



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, SEPTEMBER 28, 2009
7:00P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Carolyn Burdine, Total Christian Family Center

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

- Recognizing National Hispanic Heritage Month, accepted by Dr. Raquel Yiengst

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

AGENDA: Council Meeting of September 28, 2009

MINUTES: Council Meeting of September 14, 2009

Consent Agenda Legislation

Award of Contract - perform precise Global Positioning System (GPS) data collection work within the sanitary and storm sewer collection systems for use within the Department of Public Works **(Purchasing) Tabled at the September 14 meeting**

Award of Contract – for traffic signal maintenance to Telco, Inc., 1224 Cross Keys Road, Reading, PA 19605, who is the low bidder at the prices submitted. The total approximate bid price for the three-year contract is \$99,144 **(Purchasing)**

Award of Contract - for the demolition of 530, 532, 534, 536, 538, 540, & 544 Buttonwood Street to Northeast Industrial Services Corporation, 51 North Spruce Street, Mount Carmel, PA 17851, who is the lowest bidder, at a bid price of \$58,890.00 **(Purchasing)**

Resolution - resolution authorizing the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Grant application for the TreeVitalize – Greater Reading Metro Partner program **(Grant Coordinator)**

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS OF BOARDS, AUTHORITIES, & COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

Ordinance – amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government Part 5 C Human Relations Commission by adding sexual orientation and gender identity and expression **(Law) Introduced at the September 14th regular meeting**

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

Ordinance - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section **(Council Staff)** *Introduced January 2009; Public Hearing held March 18th at 5 p.m. in Council Chambers*

Pending Further Review

Ordinance - amending the City of Reading Codified Ordinances by creating a new Part 20 - Vacant Building Registration - in Chapter 10 Health and Safety Enforcement **(Council Staff & Law)** *Introduced at the April 13 regular meeting; Reviewed and discussed at the April 20th Work Session; Referred to Public Safety Committee*

Ordinance - directing the Berks County Board of Elections to place a referendum question before City voters on the 2010 Primary ballot which would amend the City of Reading Home Rule Charter by eliminating the Departments of Human Resources and Finance and creating the Department of Administrative Services **(Man Dir)** *Introduced at the August 24th regular meeting; referred to Committee of the Whole*

Ordinance - setting forth its intent to issue a federally-taxable general obligation note, series of 2009 of the City in the aggregate principal amount of three million two hundred fifty thousand dollars (\$3,250,000) pursuant to the act of the general assembly of the Commonwealth of Pennsylvania, known as the Local Government Unit Debt Act, 53 PA C.S. Chapters 80-82, as amended and supplemented (the "act"); finding that a private sale by negotiation is in the best financial interests of the City; determining that such note shall evidence non-electoral debt of the City; specifying that such indebtedness is to be incurred to provide funds to finance a project of the City which consists of, among other things: (1) the planning, designing, acquiring and constructing of improvements to, and the acquisition of certain equipment for, buildings and facilities on the premises of the Reading Municipal Memorial Stadium (the "Stadium"); (2) the planning, designing, acquiring and constructing of additional parking areas on the premises of the Stadium, and (3) paying the costs and expenses of issuing the note **(Man Dir)** *Introduced at the August 24th regular meeting; pending passage of State budget*

INTRODUCTION OF NEW ORDINANCES

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances **(Law) Introduced at the August 10th regular meeting; pending the receipt of language clarification**

Ordinance – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers. (Spencer)

Ordinance – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning approval of contracts (Spencer)

Ordinance – in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an investigation, audit, and study of the IT Department (Waltman)

RESOLUTIONS

Resolution – appointing Richard McDougall to the Downtown Improvement District Authority **(Admin Oversight)**

Resolution – appointing Aaron Booth to the Historical Architectural Review Board **(Admin Oversight)**

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, September 28

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

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday, October 1

Special Meeting to introduce the 2010 general fund budget– Council Chambers – 5 pm

Monday, October 5

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

Finance Committee – Council Office – 5 pm

Public Safety Committee – Council Office – 5 pm

Monday, October 12

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

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Wednesday, October 14

Public Hearing Act 47 – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, September 28

DID Authority – Reading Eagle 3rd floor conference room – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Thursday, October 1

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, October 5

Centre Park Artifacts Bank – 705 N. 5th St – noon

Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, October 6

Charter Board – Penn Room – 7 pm

Wednesday, October 7

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul’s Lutheran Church – 6:30 pm

Thursday, October 8

Police Pension Board – Penn Room – 10 am

Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

Legislative Aide Committee – Penn Room – 7:30 pm

Sunday, October 11

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, October 12

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

**CITY COUNCIL MEETING
MONDAY, SEPTEMBER 14, 2009**

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 Lee Ritz, Destiny Christian Ministry.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Marcia Goodman-Hinnershitz, District 2
Councilor Dennis Sterner, District 3
Councilor Stratton Marmarou, District 4
Councilor Maria Baez, District 5
Councilor Jeffrey Waltman, District 6
City Clerk, L. Kelleher
City Auditor, D. Cituk
City Solicitor, C. Younger
Mayor, T. McMahon
Managing Director, R. Hottenstein
Sergeant at Arms, Captain R. Schaffer

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following commendations:

- Recognizing the United Labor Council and their work to organize the annual Labor Day Parade.
- Honoring Louis Fains and his contribution to gospel music during his 40 year ministry in the Reading area.

PUBLIC COMMENT

Councilor President Spencer announced that fourteen (14) citizens were registered to address Council on non-agenda issues. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the conclusion of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the conclusion of the meeting was suspended. Council President Spencer reminded the citizens registered to speak about the remaining public speaking rules.

Barry Rambo, Douglas Street, stated he is a Reading resident and the recent past FOP President. He described the concessions the FOP agreed to during the last

collective bargaining negotiations. He stated that the Administration is now seeking additional concessions. However, the FOP was told that even with concessions to the contract, approximately forty (40) police officers will be laid off.

Mr. Rambo's request for one (1) additional minute of comment time was approved.

Mr. Rambo described the man power issues that will be created by laying off forty (40) additional police officers. He expressed the belief that the City's failure to properly collect taxes and other fees should be addressed before layoffs are considered.

Eric Byrne, South Miller Street, relinquished his three (3) minutes of comment time to Mr. Rambo.

Mr. Rambo described the Administration's various inconsistencies in personnel transfers, personnel hires, and salary increases. He expressed the belief that Act 47 will not correct Reading's problems.

Amocetia Beckford, South 6th Street, expressed the belief that police and fire personnel should not be reduced through layoffs. She described the merits of police and fire service.

Stefan Kosikowski, South 17th Street, noted his hope that the Reading Eagle will take a more objective approach to reporting on City issues. He expressed the belief that one-on-one meetings between the Mayor and City Council on budget issues allow decisions to be made behind closed doors. He expressed the belief that as Reading is a charter city, they have opportunity to take actions not prohibited by the charter or by state statute which could allow creativity such as the production of bottled water.

Lt. Lionel Carter, Police Department, stated that he speaks as a citizen and an employee of the Police Department. He expressed the belief that the proposed reductions in police personnel will limit the City's ability to provide police services to the Borough of Kenhorst. He stated the belief that manning and resources are already stretched. He expressed the belief that the cost of actual police service to the Borough of Kenhorst will cost approximately \$470K; however the City bid the service at \$330K. He also expressed the belief that Police Command Staff should not manage the Codes Department.

Luz Agranonte, South 4th Street, was not present.

Ronald Lyons, Moss Street, and President of AFSCME #2763 described the willingness of AFSCME personnel to grant the City numerous concessions during negotiation of all contracts. He noted the frequent reductions in AFSCME manpower over the past years while management salaries and hiring continues to creep higher. He inquired why the Administration would seek the layoff of rank-and-file staff while not considering the layoffs for the first level unit. He noted the pride AFSCME employees have in providing public services to the citizens of Reading.

Ruth Sassaman, AFSCME #2763, expressed the belief that the Administration's mismanagement caused the need for Act 47. She noted that the AFSCME unit has lost over eighty (80) positions and held back salary increases to between 1%-3%. She again expressed the belief that the Administration's mismanagement has created the City's problems. She also questioned the Administration's focus on building middle management positions. She noted various instances where one (1) middle manager supervises three to five (3-5) staff level employees. She expressed the belief that this middle management focus needs modification and suggested that the Administration instead correct their mismanagement practices.

William Frymoyer, AFSCME #2763, noted that the last time that AFSCME personnel spoke at a Council meeting one (1) employee was disciplined in retaliation. He expressed the belief that public services cannot afford additional layoffs. He also noted the number of ideas brought forth by AFSCME #2763 to improve services that have been repeatedly ignored by the Administration. He noted that additional rank-and-file layoffs will deeply disrupt public service. He also described the climate of mistrust existing in the Codes offices and described issues with the use of middle management in the Codes office.

Colleen Lyons, AFSCME #2763, read a letter on behalf of a fellow employee. She stated that the Administration's repeat threat of layoffs harms morale. She expressed the belief that further layoffs will disrupt Public Works ability to provide critical public services that are expected by the tax payers. She noted that at one time the Streets division had 100 employees; however, Streets now has only 18 employees. She expressed the belief that the Administration filing for Act 47 is irresponsible.

Karen Intelisano, AFSCME #2763, noted the preexisting belief that City employment meant stable employment. She noted that this belief no longer exists. She stated that she's worked for the Streets department for twenty (20) years and noted that staffing was reduced to 17 from 100 employees. She expressed the belief that executive management has no value for the work provided by rank-and-file employees and she asked the Administration to remember how citizens value these front line services. She stated that further reductions in the Streets division will deeply affect Streets ability to aid police and fire personnel.

William Kasprzewski, AFSCME #2763, stated that he has been employed by the City for 17 years and described the many AFSCME concessions over those years. He stated that the huge increase in management salaries has not increased public service or citizen satisfaction.

Ernie Schlegel, Pear Street, noted his concern with the lack of specificity by Mayor McMahon at the September 4th press conference. He also noted that last years wrangling over the Mayor's proposed 20% property tax increase was ridiculous as the increase was not permitted by the City charter. He also expressed the belief that the Reading Eagle supports and assists in the cover up of the current Administration's failure and mismanagement. He questioned if the citizen's can afford to keep the current Administration.

Joe Forbes, Cotton Street, was not present.

AGENDA & MINUTES

Council President Spencer called Council's attention to the minutes from the August 24th regular meetings, along with the agenda for this meeting. He noted the need to add a resolution regarding the Reading Phillies capital project. He also noted Council's request to remove the Award of Contract for GPS services for separate consideration.

Councilor Waltman moved, seconded by Councilor Marmarou, to approve the agenda as amended, and the minutes from the August 24th regular meetings of Council.

Award of Contract - for improvements at Kerper's Landing canoe/kayak launch for the Department of Public Works **(Purchasing) To be distributed Monday**

Award of Contract - new southwest fire station for the Department of Fire & Rescue Services **(Purchasing) To be distributed Monday**

Award of Contract - perform precise Global Positioning System (GPS) data collection work within the sanitary and storm sewer collection systems for use within the Department of Public Works **(Purchasing) To be distributed Monday**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to table the Award of Contract for GPS services.

The Award of Contract was tabled by the following vote:

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

Nay: None – 0

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- DCED's receipt of the City's Act 47 request on September 10th
- Reduction of 95 employees to aid in balancing the 2010 budget
- Administration's September 8th response to the Blue Ribbon Panel report
- Update on State Budget

Mr. Waltman asked the Mayor if at anytime the Administration has collectively discussed Act 47 with the body of Council. Mayor McMahon replied that discussions on Act 47 occurred with Fred Reddig from the DCED and with Scranton Mayor Dougherty.

Councilor Waltman asked the Mayor if he was aware that the 2008 budget contained a \$5M line item for a transaction that was not discussed with or even considered by the body of Council. Mayor McMahon expressed the belief that the 20% percent property tax increase proposed last year would have eased this year's problem. He added that

the tax payers would have tolerated this tax increase due to the tax relief they received on the school district side.

Councilor Waltman expressed the belief that Council members have always been willing to discuss and compromise with the Administration. He noted that Council is ancillary to the Administration's Act 47 decision.

Councilor Fuhs asked the Mayor if groups such as bond holders, creditors, members of the public or employees can file the Act 47 request. Mayor McMahon responded affirmatively.

Councilor Waltman took issue with the Mayor's statements regarding his cooperation with the body of Council when the Mayor is not actively seeking Council's input or cooperation.

AUDITOR'S REPORT

City Auditor Dave Cituk expressed his condolences to the family of Edward "Boo-Boo" Leonardziak, former Council member and former member of the Reading Area Water Authority.

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

- Municipal sewage rate calculation for 2010-2011
- Review of three (3) pension funds currently serving 604 retirees
- Update on City Tax Exempt Properties sitting on 961 parcels in the City of Reading

Councilor Goodman-Hinnershitz noted the leadership of Boo-Boo in government and the community.

Councilor Goodman-Hinnershitz inquired about the amount of property taxes exempt properties will pay if they were not exempt. City Auditor Cituk stated that if all tax exempt (government, school district, church, etc.) paid property taxes the City would see \$6.5M of additional tax revenue.

Councilor Goodman-Hinnershitz expressed her appreciation for the accomplishment of the Schlegel Park Pool in covering their cost of operations.

Councilor Marmarou inquired how many tax exempt properties currently pay a PILOT (Payments In Lieu Of Taxes). City Auditor Cituk expressed the belief that only three (3) or four (4) of the 961 tax exempt entities pay PILOTs. He expressed the belief that the Administration should send letters seeking PILOT payments. He noted past litigation between the City and tax exempt organizations to strike an agreement requiring PILOTs. Councilor Goodman-Hinnershitz agreed and described similar litigation between the School District and tax exempt organizations. She asked that the Administration take a proactive approach.

Councilor Marmarou noted the cost for providing Public Works, Fire, and Police services to tax exempt properties.

Mayor McMahon reminded everyone that the City collects the local government service tax (\$52 per employee) from tax exempt organizations.

Council President Spencer noted that county seat communities usually have a disproportionate amount of tax exempt organizations.

ORDINANCES FOR FINAL PASSAGE

Bill No. 46-2009 – authorizing the transfer of the ownership of premises known as 501 S. 5th Street, Reading, Berks County, Pennsylvania, from the Liberty Steam Fire Company, to the City of Reading for the purchase price of \$1.00 (**Fire Dept**)
Introduced at the July 27th regular meeting; Tabled at the August 10th meeting for further information

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill No. 46-2009.

Managing Director Hottenstein noted the importance of insuring the contents of this historic landmark. Councilor Fuhs noted that the facade has been improved and the heating system upgraded. He stated that the museum is also seeking a grant to replace the roof and purchase an elevator system which will provide for handicap accessibility.

Councilor Goodman-Hinnershitz noted her belief that this transaction will protect this valuable building and the long history of Fire service in Reading. She also expressed her belief in cooperative agreements between public and private organizations.

Bill No. 46-2009 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,
Spencer, President - 7
Nay: None – 0**

Bill No. 52-2009 – amending the Full-Time Employee Positions for the City of Reading for the fiscal year 2009 by adding the position of Business Analyst (**Man Dir**)
Introduced at the August 24th regular meeting

Councilor Waltman moved, seconded by Councilor Fuhs, to enact Bill No. 52-2009.

Managing Director Hottenstein stated that the Administration has considered the need for this position for the past year. He stated that the Administration is seeking a DCED grant to cover the salary for a one (1) year period.

Councilor Goodman-Hinnershitz inquired if the Business Analyst will consider the ideas of AFSCME and other groups. She also inquired if the Business Analyst will consider the opinions and beliefs of employees involved in all departmental areas.

Councilor Waltman stated that he would support this decision but noted the repeat statements of employees regarding the Administration's ignorance at their suggestions. He stated that efficiency must become a mind set for all employees; not a one man show. He also noted the need for the Administration to provide a climate that allows ideas to rise up for consideration.

Councilor Baez stated that she supports the concept of a business analyst but will not agree with the position at this time as the Administration is considering layoffs.

Councilor Fuhs expressed the belief that this position will be a positive investment in the City's efficiency and future. He expressed the belief that the business analyst position should find savings to justify the continuation of the position.

Councilor Goodman-Hinnershitz requested that the business analyst provide regular reports to the members of Council, so Council can make sure that the position is self supporting.

Councilor Marmarou inquired about the length of the DCED grant. Mr. Hottenstein replied that the DCED funding will exist for a one (1) year period. He noted that the position should be self-sustaining; however the fiscal impact will not be identified until the end of 2010. He stated that the Administration will discontinue the position if it is not self-sustaining.

Council Sterner stated that he will support this new position as it is expected to be self-sustaining.

Bill No. 52-2009 was enacted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman- 5
Nay: Baez, Spencer, President – 2

Bill No. 51-2009 - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees **(Man Dir) Introduced at the August 24th regular meeting**

Councilor Fuhs moved, seconded by Councilor Sterner, to enact Bill No. 51-2009.

Managing Director Hottenstein stated that this fee amendment is a continuation of work to review the Maximus Study and make reasonable fee adjustments.

Bill No. 51-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President- 7
Nay: None – 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances **(Law)** *Introduced at the August 10th regular meeting; amended version needed before final passage*

Ordinance – amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government Part 5 C Human Relations Commission by adding sexual orientation and gender identity and expression **(Law)**

RESOLUTIONS

Resolution 111-2009 – authorizing an agreement with Reading Baseball LP regarding payment for the capital improvements at the stadium.

Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution No. 111-2009.

Managing Director Hottenstein explained the terms of the program and the infrastructure improvements that are required by major league baseball.

Councilor Fuhs expressed his belief that the City should not be making this type of Capital improvement without realistic return in investment. He noted the need to reevaluate the agreement regarding the facility.

Councilor Waltman agreed with the need to consider a broader regional approach; however, he questioned other City projects such as \$400K for a road study which has no return on investment at all. He expressed the belief in preserving this valuable asset while considering an alternative approach moving forward.

Councilor Marmarou expressed the belief in the improvement to the facility as the stadium is a symbol of Reading similar to those such as the Pagoda. He noted the jobs the Stadium and the Reading Phillies provide to the Greater Reading community and the service they provide to Greater Reading youth.

Councilor Goodman-Hinnershitz agreed that the Pagoda and Stadium have deep meaning to the Greater Reading community. She also agreed with the need to define a more progressive approach as we move forward.

Council President Spencer reminded everyone that this agreement is dependent on the approval of a state RACP grant.

Resolution 111-2009 was adopted by the following vote:

**Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,
President - 6
Nay: Fuhs – 1**

Resolution 110-2009 - appointing Carl E. Geffken as Acting Director of Human Resources for a period of at least 180 days as required by Section 1-183, Part A of the

City of Reading Administrative Code **(Man Dir) Tabled at the August 24th regular meeting**

Managing Director Hottenstein announced the Administration's desire to withdraw this resolution from the agenda.

Resolution 112-2009 - Appointing Deborah Hoag, City of Reading Utilities Division Manager, to represent the City on the Tulpehocken Creek Watershed Plan Advisory Committee (WPAC) in accordance with Pa DEP Act 167 **(Public Works)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution No. 112-2009.

Resolution 112-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7
Nay: None – 0

Resolution 113–2009 Consenting to the borrowing of \$8,200,000 by the Reading Area Parking Authority and providing for the issuance and sale of a general taxable obligation promissory note in the form of a Build America Bond in connection with same. (Keith Mooney)

Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution No. 113-2009.

Council President Spencer described the transaction and the need for the City's consent.

Resolution 113-2009 was a by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7
Nay: None – 0

COUNCIL COMMENT

Councilor Baez thanked all who attended this evening's meeting and expressed their opinions and beliefs.

Councilor Fuhs described the District 1 community meetings held over the past two (2) weeks addressing the issue at Corrstack and the lack of a traffic signal at 5th and Bingaman Streets.

Councilor Fuhs noted the difficulty in dealing with both sides of the City's financial issues. He expressed his belief in the corrective actions available under Act 47 and the benefits of applying a wage tax on non-City residents.

Councilor Fuhs suggested that the Administration and the unions consider a 12% wage cut, move to a four (4) day work week, apply a 20% salary reduction for the Mayor and Auditor and a give back of Council salaries. He noted the need to consider a variety of approaches to reduce or eliminate layoffs. He also suggested that additional revenue could be realized through harvesting trees on City property and selling fleet and other public services to other communities.

Councilor Sterner agreed that AFSCME has given up a lot through the negotiation of various contracts. He also agreed with the need to develop an approach that will not reduce public services through employee layoffs.

Councilor Marmarou stated that he has not taken his \$5K stipend since he was elected to represent City Council District 4. He expressed his belief in the need for other elected officials to give back their salaries to save positions. He also stressed the belief for the Administration to begin moving forward to collect previously uncollected taxes and fees. He noted his push for the Administration to hire a law firm to collect the outstanding fees and taxes. He stated that although the contract was awarded in May of 2009, the contract was not put forward for execution until last Tuesday.

Managing Director Hottenstein described the Administration's effort to collect over 100% of the real estate property taxes. He described the work to collect what is currently outside the housing permit process and took issue with Councilor Marmarou's assertion that the Administration has large sums of uncollected money.

Mayor McMahon expressed the belief that Councilor Marmarou should stop grasping at straws and realize that not all outstanding fees and taxes are collectable. He expressed the belief that the figures Councilor Marmarou has used are incorrect. He also asked that these misrepresentations stop.

Councilor Marmarou stated that he is not in favor of Act 47 and inquired if the Administration has considered unemployment costs and overtime cost to make up for the lack of proper manpower.

Managing Director Hottenstein stated that the savings amounts announced by the Administration includes overtime and unemployment costs.

Councilor Goodman-Hinnershitz stated that if the members of Council gave up their salaries the resulting revenue would only amount to \$35.5K, which will not correct the problems long-term.

Councilor Goodman-Hinnershitz noted her appreciation for the care and dedication of the employees who spoke at tonight's meeting. She noted the need for all to work together to define solutions. She stressed the need to work together, rather than to point fingers.

Councilor Waltman stated that all one has to do is tour city neighborhoods to see that the City is failing. He noted the 2008 budget process, where the Administration created a \$5M revenue line item with no accompanying transaction. He stated that this line item

is the result of the Administration's meetings with individual City Councilor's on budget issues. He expressed the belief that the Administration needs to improve their management practices and undertake the necessary changes.

Mayor McMahon stated he respects Councilor Waltman's years of service but does not remember any of Councilor Waltman's valid suggestions for proposed solutions. He noted the Administration's past actions to prevent Act 47 action and their willingness to consider all input and suggestions.

Councilor Waltman expressed the belief that if the City were better managed the City would be in better financial shape.

Councilor Goodman-Hinnershitz noted that all elected officials past and present could have made different decisions. She asked that all look forward to the opportunity to work together to facilitate best practices. She noted her appreciation for the work of the Public Works department to manage and maintain the City's assets.

Council President Spencer requested that the Administration discuss the plan to provide police services to Kenhorst with members of Council.

Managing Director Hottenstein asked that this discussion occur at the September 21st Work Session.

Council President stated that there is no sense in commenting on the budget before October 1st. He noted that the suggestions made by Councilor Fuhs would have been beneficial if they were brought forward sometime between January 2009 and August 2009; not two (2) weeks before the introduction of the budget.

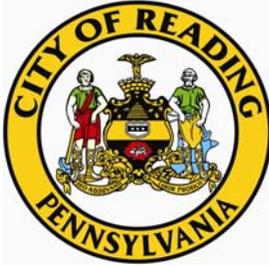
Council President Spencer noted the need for City Council to place controls around the middle management salaries that can be increased by the Administration without Council approval.

Council President Spencer noted the Administration's misrepresentation concerning Council's refusal to annually increase the property tax rate. He stated that even if City Council would have increased property taxes annually by the amount permitted by the Charter the situation would not be cured. He noted the other increases in other taxes and fees City Council identified and approved to counter the Administration's property tax increase proposals.

Council President Spencer agreed with the need to maintain the stadium as it is a City asset. He also expressed the belief that the Administration should reconsider management salaries before asking elected officials to return \$35.5K. He agreed with the somewhat inappropriate growth of Administrative mid-management jobs. He also noted the Charter requirement for five (5) year financial plan to accompany the annual budget. He stated that the use of a five (5) year plan would guide the corrective process.

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: September 14, 2009
AGENDA MEMO DATE: September 9, 2009
RECOMMENDED ACTION: Awarding of Contract to perform precise global positioning system (GPS) data collection work within the sanitary and storm sewer collection systems for use within the Department of Public Works.

RECOMMENDATION

The recommendation is to award the contract to Woolpert, Inc., 2780 Airport Drive, Suite 100, Columbus, OH 43219, at a total submitted proposal price of \$970,220.

BACKGROUND

Proposals to perform precise global positioning system (GPSs) data collection work within the sanitary and storm sewer collection systems for use within the department of public works were received on July 21, 2009. The proposals were reviewed by a selection committee consisting of the Utilities Division Manager, Public Works Director, the GIS Coordinator, and the Purchasing Coordinator which ranked each firm on a series of criteria. The selection committee conducted interviews as well. Though Woolpert, Inc. was not the low proposal received, their evaluation and presentation/interview was more superior to the other firms.

BUDGETARY IMPACT

The Utilities and Accounting Divisions have confirmed there are sufficient funds in budget account code 54-07-44-4830, project code 54-07-44-693, to cover this contract.

PREVIOUS ACTIONS

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 14, 2009 meeting.

RECOMMENDATION

The recommendation is that City Council approve the recommendation of the Administration to employ Woolpert, Inc. to perform precise GPS data collection work within the sanitary and storm sewer collection systems for use within the Department of Public Works.

RECOMMENDED BY

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

RECOMMENDED MOTION

To approve/deny Administration's recommendation that Woolpert, Inc. be retained to perform precise GPS data collection work within the sanitary and storm sewer collection systems for use within the Department of Public Works.

cc: File

July 21, 2009

To the Mayor
City Hall
Reading, PA

**RFP FOR THE PURPOSE OF REQUESTING QUALIFICATIONS AND
SUBSEQUENTLY PROPOSALS FROM FIRMS TO EVALUATE THE FIRM'S
ABILITY TO PERFORM PRECISE GLOBAL POSITIONING SYSTEM (GPS) DATA
COLLECTION WORK WITHIN THE SANITARY AND STORM SEWER
COLLECTION SYSTEMS FOR USE WITHIN THE DEPARTMENT OF PUBLIC
WORKS FOR THE CITY OF READING, PENNSYLVANIA.**

Proposals were received from the following firms:

Buchart Horn, Inc. \$5,228,000
445 West Philadelphia Street
P.O. Box 15040
York, PA 17405

Forino Company, L.P. / Weston Solutions, Inc. \$2,234,235
555 Mountain Home Road / 1400 Weston Way
Sinking Spring, PA 19608 / West Chester, PA 19380

Johnson, Mirmiran & Thompson \$2,251,085
72 Loveton Circle
Sparks, MD 21152

Ludgate Engineering Corporation \$550,000
10 Vanguard Drive, Suite 90
Exeter, PA 19606

Maser Consulting P.A. \$408,707
3101 Emrick Boulevard, Suite 210
Bethlehem, PA 18020

Spotts, Stevens & McCoy \$2,400,000
1047 North Park Road
P.O. Box 6307
Wyomissing, PA 19610

Woolpert, Inc. \$970,220
2780 Airport Drive, Suite 100
Columbus, OH 43219

HEATHER DUNKLE Purchasing Coordinator



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: September 28, 2009
AGENDA MEMO DATE: September 21, 2009
RECOMMENDED ACTION: Awarding of Contract for traffic signal maintenance for the Department of Public Works.

RECOMMENDATION

The recommendation is to award the traffic signal maintenance contract to Telco, Inc., 1224 Cross Keys Road, Reading, PA 19605, who is the low bidder at the prices submitted. The total approximate bid price for the three-year contract is \$99,144.

BACKGROUND

Bids for the traffic signal maintenance for the Department of Public Works were received on July 2, 2009.

A copy of each Schedule of Bids is attached for your review.

BUDGETARY IMPACT

Accounting and Public Works have confirmed there is \$33,048 in budget account code 01-07-24-4216, for the first year of the contract.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 28, 2009 meeting.

RECOMMENDED BY

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

RECOMMENDED MOTION

Approve/Deny the recommendation for the traffic signal maintenance for the Department of Public Works in order that the contract may be awarded to Telco, Inc.

cc: File

July 2, 2009

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 7001-09 FOR THE TRAFFIC SIGNAL MAINTENANCE FOR THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA.

<u>BIDDER</u>	<u>UNIT PRICE PER INTERSECTION</u>	<u>EXTENDED PRICE (a)</u>
Telco, Inc. 1224 Cross Keys Road Reading, PA 19605	\$243.00	\$33,048.00
Alfred J. Fry III, Inc. 902 Camaro Run West Chester, PA 19380	\$348.83	\$47,440.88
Republic Intelligent Transportation Services, Inc. 8 Progress Road Billerica, MA 01821	\$594.00	\$80,784.00

HOURLY RATES

	<u>FIELD SERVICE</u>	<u>FIELD SVC OT</u>
Telco, Inc.	\$55.00	\$82.50
Alfred J. Fry III, Inc.	\$83.00	\$124.50
Republic ITS, Inc.	\$75.00	\$110.00

	<u>TRAFFIC CONTROL TRK</u>	<u>DUMP TRUCK</u>
Telco, Inc.	\$20.00	\$25.00
Alfred J. Fry III, Inc.	\$49.75	\$12.50

Republic ITS, Inc.	\$25.00	\$25.00
<u>BIDDER</u>	<u>BACKHOE</u>	<u>SERVICE/AERIAL TRK</u>
Telco, Inc.	\$50.00	\$30.00
Alfred J. Fry III, Inc.	\$19.75	\$23.50
Republic ITS, Inc.	\$70.00	\$25.00
	<u>LINE TRUCK</u>	<u>PICK UP TRUCK</u>
Telco, Inc.	\$40.00	\$20.00
Alfred J. Fry III, Inc.	\$38.25	\$7.50
Republic ITS, Inc.	\$25.00	\$15.00
	<u>DITCH WITCH TRENCHER</u>	
Telco, Inc.	\$50.00	
Alfred J. Fry III, Inc.	\$23.00	
Republic ITS, Inc.	\$45.00	

(a) Price based on 136 listed intersections.

HEATHER L. DUNKLE
Purchasing Coordinator



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: September 28, 2009
AGENDA MEMO DATE: September 21, 2009
RECOMMENDED ACTION: Awarding of Contract for the demolition of 530, 532, 534, 536, 538, 540, & 544 Buttonwood Street, Division of Trades, Department of Community Development.

RECOMMENDATION

The recommendation is to award the contract to Northeast Industrial Services Corporation, 51 North Spruce Street, Mount Carmel, PA 17851, who is the lowest bidder, at a bid price of \$58,890.00.

BACKGROUND

Bids for the demolition of the properties at 530, 532, 534, 536, 538, 540, & 544 Buttonwood Street, for the Division of Trades, Department of Community Development were received on August 15, 2009. These properties are in need of demolition due to unsafe conditions, as determined by the Trades Division.

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

BUDGETARY IMPACT

Community Development and Accounting have confirmed there are sufficient funds in account code 32-10-00-4216, project number 32-10-27, funding source HUD-CDBG FY 2009 to cover this contract.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 28, 2009 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Finance, Director of Community Development and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the demolition of 532, 534, 536, 538, 540, & 544 Buttonwood Street in order that the contract may be awarded to Northeast Industrial Services Corporation.

cc: File

August 15, 2009

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

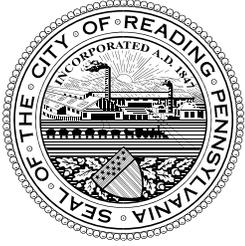
BID NO. 8001-09 FOR THE DEMOLITION OF STRUCTURES AT 530, 532, 534, 536, 538, 540 AND 544 FOR THE BUILDING TRADES DIVISION, CITY OF READING, PENNSYLVANIA.

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Northeast Industrial Service Corporation 51 N. Spruce Street Mt. Carmel, PA 17851	\$58,890.00
Nolt's Excavating, LLC 380 North Hoover Avenue New Holland, PA 17557	\$59,000.00
Empire Wrecking Company 1420 Clarion Street Reading, PA 19601	\$102,308.00
Alternate Construction Concepts 929 South High Street, Suite 136 West Chester, PA 19382	NO SURETY

ALTERNATE: DEMOLITION OF ALL EIGHT (8) STRUCTURS, 530 THROUGH 544

Northeast Industrial Service Corporation	\$48,750.00
Nolt's Excavating, LLC	\$62,000.00
Empire Wrecking Company	\$85,158.00
Alternate Construction Concepts	NO SURETY

HEATHER L. DUNKLE
Purchasing Coordinator



AGENDA MEMO

THOMAS McMAHON, MAYOR
RYAN HOTTENSTEIN, MANAGING DIRECTOR

TO: City Council
FROM: Charles M. Jones, Director of Public Works
PREPARED BY: Cindy DeGroote, Grants Coordinator
MEETING DATE: September 28, 2009
AGENDA MEMO DATE: September 23, 2009
REQUESTED ACTION: Council approve a resolution to authorize the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources TreeVitalize Grant Application

RECOMMENDATION

The Administration recommends Council approve a resolution authorizing the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Grant application for the TreeVitalize – Greater Reading Metro Partner program.

BACKGROUND

Responding to an alarming trend of the loss of trees in Pennsylvania's metropolitan areas, TreeVitalize is a public-private partnership to help restore tree cover, educate citizens about planting trees as an act of caring for our environment, and build capacity among local governments to understand, protect and restore their urban trees. Launched in 2004 in southeastern Pennsylvania, TreeVitalize already has achieved its goal of planting 20,000 trees in that five-county region. In spring 2008, TreeVitalize expanded to the Pittsburgh region; in fall 2008 and throughout 2009 it will be launched in metropolitan areas statewide.

Tree-lined streets make communities look great, and they also clean the air, provide shade to cool buildings and paved areas, increase property values and help control stormwater.

With its expansion statewide, TreeVitalize hopes to plant one million trees across the Commonwealth in the next five years.

The City of Reading will serve as the applicant/ grantee for the TreeVitalize - Greater Reading Metro Partner program. The City of Reading and the Berks County Conservancy agree that The Berks County Conservancy will serve as administrator of the TreeVitalize - Greater Reading Metro Partner program and will assist the municipalities of Berks County in establishing healthy trees within their communities.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

REVIEWED BY

Director of Public Works, Managing Director and Mayor

RECOMMENDED MOTION

Approve/Deny the resolution to authorize the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Grant application for the TreeVitalize – Greater Reading Metro Partner program.

Resolution No. _____

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND TO SUBMIT AN APPLICATION FOR A PA DCNR TREEVITALIZE PROGRAM GRANT

WHEREAS, The City of Reading desires to undertake the following project the TreeVitalize- Greater Reading Metro Partner and

WHEREAS, the applicant desires to apply to the Department of Conservation and Natural Resources (“Department”) for a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled “Terms and Conditions of Grant” and a document entitled **“Signature Page for Grant Application and Grant Agreement”**; and

WHEREAS, the applicant understands that the contents of the document entitled “Terms and Conditions of Grant,” including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department **if the applicant is awarded a grant**; and

NOW THEREFORE, it is resolved that:

1. The (**“Signature Page for Grant Application and Grant Agreement”**) may be signed on behalf of the Applicant by the Official who, at the time of signing, has **TITLE of MAYOR**
2. If this Official signed the (**“Signature Page for Grant Application and Grant Agreement”**) prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the applicant is awarded a grant, the **“Signature Page for Grant Application and Grant Agreement”**, signed by the above Official, will become the Applicant/Grantee’s **executed** signature page for the Grant Agreement, and the Applicant/Grantee will be bound by the Grant Agreement.

4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the **TITLE** specified in paragraph 1 and the Grantee will be bound by the amendment.

I hereby certify that this Resolution was adopted by the
City of Reading City Council

(identify the governing body of the applicant, e.g. city council, borough council, board of supervisors, board of directors)

this 28th day of September, 2009.

PASSED COUNCIL _____, 2009

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

MEMORANDUM

Municipalities have been asked to address the issue of discrimination against sexual orientation and gender identity as a result of the inability of the Federal and State governments to do the same. While a number of municipalities have been able to add such legislation, the primary issue for the City of Reading concerns funding. Questions arise concerning the City's ability to pay for the new un-reimbursed protected classes and the City's willingness to pay the costs of compliance. In addition, issues related to domestic partnership benefits will be the next big question. How will the City address domestic partner benefits now that the Federal and State governments have failed to do so completely?

Un-reimbursed protected classes: The City of Reading Human Relations Office currently receives all of its funding from either reimbursements or grants¹. The reimbursements come from HUD and EEOC. HUD and EEOC will only reimburse for those protected classes which are enumerated under Title VII of the Civil Rights Act of 1964. These classes include race, color, religious creed, ancestry, familial status, national origin, disability and age (employment only). Various other classes which are not currently covered include sexual orientation and gender identity or expression, partnership status and marital status². If the HRC handles matters which do not involve a recognized protected class, it will not be reimbursed for its expenses including the cost of litigation (advertisement of hearings, Attorney fees, deposition fees, stenographers, interpreters, etc.).

The cost of adding these classes of people may be minimal or significant. The costs will depend on the number of cases although even one case can generate an enormous amount of litigation expenses. If the costs are significant, what will be the funding source? How will the HRC pay for such expenses? It would not be wise to establish a right without providing a remedy for that right.

Presently, the Federal Government is considering the Employment Non-Discrimination Act (ENDA). This Bill was introduced in 2007 to protect against sexual orientation and gender identity discrimination. Gender Identity was dropped last year because of lack of support. The Bill has passed the House and will likely pass the Senate at the end of this year or the beginning of next year. This Bill only covers Employment matters. There is not any similar federal legislation pending regarding housing issues.

If the City waits to add sexual orientation until after the passage of ENDA, the HRC would be reimbursed for employment cases that it handles in regards to sexual orientation.

The State is considering HB 300. This is the second piece of legislation that the State has considered in regards to LGBT. The first was HB1400 which died. HB 300

¹ The Human Relations Office does not see the money that is budgeted for by the City of Reading.

² There are a number of groups of people who are not covered by Title VII.

includes sexual orientation and gender identity or expression. This Bill is expected to pass the House but will likely not pass the Senate in its current version. The citizens and employees working in Reading would be covered if the State passed this legislation.

Compliance: One adjustment that the City of Reading must consider before any changes are to be made to the Ordinance is how it will address transsexual issues as they become apparent in the City of Reading. The most obvious aspect of this issue involves making male and female bathrooms/changing rooms open to people who perceive their physical sex different than their gender identity. Employers will need to make adjustments in order to satisfy both transgender and nontransgender customer and clients. City Hall, for example, could provide unisex restrooms or allow men and women to occupy the same space without regard to traditional norms. Choosing the latter will definitely raise a number of concerns.

Allentown and Harrisburg have dealt with sexual orientation and transgender cases. Allentown currently has a case but has issued a Right To Sue notice allowing the parties to take the case to the Court of Common Pleas. Harrisburg has always settled their sexual preference cases. Unlike Reading, neither of these municipalities have historically handled a number of Public Hearing cases³ although Harrisburg does budget for stenographers, advertising and legal fees.

Domestic Partnership Benefits: Currently the Federal and State governments have not addressed the LGBT community favorably regarding same sex marriage. The LGBT community will likely continue to look to the municipalities to pass Domestic Partner Benefit Ordinances with the thought that heterosexual and homosexual partners should all be treated equally. Will the City of Reading provide for Domestic Partner Registries and equal benefits to accommodate this concern? How far will the City of Reading go to make up for what the Federal and State are not covering?

Ideally, the City of Reading would eradicate all forms of discrimination. However, until the federal and state governments catch up with the various needs of our society, money will be an issue.

³ Allentown hasn't handled a Public Hearing since the 1990s and Harrisburg has only had one Public Hearing in the past 13 years.

BILL NO. _____-2009
AN ORDINANCE

Amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government Part 5 C Human Relations Commission by adding sexual orientation and gender identity and expression

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Human Relations Commission as attached

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2009

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: _____

C. Human Relations Commission; Discrimination.

§1-521. Legislative Findings and Declaration of Policy.

1. Legislative Findings.

- A. The population of the City consists of people of many races, colors, religions, ancestries, **sexual orientations, gender identities or expressions**, national origins, ages, sex and familial status. Some suffer from handicaps. Others have previously filed charges of discrimination with the Commission of Human Relations or a similar State or Federal agency. Some of these citizens, for one or more of the above mentioned reasons, are discriminated against in employment opportunities, places of business, public accommodations, resort, recreation and amusement, housing facilities and the obtaining of loans and the extending of credit for housing accommodations.
- B. Discrimination because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap or previous opposition to individual discriminatory practices is contrary to the constitutions, laws and policies of the Commonwealth of Pennsylvania and the United States of America.
- C. Discrimination in employment prevents the gainful employment of segments of the residents of the City, tends to impair the City's productive capacity, reduces the public revenues, imposes substantial financial burden upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions which breed crime, vice, juvenile delinquency and disease, and is detrimental to the public safety, economic growth and general welfare of the City.
- D. Discrimination in housing results in overcrowded, segregated areas with substandard, unsafe and unsanitary living conditions, which cause increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fire, intergroup tensions and other evils, all of which increase the cost of government and reduce the public revenues, and result in injury to the public safety, health and welfare of the City.
- E. Discrimination in places of public accommodation, resort, recreation, amusement and places of business, causes humiliation, embarrassment and inconvenience to residents and visitors of the City, tends to create breaches of the peace, intergroup tensions and conflicts and similar evils, and is detrimental to the public safety, general welfare and economic growth of the City.

2. Declaration of Policy.

- A. It is hereby declared to be the policy of the City, in the exercise of its powers for the protection of the public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the City's trade, commerce and manufacture, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the City and to insure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.
- B. To accomplish these goals, it shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, **sexual orientation and gender identity or expression**, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination in employment, housing and places of business, public accommodation, resort, recreation or amusement.
(Ord. 6-2002, 3/13/2002)

§1-522. Scope.

This Part applies to discriminatory practices including, but not limited to, discrimination in employment, housing and public accommodations, including places of business, which occur within the territorial limits of the City and to employment, contracted for, performed or to be performed within these limits, and to housing accommodations and places of business, public accommodation, resort, recreation and amusement located within the territorial limits of the City.
(Ord. 6-2002, 3/13/2002)

§1-523. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from context:

ACCESSIBLE - with respect to covered multifamily dwellings that the public or common use areas of the building can be approached, entered and used by persons with individual handicaps.

AGE - includes any person 40 and above and shall also include any other person so protected by further amendment to the Federal Age Discrimination in the Employment Act.

AGGRIEVED PERSON - such person or persons who believe that they have been injured or will be injured by a discriminatory employment, housing or public accommodations act or practice that has occurred or is about to occur.

COMMISSION - the Commission of Human Relations established in the office of the Mayor of the City by this Part.

DISCRIMINATE and **DISCRIMINATION** - includes any difference in treatment based on race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

DISCRIMINATORY HOUSING PRACTICE - an act that is either unlawful under the provisions of this Part or is unlawful under §§804, 805, 806 or 818 of the Federal Fair Housing Act, or §§955 or 955(h) of the Pennsylvania Human Relations Act.

EMPLOYER - any person who employs five or more employees, exclusive of the parents, spouse or children of such person, including the City, its department, boards, commissions and authorities, and any other governmental agency within its jurisdiction. The term "employer," with respect to discriminatory practices based on a class protected under this Part, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons in the City.

EMPLOYMENT AGENCY - any person regularly undertaking, with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.

FAMILIAL STATUS - one or more individuals, who have not obtained the age of 18 years being domiciled with:

1. A parent or another person having legal custody of such individual or individuals.
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
3. Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FEDERAL FAIR HOUSING ACT - Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3600-3620.

GENDER IDENTITY OR EXPRESSION – *the actual or perceived gender identity, appearance, behavior, expression or physical characteristics whether or not associated with an individual’s assigned sex at birth.*

HANDICAP - with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of having such an impairment; or being regarded as having such an impairment.

HOUSING ACCOMMODATION - any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a resident by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

LABOR ORGANIZATION - any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms of conditions of employment, or of other mutual aid or protection in relation to employment.

LENDING INSTITUTION - any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.

NONJOB RELATED HANDICAP or DISABILITY - any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in, or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related.

OWNER - includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having equitable or security interest in any housing accommodation, including the City and its departments, boards, commissions and authorities.

PENNSYLVANIA HUMAN RELATIONS ACT - the Act of 1955, October 27, P.L. 744, No. 222, §1, as amended, 43 P.S. §951 *et seq.*

PERSON - any individual, partnership, corporation, labor organization or other organization or association including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. The term "person," as applied to partnerships or other organizations or associations, includes their members, and as applied to corporations, includes their officers.

PUBLIC ACCOMMODATION, RESORT or AMUSEMENT - any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public including, but not limited to, inns, taverns, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or consumption on the premises; bars, stores, parks or anywhere that liquor is sold; ice cream parlors, soda fountains and all stores where beverages of any kind are sold for consumption on the premises; drug stores, clinics, hospitals, swimming pools; barber shops, beauty parlors; retail stores; theaters, movie houses; race courses, skating rinks, amusement, recreation parks and fairs; bowling alleys, gymnasiums,

shooting galleries and billiard and pool halls; public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all education institutions under the supervision of this City; nonsectarian cemeteries; garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof; financial institutions; and all City facilities and services including such facilities and services of all political subdivisions thereof; but shall not include any accommodations which are in the nature distinctly private.

SEXUAL ORIENTATION – Actual or perceived heterosexuality, homosexuality or bisexuality.

REAL ESTATE BROKER - any natural person, partnership, corporation or other association which for a fee or other valuable consideration manages, sells, purchases, exchanges or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of, the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or holds itself out as engaged in the business of managing, selling purchasing, exchanging or renting the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another or collects rent for the use of the real property of another, and includes real estate salesmen or agents or any other person employed by real estate broker to perform or to assist in the performance of his business.

(Ord. 6-2002, 3/13/2002)

§1-524. Human Relations Commission.

1. There is hereby established in the City of Reading, under the supervision of the Managing Director, a Human Relations Commission to administer, implement and enforce the provisions of this Part.
2. The Commission shall consist of nine members each to be appointed by the Mayor for a four year term. Commissioners may be reappointed to successive terms of office. Each member of the Commission shall continue to serve after his term until his successor has been appointed and qualified. Vacant seats on the Commission shall be filled within 90 days.
3. The Commission shall elect one of its members as chairman and may elect such other officers as it may deem necessary. The Chairman may, with the approval of the Commission, appoint such committees as may be necessary to carry out the powers and duties of the Commission, and the Commission may authorize such committees to take any necessary action for the Commission.
4. The Commission shall adopt such rules and regulations for its own organization, operations and procedures as the Commission shall deem necessary to administer, implement and enforce this Part.

5. The Commission shall hold at least eight meetings during each calendar year. Five members of the Commission shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission.

6. The members of the Commission shall serve without compensation but upon resolution of Council, they may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by Council.

7. In the event no Commissioner shall be able and available to exercise any of the powers or fulfill any of the duties of the Commission as set forth in §1-525, the Mayor may appoint one or more Commissioners temporarily to assume the powers and/or fulfill the duties of the Commission. Such appointment may be limited in duration of term and in scope of the power and duties of any Commissioner so appointed.

(Ord. 6-2002, 3/13/2002)

§1-525. Powers and Duties of Commission.

The Human Relations Commission shall have the power and it shall be its duty to:

- A. Initiate, receive, investigate and seek the satisfactory adjustment of complaints charging unlawful practices, as set forth in this Part.
- B. Issue subpoenas for persons and for documents which may be necessary to properly investigate a complaint of discrimination filed pursuant to this Part. Commissioners may not be subpoenaed to testify, nor may a Commissioner be deposed or otherwise interrogated with respect to any action taken on behalf of the Commission. Any complaint filed under this subsection which the Commission believes may constitute a violation of a law of the United States of America or the Commonwealth of Pennsylvania may be certified to the City Solicitor for such actions as he may deem proper.
- C. Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require the production of evidence relating to any matter under investigation or any question before the Commission, make findings of fact, issue orders and publish such findings of fact and orders and do all other things necessary and proper for the enforcement of this Part.
- D. In the performance of its duties, the Commission may cooperate with and, if appropriate, contact interested citizens, private agencies and agencies of the Federal, State and local governments, and enter into such agreements as may be necessary to formalize such relationships.

- E. Request staff, provided by the City to the Human Relations Commission, other departments, boards and commissions of the City government to assist in the performance of its duties, and such other departments, boards and commissions shall cooperate fully with the Commission.
- F. Hold investigative hearings upon request by Council in cases of racial tension and/or discrimination.
- G. Assist in the enforcement of fair practices in City contracts.
- H. Render, from time to time, a written report of its activities and recommendations to the Mayor and Council.
- I. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Part. Such rules and regulations shall be in writing and be made available to parties upon request. (Ord. 6-2002, 3/13/2002)

§1-526. Unlawful Employment Practices.

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, by the Commonwealth of Pennsylvania, or by any political subdivision of the Commonwealth having jurisdiction in the City, or where based upon a bona fide occupational qualification:

- A. For any employment to refuse to hire any person or otherwise, to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, **sexual orientation, gender identity or expression** national origin, age, sex, familial status, nonjob related handicap, or previous filing of a complaint of discrimination.
- B. For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- C. For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny or to withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program,

and on the job training program or any other occupational training program because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

- D. For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, nonjob related handicap, or previous filing of a complaint of discrimination, except when necessary to affirmatively promote minority hiring or promotion.
- E. For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- F. For any employment agency to fail or refuse to classify properly or refer to employment or otherwise to discriminate against any person because of race, color, religion, ancestry, **sexual orientation, gender identity or expression** national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- G. For any employer to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Part, to any employment agency, employment service, labor organization, training school, training center or any other employee referring source which serves persons who are predominantly of the same race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- H. For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect this status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

- I. For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this Part or because he had made a complaint or testified or assisted in any manner in any investigation or proceeding under this Part or a substantially similar State and/or Federal law.
- J. For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be unlawful employment practice by this Part or to obstruct or prevent any person from enforcing or complying with the provisions of this Part or any rule, regulation or order of the Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful employment practice.
- K. Notwithstanding any provision of this Section, it shall not be an unlawful employment practice for a religious corporation or association to hire or employ any person on the basis of the sex or religion of that person in those certain instances where sex or religion is a bona fide occupational qualification because of the religious beliefs, practices or observances of the corporation or association.
(Ord. 6-2002, 3/13/2002)

§1-527. Unlawful Housing Practices.

It shall be an unlawful housing practice except as otherwise provided in this Section:

- A. For an owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation to any person, or to represent that any housing accommodation is not available for any inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise make unavailable any housing accommodation from any person because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person), or previous filing of a complaint of discrimination, or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation or housing accommodations.
- B. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental,

assignment or other transfer of any housing accommodation any clause, condition or restriction discriminating against, or requiring any other person to discriminate against, any person in the use or occupancy of such housing accommodation because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age or sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.

- C. For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any housing accommodation because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.
- D. For any person to:
 - (1) Refuse to permit, at the expense of the handicapped person, the making of reasonable modifications to the existing premises occupied or to be occupied if such modifications may be necessary to afford the handicapped person full enjoyment of the premises, except that, in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for the requested modification on the renter's agreement to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear excepted.
 - (2) Refuse to make reasonable accommodations with respect to the rules, policies, practices or services as necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- E. For any person to fail, in connection with the design and construction of multifamily dwellings covered under the provisions of the Federal Fair Housing Act, and after March 13, 1991, to design and construct dwellings in such a manner that such dwellings are not accessible within the meaning of the Federal Housing Act.
- F. The dwellings have at least one building entrance on an accessible re-route, unless it is impractical to do so because of the terrain or unusual characteristics of the site:

(1) With respect to a dwelling with a building entrance on an accessible route:

- (a) The public use and common portions of the dwellings are readily accessible and usable by handicapped persons.
- (b) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs.
- (c) All premises with covered multifamily dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. As used in this Section, the term "covered family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

G. For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status or handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person).

H. For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee thereof, regardless of whether application is made for financial assistance for the purchase, sale, lease, acquisition, brokering, appraisal, construction, rehabilitation, repair, maintenance or the purchasing of loans or providing other financial assistance for purchasing, constructing improving, repairing or maintaining a dwelling or secured by residential real estate of any housing accommodation or housing accommodations:

(1) To discriminate against any person or group of persons because of race, color, religion, ancestry, **sexual orientation, gender identity**

or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination of such person or group of persons or of the prospective occupants or tenants of such housing accommodation in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith.

- (2) To use any form of application for such financial assistance or to make any record of inquiry in connection with application for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination.
- I. For any real estate broker or real estate salesman or agent, or any other person for business or economic purposes, to induce, directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to racial, religious or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located, or to communicate to any prospective purchaser or renter of a dwelling that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, sex, handicap, or familial status.
- J. For any person to deny another access to, or membership or participation in a multiple listing service, real estate brokers organization, or other service because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.
- K. For any person, whether or not a real estate broker, real estate salesman or agent, owner or lending institution to aid, incite, compel, coerce or

participate in the doing of any act declared to be an unlawful housing practice under this Part, or to obstruct or prevent enforcement or compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful housing practice.

- L. For any person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this Part.
- M. For any person, based on the racial or ethnic composition of a community, neighborhood or development, or based on the characteristics of an individual or individuals which place such individual or individuals within a class protected by this Part, to discriminate with respect to the provision of municipal services or with respect to the provision of property, casualty, fire, hazard or other similar insurance.
- N. With respect to any property held for noncommercial purpose, nothing in this Section shall bar any religious or denomination, institution or organization or charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from limiting preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is reasonable for the organization to promote the religious or fraternal principles, aims or purposes for which such organization is established or maintained unless membership in such religious or denominational institution or organization or charitable or educational organization is restricted on account of race, color or national origin.
(Ord. 6-2002, 3/13/2002)

§1-528. Unlawful Lending Practices.

It shall be an unlawful lending practice for a lending institution:

- A. To deny, withhold, limit or otherwise discriminate against any person or group of persons because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination, in lending money or extending credit.

- B. To establish unequal terms or conditions in the contract for loans and mortgages, or other extensions of credit because of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.
(Ord. 6-2002, 3/13/2002)

§1-529. Unlawful Public Accommodation Practices.

It shall be an unlawful public accommodation practice:

- A. For any owner, lessor, proprietor, manager, agent or employer of any business or place of public accommodation, resort, recreation or amusement to:
- (1) Refuse, withhold from or deny to any person because of his race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status handicap or previous filing of a complaint of discrimination, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort or amusement.
 - (2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or that the patronage of any person of any particular race, color, religion, ancestry, **sexual orientation, gender identity or expression**, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination is unwelcome, objectionable or not acceptable, desired or solicited.
- B. For any person, whether or not included in this Section, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this subsection.
(Ord. 6-2002, 3/13/2002)

§1-530. Obstruction of Fair Practices.

It shall be unlawful for any person, whether or not within the named classifications set forth in this Part, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this Part, or to obstruct or prevent enforcement of compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission or to attempt, directly or indirectly, to be an unlawful practice.

(Ord. 6-2002, 3/13/2002)

§1-531. City Contracts.

1. All contracts of the City and its contracting agencies shall obligate the contractor to comply with this Part and with any State or Federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed thereunder, and shall require the contractor to include a similar provision in all subcontracts.
2. The Human Relations Commission shall promulgate rules and regulations for the processing of complaints of discrimination received under this Section.

(Ord. 6-2002, 3/13/2002)

§1-532. Procedure.

1. A complaint charging that any person has engaged, is engaging or will engage in any unlawful practice as set forth in this Part may be made by the Human Relations Commission, or to the Commission by an aggrieved person or by an organization which has one of its purposes the combating of discrimination for the promotion of equal opportunities, and any complaint may be amended by the complainant or the Commission at any time before final action has been taken by the Commission, in accordance with such rules and regulations as the Commission shall prescribe. No complaint shall be considered unless it is filed with the Commission within 180 days after the occurrence of the alleged unlawful practice.
2. The complaint shall be in writing, signed, verified and notarized and include the name and address of the person or persons alleged to have committed the unlawful practice and the particulars thereof, and such other information as may be required by the Commission.
3. The Commission shall commence proceedings on any formal complaint within 30 days of the filing. The parties shall each receive promptly a copy of the complaint along with a concise statement of the procedural rights of such parties. The respondent shall be afforded the right to file an answer to such complaint within such time as not to delay the proceedings, but failure to file such answer shall not prevent the Commission from commencing its investigation as provided herein.

4. The Commission shall institute and complete the investigation of any formal complaint within 100 days of the filing of the formal complaint.
5. If, pursuant to its investigation, the Commission shall determine that there is no basis for the allegations in a complaint, the complaint shall be dismissed and the complainant and respondent notified in writing of such determination. Within 20 days from the receipt of such notice, the complainant or his attorney, if any, may file with the Commission a request for review and the Commission shall provide the parties and their attorneys an opportunity to appear before the Commission or a member thereof for such purpose. After such a review, the Commission may reverse its decision or, if the Commission or its representative determines that there is no basis for the allegation, the dismissal of the complaint shall be affirmed and there shall be no further review of such decision.
6. If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, it shall promptly notify the parties in writing and may attempt to eliminate the alleged unlawful practice by means of private conferences, meetings or conciliation with all parties. Any conciliation agreement arising from such efforts shall be in writing, signed by the parties or their representative, and shall be subject to the approval of the Commission. A conciliation agreement shall be made public unless the parties otherwise agree and the Commission determines that disclosure of the terms of the agreement is not required to further the purpose of this Part.
7. If the Commission determines that a housing accommodation or housing accommodations involved in a complaint of an unlawful housing practice under §1-527 may be sold, rented or otherwise disposed of before a determination of the case has been made, and the Commission believes that judicial action is necessary to effectuate the purpose of this Part, the Commission may request the City Solicitor to seek an injunction restraining the sale, rental or other disposition of the housing accommodation or housing accommodations in accordance with the provisions of §9.1 of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, added by Act No. 533, approved January 24, 1966, as hereafter amended, supplemented or modified by the General Assembly of Pennsylvania.
8. In any case of failure to eliminate the unlawful practice charged in the complaint by means of informal proceedings, or in advance thereof, if, in the judgment of the Commission the facts so warrant, the Commission may hold a public hearing to determine whether or not an unlawful practice has been committed. Without holding such a hearing, the Commission may certify the case to the City Solicitor in accordance with subsection (7), hereof.
9. Where a public hearing is ordered, the Commission shall designate one or more members or a hearing examiner to conduct such a hearing. The Commission shall serve upon the person charged with having engaged or engaging in the

unlawful practice or amended complaint and a notice of the time and place of the hearing. In addition, the Commission shall provide the respondent with notice of procedural rights and obligations. The hearing shall be held not less than 20 days after the service of the statement of charges.

10. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney or, subject to the approval of the hearing panel, by any other person, and to examine and cross examine witnesses. The complainant shall also have the right to be represented by an attorney or, subject to the approval of the hearing panel, by any other person. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and shall be transcribed.
11. With respect to a complaint alleging an unlawful housing practice arising under §1-527, in lieu of proceeding before the Commission pursuant to this subsection, any party may elect, within 20 days of receipt of the charge, to have the claims contained in the charge decided in a civil action tried by a court of competent jurisdiction. The party making such election shall notify the Commission and all other interested parties within 10 days of making such election. The complainant shall be represented by an attorney in a civil action instituted pursuant to an election made under this subsection. Representation of the complainant shall be at the Commission's expense and such representation shall include presentation of the complainant's case at the public hearing.
12. Subsequent to the public hearing, a transcription of the testimony shall be ordered and, when completed, distributed to the Commissioners for review. Upon review, the Commissioners shall meet to discuss and decide the case. A vote by a majority of the Commissioners participating in the public hearing or designated as hearing Commissioners shall be necessary to find that the respondent has engaged in an unlawful practice. A decision shall be rendered within 45 days of the close of testimony or the final post hearing submission of the parties, if any.
13. If upon all the evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint. If upon all the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of this Part. Such order may require the respondent to cease and desist from such unlawful practice and to take such affirmative action including, but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with such equal facilities, services and privileges, the tendering of money, whether or not secured by mortgages or otherwise for the acquisition,

construction, rehabilitation, repair or maintenance of any housing accommodation, the granting, permitting, selling or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgment of the Commission, shall effectuate the purposes of this Part and are warranted by the facts presented at the hearing, including a requirement for a report or reports of the manner of compliance. Compensatory damages may be awarded in appropriate circumstances for a violation of any of the provisions of §1-527. Copies of the order shall be served on all parties.

14. Any adjudication made by the Commission shall be in writing and dated, and shall be deemed to be a final adjudication 5 days after the date of issuance thereof. Parties shall have 30 days from the final adjudication to appeal the decision of the Commission to the Berks County Court of Common Pleas. An appeal from the Commission's order shall act as a supersedes and stay enforcement of such order until a final disposition of the appeal.
15. The Commission shall make a final administrative disposition of a formal complaint within 1 year of the date of receipt of such complaint unless it is impracticable to do so. If the Commission is unable to dispose of the complaint within the time limitation set forth herein, it shall notify the parties in writing of such fact and the reasons therefor. Should the Commission fail to finally adjudicate or otherwise dispose of a formal complaint within the time limit of the filing thereof, any party may commence a civil action for the enforcement of this Part in an appropriate court of competent jurisdiction no later than 2 years after the occurrence or termination of the alleged discriminatory act or practice.
16. An aggrieved person may commence a civil action whether or not a complaint has been filed under this Section and without regard to the status of any such complaint. There shall be no need for a complainant to exhaust administrative remedies with respect to a complaint that could be brought under §1-527, so long as any action brought is commenced within 1 year of the alleged discriminatory housing practice. The court in which any such action is brought shall be empowered, in appropriate circumstances, to award compensatory and punitive damages as well as equitable relief. However, if the Commission has obtained a conciliation agreement with the consent of the aggrieved person, no action may be filed by such aggrieved person with respect to the discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such agreement.
(Ord. 6-2002, 3/13/2002)

§1-533. Enforcement.

In the event the respondent refuses or fails to comply with any order of the Human Relations Commission or violates any of the provisions of this Part, the Commission shall certify the case and the entire record of its proceedings to the City Solicitor, who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties set forth in §1-534, or both.

Ord. 6-2002, 3/13/2002)

§1-534. Penalty.

1. In addition to any other remedies provided herein, upon a finding of a violation of any provision of this Part relating to unlawful discriminatory housing practices, or any rule or regulation pertaining thereto adopted by the Human Relations Commission, or any order of the Commission, shall be subject to a civil penalty of not more than:

- A. Ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice in any administrative hearing or civil action permitted under the Fair Housing Act or any State or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, State or local governmental agency.
- B. Twenty-five thousand dollars if the respondent has been adjudged to have committed one other discriminatory housing practice in any forum set forth in subsection (A), hereof.
- C. Fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices in any forum set forth in subsection (A), hereof.

2. Respondent shall also be responsible for costs and shall be subject to imprisonment for not more than 1 year. The Commission, in its discretion, may allow the prevailing party other than the Commission a reasonable attorney's fee and costs. Monetary awards may be given under appropriate circumstances the amount of which shall be based on the record made before the Commission and may include damages caused by humiliation and embarrassment.

(Ord. 6-2002, 3/13/2002)

BILL NO. _____ 2009

AN ORDINANCE

AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2010 PRIMARY BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER BY ELIMINATING THE DEPARTMENTS OF HUMAN RESOURCES AND FINANCE AND CREATING THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

WHEREAS, Section 607 of the Home Rule Charter provides for the Department of Finance and a Director of Finance; and

WHEREAS, Section 705 of the Home Rule Charter provides for the Department of Human Resources and the Director of Human Resources; and

WHEREAS, the general fiscal condition of the City requires strict cost containment, which requires the careful consolidation of comparable services and management functions; and

WHEREAS, other municipalities in Pennsylvania function efficiently and effectively with the functions of human resources and financial administration centralized in one department; and

WHEREAS, the City of Reading Home Rule Charter requires that there be a Department of Finance and a Department of Human Resources and that any change to this structure will require an amendment to the Charter.

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

SECTION 1. Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2010 primary ballot:

Creation of the Department of Administrative Services

Shall the City of Reading Home Rule Charter Article VI Administration, Section 607. Department of Finance and Article VII Personnel System, Section 705. Department of Human Resources be amended as follows:

“Section 705. Department of Human Resources is hereby eliminated and all section numbers within Article VII Personnel System are renumbered

appropriately. Section 607. Department of Finance is hereby renamed Department of Administrative Services” and shall read as follows: “There shall be a Department of Administrative Services, which is established for the purpose of consolidating the functions of the Human Resources and Finance Departments. A Director of Administrative Services shall be appointed by the Mayor with the confirmation of Council. The function, responsibilities, skills, reporting relationships and knowledge requirements shall be set by Administrative Code. ”

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

Enacted _____, 2009

President of Council

Attest:

City Clerk

BILL N O. _____-2009

A N O R D I N A N C E

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES - CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 1 ADMINISTRATIVE CODE, SECTION 1-186 FISCAL PROVISIONS, 3. REGULATIONS CONCERNING APPROPRIATIONS AND TRANSFERS, F

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

SECTION 1. Amending the Codified Ordinances, Chapter 1 Administration and Government, Part 1 Administrative Code, Section 1-186 Fiscal Provisions, 14. Contracts, A. Approval of Contracts; (2) Bidding Process

3. Regulations Concerning Appropriations and Transfers.

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the managing director, and Council. This monthly report shall include all expenditures for each City Department, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer of funds within departments and between departments.

C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

D. Justification for transferring money between departments must be presented to and approved by Council. The procedures manual will stipulate the following:

- (1) Expenditure procedures.
- (2) Justification procedures for transferring money between line items.
- (3) Justification procedures for transferring money between department.
- (4) Administration of petty cash funds.

E. *Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer of all monies including, but not limited to, transfers between departments, and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred. [Ord. 36-2000]

F. *Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item that exceeds ~~\$25,000.~~ **\$10,000.*** The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [Ord. 36-2000]

G. Requiring City Council approval, via ordinance, for the following:

- (1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
- (2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 1 Administration and Government Part 1 Administrative Code not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(President of Council)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2009
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES - CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 1 ADMINISTRATIVE CODE, SECTION 1-186 FISCAL PROVISIONS, 14 CONTRACTS, A - APPROVAL OF CONTRACTS (2).

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

SECTION 1. Amending the Codified Ordinances, Chapter 1 Administration and Government, Part 1 Administrative Code, Section 1-186 Fiscal Provisions, 14. Contracts, A. Approval of Contracts; (2) Bidding Process

(2) The City may make contracts for carrying into execution the provisions of the Code, ordinance and the laws of the State of Pennsylvania. Council approval shall be required of all contracts ~~in excess of~~ *with a value of \$50,000 and over*, and all collective bargaining agreements. Any contracts for less than \$50,000 shall be entered into by the executive branch as it shall determine without requirement of approval by Council. All contracts or purchase not in excess of \$10,000 shall be by note or memorandum signed by the managing director.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 1 Administration and Government Part 1 Administrative Code not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(President of Council)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

RESOLUTION NO. _____

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

That Richard McDougall is appointed to the Downtown Improvement District Authority with a term ending January 1, 2010.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Aaron Booth is appointed to the Historical Architectural Review Board with a term ending December 11, 2011.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk