



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, JANUARY 23, 2012
7:00P.M.**

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agendas

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rabbi Lipsker, Chabad Lubavitch of Berks County

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Council recognition of Reading High School outstanding fall athletes

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: Special Meeting of January 6, 2012 and Regular Meeting of January 9, 2012

B. AGENDA: Council meeting of January 23, 2012

5. Consent Agenda Legislation

None

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 1- 2012 - amending the 2011 City of Reading General Fund budget by authorizing the transfer of funds from the Sewer Minor Capital Equipment budget to the Contracted Services and Interdepartmental Direct Costs budgets (**Business Analyst**) *Introduced at the January 9 regular meeting*

B. Bill No 2- 2012 - amending the 2011 City of Reading Self Insurance Fund Budget by authorizing the transfer of funds from line items within the Self Insurance Fund Budget (**Human Resources**) *Introduced at the January 9 regular meeting*

C. Bill No 3- 2012 - amending the City of Reading Codified Ordinances by creating a new Section 1-125 regarding the Council District Boundaries, as recommended by the Redistricting Committee (**Council Staff/Law**) *Introduced at the January 9 regular meeting*

D. Bill No 4- 2012 - establishing a four-way stop intersection at the North Fourth and Oley Streets in the City of Reading, Pennsylvania **(Law) Introduced at the January 9 regular meeting**

E. Bill No 5- 2012 - changing Division Street between Buttonwood and Schiller Streets in the City of Reading, Pennsylvania, from one-way southbound to two-way traffic direction **(Law) Introduced at the January 9 regular meeting**

F. Bill No 6- 2012 - re-enacting and affirming the Public Participation Regulations in §1-119 of the Administrative Code **(Council Staff) Introduced at the January 9 regular meeting**

G. Bill No 7- 2012 - amending the City of Reading Codified Ordinances §1-115. Meetings to be Public, by adding language regarding the Use of Electronic Recording Devices **(Council Staff) Introduced at the January 9 regular meeting**

H. Bill No 8- 2012 - amending Chapter 5, Code Enforcement of the Codified Ordinances of the City of Reading by adding Alleys, Recycling Storage and the Food Code to existing Quality of Life Violations and amending language regarding Waste/Trash Storage Times and in the Current Fines and Penalties Section **(Law) Introduced at the January 9 regular meeting**

I. Bill No 9- 2012 - authorizing the exoneration of outstanding City property tax, penalties and interest for the year 2011 for the Reading School District for 412 Pansy Street, Reading, Berks County, Pennsylvania **(Council Staff) Introduced at the January 9 regular meeting**

J. Bill No 10- 2012 – authorizing the Mayor to execute agreements to obtain the necessary rights of way and easements for the purpose of installing, constructing, maintaining and operating the sanitary sewer conveyance system and upgrades between the 6th and Canal pump station and Fritz Island wastewater treatment plant **(Law) Introduced at the January 9 regular meeting**

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - amending the 2012 City of Reading general fund budget by authorizing the transfer of funds from the Department of Public Works to the Information Technology Division **(Controller)**

B. Ordinance - amending Code of Ordinances, City of Reading, Chapter 1, Administration and Government, Exhibit A City of Reading Purchasing Policy & Procedures, Administrative Procedure Bid Solicitation, Evaluation & Award Procedure to require an Approved Apprenticeship Program and Minority Hiring **(Law) To be distributed Monday**

11. RESOLUTIONS

A. Resolution – reappointing Linda Kelleher as City Clerk (**Council Staff**)

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, January 23

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Tuesday, January 24

Interviews with applicants for the District 1 Council Seat

Wednesday, January 25

Interview candidates for Council District 1 – Council Chambers – 4:30 pm

Monday, January 30

Special Meeting re appointment of District 1 Councilor – Council Chambers – 5 pm

Wednesday, February 1

Special Meeting – Council Chambers – 5 pm

Budget Hearing – Council Chambers – 6 pm

Monday, February 6

Administrative Oversight Committee – Council Office – 5 pm

Public Safety Committee – Council Office – 5 pm

Monday, February 13

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, January 23

DID Authority – 645 Penn St 5th floor – noon

BARTA – BARTA Office – 3 pm

Tuesday, January 24

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Environmental Advisory Council – Council Office - 5:30 pm

Planning Commission – Penn Room – 7 pm

Penns Commons Neighborhood Group – Penns Commons Meeting Room – 7 pm

Wednesday, January 25

Human Relations Commission – Penn Room – 5:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

Outlet Area Neighborhood – St Mark’s Lutheran Church – 6:30 pm

18th & Cotton Community Crime Watch – St Matthew’s UM Church – 7 pm

Stadium Commission – Stadium RBI Room – 7:30 pm

Thursday, January 26

Water Authority – Penn Room – 4 pm

Monday, January 30

District 7 Crime Watch – Holy Spirit Church – 7 pm

Wednesday, February 1

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

Board of Health – Penn Room – 6 pm

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

Thursday, February 2

Police Civil Service Board – Penn Room – noon

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

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, February 6

Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, February 7

Charter Board – Penn Room – 7 pm

Wednesday, February 8

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, February 9

Police Pension Board – Penn Room – 10 am

Legislative Aide Committee – Penn Room – 7:30 pm

Sunday, February 12

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, February 13

Fire Civil Service Board – Penn Room – 4 pm

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

**City of Reading City Council
Special Meeting
Friday, January 6, 2012**

Jeffrey Waltman, Vice President of Council, called the meeting to order. He announced that the purpose of this meeting is to appoint a President and Vice-President of Council.

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
City Solicitor Younger
City Clerk Kelleher

PUBLIC COMMENT

Vice President Waltman announced that no one was registered to address Council this evening.

RESOLUTIONS

A. Resolution 1-2012 – appointing a President of Council, with a term expiring January 6, 2014.

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to nominate Councilor Acosta as Council President.

Councilor Goodman-Hinnershitz stated that the process to make this appointment was challenging. She stated that talented individuals applied for this position. She noted the need for the candidate appointed to be able to move the body of Council forward. She stated that she looks forward to moving forward successfully with the new Administration.

Ms. Reed noted that the process to make the appointment was not easy. She agreed that all candidates were well qualified. She noted the need to remember that it is a changed City and a changed time. She stated that supporting one candidate does not overshadow the respect people have of the candidates who are not appointed. She noted the difficulty of making the choice and noted her respect and admiration of all

who applied. She stated that although she intends to support Councilor Acosta, she values the experience Councilor Waltman brings to the body of Council.

Councilor Sterner noted his respect for Councilor Acosta, but expressed the belief that Councilor Waltman is the most qualified candidate. He stated that a great disservice occurred to the applicants for this position as some Councilors had already made a decision regarding appointment before the interviews were held. He noted that an election is the fairest way to fill this position. He noted the work Councilor Waltman has given to the City over the past 12 years and expressed the belief that he should be appointed. He stated that he means no disrespect to Councilor Acosta and noted that he expressed these same thoughts to Councilor Acosta months ago. He noted the dedicated leadership of Councilor Waltman and added his perception that the majority of Council made their decision about this appointment months ago.

Councilor Marmarou stated that the selection was not clear from the beginning. He stated that a tied vote on this appointment could cause the Berks County Court system to make the appointment. He stated that he wanted to avoid an appointment by the court system. He stated that he decided to support Councilor Acosta to prevent a tie vote.

Vice President Waltman thanked Councilor Sterner for his remarks and noted that Councilor Sterner always speaks to the heart of an issue. He stated that being appointed to this Council President position is not about gaining control of the throne but about providing leadership to get things done. He stated that he appreciates all members of Council and that he was not seeking this position for personal gain. He stated that leadership is about getting results even if done quietly. He stated that although the various members believe the process was open and fair, it was not as interviews were conducted after the collective decision was already made. He again noted that being appointed to this position is not about getting control of the throne to cut deals and isolate the body. He stated that he will remain on board to hold this body accountable and protect the citizens of Reading.

The motion to nominate Councilor Acosta as Council President was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed - 4.

Nays: Sterner, Waltman – 2.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou to adopt Resolution 1- 2012, appointing Councilor Acosta as Council President and to close

nominations.

The motion to adopt Resolution 1-2012 and appoint Councilor Acosta as Council President was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed - 4.

Nays: Sterner, Waltman – 2.

Resolution No. 2-2012 – appointing a Vice President of Council.

Councilor Sterner moved, seconded by Councilor Marmarou to nominate Councilor Goodman-Hinnershitz as Vice President of Council.

Councilor Sterner noted the leadership and experience of Councilor Goodman-Hinnershitz and his belief in her ability to lead the body due to her dedication city-wide and her eight (8) years on Council. He noted her positive outlook on the City.

Councilor Acosta noted Councilor Goodman-Hinnershitz's passionate dedication to the City and stated that her passion is a great example of public leadership.

Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution 2-2012 appointing Councilor Goodman-Hinnershitz as Vice President of Council and to close nominations.

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman – 6.

Nays: None – 0.

Councilor Marmarou noted the difficulty he had responding to Councilor Waltman's request to meet with him before this evening.

Councilor Acosta announced that he plans to lead the group as a team.

Councilor Reed warned Councilor Acosta and Councilor Goodman-Hinnershitz to provide open communication with the body of Council and to avoid making back room deals. She noted her respect for Councilor Waltman.

Councilors Goodman-Hinnershitz and Acosta agreed that the position will be challenging but promised to work as a team with the body of Council. They noted the value and dedication of Councilor Waltman over the past 12 years. They noted their respect for Councilor Waltman.

Councilor Sterner congratulated Councilors Acosta and Goodman-Hinnershitz and stated that he looks forward to working with them. He also thanked all applicants who applied to fill the Council President position.

Councilor Waltman noted that respect is something that is earned and that once lost respect is hard to regain. He stated that he appreciates all comments; however, he stated that the process used to fill the Council President position created a loss of faith. He promised to hold the body of Council accountable.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

**City of Reading City Council
Regular Business Meeting
Monday, January 9, 2012**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Pastor Danny Moore, Holy Trinity Church

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Reed, District 5
Councilor Waltman, District 6
Mayor V. Spencer
Managing Director C. Geffken
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher

Council President Acosta announced that Councilor Marmarou needed to leave after the Committee of Whole meeting due to another commitment.

PUBLIC COMMENT

Council President Acosta announced that three (3) citizens were registered to address Council on agenda matters. He reminded the speakers of the public speaking rules.

Mike Shoumlinsky, of Primrose Lane, Sinking Spring, stated that he is President of Local 1803 IAFF, and expressed the belief that the Administration's proposal to reappoint the Fire Chief is in violation of the State Pension Act. He distributed a copy of the DCED Municipal Pension Handbook noting that the Handbook says that fire or police employees receiving a pension can only return to same City if they are an elected official.

Juan Zabala, of North Front Street, spoke in support of Jim McHale for appointment to the District 1 Council seat. He also spoke in opposition of the proposed increase to the Fire Chief's salary.

Merlin Planer, James Avenue, stated that he is a member of Local IAFF 1803 and serves on the Fire Pension Board. He explained that the DROP is a planning tool for replacing retiring police and firefighters. He stated that the DROP program is irrevocable after a police officer or firefighter submits the final DROP forms. He explained that when entering the five (5) year DROP program pension payments are deferred to a special account and payment is made after the firefighter or police officer retires at the end of the five (5) year period. He expressed the belief that reappointing the Fire Chief will jeopardize the Chief's pension, as it will violate the State Pension Act.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the December 27th regular meeting of Council. He noted the following changes to the agenda:

- Moving Resolution A, exonerating taxes for Pansy Street to Introduction to New Ordinances
- Adding an introduction of an ordinance regarding NorthFolk Southern easement
- Adding a resolution regarding appointing Francis Acosta to the Recreation Commission
- Withdrawing an ordinance for the Fire Chief's salary
- Withdrawing an ordinance for the Community Development Director salary

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to approve the minutes from the December 27th Regular Meeting of Council and the agenda, as amended. The motion was approved unanimously.

Consent Agenda

B. Resolution 3–2012 authorizing conditional offers of employment to 25 police officers for the Reading Police Department (**Man Dir and Police Chief**) *To be distributed Monday*

C. Resolution 4–2012 authorizing the disposition of Financial Interest Statements for 2004 (**Council Staff**)

ADMINISTRATIVE REPORT

Mayor Spencer highlighted the report distributed to Council at the meeting covering the following:

- Requesting the reopening of the 2012 Budget

- Noting the Transition’s teams review of the City’s current operations
- Hiring of Craig Pfeiffer as Zoning Administrator
- Requesting reports from Codes regarding the City’s housing

AUDITOR’S REPORT

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

- Noting the Pension Board meetings for 2012
- Update on future reports

REPORT OF BOARDS, AUTHORITIES, and COMMISSIONS

Ernie Schlegel, President of the Reading Public Library Board, noted the Library’s success under the duress of financial constraints. He noted that the success is due to the Library’s great staff and leadership. He stated that the Library Board has begun fundraising and reducing the operating hours at the various branches to cope with the Library’s dwindling contributions from a variety of sources. He noted that the awards received by the Library are due to outstanding services and programs. He updated Council on the repair projects made during 2011 and the projects plan for 2012. He stated a project valued at \$984K is planned for the main branch at 5th and Franklin Streets. He stated that the CDBG budget contains approximately \$750K for funding this project. The remaining funding will be sought from a variety of sources. He also noted the Library’s desire to transfer ten (10) employees currently under the City to employ under the Library system. He suggested that citizens and Council view the Library’s Facebook and Web pages. He also asked Council to consider enacting a Library tax during 2012.

Councilor Goodman-Hinnershitz thanked Mr. Schlegel and the Library Boards work to navigate through this difficult time. She noted that the Library provides excellent service to the entire community. She also agreed with the need for Council to evaluate the Library tax.

ORDINANCES FOR FINAL PASSAGE

There were no ordinances for final passage at this meeting.

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - amending the 2011 City of Reading General Fund budget by authorizing the transfer of funds from the Sewer Minor Capital Equipment budget to

the Contracted Services and Interdepartmental Direct Costs budgets (**Business Analyst**)

B. Ordinance - amending the 2011 City of Reading Self Insurance Fund Budget by authorizing the transfer of funds from line items within the Self Insurance Fund Budget (**Human Resources**)

C. Ordinance - amending the City of Reading Codified Ordinances by creating a new Section 1-125 regarding the Council District Boundaries, as recommended by the Redistricting Committee (**Council Staff/Law**)

D. Ordinance - setting forth the salary of the Chief of the Department of Fire and Rescue Services at \$80,000 annually (**Man Dir**) - **WITHDRAWN**

E. Ordinance - establishing a four-way stop intersection at the North Fourth and Oley Streets in the City of Reading, Pennsylvania (**Law**)

F. Ordinance - changing Division Street between Buttonwood and Schiller Streets in the City of Reading, Pennsylvania, from one-way southbound to two-way traffic direction (**Law**)

G. Ordinance - re-enacting and affirming the Public Participation Regulations in §1-119 of the Administrative Code (**Council Staff**)

H. Ordinance - amending the City of Reading Codified Ordinances §1-115. Meetings to be Public, by adding language regarding the Use of Electronic Recording Devices (**Council Staff**)

I. Ordinance - setting forth the salary of the Director of the Department of Community Development at \$80,000 annually (**Man Dir**) - **WITHDRAWN**

J. Ordinance - amending Chapter 5, Code Enforcement of the Codified Ordinances of the City of Reading by adding Alleys, Recycling Storage and the Food Code to existing Quality of Life Violations and amending language regarding Waste/Trash Storage Times and in the Current Fines and Penalties Section (**Law**)

K. Ordinance – authorizing the exoneration of outstanding City Property tax, penalties, and interest for 2011 for 412 Pansy Street

L. Ordinance – authorizing an easement for North Folk Southern

RESOLUTIONS

Resolution 5–2012 - reappointing Terry Withers to the Electricians Examining Board
(Admin Oversight)

Resolution 6–2012 - reappointing Jonathan Del Collo to the Ethics Board (Admin
Oversight)

Resolution 7–2012 - appointing Wynton Butler to the Reading Area Water Authority
(Admin Oversight)

Resolution 8–2012 – appointing Francis Acosta to the Recreation Commission

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adopt
Resolutions 5-2012, 6-2012, 7-2012, and 8-2012.**

Councilor Reed described the appointment process and the qualifications of the candidates. She stated that this recommendation is endorsed by the Administrative Oversight Committee.

Resolution 5-2012 – 8-2012 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman – 5

Nays: None - 0

COUNCIL COMMENT

None.

**Councilor Reed moved, seconded by Councilor Sterner, to adjourn the regular
meeting of Council.**

*Respectfully submitted by
Linda A. Kelleher CMC, City Clerk*

AGENDA MEMO

Utilities Division

TO: City Council

FROM: Ralph E. Johnson, WWTP Manager

PREPARED BY: Ralph E. Johnson

MEETING DATE: December 27, 2011

AGENDA MEMO DATE: December 16, 2011

RECOMMENDED ACTION: Approve appropriation transfers

BACKGROUND:

Due to unscheduled 42-inch force main repairs and restoration of wastewater trenches and driveways, intra-fund line item transfers are needed to enable payment of future contracted services and inter-departmental direct cost transfers.

BUDGETARY IMPACT:

Intra-fund line item transfer - \$80,000 from Minor Capital Equipment to Contracted Services.
Inter-fund line item transfer - \$40,000 from Minor Capital Equipment to Interdepartmental Direct Cost.

PREVIOUS ACTION:

None

RECOMMENDED BY:

Wastewater Treatment Plant Manager and Public Works Director.

RECOMMENDED MOTION:

Approve the request.

BILL No. ____-2011
AN ORDINANCE

AN ORDINANCE AMENDING THE 2011 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF FUNDS FROM THE SEWER MINOR CAPITAL EQUIPMENT BUDGET TO THE CONTRACTED SERVICES AND INTERDEPARTMENTAL DIRECT COSTS BUDGETS.

Section 1. Amending the City of Reading 2011 General Fund Budget by authorizing the transfer of a total of \$120,000 from the Minor Capital Equipment line item to the following accounts/line items within the Sewer budget:

1. Transferring \$80,000 to Contracted Services
2. Transferring \$40,000 to Interdepartmental Direct Costs

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

Enacted: _____, 2011

President of Council

Attest:

City Clerk

(Business Analyst)

AGENDA MEMO

Human Resources/Risk & Safety Division

TO: City Council
FROM: Pat Beisswanger, Risk & Safety Coordinator & Sandy Hummel,
Human Resources Manager
PREPARED BY: Pat Beisswanger, Risk & Safety Coordinator
MEETING DATE: December 27, 2011
AGENDA MEMO DATE: December 21, 2011

REQUESTED ACTION: To approve a transfer of \$130,000 from the Self Insurance Fund line item W/C Claims/Medical 52-11-27-4751 into Self Insurance Fund line item Incurred Liability Claims 52-11-00-4749.

RECOMMENDATION: The Risk & Safety Coordinator is asking Council to approve this transfer of \$130,000 within the Self Insurance Fund to pay for bills for the remainder of 2011.

BACKGROUND: The Incurred Liabilities line has exceeded its budget amount in 2011 due to larger than anticipated liability claim payments.

BUDGETARY IMPACT: NONE

PREVIOUS ACTION: NONE

SUBSEQUENT ACTION: NONE

RECOMMENDED BY: Sandy Hummel, Human Resources Manager and Pat Beisswanger, Risk & Safety Coordinator

RECOMMENDED MOTION: Approve a transfer of \$130,000 from the Self Insurance Fund W/C Claims/Medical line item 52-11-27-4751 into Self Insurance Fund Incurred Liability Claims line item 52-11-00-4749.

BILL No. _____ - 2012
AN ORDINANCE

AN ORDINANCE AMENDING THE 2011 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF FUNDS FROM THE HUMAN RESOURCES/RISK & SAFETY DIVISION SELF INSURANCE FUND W/C CLAIMS/MEDICAL LINE ITEM TO THE SELF INSURANCE FUND INCURRED LIABILITY CLAIMS LINE ITEM TO COVER LARGER THAN ANTICIPATED LIABILITY CLAIM PAYMENTS

Section 1. Amending the City of Reading 2011 Self Insurance Fund Budget by authorizing the transfer of a total of \$130,000 in the Human Resources/Risk & Safety Division Self Insurance Fund W/C Claims/Medical line item #52-11-27-4751 to the Self Insurance Fund Incurred Liability Claims line item # 52-11-00-4749

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

Enacted: _____, 2012

President of Council

Attest:

City Clerk

(Business Analyst)

**BILL NO. ____-2012
AN ORDINANCE**

**AN ORDINANCE AMENDING CITY OF READING CODIFIED ORDINANCES BY
CREATING A NEW SECTION 1-125 REGARDING THE COUNCIL DISTRICT
BOUNDARIES, AS RECOMMENDED BY THE REDISTRICTING COMMITTEE**

Whereas, the City of Reading City Council appointed members to the Redistricting Committee after the receipt of the 2010 Census and provided the Committee with technical support from the Berks County Planning Department and the City of Reading Planning Commission, and

Whereas, after their review of the census data which shows an increase in the Reading population and their review of the census tracts, the Redistricting Committee recommended changes to the Council district boundaries at the December 19th Council Work Session to comply with 53 Pa. C.S.A § 903 Municipal Reapportionment, which requires the governing body to create districts that are compact and contiguous territory as nearly equal in population as practicable.

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

SECTION 1. Amending the City of Reading Codified Ordinances by creating a new Section 1-125 Council Districts and amending the boundaries of the existing Council Districts, created in 1993 by the Charter Commission, as recommended by the Redistricting Committee as follows:

A. District 1.

1st Ward-1st precinct
2nd Ward-1st precinct
3rd Ward - 1st precinct
~~4th Ward 1st precinct~~
~~5th Ward 1st precinct~~
18th Ward - 1st, 2nd, 3rd and 4th precincts

B. District 2.

~~3rd Ward 1st precinct~~
3rd Ward-2nd precinct
8th Ward-1st precinct
10th Ward - 1st precinct
16th Ward - 1st, 2nd, 4th and 5th precincts
~~9th Ward 5th precinct~~

C. District 3.

~~3rd Ward 2nd precinct~~
~~8th Ward 1st precinct~~
9th Ward-2nd *and 5th precinct*
11th Ward - 2nd and 3rd precincts

12th Ward-1st, 3rd and 5th precincts
13th Ward - 1st precinct

D. District 4.

~~13th Ward - 1st precinct~~
13th Ward-2nd and 5th precincts
17th Ward - 1st, 2nd, 5th, 7th and 8th precincts

E. District 5.

14th Ward-6th precinct
15th Ward - 1st, 2nd, 6th and 7th precincts
19th Ward - 1st and 2nd precincts

F. District 6.

4th Ward - 1st precinct
5th Ward - 1st precinct
6th Ward - 1st and 3rd precinct
7th Ward - 1st precinct
~~12th Ward - 1st precinct~~
14th Ward-1st, 4th and 5th precincts

SECTION 2. This Ordinance shall become effective in accordance with Charter Section 219.

Enacted _____, 2012

President of Council

Attest:

City Clerk

Redistricting Committee

Council District Proposal

EXISTING

District	District	District	District	District	District
1	2	3	4	5	6
Wards	Wards	Wards	Wards	Wards	Wards
1-1	3-1	3-2	13-1	14-6	6-1
2-1	9-5	8-1	13-2	15-1	6-3
4-1	10-1	9-2	13-5	15-2	7-1
5-1	16-1	11-2	17-1	15-6	12-1
18-1	16-2	11-3	17-2	15-7	14-1
18-2	16-4	12-3	17-5	19-1	14-4
18-3	16-5	12-5	17-7	19-2	14-5
18-4			17-8		

PROPOSED

District	District	District	District	District	District
1	2	3	4	5	6
Wards	Wards	Wards	Wards	Wards	Wards
1-1	3-2	9-2	13-2	14-6	4-1
2-1	8-1	9-5	13-5	15-1	5-1
3-1	10-1	11-2	17-1	15-2	6-1
18-1	16-1	11-3	17-2	15-6	6-3
18-2	16-2	12-1	17-5	15-7	7-1
18-3	16-4	12-3	17-7	19-1	14-1
18-4	16-5	12-5	17-8	19-2	14-4
		13-1			14-5

ORDINANCE NO. _____-2012

AN ORDINANCE ESTABLISHING A FOUR-WAY STOP INTERSECTION AT THE NORTH FOURTH AND OLEY STREETS IN THE CITY OF READING, PENNSYLVANIA

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

SECTION ONE. Intersection of North Fourth Street and Oley 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. Any and all ordinances which are contrary to Section One above is/are repealed.

SECTION FOUR. 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 _____, 2012

President of Council

Attest:

City Clerk

ORDINANCE NO. _____-2012

AN ORDINANCE CHANGING DIVISION STREET BETWEEN BUTTONWOOD AND SCHILLER STREETS IN THE CITY OF READING, PENNSYLVANIA, FROM ONE-WAY SOUTHBOUND TO TWO-WAY TRAFFIC DIRECTION.

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

SECTION ONE. Within the City of Reading, Pennsylvania, Division Street between Buttonwood and Schiller Streets is hereby changed to two-way traffic from one-way southbound.

SECTION TWO. 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.

SECTION THREE. Any and all ordinances which are contrary to above Section One are hereby repealed.

Enacted by Council _____, 2012

President of Council

Attest:

City Clerk

BILL No. _____-2012
AN ORDINANCE

**RE-ENACTING AND AFFIRMING THE PUBLIC PARTICIPATION
REGULATIONS IN §1-119 OF THE ADMINISTRATIVE CODE**

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

Section 1. Reenacting and affirming the Public Participation regulations as follows:

§1-119. Public Participation.

These rules are intended to promote an orderly system of public comment, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his right of free speech. Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month. Public comment is not permitted at the City Council work sessions.

A. Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing their name, address and the subject matter to be discussed to the City Clerk any time before City Hall closes on the day of the scheduled Council meeting before the meeting is called to order by the President of Council or the presiding officer.

B. Citizens desiring to address the Council at its special meeting may do so by providing notice verbally or in writing the subject matter to be discussed to the City Clerk ½ hour before the special meeting before the meeting is called to order by the President of Council or the presiding officer.

C. A citizen shall be provided the opportunity to address the Council on any agenda item without written notice (see Charter, §2135). The presiding officer or by action of Council shall limit the time each person shall speak giving equal time to all. Such discussion shall occur prior to the vote of the agenda item.

D. All remarks must be directed to Council as a body and not to any Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by a majority vote of Council.

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

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

Enacted: _____

2012

President of Council

Attest:

City Clerk

(Council Staff)

BILL No. _____-2012
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES §1-115. MEETINGS TO BE PUBLIC, BY ADDING LANGUAGE REGARDING THE USE OF ELECTRONIC RECORDING DEVICES.

The City of Reading City Council hereby ordains as follows:

Section 1. Amending the City of Reading Codified Ordinances §1-115 - Meetings To Be Public by adding language regarding the use of electronic recording devices as follows:

§1-115. Meetings To Be Public.

All meetings of the Council shall be open to the public as provided by law and the Charter,

§212. Those using electronic recording devices, including but not limited to video cameras, to record meeting in Council Chambers shall stay behind the podium area in Council Chambers. Those recording meetings in any room other than the Penn Room shall position themselves or position the recording device no closer than the entry door to the room where the meeting is being held.

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

Enacted: _____, 2012

President of Council

Attest:

City Clerk

(Council Staff)

BILL NO. _____-2012

A N O R D I N A N C E

AMENDING CHAPTER 5, CODE ENFORCEMENT OF THE CODIFIED ORDINANCES OF THE CITY OF READING BY ADDING ALLEYS, RECYCLING STORAGE AND THE FOOD CODE TO EXISTING QUALITY OF LIFE VIOLATIONS AND AMENDING LANGUAGE REGARDING WASTE/TRASH STORAGE TIMES AND IN THE CURRENT FINES AND PENALTIES SECTION

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances is hereby amended to add alleys, recycling storage and the Food Code to §14-103, Quality of Life Violations and amending language in §14-110, Fines and Penalties per Exhibit A as attached hereto.

SECTION 2: 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 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

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

Enacted _____, 2012

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

§14-101 Purpose – Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable /non registered vehicles, vendor operations without permits and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the City which reduced business and tax revenue inhibiting economic development. The quality of life and community pride of the citizens of Reading are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this ordinance is to promote the health, safety and general welfare of the City by helping to create a clean environment for the citizens of Reading.

§14-102 – Definitions The following words, terms and phrases when used in this Part shall be defined as follows, unless context clearly indicates otherwise:

Authorized Litter Receptacle is a litter collection receptacle which is placed on the public right-of-way or on public property by the City for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste

Debris - any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents

Dumping includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by Part 1131, Solid Waste Storage, Collection and Disposal.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Hazardous Waste means any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Household Hazardous Waste (HHW) is waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: Toxic; Flammable; Reactive; or Corrosive. HHW consists of numerous products that are common to the average household such as: Pesticides and herbicides, cleaners, automotive products, paints, and acids. (14262 §1 3/3/05)

Indoor Furniture - any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

Junked Vehicle means any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle;
- (2) Broken glass or windows on or in the vehicle;
- (3) Leaking of any fluids from the vehicle or deflated or flat tire(s);
- (4) Unsecured and/or unlocked doors, hood or trunk;
- (5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus;
- (6) Harboring of rodents, insects or other pests.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also Motor Vehicle Nuisance.

Litter includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

Local Responsible Agent means any person residing or working within the County of Berks designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

Mobile Vendor - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the City that does not typically remain

stationary for more than approximately 10 minutes each hour.

Motor Vehicle - any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

Motor Vehicle Nuisance – a motor vehicle with one or more of the following defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. Broken headlamps, tail lamps, bumpers or grills with sharp edges.
- C. Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.
- D. Protruding sharp objects from the chassis.
- E. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.
- F. One or more open tires or tubes which could permit animal harborage.
- G. Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public property owners visitors or residents of the property on which said vehicle is found.
- H. Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- I. Disassembled body or chassis parts stored in on or about the vehicle.
- J. Vehicles that do not display a current valid license and registration.
- K. Such other defects which the Fire Department determines to be a danger to the general public or property.
- L. Motor vehicles parked, drifted or otherwise located which may interfere with efforts. flow of pedestrian or automobile traffic or impede emergency

Municipal waste means any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

Notice of violation is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

Nuisance - any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the City or causes a blighting effect in City neighborhoods. See also Public Nuisance.

Person means every natural person, firm, corporation, partnership, association, or institution. (13008 §1 11/7/90)

Planter Strip is the non-concrete space in the sidewalk area filled with dirt and/or grass.

Private Property means any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public Officer means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances.

Public Nuisance means any condition or premises which is unsafe or unsanitary.

Public Right-of-Way means the total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

Recyclable Material means material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. These materials are designated by the regulations promulgated under Chapter 20 Solid Waste Part 1 Solid Waste. Such materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and

containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.

Residual Waste means any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations excluding municipal water and sewer operations.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Shade Tree, unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

Sidewalk Area means the public right-of-way between the property line and the curblineline or the established edge of the roadway.

Solid Waste - any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

Storage - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of 3 months constitutes disposal.

Tree Well is the non-concrete area surrounding a shade tree planted in a sidewalk area.

Vegetation is any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

Violation Ticket is a form issued by a police officer or public officer to a person who violates a provision of this Part. The violation ticket is an offer by the City of Reading extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

Weeds shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:

- a. exceed six (6) inches in height,
- b. exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush,
- c. may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin,

d. may cause a public nuisance.
Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

Yard. An open space on the same lot with a structure

§14-103 – Quality of Life Violations

QOL.001 Accumulation of rubbish or garbage – All exterior property and premises **and exterior property, including the sidewalk and rear alley**, and the interior of every structure, shall be free from any accumulation of waste, trash, rubbish or garbage.

QOL.002 Animal maintenance and waste/feces clean-up – People owning, harboring or keeping an animal within the City of Reading shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.

QOL.003 Disposal of Rubbish or Garbage / Dumping – improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property

QOL.004 High weeds, grass or plant growth – All premises and exterior property, **including the sidewalk and rear alley**, shall be maintained free from weeds or plant growth in excess of 6 inches (152.4 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this ordinance.

QOL.005 Littering or scattering rubbish – No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area or on any public property.

QOL.006 Motor Vehicles – It shall be unlawful to store, park or place any unregistered, un-inspected, inoperative, unlicensed or nuisance motor vehicle on any premises. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

QOL.007 Operating a food cart illegally – It shall be unlawful to operate any food cart without the proper permits and/or inspections. It shall also be unlawful to operate any food cart while any portion of the cart is inoperable.

QOL.008 Operating or vending without the proper permit/license – It shall be unlawful for any person, business, partnership or entity to operate, including but not limited too any business, vending cart, store or establishment without the proper permits

QOL.009 Outside placement of indoor appliances/furniture – It is prohibited to store or place any/all appliances or furniture including but not limited to ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses,

recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason except for the temporary purpose to perform maintenance in said property.

QOL.010 Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling – It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of any waste, trash or recyclables, will be in violation of this ordinance. Should any person or business use an unlicensed hauler to dispose of their waste, trash or recyclables, said person or business shall be in violation of this ordinance. Upon request of the Property Maintenance/Codes Administrator or his/her designee, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any Parts found within a municipal waste container, recycling container, garbage bag or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership or entity to remove or haul waste, trash or recyclables without the proper approval or license. Any waste, trash or recyclables found not to be disposed of in accordance with this ordinance, will be a violation of this ordinance.

QOL.011 Placement or littering by private advertising matter – No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area or any public property. No person, group, organization or entity will hang, place or advertise on any public property in any manner. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights without written approval of said owner.

QOL.012 Snow and ice removal from sidewalks – Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the City of Reading, is required to remove any snow or ice from their sidewalk. Any property located along Penn Street, Washington Street and/or Court Street or along Second (2nd) Street, Third (3rd) Street, Fourth (4th) Street, Fifth (5th) Street, Sixth (6th) Street, Seventh (7th) Street, Eighth (8th) Street and Ninth (9th) Street, between Penn Street and Washington Street, shall have all snow or ice removed within two (2) hours of the cessation of said snow and ice falling. Furthermore, the entire sidewalk must be free of all snow and ice in these areas. Any other property within the City of Reading shall have all snow and ice removed within four (4) hours of the cessation of said snow and ice falling and must create a path, free from any snow or ice, of three (3) feet on said sidewalk. Should any property be a place of business within the City of Reading, all snow and ice must be removed within two (2) hours of the cessation of said snow and ice falling. Any property deemed a business; the entire sidewalk must be free from any snow and ice. If/when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak.

QOL.013 Storage containers for waste or trash and/or recyclables— The owner of every premise shall supply approved containers for waste/trash **and/or recyclables** as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, water tight and made of metal or plastic. **Waste/trash** containers must have tight fitting covers and must be kept clean and odor free at all times. All containers must be stored ~~in the rear of every property~~ so said containers are not visible from the public right-of-way. **Plastic bags can be used as municipal waste receptacles, for collection purposes only, provided that they are sealed to prevent scattering about of their contents and do not contain any rips, tears or punctures.** ~~Waste/trash~~ All containers **and/or durable plastic bags** may only be placed in front of any property ~~when darkness occurs~~ **after 6pm** the night before the day of the scheduled pick-up day. Once the licensed hauler removes the waste/trash/**recycling** from any property, all containers must be ~~returned to the rear of any property~~ **stored away from the public right-of-way** before daybreak on the day following pick-up. (Example – Jim Smith’s trash collection day is Wednesday. Jim Smith may place his ~~waste/trash/recycling~~ containers out front of his property on Tuesday night, ~~once night falls~~ **after 6pm**. Jim Smith must ~~place~~ **store** his ~~waste/trash/recycling~~ containers ~~in the rear of his yard~~ **away from the public right-of-way** before daybreak, on Thursday morning.)

QOL.014 Storing or discarding of appliances – Refrigerators and similar equipment including but not limited too washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.

QOL.015 Storing of hazardous material – It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including but not limited too paints, volatile oils and cleaning fluids or combustible rubbish including but not limited too wastepaper, boxes or rags unless the storage of said materials is stored in compliance with the applicable Building Codes.

QOL.016 Storing of recyclables – It shall be the responsibility of the owner of all residential, commercial and industrial property to ensure storage, collection and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only ~~prohibited~~ **allowed** in approved containers which must be kept clean and sanitary at all times.

QOL.017 Storing or serving of potentially hazardous food – No person, business, partnership or entity shall store or serve potentially hazardous food. Including but not limited too out of date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, infestation problems at the location or serving food that had previously been open are considered a violation of this ordinance.

QOL.018 Swimming pools – Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered and sanitary as well.

QOL.019 Violating the terms of any vending license ~~the food code~~ – It shall be unlawful to violate any term, part, portion or in total, any ~~vending license~~ **section of the food code**. Any person, business, partnership or entity violating ~~their vending license~~ **the food code** shall be in violation of this ordinance.

§14-104 Authority for Issuance of Violation Ticket – Upon finding a Quality of Life Violation any City of Reading Property Maintenance Inspector appointed by the Property Maintenance/Codes Administrator of the City of Reading, may issue Quality of Life Violation Tickets to the owner and/or occupant of the property at issue or to the individual known to have violated this ordinance.

§14-105 Enforcement

A. The provisions of this Part shall be enforced by police officers, or any other public officer authorized to enforce ordinances.

B. Any violation of the provisions of this Part may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

§14-106 Service A violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

§14-107 Separate Offense – Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

§14-108 Regulations – The Property Maintenance/Codes Administrator is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance.

§14-109 Abatement of Violation – Any person or business violating this ordinance is hereby directed to satisfy the City of Reading and its citizens, upon issuance of a Quality of Life Ticket, by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Administrator of the Property Maintenance Division or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

The City of Reading and/or their contractor, per the direction of the city, reserves the right to abate the violation in question at the expense of the owner. . If the City has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the Quality of Life Ticket which will also be paid separately.

In all instances where the City abates the violation, in addition to the fine set forth in the Quality of Life Ticket, the City is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by the Property Maintenance/Codes Administrator in the rules and regulations.

City of Reading Cleanup – The city reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours passes from the date of issuance of the Quality of Life Ticket. Should the violation at the discretion of the Property Maintenance/Codes Administrator and/or his or her designee present imminent danger and/or pose a health hazard and/or risk, the city reserves the right to perform the abatement immediately. The city will perform this work at a rate of \$60.00 per hour per man and forward the cost of any material necessary for the abatement. The city reserves the right to charge an additional twenty percent (20%) on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

Contractor Cleanup – The city reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours passes from the date of issuance of the Quality of Life Ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the city reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the City of Reading and the city will forward these costs to the violator. The city reserves the right to add a thirty percent (30%) processing fee in addition to the cost of the contractor.

§14-110 FINES AND PENALTIES

A. Violation Ticket Fines

1. For the first of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of Twenty-Five Dollars (\$25) or Fifty Dollars (\$50) as set forth on the chart below.

2. For the second offense of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50) or One Hundred Dollars (\$100) Dollars as set forth on the chart below.

3. For the third **and subsequent** offense of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of One Hundred **and Fifty** Dollars (\$150) Dollars or Two Hundred and Fifty Dollars (\$250) as set forth on the chart below.

4. ~~For each offense subsequent to three offenses of this Part within a twelve (12) month period, amounts of violation tickets shall increase in the amount of One Hundred Fifty Dollars (\$150) or Two Hundred Fifty Dollars (\$250) accumulative for each subsequent offense.~~ **Any person who receives a violation ticket for any violation of**

this Part may within fifteen (15) days, admit the violation, waive a hearing and pay the fine in full satisfaction.

~~5. Any persons who receives a violation ticket for any violation of this Part, except, may within fifteen (15) days, admit the violation, waive a hearing and pay the fine in full satisfaction. **Any person violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation.**~~

~~6. Any person who violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation.~~

Violation number for Quality of Life Ticket Ordinance	Brief description of violations for Quality of Life Ticket Ordinance	Fine 1	Fine 2	Fine for every instance over 2 third and subsequent instance
QOL – 001	Accumulation of rubbish or garbage	\$25.00	\$50.00	\$100.00
QOL – 002	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
QOL – 003	Disposal of rubbish or garbage / Dumping	\$25.00	\$50.00	\$100.00
QOL – 004	High weeds, grass or plant growth	\$25.00	\$50.00	\$100.00
QOL – 005	Littering or scattering rubbish	\$25.00	\$50.00	\$100.00
QOL – 006	Motor vehicles	\$25.00	\$50.00	\$100.00
QOL – 007	Operating a food cart illegally	\$25.00	\$50.00	\$100.00
QOL – 008	Operating or vending without the proper permit/license	\$25.00	\$50.00	\$100.00
QOL – 009	Outside placement of indoor appliances/furniture	\$25.00	\$50.00	\$100.00
QOL – 010	Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling	\$50.00	\$100.00	\$250.00
QOL – 011	Placement or littering by private advertising matter	\$25.00	\$50.00	\$100.00
QOL – 012	Snow and ice removal from sidewalks	\$25.00	\$50.00	\$100.00
QOL – 013	Storing containers for waste or trash	\$25.00	\$50.00	\$100.00
QOL – 014	Storing or discarding of appliances	\$25.00	\$50.00	\$100.00
QOL – 015	Storing of hazardous material	\$50.00	\$100.00	\$250.00
QOL – 016	Storing of recyclables	\$25.00	\$50.00	\$100.00
QOL – 017	Storing or serving of potentially hazardous food	\$50.00	\$100.00	\$250.00
QOL – 018	Swimming pools	\$25.00	\$50.00	\$100.00
QOL – 019	Violating the terms of any vending license	\$25.00	\$50.00	\$100.00

B. Violation Ticket Penalties

1. If the person in receipt of a Twenty-Five Dollar (\$25) dollar-violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a ten (\$10) dollar penalty for days sixteen (16) through thirty (30).

2. If the person in receipt of a ~~One Hundred Dollar (\$100) dollar~~ **Fifty Dollar (\$50.00)** violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Twenty-Five (\$25) dollar penalty for days sixteen (16) through thirty (30)..

3. If the person in receipt of a One Hundred **and Fifty Dollar** (\$150) ~~Dollar~~ or Two Hundred and Fifty Dollar (\$250) or higher violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Fifty **Dollar** (\$50) ~~Dollar~~ penalty for days sixteen (16) through thirty (30).-

4. Failure of the person to make payment or request a hearing within thirty (30) days of a violation ticket shall make the person subject to a citation for failure to pay.

5. If violations continuous or egregious, code official has right to issue citation without first issuing ticket provided notice has been given. Upon issuance of four (4) tickets for same violation, right is reserved for code official to issue citation for fifth and subsequent offenses.

C. Citation Fines

Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine **of** not less than One Hundred Dollars (\$100) ~~Dollars~~, **and** not more than One Thousand Dollars (\$1,000) ~~Dollars~~ on each offense or imprisoned no more than ninety (90) days, or both.

D. Restitution

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

§14-111 APPEAL – A person in receipt of a violation ticket may appeal to the Property Maintenance / Codes Administrator by filing a request in writing within fifteen (15) calendar days of date of the violation ticket.

In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) calendar days

1. All paperwork, including the appropriate appeal form, for the appeal must be submitted and complete within fifteen (15) calendar days that the Quality of Life Ticket was issued.
2. Payment of the fine must be in full which will be refunded within thirty (30) calendar days should the alleged violator win their appeal.

The appeal hearing will be before the Property Maintenance/Codes Administrator or his/her designee. The Administrator or his/her designee may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she sees appropriate.

§14-112 Nonexclusive Remedies. The penalty and collection provisions of this Section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

§14-113 Severability If any provision, paragraph, word, section or subsection of this Part is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect.

ORDINANCE _____ 2012

AUTHORIZING THE EXONERATION OF OUTSTANDING CITY PROPERTY TAX, PENALTIES AND INTEREST FOR THE YEAR 2011 FOR 412 PANSY STREET, READING, BERKS COUNTY, PENNSYLVANIA.

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

That the City of Reading City Council does hereby authorize the exoneration of all outstanding City Property Tax, Penalties and Interest for the year 2011 for 412 Pansy Street, Reading, Berks County, Pennsylvania, owned by the Reading School District, in the amount of \$898.06, as set forth in Exhibit A (attached).

Adopted by Council _____,

2012

President of Council

Attest:

City Clerk

EXHIBIT A

PLEASE CHECK payable to:
 NELSON H. LONG, CPA, TREASURER
 BERKS COUNTY SERVICES CENTER
 633 COURT ST, 2ND FLOOR
 READING, PA., 19601-4318
 610-478-8640

Sitting Dates & Times:
 DAILY 8:00 AM - 5:00 PM
 EXCEPT WEEKENDS AND HOLIDAYS

Notes:
 \$5.00 SERVICE CHARGE IF NO BILL PRESENTED
 \$15.00 added per bill when filed with Tax Claim
 3/4% interest added per month as of 02/01/2012

2011
 Real Estate
 Tax Bill

BILL #
 13292

CASH

CHECK #

Tax Payer:
 READING SCHOOL DISTRICT
 %STEFFY JOHN
 800 WASHINGTON ST
 READING PA 19601-3616

Property Description:
 Commercial
 412 PANSY ST
 DB/YR 2010 DP/INST 051107 .350 AC

PIN# 18-5306-66-73-2516		Assessment	Bill Date	Property #
		38,300	3/01/2011	18566700
Tax Type / Rate / Mills	2% Discount	Flat Rate	10% Penalty	
COUNTY 6.9350	260.30	265.61	292.17	
CITY 14.3340	538.01	548.99	603.89	
DURING THIS PERIOD		MAR-APR	MAY-JUN	AFTER JUN
PAY THIS AMOUNT		798.31	814.60	896.06

READING & BERKS COUNTY

2011
 Real Estate
 Tax Bill

Tax Collector Copy

BILL # 13292

Tax Payer:
 READING SCHOOL DISTRICT
 %STEFFY JOHN
 800 WASHINGTON ST
 READING PA 19601-3616

Property Description:
 Commercial
 412 PANSY ST
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DURING THIS PERIOD		MAR-APR	MAY-JUN	AFTER JUN
PAY THIS AMOUNT		798.31	814.60	896.06

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS TO OBTAIN THE NECESSARY RIGHTS OF WAY AND EASEMENTS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING AND OPERATING THE SANITARY SEWER CONVEYANCE SYSTEM AND UPGRADES BETWEEN THE 6TH AND CANAL PUMP STATION AND FRITZ ISLAND WASTEWATER TREATMENT PLANT.

WHEREAS, the Schuylkill River Greenways Association is the legal owner of real property situate along Morgantown Road, Reading, Berks County, and Pennsylvania, with Parcel Identification number 530651854403 and more particularly described in Deed Book 2193 page 1909; and

WHEREAS, the Schuylkill River Greenways Associated is willing to grant the City of Reading the rights for installing, constructing, maintaining and operating the City of Reading sanitary sewer conveyance system on such property in exchange for a payment equal to Nine Thousand Seven Hundred Thirty-Five Dollars and Sixty Cents (\$9,735.60) and in accordance with the terms of the Grant of Right of Way and Easement attached hereto as Exhibit "A";

WHEREAS, Norfolk Southern Railway Company is the successor-in-interest to (1) the legal owner of real property situate adjacent to the Schuylkill River, Reading, Berks County, and Pennsylvania, with Parcel Identification number 18530665528964 and (2) exclusive easement holder to such neighboring property with Parcel Identification number 18530665528964; and

WHEREAS, Norfolk Southern Railway Company, is willing to grant the City of Reading the rights for installing, constructing, maintaining and operating the City of Reading sanitary sewer conveyance system on such properties in exchange for a payment equal to Eight Thousand Dollars (\$8,000) in addition to a Risk Financing Fee equal to One Thousand Dollars (\$1,000) pursuant to the terms of the Agreement attached hereto as Exhibit "B";

WHEREAS, Brentwood Industries, Inc., is the legal owner of real property situate along Brentwood Drive, Reading, Berks County, and Pennsylvania, with Parcel Identification number 530620922461 and more particularly described in Deed Book 3498 page 1507; and

WHEREAS, Brentwood Industries, Inc., is willing to grant the City of Reading access to such property to install, construct, maintain and operate the City of Reading sanitary sewer conveyance system on neighboring property free of charge pursuant to the terms of the Grant of Right of Way and Easement attached hereto as Exhibit "C".

WHEREAS, in order to perform the construction, maintenance and improvements to the 42-inch sanitary sewer force mains located between the Sixth and Canal Pump Station and Fritz Island Wastewater Treatment Plant, the City of Reading requires access to the above identified properties for temporarily storing and staging construction equipment and materials, permanently

accessing portions of the 42-inch sanitary sewer force mains, and installing, constructing, maintaining and operating the sanitary sewer force mains.

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

SECTION 1. The Mayor is authorized to execute a Grant of Right of Way and Easement (attached as Exhibit "A") to accept from the Schuylkill River Greenways Association a non-exclusive, temporary construction easement and non-exclusive, perpetual sanitary sewer easement upon such portions of the premises known and designated within parcel identification number 530651854403, as shown on the plan of Barry Islett & Associates, Inc., dated December 29, 2011 and attached to the Grant of Right of Way and Easement.

SECTION 2. The Mayor is authorized to execute an Agreement (attached as Exhibit "B") to accept from Norfolk Southern Railway Company, a non-exclusive license upon such portions of the premises known and designated within parcel identification numbers 18530665528964 and 18530665528964, as shown on the plan of Entech Engineering, Inc., dated November 15, 2011, and attached to the Agreement.

SECTION 3. The Mayor is authorized to execute a Grant of Right of Way and Easement (attached as Exhibit "C") to accept from Brentwood Industries, Inc., a non-exclusive, temporary construction easement and non-exclusive, perpetual access easement upon such portions of the premises known and designated within parcel identification number 530620922461, as shown on the plan of Barry Islett & Associates, Inc., dated December 19, 2011 and attached to the Grant of Right of Way and Easement.

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

Enacted _____, 2012

President of Council

Attest:

City Clerk

(LAW DEPT)

Submitted to Mayor: _____

Date: _____

Received by Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO PUBLIC WORKS

TO: Members of City Council

FROM: Christian F. Zale, City Controller

PREPARED BY: Christian F. Zale, City controller

MEETING DATE: January 23, 2012

AGENDA MEMO DATE: January 9, 2012

RECOMMENDED ACTION: Approve Appropriation Transfers

BACKGROUND:

Due to the switch of several of our Divisions from Sprint/Nextel to Verizon, the cost has shifted from Public Works to IT. The total amount to be moved is \$15,300 (\$1,275 per month). At this point no other transfers or changes are projected to occur.

BUDGETARY IMPACT:

Interfund line item transfer - \$15,200

PREVIOUS ACTION:

None

RECOMMENDED BY:

IT Manager and Public Works Director

RECOMMENDED MOTION:

Approve the request.

BILL NO. _____ - 2012

AN ORDINANCE

AN ORDINANCE AMENDING THE 2012 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF FUNDS FROM THE DEPARTMENT OF PUBLIC WORKS TO THE INFORMATION TECHNOLOGY DIVISION

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading 2012 Budget by authorizing the transfer of a total of \$15,200 from the Department of Public Works line item #01-07-74-4104 to the Information Technology Division line item #01-06-23-4235.

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

Enacted _____, 2012

President of Council

Attest:

City Clerk

(Controller)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

RESOLUTION NO. _____ 2012

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

Reappointing Linda A. Kelleher to the position of City Clerk for a two (2) year term.

Adopted by Council _____, 2012

President of Council

Attest:

City Clerk