing | \$150 |
| Reapplication fee | \$50 |
| On lot sewage planning module | \$50 per lot |
| Sanitary sewer planning module | \$750 |
| Minimum Escrow* | |
| Residential | \$4,000 |
| Nonresidential/Mixed Use | \$6,000 |
| <p>* A minimum deposit as shown above will be required to cover the filing fees stated above, in addition to MPC costs including, but not limited to planning, legal and engineering reviews. As escrow deposit for expenses incurred is expended, applicant shall make further deposits upon notice from the City. Upon plan completion, as determined by the City, uncommitted escrow funds on deposit shall be returned after the City has been reimbursed from the account for costs of collecting, expending, and accounting for these funds. The reimbursement to the City shall be in the amount of 15% of the total escrow funds expended.</p> | |

Subdivision and Land Development Plan Application Fee Schedule Notes

- (1) The Community Development Services Department (CDS) Application Fee shall be a non-reimbursable fee required for the administrative staff services, facilities, supplies, equipment and coordination.
- (2) The Consultant Escrow Review Fee shall be applied for the review of the plan by qualified consultants engaged by the City of Reading for the responsibilities of reviewing all plans in accordance with the provisions established by the City of Reading and Pennsylvania Municipalities Planning Code. All unused portions of this fee may be reimbursed to the applicant upon request to the CDS.
- (3) If required by the CDS, a fee shall be required for projects that may require: a Municipal Improvements Agreement; a Stormwater Management Agreement; and the Reaffirmation of Municipal Approval.
- (4) Supplemental Application Fees may be required by: the City of Reading PWD; BCPC; BCCD. PennDOT; PADEP; and/or other departments or agencies with jurisdictional oversight as part of the review of plans. These applications and fees shall be determined by the City of Reading (CDS or PWD), which shall be the responsibility of the applicant to complete all applications and submit all required fees.
- (5) The escrow account maintained by the City of Reading for the review of a Plan shall be completely replenished (administrative fee and professional escrow review fee) by the Applicant when the escrow balance has been reduced by 90 percent of the initial balance.

January 22nd outtakes on Business Tax and Licenses

- **Regular Meeting Public Comment**

Josie Torres Boykins, of South 3rd Street, thanked Mr. Kelly for his work on the small business grant applications. She stated that denial letters went out last week and she received many phone calls from those receiving denial letters. She stated that many small businesses are unaware of the local business

license and tax requirements. She predicted that the majority of those unaware are barber shops, hair and nail salons, etc. She stated that these businesses are aware of the State requirements, but not the local requirements. She noted the need to simplify the small business grant reporting requirements. She thanked the City for providing this grant opportunity to the small businesses.

- **COW re ARPA Small Business Update**

Mr. Kelly suggested that the remaining 74 be considered by Council in the future after additional review on the applications is complete. He stated that working with each applicant to obtain the required documentation is time consuming. He stated that the City is requiring that each business have their business taxes paid for the past five years. He stated that the Administration is applying what they learned through the non-profit application process.

Ms. Edmonds stated that to keep the process fair, she has communicated with all of the applicants personally. She stated that she has not made calls, but rather contacted everyone via email or letter to have a written paper trail. She stated that all 150 applications were reviewed by the CSC to provide the date they obtained their business license. She stated that applications that met all the requirements were reviewed and scored. She stated that 33 applicants were not in business on March 3, 2020 and 55 do not have current business licenses. She stated that the Administration is requesting additional time to continue to work with these business owners so that the applications are complete. She stated that this is a timely, but fair and consistent, process. She noted the difficulties that arise when applicants are not responsive.

Ms. Ventura questioned who tracks expired and unpaid business licenses. Mr. Kelly stated that this would be discovered during the routine inspection but that there is no one verifying licenses at this time.

Ms. Ventura questioned the number of applications that were denied due to having an expired business license. Ms. Edmonds stated that a total of ten applications were disqualified. She stated that if round two is authorized she will continue working with the 55 applicants that do not have a current business license and the 19 applications that are incomplete.