



# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING  
COUNCIL CHAMBERS**

**MON, DECEMBER 8, 2008  
7:00P.M.**

### **OPENING MATTERS**

**CALL TO ORDER**

**INVOCATION:** Rev. Dr. Sandra Fees, First United Unitarian Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **PROCLAMATIONS AND PRESENTATIONS**

#### **Council Commendation**

- Reading High School student, Andrew Katzenmoyer

### **PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming 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 the majority vote of Council.*

*All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.*

*Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. 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 remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.*

## APPROVAL OF AGENDA & MINUTES

**AGENDA:** Council Meeting of December 8, 2008

**MINUTES:** Council Meeting of November 24, 2008

### Consent Agenda Legislation

**Resolution** – authorizing the Mayor to file an application for HRA funds/grant in the amount of \$500,000 dollars for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania and/or the Department of Community and Economic Development (DCED) **(Solicitor) Tabled on November 24**

**Resolution** – authorizing the Mayor to file an amended application for “RACP” funds in the amount of \$8.5 million dollars (\$8,500,000.00) for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania **(Solicitor) Tabled on November 24**

**Resolution** - authorizing the scheduling of a public hearing on Thursday, January 8, 2009, advertisement of, and forwarding for comment the amendment to the Zoning Ordinance which will create a Planned Residential Development (PRD) overlay to control the possible redevelopment of the area south of Penn, along both sides of 2nd Street, under the Bingaman Street bridge, along both sides of Canal Street and then extending to east of 7th Street **(Solicitor)**

**Resolution** - That the City of Reading City Council opposes the application of Orange Stones Co. for an appeal to the City of Reading Zoning Hearing Board from the Zoning Administrator’s denial of Orange Stones’ application for a zoning permit or a zoning officer in denying Orange Stones’ zoning permit application to operate a personal care facility at 1711 Hampden Boulevard and authorizes the City Solicitor or his designee to take any and all actions to represent the City’s interests before the Zoning Hearing Board and any additional appeals through the COurt**(Solicitor)**

**Resolution** - That the City of Reading City Council opposes the appeal of Orange Stones Co. of the City of Reading Board of Building and Fire Appeals decision, upholding the decision of the City of Reading Building Inspector of placarding of the property of 1711 Hampden Boulevard for operation or attempting to operate without a Certificate of Occupancy **(Solicitor)**

**Pending - further discussion required**

**Award of Contract** - to award the contract to Economics Research Associates, Chicago, IL at a total submittal price of \$65,000 to perform a feasibility study for the development of an environmental education center at the Angelica Park for the Department of Public Works (**Purchasing**) *Tabled on Nov 24th*

**ADMINISTRATIVE REPORTS**

**REPORT FROM OFFICE OF THE AUDITOR**

**REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS**

Legislative Aide Committee – Vicki Krall

**ORDINANCES FOR FINAL PASSAGE**

**Bill No 77-2008** - Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. *Introduced at the October 1 Special Meeting; Tabled on Nov 24th*

**Bill No 81-2008** - establishing policies to facilitate requests for public records of the City of Reading, the manner in which records shall be disseminated, the manner in which decisions shall be made concerning dissemination of public records, and establishing a fee schedule for duplication and certification of public records of the City of Reading (**Council Staff**) *Introduced at the November 24 regular meeting*

**Pending  
Advertisement and Public Hearing Required by MPC  
Notice of Pending Ordinance Doctrine**

**Ordinance** – amending the City of Reading Zoning Ordinance by prohibiting all rental uses – single family and multi family – in the R-1, R-1A and R-2 zoning districts. (**Marmarou-Council Staff**) *Introduced at the October 13 regular meeting of Council, Advertised October 15, Public Hearing scheduled on November 19*

**Pending – Further Review Required**

**Bill No. 26-2008** - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**) *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting*

**Bill No 59-2008** – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors (**Council Staff**) *Introduced at the September 8 regular meeting of Council; tabled at the September 22 regular meeting of Council; referred to Ad Hoc Committee, Meeting 11-25, 12-10*

**Bill No. 63-2008** - Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled “Failure To Report Lost Or Stolen Firearms”, Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties (**Mayor**) *Introduced at the September 22 regular meeting; Tabled at the October 13 meeting; referred to the Public Safety Committee; referred to the Committee of the Whole*

## INTRODUCTION OF NEW ORDINANCES

**Ordinance** - to adopt an amendment to the Zoning Ordinance under the authority of the Pennsylvania Municipalities Planning Code, which adds a Planned Residential Development (PRD) overlay called the “RR Riverfront Redevelopment Overlay Zoning District” and to apply the new district to lands from the centerline of the Schuylkill River to areas to the east and northeast of the river, including areas generally south and southwest of Franklin St, along both sides of S. 2<sup>nd</sup> St. and Riverfront Dr., and along both sides of Canal Street including areas south of Laurel St., south of Willow St., west of S. 7<sup>th</sup> St. and north of South St. and as shown in more detail on the attached RR zoning overlay district map (**Solicitor**)

## RESOLUTIONS

**Resolution** - extending the application deadline for mobile food vendors from December 1 to January 16 and extending the Vendor License Board’s review and approval of mobile food vendors to February 27 (**Council Staff**) *Meeting w/ Vendor Group held Nov 25<sup>th</sup>, Next Meeting scheduled for Dec 10<sup>th</sup>*

## **PUBLIC COMMENT – GENERAL MATTERS**

### **COUNCIL BUSINESS / COMMENTS**

#### **COUNCIL MEETING SCHEDULE**

##### **Monday, December 8**

*Meeting with the Mayor – Mayor’s Office – 4 pm*

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

##### **Wednesday, December 10**

*Mobile Food Vendor Meeting – Council Chambers – 11:30 am*

*Reading School Board – Council Chambers 5:30 p.m.*

##### **Thursday, December 11**

*Special Meeting at 5 p.m. Council Chambers re: 2009 budget if need be*

*Reading School District – Council Chambers – 5:30 pm*

##### **Monday, December 15**

*Meeting with the Mayor – Mayor’s Office – 4 pm*

*Public Works Committee – Council Office – 5 pm*

*Administrative Oversight Committee – Council Office – 5 pm*

*Special Meeting at 5 p.m. Council Chambers re: 2009 budget if need be*

*Work Session – Penn Room – 7 pm*

##### **Thursday, December 18**

*Zoning Amendment Committee – Council Chambers – 4 pm*

##### **Monday, December 22**

*Meeting with the Mayor – Mayor’s Office – 4 pm*

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

**Monday December 29 – No Meetings Scheduled**

## **BAC AND COMMUNITY GROUP MEETING SCHEDULE**

### **Monday, December 8**

Fire Civil Service Board – Penn Room – 4 pm

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm

Charter Board – Penn Room – 6 pm

### **Tuesday, December 9**

Airport Authority – Airport Authority Office – 8:15 am

Water Authority – Penn Room – 4 pm

15-1 – 928 Pearl St – 6:30 pm

Planning Commission – Penn Room – 7 pm

Bethany Area Neighborhood Organization – Bethany Baptist Church – 7 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

### **Wednesday, December 10**

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Greenwich Seed – Hope Lutheran Church – 6:30 pm

### **Thursday, December 11**

Police Pension Board – Penn Room – 10 am

Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

### **Sunday, December 14**

College Heights Community Council – Nativity Lutheran Church – 7 pm

### **Monday, December 15**

Library Board Meeting – 113 S 4<sup>th</sup> St – 4 pm

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

### **Tuesday, December 16**

Blighted Property Review Committee – Council Office – 6 pm

Council of Neighborhoods – Goggleworks – 7:30 pm

HARB – Planning Conference Room – 7:30 pm

### **Wednesday, December 17**

Officers and Employees Pension Board – Penn Room – 1:30 pm

Community of Hope of the 6<sup>th</sup> Ward – Lauer’s Park Elementary – 6:30 pm

UNO – Mennonite Church – 7 pm  
Centre Park Historic District – Member’s home – 7:30 pm

**Thursday, December 18**

Convention Center Authority – Sovereign Center CEI Lounge – 7 am  
Dare 2 Care – Bethel AME Church – 5:30 pm  
Southeast People’s Voice – St. John’s UCC – 6 pm  
Mulberry & Green Citizens Committee – St. Luke’s Lutheran Church – 6:30 pm

**Friday, December 19**

Fire Pension Board – Penn Room – 10 am

**Monday, December 22**

DID Authority – Reading Eagle 3<sup>rd</sup> Floor conference room – noon  
BARTA – BARTA office – 3 pm  
Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm  
Charter Board – Penn Room – 7 pm  
Penn’s Commons Neighborhood Group – Penn’s Commons meeting room – 7 pm

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## City of Reading City Council

### Regular Meeting Monday, November 24, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Randy Mendez, from the Iglesia Evangelical Vida Nueva Church.

All present pledged to the flag.

#### ATTENDANCE

Council President Spencer  
Councilor Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Baez, District 5  
Councilor Waltman, District 6  
City Auditor D. Cituk  
City Solicitor, C. Younger  
Managing Director, R. Hottenstein  
City Clerk L. Kelleher  
Public Works Director C. Jones  
Sgt at Arms Capt R. Shafer  
Executive Director of RPA, L. Lee  
Mike Setley Representing the Parking Authority

#### PROCLAMATIONS AND PRESENTATIONS

A Council commendation was given to the Holy Name Girls Volleyball Team honoring their skilled sportsmanship and celebrating their victory in the Pennsylvania State Championship Tournament.

A Mayoral proclamation was issued celebrating National Farm City Week.

### **PUBLIC COMMENT**

Council President Spencer announced that eight citizens were registered to address Council on non-agenda matters and two covering agenda items. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment after the legislative business was suspended.

Council President Spencer reminded those registered to speak about the remaining speaking rules.

**Mike Schorn-** of Palm Street stated that as a former City Councilor he can empathize with the difficulties surrounding the budget process and the difficulties covering public services and programs with limited resources. He expressed the belief that the Recreation Program should not be eliminated. He stated that Recreation is currently staffed by three full-time individuals who do an incredible job providing Recreation Programs city wide. He stated that this is one of the only City Programs that generates enough revenue to cover the salaries of the employees. He stated that Recreation generates revenue through admissions fees, concession stand fees, etc. He noted the merit of the various athletic and after school programs offered.

**Robert Trotta-** announced his opposition to increasing the Real Estate Tax Transfer Tax. He also expressed his support for the continuation of the City's Recreation Program.

**John Krick-**, of Franklin Street, was not present.

**Don Ziegler-** of North 4<sup>th</sup> street was not present.

**Jeannie Alexis-** of Wernersville was not present.

**Bill Gage-** of West Reading and President of Gage Personnel, expressed his belief that the Riverview Project is critical to the redevelopment of Reading and the creation of jobs. He also expressed his support for the enactment of the PRD overlay.

**Sean Moretti-** of North 26<sup>th</sup> Street and Realtor with GMAC, expressed the belief that the Riverfront Development will spur real estate sales and generate transport revenue for the City.

**Christin Kelly-** of Mohnton, representing the Greater Reading Young Professionals, expressed her belief in the Riverfront Development as it will recreate and reenergize a portion of the City's Downtown.

### **APPROVAL OF AGENDA AND MINUTES**

Council President Spencer asked Council to consider the minutes from the November 10<sup>th</sup> Regular Meeting of Council and the agenda for this meeting including the items under the Consent Agenda Heading.

Councilor Fuhs requested that the items under the Consent Agenda Heading be pulled and addressed individually.

Councilor Waltman inquired why the PRD has not been introduced at the meeting. City Clerk L. Kelleher stated that the administration has not put the Ordinance in final form. The need to put the Ordinance in the City's form was noted at the Work Session on November 17<sup>th</sup> and the final draft has not been received in the Council Office. City Clerk Kelleher stated that flyer mailing labels and advertisements were prepared by the Council Office and are ready when the Administration finalizes the Ordinance.

**Councilor Waltman moved, seconded by Councilor Baez, to approve the agenda as amended, and approve the minutes from the November 10<sup>th</sup> Regular Meeting of Council. The motion was approved unanimously.**

### **CONSENT AGENDA**

**Resolution 117-2008** – authorizing the Mayor to file an application for HRA funds/grant in the amount of \$500,000 dollars for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania and/or the Department of Community and Economic Development (DCED) **(Solicitor)**

**Councilor Fuhs moved, seconded by Councilor Baez, to table Resolution 117-2008.**

**Resolution 117-2008 was tabled by the following vote:**

**Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President 7.**

**Nay- None**

**Resolution 118-2008** – authorizing the Mayor to file an amended application for “RACP” funds in the amount of \$8.25 million dollars (\$8,250,000.00) for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania **(Solicitor)**

**Councilor Fuhs moved, seconded by Councilor Sterner, to table Resolution 118-2008.**

**Resolution 118-2008 was tabled by the following vote:**

**Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President 7.**

**Nay- None**

**Award of Contract** - to award the contract to Economics Research Associates, Chicago, IL at a total submittal price of \$65,000 to perform a feasibility study for the development of an environmental education center at the Angelica Park for the Department of Public Works. **(Purchasing)**

**Councilor Fuhs moved, seconded by Councilor Marmarou, to table the Award of Contract for feasibility study for Environmental Education Center at Angelica Park.**

**The Award of Contract was tabled by the following vote:**

**Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President 7.**

**Nay- None**

Council President Spencer announced that Resolution 117 and 118 will be further discussed with the Director of the Redevelopment Authority before they are reconsidered and the Award of Contract for the Environmental Education System requires further discussion with the Public Works Director prior to its reconsideration.

## **ADMINISTRATIVE REPORT**

Managing Director Hottenstein highlighted the report distributed to Council at the meeting covering the following:

- Reinstallation of the Shibi Sculptures on the Pagoda's roof top.
- Centre Parks 24<sup>th</sup> Annual Christmas House Tour on Sunday, December 14<sup>th</sup> from 1 to 6 pm.
- Holiday Trash & Recycling pick-up schedule.

Council President Spencer requested an update on the search for a Finance Director. Managing Director Hottenstein replied that the City has received a handful of resumes but is seeking a broader pool of candidates and will continue advertising.

Council President inquired if the Administration has sought assistance of the Chamber of Commerce. Mr. Hottenstein replied that the City has advertised through the Chamber, the PLCM, the GFOA, and the Reading Eagle.

Councilor Baez inquired if the Administration has advertised in any of the local Hispanic publications. Mr. Hottenstein stated that he will follow up with Human Resources.

City Clerk Kelleher inquired if the Chamber of Commerce will assist the Administration with the selection process as they have done in the past. Managing Director Hottenstein stated that the Chamber's assistance will probably not be sought.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- 2008 Admissions Tax Collections.
- 2008 Real Estate Transfer Tax.
- 2008 Employment Compensation, Expenditures.
- Traffic/fines motor codes collections.
- 2008 snow and ice PennDOT Grant.

Council Fuhs stated that City Council asked the Auditor at the beginning of October to begin working on a line item audit of the Pagoda Project. He noted that to date the Auditor has not responded to this request.

City Auditor Cituk stated that he will begin working on the audit requested.

Council President Spencer stated that at the beginning of October City Council asked the Auditor to begin working to report on the resolution on the findings listed in the City's external audit report prepared by Herbein and Company. He noted that many of the findings in the external audit are recurring and need resolution.

City Auditor Cituk stated that he will begin working on this project when the 2009 Budget process is completed.

Council President Spencer stated that at the beginning of October City Council asked the Auditor to begin working on quarterly reports for current capital projects and provide audits on capital projects completed as required by the City's Charter.

City Auditor Cituk expressed the belief that these audits should be conducted by the Administration. Council President Spencer replied that City Council asked the City's Auditor to complete this task due to the belief it would be prepared an independent party. City Auditor Cituk stated the he would further review the request.

#### **ORDINANCES FOR FINAL PASSAGE**

**Bill No 73-2008** – incurring debt under the Debt Act as lease rental debt to be evidenced by a guaranty agreement of the City securing the guaranteed parking revenue note – series of 2008 to be issued by Reading Parking Authority to finance a portion of the Convention Center Hotel Parking Garage (**Parking Authority**) *Introduced at the November 10 regular meeting TO BE DISTRIBUTED MONDAY THE 24th*

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 73-2008.**

Parking Authority Executive Director Larry Lee provided background and stated the Parking Authority is asking the City to guarantee a revenue note that will finance the Convention Center Hotel Parking Garage.

Mike Setley, Financial Advisor to the Parking Authority, stated that this line of credit will be drawn upon when the garage project moves forward.

Councilor Fuhs questioned moving forward with the transaction as the market rate will not be locked in until the end of January. Mr. Setley noted the difficulty in financing large projects in today's economy. He noted the difficulties in obtaining loans to fund the

project. He stated that for prior projects many financial organizations would respond to an RFP; however, only two responded to this bid. He stated that delaying approval would be risky for the Parking Authority. He stated that the cost of financing this project will be under \$50,000 and expressed the belief that it would be better to move forward than delay. He noted that if the project does not move forward the money will not be drawn down.

**Bill 73-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman Spencer, President – 7.**

**Nay: None – 0.**

**Bill No 74-2008** – adding a provision to the Graffiti Ordinance allowing the citation of parents/guardians of minors for all violations **(Police Dept) Introduced at the November 10 regular meeting**

**Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill 74-2008.**

Council President Spencer stated that this amendment to the graffiti ordinance will allow parents and guardians of minors who violate this ordinance to be fined.

**Bill 74-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman Spencer President – 6.**

**Nay: None – Spencer, President 1.**

**Bill No 76-2008** - Establishing the Capital Improvement Program Budget for the City of Reading including revenues and Capital expenditures for the fiscal year beginning January 1, 2009 and ending December 31, 2009 **Introduced at the October 1 Special Meeting; Public Hearing October 21**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to enact Bill 76-2008.**

**Bill 76-2008 was enacted by the following vote:**

**Yea- Baez, Goodman-Hinnershitz, Sterner, Waltman, - 4**  
**Nay- Fuhs, Marmarou, Spencer – President 3**

**Bill No 80-2008** - An Ordinance Amending The City Of Reading Zoning Ordinance Per Exhibit "A," To Amend The Definitions Of Life Care Retirement Facility And Nursing Home, *To Add Definition Of Personal Care Home*, To Provide The Use Of Life Care Retirement Facility And Nursing Home As A Special Exception And Requirements Therefore In The City Of Reading R-2 (Residential), R-3 (Residential) And C-R (Commercial Residential) Zoning Districts And To Correct *And Add To* The Requirements Of Residential Care Facility As A Conditional Use (**Law Dept**) *Introduced at the October 13 regular meeting of Council; public hearing scheduled on November 19*

**Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 80-2008.**

City Solicitor Younger stated that this amendment provides clarification and definition to some uncovered terms. He stated that this amendment also sets a residential care facility as a conditional use in the zoning ordinance.

**Bill 80-2008 was enacted by the following vote:**

**Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President 7**  
**Nay- None-**

**Bill No 78-2008** – Levying and increasing the real estate taxes to for the fiscal year beginning January 1 2009 and ending December 31, 2009 *Introduced at the October 1 Special Meeting TO BE DISTRIBUTED MONDAY*

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 78-2008 which increases the 2009 Real Estate Taxes by 5% or .011445 mills.**

Councilor Fuhs recognized the need for enhanced revenues; however, he reminded the Administration of his past request for deeper operational cuts before he will support a tax increase.

Councilor Goodman-Hinnershitz stated that she will support increased rate. She noted that although tax increases can be onerous this minimal increase will only cost \$1 per week for a home assessed at \$100,000. Councilor Waltman noted the need for the Administration and Council to work to identify constructive ways to tighten expenditures. He noted the

need for a statewide initiative to change benefit and pension packages. He also noted the need for the Administration to improve efficiencies in various service areas.

Councilor President Spencer stated that he will not support tax increases until the Administration prepares a solid financial plan for the future. He noted his past disagreement with one time financial fixes in the past. He noted that the Charter requirement for the preparation of a 5 year Financial Plan. He noted the need to consider seeking operations, programs and revenue collection as the Administration and Council work forward on 2010 budget.

Councilor Marmarou stated he would not support tax increases until the administration commits to improving their collection of fines and fees. He noted the great number of illegal rental properties that do not remit proper permit fees.

**Bill 78-2008 was enacted by the following vote:**

**Yea- Baez, Fuhs, Goodman-Hinnershitz, Sterner, 4**

**Nay- None- Waltman, Marmarou, Spencer – President 3**

**Bill No 79-2008 - Increasing the Home Rule Earned Income Tax to 1 mil, for a total City EIT of 2 *Introduced at the October 1 Special Meeting TO BE DISTRIBUTED MONDAY***

**Councilor Waltman moved, seconded by Councilor Sterner, to amend Bill 79-2008 to set the IT rate at its current level.**

City Solicitor Younger explained the difference between the EIT Rate the Home Rule, and the Tax Enabling Act.

Mr. Waltman and Mr. Sterner withdrew their motion to retain the current EIT rate.

Councilor Baez left the meeting at this time.

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to set the Home Rule portion of EIT rate at 1.4%.**

Councilor Fuhs expressed the belief that the cost of funding public services is not paid by all who benefit from the public services. He noted the need for private organizations and agencies to stop requesting financial assistance from distressed cities.

Councilor Waltman expressed the belief that governmental practices need some change. He expressed the belief that the requested EIT increase is too great when combined with that approved under the School District Homestead Act.

Councilor Sterner disagreed with continuing to tax workers when too many others don't pay. He expressed the belief that the City cannot tax its way clear of its current financial problem. He again noted the need to review operations and services. He stated that the administration vowed to review and refine operational expenditures in 2008; however, the Administration failed to follow through. He also noted the Administration's poor collection of permit fees, per capita tax, and other revenue areas. He expressed the belief that the need to move forward in improving collections before he will be willing to vote in favor of this tax increase.

Councilor Goodman-Hinnershitz expressed the belief that this sustainable tax will support the City and its residents. She noted the Administration's agreement to increase collection of other fee areas and expressed her belief in this tax increase.

Council President Spencer stated that he will not support this tax increase. He stated that the City's financial situation is not new or unexpected. He again expressed concern that once again the Administration has not prepared a long term financial plan to address the City's financial problems and structural deficit. He noted that Reading is not the only City with these severe financial problems.

**Bill 79-2008 was not adopted by the following vote:**

**Yea- Fuhs, Goodman-Hinnershitz, 2**

**Nay- None- Marmarou, Sterner, Waltman, Spencer – President 4**

**Bill No 75-2008** - Establishing the General Fund Budget for the City of Reading including revenues and expenses for the fiscal year beginning January, 1 2009 and ending December 31, 2009. *Introduced at the October 1 Special Meeting; Public Hearing October 22; TO BE DISTRIBUTED MONDAY*

**Councilor Waltman moved, seconded by Councilor Fuhs, to enact Bill 75-2008.**

Councilor Waltman noted that the amendments introduced on November 10<sup>th</sup> accompany Council's decision not to increase the property tax and the EIT as originally proposed by the administration. He stated that this evening Council will introduce two additional

amendments that will reduce the EIT by 1.939% and reduce expenditures by 3.02% across the board, except debt service line items.

City Solicitor Younger suggested considering this amendment separately.

Managing Director Hottenstein expressed the belief that this \$1.9 million reduction is too large to be enacted without allowing public comment. He requested that the budget and the announced amendments be introduced and not enacted this evening.

Councilor Goodman-Hinnershitz agreed with the need to allow time for public comment on this amendment.

Councilor Waltman withdrew the suggested motion to amend the budget as previously stated.

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to reduce the EIT revenue by \$1.939 million and reduce expenditures by 3.02% across the board apart from line items covering City's debt service line items and the amendments introduced on November 10<sup>th</sup>.**

Councilor Waltman inquired about the position of the Solicitor and Managing Director. Both objected to the position of the Solicitor and Managing Director noting that over the past 12 years Council has made budget reductions during the meeting when the budget ordinance was enacted.

Council President Spencer requested that discussions on the 2010 budget begin in January at Finance Committee Meetings.

Council President Spencer noted the Administration and Solicitor's new position that all amendments lay over for an additional two weeks and be considered for enactment at the December 8<sup>th</sup> Regular Meeting of Council. He stated that this was not necessary in prior years due to Charter language.

Councilor Sterner inquired if another Public Hearing will be required.

City Solicitor Younger stated a Public Hearing is not necessary.

**Bill No 77-2008** - Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. *Introduced at the October 1 Special Meeting TO BE DISTRIBUTED MONDAY*

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 77-2008.

Bill 77-2008 was tabled by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer  
– President 7  
Nay- None

**INTRODUCTION OF NEW ORDINANCES**

**Ordinance** - establishing policies to facilitate requests for public records of the City of Reading, the manner in which records shall be disseminated, the manner in which decisions shall be made concerning dissemination of public records, and establishing a fee schedule for duplication and certification of public records of the City of Reading (**Council Staff**)

**RESOLUTIONS**

**Resolution 119-2008** – Denying the Conditional Use application for the conversion of 164 West Oley Street to a two unit dwelling (**Council Staff**)

Councilor Sterner moved, seconded by Councilor Marmarou, to adopt Resolution 119-2008 and deny the conditional use application for the conversion of 164 W. Oley Street.

Resolution 119-2008 was adopted by the following vote:

Yea- Goodman-Hinnershitz, Marmarou, Sterner, Spencer – President-4  
Nay- Fuhs, Waltman - 2

**Resolution 120-2008** – Reappointing Nilda Nieves to the Police Civil Service Board (**Admin Oversight**)

**Resolution 121-2008** – Appointing Barrie Pease to the Animal Control Board (**Admin Oversight**)

**Resolution 122-2008 – Appointing Carlos Torres to the Fire Diversity Board (Admin Oversight)**

**Administrative Oversight Committee moved, to adopt Resolutions 120, 121, and 122-2008.**

Councilor Marmarou noted the commitment and skill of those volunteering to serve on the City’s Boards.

Councilor Goodman-Hinnershitz expressed her support for the individuals seeking appointment this evening.

**Resolution 120, 121, and 122-2008 were adopted by the following vote:**

**Yea- Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, – President 6.**

**Nay- None**

**COUNCIL COMMENT**

Councilor Fuhs expressed congratulations to the Holy Name Girls Volleyball Team, who won the Pennsylvania State Championship.

Councilor Fuhs agreed with the importance of Riverfront development noting that Council became involved in this project in June 2008 on receipt of a flawed Master Development Agreement Contract, which Council was enlightened enough to question.

Councilor Fuhs noted the article in the Reading Eagle about Economic Development. He read articles from the paragraph questioning Council skill and enlightenment to handle the issues.

Councilor Fuhs noted the desire of some to have elected officials who can be manipulated. He stated that some individuals are upset with Council’s position on the Airport Land Sale; however, he noted Councilor Waltman’s wisdom in discovering language that may require the City to participate in the consideration of this transaction. He noted that City Council serves City residents and performs due diligence that protects broader interest of the overall City.

Councilor Waltman agreed noting that City Council's position on the sale of the Airport land is not a grab at power. He stated that Council is only performing due diligence to protect the City and its interest. He also noted that Council's position on Riverfront Development is cautious and prudent.

Councilor Marmarou agreed with both Councilor Fuhs and Waltman's comments on the articles in the Reading Eagle.

Councilor Marmarou congratulated the Holy Name Girls Volleyball Team on their PA Championship.

Councilor Marmarou stated that he will not support the budget as proposed by the Administration and of tonight's tax increases unless the Administration begins to collect housing permit, and business license fees from illegal rentals. He stated that approximately \$2 million is outstanding in housing permit and business license fees and \$1.9 million is currently delinquent in trash and recycling collections.

Councilor Goodman-Hinnershitz stated she has enjoyed the healthy debate pertaining to tax increases and Council's position on various economic development projects. She noted the need for parties to speak face to face rather than taking pot shots at each other through the media. She noted the various difficulties with the proposed budget and noted the need for City Official's to work together to address long term financial planning. She noted her attendance at the Hillside Holiday Event and Memorial Service at Scott Bitler's Barbershop.

Councilor Sterner expressed congratulations to the Holy Name Girls Volleyball Team, who won the state championship.

Councilor Sterner encouraged all City and County residents to visit the Hillside Holiday Event. He thanked Public Works Director Jones, Operations Division Kyle Zeiber, and Superintendent of Recreation Mike Zuber, for getting the Hillside Playground Rehabilitation completed in a timely manner.

Managing Director Hottenstein expressed concern with the figures expressed by Councilor Marmarou. He expressed the belief that Councilor Marmarou's predictions are incorrect and inaccurate.

Council President Spencer stated that Council is not opposed to development at the Riverfront. He noted the need for the City to cautiously consider legal issues surrounding the Giannasca Development Group. He noted the various components that will need to be reviewed and approved by the Council and various Boards's before they can move forward.

Council President Spencer stated that Council's position on the Airport Land Sale is based on a comparison with a similar situation in Philadelphia. Several years ago the Philadelphia Airport Authority sold a large tract of land to a hotel and then discovered the need for the property and the Authority was forced to buy it back at an exorbitant cost. Through that transaction the Philadelphia Airport Authority learned that it is more prudent to approve long term lease agreements with developers rather than outright land sales. City Council asks that the Airport Authority consider leasing this property rather selling it outright.

Council President Spencer reviewed the Council Meeting Schedule.

**Councilor Waltman moved, seconded by Councilor Fuhs, to adjourn the regular meeting of Council.**

---

Linda Kelleher  
City Clerk

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the Housing and Redevelopment Assistance (HRA) Program supports local initiatives that promote the growth and stability of neighborhoods and communities; and

WHEREAS, the City of Reading has identified the acquisition and redevelopment of a certain area situate in the vicinity of Second and Washington Streets, Reading, Berks County, Pennsylvania, and known as the “Goggle Works Apartments” project, as eligible for such HRA assistance; and

WHEREAS, the “Goggle Works Apartments” project of Goggle Works Apartments, LLC, a subsidiary of Our City Reading, Inc., will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact therein.

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

That the Mayor of the City of Reading is authorized to file an application for HRA funds/grant in the amount of \$500,000 dollars for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania and/or the Department of Community and Economic Development (DCED).

Adopted by Council \_\_\_\_\_, 2008

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

Attest:

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

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program (“RACP”); and

WHEREAS, the City of Reading has identified the acquisition and redevelopment of a certain area situate in the vicinity of Second and Washington Streets, Reading, Berks County, Pennsylvania, and known as the “Goggle Works Apartments” project, as eligible for such “RACP” assistance; and

WHEREAS, the “Goggle Works Apartments” project of Goggle Works Apartments, LLC, a subsidiary of Our City Reading, Inc., will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact therein; and

WHEREAS, on February 11, 2008, City Council enacted Resolution 14-2008 which authorized the Mayor to file an application for “RACP” funds in the amount of \$7.0 million dollars for the “Goggle Works Apartments” project; and

WHEREAS, the City of Reading desires to submit an amended application to increase the fund amount to \$8.25 million dollars (\$8,250,000.00).

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

That the Mayor of the City of Reading is authorized to file an amended application for “RACP” funds in the amount of \$8.25 million dollars (\$8,250,000.00) for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania.

Adopted by Council \_\_\_\_\_, 2008

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

Attest:

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

RESOLUTION NO. \_\_\_\_\_2008

**AUTHORIZING THE SCHEDULING OF A HEARING ON THURSDAY, JANUARY 8, 2009, ADVERTISEMENT OF, AND FORWARDING FOR COMMENT THE AMENDMENT TO THE ZONING ORDINANCE WHICH WILL CREATE A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY TO CONTROL THE POSSIBLE REDEVELOPMENT OF THE AREA SOUTH OF PENN, ALONG BOTH SIDES OF 2<sup>ND</sup> STREET, UNDER THE BINGAMAN STREET BRIDGE, ALONG BOTH SIDES OF CANAL STREET AND THEN EXTENDING TO EAST OF 7<sup>TH</sup> STREET.**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

That the City Clerk and/or the City Zoning / Planning Division is hereby authorized to perform the following actions as required by Section 53 PS § 609 Pennsylvania Municipalities Planning Code and all other requirements of the Pennsylvania Municipalities Planning Code in regard to the proposed amendment to the Zoning Ordinance to create a Planned Residential Development (PRD) Overlay to control the possible redevelopment of the area south of Penn, along both sides of 2<sup>nd</sup> Street, under the Bingaman Street Bridge, along both sides of Canal Street and then extending to east of 7<sup>th</sup> Street.

1. Schedule a hearing on Thursday, January 8, 2009 at 5 p.m. in the Penn Room, City Hall;
2. Advertise and provide public notice of the scheduled hearing; and
3. Forward a copy of the proposed Ordinance Amendment to the Berks County Planning Commission and City of Reading Planning Commission requesting their comment.

Adopted by Council \_\_\_\_\_, 2008

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

Attest:

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

(Council Staff)

**RESOLUTION NO. \_\_\_\_\_-2008**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

That the City of Reading City Council opposes the application of Orange Stones Co. for an appeal to the City of Reading Zoning Hearing Board from the Zoning Administrator's denial of Orange Stones' application for a zoning permit or a zoning officer in denying Orange Stones' zoning permit application to operate a personal care facility at 1711 Hampden Boulevard, Reading, County of Berks, Pennsylvania. Be it hereby further resolved that the Solicitor of the City of Reading or his designee is hereby authorized and directed to take all necessary and appropriate action to represent the interest of the City of Reading and this resolution before the Zoning Hearing Board in the aforesaid matter and any appeal of any decision thereof.

Passed Council \_\_\_\_\_, 2008

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

Attest:

\_\_\_\_\_  
City Clerk  
(LAW)

**RESOLUTION NO. \_\_\_\_\_-2008**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

That the City of Reading City Council opposes the appeal of Orange Stones Co. of the City of Reading Board of Building and Fire Appeals Decision, upholding the decision of the City of Reading Building Inspector of placarding of the property of 1711 Hampden Boulevard for operation or attempting to operate without a Certificate of Occupancy, to the Berks County Court of Common Pleas as Docket No. 08-14947. In so doing, the City of Reading City Council supports the decision of the Board of Building and Fire Appeals. Be it hereby further resolved that the Solicitor of the City of Reading or his designee is hereby authorized and directed to take all necessary and appropriate action for the City of Reading to intervene, if necessary, in the matter of Orange Stones Co. v. City of Reading Building / Fire Board of Appeals, regarding 1711 Hampden Boulevard, Reading, County of Berks, Pennsylvania. Further, be it resolved that Solicitor for the City of Reading or his designee is directed and authorized to take all necessary action to represent the interest of the City of Reading and this resolution before the Berks County Court of Common Pleas in the above reference legal action and any appeal of any decision thereof.

Passed Council \_\_\_\_\_, 2008

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

Attest:

\_\_\_\_\_  
City Clerk  
(LAW)

# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Heather Dunkle, Purchasing Coordinator  
**PREPARED BY:** Heather Dunkle, Purchasing Coordinator  
**MEETING DATE:** November 24, 2008  
**AGENDA MEMO DATE:** November 14, 2008  
**RECOMMENDED ACTION:** Awarding of Contract to perform a feasibility study for the development of an environmental education center at the Angelica Park for the Department of Public Works.

## RECOMMENDATION

The recommendation is to award the contract to Economics Research Associates, 20 East Jackson Boulevard, Suite 1200, Chicago, IL 60604, at a total submittal price of \$65,000.

## BACKGROUND

Proposals to perform a feasibility study were received on September 9, 2008. The proposals were reviewed by a selection committee which ranked each firm on a series of criteria. The selection committee discussed the submittals and determined ERA was more superior to the other firms.

A copy of the Schedule of Proposals is attached for your review.

## BUDGETARY IMPACT

The Department of Public Works has confirmed that funds sufficient for this contract have been included in CIP budget account code 34-07-73-4216, project number 34-07-73-105.

## PREVIOUS ACTION

None

## SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the November 24, 2008 meeting.

## RECOMMENDED BY

Mayor, Managing Director, Directors of Finance and Public Works and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to perform a feasibility study for the development of an environmental education center at the Angelica Park in order that the contract may be awarded to Economics Research Associates.

cc: File

September 9, 2008

To the Mayor  
City Hall  
Reading, PA

**RFP FOR FIRMS TO PERFORM A FEASIBILITY STUDY FOR THE DEVELOPMENT OF AN ENVIRONMENTAL EDUCATION CENTER AT THE ANGELICA PARK FOR THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA**

Proposals were received from the following firms:

Economics Research Associates 20 East Jackson Boulevard Suite 1200 Chicago, IL 60604	\$65,000.00
Seiler + Drury 420 DeKalb Street Norristown, PA 19401	\$64,200.00
STV 205 West Welsh Drive Douglassville, PA 19518	\$59,500.00

HEATHER L. DUNKLE  
Purchasing Coordinator

BILL NO. \_\_\_\_\_-2008

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

**AN ORDINANCE ESTABLISHING THE FULL-TIME EMPLOYEE POSITIONS FOR THE CITY OF READING FOR THE FISCAL YEAR 2009.**

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

**SECTION 1.** Full-Time positions for the City of Reading's fiscal year beginning January 1, 2009, and ending December 31, 2009, shall be as set forth in Exhibit A attached hereto and made a part hereof.

**SECTION 2.** This Ordinance shall become effective January 1, 2009.

Enacted \_\_\_\_\_, 2008

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

Attest:

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

(LAW DEPT.)

**City of Reading  
Listing of Positions  
For the 2009 Operating Budget**

<i>Division</i>	<i>Position Title</i>	<i>2009 # of Employees</i>
<b>Mayor</b>		
	Administrative Assistant To The Mayor	1
	Executive Assistant To The Mayor	1
	Mayor	1
		3
<b>Managing Director</b>		
	Managing Director	1
	Executive Secretary/ Admin Aide	1
		2
<b>Call Center</b>		
	Call Center Manager	1
	Customer Service Representatives	3
		4
<b>Neighborhood Development</b>		
	Neighborhood Development Manager	0
		0
<b>Human Relations Commission</b>		
	HRC Director	1
	HRC Clerks	2
	Secretary	1
		4
<b>City Auditor</b>		
	City Auditor	1
	Auditing Coordinator	1
		2
<b>City Council</b>		
	Council President	1
	Council Member	6
	Assistant City Clerk	1
	Administrative Assistant	1
	City Clerk	1
		10
<b>Treasurer</b>		

	Clerk Typist II	3
	Chief Clerk	1
		<hr/>
		4
<b>Finance Director</b>		
	Confidential Secretary	1
	Finance Director	1
	Grant Writer	1
	Floater - Finance	1
		<hr/>
		4
<b>Purchasing</b>		
	Purchasing Coordinator	1
		<hr/>
		1
<b>Accounting</b>		
	Accounting & Treasury Manager	1
	Accountant	1
	Pension Administrator	1
	Revenue Accountant	1
	Accounting Clerk	1
		<hr/>
		5
<b>Tax Administration</b>		
	Budget/Tax Manager	1
	Tax Supervisor	1
	Tax Examiner	1
	EIT Analyst	1
	Tax Specialist	1
	Accounts Coordinator	1
	Secretary	1
	Delinquent Tax Collector	1
	Tax Clerk I	2
	Tax Clerk II	3
	Clerk Typist II	1
		<hr/>
		14
<b>Information Technology</b>		
	GIS Analyst - Sewer	0
	GIS Coordinator	1
	Application Specialist	1
	Network Analyst	1
	Developer	1
	Web Developer	1
	System Support Analyst	1

	IT Manager	1
	Lead Developer	1
		<hr/>
		8
<b>HR-Personnel/Pension</b>		
	Payroll Clerk	1
	HR Floater	1
	Light Duty Position	1
	Diversity and Information Officer	1
	Human Resources Director	1
	Human Resources Supervisor	1
	Human Resources Coordinator	0
	Human Resources Coordinator - Pension	0
	Human Resources Coordinator - Benefits	1
		<hr/>
		7
<b>Mailroom</b>		
	Mailroom Clerk	1
		<hr/>
		1
<b>Solicitor</b>		
	Solicitor	1
	Confidential Secretary	1
	Executive Secretary/ Admin	
	Aide/Paralegal	1
	Legal Specialist	2
		<hr/>
		5
<b>Public Works</b>		
	Confidential Secretary	1
	Public Works Director	1
		<hr/>
		2
<b>Garage</b>		
	Maintenance Mechanic	7
	Maintenance Worker I/Parts Person	1
	Secretary	1
	Small Engine Repairperson	1
	Foreman	1
		<hr/>
		11
<b>Engineering</b>		
	Traffic Planner	1
	Engineering Aide IV	1
	Engineering Aide III	1
	Secretary	1
		<hr/>

<b>Traffic Engineering</b>		4
	Equipment Operator II	1
	Traffic Engineering Technician	1
	Maintenance Worker I/Signmaker	1
	Equipment Operator I	1
		<hr/>
		4
<b>Highways</b>		
	Equipment Operator II	14
	Secretary	0
	Foreman	1
	Operations Division Manager	0
		<hr/>
		15
<b>Parks</b>		
	Custodian II	1
	Equipment Operator II	2
	Equipment Operator III	3
	Foreman	2
	Maintenance Worker I	2
	Maintenance Worker II	2
	Maintenance Worker III	3
	Operations Division Manager	1
	Secretary	1
		<hr/>
		17
<b>Recreation</b>		
	Superintendent of Recreation	1
	Custodian III	0
	Secretary	0
	Recreation Supervisor	2
		<hr/>
		3
<b>Public Property</b>		
	Foreman	2
	Tradesman	5
		<hr/>
		7
<b>Police - Criminal Investigations</b>		
	Captain 3-3	1
	Criminal Investigator	26
	Lieutenant	1
	Police Officer	4
	Police Officer/FTO	0

	Court Liason	0
	Sergeant	7
		<hr/>
		39
<b>Police - Special Services</b>		
	Lead Clerk/Trainer	1
	Police Officer	1
	Police Officer/FTO	1
	Telecommunicator Supervisor	1
	Telecommunicator I	1
	Telecommunicator II	13
	Records Clerk	5
	Records Operations Supervisor	1
	TAC Officer	1
	Lieutenant	2
	Secretary - Police Academy	1
	Sergeant	3
	CCTV System Monitor	1
	Shift Supervisor	1
		<hr/>
		33
<b>Police - Patrol</b>		
	Captain	2
	Clerk Typist I	1
	Lieutenant	4
	Police Officer	127
	Police Officer/FTO	6
	Sergeant	18
		<hr/>
		158
<b>Police - Patrol PMI</b>		
	PMI Administrator	1
	Chief Clerk	1
	PMI Supervisor	3
	Health and Safety Clerks	3
	Health and Safety Inspectors	0
	Health Inspector II	0
	Property Maintenance Inspector	15
		<hr/>
		23
<b>Police - Administration</b>		
	Chief of Police	1
	Deputy Chief of Police	1
	Confidential Secretary	1

	Lieutenant	1
	Sergeant	1
	Inspector	1
		<hr/>
		6
<b>Fire Administration</b>		
	Clerk Typist II	1
	Administrative Officer	1
	Fire Chief	1
	First Deputy Chief	4
		<hr/>
		7
<b>Fire Bargaining Unit</b>		
	LT Fire Prevention Officer	2
	Fire Marshal	1
	Lt Fire Training Officer	1
		<hr/>
		4
<b>Fire Suppression</b>		
	Second Deputy Chief	4
	Firefighter IV	87
	Firefighter III	10
	Firefighter II	0
	Firefighter I	11
	LT Fire Suppression Officer	4
		<hr/>
		116
<b>Fire EMS</b>		
	Deputy Chief/EMS Mgr	1
	EMS Lieutenant	4
	Paramedic	20
	Transport Coordinator	1
	Wheelchair Van Driver	3
		<hr/>
		29
<b>CD Planning</b>		
	Planner I	0
	Planner III	1
		<hr/>
		1
<b>CD - Zoning</b>		
	Zoning Technician	1
	Zoning Officer	1
		<hr/>
		2
<b>CD - Trades</b>		
	Secretary	1

	Plumbing Inspector	1
	Building Inspector	1
	Electrical Inspector	1
	HVAC Inspector	1
		<hr/>
		5
<b>CD - Administration</b>		
	CD Specialist II	1
	Property Improvement Division Manager	1
	Codes Administrator	0
	Zoning Administrator	1
	Zoning Deputy Administrator	0
	Building Official	1
		<hr/>
		4
<b>CD - HUD</b>		
	CD Specialist II	0
	CD Specialist III	1
	CD/Hist Preserv Specialist	1
	Community Development Director	1
	Confidential Secretary	1
	Fiscal Officer	1
	Rehab Specialist	1
		<hr/>
		6
<b>Library Administration</b>		
	Director of Libraries	1
	Assistant Director of Libraries	2
		<hr/>
		3
<b>Library - Circulation</b>		
	Librarian I	1
	Librarian II	1
	Librarian III	1
	Library Technician II	3
	Library Technician III	4
		<hr/>
		10
<b>Library - Reference</b>		
	Bookmobile Operator	1
	Head Custodian	1
	Librarian II	4
	Librarian III	1
	Librarian Tech II	1
	Maintenance Worker II	1
		<hr/>

		9
<b>Library - Children Services</b>		
	Librarian II	0
	Library Technician II	0
	Library Technician III	1
		<hr/>
		1
<b>Water Administration</b>		
	Foreman	1
	Customer Service Rep.	2
	GIS/CAD Technician	1
	Engineering Aide III	1
	Distribution Engineer	1
		<hr/>
		6
<b>Water Collection</b>		
	Equipment Operator I	1
	Equipment Operator II	1
	Equipment Operator III	1
	Foreman	1
	Maintenace Worker II	6
	Superintendent	1
		<hr/>
		11
<b>Water Purification</b>		
	Centrifuge Oper. I.	1
	Chemist	0
	Lab Technician	1
	Chief Operator	1
	Clerk Typist II	1
	Foreman	1
	Lab Supervisor/Bact.	1
	Maintenance Worker II	5
	Tradesman	1
	Water Plant Oper. I	0
	Water Plant Oper. II	4
		<hr/>
		16
<b>Water Distribution</b>		
	Equipment Operator II	3
	Field Investigator	3
	Foreman	3
	Foreman - Meter	1
	Foreman - Mechanic	0

	Foreman - Crew	1
	Foreman - Main Crew	2
	Foreman - Service Crew	2
	Maintenance Mechanic II	1
	Maintenance Worker II	9
	Maintenance Worker III	5
	Superintendent	1
		<hr/>
		31
<b>Self - Insurance</b>		
	Risk and Safety Coordinator	1
	OCIP Coordinator	1
		<hr/>
		2
<b>Sanitary Sewers</b>		
	System Superintendent	1
	Foreman	2
	Equip Op II	15
	Maint Worker III	1
	Engineer Aide IV	0
	Engineer Aide III	1
		<hr/>
		20
<b>WWTP</b>		
	Maint Supv	1
	Belt Press Op I	3
	Cert Oper/Shift Sup	6
	Chemist	0
	Operations Supv	1
	Elec/Elect Field Eng	1
	Elec/Inst Tech	1
	Utilities Div Manager/Environ	1
	Utility Engineer	1
	Utility Clerk Typist	1
	Env Prog Coord	1
	Equip Op II	1
	Lab Supv	1
	Lab Tech	5
	Maint Worker II (Mech)	3
	Maint Worker III	4
	Pump Tender (Fritz Is)	4
	Secretary	1
	Serv Utility Person	7

Sew Plant Op I (6th St.)	4
Sew Plant Op I (Fritz Is)	2
Sew Plant Op II (Fritz Is)	2
Superintendent	1
Tradesman (Elec)	2
	<hr/>
	54

**Recycling**

Chief Clerk	0
Solid Waste Supervisor	1
Clerk Typist II	1
Solid Waste Coordinator/Environmentalist	1
	<hr/>
	3

*Number of Full Time Employees*

BILL NO. \_\_\_\_\_

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING POLICIES TO FACILITATE REQUESTS FOR PUBLIC RECORDS OF THE CITY OF READING, THE MANNER IN WHICH RECORDS SHALL BE DISSEMINATED, THE MANNER IN WHICH DECISIONS SHALL BE MADE CONCERNING DISSEMINATION OF PUBLIC RECORDS, AND ESTABLISHING A FEE SCHEDULE FOR DUPLICATION AND CERTIFICATION OF PUBLIC RECORDS OF THE CITY OF READING.

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

**CITY OF READING**  
**POLICY FOR ACCESS TO PUBLIC RECORDS**

**§1-1001. Purpose.** The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et. seq., as amended, to provide access to public records of the City of Reading, to preserve the integrity of records, and to minimize the financial impact to the residents of the City of Reading regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of the City of Reading to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City of Reading. The City of Reading designates the Managing Director as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines.

**§1-1002. Definitions**

***“Administrative proceeding.” A proceeding by an agency the outcome of which is required to be based on a record or documentation prescribed by law or in which a statute or regulation is particularized in application to individuals. The term includes an appeal.***

***“Agency.” A Commonwealth agency, a local agency, a judicial agency or a legislative agency.***

**“Aggregated data.”** A tabulation of data which relate to broad classes, groups or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories.

**“Appeals officer.”** As follows:

- (1) For a Commonwealth agency or a local agency, the appeals officer designated under section 503(a).
- (2) For a judicial agency, the individual designated under section 503(b).
- (3) For a legislative agency, the individual designated under section 503(c).
- (4) For the Attorney General, State Treasurer, Auditor General and local agencies in possession of criminal investigative records, the individual designated under section 503(d).

**“Confidential proprietary information.”** Commercial or financial information received by an agency:

- (1) which is privileged or confidential; and
- (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

**“Financial record.”** Any of the following:

- (1) Any account, voucher or contract dealing with:
  - (i) the receipt or disbursement of funds by an agency; or
  - (ii) an agency’s acquisition, use or disposal of services, supplies, materials, equipment or property.
- (2) The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.
- (3) A financial audit report. The term does not include work papers underlying an audit.

**“Homeland security.”** Governmental actions designed to prevent, detect, respond to and recover from acts of terrorism, major disasters and other emergencies, whether natural or manmade. The term includes activities relating to the following:

- (1) emergency preparedness and response, including preparedness and response activities by volunteer medical, police, emergency management, hazardous materials and fire personnel;
- (2) intelligence activities;
- (3) critical infrastructure protection;
- (4) border security;
- (5) ground, aviation and maritime transportation security;
- (6) biodefense;
- (7) detection of nuclear and radiological materials; and (8) research on next-generation securities technologies.

**“Independent agency.”** Any board, commission or other agency or officer of the Commonwealth, that is not subject to the policy supervision and control of the Governor. The term does not include a legislative or judicial agency.

**“Legislative record.” Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:**

- (1) A financial record.**
- (2) A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the ruler.**
- (3) Fiscal notes.**
- (4) The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.**
- (5) The transcript of a public hearing when available.**
- (6) Any administrative staff manuals or written policies.**
- (7) An audit report**
- (8) Committee reports.**

**“Local agency.” Any of the following:**

- (1) Any political subdivision, intermediate unit, charter school, cyber charter school or public trade or vocational school.**
- (2) Any local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity.**

**“Office of Open Records.” The Office of Open Records established in the Pennsylvania Right to Know Law**

**“Personal financial information.” An individual’s personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual’s personal finances.**

**“Privilege.” The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this Commonwealth.**

**“Public record.” A record, including a financial record, of a Commonwealth or local agency that:**

- (1) is not exempt under section 708;**
- (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or**
- (3) is not protected by a privilege.**

**“Record.” Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape,**

**photograph, film or sound recording, information stored or maintained electronically and a dataprocessed or image- processed document.**

**“Requester.” A person that is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency.**

**“Response.” Access to a record or an agency’s written notice to a requester granting, denying or partially granting and partially denying access to a record.**

**“Terrorist act.” A violent or life-threatening act that violates the criminal laws of the United States or any state and appears to be intended to:**

- (1) intimidate or coerce a civilian population;**
- (2) influence the policy of a government; or**
- (3) affect the conduct of a government by mass destruction, assassination or kidnapping.**

**“Trade secret.” Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that:**

- (1) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and**
- (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.**

**The term includes data processing software obtained by an agency under a licensing agreement prohibiting disclosure.**

## **§1-1003      Presumptions**

**Requirement – A local agency shall provide public records in accordance with the Pennsylvania Right to Know Act.**

**Prohibition – A local agency may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law.**

**General rule – A record in the possession of a local agency shall be presumed to be a public record. The presumption shall not apply if:**

- 1. the record is exempt under this Act;**
  - 2. the record is protected by a privilege; or**
  - 3. the record is exempt from disclosure under any other Federal or State Law**
- or regulation or judicial order or decree.**

**Burden of Proof – The burden of proving that a record is exempt from public access shall be on the agency receiving a request by a preponderance of the evidence.**

**Exceptions – The following records are exempt from access:**

- **records which would result in the loss of Federal or State funds**
- **records which would be likely to result in a substantial risk of physical harm to or the personal security of an individual**
- **records maintained for homeland security, law enforcement or other public safety activity that would jeopardize or threaten public safety or preparedness or public protection or a record that is designated classified by a military authority**
- **records that would create a reasonable endangering of the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system including:**
  - **documents or data relating to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability**
  - **lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and**
  - **building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.**
- **A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.**
- **A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.**
- **The following personal identification information:**
  - **A record containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; employee number or other confidential personal identification number.**
  - **A spouse's name; marital status, beneficiary or dependent information.**
  - **The home address of a law enforcement officer or judge.**

**\*Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.**

***\*An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.***

- ***The following records relating to an agency employee:***
  - ***A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.***
  - ***A performance rating or review.***
  - ***The result of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency. The result of a civil service or similar test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.***
  - ***The employment application of an individual who is not hired by the agency.***
  - ***Workplace support services program information.***
  - ***Written criticisms of an employee.***
  - ***Grievance material, including documents related to discrimination or sexual harassment.***
  - ***Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of an agency that results in demotion or discharge.***
  - ***An academic transcript.***
- ***A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This subparagraph shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.***
- ***In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, a transcript of the arbitration or the opinion. This subparagraph shall not apply to the final award or order of the arbitrator in a dispute or grievance procedure.***
- ***The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency.***

***A record that reflects:***

- ***The internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.***

- ***The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.***

***The following shall apply to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.***

***\*This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.***

***\*This paragraph shall not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.***

- ***A record that constitutes or reveals a trade secret or confidential proprietary information.***
- ***Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.***
- ***Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.***
- ***Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.***
- ***Academic transcripts***
- ***Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.***
- ***A record of an agency relating to or resulting in a criminal investigation, including:***
  - ***Complaints of potential criminal conduct other than a private criminal complaint.***
  - ***Investigative materials, notes, correspondence, videos and reports.***
  - ***A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.***
  - ***A record that includes information made confidential by law or court order.***

- *Victim information, including any information that would jeopardize the safety of the victim.*
- *A record that, if disclosed, would do any of the following:*
  - *Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.*
  - *Deprive a person of the right to a fair trial or an impartial adjudication.*
  - *Impair the ability to locate a defendant or codefendant.*
  - *Hinder an agency's ability to secure an arrest, prosecution or conviction.*
  - *Endanger the life or physical safety of an individual.*

*\*This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. § 3754(b) (relating to accident prevention investigations).*

- *A record of an agency relating to a noncriminal investigation, including:*
  - *Complaints submitted to an agency.*
  - *Investigative materials, notes, correspondence and reports.*
  - *A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law.*
  - *A record that includes information made confidential by law.*
  - *Work papers underlying an audit.*
- *A record that, if disclosed, would do any of the following:*
  - *Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.*
  - *Deprive a person of the right to an impartial adjudication.*
  - *Constitute an unwarranted invasion of privacy.*
  - *Hinder an agency's ability to secure an administrative or civil sanction.*
  - *Endanger the life or physical safety of an individual.*
- *Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.*

*\*This paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.*

- *DNA and RNA records.*
- *An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or*

**videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.**

- **Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency.**
- **Minutes of an executive session and any record of discussions held in executive session.**
- **The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:**
  - **The leasing, acquiring or disposing of real property or an interest in real property.**
  - **The purchase of public supplies or equipment included in the real estate transaction.**
  - **Construction projects.**

**\*This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.**

- **Library and archive circulation and order records of an identifiable individual or groups of individuals.**
- **Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.**
- **A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.**
- **A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).**
- **A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office.**

**\*This paragraph shall not apply to a contract with an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance.**

- **A record or information:**
  - **identifying an individual who applies for or receives social services; or**
  - **relating to the following:**
    - **the type of social services received by an individual;**

- *an individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual; or*
- *eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.*
- *Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services.*

*\*This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbyist disclosure).*

- *A record identifying the name, home address or date of birth of a child 17 years of age or younger.*
- *Financial records. — The exceptions set forth above. An agency shall not disclose the identity of an individual performing an undercover or covert law enforcement activity.*
- *Aggregated data. — The exceptions set forth in subsection (b) shall not apply to aggregated data maintained or received by an agency, except for data protected above.*
- *Construction. — In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.*

**§1-10021004. Format to Request.**

1. All requests for public records of the City of Reading under this policy shall be specific in identifying and describing each public record requested. In no case shall the City of Reading be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the City of Reading does not currently compile, maintain, format or organize the public record. Requests for public records shall be submitted in writing by mail, in person, by email, or by facsimile and on a form provided by the City of Reading, as attached hereto entitled "Standard Right to Know Request Form."

**§1-1003 1005. Processing of Request.Procedure**

1. All requests for access to public records of the City of Reading shall be directed to the Managing Director of the City of Reading. The Managing Director's office shall be located in City Hall and made accessible to the public. Requests will be addressed within five days of receipt.

~~2. The Managing Director may designate certain employee(s) to process public record requests.~~

~~3. The City of Reading is responsible for minimizing, where possible, the financial impact to the City of Reading regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.~~

~~4. The Managing Director shall make a good faith effort to determine whether each record requested is a public record.~~

~~5. The Managing Director shall facilitate a reasonable response to a request for the City of Reading's public records. In no case is the City of Reading expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the City of Reading's administrative responsibilities and consistent with the requirements of the Pennsylvania Right to Know Law.~~

***Upon receiving a request for a public record, the Managing Director shall do all of the following:***

- 1. Note the date of receipt on the written request***
- 2. Compute the day on which the five-day period will expire and make a notation of the date on the written request***
- 3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied***
- 4. Create a file for the retention of the original request, a copy of the response, a record of written communications with the requestor and a copy of other communications.***

**~~§1-1004. Response to Request.~~**

1. The designated employee ***Managing Director*** shall respond to the requester within five (5) business days from the date of receipt of the written request. If the City of Reading does not respond within five (5) business days of receipt thereof, the request is deemed denied.

2. The response provided by the City of Reading shall consist of (1) approval for access to the public record; (2) review of the request by the designated employee ***Managing Director***; or (3) denial of access to the record requested.

3. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City of Reading. The Managing Director, or his designee, shall cooperate fully with the requester, while also taking reasonable measures to protect the City of Reading's public records from the

possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

#### **§1-1006. Review of Request.**

1. If the request is being reviewed, the notice provided by the City of Reading shall be in writing and include the reason for the review, the expected response date, **and an estimate of applicable fees owed when the record becomes available**, which shall be within thirty (30) days notice of review. If the City of Reading does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

- (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
- (b) The record requires retrieval from a remote location;
- (c) A timely response cannot be accomplished due to staffing limitations;
- (d) A legal review is necessary to determine whether the record requested is ~~a public record~~ **subject to access**;
- (e) The requester has ~~failed to comply~~ not complied with the City of Reading's policy and procedure requirements; or
- (f) The requester refuses to pay the applicable fees; **or**
- (g) **The extent or nature of the request precludes a response within the required time period.**

2. If access to the record requested is denied, the notice provided by the City of Reading shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Records."

#### **§1-1007. Denial of Request.**

***A request may be denied if the requester has made repeated requests for the same record and the repeated requests have placed an unreasonable burden on the agency. A denial for this purpose shall not restrict the ability to request a different record.***

***A request may be denied when timely access is not possible due to fire, flood, or other disaster.***

***A request may be denied if historical, ancient, or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.***

1. If the request is denied or deemed denied, the requester may file exceptions with the City of Reading City Council within fifteen (15) business days of the mailing date of the Managing Director's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions must:

- (a) Indicate the date of the original request;
- (b) Identify and describe the record(s) requested;
- (c) State the grounds upon which the requester asserts the record(s) is a public record;
- ~~(d) Address any grounds stated by the School District in its notice of denial.~~  
**The typed name, title, business address, business telephone number and signature of the open records officer on whose authority the denial is issued;**
- (e) Date of the response; and**
- (f) The procedure to appeal the denial of access under this act.**

2. A subcommittee of the City Council of the City of Reading, consisting of any three (3) Council persons, shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

3. ***Appeals of decisions rendered by City Council will be heard by the State of Pennsylvania's Office of Open Records.***

4. This policy shall be posted conspicuously at the Managing Director's office ***in addition to the contact information for the State Office of Open Records.***

**§1-40051008. Fees Associated with Request.**

- 1. Fees for duplication of public records shall be as follows:
  - (a) Photocopying fees - \$2.00 first page; (\$.30 Cents per page thereafter):
  - (b) Certification of a public record - \$25.00 per record certified;
  - (c) Copying records onto electronic media – Twenty-***five*** Dollars (\$25.00) plus actual cost of materials and media used for copying, and ***\*Note – this represents the current fee in the City's fee ordinance\****
  - (d) Copying off-site of subdivision, land development or other plans – Twenty Dollars (\$20.00) plus actual cost incurred.
  - (e) Postage: Actual cost to the City of Reading of mailing the public record.

2. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Managing Director shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of City of Reading resources.

This policy shall take effect on ~~December 26, 2002~~ January 1, 2009.

Enacted \_\_\_\_\_, 2008

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

Attest:

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

(COUNCIL STAFF)

**PUBLIC RECORD REVIEW/DUPLICATION REQUEST**  
**STANDARD RIGHT-TO-KNOW REQUEST FORM**

**Please print legibly.**

Date of Request: \_\_\_\_\_

**Request submitted by: E-MAIL U S MAIL FAX IN PERSON**

Requester's Name (**Optional**): \_\_\_\_\_

Requester's Address (**Optional**): \_\_\_\_\_

City/County/State (**Required**): \_\_\_\_\_

Requester's Telephone (**Optional**): \_\_\_\_\_

~~I request review/duplication (circle applicable choice) of the following records. **Important:** You must identify or describe the records with sufficient specificity to enable the City of Reading to determine which records are being requested. Use additional sheets if necessary.~~

**RECORDS REQUESTED**

***\*Provide as much specific detail as possible so the agency can identify the information.***

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~~I certify that I am a resident of the Commonwealth of Pennsylvania.~~

\_\_\_\_\_  
Signature of Requester

~~This request may be submitted in person, by mail or by facsimile to:~~

**DO YOU WANT COPIES? YES NO**

**DO YOU WANT TO INSPECT THE RECORDS? YES NO**

**DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO**

**RIGHT TO KNOW OFFICER:**

**DATE RECEIVED BY THE AGENCY:**

***\*\*Public bodies must fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this ordinance, the request must be in writing.***

***\*\*\*Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law.***

**PUBLIC RECORD REVIEW/DUPLICATION REQUEST**

**To be completed by Managing Director:**

Request No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

Action Taken:

\_\_\_\_\_ Approved \_\_\_\_\_ Date of approval: \_\_\_\_\_

\_\_\_\_\_ Denied \_\_\_\_\_ Date notice mailed: \_\_\_\_\_

\_\_\_\_\_ Additional Review \_\_\_\_\_ Date notice mailed: \_\_\_\_\_

**DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE**

Date of Denial : \_\_\_\_\_

Requester's Name: \_\_\_\_\_

Requester's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: ~~Denial of Request to Review and/or Duplicate~~ \_\_\_\_\_

~~Request No.~~ \_\_\_\_\_

~~Date of Request:~~ \_\_\_\_\_

Dear Mr./Mrs./Ms. \_\_\_\_\_

Please be advised that your request to review/duplicate ~~[strike out inappropriate request]~~ the following records:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~has been denied for the following reason(s):~~

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~This denial is based upon the following legal authority:~~

\_\_\_\_\_  
\_\_\_\_\_

~~You have the right to appeal this decision. If you appeal, you must either:~~

- ~~1. Within fifteen (15) days of the notice of denial or deemed denial, file exceptions with the City Council of the City of Reading in accordance with City of Reading's policy.~~

~~If you file exceptions, the City of Reading has thirty (30) days in which to respond to your exceptions, unless extended by the parties. The City Council of the City of Reading may decide to conduct a hearing within that time to assist in the making of decision.~~

~~-OR-~~

~~2. Within thirty (30) days of the notice of denial, or within thirty (30) days of the City Council's final decision (in the event that you have filed exceptions), you may file a petition for review in the Berks County Court of Common Pleas or bring an action in the local District Magistrate's office.~~

\_\_\_\_\_

=====

**BILL NO. \_\_\_\_\_ 2008**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES  
CHAPTER 27 ZONING BY PROHIBITING ALL RENTAL USES IN AREAS ZONED  
FOR LOW DENSITY RESIDENTIAL PURPOSES - R-1, R-1A and R-2.**

**WHEREAS**, as the City’s Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

**WHEREAS**, over 50% of all residential properties in the City of Reading are rental properties the City’s residential neighborhoods are plagued with quality of life problems such as inadequate parking, noise, overcrowding, heavy traffic, etc., and

**WHEREAS**, as the Fair Share Doctrine allows municipalities to exclude certain uses from specific areas if that use is provided in a reasonable geographic area, residential rental, single family and multi-unit, uses are hereby prohibited from areas zoned R-1, R-1A and R-2 to protect the quality of life in these low density residential zones

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

**SECTION 1.** Amending the City of Reading Codified Ordinances - Chapter 27 Zoning by prohibiting all rental uses in R-1, R-1A and R-2 low density residential zoning districts.

**SECTION 2.** Requiring all existing rental properties in R-1, R-1A and R-2 zoning districts to register their property’s pre-existing, non-conforming status within 30 days of the enactment of this ordinance. Registering the property by this date will allow the property to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the property must be converted to a use permitted in the zone within 6 months.

**SECTION 3.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor’s veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2008

**BILL NO. \_\_\_\_\_-2008**  
**A N O R D I N A N C E**

**AMENDING THE CITY OF READING CODIFIED ORDINANCES SECTION 10-1705**  
**CHANGING THE LOCATION AND NUMBER OF MOBILE FOOD VENDORS**

**SECTION 1.** Amending the City of Reading Codified Ordinances Section 10-1705 1 as follows:

**§10-1705. License Required**

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8th Street~~ **Front Street** and the eastern border of 11th Street.

**SECTION 2.** Amending the City of Reading Codified Ordinances Section 10-1705 2 (A) as follows:

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

**A. Location, Type and Number.** A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines *will be issued annually*. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City

may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

**SECTION 3.** All other parts of the Ordinance remain unchanged.

**SECTION 4.** This Ordinance shall be effective ten (10) days after passage.

Enacted \_\_\_\_\_, 2008

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

Attest:

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

*(Council Office)*

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**PART 17  
SIDEWALK VENDORS**

**§10-1701. Purpose**

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect public facilities. Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

*(Ord. 63-2007, 8/13/2007, §1)*

**§10-1702. Title**

This Part shall be known as the "Sidewalk Vendor Ordinance."

*(Ord. 63-2007, 8/13/2007, §1)*

**§10-1703. Interpretation**

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

*(Ord. 63-2007, 8/13/2007, §1)*

**§10-1704. Definitions**

For the purpose of this Part, certain terms shall be defined as follows:

**COMMERCIAL CORE ZONING DISTRICT** - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

**KIOSK** - a freestanding structure upon which temporary information and/or posters, notices and announcements are posted; an open gazebo, pavilion or similar structure used as a newsstand, refreshment booth or the like.

**OFFICIAL MAP** - the topographical survey of the City of Reading, Pennsylvania on file in the Engineering Office.

**PASSABLE** - free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

**PUBLIC RIGHT-OF-WAY** - any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

**PUBLIC OUTDOOR PAY TELEPHONE** - any outdoor publicly accessible pay telephone any portion of which, or its enclosure, is situated on, projects over, or hangs over a portion of the public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

**PUBLIC PROPERTY** - all real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intended for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

**SANDWICH BOARD** - any portable sign which is intended, by design, use or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

**SIDEWALK** - that portion of a public right-of-way for which paving is required under this Part of the Codified Ordinances of the City of Reading and which is used primarily for pedestrian travel.

**SIDEWALK AREA** - that portion of the public right-of-way occurring between the curbline and the topographical building line.

**SIDEWALK VENDOR** - person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from and stand, cart vending machine or trailer while on or about the sidewalk area.

**SIDEWALK VENDOR LICENSE** - the written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. The license must be displayed prominently on each stand, cart, trailer and/or obstruction.

**STAND** - any structure, device or object erected, installed, or placed within any portion of the public right-of-way or chained, bolted or otherwise attached to a building or structure in such a manner that any portion of said structure, device or object projects over or into the public right-of-way used to exhibit, display or sell food or goods. Stands shall include, but are not limited to, kiosks, newsracks, newsstands, outdoor pay telephones, sandwich boards, stands, street furniture and vending machines. The terms "tables," "carts," "stands" and "trailers" shall be used interchangeably throughout this Part and should be construed to the same meaning.

**TRAILER** - vehicle designed to be towed by a motor vehicle.

**VENDING CART** - small, light vehicle moved by hand for the purpose of conducting food sales.

**VENDING LICENSE BOARD** - Board authorized to approve permits and the location of sidewalk vendors, pursuant to §10-1710.

**VENDING MACHINE** - any self-service device that provides for the sale or distribution of food, beverage or goods, newspapers, other printed materials either in bulk or in package, without the necessity of replenishing the device between each vending operation.

(Ord. 63-2007, 8/13/2007, §1)

#### **§10-1705. License Required**

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning

District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8<sup>th</sup> Street~~ **Front Street** and the eastern border of 11<sup>th</sup> Street.

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

**A. Location, Type and Number.** A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines **will be issued annually**. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

**B. More than Two Licenses Prohibited.** A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.

**C. License Nontransferable.** A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

(Ord. 63-2007, 8/13/2007, §1)

#### **§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area**

Applications for sidewalk cafes outside the Commercial Core Zoning District shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. Such applications shall be forwarded to City Council for approval.

(Ord. 63-2007, 8/13/2007, §1)

#### **§10-1707. License Application**

**1. Notice of License Availability.** Applications for sidewalk vending licenses will be available between November 1 and November 15 in the City of Reading Codes Office.

Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to November 1.

**2. Application.** Any person interested in applying for a sidewalk vendor's license may, after public notice listed above, make application by filing such forms containing the required information with the City of Reading Codes Office with a nonrefundable application fee of \$50 no later than 4 p.m. on November 15. The application shall at a minimum set forth:

A. True name and address of the applicant. P.O. boxes will not be permitted.

- B. Names and addresses of any employees, other than the owner, who operate the stand.
- C. Photographs and specifications of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in §10-1708 herein.
- D. Sufficient detail about the proposed sidewalk vendor and the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, along with copies of the required City and State health permits.
- E. A copy of the applicant's business privilege license.
- F. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices. Utility connections to neighboring properties shall be prohibited.
- G. A complete listing of the items to be offered for sale or distribution. Applications will be initially reviewed by the Codes Office for completeness. Incomplete applications may be amended one time and resubmitted on or before November 15 as stated above.

**3. Review of Applications.** Not more than 45 days following application deadline, the Vending License Board shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:

- A. The application is incomplete in any material respect.
- B. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health requirements.
- C. The applicant does not have a business privilege license.
- D. The applicant, or any natural person having an interest in the entity making the application, has:
  - (1) An interest in more than two sidewalk vendor licenses.
  - (2) Within the past 5 years held or had an interest in a sidewalk vendor license that has been revoked.
  - (3) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.
- E. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore.

4. Each license shall be issued for one calendar year, February 1 to January 31, and shall be subject to review during the calendar year for adherence to the requirements of this Part. (Ord. 63-2007, 8/13/2007, §1)

**§10-1708. Design Standards.**

**1. Design and Appearance.**

**A. General Requirements.** All sidewalk vendor carts, trailers or stands shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. There will be no fixed design as such; however, literature on designs, manufacturers, costs and similar details will be available in the City Codes Office. In addition, vending must comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

**B. Required Physical Features.**

- (1) The dimensions of the vending shall not exceed 4 feet x 8 feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels,

handles and similar parts). Fold-out shelves for larger merchandise are permitted, provided there will be no interference with pedestrian movement.

(2) **Mobility.** Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(3) **License Display.** The vending license must be clearly displayed on the cart in such a manner and location as to be clearly visible to customers.

(4) **Trash Receptacles.** Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the

container becomes full or, at a minimum, at the conclusion of the day's operation.

(5) **Covers.** Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right of way, nor be obtrusive to vendors' signs or neighboring business.

The cover must be well maintained

(6) **Utility Connections.** Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.

(7) **Fire.** A 5 pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.

#### C. Prohibited Features.

(1) Advertising other than the name of the vendor's business or suppliers.

(Advertising must appeal to the sensibilities of the general public.)

(2) Propulsion systems other than manual.

(3) Gas cylinders larger than 20 pounds.

(4) Vending directly from a motor vehicle is prohibited except for those provisions under .05(a).

D. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

E. All carts shall comply with standards and specifications described herein and adopted by the City. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.

2. **Maintenance.** All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement cart may be placed into operation until approved.

3. **Carts Self-Contained.** All sidewalk vendor carts shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.

4. **Sign.** No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.

(Ord. 63-2007, 8/13/2007, §1)

#### §10-1709. Sidewalk Vendor Operation Standards

1. **Days and Hours of Operation.** Sidewalk vendor sales may be conducted daily between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between the hours of 9:00 am. and 7:30 p.m. from April 1 through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City.

2. **Daily Removal.** Sidewalk stands and accouterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading. The vendor will be charged for costs, storage and the penalty prescribed under §10-1714 herein.

3. **Safe and Sanitary Condition.** Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times. Sidewalk vendor carts licensed hereunder to sell food products shall:

- A. Be subject to inspection at any time by a City of Reading Codes Inspector and shall at all times be licensed under and be in compliance with all applicable State and local codes.
- B. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Codes Office and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

4. **Quiet Operations.** Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound amplifying devices to attract attention, nor verbally hawk or solicit product sales to pedestrians or motorists.

5. **Use and Maintenance of Sidewalk.** All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location. No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business. The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

6. **Public Liability Insurance.** Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of \$100,000 per individual and \$500,000 per incident.

7. **Prohibitions.** An object, device or structure as regulated under the terms of this Part shall be expressly prohibited when its construction, erection, installation or placement would result in any of the following conditions:

- A. A passable sidewalk width less than 5 horizontal feet.
- B. A horizontal projection from the building line in excess of 5 feet.
- C. A reduction in sight triangle.

(Ord. 63-2007, 8/13/2007, §1)

#### **§10-1710. Suspension or Revocation of License**

A sidewalk vendor license shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of

applicable State or local, including but limited to all health or safety regulations, zoning and taxation.

*(Ord. 63-2007, 8/13/2007, §1)*

**§10-1711. Vending License Board**

The Vending License Board shall consist of ~~the~~ one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, one employee from the Codes Office, Reading Police Traffic Enforcement and Public Works.

A. **Responsibilities.** The Vending License Board shall have the following responsibilities and duties:

- (1) Meet no later than December 30 annually to review and approve vendor license applications.
- (2) Determine vendor locations for each approved applicant within the Commercial Core Zoning District.
- (3) Recommend amendments to this Part to the Council of the City of Reading.

*(Ord. 63-2007, 8/13/2007, §1)*

**§10-1712. Enforcement**

This Part will be enforced under the jurisdiction of the City Codes Office and the Reading Police Department.

*(Ord. 63-2007, 8/13/2007, §1)*

**§10-1713. Construction and Severability**

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

*(Ord. 63-2007, 8/13/2007, §1)*

**§10-1714. Penalty**

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 - \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

**(Ord. 63-2007, 8/13/2007, §1)**

**BILL NO. \_\_\_\_\_2008**

**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 6 CONDUCT BY CREATING A NEW SECTION 402 OF PART A ENTITLED "FAILURE TO REPORT LOST OR STOLEN FIREARMS", WHICH WILL REQUIRE PROMPT NOTIFICATION TO AUTHORITIES OF LOST OR STOLEN FIREARMS AND IMPOSE PENALTIES.**

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

**SECTION 1.** To amend the City of Reading Codified Ordinances, Chapter 6 Conduct by creating a new Section 402 of Part A as attached hereto in Exhibit "A".

**SECTION 2.** That all existing sections of Chapter 6, Part A, are hereby renumbered accordingly.

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

Enacted by Council \_\_\_\_\_, 2008

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

Attest:

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

# EXHIBIT A

## Section 402. Failure to Report Lost or Stolen Firearms

1. **Prohibited Conduct.** No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to appropriate officials of the Reading Police Department within 24 hours after discovery of the loss or theft.
2. **Penalties for Violation.** Any person who violates this Section shall be subject to a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.

**BILL NO. \_\_\_\_\_-2008**

**AN ORDINANCE**

AN ORDINANCE OF THE CITY OF READING TO ADOPT AN AMENDMENT TO THE ZONING ORDINANCE UNDER THE AUTHORITY OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, THE CITY COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA HEREBY ADOPTS THE FOLLOWING AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF READING TO CREATE A NEW RR RIVERFRONT REDEVELOPMENT OVERLAY ZONING DISTRICT AND TO APPLY THE NEW DISTRICT TO LANDS FROM THE CENTERLINE OF THE SCHUYLKILL RIVER TO AREAS TO THE EAST AND NORTHEAST OF THE RIVER, INCLUDING AREAS GENERALLY SOUTH AND SOUTHWEST OF FRANKLIN ST, ALONG BOTH SIDES OF S. 2<sup>ND</sup> ST. AND RIVERFRONT DR., AND ALONG BOTH SIDES OF CANAL STREET INCLUDING AREAS SOUTH OF LAUREL ST., SOUTH OF WILLOW ST., WEST OF S. 7<sup>TH</sup> ST. AND NORTH OF SOUTH ST. AND AS SHOWN IN MORE DETAIL ON THE ATTACHED RR ZONING OVERLAY DISTRICT MAP

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

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A" to create a new RR Riverfront Redevelopment Overlay Zoning District and to apply the new district to lands from the centerline of the Schuylkill River to areas to the East and Northeast of the River, including areas generally South and Southwest of Franklin St, along both sides of S. 2<sup>nd</sup> St. and Riverfront Dr., and along both sides of Canal Street including areas South of Laurel St., South of Willow St., West of S. 7<sup>th</sup> St. and North of South St. and as shown in more detail on the attached RR Zoning Overlay District Map attached hereto as Exhibit "B."

SECTION 2. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. REPEALER. Any specific provisions of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City ordinance or resolution that is in direct conflict within this Zoning Amendment are hereby repealed as

they affect the RR Overlay District.

SECTION 4. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 5. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2008

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

Attest:

\_\_\_\_\_  
City Clerk  
(LAW DEPT.)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT A

**The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:**

Part 1. The following new definition is added to Section 27-2202:

“Tract, Total Area of the” the total lot area of a single lot(s) in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. The Total Area of the Tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space or recreation land.”

Part 2. The following is added to Section 27-701:

“H. RR Riverfront Redevelopment Overlay District”

In Section 27-502, add the following: “A. However, the RR Overlay District shall function in relation to the underlying zoning district, as provided in Section 27-815.”

Part 3. The following is added as Section 27-702.H., regarding purposes:

“H. RR Riverfront Redevelopment Overlay District - This district recognizes an area of Reading that is uniquely situated compared to other areas of the City. This district allows optional types of future development and adaptive reuses consistent with such uniqueness. This area is also unique in terms of its size because it potentially includes over 20 acres of redevelopment land. This RR Overlay District is intended to:

1. Promote redevelopment that enhances the Schuylkill Riverfront, in recognition of its value to the City, while making better use of underutilized lands.
2. Promote appropriate mixtures of compatible uses that provide for a variety of employment opportunities and housing types, including mixtures of business and residential uses in the same building.

3. Improve the public's access to the river and maximize the visibility of the riverfront.
4. Allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City and reducing commuting distances, while promoting use of public transit.
5. Carry out the purposes of the Traditional Neighborhood Development (TND) and the purposes of the Planned Residential Development (PRD) provisions of the State Municipalities Planning Code, which are hereby included by reference.
6. Encourage new development to occur in a compact neighborhood-oriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.
7. Promote housing that serves various types of households.
8. Allow modification of certain requirements through the PRD process by the Planning Commission.
9. Promote a pedestrian-orientation through the development that includes a mix of commercial and residential uses.”

Part 4. The following is added as a new Section 27-815:

“27-815. RR Riverfront Redevelopment Overlay District.

- A. Boundary. The RR District is hereby established, which shall include the geographic area shown in Exhibit A, which is attached and incorporated herein by reference. The Official Zoning Map shall be considered to have been amended to show the boundaries of the new RR Overlay District.
- B. Applicability and Phasing.
  1. The RR Overlay District is an optional zoning district that overlays the underlying zoning district. An applicant shall have the option of developing property under the RR District or under the underlying district. Once a final Planned Residential Development (PRD) plan is approved under the RR District, such land shall be developed under the RR District provisions and not the underlying zoning district, unless the Planning Commission approves a zoning application to abandon the PRD approval, after the applicant has provided notice in writing to the Zoning Officer and the Planning Office.
    - a. Until such time as development is underway within a phase of development that was granted Final PRD approval, uses shall be allowed under the regulations of the underlying zoning district. Once a Final PRD Plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the RR Overlay District shall be allowed, provided that other lawful pre-existing uses

may be continued as non-conforming uses.

2. Development in the RR Overlay District shall first require tentative and then final approval as a Planned Residential Development (PRD). The PRD approval process replaces the conventional subdivision and land development approval process. Once a PRD has been granted final approval by the City Planning Commission, then individual uses allowed in the RR Overlay District shall be permitted by right, provided they are consistent with the approved PRD Plan. If uses or development are proposed that are inconsistent with the approved PRD Plan, then the proposed PRD Plan revisions shall first be approved by the Planning Commission.
  3. The provisions of this RR Overlay District shall only be available to be utilized if the “total area of the tract” is greater than 10 acres in common ownership or common equitable ownership at the time of tentative PRD plan submission. For the purposes of the RR Overlay District, a tract may include lots that are separated from each other by a street, a railroad, a park, or an alley.
    - a. Once a Final PRD Plan has been approved, then individual buildings may be undertaken by various entities, provided there is overall compliance with the Final PRD approval and provided there is compliance with the City-approved phasing plan and a development agreement that have been approved by the City.
    - b. *See additional phasing provisions in Section 27-815.F. below.*
- C. Use Regulations. Within the RR Overlay District, land and/or structures may be used for any of the following permitted by right uses listed below and be combined together in one or more buildings, provided final PRD approval has been previously granted.
1. Single family detached dwellings
  2. One family semi-detached dwellings or Duplex dwelling.
  3. Apartment/Multi-Family Dwellings, which may include Mid-Rise or High-Rise apartments, provided the height requirement is met.
  4. One family attached dwellings (townhouses)
  5. Adaptive reuse of a building to convert building space into dwelling units and/or to increase the number of dwelling units, provided the density requirements of this Section are met .
  6. Amusement Arcade
  7. Bed and Breakfast Inn

8. Surface, underground or structured parking areas as an accessory or principal use, provided that the area of surface parking lots shall not comprise more than 50 percent of the total area of all lots within the tract, and provided that underground parking shall not be allowed within the 100 year floodplain
9. Business Services, which may include but is not limited to photocopying and custom printing
10. Catering, Preparation of Food for
11. Commercial Communications Tower/Antenna, that are attached to a building and that extend less than 25 feet above a principal building
12. Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio, or Retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.
13. Exercise Club, or Fitness facility
14. Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)
15. Hotel or Motel, which may include a restaurant and conference center
16. Massage Therapy by a trained person certified by a recognized professional organization, not including an Adult Business
17. Newspaper Publishing and Printing
18. Offices of business, institution, profession, medical, or similar entity (see also Home Occupation)
19. Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)
20. Recreation, Commercial, Indoor or Outdoor, other than an outdoor motor vehicle race track.
21. Restaurant, which may include entertainment, provided that drive-through service shall be prohibited.
22. Municipal buildings and uses and other governmental facilities, but not including prisons, other correctional facilities and solid waste facilities
23. Retail store(s), which may include but is not limited to a supermarket or a farmers market, but not including an Adult Business
24. Tavern or Nightclub, which may include a Brew Pub that manufactures alcoholic beverages for on-site and off-site sale
25. Theater (not including an "Adult Business"), Performing Arts Facilities, Civic and/or Cultural Facility, Arena, Museum, Canal, Amusement Park, Water Park, Aquarium, Sports Stadium, Gymnasium or Auditorium
26. Trade School or Similar Educational Institution
27. Veterinarian, other than Kennel
28. Research and Development, Engineering or Testing Facility or Laboratory
29. Adult day Care Center
30. Day care facilities, which may also include Nursery School, Pre-School or "Head Start" program center
31. College or University, which may include dormitories for full-time students

- and staff.
32. Museum or Visitor's Center, and which include accessory retail sales
  33. Nursing Home or Personal Care/Assisted Living Home or Congregate Care Housing Retirement Community
  34. Community Center or Resident/Employee Recreation Center, Non-Profit
  35. Social club meeting facilities
  36. Public Park, Playground or other publicly-owned or publicly-operated recreation facilities or non-commercial outdoor recreation areas
  37. Boat Dock, Wharf or Marina
  38. Swimming Pools, public or private
  39. Bus stops, bus passenger shelters and taxi waiting areas
  40. Indoor vending and amusement machines, not including gambling machines
  41. Public Utilities meeting Section 27-1203, including but not limited to electric substations and sanitary sewage facilities, but not including vehicle garages, warehouses, storage yards or freestanding commercial communications towers
  42. Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use
  43. Community special event facilities, which may include tents, awnings and displays
  44. Family Child Care Home
  45. Group Child Care Home or Child Day Care as a principal use
  46. Home crafts under the provisions of Section 27-1007
  47. Home computer/internet occupations under Section 27-1006, or Home Professional Occupations under Section 27-1202 or Home Occupation, or No Impact Home Based Businesses as defined by the Pennsylvania Municipalities Planning Code. If a dwelling unit is designated on the Final PRD Plan as being a "Live Work Unit", then the requirement that the home occupation area is limited to 25 percent of the dwelling unit floor area may be increased to 50 percent.
  48. Sales or rental office, which may include model units, provided that any temporary modular sales/rental building shall be limited to use during the first year of construction
  49. Warehousing as an accessory use to the permitted principal use of the lot, provided the warehousing does not occupy more than 25 percent of the floor area of the building
  50. Places of Worship
  51. *Private or Public Primary or Secondary School*

D. Site Layout and Dimensional Regulations.

1. The following Area, Yard and Building Regulations shall apply for all uses approved within a PRD, whichever is most restrictive.

- a. Maximum Residential Density 75 Dwelling Units/Acre \*
- b. Minimum Lot Area 10,000 square feet, provided that 1,600 square feet for townhouses and for commercial uses fronting upon a pedestrian-oriented commercial street
- c. Minimum Lot Width 50 feet, provided that 20 Feet shall be allowed for townhouses and commercial uses fronting upon a pedestrian-oriented commercial street\*\*
- d. Minimum Building Setback for 15 Feet, except a minimum of 30 feet  
a new building from an abutting lot line at the perimeter of the tract from a residential district boundary for a building of greater than 40 feet in height.
- e. Minimum Front Yard Setback 0 Feet
- f. Minimum Rear Yard Setback 0 Feet
- g. Minimum Side Yard Setback 0 Feet
- h. Maximum Building Coverage 80%\*\*\*
- i. Maximum Building Height 140 Feet, except 200 feet for portions of buildings that are more than 200 feet from a principally residential lot that is outside of the PRD.
- j. Buffer Yard Required No, except an 8 feet wide buffer yard shall be required if a pre-existing principal dwelling in a residential district is adjacent or across a street or alley from a new principal business use and such dwelling is not within the RR Overlay District
- k. Site Plan Review by City Planning Commission Yes
- l. River Front Building Setback Minimum of 50 feet from the top of the bank of the Schuylkill River or a structural wall or improved water's edge along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan. Pedestrian access may be placed within this setback.
- m. Each single family detached, single family semi-detached or single family family

attached dwelling shall have a private outdoor area including a minimum area of 300 square feet for the exclusive use of that dwelling unit. Such outdoor area may be a rear or side yard, a porch, a balcony, a deck, an improved rooftop recreation area with railings, or a similar feature.

- \* The Maximum Residential Density shall be based upon the total area of the tract, before the deletion of rights-of-way of proposed streets and before the deletion of open space. Dwelling units may be located within the same building as allowed non-residential uses, provided such mixture of uses is consistent with the Tentative PRD Plan.
- \*\* Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements if individual lot lines had been established.
- \*\*\* The Maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. Underground parking that is covered by vegetation or a pedestrian plaza shall not count as building area for the purposes of this Section. The City may require that certain lots include a deed restriction limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time. For each 1,000 square feet of building floor area that achieves Certification or a higher level under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, an additional 300 square feet of building coverage shall be allowed above the maximum.

2. Fire Access. The applicant shall prove to the satisfaction of the Planning Commission, after a review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus. The applicant should use a computer program to show that adequate access will be available for the largest vehicles used by the Fire Department, including provisions for turn-arounds. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets or parking areas do not provide adequate access to various sides of a building, the City may

require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway will be suitable for use by fire trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass.

3. Minimum Business Uses. A minimum of 5 percent of the total floor area of all enclosed buildings after completion of the development of the tract shall be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.
4. Open Land. A minimum of 10 percent of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or may be planted with new trees and shrubs or improved for outdoor recreational facilities. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Reading, which prohibits the construction of buildings and the further subdivision of the required open land.
  - a. Outdoor recreational facilities shall be landscaped and may include *pathways, pedestrian outdoor courtyards* and structures typically included in active and passive recreational areas. Areas *within a street right-of-way and areas* used for buildings or vehicle parking shall not count towards the open land requirement, except rooftop active recreation facilities that are available to all residents of the building and/or tract *may count towards up to 50 percent of the required open land areas. Required open land areas may be designed to be under a roof during inclement weather or under a awning or similar feature.*
  - b. Unless dedicated to and accepted by the City of Reading as part of a final PRD plan, such open land shall be owned and maintained by a legally binding association of property owners on the Tract. The form of the property owners legal documents shall be subject to review by the City Department of Law. If there is mutual written agreement between the applicant and the City, part or all of the open land may be maintained as a public park.
  - c. The open land shall be focused on taking advantage of the riverfront by providing for substantial public access along the banks of the river. Some of the open land may also serve the purpose of buffering residences from high traffic roads.
  - d. The Planning Commission may approve a portion of the open land requirement being met by the applicant making recreation improvements to existing adjacent City-owned parkland, provided the extent of the improvements are specified and provided that the City Council approves a list of such improvements. The City

Council may approve a lease of parkland for the purposes of allowing an applicant to make improvements to City parkland.

5. Riverfront Access. The RR Overlay District offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RR Overlay District if the developer commits to providing public access to and along all portions of the Schuylkill Riverfront that are under the control of the applicant. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.
  - a. Such public access shall include a pedestrian pathway with a minimum hard-surfaced width of 10 feet and a public pedestrian access easement with a minimum width of 14 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such pathway may be gated and may be closed to the public between *10 p.m. and sunrise on land that is privately controlled. Access to land that is controlled by a public agency shall be governed by that public agency.* Such riverfront pathway shall be illuminated and landscaped and shall connect with any existing or planned public trail adjacent to the tract.
  - b. The applicant shall describe how parking will be made available for members of the public who wish to use the riverfront recreation trail and any recreation facilities open to the public. This may include on-street parking with time limits, but does not necessarily need to involve free parking provided by the applicant.
  - c. Pedestrian public access points to the riverfront trail shall be available a maximum of 1,000 feet apart from each other, with each access point connecting to a street open to the public. Sufficient access shall also be available to the riverfront trail for maintenance vehicles. Except for police, motorized wheelchair and maintenance access, no motorized vehicles shall be allowed along the riverfront trail.
6. Surface Parking Location. If a new principal building is constructed that will be occupied primarily by retail uses, no new vehicle surface parking

spaces shall be located in the area between the front wall of such building and the curblines of the nearest public street. If such lot is adjacent to two or more streets, this restriction shall only apply to one street. This provision shall not restrict parking that is located to the side or rear of such building.

E. Site and Building Layouts. The following provisions shall be applied to the tract to the satisfaction of the Planning Commission:

1. The tract shall include at least one pedestrian-oriented commercial street, with pedestrian entrances and pedestrian amenities along that street and with no off-street surface outdoor parking spaces located between such pedestrian-oriented street and the front of abutting principal buildings, except for loading/unloading spaces. Commercial establishments shall be placed along at least a portion of the street level building space along such pedestrian-oriented commercial street.
2. Along this pedestrian-oriented commercial street, a minimum of 50 percent of the front wall of each principal building shall not have a setback of greater than 40 feet from the curblines. The Planning Commission may approve a wider setback where appropriate to provide room for pedestrian amenities or an outdoor café.
3. The Final PRD Plan shall specify locations for garbage collection, business truck unloading areas and similar building services. Such locations shall be subject to approval by the Planning Commission to minimize conflicts with the pedestrian-oriented commercial street and dwellings.
4. The PRD shall have at least *one central focal point for each 2,000 feet of length of the development. Examples of such a focal point include a landscaped central green space and/or a pedestrian-friendly street that includes commercial uses.*
5. Feasibility of Addressing Site Issues. As part of a Tentative PRD application, the applicant shall provide written material describing methods that will be used to provide compatibility with any adjacent sanitary sewage facilities and to address safety with any underlying natural gas infrastructure.

F. Approval Process and Phasing. Development under the RR Overlay District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the Pennsylvania Municipalities Planning Code are hereby included by reference.

1. A Tentative Plan submittal shall be made that includes the entire tract.

*The Tentative Plan submittal shall state the following for the entire development and for each tentative phase: proposed number of dwelling units, the floor area of non-residential uses, the amount and locations of open land, the proposed locations and heights of buildings, the proposed locations of off-street parking areas, the locations of loading areas, and sufficient other information to show the feasibility of the proposed development. A map shall show the tentative phasing plan.*

- a. The Tentative Plan submittal shall meet all of the requirements that would apply to a Preliminary Plan under the City Land Development and Subdivision Ordinance, *except that Tentative Plans do not need to be drawn at a scale larger than one inch equals 100 feet*, and except that the following submission requirements shall be deferred from the Tentative Plan to the Final Plan stage. Such deferral shall only occur if the applicant:
    - a) shows the general feasibility of such features and
    - b) commits to not construct improvements that will be dedicated to the City prior to receiving Final PRD Plan approval for the area that includes such improvements. *Such deferral may include the following:*
      - (1) Stormwater calculations
      - (2) Detailed grading and erosion and sedimentation control plans
      - (3) Proposed monuments
      - (4) Exact locations and species of plantings for landscaping plans
      - (5) Utility and street profiles
      - (6) Designs of culverts, man-holes, catch-basins and similar construction details
      - (7) Locations of proposed electric, telephone and cable television lines and water and sewage laterals
2. After review by the City Planning Office, City Engineer and Law Department, or their designees, and after the Tentative Plan has been offered for review by the County Planning Commission, the Tentative Plan shall be approved, approved with conditions or denied by the Planning Commission within the maximum time limits provided by the Pennsylvania Municipalities Planning Code, unless the applicant provides a written time extension.
    - a. The Tentative Plan may include a range of allowed uses in various areas, as opposed to identifying each specific use. The Tentative Plan shall show the preliminary layout of proposed streets, alleys, cartway widths, lots, public trails, recreation areas, major pedestrian and bicycle pathways, heights and uses of buildings, parking areas, major detention basins and proposed types of housing and non-residential uses.
    - b. The Tentative Plan is intended to show the inter-relationships and compatibility of various elements of the PRD. The Tentative Plan

shall be to scale and be designed to show how the PRD will comply with the Zoning Ordinance.

3. After a Tentative Plan has been approved, a Final Plan shall be submitted, with any phasing occurring in logical self-sufficient phases. The Final Plan shall meet all of the same requirements that would apply to a Final Plan under the City Subdivision and Land Development regulations. The Final Plan shall need approval by the Planning Commission.
  - a. No sale of lots or construction of buildings (other than one temporary modular sales/rental building) shall occur until after all of the following requirements are met: (1) an approved Final PRD Plan for that phase has been approved by the Planning Commission and has been recorded, (2) the applicant has proven they have met any conditions upon approval, and (3) acceptable financial guarantees for improvements have been established.
4. *A Final Plan submittal shall be accompanied by an updated plan of the entire PRD at a Tentative Plan level of detail, which shall show portions previously approved, portions that have been built, the locations affected by the current Final Plan submittal, and the remaining phases of development. This overall plan shall also show compliance with density and open space land requirements.*
5. Phasing. As each phase of development is approved, the applicant shall provide evidence that the requirements of this RR Overlay District will be met at the conclusion of that phase, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the density, bulk, and open land requirements. The City Planning Commission may permit variations in specific requirements of these provisions for an individual phase, provided there will be compliance after the completion of the next phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Tentative Plan. For each phase, the applicant shall prove that the PRD will be able to properly function and will include suitable vehicle and pedestrian access and utilities even if later phases of the PRD are not built.
  - a. *A tentative phasing plan shall be submitted as part of the Tentative Plan and be updated as part of any Final Plan and should be updated at least once a year afterwards. The phasing plan shall show the geographic area of each phase and the anticipated order of the various phases and an approximate timeline for start and*

*completion of construction. The applicant shall prove to the City Planning Commission that any changes to the phasing plan comply with this Ordinance.*

- b. After final plan approval, the developer shall be required to enter into a development agreement with the City to ensure the timely completion of required improvements, in coordination with the Phasing Plan.*
- c. If new dwellings are proposed adjacent to an existing industrial use, then the Planning Commission shall have authority to require provisions for transitional buffering and setbacks between those dwellings and any adjacent industrially zoned land. Such buffering and setbacks are intended to make sure that there will be a compatible border between dwellings and industrial uses, in case later phases are not developed.
  - (1) The Planning Commission may require that financial guarantees be provided by the developer to fund buffer plantings if adjacent phases are not built.
  - (2) The Planning Commission may require that a building setback be provided for dwellings from the edge of a future phase.
  - (3) If such future adjacent phase is completed in conformance with the Tentative PRD Plan, then such buffer and setback requirement is eliminated.
- d. If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revised Tentative Plan for acceptance by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect zoning ordinance compliance, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

**G. Additional Requirements for a PRD.**

- 1. Other Requirements. A PRD shall meet all of the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance that are not specifically modified by this Section or by the provisions of the Pennsylvania Municipalities Planning Code that governs PRDs.
- 2. Architecture. To carry out the intent of Traditional Neighborhood Development, as part of the final PRD submittal, the applicant shall submit a set of preliminary architectural sketches and the substance of draft architectural covenants to the Zoning Officer, the Planning Office, the City Department of Law and the City Planning Commission for review and comment. The applicant shall also submit a Manual of Written and

Graphic Design Guidelines. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of final plan approval, prior to the recording of such plan.

- a. No new principal building shall have a front facade that is primarily constructed using vinyl siding.
  - b. New street lights within the PRD shall have a decorative design with a maximum total height of 22 feet using a design pre-approved by the City.
  - c. The applicant should describe any environmental friendly and energy efficient measures that are intended to be incorporated into the construction, such as use of rooftop gardens or green roofs.
3. Covenants. The City may also require covenants or conditions upon the plan to address setbacks, landscaping, pedestrian access, fire access, street improvements, utility improvements, access by the public to certain recreation areas, park improvements and other matters necessary to carry out the intent of this Overlay District.
4. Public Access. The Tentative Plan and Final Plan shall each describe the locations and extent of public access to the Schuylkill Riverfront.
5. Traffic Study and Improvements. As part of the Tentative Plan submittal, the applicant shall submit a Traffic Impact Study to the City. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development *during peak hours, the impacts of the development upon traffic in the surrounding area, any resulting reductions in levels of service below a level of "C" at intersections and highway ramps*, and measures that the applicant proposes to complete or fund to mitigate the impacts, *such as street improvements and/or assistance in funding transit services*. Such Traffic Impact Study shall be updated as needed as each phase is submitted. If diagonal parking is proposed along a street, the Traffic Impact Study shall assess the safety of such parking in that location.
- a. The Traffic Impact Study shall analyze issues involving truck traffic, particularly to avoid conflicts between new dwellings and late night truck traffic, while also addressing peak hour congestion.
  - b. *The Traffic Impact Study shall be prepared under the direction of a professional with substantial experience in preparing traffic impact studies. The qualifications of such person shall be included in the report.*

6. *For lots within a Historic District that is regulated by the City of Reading Historic Districts Ordinance, the applicant shall also comply with such Ordinance.*

H. PRD Modifications. As authorized by the TND and PRD provisions of the Pennsylvania Municipalities Planning Code, specific zoning and subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant. Such modifications shall be allowed where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or TND as provided in State law. Such modifications shall be limited to street standards, setback requirements, sidewalk and curb standards, improvement requirements, and technical engineering requirements. The Planning Commission shall consider recommendations of the City Engineer or designee before approving any modifications to street, improvement and rights-of-way requirements.

1. As another option, the applicant shall also have the additional option of submitting an application for a zoning variance to the Zoning Hearing Board, in the same manner as would apply to other sections of the zoning ordinance.

2. Such modification may include, but is not limited to, the following street rights-of-way and cartway widths:

a. A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, 8 feet wide parallel parking lanes, a 4 feet wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of 5 feet in width *except 8 feet in width in front of principal commercial uses*, and a right-of-way width that includes the width of the required sidewalk.

b. A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8 feet wide parallel parking, a 4 feet wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 5 feet and a minimum right-or-way width that includes the required width of the sidewalk.

c. An alley serving two-way traffic may be constructed with a 16 feet wide cartway and a 5 feet wide minimum setback between the travel lane and any rear garage, *provided that parking is prohibited within the cartway. Along any side of an alley along which parallel parking is allowed, an additional 8 feet of paved width shall be required.*

d. The Planning Commission may require wider cartway widths as needed, considering the results of the Traffic Impact Study.

3. Any street within the RR Overlay District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.
  - a. Pedestrian sidewalks with a minimum width of 5 feet and street trees meeting requirements of the City shall be required on each side of every street, unless the applicant proves to the Planning Commission that an alternative pathway open to the public will provide the same level of pedestrian access. *The minimum width of sidewalks shall be increased to 8 feet in front of principal commercial uses. Tree grates or similar measures may be used and permitted outdoor cafes may intrude into the sidewalk, provided a 4 feet continuous pedestrian and wheelchair accessible pathway is provided along the sidewalk.* A minimum average of one street tree shall be required for each 40 feet of street length, unless existing trees will be preserved to serve the same purpose.

I. Off-Street Parking and Loading Regulations. The requirements of Part 16 of the Zoning Ordinance shall apply, except for the following modifications:

1. Off-street parking may be shared by various uses and lots within the RR Overlay District provided that the developer shall demonstrate to the Planning Commission that sufficient parking is provided on the Tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that shared parking will continue to be available to all of the uses that are served by the parking during the life of those uses.
2. The amount of Off-Street Loading requirements shall be determined by the Planning Commission upon review of the proposed uses of each Phase of the Tentative PRD Plan.
3. Under the authority to modify requirements as part of a PRD, the Planning Commission may reduce the required amount of off-street parking by up to 30 percent based upon:
  - a. the applicant's traffic study and parking study, *provided the parking study analyzes current and anticipated on-street and off-street parking demand and supply within the PRD and at least one block in each direction,*
  - b. the ability of various uses to share parking, particularly if those uses have different period time periods of peak parking demand,
  - c. commitments by the applicant to fund or provide transit services for residents, customers and patrons, such as connections to an off-site

- d. parking area, and the availability of public transit and/or any shuttle or trolley service that may be provided during periods of peak parking demand.
  - 4. For development under the RR Overlay District, new off-street vehicle parking spaces shall not be located within 100 feet from the top of the bank of the Schuylkill River or a structural wall along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.
  - 5. An applicant may meet a maximum of 25 percent of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a street adjacent to the use.
- K. Preserved Open Land. The method of ownership and maintenance of the preserved open land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved open land ownership or use that was not part of the PRD approval shall need Planning Commission approval.
- 1. Required preserved open land shall be preserved through a permanent conservation easement that is enforceable by the City. The legal form of the documents concerning the preserved open land shall be approved by the City Department of Law, or designee.
  - 2. The preserved open land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.
  - 3. Methods for ownership of the preserved open land shall utilize one of the following: a) dedication to the City for public recreation if the City agrees in advance to accept it, b) dedication to a property-owners association, with each owner of property within the PRD legally required to annually fund their share of the maintenance of the open land, c) retention by the owner of a rental housing development, or d) another suitable method that is specifically approved by the Planning Commission.

#### Part 5. Sign Regulations

The following is added as a new Section 27-1726:

“Signs Within the RR Overlay District.

In the RR – Riverfront Redevelopment Overlay District, signs shall meet the requirements that apply in the C-C district, except that the Planning Commission may approve modifications to sign provisions under the PRD provisions, in

response to a written request from the applicant. In no case shall more than one freestanding sign be allowed per building per street frontage. In addition, a professional sports stadium may also include one 200 square feet freestanding sign with up to 2 sides. Signs that are not readable from a street and from beyond the property line are not regulated by this Section. ”

Part 6. Table of Contents

*The table of contents of the Zoning Ordinance shall be revised to incorporate this zoning ordinance amendment, including the following:*

*Add the new Section 27-1726 entitled “Signs Within the RR Overlay District.”*

*Add the new Section 27-815 entitled “RR Riverfront Redevelopment Overlay District.”*

EXHIBIT B

**Land Area to Be Included in the  
RR Riverfront Redevelopment Overlay District**

RESOLUTION NO. \_\_\_\_\_-2008

**A RESOLUTION EXTENDING THE APPLICATION DEADLINE FOR  
MOBILE FOOD VENDORS FROM DECEMBER 1 TO JANUARY 16,  
2009 AND EXTENDING THE VENDOR LICENSE BOARD'S REVIEW  
AND APPROVAL OF MOBILE FOOD VENDORS TO FEBRUARY 27,  
2009**

**WHEREAS**, the City of Reading City Council is in the process of reviewing and revising the Sidewalk Vendor Ordinance; and

**WHEREAS**, the Sidewalk Vendor Ordinance sets forth application and approval deadlines.

**NOW THEREFORE BE IT RESOLVED**, the Reading City Council, hereby extends the application deadline for mobile food vendors from December 1 to January 16, 2009 and extends the Vendor License Board's review and approval of mobile food vendors to February 27, 2009.

Passed Council \_\_\_\_\_, 2008

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

Attest:

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

(Council Staff)