CITY COUNCIL

Meeting Agenda

REGULAR MEETING ***MONDAY, SEPTEMBER 13, 2010***
COUNCIL CHAMBERS ***7:00P.M.***

1. OPENING MATTERS

A. CALL TO ORDER
B. INVOCATION: Pastor Lee Ritz, Destiny Christian Ministry
C. PLEDGE OF ALLEGIANCE
D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Recognizing the 125th anniversary of the Reading Liederkranz, accepted by Joseph Marnell, President

3. 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.

4. APPROVAL OF AGENDA

A. MINUTES: Council Meeting of August 23, 2010
B. AGENDA: Council Meeting of September 13, 2010

5. Consent Agenda Legislation

A. Award of Contract - for a Video Safety Consulting Services Phase 2 for the Police Department to Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, for a total submitted price of approximately $52,400.00 **(Purchasing)**

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 53-2010 - amending the fee schedule of the City of Reading Codified Ordinances by adding a fee of $100.00 under Codes Department Codes Enforcement Electrical Re-Introduction of Power Inspection Program **(Law)** ***Introduced at the July 26 regular meeting; Advertised August 2; Tabled at the August 9 regular meeting; Discussed at the August 16 Public Works meeting; Discussed and Amended at the August 23 Committee of the Whole; Re-advertised Aug 30th***

B. Bill No. 63-2010 - amending the 2010 City of Reading Full Time Position Ordinance by eliminating one (1) Development Inspection Clerk position, creating three (3) Property Maintenance Aides, adding one (1) Deputy Director of Community Development, adding one (1) Community Development Program Manager, and eliminating one (1) Community Development Specialist ***(Act 47 Recovery Plan CE 03 and CE 06)*** **(Bus Analyst)** ***Introduced at the August 23 regular meeting***

C. Bill No. 64-2010 - amending the City of Reading Codified Ordinances Chapter 11 Housing, Part 1 Rental, Section 11-124 (2) Housing Board of Appeals by

adding letter H the removal process for members of the Housing Board of Appeals **(Council Staff)** ***Introduced at the August 23 regular meeting***

D. Bill No. 65-2010 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 6 Property Maintenance Code, Section PM 111.2 Membership of the Board by adding PM 111.2.6 the removal process for members of the Property Maintenance Code Board of Appeals **(Council Staff)** ***Introduced at the August 23 regular meeting***

E. Bill No. 66-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter M Minority Business Procurement Board, Section 1-599.34 Minority Business Procurement Board by adding Letter Number Nine (9) Removal Process for Members of the Minority Business Procurement Board **(Council Staff)** ***Introduced at the August 23 regular meeting***

F. Bill No. 67-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter N Environmental Advisory Council, by amending Section 1-599.42 Membership Removal Process for members of the Environmental Advisory Council **(Council Staff)** ***Introduced at the August 23 regular meeting***

G. Bill No. 68-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter O Diversity Board, by amending Section 1-599.53 Membership for members of the Diversity Board by adding a membership removal process **(Council Staff)** ***Introduced at the August 23 regular meeting***

H. Bill No. 69-2010 - amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council approval **(Council Staff)** ***Introduced at the August 23 regular meeting***

I. Bill No. 70-2010 - amending Section 15-416 by adding a new Part 5 to require a $12.50 surcharge on each parking violation issued by the Reading Parking Authority and City of Reading Police Department **(Law)** ***Introduced at the August 23 regular meeting; Advertised Aug 30th***

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 1 Building Code Letter B International Building Code Article 1 International Building/Fire Prevention Code Board of Appeals Rules of Procedure Article 2 Membership by adding 2.6 Removal of Members **(Council Staff)**

B. Ordinance - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 3 International Fire Code Article 1 International Building/Fire Prevention Code Board of Appeals Rules of Procedure Article 2 Membership by adding 2.6 Removal of Members **(Council Staff)**

C. Ordinance - amending the City of Reading Codified Ordinances Chapter 2 Animals Section 2-111 Animal Control Board Powers and Duties by adding #4 Removal of Members **(Council Staff)**

D. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 1 Administrative Code Letter J Code of Ethics Section 1-199.12 Board of Ethics Letter A Composition and Structure of Board by adding # 9 Removal for members of the Board of Ethics **(Council Staff)**

Pending Legislation

Bill No. 30 - 2010 - authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of certain premises situate in Ontelaunee Township, Berks County, PA from the City of Reading to Ontelaunee Township **(Law)** ***Introduced at the June 15 regular meeting; Tabled at the July 12 and July 26 regular meetings***

Bill No. 34-2010 – establishing a four-way stop intersection at N. 13th St and Richmond St in the City of Reading, Pennsylvania **(Public Works)** ***Introduced at the July 12 regular meeting; Tabled at the July 26 regular meeting; Second Traffic Study Requested***

Bill No. 55-2010 – authorizing the execution of the memorandum of understanding for the City Fire Training Center ***Introduced at the July 26 regular meeting; Tabled at the August 9 regular meeting; Discussed at the August 16 Public Works meeting; Tabled at the August 23 regular meeting***

11. RESOLUTIONS

A. Resolution – approving the Conditional Use application submitted by Pennsylvania American Water for a public utility at 501 South 19th Street with conditions as expressed in the attached decision **(Council Staff/Law)**

B. Resolution - that Steven Symons is appointed to the Plumbing Board **(Admin Oversight)**

C. Resolution - authorizing the mayor and other appropriate officials of the City of Reading to execute and enter into a contract for loan guarantee assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, (42u.s.c. 5308) for Phase 2 of the Goggleworks Center for the Arts Project in the amount of Five Hundred Fifty Thousand ($550,000.00) Dollars and a Brownfields Economic Development Grant in the amount of Five Hundred Thousand ($500,000.00) Dollars (the "BEDI") **(Solicitor)**

D. Resolution - authorizing the proper officers of the City to petition the Court of Common Pleas of Berks County, Pennsylvania, for permission to fund unfunded debt in an amount not to exceed $16,500,000; authorizing incidental action; and repealing inconsistent resolutions **(Finance)**

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, September 13
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm

Monday, September 20
Finance Committee – Council Office – 5 pm
Public Works Committee – Council Office – 5 pm
Work Session – Penn Room – 7 pm

Tuesday, September 21
Conditional Use Hearing 117 S 3rd St – Council Chambers – 5 pm

Wednesday, September 22
10 Year Park and Open Space Plan public meeting – Keffer Park Fieldhouse – 6 pm

Monday, September 27
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, September 13
Fire Civil Service Board – Penn Room – 4 pm
Shade Tree Commission – Planning Conference Room – 6 pm
6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, September 14
Airport Authority – Airport Authority Office – 8:15 am
Water Authority Workshop – Penn Room – 4 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, September 15
Officers and Employees Pension Board – Penn Room – 1:30 pm
Diversity Board – Penn Room – 4:30 pm
Redevelopment Authority – Redevelopment Authority Office – 5:30 pm
Centre Park Historic District – Member's home – 7:30 pm

Thursday, September 16
Dare 2 Care – Bethel AME Church – 5:30 pm
Blighted Property Review Committee – Council Office – 6 pm
Southeast People's Voice – St. John's UCC – 6 pm
Mulberry & Green Citizens Committee – St. Luke's Lutheran Church – 6:30 pm

Friday, September 17
Fire Pension Board – Penn Room – 10 am

Saturday, September 18
Minority Business Procurement Board – Penn Room – 2 pm

Monday, September 20
Library Board – 113 S 4th St – 4 pm

Tuesday, September 21
Park and Recreation Advisory Committee – Pendora Park Fieldhouse – 5:30 pm
Charter Board – Penn Room – 7 pm
HARB – Planning Conference Room – 7 pm

Wednesday, September 22
Human Relations Commission – 5:30 pm

Parking Authority – Parking Authority Office – 5:30 pm
Outlet Area Neighborhood Assn – St. Mark's Lutheran Church – 6:30 pm
18th & Cotton Community Crime Watch – St. Matthew's Church – 7 pm
Stadium Commission – Stadium RBI Room – 7:30 pm

Thursday, September 23
Water Authority – Penn Room – 4 pm

Monday, September 27
DID Authority – Reading Eagle 3rd floor Conference Room – noon
BARTA – BARTA Office – 3 pm
District 7 Crime Watch – Holy Spirit Church – 7 pm

CITY COUNCIL MEETING
MONDAY, AUGUST 23, 2010

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

Jeffrey S. Waltman Sr., Vice President of Council, called the meeting to order.

The invocation was given by Reverend Tony Perez, of the Bethany Baptist Church.

All present pledged to the flag.

ATTENDANCE

Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Interim Managing Director C. Geffken
City Auditor D. Cituk
City Clerk L. Kelleher
City Solicitor C. Younger
Mayor's Assistant, F. Denbowski
Public Works Director, C. Jones
Community Development Director, D. Robinson

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations issued at this meeting.

PUBLIC COMMENT

Council Vice President Waltman announced that one (1) citizen was registered to address Council on agenda matters and two (2) citizens were registered to address Council on non-agenda matters. He inquired if any one present objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule requiring non-agenda comment at the end meeting that rule was suspended. Council Vice President Waltman reminded those registered to speak of the remaining public speaking rules.

Ernie Schlegel, of Pear Street, expressed concern about the memorandum of understanding for the Fire Training Center that is currently under Council's consideration. He expressed his belief that the quid pro quo approach does not work. He stated that the County originally took control of the Fire Training Center during the negotiations between 1998-2000, when the City approached the County about assisting

with the funding of the Reading Public Library. He noted that the County has not increased the funding as promised over the last ten (10) years. He suggested tabling the ordinance authorizing the memorandum of understanding and including the library issue in negotiation.

Adrianne Clinton, of Weiser Street, read Council the letter she sent to the owner of the adjoining property concerning the deteriorated conditions of the property. She distributed photographs of the exterior of the problem property. She added that her communications over the past year with the tenants and the landlord has not yielded any positive results.

Judy Nuss, of Sinking Spring, expressed the need to rejuvenate Reading through improved property maintenance. She also noted the need for the City to properly fund the playground program and recreation programs to serve the City's youth.

APPROVAL OF AGENDA & MINUTES

Council Vice President Waltman called Council's attention to the agenda for tonight's meeting, including the legislation listed under the Consent Agenda heading and the minutes from the August 9th regular meeting of Council.

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to approve the agenda for tonight's meeting including the legislation listed under the Consent Agenda heading and the minutes from the August 9th regular meeting of Council. The motion was approved unanimously.

CONSENT AGENDA LEGISLATION

Resolution 80-2010 authorizing the reallocation of a $5,000 salary in the City Council wages line item **(Finance)**

Councilor Marmarou stated that since he has joined Council in 2004 he has not taken the salary of $5K mandated by the City Charter. Instead he dedicates that salary to various community organizations.

ADMINISTRATIVE REPORT

Interim Managing Director Geffken read the report distributed to Council at the meeting covering the following**:**

- Receipt of a $750K grant for the Goggleworks Center for the Arts, which includes a $1.5M loan program for economic development
- Mayor's participation in the PLCM Core Communities in Crisis Task Force
- Asking Council to consider the enactment of an ordinance which will add four (4) positions to assist in the management of the Codes and Housing initiative.

Councilor Sterner inquired why the Administration is seeking to add positions while under Act 47 which requires the layoff Police and Fire personnel. Interim Managing Director Geffken explained that the three (3) property maintenance aides will be funded through the quality of life ticketing program and in the elimination of unnecessary clerk position in Property Maintenance.

Council Vice President Waltman, in reference to Mr. Geffken's update on the Call Center issue, noted that the increase in complaint calls to the Call Center should be a warning sign to the Administration of unmanaged issues. He noted the need to better address quality of life issues in City neighborhoods.

AUDITOR'S REPORT

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

- 2010 Admissions tax collection
- 2009 Property Ownership change totaling 1,759 properties
- 2010 Review of the City's pension program

Council Vice President Waltman inquired about the trend for property ownership changed over multiple years. City Auditor Cituk stated that he will review the past several years and report back at an upcoming Council meeting.

Council Vice President Waltman inquired if the information provided from the County Assessment Office includes all Reading zip codes, such as Shillington, Kenhorst, Muhlenberg, Exeter, etc. or just those properties which are within the City's boundaries. City Auditor Cituk stated that he will check and report back.

ORDINANCES FOR FINAL PASSAGE

Bill No. 55-2009 – authorizing the execution of the memorandum of understanding for the City Fire Training Center *Introduced at the July 26 regular meeting; Tabled at the August 9 regular meeting; Discussed at the August 16 Public Works meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill 55-2010.

Bill 55-2010 was tabled by the following vote:

> **Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman- 6.**
> **Nay: None - 0.**

Council Vice President Waltman noted that the ordinance was tabled to allow further review and discussion.

Bill No. 56-2010 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 5 International Mechanical Code, Section D 103.5 Mechanical Board by adding the removal process for members of the HVAC Board **(Council Staff)** ***Introduced at the August 9 regular meeting***

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 56-2010.

Bill 56-2010 was enacted by the following vote:

> **Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman- 6.**
> **Nay: None - 0.**

Bill No. 57-2010 - amending the City of Reading Codified Ordinances Chapter 4 Buildings, Part 1 Historical Districts, Section 111 Reading Board of Historical Architectural Review (F) by amending the removal Process for members of the Historical Architectural Review Board **(Council Staff)** ***Introduced at the August 9 regular meeting***

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 57-2010.

Bill 57-2010 was enacted by the following vote:

> **Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6.**
> **Nay: None - 0.**

Bill No. 58-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 5 Boards, Departments, Commissions, Committees and Councils B. Board of Health 511 Establishment by amending the removal process for members of the Board of Health **(Council Staff)** ***Introduced at the August 9 regular***

Councilor Reed moved, seconded by Councilor Sterner, to enact Bill 58-2010.

Bill 58-2010 was enacted by the following vote:

> **Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6.**
> **Nay: None - 0.**

Bill No. 59-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section L Charter Board by adding the removal process for members of the Charter Board and renumbering as necessary **(Council Staff)** ***Introduced at the August 9 regular meeting***

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 59-2010.

Bill 59-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6.
Nay: None- 0.

Bill No. 60-2010 - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades, Special Events and Public Gatherings by adding regulations for vendors and the types of merchandise that can be sold and dispensed. **(Council Staff)** ***Introduced at the August 9 regular meeting***

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 60-2010.

Councilor Goodman-Hinnershitz expressed the belief that the proposed amendment is a good refinement of the existing legislation. She noted that the ordinance as worded does not step into censorship nor does it prevent the distribution of educational literature.

Bill 60-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6.
Nay: None - 0.

Bill No. 61-2010 - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-403 a (1) by clarifying the language relating to the double parking violation. **(Council Staff & Parking Authority)** ***Introduced at the August 9 regular meeting***

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 61-2010.

Councilor Reed asked the City Solicitor to explain the purpose of the ordinance. City Solicitor Younger explained that the existing language is vague and has caused problems when tickets are appealed to the Magisterial District Justices. He stated that the new ordinance provides clarifying language.

Councilor Goodman-Hinnershitz thanked the Reading Parking Authority for the working with the City to clarify this language.

Bill 61-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou Reed, Sterner, Waltman - 6.
Nay: None - 0.

Bill No. 62-2010 - amending The City Of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees And Councils, Section D Blighted Property Review Committee Section 1-543 C by changing the term of a committee member from two (2) years to four (4) years **(Council Staff)** ***Introduced at the August 9 regular meeting***

Councilor Marmarou moved, seconded by Councilor Acosta, to enacted Bill 62-2010.

Councilor Reed noted that this amendment will correct the discrepancy in the terms of the Blighted Property Review Committee members, making them consistent with terms used by other City Boards, Authorities, and Commissions.

Bill 62-2010 was enacted by the following vote:

> **Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6.**
> **Nay: None - 0.**

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - amending the 2010 City of Reading Full Time Position Ordinance by eliminating one (1) Development Inspection Clerk position, creating three (3) Property Maintenance Aides, adding one (1) Deputy Director of Community Development, adding one (1) Community Development Program Manager, and eliminating one (1) Community Development Specialist **(Bus Analyst)**

B. Ordinance - amending the City of Reading Codified Ordinances Chapter 11 Housing, Part 1 Rental, Section 11-124 (2) Housing Board of Appeals by adding letter H the removal process for members of the Housing Board of Appeals **(Council Staff)**

C. Ordinance - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 6 Property Maintenance Code, Section PM 111.2 Membership of the Board by adding PM 111.2.6 the removal process for members of the Property Maintenance Code Board of Appeals **(Council Staff)**

D. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter M Minority Business Procurement Board, Section 1-599.34 Minority Business Procurement Board by adding Letter Number Nine (9) Removal Process for Members of the Minority Business Procurement Board **(Council Staff)**

E. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter N Environmental Advisory Council, by amending Section 1-599.42 Membership Removal Process for members of the Environmental Advisory Council **(Council Staff)**

F. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and

Councils, Letter O Diversity Board, by amending Section 1-599.53 Membership for members of the Diversity Board **(Council Staff)**

G. Ordinance - amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council approval **(Council Staff)**

H. Ordinance - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 4 Stopping and Parking, Section 15-416 (3) thereby increasing penalty amounts **(Law)** ***To be distributed Monday***

RESOLUTIONS

Resolution 81–2010 - reappointing Manuel Candelario to the Blighted Property Review Committee **(Admin Oversight)**

The Administrative Oversight Committee moved to adopt Resolution 81-2010.

Councilor Marmarou stated that he is grateful that someone with Mr. Candelario's dedication, ability, and commitment is seeking reappointment to this critical board.

Councilor Reed noted the good progress made by the Blighted Property Review Committee in addressing this large City issue. She also noted the cohesiveness of the Board and staff.

Resolution 81-2010 was adopted by the following vote:

> **Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6.**
> **Nay: None - 0.**

COUNCIL COMMENT

Councilor Sterner thanked those who gave public comment at tonight's meeting. He also announced the Outlet Neighborhood Community Group meeting scheduled for this Wednesday at 6pm at Saint Mark's Church.

Councilor Reed asked Ms. Citron, who spoke during the Public Comment portion of the meeting concerning a problem property, to remain to discuss the issue further.

Councilor Goodman-Hinnershitz noted the importance of using the Disruptive Conduct Report in addressing quality of life problems at residential properties. She also

announced the Sunset at the Pagoda event scheduled for Thursday, September 2nd. She also noted the success of the Duryea Hill Climb.

Council Vice President Waltman announced the upcoming meeting schedule.

Councilor Marmarou moved, seconded by Councilor Acosta, to adjourn the regular meeting of Council.

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Linda Kelleher CMC, City Clerk

AGENDA MEMO

FINANCE DEPARTMENT

TO:	City Council
FROM:	Tammi Reinhart, Purchasing Coordinator
PREPARED BY:	Tammi Reinhart, Purchasing Coordinator
MEETING DATE:	September 13, 2010
AGENDA MEMO DATE:	August 16, 2010
RECOMMENDED ACTION:	Awarding of Contract for a Video Safety Consulting Services Phase 2 for the Police Department.

RECOMMENDATION

The recommendation is to award the contract to Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, for a total submitted price of approximately $52,400.00.

BACKGROUND

Proposals for the video safety network were received on July 22, 2010 for the Police Department. Currently, the RPD's Video Safety Unit's is comprised of 27 cameras which are connected to five workstations using a hybrid wireless/ fiber-optic communications network. The City is seeking to retain a consultant to aid in the planning, design, and implementation of the expansion of the system known as Phase 2. The City employed a three-member evaluation team that considered criteria including, but not limited to, overall solution, quality of partners, camera performance, security, and price. The responses to the requests for proposals were evaluated independently by the members of the RFP selection review committee. All three evaluators of the proposals recommend Herbert, Rowland & Grubic's appointment.

BUDGETARY IMPACT

This project will be funded by the $52,400 in federal funding.

PREVIOUS ACTIONS

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 13, 2010 meeting.

RECOMMENDATION
The recommendation is that City Council approve the recommendation of the Administration to employ Herbert, Rowland & Grubic for the video safety network phase 2 for the Police Department.

RECOMMENDED BY
Mayor, Managing Director, Director of Administrative Services, Police Chief and Purchasing Coordinator.

RECOMMENDED MOTION
To approve/deny Administration's recommendation that CelPlan/Wi4Net be retained for the video safety network on behalf of the City of Reading.

cc: File

July 22, 2010

To the Mayor
City Hall
Reading, PA

RFP FOR THE PURPOSE OF RETAINING A CONSULTING FIRM FOR THE EXPANSION OF THE PUBLIC SAFETY VIDEO SURVEILLANCE SYSTEM FOR THE READING POLICE DEPARTMENT, CITY OF READING, PENNSYLVANIA.

Proposals were received from the following firms:

Atriade 410 Park Avenue, Suite 1530 New York, NY 10022	$56,100.00
Consulting Gateway Corporation 356 Maidencreek Road Fleetwood, PA 19522	$117,327.00
Ducibella Venter & Santore 250 State Street North Haven, CT 06473	$158,625.00
Elert & Associates 140 Third Street South Stillwater, MN 55082	$85,500.00 (a)
Goals Consulting, LLC 30 Reliance Drive Wilkes-Barre, PA 18702	$109,250.00
Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111	$52,400.00
Intertech Associates 77-55 Schanck Road, Suite A-14 Freehold, NJ 07728	$60,585.00
R. Grossman and Associates, Inc. 4058 Spruce Avenue Egg Harbor Township, NJ 08234	$48,587.00
Remington Vernick & Beach Engineers 922 Fayette Street	$88,990.00

Conshohocken, PA 19428

Proposals were received from the following firms (continued):

Risk Management Associates, Inc. 4000 WestChase Boulevard, Suite 350 Raleigh, NC 27607	(b)
TranSystems One Oxford Valley, Suite 818 Langhorne, PA 19047	$95,590.00

(a) This is an estimated cost based on the submitted expenses of $18,000 and 6%-9% of project costs.
(b) Submitted rates on various service levels.

HEATHER DUNKLE
Purchasing Coordinator

BILL NO._____-2010

A N O R D I N A N C E

AMENDING THE FEE SCHEDULE OF THE CITY OF READING CODIFIED ORDINANCES BY ADDING A FEE OF $100.00 UNDER CODES DEPARTMENT CODES ENFORCEMENT ELECTRICAL RE-INTRODUCTION OF POWER INSPECTION PROGRAM

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Fee Schedule of the City Of Reading Codified Ordinances is amended to add a Fee under Codes Department Codes Enforcement Electrical for Re-Introduction Of Power Inspection Program.

SECTION 2. The fee for a re-introduction of power inspection performed by the City of Reading Electrical Inspector pursuant to the City of Reading Codified Ordinances shall be $100.

SECTION 3: All ordinances, regulations and policies of the City of Reading in direct contrast to this Ordinance, are hereby repealed.

SECTION 4: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 5: 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 6: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. _____-2010

AN ORDINANCE

AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION ORDINANCE BY ELIMINATING ONE (1) DEVELOPMENT INSPECTION CLERK POSITION, CREATING THREE (3) PROPERTY MAINTENANCE AIDES, ADDING ONE (1) DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT, ADDING ONE (1) COMMUNITY DEVELOPMENT PROGRAM MANAGER, AND ELIMINATING ONE (1) COMMUNITY DEVELOPMENT SPECIALIST.

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

Section 1. Amending the City of Reading 2010 Full-time Position Ordinance as follows:

1) Eliminating one (1) Development Inspection Clerk position from the Property Maintenance & Inspection Division, under the Police Department; and

2) Adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department; and

3) Adding one (1) Deputy Director of Community Development professional position under the Community Development Department;

4) Eliminating one (1) Community Development Specialist in the Community Development Department; and

5) Adding one (1) Community Development Program Manager professional in the Community Development Department.

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 _____, 2010

_____
President of Council

Attest:

_____
City Clerk
(Business Analyst)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 11 HOUSING, PART 1 RENTAL, SECTION 11-124 (2) HOUSING BOARD OF APPEALS BY ADDING LETTER H THE REMOVAL PROCESS FOR MEMBERS OF THE HOUSING BOARD OF APPEALS

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 11 Housing, Part 1 Rental, Section 11-124 (2) Housing Board of Appeals by adding the removal process for members of the Housing Board of Appeals as follows:

> **H. Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

§11-124. Housing Board of Appeals.

1. **Appeals**. Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a rental registration may appeal to the Housing Board of Appeals. Such appeal must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation. [*Ord. 22-2009*]

2. **Organization**.
A. **Membership**. The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/her designee; an owner or local responsible agent of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading. [*Ord. 22-2009*]

B. **Alternates**. There shall be three alternate members: an owner or local responsible agent, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.

C. **Appointment**. All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.

D. **Term**. A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.

E. **Powers of Designee and Alternates**. Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

F. **Oaths and Subpoenas**. The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. [*Ord. 43-2008*]

G. **Quorum and Majority Vote**. Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal. [*Ord. 43-2008*]

H. Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

3. **Powers**. The Board shall have the following powers:
A. **Promulgate Rules and Regulations**. To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

B. **Hear and Decide Appeals**. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.

C. **Grant Modification or Variance**. To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

D. **Grant Extension of Time**. To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

E. **Timeliness**. In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.

F. **Oaths and Subpoenas**. The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
[*Ord. 43-2008*]

G. **Authority**. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part. [*Ord.43-2008*]

4. **Records Open to Inspection**. The disruptive conduct report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the police officer or public officer may prescribe reasonable regulation regarding the time and manner of inspection.

5. **Affect of Appeals**. Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a rental registration until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report. [*Ord.22-2009*]

6. **Enforcement upon Resolution of Appeal of Housing Board**. If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall reinspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the rental registration per the provisions set forth in this Part. [*Ord. 22-2009*]
[*Ord. 43-2008*]

7. **Fee and Costs**. The fee for filing of an appeal to the Housing Board of Appeals shall be $75. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee. [*Ord. 43-2008*] (*Ord. 28-2007*, 7/23/2007, §§1, 2; as amended by *Ord. 43-2008*, 8/22/2008, §§1 and 2; by *Ord. 65-2008*, 10/13/2008, §1; and by *Ord. 22-2009*, 4/27/2009, §§2–4)

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 5 CODE ENFORCEMENT, PART 6 PROPERTY MAINTENANCE CODE, SECTION PM 111.2 MEMBERSHIP OF THE BOARD BY ADDING PM 111.2.6 THE REMOVAL PROCESS FOR MEMBERS OF THE PROPERTY MAINTENANCE CODE BOARD OF APPEALS

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 6 Property Maintenance Code, Section PM 111.2 Membership of the Board by adding the removal process for members of the Property Maintenance Code Board of Appeals as follows:

> **PM111.2.6. Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATIVE CODE, PART 5 BOARDS, DEPARTMENTS, COMMISSIONS, COMMITTEES, AND COUNCILS, LETTER M MINORITY BUSINESS PROCUREMENT BOARD, SECTION 1-599.34 MINORITY BUSINESS PROCUREMENT BOARD BY ADDING LETTER NUMBER NINE (9) REMOVAL PROCESS FOR MEMBERS OF THE MINORITY BUSINESS PROCUREMENT BOARD

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils Letter M Minority Business Procurement Board Section 1-559.34 Minority Business Board by adding the removal process for members of the Minority Business Procurement Board as follows:

> **9. Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

M. Establishing a Minority Business Procurement Advisory Board.

§1-599.31. Policy.
It is the policy of the City, State and Federal governments to foster an environment of inclusion in which all businesses are free to participate in business opportunities and to flourish without the impediments of discrimination. Businesses participating in these contracts shall do so on a fair and equitable basis. Vendors on these contracts shall not discriminate against any business because of race, color, religion, national origin, sex, sexual orientation or disability.
(*Ord. 56-2005*, 9/12/2005)

§1-599.32. Definitions.
For the purpose of this Chapter, the following terms shall have the following respective definitions:

Agency - any City office, department, board or commission, but not limited to, including the Council of the City of Reading. It shall also mean all legal entities which either:

(1) Receive funds, directly or indirectly, from the City, State or Federal governments.

(2) Have entered into continuing contractual or cooperative relationships with the City, including quasi-public agencies, hospitals, schools, etc.

(3) Operate under legal authority granted to them by City ordinance.

City Contracts - all City contracts, whether competitively bid or negotiated, including but not limited to, any construction contract with a total value in excess of $10,000 which:

(1) Is paid for in whole or in part with City, State or Federal funds.

(2) Is financed either wholly or partially by State or Federal funds which are administered by the City.

(3) Is funded in whole or in part by Financial Assistance (See 6 below).

Disabled person - a person who has a physical or mental impairment which substantially limits one or more of his or her major life activities or has a record of such impairment. Major life activities shall mean functions, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Disadvantaged Business Enterprise or "DBE" - any small business enterprise:

(1) Which is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals.

(2) In the case of any publicly owned business, one in which at least 51% of the stock is owned by one or more socially and economically disadvantaged individuals, associations or groups; provided, however, that a reputable presumption shall exist that any person that has received more than $5,000,000 in three consecutive years of contract work from the City is not a DBE, and; provided further, that any previous certification of any such person as a DBE shall be re-evaluated pursuant to regulations to be promulgated by the MBEC.

Disparity analysis - in the City of Reading the level of DBE's are underutilized in the performance of various types of contracts.

Financial assistance - any grant, loan, incentive or abatement provided by, or with the authority or approval of, the City or a City-related agency, including but not limited to bond financing subsidies, Tax Increment Financing aid, industrial development bonds, use of the power of eminent domain, land or property acquisition, Community Development Block Grant loans or grant, airport revenue bonds, Enterprise Zone designations, and aid from any Federal, State or City or other similar agencies.

Individual - a natural person.

Minority business procurement advisory board (MBPAB) - the entity within the Department of Finance responsible for the development, implementation, monitoring and enforcing the procedures and goals set forth in this Chapter.

Minority person - a person who is a citizen or lawful permanent resident of the United States and who is:

(1) African American (a person having origins in any of the black racial groups in Africa).

(2) Hispanic American (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race).

(3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands).

(4) Native American (a person having origins in any of the original peoples of North America).

Person - a corporation, partnership or association, or any combination thereof, as well as a natural person.

Small business enterprise - a business which is independently owned and operated and which is not dominant in its field of operation as further defined in the Small Business Size Regulations, adopted by the U.S. Small Business Administration and published in the U.S. Code of Federal Regulations, including the industry size standards set forth in the table contained therein, which regulations are incorporated herein, and made a part hereof by reference.

Socially and economically disadvantaged individuals - those who have either been subjected to racial, sexual or ethnic prejudice because of their identity as a member of a group or to differential treatment because of their disability without regard to their individual qualities, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business who are not socially disadvantaged.
(1) In determining who are Socially and Economically Disadvantaged Individuals, the Minority Business Procurement Advisory Board may make a reputable presumption that all minority persons, all women and all disabled persons shall be so classified.

(2) The Minority Business Procurement Advisory Board, in determining whether an individual shall be classified as a Socially and Economically Disadvantaged Individual, shall also consider, among other things the extent of the liquid assets and net worth of such socially disadvantaged individuals.

MCA - is the Minority Contractors Association.

Women Business Enterprise or "WBE" - any Women Business Enterprise:

(1) Which is at least 51% owned and controlled by one or more socially and economically disadvantaged women.

(2) In the case of any publicly owned business, one in which at least 51% of the stock is owned by one or more socially and economically disadvantaged women, associations or groups; provided, however, that a reputable presumption shall exist that any person that has received more than $5,000,000 in three consecutive years of contract work from the City is not a WBE, and; provided further, that any previous certification of any such person as a WBE shall be re-evaluated pursuant to regulations to be promulgated by the MBEC.

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

Aggrieved person - includes such person or persons who believe that they have been injured or will be injured by a discriminatory employment act or practice that has occurred or is about to occur.

Discriminate and discrimination - includes any difference in treatment based on race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

Familial status - means one or more individuals, who have not obtained the age of eighteen years being domiciled with:

(1) A parent or another person having legal custody of such individual or individuals.

(2) The designee of such parent 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 eighteen years.

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.

Non job 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. Un-insurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related.
(*Ord. 56-2005*, 9/12/2005)

§1-559.33. Minority Business Procurement Advisory Board.
1. **Stated Mission**. To advise administration on issues and policies concerning enhance participation, to the maximum extent feasible, in employment practices at all levels, included but not limited to apprenticeship programs, training programs, etc., for MBEs, DBEs, WBEs, and the lower to moderate income residents, etc. within the distressed areas as mandated by City, State and Federal governments regulations.

2. **Meeting Dates**. First week of the month.

3. **Appointment by**. Mayor (usually with recommendations from sitting Board members and the Minority Contractors Association) with the approval of City Council.

4. **Length of Term**. 2 years

5. **Accountability to City**. Reports

6. **Revenue Source**. City General Fund.

7. **Number of Board Members**.: Seven members shall be appointed including but not limited to the following: 1 Rep. Housing Authorities Sector, 2 Reps. Minority Contractors Association, 1 Rep as Chamber of Commerce Designee, and 3 community members-at- Large. Representation of members of the Board should reflect the demographics of the City.
(*Ord. 56-2005*, 9/12/2005)

§1-599.34. Minority Business Procurement Advisory Board.
1. There is hereby established in the Office of the Mayor, a Minority Business Procurement Advisory Board to advise the Administration on policies, procedures and practices to enhance participation of MBEs, DBEs, WBEs, SBEs and the lower to moderate income residents, etc. in procurement of City contracts and all employment practices.

2. The Board shall consist of seven members each to be appointed by the Mayor for a 2-year term, with City Council approval. The members of the Board may be reappointed to successive terms of office. Each member of the Board shall continue to serve after their term until their successor has be qualified and appointed. Appointments of new term members shall be made 60 days prior to the expiration of the current term. Vacant seats on the Board shall be filled within 90 days. Three members-at-large from the community will also serve on the Board.

3. The Board 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 Board, appoint such committees as may be necessary to carry out the powers and duties of the Board, and the members may authorize such committees to take any necessary action for the Board.

4. The Board shall adopt such rules and regulations for its own organization, operations and procedures as the Board shall deem necessary to administer, implement and enforce this Part 5M.

5. The Board shall hold at least four public meetings during each calendar year. Four members of the Board 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 Board. Members are required to vote on all issues. However, in case of a valid absence, approved by the chairman, the members is required to vote either by abstaining or via Proxy, whichever is deemed appropriate. Members who have failed to

fulfill their duties, included but not limited to two missed votes, shall first receive a warning. However, further violation of their duties will render an immediate resignation.

6. The members of the Board 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 that no members shall not be able and available to exercise any of or fulfill any of the duties of the Board, the Mayor may appoint one or more members temporarily, with the approval of City Council, to assume the powers and/or fulfill the duties of the Board. Such appointment maybe limited in duration of term and in scope of the powers and duties of any members so appointed.

8. In the event that a member wishes to resign, they must do so in writing to the Chairman of the MBPAB. A copy of this letter should be provided to all members for information purposes only.
(*Ord. 56-2005*, 9/12/2005)

9. ***Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.***

§1-599.35. Powers and Duties of Board.
The Minority Business Procurement Advisory Board shall have no powers or duties but shall serve in an advisory capacity to the Administration only.
(*Ord. 56-2005*, 9/12/2005)

§1-599.36. City Contracts.
All contracts of the City and its contracting agencies shall encourage the contractor to comply with the policy of this article to enhance the participation of MBEs, DBEs, WBEs, SBEs and the lower to moderate income residents, etc., therewith and to comply with any State or Federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed there under and shall require the contractor to include a similar provision in all subcontracts.
(*Ord. 56-2005*, 9/12/2005)

§1-599.37. Procedure.
1. The MBPAB, or any subsequent successor, shall advise the administration in accord with the policy set forth herein and in so doing shall also:

A. Advise a procedure to ensure the City is outreaching and encouraging to MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participate in procurement.

B. Advise a procedure to ensure the City is outreaching and encouraging to MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participation in City contracts as subcontractors.

C. Ascertain and advise the Administration, within 90 days of the enactment of this Part, the total number of MBEs, DBEs, WBEs, SBEs and lower-to moderate income businesses in the Berks County Standard Statistical Area.

D. Maintain a listing of all such residents and make it available to all agencies.

E. Advise a process to ensure all majority contractors are aware of the existence and identity of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses.

F. Survey such businesses to ascertain how to establish accessibility of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to the City's procurement process and report findings to Administration and Council.

G. Survey such businesses to ascertain how to establish accessibility of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participation in City contracts as subcontractors and report findings to Administration and Council.

H. Report to the Administration and Council the MBEs, DBEs, WBEs, SBEs and lower to-moderate income businesses on bi-annual basis (every 6 months) of participation in City contracts and its procurement process.

I. Report to the Administration and Council the MBEs, DBEs, WBEs, SBEs and lower to-moderate income businesses on bi-annual basis (every 6 months) of participation in City contracts as subcontractors.

J. Advise Administration and Council of percentage of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts and its procurement process.

K. Advise Administration and Council of percentage of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts as subcontractors.

L. Advise Administration and Council of appropriate policies and procedures for aid in monitoring and obtaining Board's mission and policy.

2. The Director of Finance, in conjunction with the MBPAB shall, assemble and furnish to such procurement records and documents of the various agencies, cooperative relationships, etc. as are necessary for the monitoring MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts and its procurement process and subcontractors.

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATIVE CODE, PART 5 BOARDS, DEPARTMENTS, COMMISSIONS, COMMITTEES, AND COUNCILS, LETTER N ENVIRONMENTAL ADVISORY COUNCIL, BY AMENDING SECTION 1-599.42 MEMBERSHIP REMOVAL PROCESS FOR MEMBERS OF THE ENVIRONMENTAL ADVISORY COUNCIL

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils Letter N Environmental Advisory Council, by amending Section 1-599.42 Membership removal process for members of the Environmental Advisory Council as follows:

> **Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

N. Environmental Advisory Board.

§1-599.41. Purpose.

The EAC duly organized under these bylaws shall have the power to study environmental and sustainability issues at the request of City Council and make recommendations to Council on those issues. The EAC will work with City Council in an advisory capacity in an effort to help
Council analyze environmental and sustainability issues and when appropriate issue recommendations on courses of action necessary to protect the health, safety and welfare of the residents of Berks County.
(*Ord. 27-2008*, 3/24/2008, §1)

§1-599.42. Membership.

1. The EAC is composed of seven voting members, chosen to serve 3-year staggered terms and appointed by City Council. These members shall reflect the geographic, demographic, technical, and non-technical backgrounds of the citizens of Reading.

~~2. Advisory Council members having three or more unexcused absences in a calendar year may be replaced by City Council. Notification of potential dismissal from the Advisory Council will be mailed by the Chair to the Board member following a second absence within a calendar year.~~
(*Ord. 27-2008*, 3/24/2008, §1)

2. Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

§1-599.43. Meetings and Voting.

1. **Monthly Meetings**. Regular meetings of the EAC will be determined by the membership of the EAC. Notices of an EAC meetings will be posted on the City of Reading website, the municipal access channel and, if necessary, a newspaper of general record.

2. **Special Meetings**. Special meetings may be requested by the Chair, or by a majority of the EAC members. Such special meetings shall be held at such place, date and hour as may be designated by the person or persons authorized herein to call such a meeting.

3. Written or phone notice of such a special meeting shall be given by the Chair to the Advisory Council members at least 5 days and not more than 21 days prior to the meeting. City Council and the public shall be notified for such meetings in appropriate manner; i.e., posting the date, time and location on the City website, posting on the municipal access channel, sending a letter to City Council, etc.

4. **Quorum**. In the event a quorum is not present at any meeting, the members may reschedule the meeting for a later date with the required notice. A quorum shall consist of more than 2/3 of the current voting members. The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the Council.

5. **Voting**. Each member is entitled to one vote, with the voting governed by parliamentary procedure according to Robert's Rules of Order.

6. **Notes**. Notes from meetings will be kept and copies of the meeting's notes will be sent to the City Clerks Office and each member of the EAC.

7. All meetings or portions of meetings at which action is taken shall be open to the public.
However, the EAC may meet in closed session for discussion purposes, pursuant to the "Sunshine Act of 1987."
(*Ord. 27-2008*, 3/24/2008, §1)

§1-599.44. Officers and Compensation.
1. **Officers**. The EAC shall elect from among their members a Chair and a Vice-Chair at the first meeting of each calendar year. Officers shall serve for one year or until their successors are elected.

2. **Chair**. The Chair shall preside at all meetings of the Council and shall have the duties and powers normally invested in the Office of Chair. He/she shall enforce the bylaws and regulations of the EAC. He/she shall be the official spokesperson for the EAC.

3. **Vice-Chair**. The Vice-Chair shall carry out the Chair's duties in case of absence, incapacity, or resignation.

4. **Secretary**. The Secretary will be responsible for keeping the official minutes of the EAC and preparing all correspondence on behalf of the EAC.

5. **Compensation**. No board member shall receive any salary or payment for his/her services. Financial support of the EAC can be provided by City Council through the authorization of an appropriation to the General Fund budget.
(*Ord. 27-2008*, 3/24/2008, §1)

§1-599.45. Duties.
1. To coordinate at the request of Council ongoing, and to propose and promote new environmental protection and sustainability initiatives among residents, businesses, governmental and non-governmental agencies, and educational organizations through education and outreach programs.

2. To advise and make recommendations to City Council, City Administration, and City boards, authorities and commissions on policies and programs that infuse the work of City government with an operating philosophy based on environmental protection and sustainability.

3. To recommend plans and programs to the appropriate agencies for promotion and conservation of natural resources and for the protection and improvement of the quality of the environment within the City of Reading and surrounding areas.
4. Make recommendations as to the possible use of open land areas within the City of Reading.

5. To promote community environmental awareness programs.

6. Keep an index of all open areas, publicly or privately owned including, but not limited to, flood prone areas, wetlands and other unique natural areas.

7. To prepare an annual report to City Council on its activities, goals and accomplishments.

8. For each issue that the EAC reviews, it will generate a report to City Council that sets forth its findings and dissenting opinions if any.

9. To consult and cooperate with other agencies, departments, boards, authorities and commissions of the City of Reading on environmental matters.
(*Ord. 27-2008*, 3/24/2008, §1)

§1-599.46. Bylaws.
1. The Environmental Advisory Council Bylaws will be drafted and adopted by City Council.

2. If at any time the established bylaws are determined to be at conflict with EAC activities or impose too great a set of constraints, the EAC may request City Council amend the bylaws. The request, along with specific recommendations must be submitted to City Council in writing. Upon receiving a request for amendment, City Council will meet with representatives of the EAC to discuss the request. Amendments to the EAC bylaws must be approved by City Council through resolution.

3. City Council reserves the right to amend the bylaws of the EAC through the adoption of subsequent resolutions.
(*Ord. 27-2008*, 3/24/2008, §1)

§1-599.47. Hearings.
1. In addition to those required by law, the EAC may hold public hearings when. the EAC and City Council decide that such hearings will be in the public interest.

2. Except as required by law, notice of the time and place of such hearings, when on matters of widespread interest, shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the hearing, not earlier than 2 weeks prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the EAC.

3. The matter before the EAC shall be presented in summary by some person designated by the Chair, and parties in interest shall have privilege of the floor.

4. No record or statement shall be recorded or sworn to by the EAC as evidence for any Court of Law without notice to the parties mentioned in the record or statement.

5. A record shall be kept of those speaking before the EAC at such hearings.

6. Copies of all testimony and other evidence provided at a public hearing must be forwarded to the City Clerks Office at the conclusion of the hearing.
(*Ord. 27-2008*, 3/24/2008, §1)

§1-599.48. Inter Municipal Cooperation.
1. No part of this Part 5N shall prohibit the Reading Environmental Advisory Council from cooperating with similar organizations in other jurisdictions.

2. In the interest of efficiency the Reading Environmental Advisory Council may wish to form a joint board with other jurisdictions. Any merger shall be treated as an amendment of this Part 5N requiring the approval of City Council.
(*Ord. 27-2008*, 3/24/2008, §1)

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATIVE CODE, PART 5 BOARDS, DEPARTMENTS, COMMISSIONS, COMMITTEES, AND COUNCILS, LETTER O DIVERSITY BOARD, BY AMENDING SECTION 1-599.53 MEMBERSHIP FOR MEMBERS OF THE DIVERSITY BOARD

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils Letter O Diversity Board, by amending Section 1-599.53 Membership for members of the Diversity Board as follows:

> **Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

O. Diversity Board.

§1-599.51. Purpose.
The City of Reading City Council hereby creates a City of Reading Diversity Board to serve in an advisory capacity to the Mayor and City Council by providing input on policy and processes that promote and facilitate active involvement and participation by diverse cultures such as of race, color, religion, ancestry, national origin, age, sex, familial status, and handicap within the Reading Community.
(*Ord. 54-2007*, 7/9/2007, §1)

§1-599.52. Responsibilities.
The City of Reading Diversity Board shall have the following responsibilities:

A. To promote understanding that accepts, celebrates and appreciates diversity within the Reading community.

B. To serve as a resource and provide recommendations for the City regarding opportunities to address or promote diversity issues or programs within the city and community.

C. To promote and encourage active involvement and participation by diverse cultures within the Reading community and City government.

D. To enlist the cooperation of various groups in the community to participate in educational, cultural and other campaigns demonstrating an awareness of cultural and human diversity in the community.
(*Ord. 54-2007*, 7/9/2007, §1)

§1-599.53. Membership.
The Diversity Board shall be composed of nine (9) thirteen (13) voting members, chosen to serve three year staggered terms and appointed by the City Council. The Diversity Board shall include: one (1) representative of Council, one (1) representative of the City management team, one (1) representative from the Human Resources Department, the Chief of Police or his/her designee, the Fire Chief or his/her designee, the Public Works Director or his/her designee, one (1) member representing each of the AFSCME, Police and Fire work force groups, one (1) representative of the NAACP, one (1) representative of the PSLC, one (1) representative of the City management team, one (1) representative from the Human Resources Department, and four (4) two (2) members reflecting the geographic, demographic, technical, and non-technical backgrounds of the citizens of Reading.

~~A Diversity Board member may be removed by City Council for malfeasance, nonfeasance, misfeasance, misconduct or neglect of duty. Diversity Board members having three or more unexcused absences in a calendar year may be replaced by City Council. Notification of potential dismissal from the Advisory Council will be mailed by the Chair to the Board member following a second absence within a calendar year.~~
(*Ord. 54-2007*, 7/9/2007, §1)

Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position

§1-599.54. Organization of the Board.
The Diversity Board shall establish its own bylaws, establish offices and elect officers from its membership. To conduct any meeting a majority of the Board shall be present. A majority of the Board must vote affirmatively to approve any motion or action. The Diversity Board shall receive legal counsel from the City's Law Department and assistance from the Human Resources EEOC Administrator.
(*Ord. 54-2007*, 7/9/2007, §1)

§1-599.55. Powers and Duties.
It shall be the duty of the City of Reading Diversity Board to:

A. Annually review the City's progress in implementing a Citywide Diversity Plan and report the results of the review to the Mayor and City Council.

B. Issue reports and actively participate in ongoing dialog with the community consistent with the purpose of the Board.

C. To promote and encourage active involvement and participation by diverse cultures within the Reading community and city government.

D. Develop and propose municipal policies and procedures that increase diverse representation in the City's work force and assure fair and equitable treatment of all applicants.

E. Create a mission statement that reflects the purpose and responsibilities defined herein.
(*Ord. 54-2007*, 7/9/2007, §1)

§1-599.56. Meetings.
The Diversity Board shall meet monthly on a day and time approved by majority vote of the Board. The meetings of the Board shall be publicized and open to the public in accordance with the Sunshine Act. Copies of meeting minutes will be provided to the City Clerk's Office.
(*Ord. 54-2007*, 7/9/2007, §1)

§1-599.57. Expenditures for Services.
City Council may, upon written request of the Diversity Board, appropriate funds for expenses incurred in the pursuit of achieving the purpose of this Part 5O.
(*Ord. 54-2007*, 7/9/2007, §1)

BILL NO. _____2010
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, SECTION 1-186 FINANCIAL PROVISIONS, PART 14 A APPROVAL OF CONTRACTS BY DECREASING THE CONTRACT VALUE REQUIRING COUNCIL APPROVAL.

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council Approval.

> 1. 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 $50,000~~ ***having a value of or in excess of $25,000,*** and all collective bargaining agreements. Any contracts for less than ~~$50,000~~ ***$25,000*** 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.

15. Requiring that as of March 13, 2001, City Council must, by resolution, approve any salary increase that has not been approved in or included in the budget for the fiscal year and falls outside the labor contract for union employees. [*Ord. 11-2001*]

16. That during the course of each fiscal year, 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, causing a modification of $10,000, must be approved by Council resolution. The resolution must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, within the time framed defined in the Agenda Packet Policy. [*Ord. 54-2009*]

17. All expenditures not approved and listed in the operating or capital budgets for the fiscal year that exceed $25,000. [*Ord. 16-2001*

SECTION 3. All other provisions of Chapter 1 of the City of Reading Codified Ordinance shall remain effective.

SECTION 4. 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 5. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are herby repealed.

SECTION 6. 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 _____, 2010

_____
President of Council

Attest:

_____
City Clerk

(Council Staff)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. _____, 2010

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 15-416 BY ADDING A NEW PART 5 TO REQUIRE A $12.50 SURCHARGE ON EACH PARKING VIOLATION ISSUED BY THE READING PARKING AUTHORITY AND CITY OF READING POLICE DEPARTMENT.

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

SECTION 1. Amending Chapter 15, Section 15-416 by adding a new part 5, as follows:

5. Effective October 1, 2010, the City shall impose a Municipal Surcharge of $12.50 for each non-meter parking violation issued by the Reading Parking Authority and the City of Reading Police Department. The Reading Parking Authority shall collect such Surcharge and remit 95% of funds collected hereunder to the City on a monthly basis, and may retain 5% of funds collected hereunder to offset administrative and related costs associated herewith.

SECTION 2. Repealer . All ordinances or parts of ordinances which are inconsistent herewith are herby repealed.

SECTION 3. This ordinance shall become effective October 1, 2010 and shall continue in effect until it repealed or modified by an ordinance enacted by the City of Reading Council.

Enacted on_____2010

_____

Vaughn D. Spencer
President of Council

ATTEST:

_____

Linda A. Kelleher
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 5 CODE ENFORCEMENT PART 1 BUILDING CODE LETTER B INTERNATIONAL BUILDING CODE ARTICLE 1 INTERNATIONAL BUILDING/FIRE PREVENTION CODE BOARD OF APPEALS RULES OF PROCEDURE ARTICLE 2 MEMBERSHIP BY ADDING 2.6 REMOVAL OF MEMBERS

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 1 Building Code Letter B International Building Code Article 1 International Building/Fire Prevention Code Board of Appeals rules of procedure Article 2 Membership by adding the removal process for members of the International Building/Fire Prevention Code Board of Appeals as follows:

> **2.6 Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 5 CODE ENFORCEMENT PART 3 INTERNATIONAL FIRE CODE ARTICLE 1 INTERNATIONAL BUILDING/FIRE PREVENTION CODE BOARD OF APPEALS RULES OF PROCEDURE ARTICLE 2 MEMBERSHIP BY ADDING 2.6 REMOVAL OF MEMBERS

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 3 International Fire Code Article 1 International Building/Fire Prevention Code Board of Appeals rules of procedure Article 2 Membership by adding the removal process for members of the International Building/Fire Prevention Code Board of Appeals as follows:

> **2.6 Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 2 ANIMALS SECTION 2-111 ANIMAL CONTROL BOARD POWERS AND DUTIES BY ADDING #4 REMOVAL OF MEMBERS

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 2 Animals Section 2-117 Animal Control Board Powers and Duties by adding the removal process for members of the Animal Control Board as follows:

> **4. Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

EXHIBIT A

CHAPTER 2
ANIMALS
PART 1
ANIMAL CONTROL

§2-101. Purposes
§2-102. Definitions
§2-103. Nuisances
§2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animals
§2-105. Caring for Animals
§2-106. Sanitation
§2-107. Restraining and Confinement Generally
§2-108. Restraint of Guard Dogs
§2-109. Restraining of Dangerous or Aggressive Dogs
§2-110. Property Owners May Impound
§2-111. Return of Animal to Owner
§2-112. Disposition of Large Animals
§2-113. Dangerous Dog and/or Aggressive Dog Permits
§2-114. Impoundment
§2-115. Notice to Owner and Redemption
§2-116. Animal Control Board Established
§2-117. Animal Control Board; Powers and Duties
§2-118. Sanctions and Remedies
§2-119. Appeals
§2-120. Enforcement
§2-121. Violations and Penalties

PART 2
PIGEONS

§2-201. Coop Size and Number of Pigeons
§2-202. Sanitary Maintenance; Loud Noises Prohibited
§2-203. Feeding Prohibited
§2-204. Human Disposition of Pigeons at Large
§2-205. Penalty

Cruelty to Animals - see 18 Pa.C.S.A. §511.
Dog Law of 1982 -1- 3 P.S. 45901 *et seq.*

PART 11
ANIMAL CONTROL

§2-101. Purpose.
The purpose of this Part is to promote the public health, safety and general welfare of the citizens of the City of Reading and to ensure the humane treatment of animals by regulating the care and control of animals within the City.
(*Ord. 72-2005*, 11/15/2005, §1)

§2-102. Definitions.
When used in this Part, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ANIMAL -- Construed in a broad sense to include not only mammals, but also birds, reptiles and insects.

ANIMAL CONTROL OFFICER – A City employee or agent authorized to enforce the City of Reading Codified Ordinances, an employee of the designated animal control authority or agent of the City, designated by the Mayor to administer and enforce the licensing/permit, inspection and enforcement requirements contained within this Part.

ANIMAL HOSPITAL - any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

ANIMAL NUISANCE - any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

ANIMAL SHELTER - any facility operated by the City or designated animal control authority for the temporary care, confinement and detention of animals and for the humane euthanasia and other disposition of animals. The term shall also include any private facility authorized by the Mayor or his designee to impound, confine, detain, care for or destroy any animal.

AT LARGE - an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

ATTACK - the deliberate action of a dog whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human, animate or inanimate object, with obvious intent to destroy, kill, wound, injure or otherwise harm the object of its action. All attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).

CRUELTY - any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or

protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food is siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

DESIGNATED ANIMAL CONTROL AUTHORITY - agency that has a contract with the City of Reading for animal control.

DOG, DANGEROUS - any dog as defined in 3 P.S. 459-502-A(1).

DOG, AGGRESSIVE - shall include any or all of the following, except police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler, or certified service dogs:
Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation; or
Any dog which, without provocation, approaches in a threatening or terrorizing manner, any person or domestic animal upon the streets, sidewalks or any public grounds or places; or
Any dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking or propensity to attack people or domestic animals without provocation.
All bites and/or attacks shall be reported to the City's Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).

DISPOSITION - adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

DOMESTIC COMPANION ANIMAL - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of human companionship and serving no widely recognized agricultural, farming use or working purposes.

DOMESTIC AGRICULTURAL ANIMAL - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of agricultural use or farming purposes are strictly prohibited.

EXEMPT EXOTIC ANIMAL - any non-domestic animal not native to Pennsylvania routinely offered for sale by pet stores within Pennsylvania, non-poisonous reptiles not exceeding a maximum length of 60 inches at maturity, non-poisonous fish, and nonpoisonous amphibians not requiring State, Federal, or City permitting.

EXOTIC ANIMAL - any rare or unusual animal pet or an animal kept as a pet which is not commonly thought of as a pet – may also be a species which is not-indigenous to the locale including but not limited to alligators, crocodiles, foxes, tortoises, skunks, raccoons, chinchillas, wild felines, snakes, lizards, scorpions, and non-human primates

GUARD or ATTACK DOG - a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

HEEL - the animal is directly behind or next to a person and obedient to that person's command.

IMPOUNDMENT - the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

KENNEL - any premises wherein any person engages in the business of boarding, breeding buying, letting for hire, training for a fee or selling dogs or cats.

MUZZLE - a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

OFFICER -- Police officer and/or duly appointed Animal Control Officer.

OWNER - any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Part. An animal shall be deemed to be harbored if it is fed or sheltered for 3 or more consecutive days.

NATIVE WILDLIFE ANIMAL - all non-domestic animals naturally occurring in the wild within the borders of Pennsylvania.

PERSON -- Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

PUBLIC NUISANCE ANIMAL - any animal that unreasonably annoys humans, endangers the life or health of person or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

The term "public nuisance animal" shall include, but not be limited to:
(1) Any animal that is found running at large.
(2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.

(3) Any animal that damages any property other than that of its owner.
(4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored shall be governed by the City of Reading Codified Ordinance Chapter 10, Part 2, "Noise Control," §10-204.
(5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
(6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals.
(7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.
(8) Any animal that chases motor vehicles in a public right-of-way.
(9) Any animal that attacks domestic animals.
(10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
(11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

SANITARY - a condition of good order and cleanliness to minimize the possibility of disease transmission.

UNDER RESTRAINT - an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

VICIOUS or DANGEROUS ANIMAL - any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without provocation or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous. All attacks and bites must be reported to the City's Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).

§2-103. Nuisances.
It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.
(*Ord. 72-2005*, 11/14/2005, §1)

§2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animal.
It shall be unlawful for anyone to own, harbor or permit at large any exotic animal, domestic agricultural animal or native wildlife animal within the City without a permit issued by the Animal Control Board. Such permit shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety.

The application for such permit shall be on a form supplied by the City and shall be submitted to the City Clerks Office along with a fee in the amount of $75.00 for the first calendar year. The fee shall be disbursed $40.00 to the designated animal control authority and $35.00 to the City to cover the costs of inspections and administration. For subsequent years the fee shall be $40 and will be disbursed $20 to the designated animal control authority and $20 to the City to cover costs.

The fee is levied per household, not per exotic animal.

§2-105. Caring for Animals.
PA Code Animal Regulations - 18 Pa.C.S. §5511.

§2-106. Sanitation.
1. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are housed, maintained or kenneled.
2. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the Health Officer. Animal shelters shall not be constructed or located in such a manner that it creates a health hazard or nuisance to the adjoining property owners.
3. People owning, harboring or keeping an animal within the City shall NOT permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.
4. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.
5. No person shall maintain, transport or carry any animal or pet in any eating and drinking establishment, food manufacturing or food service facility, except trained certified service dogs
6. Owners of leashed or unleashed animals shall be responsible for the removal and disposal of fecal matter deposited by his animal anywhere within the City.

§2-107. Restraining and Confinement Generally.
1. It shall be unlawful for the owner of any dangerous dog and/or aggressive dog to fail to keep such dangerous dog and/or aggressive dog under restraint or to permit such dangerous dog and/or aggressive dog to run at large upon the streets and public ways of the City.
2. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured

by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.
3. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.
4. Every female dog in heat shall be confined to the residence of the owner or keeper in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

§2-108. Restraint of Guard Dogs.
1. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least 6 feet in height and shall be topped with an anticlimbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.
2. All anticlimbing devises shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular.
3. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences property maintained and escape proof.
4. The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

§2-109. Restraining of Dangerous Dogs or Aggressive Dogs.
Every dangerous dog or aggressive dog shall be confined by its owner or authorized agent of its owner to the residence of the owner or keeper *in accordance with Pennsylvania Title 3 Agriculture Chapter 8 Dog Law § 459-502* . Such residence shall be conspicuously posted with a placard provided by the issuing office. Whenever off the premises of its owner, the dog shall be securely muzzled and restrained with a chain having a minimal tensile strength of 300 pounds and not more than 3 feet in length or caged. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.
1. Upon licensing a vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.
2. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. The pen shall be no less than six (6) feet high and contain no less than fifty (50) square feet of ground space. All pens shall comply with city zoning guidelines so as not to be offensive to the neighboring residents.
3. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.
4. No person owning or harboring a dangerous or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than three (3) feet. Retractable or flexi-leads are not

allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.
5. Once a dog is deemed to be dangerous; it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

§2-110. Property Owners May Impound.
Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Animal Control Officer. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an animal control officer to take possession of the animal.

§2-111. Return of Animal to Owner.
If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall make attempts to notify the owner.

§2-112. Disposition of Large Animals.
Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. The City and Animal Shelter are authorized, under the terms of this Part, to bill the owner of the animal for any charges incurred.

§2-113. Dangerous Dog and/or Aggressive Dog Permits.
1. Any person owning a dangerous or aggressive dog must register the dog with the animal control agency contracted by the City of Reading to enforce the provisions of this ordinance and pay a fee of one hundred dollars ($100.00) for such registration to the designated Animal Control Authority.
The owner must provide proof at the time of registration that:
A. The home-owner's insurance policy for the residence in which the dangerous dog is housed contains a rider or a liability clause for dangerous dogs;
B. The dog's rabies vaccination status is current;
C. The dog is licensed for the current year; and
D, The dog is micro-chipped with a permanent ID.
Every dog for which the owner is required to obtain a permit must wear a valid permit tag at all times when the animal is off the premises of its owner. The permit tag shall be issued the Animal Control Authority and be made of highly visible material with the words "dangerous dog" prominently displayed upon it.

APPEAL PROCEDURE

Within fourteen (14) days of the date of the notice of the police or animal control officer's decision that a dog is dangerous, the owner of the dog may appeal the decision to the Animal Control Board. The owner of the dog shall send notice of his/her intent to appeal by certified mail to the Animal Control Board, with copies to the Chief of Police and Clerk of City. If such an appeal is filed, a hearing shall be commenced within three (3) weeks of its filing. Within five days of the close of the appeal hearing, the Animal Control Board shall determine whether to uphold or reverse the decision of the police or health officer.

The determination of the Animal Control Board shall be final and binding. The dog shall be kept either in a secure enclosure or shall be impounded at an animal shelter during the appeal process. Any and all costs for the impounding of the dog shall be borne by the owner unless otherwise determined by the Animal Control Board.

§2-114. Impoundment.

1. In addition to any other remedies provided in this Part, an Animal Control Officer or a Police Officer may seize, impound and humanely confine any of the following animals in accordance with Pennsylvania Title 3 Agriculture Chapter 8 Dog Law :

A. Any dog without a valid permit tag or license.

B. Any animal at large.

C. Any animal constituting a public nuisance or considered a danger to the public.

D. Any animal that is in violation of any quarantine or confinement order of a Health Officer.

E. Any unattended animal that is ill, injured or otherwise in need of care.

F. Any animal that is reasonably believed to have been abused or neglected.

G. Any animal that is reasonably suspected of having rabies.

H. Any animal that is charged with being potentially dangerous, aggressive or displays aggressive behavior where an Animal Control Officer, the Animal Control Board, or the Mayor determines that there is a threat to public health and safety.

I. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.

J. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

K. Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

2. An Animal Control Officer or Police Officer may also, or in lieu of impoundment, issue to the owner a citation.

§2-115. Notice to Owner and Redemption.

1. Upon impoundment of an animal, the designated Animal Control Authority shall immediately attempt to notify the owner by telephone or certified mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

2. An owner reclaiming an impounded animal shall pay a fee of $25 for each day the animal has been impounded. The daily rate charged for any subsequent impoundment occurring within 12

months shall be double that which was charged for each day of confinement during the first impoundment.
3. Any animal not reclaimed by its owner within 48 hours shall become the property of the City and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the designated Animal Control Authority.
4. Any dangerous dog or aggressive dog impounded shall not be redeemed by the owner or adopted by any other person until all applicable permit fees imposed by this Part shall be paid and proof thereof shall be presented to the designated Animal Control Authority.

§2-116. Animal Control Board Established.
1. There is hereby established a City Animal Control Board.
2. The Mayor shall appoint five members plus two alternates subject to confirmation by City Council. The two alternate members shall represent the community at large and shall be empowered to sit on the Board in the absence of a Board member. In the event of the absence of one Board member, the alternate with the greatest length of service in the position will serve. In the absence of two Board members both alternates will serve. In the absence of both alternates, the Mayor may designate a temporary alternate at large.

One of the five regular appointees shall be designated as chairperson by the Mayor, subject to confirmation by Council.
A. Two members shall be appointed as representatives of the community at large.
B. Two members shall be appointed representatives of animal humane societies and animal shelters.
C. One member shall be appointed as a representative of private veterinarians or veterinary hospitals.
D. Two alternates shall be appointed as representatives of the community at large.
3. The term of each member shall be 3 years, or until a successor takes office.

§2-117. Animal Control Board; Powers and Duties.
1. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and the conduct of hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of the City Council. Three copies of the Board's rules and regulations shall be available for inspection by the public in the Office of the City Clerk.
2. The Board shall also have the authority to do the following:
A. Receive requests for permission to own exotic animals, domestic agricultural animals, and native wildlife animals; conduct an investigation it deems proper and hold hearings in conjunction with such investigation. The Board may grant, in writing, special permission for the keeping of exotic animals, domestic agricultural animals, and native wildlife animals and impose any condition on such permission that it deems necessary to protect the animal, owner, and the general public.
B. Make determinations of aggressive dogs as defined under “Definitions,” §2-102.
3. The Board shall meet at the call of the Chairperson to take the following actions:
A. Prepare and present the Animal Control Board budget to the Director of Finance.

B. Recommend to the City Council changes in the law regarding the control of animals.

4. Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

§2-118. Sanctions and Remedies.

1. Obedience training for the animal(s) in question.
2. Muzzling of an animal while off the property of the owner.
3. Confinement of an animal indoors.
4. Confinement of an animal in a secure enclosure.
5. Reduction of the number of animals kept at any one location.
6. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty.
7. The sterilization of an animal.
8. A ban on maintaining other animals in the City.
9. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.
10. Any fees previously paid nonrefundable.

§2-119. Appeals.

Any person aggrieved by any decision of an Animal Control Board may appeal the same to the Berks County Court of Common Pleas.

§2-120. Enforcement.

Animal Control Officers or other designees of the Mayor shall be the enforcement officials for this Part. These officials, along with Police Officers, shall have the authority to act on behalf of the City and the Animal Control Board in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this Part. It shall be a violation of this Part to interfere with any Animal Control Officer or other enforcement official in the performance of his duties.

§2-121. Violations and Penalties.

1. It shall be violation of the Part to:

A. Fail to comply with any provision of this Part.

B. Fail to comply with any lawful order of the Animal Control Board, an Animal

Control Officer, or Police Officer unless such order is lawfully stayed or reversed.
2. Any person who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than $100 nor more than $1,000 plus costs; and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
3. Notwithstanding any other penalties imposed by this Section of this Part, any person who violates any provision of this Part and said violation involves a dangerous dog or aggressive dog (as defined in §2-102 herein), shall be subject to a minimum fine of $500 to a maximum of $1,000 plus costs and other fees and penalties included within the terms of this Part and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. All fines collected shall be forwarded to the designated Animal Control Authority to cover administrative expenses.
(*Ord. 72-2005*, 11/14/2005, §1)

PART 22
PIGEONS

§2-201. Coop Size and Number of Pigeons.
No person, firm or corporation shall keep, maintain or harbor any pigeons within the City in a suitable house or coop which is more than 800 cubic feet in size and not more than 100 pigeons shall be kept by any one person, firm or corporation at any time. Pigeon houses or coops may also have an attached enclosed runway, but all structures for keeping the pigeons shall be constructed so as to keep the pigeons properly confined and prevent their flying abound.

§2-202. Sanitary Maintenance; Loud Noises Prohibited.
Any pigeon houses, coops or runways shall be maintained in such proper sanitary conditions as to avoid offensive odors and no pigeons shall be kept which create any loud and excessive noises.

§2-203. Feeding Prohibited.
No person shall intentionally feed pigeons at large.

§2-204. Humane Disposition of Pigeons at Large.
Pigeons at large and not branded may be captured and destroyed by any humane means by any representative of the Property Improvement Division of the of the Police Department, by the City's animal control authority or by any property owner of the City upon whose property may such pigeon shall be found at large.

§2-205. Penalty.
Any person, firm or corporation who shall violate this Part shall be, upon conviction thereof sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
(*Ord. 31-1965*, 7/7/1965, §5; as amended by *Ord. 14-2001*, 5/29/2001)

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION AND GOVERNMENT PART 1 ADMINISTRATIVE CODE LETTER J CODE OF ETHICS SECTION 1-199.12 BOARD OF ETHICS LETTER A COMPOSITION AND STRUCTURE OF BOARD BY ADDING # 9 REMOVAL FOR MEMBERS OF THE BOARD OF ETHICS

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 1 Administrative code Letter J Code of Ethics Section 1-199.12 Board of Ethics Letter A Composition and Structure of Board by adding #9 removal for members of the Board of Ethics as follows:

> **9. Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted_____, 2010

_____
Council President

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

SECTION 1. Declaration of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

Each official or employee of the City must be constantly on guard against conflicts of interest. No official or employee should be involved in any activity which might be seen as conflicting with his/her responsibilities to the City. The people of Reading have a right to expect that their representatives act with independence and fairness towards all groups and not favor a few individuals or themselves.

The following principles, although not representing substantive rights, are fundamental driving forces for officials and employees of the City of Reading in everything they do[1]:

A. **Public Office as a Public Trust.** Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

B. **Independent Objective Judgment.** Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.

C. **Accountability.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

D. **Democratic Leadership.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

E. **Respectability and Fitness for Public Office.** Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbefitting a public official. In recognition of these aforementioned goals and principles, there is hereby established a Code of Ethics to be administered by the Board of Ethics. The purpose of this Code is to establish ethical standards of conduct for all officials and employees of the City of Reading, its agencies and authorities, whether elected or appointed, paid or unpaid, by providing guidelines to clarify actions or inactions which are incompatible with the best interests of the City and by directing disclosure of private, financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules, regulations, opinions and disciplinary decisions as may be promulgated by the Board pursuant hereto, and under provisions of Article XII of the Charter, are hereby declared to be in the best interest of the City.

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[1]Josephson Institute for the Advancement of Ethics, *Preserving the Public Trust*, 1990.

SECTION 2. Board of Ethics

Reference is made to Section 1201(c) of the Charter of the City of Reading.

A. **Composition and Structure of Board.**

1. **Composition.** The Board established under Section 1201 of the City of Reading Home Rule Charter shall be composed of five (5) residents of the City of Reading.

2. **Terms of Service.** Members of the Board shall serve for terms of three (3) years, except that members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with one member serving a term of one year, two members serving for two years, and two members serving for three years.

3. **Vacancy.** An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.

4. **Election of Chairperson and Vice Chairperson.** The Board shall elect a chairperson and a vice chairperson annually at a meeting held in July of each year. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.

5. **Quorum.** A majority of the members of the Board shall constitute a quorum and, except as provided in Sections 9.C. and 9.D., the votes of a majority of the members present are required for any action or recommendation of the Board.

6. **Staff.** The Board shall appoint a solicitor, a secretary and such other staff as may be deemed necessary. The solicitor, secretary and such other staff as may be necessarily appointed need not be members of the Board.

7. **Meetings.** The Board shall meet at the call of the Chairperson or at the call of a majority of its members.

8. **Investigative Officer.** The Board shall appoint an investigating officer as set forth herein. The Board shall, from time to time, determine an amount to be paid as reasonable compensation to the investigating officer as payment for such services. The investigative officer shall be a member in good standing of the Berks County Bar and shall have so been for at least five (5) years. The investigative officer need not be a resident of the City of Reading and shall not be a Board member. The investigating officer is authorized to retain the services of investigators and may only delegate non-discretionary functions.

9. **Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance

policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

B. **Powers and duties:** The powers and the duties of the Board of Ethics may be summarized as follows:

1. Give advice as to the application of the ethics provisions of the Charter of the City of Reading and this Code of Ethics.

2. Receive and dispose of complaints of violations of the ethics provisions of the Charter and Code of Ethics, and exercise discretion in declining to pursue an investigation if such a course would be in the best interest of the citizens of the City of Reading or where the activity complained of amounts to no more than a de minimis violation.

3. Appoint an investigating officer to conduct investigations and to issue findings reports where appropriate.

4. Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders, including but not limited to those related to adjudications and penalties.

5. Conduct educational programs to promote the ethical conduct of public officials, City employees, and individuals and groups doing business with the City.

6. Adopt rules and regulations to administer, implement, enforce and interpret the Code of Ethics.

7. Annually review the statements of financial interest filed pursuant to Section 4 of the Code.

C. **Prohibitions.** Due to their special position, Board members have a higher duty than other public officials to avoid conflicts of interest. Respect for the Code can be maintained only if members are models of ethical behavior. The prohibitions in this section are in addition to the duties, responsibilities or obligations imposed upon the Board members as public officials under other provisions of the Code.

1. No member may hold or campaign for any other public office.

2. No member may hold office in any political party or political organization or political committee.

3. No member may hold a position of employment or appointment with any municipal government or any board or commission formed by the City of Reading.

4. No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for or from the office of the Mayor, President of Council, Council Member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.

5. No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.

D. **Preservation.** Complaints and proceedings pending before the Board at the time this Code is adopted shall be preserved insofar as they are consistent with recent orders of the Court of Common Pleas of Berks County. The Board shall take any and all steps necessary to adjudicate all pending complaints so as to comply with said orders, including the establishment of a committee of Board members not previously involved in the disposition of said complaints to adjudicate and dispose of the same. Said committee shall consist of at least three (3) Board members and shall act with the authority of the Board in adjudicating said complaints and instituting penalties and restitution where applicable.

SECTION 3. Definitions

For the purposes of this Code, the following terms shall have the following definitions. All other words and phrases shall have their normal meaning unless further defined herein.

A. **Appearance of Impropriety.** The perception that wrong-doing or misconduct may have occurred. When a reasonable person could reasonably believe that improper actions have taken or are taking place.

B. **Board.** The Board of Ethics of the City of Reading.

C. **Candidate.** Any individual who seeks nomination or election to public office normally decided by vote of the electorate, whether such individual is elected by the electorate or is appointed.

D. **Charter.** City of Reading Home Rule Charter.

E. **Code.** City of Reading Code of Ethics.

F. **Conflict of Interest.** Situation(s) or potential situation(s) in which a public official or employee uses or may use his/her office or employment for the private gain of himself/herself, a member of his/her immediate family or a business of any type with which he/she or a member of his/her immediate family has a material interest.

G. **Elected Official.** An official elected or appointed to fill a position normally filled by election.

H. **Employee.** Any individual receiving salary or wages from the City of Reading.

I. **Immediate Family.** A parent, spouse, living partner, child, brother or sister, natural or adopted.

J. **Material Interest.** Direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity.

K. **Officer.** Investigating Officer appointed by the Board to oversee the investigative procedures on behalf of the Board. The investigating officer need not be a Board member and may be compensated as any other member of the staff.

L. **Official.** Any elected or appointed paid or unpaid member of the government of the City of Reading.

M. **Political Activity.** Any activity which promotes the candidacy of any individual seeking elective office, or the advocacy of any political party or position, including but not limited to the circulation of election petitions and the sale or distribution of fund raising items or tickets.

N. **Private Gain.** Of personal benefit, whether economic, social, or otherwise.

O. **Violation.** A violation is any activity that is restricted by the ethics provisions of the Charter and/or the Code.

SECTION 4. Statement of Financial Interests

Any official or employee of the City or authorities or boards with decision-making authority shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year by May 1 of each year, as defined by the State Code of Ethics. Any individual appointed to such a position after May 1 has fifteen working days to file the Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

SECTION 5. Disclosure of Confidential Information

City employees and officials often have access to important non-public information regarding the property, operations, policies or affairs of the City. Such information may concern, among other things, employees and officials, real estate transactions, expansion of public facilities, or other City projects. Using or furnishing information that would place employees or recipients in an advantageous position over the general public constitutes a violation of public trust. Anyone who is privy to confidential information may not disclose that information to any private citizen and should disclose it to other public employees only if appropriate and in the normal course of their duties as employees or officials of the City of Reading.

Should an official or employee find himself/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this section shall render the contract voidable by the decision-making body or upon review and authority of the Board of Ethics.

SECTION 6. Prohibited Behaviors

A. **Conflicts of Interest**

1. Employees and officials of the City may not bid on or have a material interest in:

a. the furnishing of any materials, supplies or services to be used in the work of the City;

b. contracts for the construction of any City facility;

c. the sale of any property to the City or the purchase of any property from the city unless said property is offered to the general public at auction or by competitive bid.

2. Employees and officials of the City may not:

a. use or attempt to use their official position to secure special privileges or exemptions for themselves or others;

b. accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of their official position;

c. disclose to others, or use for personal benefit, any confidential information gained by reason of an official position;

d. accept other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty;

e. receive any compensation for official services to the City from any source other than the City;

f. transact any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a material interest;

g. have personal investments in any enterprise which will create a substantial conflict between any private interest and the public interest.

3. Outside Employment. City officials or employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or non-profit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.

4. Officials and employees shall not engage in conduct prohibited under Section 1201(a) of the Charter.

B. **Solicitation/Acceptance of Gifts; Rebuttable Presumption**

No official or employee shall accept gifts and other things of value in return for a favorable decision or vote (City Charter, Section 1201 (a)). In all but de minimis cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift. Under no circumstance shall officials or employees solicit gifts of any kind. A gift having a value in excess of twenty-five dollars ($25.00) may not be considered de minimis.

The term gift for the purposes of this Code means any gratuity, benefit, or any other thing of value which is accepted by, paid for, or given to a City employee, elected or appointed officials or by another

on their behalf either directly or indirectly without consideration of equal or greater value. The term gift may include, by way of illustration and without limitation to, the following:

1. Preferential rate or terms on a debt, loan, goods, or services which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;

2. Transportation, lodging, or parking;

3. Food or beverage, other than that consumed at a single sitting or event; and

4. Membership dues.

City employees or officials shall not solicit or accept gifts, either directly or indirectly, from any person or entity doing business with or under regulation by the City or from the agent or lobbyist of such person or entity except on behalf of the City. The solicitation or acceptance of gifts shall create a rebuttable presumption that the employee knew or should have known that such solicitation or acceptance was based on an understanding that his/her official actions or judgments would thereby be influenced.

C. **Nepotism**

Hiring a relative is a special type of a conflict of interest that should be avoided. No public official or employee shall appoint, hire, advance or advocate the appointing, hiring or advancing of a member of his/her immediate family or household member to a city position, as provided in the City of Reading Personnel Code.

D. **Whistle Blowing**

Employees are expected to expose a violation of the Code of Ethics by any employee or business entity with which the City is doing business if such a violation creates a serious and specific danger to the public's health, safety or welfare.

Employees are expected to expose improper use of public office or any other abuse or neglect on the part of a city employee or public official. An employee with knowledge of actions or activities of ethical concern shall report them to the Board of Ethics. The identity of the employee will be confidential information of the Board of Ethics until a full investigation is initiated.

Retaliation against an employee who reports any violation, abuse or other improper action is strictly prohibited. Any such action will be a violation of the Code of Ethics and subject to the disciplinary and corrective action as ordered by the Board of Ethics.

E. Fraudulent or Other Activity

City employees or officials are expected to act ethically in the performance of all duties and responsibilities and avoid any involvement with, or any appearance of, behavior constituting fraud, misappropriation or other inappropriate conduct while carrying out the duties and obligations of their employment or office.

City employees or officials may not willfully or deliberately act, attempt to act, conspire to act, or solicit with the intent to act, carry out, or participate in any of the following activities:

a. Embezzlement of money or resources for private purposes or use, from any City official, City employee, City department, City contractor or subcontractor, or third party agent doing business with the City government;

b. Misappropriation of City funds, supplies, assets or resources;

c. Falsification of any City record, including personnel records;

d. Forgery or alteration of any check, bank draft, bank account, or other financial document;

e. Forgery or alteration of timecard data and/or information;

f. Receipt of a bribe or kickback, or willing participation in a scheme of bribery;

g. Impropriety in the handling or reporting of money or financial transactions;

h. Using insider knowledge of City activities to earn or generate any gift, profit or pecuniary benefit;

i. Accepting, requesting, or seeking any material item or pecuniary benefit from contractors, vendors or parties providing services or materials to the City;

k. Unauthorized destruction, removal or inappropriate use of City property, including data records, furniture, fixtures and equipment;

l. Making false or intentionally misleading written or oral statements or representations in carrying out any official or employment duty or obligation; or

m. Participation in any willful or deliberate act carried out with the intention of obtaining an unearned or unauthorized benefit by way of deception or other unethical means.

City employees or officials are to be familiar with the types of fraud and the potential activities and circumstances that may give rise to a fraudulent activity within his or her department, bureau, and area of responsibility.

City employees or officials are charged with the duty to be alert for any indication of fraudulent activity and all City employees or officials have a duty to report immediately any suspected fraudulent activity to the City Board of Ethics.

F. Use of City Property and Personnel

City employees or officials may not use any personnel, equipment, supplies, facilities, vehicles, or any other property owned and belonging to the City for their private purposes, use, enjoyment, or benefit. City employees or officials who hold a supervisory position may not use the time, effort and resources of any subordinate City employees or official for their private purposes, use, enjoyment, or benefit. The provisions of this Section 6(F) are to be read together and with any related provision of the City of Reading Personnel Code.

G. Political Activities

Section 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code are incorporated herein by reference and made a part hereof. City employees or officials are to adhere to

the sections restricting involvement in political activities as set forth in Sections 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code. In the event that the City or City Council has failed to take appropriate action in enforcing the aforementioned provisions, then the Board of Ethics shall have jurisdiction to adjudicate any violation thereof.

SECTION 7. Penalties; Restitution

A. **Penalties.**

Upon any violation of the city provisions, including the undertaking of wrongful acts as described above or in the City of Reading Home Rule Charter, any of the following penalties shall be available to the Ethics Board for imposition:

1. *Admonition.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the City provisions;

2. *Public Censure.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the City provisions took place and that the board strongly disapproves of the actions of the public official or public employee;

3. *Recommendation to the Managing Director of Suspension,* without compensation for a stated period of time not to exceed thirty (30) days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant. If any such suspension is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;

4. *Recommendation to the Managing Director of Termination* in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification going to the respondent, the Managing Director, the Mayor, the Director of the Department in which is respondent is employed, if any, and the complainant, if any. If any such termination is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;

5. *Referral* to the appropriate authorities for criminal prosecution in cases where a violation of this ordinance is also a violation of federal or state law;

6. *Ineligibility* for holding any office or position within the City for a period of up to five years, as set forth in Section 1202 (b) of the Charter of the City of Reading;

7. *Impose a fine*, not to exceed one thousand dollars ($1,000.00) per violation;

8. *Imposition of an administrative fine* of not more than one thousand dollars ($1,000.00) to defray the actual cost and expense of investigating any violation; and

9. Any person who realizes financial gain by way of a violation of any provisions of this ordinance, in addition to any other penalty provided by law or this ordinance, shall pay into the Treasury of the City, a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized; and

10. Any public official, public employee, person, corporation, company or other entity found to have participated in or benefited from a violation of this ordinance, may be barred from participating in business dealings with the City for a period of time not to exceed five (5) years, said period of time to be determined by the Board, in addition to being subject to any other penalty (prescribed by this ordinance) deemed appropriate by the Board.

B. **Restitution; Other penalties and remedies.**

After finding that an individual has violated any provision of the Charter or this Code within the jurisdiction of the Board as provided for in this Code, the Board may take one or more of the following actions, if appropriate, in addition to penalties described in Section 7(a):

1. Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Code or Charter;

2. Order the subject to cease and desist from engaging in a particular activity that is in violation of the Code, Charter, or any order issued by the Board;

3. Order the subject to take specified action to bring him/her into compliance with Board directives;

4. Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction of the matters;

5. Institute appropriate civil or equitable action to enforce the order and decision of the Board; and

6. Recommend to City Council the forfeiture of the office or position held by the subject with the City and recommend that the subject be ineligible to hold any City office or position for a period of up to five (5) years following such decision.

SECTION 8. Advisory Opinions

Upon the written request of any public official or city employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and the application of ethical standards set forth in this ordinance, and shall issue an advisory opinion in writing as to any such question. The Board may in its discretion publish its advisory opinions with any redactions necessary to prevent disclosure of the identity of the person who is the subject of the opinion.

An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

SECTION 9. Complaint and Investigation Procedure

A. **Who May File**

Any person may file a complaint about alleged ethics violations of the Reading Code of Ethics or the City Charter. In addition, the Board may initiate proceedings. A person signing a complaint shall:

1. Reasonably believe in the existence of facts upon which the claim is based; and

2. Reasonably believe that the complaint may be valid under the ethics provisions of the Code of Ethics and the City Charter.

B. **How to File**

Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.The Board shall establish a separate P.O. Box through which to receive complaints. This P.O. Box shall be generally accessible by the investigative officer and/or the secretary, provided that the secretary is not a Board member.

C. **Jurisdiction; Preliminary Investigation**

1. Each complaint filed with the Board shall be immediately directed to and preliminarily reviewed by an investigating officer appointed by the Board (the "Officer") to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determinations shall be made within 30 days of the filing of the complaint. If the Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.

2. The preliminary investigation shall be initiated and accomplished at the sole direction of the Officer. If the Officer, in his/her sole discretion, finds that the violation(s), as alleged in the complaint, would, if proved, constitute a de minimis infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint, if to do so would be in the best interest of the citizens of the City of Reading.

3. At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same, and the initiation of a preliminary investigation.

4. The preliminary investigation shall be completed within 60 days of the Officer's finding of jurisdiction.

5. If at any time during the preliminary investigation, an extension is necessary and justified, the Officer shall have additional time in 30-day segments. The Officer shall timely notify both the complainant and the subject of the investigation of each such extension.

6. At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal of the complaint. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

D. **Full Investigation**

If a preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within three (3) days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every ninety (90) days. Within one hundred eighty (180) days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report to the subject.

E. **Findings Report**

The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation. The subject of the investigation may, within 30 days of the report, request an evidentiary hearing, unless an extension is obtained from the Officer. When such a request is received by the Officer, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Board shall upon receipt of such notice engage two attorneys: one to represent the facts in support of the complaint; and one to advise the Board in matters related to the evidentiary hearing. The Board solicitor shall not have any involvement in a particular matter once the findings report has been issued.

F. **Evidentiary Hearing**

1. **Timing.** An evidentiary hearing must be held within forty-five (45) days of the filing of a request for the same.

2. **Evidence.** The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument and shall be entitled to exercise all rights of confrontation and the like afforded him/her by the United States Constitution and the Pennsylvania Constitution.

3. **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing in writing to the Board at least five (5) days before the hearing.

G. **Decision by the Board; Final Order.**

At the conclusion of the evidentiary hearing, the Board will determine by majority vote of those members presiding whether the evidence supports a finding that the subject of the complaint violated provision(s) of either the Charter or the Code.

Upon reaching a determination on the complaint, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint.

H. **Petition for Reconsideration.**

A subject, having been found to have violated a provision of the Charter or Code, may file a petition for reconsideration of the Board's decision. Such petition shall be filed with the Board within ten (10) days of the day the Board issues its final order.

I. **Protection of Complainant**

No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or providing information or testifying in any Board proceeding.

SECTION 10. Confidentiality of Board Information

All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board, except as may be required to effect due process. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other file material shall remain confidential.

SECTION 11. Wrongful Use of Board of Ethics

The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on fact. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the Code is prohibited and those individuals engaged in such conduct may be subject to penalties as set forth in Section 7.

Wrongful use of the Code of Ethics is defined as either:

1. Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this Code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this Code or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.

2. Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

BILL NO._____-2010

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF CERTAIN PREMISES SITUATE IN ONTELAUNEE TOWNSHIP, BERKS COUNTY, PA FROM THE CITY OF READING TO ONTELAUNEE TOWNSHIP.

WHEREAS, the City of Reading is interested in conveying ownership of certain property situate in Ontelaunee Township, Berks County, Pennsylvania (See attached diagram.); and

WHEREAS, the Ontelaunee Township is willing to purchase said premises for a certain sum of $8,500.00 per acre; and

WHEREAS, the City of Reading finds that acquisition of subject premises by Ontelaunee Township pursuant to said condition is acceptable.

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

1. **SECTION 1.** The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of certain premises situate in Ontelaunee Township, Berks County, Pennsylvania, from the City of Reading to Ontelaunee Township for the purchase price of $8,500.00 per acre.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted_____, 2010

_____
President of Council

Attest:

_____
City Clerk

ORDINANCE NO. _____-2010

AN ORDINANCE ESTABLISHING A FOUR-WAY STOP INTERSECTION AT N. 13TH ST AND RICHMOND ST IN THE CITY OF READING, PENNSYLVANIA

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

SECTION ONE. Intersection of North 13th Street and Richmond Street is hereby established as a four-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

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

Enacted by Council _____, 2010

_____
President of Council

Attest:

_____
City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO._____-2010

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF PREMISES KNOWN AS "THE FIRE TRAINING CENTER", READING, BERKS COUNTY, PA FROM THE CITY OF READING TO THE COUNTY OF BERKS.

WHEREAS, the City of Reading is interested in transferring ownership of property known as "the Fire Training Center", Reading, Berks County, Pennsylvania; and

WHEREAS, the County of Berks is willing to obtain ownership of said premises under certain conditions; and

WHEREAS, the City of Reading finds that said conditions are acceptable.

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

SECTION 1. The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as "the Fire Training Center" , Reading, Berks County, Pennsylvania, (pursuant to the attached agreement's conditions) from the City of Reading to the County of Berks.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted_____, 2010

_____
President of Council

Attest:

_____
City Clerk

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this _____ day of _____, 2010, between the County of Berks, with its principal place of business at 633 Court Street, 13th Floor, Reading, Pennsylvania 19601 (hereinafter the "County") and the City of Reading (hereinafter the "City"), with its principal place of business at 815 Washington Street, Reading, Pennsylvania 19601.

WHEREAS, the City of Reading is the current fee simple owner of the land on which the County of Berks maintains the Berks County Fire Training Center;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound, the parties agree as follows:

1. The City shall transfer within three (3) months of subdivision approval, for the consideration of one dollar ($1.00) and without restriction, fee simple title to the Fire Training Center land. The land transfer shall include all land currently enclosed within the chain link fence of the Fire Training Center and the parking lot area adjacent to the Fire Training Center Administration Building. In addition, the County shall be given a six (6) foot right-of-way along the property line to be maintained by the County and access to the property's storm water and oil/water separator outfalls into the Angelica Creek for clearing and testing purposes.

2. This Agreement is contingent on the subdivision plan being approved by the City Planning Commission. The City shall prepare and submit to the Planning Commission all necessary paperwork. The City shall have its contractor bill the County directly for all costs associated with the preparation of the subdivision.

3. The County of Berks shall be permitted, at its expense, to immediately conduct a survey of the property to prepare an appropriate legal description of the property to be transferred.

4. The Lease Agreement between the County and City dated December 11, 2000 respecting this property shall be terminated. The City shall have the right to continue to use the Fire Training Center and property for a period of at least twenty (20) years consistent with the current uses of the City of Reading Fire Department, Police Department and other City departments. The specific details of the terms of this usage are identified in attachment A to this Lease Agreement. The City shall be governed by the same rules and regulations as any municipal fire department in Berks County, with the County having the right to approve and/or modify proposed training depending on costs or operational issues.

5. In the event the County decides to sell the Fire Training Center buildings and/or land, the City shall be given the right of first refusal to purchase the buildings and/or land for fair market value.

6. The County shall grant to the City of Reading and Cumru Township utility easements for all sewer and water lines crossing the land. The County shall grant additional easements as necessary for future construction projects at the waste water treatment plant.

7. The County shall be responsible for the utility costs of electric, gas, phone and trash removal for such time as it continues to own the Fire Training Center.

8. The City shall provide, at no cost to the County, water and sewer service to the Fire Training Center.

9. The City shall be permitted, at its cost, to install communication equipment on the existing water tower in connection with the operation of the Waste Water Treatment Plant provided said equipment is in compliance with the lease agreement currently in place between the County of Berks and Sprint-Nextel. The City shall be responsible for the cost of all improvements or modifications necessary to accommodate the installation of said communications equipment. Additionally, all utility costs associated with the equipment shall be the responsibility of the

City. The City shall permit periodic interruptions in the operation of the communication equipment as may be necessary for the County or its contractors to maintain the water tower, and as may be necessary for Sprint-Nextel, or their successor, to maintain their existing equipment. The City shall be provided reasonable notice of any planned interruptions to ensure impact to the operations of the wastewater treatment plant is minimized. In the event the water tower ceases to exist or is no longer maintained at the option of the County, the City shall have the right, at its expense, to erect a new communications tower on the land provided the tower does not interfere with the operation of the facility for its intended purpose. The County shall have the right, at its expense, to erect and maintain communications equipment on any such City constructed communications tower for County communications purposes.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals the day and year first above written.

CITY OF READING COUNTY OF BERKS

_____ _____

Mayor Mark C. Scott, Esquire

Chair Board of Commissioners

_____

City Council President

ATTEST: ATTEST:

_____ _____

Terry L. Styer, Chief Clerk

ATTACHMENT A

For a period of at least twenty (20) years the County shall provide, at no cost, to the City:

1. Access to and use of the Fire Training Center and land on a reservation basis. The cost of consumables shall be billed to the City. The County will make its best effort to accommodate the current and future training needs for the City of Reading departments in scheduling without cancelling previously scheduled events.

2. An office in the Fire Training Center Administration Building for use by the Reading Fire Department Training Lieutenant.

3. A gear locker, a personal use locker, and classroom storage space.

4. Classroom space in the Administration Building for use by the City and City Departments, including the Reading Police Department Bomb Squad, provided these City Departments follow the procedures outlined in the Fire Training Center Standard Operating Procedure Manual for reservation of the classroom space. If possible, priority will be given to the City for use of Classroom "B." However, reservations will be accepted on a first come first served basis.

5. Controllers for City Apparatus and Chiefs to open the gate to the property.

6. The Reading Police Department Bomb Squad shall have use of the Berks County Department of Emergency Services Special Operations Group workshop and storage space in the mezzanine section of the garage area. The Reading Police Department Bomb Squad shall have access to their equipment, the garage and workshop for repair or maintenance of their equipment. Use of the air room to refill self-contained breathing apparatus under County staff supervision as available.

7. Telephone, fax machine and copier usage for office and administrative use. The copier shall not be used for mass production of student or training materials.

The City agrees that:

1. All usage and training activities at the Fire Training Center shall be conducted in accordance with the procedures outlined in the Fire Training Center Standard Operating Procedures.

2. It shall defend, indemnify and hold harmless the County, its elected officials, employees and agents, from and against any and all liability, damages, claims, suits liens and judgments (including reasonable attorney's fees) of whatever nature, for injuries to or death of any person or persons or damage to the property, to the extent attributable to the negligence of the City or the City's failure to perform in accordance with the provisions of this Agreement.

R E S O L U T I O N NO._____

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

Approving the Conditional Use application submitted by Pennsylvania American Water for a public utility at 501 South 19th Street with conditions as expressed in the attached decision

Adopted by Council_____, 2010

_____
Vaughn D. Spencer
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

IN RE: APPLICATION OF	: BEFORE THE CITY COUNCIL
PENNSYLVANIA AMERICAN WATER	: OF THE CITY OF READING,
CO FOR A CONDITIONAL USE	: PENNSYLVANIA
RELATIVE TO THE PROPERTY	
LOCATED AT 501 SOUTH 19th	:
STREET, READING, BERKS COUNTY	:
PENNSYLVANIA	: CONDITIONAL USE
	: CONVERSION TO
	: A PUMPING STATION
	:

DECISION OF THE CITY OF READING
CITY COUNCIL ON A CONDITIONAL USE APPLICATION

AND NOW, this 13th day of September, 2010, hearing have been held on August 24, 2010, upon the application of Pennsylvania American Water Co., for a Conditional Use to operate as a Public Utility in a R-3 Zoning District, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The Applicant is Pennsylvania American Water Co., "Applicant" with a registered address of 800 Hershey Park Drive, Hershey, PA 17033.

2. Applicant is the fee simple owner of the property of 501 South 19th Street at the time of application and at the time of the hearing.

3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").

4. Applicant is seeking a Conditional Use for a public utility the City of Reading Zoning Ordinance per §27-1203.6 to convert an old church building into a pumping station.

5. The Applicant testified at the hearing that the subject property was converted into a pumping station on or before 1999 when the property was owned by Citizens Water. The applicant became the owner of the subject property when it purchased it from Citizens Water in 2002.

6. Applicant testified that the Subject Property is an unmanned facility that is monitored 24 hours per day by a SCADA system. The system is checked one or two times per week by someone employed by the Applicant.

7. Applicant testified that the Subject Property has one off-street parking space and that the façade of the property still fits within the style of the surrounding residential properties.

8. Applicant testified that they were not informed of the need to obtain a conditional use permit when the property was originally converted or after they became the sole owner of the property.

9. Applicant became aware of the need for a Conditional Use when it sought to upgrade the system and building.

10. Applicant testified that the building is code compliant; however, Applicant admitted upon questioning by the Legal Specialist that there had been no inspections and upgrades would be required for any updates to the system as identified by the City Fire Marshal via correspondence issued to the Applicant in a letter.

11. Applicant repeatedly testified that they would permit a full inspection and make the building compliant with all applicable codes if the conditional use permit is approved and issued.

12. Applicant agreed to condition of compliance with all applicable Building, Trades and Fire Codes.

13. Applicant testified that they are seeking a conditional use permit to resolve the lack of a permit since the facility began operating in 1999 and a permit for the expansion of pumping stations output.

14. Zoning Code Section 27-1203 (6) requires screening, fencing and buffering of public utility buildings and facilities. The Applicant testified that due to the odd shape of the parcel and the location of the facility, it is impossible to undertake further screening, fencing and buffering. However, the Applicant did agree to install additional landscaping and repair the fence located at the rear of the property and consider adding landscaping features to beautify the property.

15. The City of Reading Planning Commission recommended approval of the Conditional Use application.

16. The City of Reading Zoning Administrator testified she no issues or concerns with the project if approved as a Conditional Use.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to operate a public utility by utilizing a building located at 501 South 19th Street previously converted to a pumping station. The building is located in a R3 zoning district. The City of Reading Zoning Ordinance §27-1203.6 Public Utilities provides that the following standards are met:

A. The use shall be licensed by the Pennsylvania Public Utilities Commission.
B. The proposed installation in a specific location is necessary for efficient service to the public in the neighborhood or area in which the particular use is to be located.
C. The design of any building in connection with such a facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights.
D. Approved fencing and other security devices shall be provided.
E. A buffer strip 10 feet in width and screening are provided and shall be continually maintained in accordance with Part 14 of this Chapter.

F. Adequate off-street parking is provided.
G. All area yard and building coverage requirements of the zoning district in which the use is located shall be met.

CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.

2. Hearing was held on August 24, 2010.

3. Applicant requests a Conditional Use to operate a public utility utilizing a converted existing building for a pumping station that will provide water service to communities located in Southeastern Berks County.

4. The burden of proof in an application for a Conditional Use is upon the Applicant.

5. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.

6. The requirements for a public utility as a Conditional Use in an R-3 Zoning District are set forth in §27-1203.6 of the City of Reading Zoning Ordinance.

7. In order to grant the relief, Applicant must show that it has satisfied §27-1203.6 of the City of Reading Zoning Ordinance and met the conditions applied by City Council.

8. At the hearing, Applicant failed to provide documentation relating to their licensure, but promised to supply documentation that will be attached to the record.

9. Applicant did not file an application for other relief from the Zoning Hearing Board for the City of Reading.

10. Applicant did provide sufficient proof that the existing facility conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners. Applicant also provides off-street parking for employees who visit the subject property for inspection purposes.

11. Applicant agreed to comply with the City Building, Trades and Fire Codes and comply with the conditions applied by City Council.

DECISION

After reviewing the Applicant's request in detail and hearing testimony, City Council enters the following decision:

The application for a conditional use permit at 501 S 19th Street is hereby approved for Pennsylvania American Water Co after the following occurs:

1. Applicant will provide a copy of the letter issued by the City of Reading Fire Marshall to the City of Reading Zoning Office.
2. Applicant will provide a copy of the PUC licensure documentation
3. Applicant will open the subject property for a full inspection by the City Building and Trades Division and Fire Department, will make all the required corrections and repairs mandated by the inspections, and will open the subject property for regular inspections as deemed necessary by the City of Reading.
4. Applicant will repair or replace the existing fence along the boundary line of the parcel with like material.
5. Applicant will install additional landscaping and or shrubbery to provide screening and to beautify the property.

The City of Reading City Council orders the above conditions to occur within six (6) months of the date this decision is approved.

This is the decision of the City of Reading City Council by a vote of ___ to ___.

CITY OF READING CITY COUNCIL

_____

President of Council

Attest:

_____

City Clerk

R E S O L U T I O N NO._____

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

That Steven Symons is appointed to the Plumbing Board with a term ending December 31, 2016.

Adopted by Council_____, 2010

_____
Vaughn D. Spencer
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

RESOLUTION NO. _____ - 2010

AUTHORIZING THE MAYOR AND OTHER APPROPRIATE OFFICIALS OF THE CITY OF READING TO EXECUTE AND ENTER INTO A CONTRACT FOR LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, (42U.S.C. 5308) FOR PHASE 2 OF THE GOGGLE WORKS CENTER FOR THE ARTS PROJECT IN THE AMOUNT OF FIVE HUNDRED FIFTY THOUSAND ($550,000.00) DOLLARS AND A BROWNFIELDS ECONOMIC DEVELOPMENT GRANT IN THE AMOUNT OF FIVE HUNDRED THOUSAND ($500,000.00) DOLLARS (THE "BEDI")

WHEREAS, the City of Reading by Resolution No. 69 of 2006, made application to the U.S. Department of Housing and Urban Development ("HUD") for a Section 108 Federal Loan Guarantee in the amount of Five Hundred Fifty Thousand ($550,000.00) Dollars for the City's participation in the development of Phase 2 of the Goggle Works Center for the Arts at an estimated development cost of Seven Million ($7,000,000.00) Dollars (the "Project"); and

WHEREAS, HUD has approved the application;

WHEREAS, it is necessary for the City to execute and enter into a contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5308) for Phase 2 of the Goggle Works Center for the Arts Project in the amount of Five Hundred Fifty Thousand ($550,000.00) Dollars and the BEDI.

NOW THEREFORE, be it resolved by the Council of the City of Reading that the Mayor and other appropriate City Officials are authorized to execute and enter into a contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 5308) for Phase 2 of the Goggle Works Center for the Arts in the amount of Five Hundred Fifty Thousand ($550,000.00) Dollars, the Note and any other Loan Documents required by HUD for the Section 108 Loan and the BEDI.

SECTION 1. The purpose of this legislation is to obtain a Section 108 Loan from the Department of Housing and Urban Development in the amount of Five Hundred Fifty Thousand ($550,000.00) Dollars and the BEDI.

SECTION 2. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this

Resolution, and the effective administration thereof.

SECTION 3. This Resolution shall become effective immediately upon approval.

Adopted by the Council on_____, 2010

_____
Vaughn D. Spencer, President of Council

ATTEST:

_____
Linda A. Kelleher, City Clerk

Receiving the affirmative votes of _____Council Persons

Receiving the negative votes of _____Council Persons

CITY OF READING
BERKS COUNTY, PENNSYLVANIA

RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE PROPER OFFICERS OF THE CITY TO PETITION THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA, FOR PERMISSION TO FUND UNFUNDED DEBT IN AN AMOUNT NOT TO EXCEED $16,500,000; AUTHORIZING INCIDENTAL ACTION; AND REPEALING INCONSISTENT RESOLUTIONS.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the "City"), is of the opinion that as of the fiscal year ending 2010, the City will have unfunded debt contracted for current operating expenses and outstanding indebtedness in an amount not to exceed $16,500,000, for which funds will not be available from revenues estimated to be received by the end of the current fiscal year; and

WHEREAS, the City has determined that paying said sum by curtailing public services will be dangerous to public health and welfare, and that it is not feasible to levy additional taxes in the current fiscal year; and

WHEREAS, the City has determined to apply by Petition to the Court of Common Pleas of Berks County, Pennsylvania, for the purpose of obtaining permission to fund its unfunded debt with its General Obligation Bonds, Series of 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

SECTION 1. The City hereby approves the form of Petition presented to this meeting (which shall be filed with the records of the City), requesting authority from the Court of Common Pleas of Berks County, Pennsylvania, to fund unfunded debt in an amount not to exceed $16,500,000, pursuant to the provisions of Section 8130 of Act 177 of 1996, known as the Local Government Unit Debt Act, approved December 19, 1996, by the issuance of its General Obligation Bonds, Series of 2010, to mature within ten years. A copy of the form of the Petition is attached hereto and incorporated herein as Exhibit "A".

SECTION 2. The City hereby authorizes Charles D. Younger, Esquire, to represent the City for the unfunded debt proceedings.

SECTION 3. The proper officers of the City are authorized to sign and acknowledge the Petition in substantially the form approved in Section 1 hereof, with such changes therein as counsel advises and the said officers may approve, their approval to be evidenced by their execution thereof.

SECTION 4. The proper officers of the City are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the funding of the City's unfunded debt in an amount not to

exceed $16,500,000.

SECTION 5. All prior resolutions or parts thereof inconsistent herewith are hereby repealed.

IN WITNESS WHEREOF, we, officers of the City of Reading, Berks County, Pennsylvania, have hereunto set our hands and seal of the City, duly attested this ____ day of September, 2010.

Attest:

CITY OF READING
Berks County, Pennsylvania

_____
Linda A. Kelleher CMC, City Clerk

By:_____
Vaughn D. Spencer, President of Council

(SEAL)

Exhibit "A"

Form of Petition

IN RE: FUNDING OF UNFUNDED DEBT OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: : : :	**IN THE COURT OF COMMON PLEAS OF BERKS COUNTY** COMMONWEALTH OF PENNSYLVANIA NO. _____ OF 2010

PETITION FOR PERMISSION
TO FUND UNFUNDED DEBT

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This Petition is filed pursuant to Section 8130 of Act 177 of 1996, known as the Local Government Unit Debt Act, approved December 19, 1996.

The Petitioner is the City of Reading, Berks County, Pennsylvania (the "Petitioner"), with offices at 815 Washington Street, Reading, Pennsylvania 19601. This Petition is authorized by a Resolution of the Petitioner, duly adopted on September 13, 2010, a copy of which is attached hereto and incorporated herein as Exhibit "A".

The Petitioner avers that there was an unforeseeable shortfall in revenues and unanticipated expenses resulting in unpaid current fiscal year bills of $16,170,000.
The City is legally obligated to pay said debts.

The City has determined that paying the unforeseeable shortfall of $16,170,000 by curtailing public services will be dangerous to public health and safety and that it is not feasible to levy additional taxes in the current fiscal year.

WHEREFORE, the Petitioner prays your Honorable Court to issue an order pursuant to Section 8130 of the Local Government Unit Debt Act granting permission to fund all of the unfunded debt of the City in an amount not to exceed $16,500,000 by the issuance of its General Obligation Bonds, Series of 2010, to mature over a period of not to exceed ten years.

CITY OF READING
Berks County, Pennsylvania

_____
Mayor

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF BERKS :

On this, the _____ day of _____, 2010, before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in Berks County, Pennsylvania, personally appeared THOMAS MCMAHON, who, being duly sworn according to law, did depose and say that he is the Mayor of the City of Reading, Berks County, Pennsylvania, and that the facts set forth in the foregoing Petition are true and correct.

_____
Notary Public

(SEAL)