

CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, AUG. 26, 2013
7:00 P.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 Agenda. All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Quentin Wallace, St. Matthew United Methodist

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council 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: Regular Meetings of July 22nd and August 12, 2013

B. AGENDA: Regular Meeting of August 26, 2013

5. Consent Agenda Legislation

A. Resolution – to authorize a Sewage Plan Revision for Kutz Factory LP’s Kutztown Road Retail, on William Road, as the proposed connection does comply with the allocations and other aspects of the provision of Chapter 94 of State Statutes. **(Bus Analyst/Utilities)**

B. Resolution – to authorize the disposition of digital data and electronic transaction records created, obtained or derived prior to January 1, 2007 for the Department of Administrative Services, as per Records Retention Policy and Document Retention Schedule **(Bus Analyst)**

C. Award of Contract – for the Angelica Creek Bridge Remediation to Professional Construction Contractors, Inc., 4220 Myriah Court, Bethlehem, PA who is the low bidder with total bid price of \$206,959.00 (Purchasing/Pub Works)

D. Resolution – clarifies that payments for a receivable assumed by Our City Reading related to the development of Sovereign Plaza shall be assigned to the Reading Redevelopment Authority. (Bus Analyst/Dir of Admin Services)

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. 35-2013 - approving, adopting and enacting substantive changes to the existing city ordinances in conjunction with the adoption of the Code of the City of Reading **(City Clerk/Law)** *Advertised July 1st and August 19th*

B. Bill No. 36-2013 - approving the codification of a complete body of legislation for the City of Reading, County of Berks, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Chapters 1 through 600, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the City of Reading, which shall be known and is hereby designated as the “Code of the City of Reading,” hereinafter referred to as the “Code.” **(City Clerk/Law)** *Advertised July 1st and August 19th*

C. Bill No. 37-2013 – amending the 2013 Position Ordinance by transferring two Equipment Operator II positions in the Streets Division of the Department of Public Works to the Solid Waste and Recycling Division of the Department of Public Works. **(Bus Analyst)**

D. Bill No. 39-2013 – authorizing the execution of the Intergovernmental Cooperation Agreement between the City and the Reading School District for the recycling collection service as well as any and all other required documents to facilitate and effectuate said recycling collection service. **(Law)**

E. Bill No. 40-2013 – vacating a portion of Moss Street, as described in Exhibit A and removing this portion of Moss St from the City’s topographical map **(Law)** (PAGE 84)
Introduced at the 6-24 regular meeting; Required post enactment advertisement scheduled for September 2nd, 9th and 16th

10. INTRODUCTION OF NEW ORDINANCES

11. RESOLUTIONS

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on first page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, August 26th

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, September 2nd

Labor Day – City Hall Closed

Tuesday, September 3rd

Nominations & Appointments Committee – Council Office – 4 pm

Standards of Living Committee – Council Office – 5 pm

Economic Development Committee – Council Office – immediately following Standards of Living Meeting

Monday, September 9

Nominations & Appointments Committee – Council Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, September 13

Budget Committee - Council Office – 5 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, August 26

DID Authority – 645 Penn St 5th floor – noon

Tuesday, August 27

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Citizens Advisory Board – Penn Room – 5:30 pm

Planning Commission – Penn Room – 7 pm

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

Wednesday, August 28

Human Relations Commission – Penn Room – 5:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

Stadium Commission – Stadium RBI Room – 7:30 pm

Thursday, August 29

Water Authority – Water Authority Office – 4 pm

Tuesday, September 3

Charter Board – Penn Room – 7 pm

Wednesday, September 4

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

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

Thursday, September 5

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

Sunday, September 8

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, September 9

Fire Civil Service Board – Penn Room – 4 pm

Shade Tree Commission – Planning Conference Room – 6 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity field house – 6:30 pm

City of Reading City Council
Regular Business Meeting
Monday, July 22, 2013

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

The invocation was given by Pastor Olga Moreira, of the Path of Holiness Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
Managing Director C. Snyder
City Clerk L. Kelleher

Council President Acosta stated that Councilor Marmarou was excused from attending this session due to a conflicting appointment.

PROCLAMATIONS AND PRESENTATIONS

- Council Commendation celebrating the 203rd anniversary of Columbian Independence

PUBLIC COMMENT

Council President Acosta announced that two (2) citizens were registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules.

Maryann Ciarlone, of North 5th Street, stated that in 2008 Council adopted a resolution prohibiting forced entry at residential properties, unless the policy was approved by Council. She stated that she received word from Property Maintenance that they will be seeking an administrative search warrant if she refuses to allow the inspection at her rental properties.

She stated that she submitted a Right to Know form to obtain a copy of this resolution and for a copy of the forced entry policy.

Martha Guzman, of Oley St, was not present.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes for the July 8th Regular Meeting of Council.

Councilor Sterner moved, seconded by Councilor Reed, to approve the minutes from the July 8th Regular Meeting of Council and the agenda, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Award of Contract - Main Library Improvements Project to Perrotto Builders, Ltd., 426 Warren Street, Reading, PA 19601 for a total bid price of \$458,000.00. (Purchasing) AGENDA PAGE 12

ADMINISTRATIVE REPORT

There was no Administrative Report provided.

AUDITOR'S REPORT

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

- 2013 Admissions Tax collection
- 2013 Real Estate Transfer Tax collection
- The 2012 external audit has not yet been completed

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

None.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 33-2013 - authorizing the Mayor to negotiate terms and to execute any and all documents, agreements and papers to convey certain Penn Street properties to the City of Reading. (Law) Introduced at the 7-8 regular meeting AGENDA PAGE 16

Councilor Corcoran moved, seconded by Councilor Sterner, to enact Bill No. 33-2013.

Bill No. 33-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Reed, Sterner, Waltman, Acosta, President -
6
Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

PENDING

Bill No. -2013 – vacating a portion of Moss Street, as described in Exhibit A and removing this portion of Moss St from the City’s topographical map (**Law**) (PAGE 84) **Introduced at the 6-24 regular meeting**

Council President Acosta read the following ordinance into the record:

A. Ordinance - amending Chapter 11, Housing, of the Codified Ordinances to include electronic filing, collections and collection costs (PMD/Law) *Advertised July 29, 2013* **PAGE 17**

B. Ordinance - approving, adopting and enacting substantive changes to the existing city ordinances in conjunction with the adoption of the Code of the City of Reading (City Clerk/Law) **PAGES 38-53**

C. Ordinance - approving the codification of a complete body of legislation for the City of Reading, County of Berks, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Chapters 1 through 600, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the City of Reading, which shall be known and is hereby designated as the “Code of the City of Reading,” hereinafter referred to as the “Code.” *Advertised on July 29, 2013*

RESOLUTIONS

A. Resolution 59-2013 - amending Resolution 57-2013 by changing the effective date of Mr. Anewalt’s term on the Charter Board. (Council staff) AGENDA PAGE 54

Resolution No. 59-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Reed, Sterner, Waltman, Acosta, President -
6
Nays: None - 0

COUNCIL COMMENT

Councilor Corcoran stated that Ms. Guzman decided not to address Council because he met with her to discuss her issue. Ms. Guzman owns a rental property that was inspected the year before the inspection fees were reduced. She questioned the need for her to pay this

exorbitant fee and stated that she cannot afford to pay this inspection fee. Ms. Snyder stated that Ms. Guzman can go on a payment plan.

Councilor Reed noted the success of the Reading Pride celebration held in Centre Park on Sunday the 21st. She stated that the event, which celebrates Reading's expanded diversity, was well attended Blvd.

Councilor Reed noted the passing of Maryann Chelius-Smith, who was the force behind the creation of Reading Area Community College here in Reading. She stated that Ms. Chelius-Smith was a true visionary. She also noted the passing of Helen Thomas, a journalist who had a 55 year career.

Councilor Goodman-Hinnershitz noted the passing of Fran Drexler, a retired Reading police officer. She suggested that the City recognize the dedicated service of this officer.

Councilor Goodman-Hinnershitz stated that Reading has two (2) sister cities: Reading, England and Reutlingen, Germany. She stated that officials from Reutlingen are coming to Reading this week and a celebration will be held at the Historical Society on Friday at 1 pm. She thanked former Mayor Tom McMahan for his continued work on this important program.

Councilor Waltman noted the need for closure around the violent murder in District 6 late last week. He stated that solving this murder will begin the community's healing process.

Council President Acosta recounted working with Ms. Chelius-Smith. He noted her fortitude and dedication to the Reading-Berks community.

Councilor Corcoran thanked Steve Harrity for eliminating the graffiti on the Lancaster Avenue Bridge and for arresting the "artist" that was continually placing graffiti on the bridge.

Council President Acosta reviewed the upcoming meeting schedule.

Councilor Sterner 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, August 12, 2013**

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

The invocation was given by Rev. John R. Francis of Christ Episcopal Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta

Councilor Corcoran, District 1

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Mayor V. Spencer

Council President Acosta stated that Councilor Goodman-Hinnershitz and Councilor Waltman are excused from attending this session due to a schedule conflict.

PROCLAMATIONS AND PRESENTATIONS

None.

PUBLIC COMMENT

Council President Acosta announced that three (3) citizens were registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules.

Rick Hancock, representing the United States Postal Service (USPS), stated that the USPS has determined that the two (2) postal facilities in Reading have been determined to be too oversized. The USPS is proposing to close the Carrier Annex, located at North 5th Street and Heister's Lane, and move its operations to the Yatron facility on North 13th Street. The main postal facility, located at North 5th and Washington Streets, will be closed. Both facilities will be listed for sale by the USPS. He stated that this was a financial decision made by the USPS.

The main facility is 56,000 sq. ft in a 70 year old building. The building is too large for the need of the USPS and the community. The USPS is looking for a 3000 sq. ft. rental space in the downtown area to move the retail component of the building. He stated that at this point in time the USPS invites public comment on the proposal. He stated that the public comment period is 30 days followed by a due diligence period. He stated that the process does not move quickly and that service will not be disrupted.

Maryann Ciarlone, of North 5th Street, quoted from the editorial in today's Reading Eagle. She called Council's attention to the envelopes she placed on the Council table before the meeting started. She stated that the envelope contains confidential material and she asked that the envelopes for Councilors Waltman and Goodman-Hinnershitz be returned to her.

Joe Eppihimer, of North 14th St, stated that he has been involved with the Hillside Playground Association his entire life. He stated that he has collected 600 petition signatures in opposition to the electrical repairs that the City is requesting for the Holiday Light Display. He stated that the lights are set up as a temporary display as the display is not permanent. He stated that the repairs will require Hillside to place junction boxes on the ball field within the park, which will create liability and safety hazards.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes for the July 8th Regular Meeting of Council.

Councilor Marmarou moved, seconded by Councilor Reed, to approve the minutes from the July 8th Regular Meeting of Council and the agenda, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Award of Contract – for the City Hall Access Control System to Berkshire Systems Group, 50 South Museum Road, Reading, PA 19607 to for a total bid price of \$141,588. (Purchasing/Police) PAGE 10

B. Award of Contract – for the sulfur dioxide to North Industrial Chemicals, Inc., 609 East King Street, York, PA 17405 who is the low bidder with total bid price of \$54,000. (Purchasing/Pub. Works) PAGE 12

C. Award of Contract - for the Sodium Hypochlorite - bulk to North Industrial Chemicals, Inc., 609 East King Street, York, PA 17405 who is the low bidder with total bid price of \$27,300. (Purchasing/Pub. Works) PAGE 14

D. Award of Contract – for the sodium hypochlorite in totes to North Industrial Chemicals, Inc., 609 East King Street, York, PA 17405 who is the low bidder with total bid price of \$27,300. (Purchasing/Pub. Works) PAGE 17

E. Award of Contract – for the Liquid Chlorine to Univar USA, Inc., 532 East Emmaus Street, Middletown, PA 17057 who is not the low bidder with total bid price of \$117,095. Univar was not the lowest bidder; however, Univar was selected due to prior problems with the lowest bidder that clogged regulators, poor tank quality and could cause potential permit violations. (Purchasing/Pub. Works) PAGE 20

F. Award of Contract – for the sodium hydroxide to Univar USA, Inc., 532 East Emmaus Street, Middletown, PA 17057 who is the low bidder with total bid price of \$25,200. (Purchasing/Pub. Works) PAGE 22

G. Award of Contract – for the free flowing potassium permanganate to Univar USA, Inc., 532 East Emmaus Street, Middletown, PA 17057 who is not the low bidder with total bid price of \$136,440. Univar was not the lowest bidder; however, Univar was selected due to prior problems with the lowest bidder that clogged regulators, poor tank quality and could cause potential permit violations. (Purchasing/Pub. Works) PAGE 25

H. Award of Contract – for the oxychlorine compound in totes (sodium chlorite based liquid shipped in 250-gallon totes) to Water Engineering Services, Inc. (Purchasing/Pub. Works) PAGE 29

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council at the meeting. In summary:

- Attended a meeting on the repair of the Penn Street Bridge
- Held an employee appreciation day at the Fightin Phillies ballgame
- Announced his availability for meetings with citizens each Tuesday from 1-2 pm. Call the Mayor's staff for scheduling.
- Attended the 6th and Amity community meeting
- Held meetings with a private community development group

Councilor Reed questioned notification of the meetings with the private community development group, as the press was informed about these meetings before Council was informed. She took issue with the lack of notice about these meetings, as the body of Council should be informed before the press is informed.

Council President Acosta stated there was also miscommunication about the schedule change for these meetings.

Mayor Spencer stated that the private company selected the parties it wished to meet with. Mayor Spencer and Council President Acosta stated that the firm is evaluating an up and coming city along with a financially distressed city. He expressed the belief that Reading may not be distressed enough to be considered for their program.

AUDITOR'S REPORT

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

- 2013 2nd Quarter Traffic Fines Motor Code update
- 2013 2nd Quarter Franchise Fees update
- Property Tax collection which is showing an 84.8% collection rate, compared to the collection rate of 86.7% in 2012. Property Tax is budgeted at 89%.

Council President Acosta asked the Auditor to keep Council apprised about the collection of property taxes and the validity of the projections placed in the 2014 budget.

Mayor Spencer stated that the City expected a decline in Property Tax collection, due to the change in collection practices used by Portnoff and the County Treasurer. He stated that the County Treasurer has the ability to undertake stronger collection procedures but has not yet implemented them.

Councilor Marmarou inquired if the Mayor's Office sent request letters to non-profits this year. Mayor Spencer stated that the letters were sent and the Auditor stated that he would report on collections stemming from the letters in his next report.

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

None.

ORDINANCES FOR FINAL PASSAGE

Bill No. 34-2013 - amending Chapter 11, Housing, of the Codified Ordinances to include electronic filing, collections and collection costs (PMD/Law) *Advertised July 29, 2013* **PAGE 35**

Councilor Marmarou moved, seconded by Councilor Corcoran, to enact Bill No. 34-2013.

Bill No. 34-2013 was adopted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Acosta, President - 5

Nays: None - 0

Bill No. 38-2013 - amending Chapter 13, Licenses, Permits and General Business Regulations, §13-116, of the Codified Ordinances to include collections which allows delinquent accounts of ninety (90) days or more to be given to a collections agency and

subject to collection costs and renumbering the remaining sections as necessary as attached in Exhibit A. (Police) *Advertised July 29, 2013 PAGE 57*

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 38-2013.

Bill No. 38-2013 was adopted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Acosta, President - 5

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

PENDING

A. Bill No. -2013 – vacating a portion of Moss Street, as described in Exhibit A and removing this portion of Moss St from the City’s topographical map (**Law**) (PAGE 84)
Introduced at the 6-24 regular meeting

B. Bill No. 35-2013 - approving, adopting and enacting substantive changes to the existing city ordinances in conjunction with the adoption of the Code of the City of Reading (City Clerk/Law) **Scheduled for enactment August 26th**

C. Bill No. 36-2013 - approving the codification of a complete body of legislation for the City of Reading, County of Berks, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Chapters 1 through 600, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the City of Reading, which shall be known and is hereby designated as the “Code of the City of Reading,” hereinafter referred to as the “Code.”
Scheduled for enactment August 26th

Council President Acosta read the following ordinance into the record:

A. Ordinance – amending the 2013 Position Ordinance by eliminating two Equipment Operator II positions in the Streets Division of the Department of Public Works and creating two Equipment Operator II positions in the Solid Waste and Recycling Division of the Department of Public Works. (Bus Analyst) PAGE 88

B. Ordinance – authorizing the execution of the Intergovernmental Cooperation Agreement between the City and the Reading School District for the recycling collection service as well as any and all other required documents to facilitate and effectuate said recycling collection service. (Law) PAGE 90

RESOLUTIONS

A. Resolution 61-2013 - appointing Ricky Denunzio to the Stadium Commission (**Nom & Appts**) PAGE 92

B. Resolution 60-2013– appointing Callie White to the Environmental Advisory Council
(Nom & Appts) PAGE 93

Councilors Marmarou and Reed spoke about the experience and qualifications of the appointees.

Resolution No. 60 and 61-2013 were adopted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Acosta, President - 5

Nays: None - 0

C. Resolution 62-2013 – appointing Toni Albert to the Library Board **(Nom & Appts)**
PAGE 94

Councilors Marmarou and Reed spoke about the experience and qualifications of this appointee.

Council President Acosta announced that he must abstain from this vote, as Ms. Albert is his supervisor at his place of employment.

Resolution No. 62-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Reed, Sterner - 4

Nays: None – 0

Abstention - Acosta, President - 1

COUNCIL COMMENT

Councilor Sterner thanked those speaking at tonight’s meeting. He stated that while he appreciates Mr. Eppihimer’s attention to the Hillside Holiday light display issues, many of his statements were inaccurate. He described his and the City’s efforts to address the safety issues associated with the light display and he explained that correcting issues will avoid liability for the Hillside Association and the City. He stated that junction boxes do not need to be installed in the ball field. He stated that the Administration is assisting by working with the IBEW to provide technical assistance to make the repairs required.

Councilor Reed announced the Centre Park community meeting scheduled for August 14th at 6 pm at the Artifacts Bank, 702 North 5th Street. She also described the community meeting in response to the recent murder in the Centre Park area.

Council President Acosta reviewed the upcoming meeting schedule.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

AGENDA MEMO

VAUGHN D. SPENCER, MAYOR
CAROLE B. SNYDER, MANAGING DIRECTOR

TO: City Council
FROM: Vaughn D. Spencer, Mayor
PREPARED BY: Deborah A.S. Hoag, P.E.
MEETING DATE: August 26, 2013
AGENDA MEMO DATE: August 5, 2013
REQUESTED ACTION: Act on Resolution for Sewage Plan Revision for Kutz Factory LP's Kutztown Road Retail

RECOMMENDATION

The Administration recommends that Council approve this resolution for a sewage plan module as the proposed connection does comply with the allocations and other aspects of the provision of Chapter 94 of State Statutes.

BACKGROUND

The Pennsylvania code requires municipalities to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes. The code also provides for the revision of the plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management.

Kutz Factory LP intends to construct a building addition to the existing strip mall at 1920 Kutztown Road. The generally site lies between Hiesters Lane to the north, Kutztown Road to the east, William Lane to the south, and the railroad tracks to the west. The proposed construction will accommodate 8,800 square feet of commercial space in four units. This is a total projected wastewater flow of 1,050 gallons per day or 4 equivalent dwelling units in addition to the existing flows. A separate sewer connection will be constructed for this new building.

The Administration has determined that the land development described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management. Upon review and approval by the City, the planning module will be sent to the Pennsylvania Department of Environmental Protection for final review.

BUDGETARY IMPACT

The planning module fee of \$500 will be deposited in the sewer revenue account.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

RECOMMENDED BY

Utilities Systems Manager, Public Works Director, Managing Director, and Mayor.

MOTION

Approve/Deny the resolution on the City Sewage Facilities plan revision for Kutz Factory's Kutztown

Road Retail.

RESOLUTION NO. _____

RESOLUTION FOR SEWAGE MODULE REVIEW FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY,
PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L.1535, known as the "Pennsylvania Sewage Facilities Act," as amended and the Rules and Regulations of the Pennsylvania Department of Environmental Resources adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management; and

WHEREAS, Kutz Factory LP has proposed the development and construction of the Kutztown Road Retail located at 1920 Kutztown Road (as described in the attached Sewage Facilities Planning Module), and it is proposed that this land development be served by sewer tap-ins; and

WHEREAS, the City of Reading finds that the land development described in the attached Sewage Facilities Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Reading hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

ADOPTED BY COUNCIL _____ 2013

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

RESOLUTION NO. ____2013

Whereas, by virtue of Resolution 134-2009, adopted December 14, 2009, the City of Reading declared its intent to follow the procedures for the disposition of records set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009; and

Whereas, in accordance with Act 428 of 1968 (as amended) each individual act of disposition shall be approved by resolution of the governing body of the municipality:

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

In accordance with City of Reading Records Retention Policy and Document Retention Schedule, hereby authorizes the disposition of the following public records:

Department of Administrative Services
Information Technology Division:

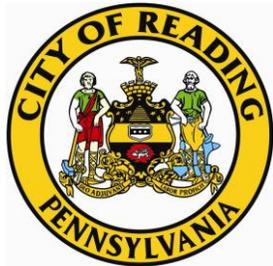
Digital data and electronic transaction records created, obtained or derived prior to January 1, 2007.

Adopted by Council _____2013

President of Council

Attest:

City Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: August 26, 2013
AGENDA MEMO DATE: August 21, 2013
RECOMMENDED ACTION: Awarding of Contract for the Angelica Creek Bridge Remediation

RECOMMENDATION

The recommendation is to award the contract for the Angelica Creek Bridge Remediation to Professional Construction Contractors, Inc., 4220 Myriah Court, Bethlehem, PA 18020 who is the low bidder with total bid price of \$206,959.00.

BACKGROUND

Bids for this project were received on August 7, 2013.

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

BUDGETARY IMPACT

The Wastewater Treatment Plant/Department of Public Works has confirmed there are sufficient funds in budget account code 54-07-44-4216 to cover the project.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the August 26, 2013 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Wastewater Superintendent,
Director of Public Works, Controller and Purchasing Coordinator.

August 7, 2013

To the Mayor
City Hall
Reading, PA

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

**BID NO. 2013-15 FOR THE ANGELICA CREEK BRIDGE, WASTEWATER TREATMENT
PLANT, DEPARTMENT OF PUBLIC WORKS**

<u>BIDDER</u>	<u>PRICE</u>
Professional Construction Contractors, Inc. 4220 Myriah Court Bethlehem, PA 18020	\$206,959.00
Bill Anskis Company, Inc. 465 Industrial Park Road Elysburg, PA 17824	\$236,165.28

TAMMI REINHART
Purchasing Coordinator

RESOLUTION _____2013

**ASSIGNING A CERTAIN RECEIVABLE
TO THE READING REDEVELOPMENT AUTHORITY**

WHEREAS in 2002 and 2003 the Reading Redevelopment Authority (RRA) was granted title to several parcels of land in the 400 Block of Penn and Cherry Streets by the Greater Reading Redevelopment Fund (GRRF) to foster the re-development of the area; and

WHEREAS the RRA was simultaneously granted ownership of a loan payable in the amount of \$709,353; and

WHEREAS Our City Reading (OCR), lead developer and owner of Sovereign Plaza, took deed to the parcels referenced above and assumed the loan payable with the intention of providing RRA a future revenue stream to be supported by the redevelopment project; and

WHEREAS the above-described transactions were made pursuant to verbal agreements between RRA and OCR; and

WHEREAS the RRA has already accepted two payments in the amount of \$47,666.60 from OCR.

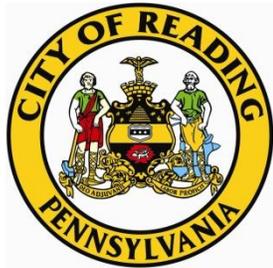
NOW, THEREFORE, the Council of the City of Reading hereby assigns the loan receivable totaling \$667, 333.33 (which reflects the original loan less two payments in the amount of \$47,666.67 from OCR that have already been accepted by RRA) from the City to RRA, and requests RRA to provide a copy of documents regarding this assignment and the terms thereof, executed by OCR and RRA, to the City Clerk within 60 days.

Adopted by Council on _____2013

Francis G. Acosta
Council President

ATTEST:

Linda A Kelleher CMC
City Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Matthew Bembenick, Director of Administrative Services
PREPARED BY: Matthew Bembenick, Director of Administrative Services
David Kersley, Business Analyst

MEETING DATE: August 26, 2013
AGENDA MEMO DATE: August 19, 2013
RECOMMENDED ACTION: Adoption of Resolution

RECOMMENDATIONf

To adopt a resolution that clarifies that payments for a receivable assumed by Our City Reading related to the development of Sovereign Plaza shall be assigned to the Reading Redevelopment Authority.

BACKGROUND

The proposed resolution will officially clarify that payments for a receivable owned by the Reading Redevelopment Authority shall accrue to the RRA pursuant to the following background information:

In 2002 and 2003, the Reading Redevelopment Authority (RRA) was granted title to multiple parcels of land in the 400 block of Penn and Cherry Streets. The parcels were originally acquired over multiple years by the Greater Reading Development Partnership (now the Greater Berks Development Fund), and consisted of the following lots:

- 450-454 Penn Street
- 8, 10, 12 S. 5th Street
- 16-18 S. 5th Street
- 20-22 S. 5th Street
- 424-426 Penn Street
- 428-444 Penn Street
- 446 Penn Street
- 448 Penn Street

Later, in 2003, the RRA entered into a verbal agreement with Our City Reading (OCR), assigning development rights for the above-mentioned properties to OCR in exchange for OCR's assumption of \$709,353 in loans tied to the properties in question.

Separate of the verbal agreement with OCR, the RRA received multiple development-related loans and grants in 2003 that were to be used to support the redevelopment of the above-mentioned

properties/development of Sovereign Plaza. These loans and grants included: a \$1.1 million BEDI grant from HUD, a \$3.5 million Section 108 loan, and a \$500,000 PA Housing & Redevelopment Assistance grant.

In an unrelated transaction, the RRA set aside \$800,000 in general fund monies in 2003-2004 for site acquisition and related costs in the Buttonwood Gateway project.

In 2003-2004, the City mistakenly paid \$625,000 of the \$800,000 set aside in the general fund for the Buttonwood Gateway to fund demolition costs associated with Sovereign Plaza. Instead, the City should have funded the costs associated with the Sovereign Plaza demolition using the above-mentioned BEDI grant.

In 2007, the City Finance Department recognized the transaction error that had occurred regarding the Buttonwood Gateway funding. However, the RRA was not made financially-whole, and by this point in time, the BEDI grant had lapsed.

Presently, OCR has commenced repayment of the \$709,353 in loans that it had assumed in 2003; making an annual payment of \$46,666 for loan defeasance. The loan payment is being paid to RRA, per the verbal agreement and two payments have been processed. However, despite the payment to the RRA, the City should be the receiving entity because the loan is owed to the general fund.

RRA is asking that the City assign the \$709,353 loan and related payments to the RRA as a receivable and to remove the loan from the City's ledger. This will enable the RRA to be made whole for the mistaken use of the \$625,000 in Buttonwood Gateway funds in 2003-2004, and will enable the RRA to undertake further economic development activities within the City of Reading.

BUDGETARY IMPACT

The journal entries needed to reflect the transfer of the Our City Reading loan receivable to the Reading Redevelopment Authority are as follows:

Debit: Deferred Revenue - Account # 01-00-00-2400	\$667,333.33
Debit: Loan Receivable - Account # 01-00-00-1520	\$667,333.33
(to assign outstanding balance of loan receivable to Reading Redevelopment Authority)	
Debit: Due from RRA - Account # 01-00-00-1341	\$ 47,666.67
Debit: Transfer to RRA - Account # 01-14-91-4965	\$ 47,666.67
(to reverse prior year receivable from the 2012 audited financial statements)	

These entries net out to a \$47,666.67 expense for the City.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is required to clarify the aforementioned understanding.

RECOMMENDED BY

Reading Redevelopment Authority, Managing Director, Director of Administrative Services and Business Analyst.

RECOMMENDED MOTION

Motion to approve Resolution XX-XXXX

Cc: Director of Administrative Services

City Auditor

City Controller

File

**BILL NO. _____ -2013
AN ORDINANCE**

TO APPROVE, ADOPT AND ENACT SUBSTANTIVE CHANGES TO EXISTING CITY ORDINANCES IN CONJUNCTION WITH THE ADOPTION OF THE CODE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, 2013

WHEREAS, the Code of the City of Reading, 2013, has been prepared and published by General Code, LLC, and is presently before the City Council for adoption, pursuant to Section 1014.1 (53 P.S. § 36014.1) of the Third Class City Code and City of Reading Home Rule Charter Section 223; and

WHEREAS, in the course of preparing the codification and revision of the City's ordinances, it was found necessary to amend existing ordinances in order to update regulations and policies and to ensure that the City's ordinances conform to Commonwealth law and current practice,

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

SECTION 1. Chapter 1, General Provisions, of the Code of the City of Reading is hereby amended by the addition of Part 2, Amendments During Codification:

Part 2
Amendments During Codification

§ 1-201. Amendments to ordinances made during codification.

In conjunction with the adoption of the Code of the City of Reading, Berks County, Pennsylvania, 2013 ("Code"), the City Council determined that certain sections and subsections of the Code of the City of Reading required amendment. These substantive changes and revisions as set forth in Schedule A attached hereto and made a part hereof are hereby made to various ordinances included in the Code. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code Adoption Ordinance.

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 days after passage, in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

ENACTED _____, 2013.

President of Council

Attest:

City Clerk

(General Code)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PROPOSED CODE ADOPTION ORDINANCE
for the
CODE OF THE CITY OF READING PENNSYLVANIA
May 2013

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624

(585) 328-1810 or 800 836-8834
FAX (585) 328-8189
www.generalcode.com

CITY OF READING
COUNTY OF BERKS, PENNSYLVANIA

BILL. NO. _____

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

Be it enacted and ordained by the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE I
Adoption of Code

Be it enacted and ordained by the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§ 1-101. Approval, adoption and enactment of Code.

Pursuant to Section 1014.1 (53 P.S. § 36014.1) of the Third Class City Code, the codification of a complete body of legislation for the City of Reading, County of Berks, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Chapters 1 through 600, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the City of Reading, which shall be known and is hereby designated as the "Code of the City of Reading," hereinafter referred to as the "Code."

§ 1-102. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the City Council of the City of Reading, and it is the intention of said City Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-103 below, and only new or changed provisions, as described in § 1-106 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-115 below.

§ 1-103. Repeal of legislation not contained in Code.

- A. All ordinances or parts of ordinances of a general and permanent nature adopted by the City of Reading and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-115 below, except as hereinafter provided. Included in such repealed legislation is the 2001 Code of Ordinances.

- B. The following items from the 2001 Code of Ordinances are specifically repealed:
 - (1) Ch. 1, Part J, Building Inspector Civil Service Board, and Part K, Recreation Committee.
 - (2) Ch. 3, Bicycle Regulations.
 - (3) Ch. 5, Part 10, Citizens Inspection Program.
 - (4) Ch. 7, Part 2, Space Heaters.
 - (5) Chapter 10, Part 13, City Outdoor Air Policy.
 - (6) Ch. 13, Part 5, Food Vending Machines and Businesses, Part 6, Milk and Milk Products, Part 7, Frozen Desserts, Part 8, Meat and Meat Products, Part 9, Poultry, and Part 11, Ambulances.
 - (7) Chapter 23, Swimming Pools, Part 1, Private Swimming Pools.

§ 1-104. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-103 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-103 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to December 17, 2012.

- B. Any right or liability established, accrued or incurred under any legislative provision of the City prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City or any penalty, punishment or forfeiture which may result therefrom.

- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the City.

- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City or any lawful contract, obligation or agreement.

- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City or other instruments or evidence of the City's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the City.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the City or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

§ 1-105. Inclusion of new legislation prior to adoption of Code.

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-104A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

§ 1-106. Nonsubstantive changes.

In compiling and preparing the ordinances and resolutions of the city for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

§ 1-107. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-108. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-109. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the City Clerk and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the City Clerk, as provided by law, and such certified copy or copies shall remain on file in the office of the City Clerk, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-110. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the City Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed

and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-111. Code books to be kept up-to-date.

It shall be the duty of the City Clerk or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the City Clerk for the use of the public. All changes in said Code and all legislation adopted by the City Council subsequent to the effective date of this codification which the City Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-112. Publication of notices.

The City Clerk, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the City. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of a copy or copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-113. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the City to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$1,000, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 90 days.

§ 1-114. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the City Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-115. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after _____, 20____.

ENACTED _____, 2013.

President of Council

Attest:

City Clerk

(General Code)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

CITY OF READING

NOTICE OF INTRODUCTION OF PROPOSED CODE ADOPTION ORDINANCE

Please take notice that a proposed Code Adoption Ordinance was introduced by the City Council of the City of Reading at a regular meeting of the City Council held on the ____ day of _____, 20___. A copy of the proposed Code Adoption Ordinance and the Code may be examined in the office of the City Clerk. A summary of the proposed Code Adoption Ordinance and a listing of the Table of Contents of the proposed codification are as follows:

ORD. NO. ____

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

This proposed ordinance provides:

- (1) For the approval, adoption and enactment of the codification of a complete body of legislation for the City of Reading, as revised, codified and consolidated into titles, chapters and sections, such codification being designated as the "Code of the City of Reading."
- (2) That the provisions of the Code are intended as the continuation of legislation in effect immediately prior to adoption of this ordinance.
- (3) For the repeal of ordinances or parts of ordinances of a general and permanent nature which are not included in the Code, except as specifically saved from repeal.
- (4) That certain ordinances, rights and obligations be expressly saved from repeal.
- (5) That ordinances of a general and permanent nature adopted subsequent to preparation of the Code but prior to its adoption are deemed part of the Code.
- (6) For the interpretation of provisions.
- (7) That titles, headings and editor's notes are inserted for the convenience of persons using the Code and are not part of the legislation.
- (8) For the filing of at least one copy of the Code in the office of the City Clerk where it shall remain for use and examination by the public.
- (9) For the incorporation of future additions, deletions, amendments or supplements into the Code.

- (10) That Code books be kept up-to-date under the supervision of the City Clerk.
- (11) That notice of introduction of the ordinance and Code be published according to law, and that enactment of the ordinance, coupled with filing of a copy or copies of the Code and publication of such notice, will be deemed due and legal publication of all provisions of the Code.
- (12) For penalties for anyone convicted of altering or tampering with the Code.
- (13) That provisions of the Code and of the ordinance are severable.
- (14) That the effective date of the Code and of the ordinance be _____, 20____.

The chapters included in the codification are as follows (all chapter numbers not listed are reserved for future use).

TABLE OF CONTENTS

Part I: Administrative Legislation

- 1. General Provisions
- 5. Administrative Code
- 14. Authorities
- 23. Boards, Commissions, Committees and Councils
- 36. Fire and Rescue Services
- 51. Initiative and Referendum
- 62. Pensions
- 70. Personnel
- 77. Police Department
- 91. Salaries and Compensation

Part II: General Legislation

- 120. Alarm Systems
- 127. Alcoholic Beverages
- 141. Animals
- 166. Cable Television
- 173. Commercial Laundry Code
- 180. Construction Codes
- 188. Curfew
- 201. Electric Service

- 212. Fees
- 219. Firearms
- 225. Fireworks
- 231. Fire Insurance Proceeds
- 237. Fire Prevention and Protection
- 251. Food Code
- 272. Graffiti
- 288. Health and Safety
- 295. Historical and Conservation Districts
- 302. House Numbering
- 308. Housing
- 325. Law Enforcement
- 328. Lead-Based Paint
- 332. Library
- 339. Licenses and Permits
- 346. Litter and Advertising Material
- 353. Loitering; Obstructing Public Places
- 364. Massage Therapists
- 378. Municipal Claims and Liens
- 387. Noise
- 396. Parks and Recreation
- 403. Pawnbrokers
- 410. Peddling and Soliciting
- 424. Poles
- 431. Property Sales
- 438. Rain Barrels
- 442. Records, Public Access
- 453. Sales
- 460. Scrap Metal Dealers
- 467. Sewers and Sewage Disposal
- 473. Sexually Oriented Businesses
- 479. Sidewalk Cafes
- 485. Signs
- 496. Solid Waste
- 502. Storage Facilities
- 505. Stormwater Management

- 508. Streets and Sidewalks
- 515. Subdivision and Land Development
- 521. Sustainability
- 536. Tampering with Public Property
- 543. Tax Abatements
- 546. Tax Amnesty Program
- 549. Taxation
- 555. Trees
- 564. Vehicle Nuisances, Storage of
- 570. Vehicle Repair Shops
- 576. Vehicles and Traffic
- 583. Vending Machines
- 600. Zoning

Please take further notice that the City Council intends to adopt the proposed Code Adoption Ordinance on _____ . A copy of the Code Adoption Ordinance proposed for adoption is on file in the office of the City Clerk, Reading, Pennsylvania, where it is available for inspection during regular office hours.

CITY OF READING

NOTICE OF ADOPTION OF CODE

Please take notice that the following ordinance of the City of Reading, notice of the introduction of which had previously been given, was finally enacted at a meeting of the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, on the ____ day of _____, 20__:

ORD. NO. ____

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

The "Code of the City of Reading" will be in full force and effect on the ____ day of _____, 20__. A copy of the Code Adoption Ordinance and the Code are on file in the office of the City Clerk, where they are available for use and examination during regular office hours.

CERTIFICATION

CITY OF READING

Office of the City Clerk

I, **Linda Kelleher**, City Clerk of the City of Reading, Pennsylvania, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the City Council of the City of Reading, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the City of Reading, County of Berks, Commonwealth of Pennsylvania, as adopted by ordinance of the City Council on _____, _____.

Given under my hand and the Seal of the City of Reading, County of Berks, Commonwealth of Pennsylvania, this _____ day of _____, at the municipal offices of the City of Reading.

s/Linda Kelleher

City Clerk

BILL NO ____-2013

**AN ORDINANCE AMENDING THE 2013 POSITION ORDINANCE
TRANSFERRING TWO POSITIONS FROM THE STREETS DIVISION
OF THE DEPARTMENT OF PUBLIC WORKS TO THE
SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS**

Section 1. IT IS HEREBY ORDAINED by the Council of the City of Reading the 2013 Position Ordinance by amended as follows:

- A. Transferring two Equipment Operator II positions in the Streets Division of the Department of Public Works to the Solid Waste and Recycling Division of the Department of Public Works.

Section 2. 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 3. Any and all ordinances which are contrary to the amendment are hereby repealed.

Enacted by Council _____, 2013

President of Council

Attest:

City Clerk

(Director of Public Works and Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO

OFFICE OF THE MANAGING DIRECTOR

TO: City Council
FROM: David Kersley, Business Analyst
PREPARED BY: David Kersley, Business Analyst
MEETING DATE: August 12, 2013
AGENDA MEMO DATE: August 6, 2013
RECOMMENDED ACTION: Adoption of Ordinance Transferring Two Positions From the Streets Division to the Solid Waste Division of the Department of Public Works

RECOMMENDATION

To adopt a an ordinance transferring two Equipment Operator II positions from the Streets Division to the Solid Waste & Recycling Division of the Department of Public Works.

BACKGROUND

Currently, the Solid Waste & Recycling division pays for two Equipment Operator II positions in the Streets Division of the Department of Public Works. The individuals' principal responsibility is collecting trash from public parks and public buildings. The proposed ordinance would transfer these positions to the Solid Waste & Recycling division.

BUDGETARY IMPACT

None.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is required to amend the 2013 Positions Ordinance.

RECOMMENDED BY

Director of Public Works and Business Analyst.

RECOMMENDED MOTION

Motion to approve Bill No. ____2013. cc: File

BILL NO. _____-2013

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY OF READING AND THE READING SCHOOL DISTRICT FOR RECYCLING COLLECTION SERVICE.

WHEREAS, the City of Reading desires to provide recycling collection service to the Reading School District; and

WHEREAS, the Reading School District desires that the City of Reading provide recycling collection service to said school district; and

WHEREAS, the City of Reading and the Reading School District desire to enter into an intergovernmental cooperation agreement to memorialize the terms and conditions of the recycling collection service,

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

SECTION 1. The Mayor is authorized to execute the Intergovernmental Cooperation Agreement between the City of Reading and the Reading School District for the recycling collection service (see attachment) as well as any and all other required documents to facilitate and effectuate said recycling collection service.

SECTION 2. This Ordinance shall be effective ten (10) days after passage pursuant to the City of Reading Home Rule Charter Article II, Sections 219 & 221.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2013
A N O R D I N A N C E

VACATING AND REMOVING FROM THE TOPOGRAPHICAL SURVEY OF THE CITY OF READING, A PORTION OF MOSS STREET AS DESCRIBED IN ATTACHED EXHIBIT "A".

WHEREAS, The City of Reading deems it expedient for the public good to vacate and remove from the topographical survey of the City of Reading a portion of Moss Street, Reading, Berks County, Pennsylvania,

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

SECTION 1. As described in attached Exhibit "A" and containing in area twenty-three thousand four hundred three square feet (23,403 sq.ft.) of land, the same hereby is vacated and removed from the topographical survey of the City of Reading.

SECTION 2. The Director of the Department of Public Works, the City Engineer be and he is hereby authorized and directed to enter and record the above-described change in the topographical book of streets in the Department of Public Works.

SECTION 3. The City Solicitor is authorized and directed to take such further steps in court or elsewhere as may be necessary to carry out the provisions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as they are inconsistent with this Ordinance.

SECTION 5. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

EXHIBIT "A"

ALL THAT CERTAIN tract or strip of ground being known as Moss Street, being 60 ft. wide, from the northern building line of Bern Street to the northern property line of lands of Reading Area Water Authority, situate in the City of Reading, Berks County, Pennsylvania, and being more fully bounded and described as follows, To Wit:

BEGINNING at a point on the northern building line of Bern Street (60 ft. wide) and the western building line of Moss Street;

Thence leaving Bern Street and along the western building line of Moss Street and along lands of Reading Area Water Authority, North 04 degrees 05 minutes 12 seconds East, 390.04 feet to a point, a corner of lands of Angela Carmello;

Thence crossing Moss Street, South 85 degrees 56 minutes 33 seconds East, 60.00 feet to a point on the eastern building line of Moss Street and in line of lands of the City of Reading;

Thence along the eastern building line of Moss Street and along lands of the City of Reading, South 04 degrees 05 minutes 12 seconds West, 390.07 feet to a point on the northern building line of Bern Street;

Thence along the northern building line of Bern Street, North 85 degrees 54 minutes 48 seconds West, 60.00 feet to the Place of Beginning.

CONTAINING: 23,403 Square Feet