



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, OCT. 27, 2014
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.

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.
3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
4. Citizens may not approach the Council tables at any time during the meeting.
5. Any person making threats of any type, 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, removed from Council Chambers and/or cited.
6. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Eileen Levan, Nativity Lutheran Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, October ____ was related to ____ matters.

2. PROCLAMATIONS AND PRESENTATIONS

Oath of Office to the following Fire Personnel:

- 1st Deputy Chief Kemery
- 2nd Deputy Chief Landis
- Lt. Glore

Presentation of commendations to the following:

- Council Commendation recognizing the 125th anniversary of Carpenter Technology, accepted by William Wulfsohn, President and CEO and William Rudolf Jr, Corporate Communications Director
- Council Commendation recognizing Reading Truck Body, accepted by Brian Nadel, President and CEO, Jenifer Bowden, CFO and Beth Johnson, Director of Marketing

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 or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled 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, including applause or cheering, 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 Meeting of October 13, 2014

B. AGENDA: Regular Meeting of October 27, 2014

5. Consent Agenda Legislation

A. Award of Contract – for the repair of the wall at the Pagoda (**Purchasing Mgr**)

B. Award of Contract – for the purchase of rock salt (**Purchasing Mgr**)

C. Award of Contract –to qualify multiple vendors for the provision of bond underwriting

services to the City of Reading. The vendors to be qualified include:

- PNC Capital Markets
- Janney Montgomery Scott LLC
- RBC Capital Markets
- Loop Capital Markets
- Robert W. Baird & Co.
- NW Capital Markets Inc.
- Wells Fargo Securities

D. Award of Contract –authorizing the merger plan between the TCC and BEIT Bureau (Law)

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

9. ORDINANCES FOR FINAL PASSAGE

Pending – Further Legal Review Required

Bill No. 63-2014 – amending the Code Book, Chapter 600 “Zoning”, Section 600-807 entitled “C-C Commercial Core District” by amending: (1) Subsection B “Allowed Uses” to include public parking garages and parking lots owned/or operated by the City of Reading or the Reading Parking Authority, and to prohibit non-public parking garages and parking lots; and (2) Subsection C “Additional Requirements in the C-C District” to prohibit non-public parking garages or parking lots open to the general public. **(Parking Authority/Council Staff) Introduced at the July 28 regular meeting; Public Hearing 8-12-14; Ordinance Advertisement 8-11 and 8-18-2014**

Pending – Budget and Tax Ordinances

A. Ordinance – 2015 Real Estate Tax Rate

B. Ordinance – 2015 Commuter Tax Rate

C. Ordinance – 2015 Position Ordinance

D. Ordinance – 2015 Resident Earned Income

E. Ordinance – 2015 General Fund Budget (Law/Council Staff)

F. Ordinance – 2015 Capital Budget (Law/Council Staff)

G. Bill No. 71-2014 – authorizing the execution the Lease Agreement for the Reading Area Firefighters Museum **(Man Dir/Law) Introduced at the September 8 regular Meeting; Tabled at the Sept 22nd meeting**

A. Bill No. 78-2014 – amending City Code Section 23-1201. Purpose; Membership by decreasing the number of Main Street Board Members to seven (7) and providing clarification regarding the liaison to the Board **(Council Staff/Main St Bd) Introduced at the October 13 regular meeting**

B. Bill No. 79-2014 – amending the Personnel Code, Section 70-703 Payroll Time Sheet to match the current process used for the submission and processing of employee time sheets **(Council Staff) Introduced at the October 13 regular meeting**

C. Bill No. 80-2014 – authorizing the restriction of parking and the installation/maintenance of appropriate No Parking signs in accordance with the PennDOT Highway Occupancy Permit (HOP) Application No. 42617 at 118 South 9th Street, aka the Jet Set Restaurant LLC. **(Man Dir) Introduced at the October 13 regular meeting; Advertised on 10-20-14**

D. Bill No. 81-2014 – authorizing the restriction of parking and the installation/maintenance of No Parking signs in accordance with the PennDOT Highway Occupancy Permit (HOP) Application # 61019 originally dated July 25, 2014. The purpose of this parking restriction is to ensure the proposed driveway has an adequate sight distance for vehicles entering the highway as shown in the application made by Domenico and Lucia Brutto for the business located at 290 Morgantown Road aka Mimmo’s Restaurant. **(Man Dir) Introduced at the October 13 regular meeting; Advertised on 10-20-14**

E. Bill No. 82-2014 – naming Our City Reading as the developer for the Penn Square Properties Project and authorizing the execution of the developers agreement **(Man Dir) Introduced at the October 13 regular meeting**

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – restricting parking and maintaining the requisite No Parking signs, for a distance of 44 feet, across from the entrance to 1007 Bern Street. The purpose is to improve the turning radius for large trucks entering and leaving the business at that location **(Man Dir) Advertisement scheduled for 11-3-14**

B. Ordinance – authorizing the execution of a settlement agreement to pay the legal charges associated with the water agreement to Stevens and Lee **(Adm Serv. Dir)**

C. Ordinance – restricting parking and maintaining the requisite No Parking signs, for a distance of approximately 20 feet, adjacent to 1426 Perkiomen Avenue. The purpose is to improve visibility for drivers exiting the parking lot of the Southeast Branch of the Reading Public Library. **(Man Dir) Advertisement scheduled for 11-3-14**

D. Ordinance – approving an appropriations transfer of \$650,000 from the Contracted Services line item in the 2014 Public Buildings budget to the Street Lighting budget Traffic Engineering budget to provide for street lighting for the remainder of 2014. **(Man Dir)**

E. Ordinance – amending the 2014 Fiscal Year Employee Position Ordinance, by decreasing the Network Administrator positions from two (2) to one (1) and creating one (1) position of Network Engineer **(Adm Services)**

F. Ordinance – authorizing the transfer of \$130,000.00 from the Salary line of the Fire-Emergency Medical Division (EMS) to the Fire-Administration Division Salary line, to the Fire-Suppression Division Salary line and to the Fire-Suppression Division Clothing line **(Fire)**

G. Ordinance – authorizing the execution an Right of Way Grant/ Easement (attached as part of Exhibit “A”) to convey unto the UGI Utilities, Inc. an easement and uninterrupted right of access upon that portion of premises located at 14th & Green Streets, Reading, Berks County, Pennsylvania, as shown on a certain diagram attached as part of Exhibit “A”. **(Law/Pub Works)**

11. RESOLUTIONS

PENDING

A. Resolution 100-2014 – authorizing the execution of the MOU for the Reading Area Firefighter Museum **(Man Dir/Law) Tabled at the Sept 22nd meeting; Pending further legal review required**

A. Resolution – approving the Conditional Use permit for 321 N 8th Street with conditions **(Council Staff)**

B. Resolution – denying the Conditional Use permit for 139 South 10th Street and ordering the de-conversion of the property to a two unit dwelling **(Council Staff)**

C. Resolution – denying the Conditional Use permit for 714 Franklin Street and ordering the de-conversion to a two unit dwelling **(Council Staff)**

D. Resolution – appointing Donna Reed as the liaison to the Main Street Board and Jeffrey S. Waltman as the alternate **(Council Staff)**

E. Resolution – approving in part and denying in part the HARB COA appeal for 733 Madison Avenue (**Council Staff**)

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Wednesday, October 29

Budget Review Mtg - Penn Room – 5 pm

Thursday, October 30

Budget Review Mtg - Penn Room - after Act 47 Meeting

Monday, November 3

Nominations & Appointments Committee – Council Office – 4 pm

Budget Review Mtg – Penn Room - 5 pm

Wednesday, November 5

Budget Review Mtg – Penn Room - 5 pm

Saturday, November 8

Pagoda Strategic Planning – Pagoda 9 am to 3 pm

Monday, November 10

Budget Review Mtg – Council Office - 5pm

Committee of the Whole – Council Office – 6 pm

Regular Meeting – Council Chambers – 7 pm

Tuesday, November 11

City Hall closed – Veteran’s Day

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, October 27

DID Authority – 645 Penn St 5th floor – noon

District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, October 28

Environmental Advisory Council – Public Works Building – noon

Housing Authority Workshop – WC Building – 4 pm
Housing Authority – WC Building – 5 pm
Planning Commission – Penn Room – 7 pm
Penn’s Common Neighborhood Group – Penn’s Common meeting room – 7 pm

Thursday, October 30

Water Authority – Water Authority Office – 4 pm

Monday, November 3

Shade Tree Commission – Public Works Building – 6 pm

Tuesday, November 4

Board of Health – Penn Room – 4 pm

Charter Board – Penn Room – 7 pm

Wednesday, November 5

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

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

Thursday, November 6

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, November 9

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, November 10

Fire Civil Service Board – Penn Room – 4 pm

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

Council President Acosta called the meeting to order.

The invocation was given by Mr. Steve Elmarzouky, Islamic Center of Reading.

All present pledged to the flag.

ATTENDANCE

Council President Acosta

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Waltman, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director C. Snyder

Mayor V. Spencer

Council President Acosta stated that the purpose of the Executive Session on Monday, October 13th was related to personnel matters.

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or commendations issued at this meeting.

PUBLIC COMMENT

Council President Acosta stated that there are (2) citizens 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 meeting. As no one objected the rule was suspended. He reminded the citizens about the public speaking rules.

Aaron Thomas, of South 13th Street, stated that the Charter Board recently ruled in a 5-0 vote that a citizen did not violate the confidentiality provision of the Charter Board Ordinance. He questioned the intent of the elected official who submitted that complaint. He expressed the belief that the complaint was frivolous, as the citizen filed his complaint due to his belief that Council has violated the Sunshine Act. He stated that after the Charter Board made their ruling, he learned that Council President Francis Acosta filed the complaint and he again questioned the intent behind the complaint.

Charles Phillip, of North Front Street, stated that in 2007 the City electorate approved a referendum question on the meaning of residency, required by the Charter for various officials. He expressed the belief that the Managing Director's writing a check for apartment rent each month does not comply with the residency requirement. He stated that he has proof that the Managing Director has retained residency in her out of town home.

Council President Acosta reminded Mr. Phillip that his remarks singling out the Managing Director are out of order.

Mr. Phillip demanded that City officials follow the Charter. He also stated that a member of Council inappropriately uses their dashboard parking permit on Court Street occasionally.

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 from the September 22nd Regular Meeting of Council and the September 30th Special Meeting. He stated that the administration wishes to add a Resolution to the Consent Agenda that will authorize the Solicitor to seek Court approval for the 2015 Commuter Tax.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the September 22nd Regular Meeting of Council, the September 30th Special Meeting and the agenda, including the legislation listed under the Consent Agenda heading, as amended. The motion was approved unanimously.

Consent Agenda

A. Resolution 104-2014 – appointing Jose L. Ramos and Eric Honick as Police Officers **(Police Chief)**

B. Resolution 105-2014 – Authorizing the following promotions within the Department of Fire and Rescue Services (Fire Chief):

- 2nd Deputy Fire Chief Thomas E. Kemmery to 1st Deputy Fire Chief
- Fire Suppression Lieutenant Scot L. Landis to 2nd Deputy Fire Chief
- Fire Fighter Michael R. Glore to Fire Suppression Lieutenant

C. Resolution 108-2014 – authorizing the Solicitor to seek Court approval for the 2015 Commuter Tax (Law)

ADMINISTRATIVE REPORT

The mayor read the report distributed to Council at the meeting, as follows:

- The application for a Promise Zone which is a CD grant
- The Berks County Community Foundation (BCCF) made a donation to DID for

outdoor events for DID and Main Street and they partially funded the Main Street Coordinator position

- The Streetlight Project for Wyomissing Park is in the planning phase, with construction expected to begin soon
- Reduction in the overall City crime rate

Councilor Goodman-Hinnershitz expressed the belief that the crime rate may be lower as citizens may not be reporting crimes which generate citations. She noted the need to increase attention to drug trafficking.

The mayor agreed that citizens need to report crimes to the Desk Sergeant so the Police Department can allocate its resources to handle neighborhood issues.

Councilor Reed asked the Auditor to determine the amount of Fine Arts money that was transferred to River Place, the amount of remaining funding and how the money was spent.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting; in summary:

- Municipal Sewage Rate calculation for outlying municipalities for 2015-16
- Admissions Tax collection
- Real Estate Transfer Tax collection

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

None.

ORDINANCES FOR FINAL PASSAGE

Pending - Further Legal Review Required

Ordinance - **authorizing a project labor management agreement for building projects in the City** (*Mayor's Office*) *Introduced at the May 12 regular meeting; Additional review required; PLA Work Group meetings held June 25 and July 24*

Bill No. 63-2014 - amending the Code Book, Chapter 600 "Zoning", Section 600-807 entitled "C-C Commercial Core District" by amending: (1) Subsection B "Allowed Uses" to include public parking garages and parking lots owned/or operated by the City of Reading or the Reading Parking Authority, and to prohibit non-public parking garages and parking lots; and (2) Subsection C "Additional Requirements in the C-C District" to prohibit non-public parking garages or parking lots open to the general public. (**Parking Authority/Council Staff**) *Introduced at the July 28 regular meeting; Public Hearing 8-12-14; Ordinance Advertisement 8-11 and 8-18-2014*

Consideration of the override of Bill 69-2014 - authorizing the budget transfer of \$205,000 from the Contingency Fund to the Council Office and the Charter Board for legal services **(Council Staff) Introduced at the September 8 regular meeting; enacted September 22 and Vetoed October 2, 2014**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to override the veto of Bill No. 69-2014.

Councilor Daubert noted the various lack of information would that have changed his perspective when the vote on this Bill originally occurred. He expressed the belief that it does not make sense for the group who negotiates a lease agreement to vote on the approval or rejection of the agreement.

The Solicitor stated that he needs further review of the legal opinion provided by Stevens and Lee as it contains case law citations that he had not considered when he issued his opinion. However, he expressed the belief that the case law applied to Harrisburg may not apply to Reading.

The Mayor expressed the belief that the RFP process was intentionally avoided and he questioned the conflict that negated the use of the RFP process.

Councilor Waltman expressed the belief that it is time to move past this issue. He stated that if there are problems with the processes used by both the mayor and Council that those processes be addressed separately.

Councilor Sterner, on the receipt of two differing legal opinions, noted that as there are many attorneys there are many differing legal opinions. He stated that the only person objecting to the process used is the mayor. He noted that the budget presented by the mayor contains \$8M in revenue from RAWA which matches the amount in the new agreement, not the \$4M which would apply to the former agreement. He questioned why the mayor used the amount from the new agreement if the mayor does not recognize the existence of the new agreement.

The mayor noted the need to separate the payment of the legal bills from the agreement itself. He stated that Council should have used the RFP process to select outside legal counsel, as a conflict did not exist.

Councilor Goodman-Hinnershitz stated that the mayor continues to fight the process used by Council, rather than the issue itself. She stated that the issue is completed due to the solid legal support provided by Stevens and Lee. She stated that in an executive session in late March the Solicitor and an outside attorney retained by the City told Council that they could

not provide legal assistance or advice to Council over the water lease matter due to the conflict in the mayor and Council's positions.

The mayor again explained his beliefs.

Councilor Waltman expressed the belief that continuing to argue about this same topic is a futile waste of time. He stated that Council and the mayor both occasionally use processes that fall outside the norm. He suggested addressing those processes and moving away from issues regarding the lease agreement and legal bills.

Councilor Reed expressed the belief that the money Council spent for outside legal counsel was well spent, as a quality legal agreement was obtained. She agreed with the need to move past this issue.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to call for the question and end debate.

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6

Nays: Acosta, President - 1

The override of Bill No. 69-2014 was approved by the following vote:

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

Nays: Daubert - 1

A. Bill No. 73-2014 – authorizing the transfer of \$37,000.00 from the Salaries Fund to the Contracted Services Fund in the Building Trades Budget (**Building Trades**) *Introduced at the September 22 regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 73-2014.

Bill No. 73-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President -7

Nays: - 0

B. Bill No. 74-2014 - amending the City of Reading Code of Ordinances Chapter 23 Boards, Commissions, Committees and Councils, Part 4 GPU Stadium Commission, to rename the commission the First Energy Stadium Commission, by making this change throughout Part 4, and by amending Section 23-405 Officers and Procedural Rules by changing the title of an officer of the Commission (**Council Staff**) *Introduced at the September 22 regular meeting*

Councilor Marmarou moved, seconded by Councilor Daubert, to enact Bill No. 74-2014.

Bill No. 74-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President -7
Nays: - 0

C. Bill No. 75-2014 - authorizing the issuance of the City's Series of 2014 Bonds and the refunding of the Series C and Series D of 2008 Bonds **(Man Dir) Introduced at the September 22 regular meeting**

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 75-2014.

The Managing Director explained that this refinancing will convert these bonds to a fixed interest rate.

Bill No. 75-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President -7
Nays: - 0

D. Bill No. 76-2014 – Authorizing the transfer of \$300,000.00 from the Contingency account to the Building Repairs and Consulting Account; \$35,000.00 from the Contingency account to the Electricity Account; \$30,000.00 from the Contingency account to the Gas- UGI account **(CD/Man Dir) Introduced at the September 22 regular meeting**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 76-2014.

Bill No. 76-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6
Nays: - Acosta, President - 1

INTRODUCTION OF NEW ORDINANCES

The following ordinances were read into the record:

A. Ordinance – amending City Code Section 23-1201. Purpose; Membership by decreasing the number of Main Street Board Members to seven (7) **(Council Staff/Main St Bd)**

B. Ordinance – amending the Personnel Code, Section 70-703 Payroll Time Sheet to match the current process used for the submission and processing of employee time sheets **(Council Staff)**

C. Ordinance – authorizing the restriction of parking and to installing/maintaining appropriate No Parking signs in accordance with the PennDOT Highway Occupancy Permit (HOP) Application No. 42617 at 118 South 9th Street, aka the Jet Set Restaurant LLC. **(Man Dir)**

D. Ordinance – authorizing the restriction of parking and to installing/maintaining appropriate No Parking signs in accordance with the PennDOT Highway Occupancy Permit (HOP) Application # 61019 originally dated July 25, 2014. The purpose of this parking restriction is to ensure the proposed driveway has an adequate sight distance for vehicles entering the highway as shown in the application made by Domenico and Lucia Brutto for the business located at 290 Morgantown Road aka Mimmo’s Restaurant. **(Man Dir)**

E. Ordinance – Penn Square Properties Proposal **(Man Dir)**

RESOLUTIONS

A. Resolution 100-2014 – authorizing the execution of the MOU for the Reading Area Firefighter Museum **(Man Dir/Law)** *Tabled at the Sept 22nd meeting; Pending further legal review required*

A. Resolution 106-2014 – reappointing Lori Knockstead to the Stadium Commission **(Nom & Appts)**

B. Resolution 107-2014 – reappointing Troy Stricker to the Stadium Commission **(Nom & Appts)**

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution Nos. 106 and 107-2014.

Resolution Nos. 106 and 107-2014 were adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None - 0

COUNCIL COMMENT

Councilor Marmarou noted the wonderful event held to honor Puerto Rico and the need to continue to recognize their roots. He stated that the Greek Bazaar is scheduled for this weekend at Sts. Constantine and Helen Greek Orthodox Church.

Councilor Goodman-Hinnershitz thanked Public Works, Property Maintenance and the Police for their response to some complaints and problems in District 2. She noted that citizens appreciate when they see the value of their public services.

Councilor Reed congratulated the Reading Eagle and reporter Don Spatz for winning the awards for excellence in Pennsylvania. She noted the value of public reporting.

Councilor Sterner noted the upcoming Holiday Light display at Hillside Playground. He noted the need for volunteers and asked the public to contact the Council Office if they are interested in assisting with the event.

The mayor questioned when Council is going to adhere to the opinion of the Solicitor. He expressed the belief that the override of his last two vetoes and Council's opposition to various issues are personal and directed negatively against him. He stated that Council is on a slippery slope.

Councilor Waltman stated that after the administration walked away from the joint process with Council and the looming budgetary deadlines appeared, Council realized they needed to settle the water agreement issue so the 2015 budget could be developed.

Councilor Waltman noted that the gorgeous autumn foliage in Reading and on Mount Penn is a fabulous opportunity that many other municipalities do not have.

Councilor Sterner expressed the belief that Council's actions were not directed at the mayor in a negative personal manner.

Councilor Goodman-Hinnershitz noted the need for a Holiday tree for the Reading downtown for the upcoming holiday season.

Council President Acosta stated that he is reaching a point of disgust as people are beginning to use the Public Comment period as a time to insult others. He stated that he decided to run for public office due to his desire to serve; however, he stated that he is now finding it difficult to handle the personal way some people attack those in public positions on incorrect perceptions. He noted that public service is not always easy.

Council President Acosta stated that the City's financial problems are older than the current and past Home Rule administrations. He expressed the belief that the Solicitor's opinions are sometimes based on the mayor's desired outcome, rather than on the right or wrong of the issue.

Council President Acosta agreed that Council's actions are not personal or intentionally negative against the mayor.

Council President Acosta congratulated Berks Catholic football team. He also thanked those who assisted with the celebration over the past weekend.

Council President Acosta explained that at the celebration of Puerto Rico over this past Saturday, the Puerto Rican flag was raised on the City flag pole for a maximum of 15 minutes. He noted that in the past the City has done the same for those of German, Irish and Dominican heritage.

Council President Acosta reviewed the upcoming Council meeting schedule.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Matthew Bembenick, Director
PREPARED BY: Matthew Bembenick, Director
MEETING DATE: October 27, 2014
AGENDA MEMO DATE: October 22, 2014
RECOMMENDED ACTION: Multiple Award of Qualified Vendors for Bond Underwriting Services

RECOMMENDATION

The recommendation is to qualify multiple vendors for the provision of bond underwriting services to the City of Reading. The vendors to be qualified include:

- PNC Capital Markets
- Janney Montgomery Scott LLC
- RBC Capital Markets
- Loop Capital Markets
- Robert W. Baird & Co.
- NW Capital Markets Inc.
- Wells Fargo Securities

BACKGROUND

Bids for bond underwriting services for the Wastewater Treatment Plant were received on September 5, 2014. Bids for general bond underwriting services were received on September 26, 2014. Due to the fact that both RFQs were multiple-award and for substantially similar services, the City has elected to combine the respondents from both RFQs into a single pool.

BUDGETARY IMPACT

The RFQ does not guarantee that the City will utilize a specific firm(s) or that bonds will be issued. The cost of underwriting, if any, will be included as part of the issuance of the bond(s) and will be considered a non-departmental expense of the City.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to qualify the approved vendors at the October 27, 2014 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for bond underwriting services in order that the City may contract with the qualified vendors as may be necessary.

cc: File

RESOLUTION NO. _____

WHEREAS, Act 32 of 2008 (“Act 32”), which amended and restated Pennsylvania’s Local Tax Enabling Act, 53 P.S. § 6924.101 et seq. (the “LTEA”), created the Berks County Tax Collection Committee (the “TCC”) and established the Berks County Tax Collection District (the “TCD”); and

WHEREAS, the TCC appointed the Berks County Earned Income Tax Collection Bureau (the “Bureau”) as the tax collector to collect certain taxes for and throughout the TCD pursuant to Act 32 effective as of January 1, 2011; and

WHEREAS, the relationship of the TCC and the Bureau has been a contractual relationship, such relationship being governed by that certain Tax Collection Agreement between the TCC and the Bureau (the “Tax Collection Agreement”); and

WHEREAS, the TCC desires to acquire all of the tangible and intangible assets and operations of the Bureau (the “Merger), pursuant to the terms and conditions of that certain Plan of Tax Bureau Creation Through Merger and Acquisition, attached hereto as Exhibit “A” (the “Plan of Merger”); and

WHEREAS, the TCC has determined that the Merger is desirable because it will save money and effort by eliminating duplicative governance structures, operations and expenses; and

WHEREAS, as a result of the Merger and as more fully described in the Plan of Merger, (i) the Bureau’s operations shall be assumed by the TCC; (ii) the TCC shall assume those liabilities and expenses of the Bureau set forth in the Plan of Merger; (iii) the Tax Collection Agreement shall be terminated and have no further effect; and (iv) the Amended and Restated Joint Agreement of the Bureau and the Bureau’s Amended and Restated Bylaws shall be terminated, thereby resulting in the dissolution the Bureau; and

WHEREAS, the City Council (the “Council”) of the City of Reading (the “Municipality”) has been presented with the Plan of Merger and deems it desirable that the Bureau enter into the Merger, pursuant to the terms and conditions of the Plan of Merger, in substantially the form presented to the undersigned, with such changes therein as may be approved by the President of the Bureau, upon the advice of counsel.

NOW, THEREFORE, BE IT RESOLVED as follows:

RESOLVED, that the Council hereby approves the Plan of Merger, in substantially the form presented to the undersigned, with such changes therein as may be approved by the President of the Bureau, upon the advice of counsel, and, without

limitation, also approves the dissolution of the Bureau as set forth in the Plan of Merger; and

RESOLVED, that the Municipality's representative on the Executive Committee of the Bureau is hereby directed to vote in favor of the Merger at a duly convened meeting of the Executive Committee of the Bureau; and

RESOLVED, that the Council further authorizes its representative on the Executive Committee of the Bureau to take any and all necessary actions in order to effectuate the intent and purposes of this resolution.

Adopted on _____, 2014

Attest: _____
Name: Linda A. Kelleher
Title: City Clerk

By: _____
Name: Francis A. Acosta
Title: President of Council

BILL NO. _____ - 2014

AN ORDINANCE OF THE CITY OF READING AMENDING THE CITY OF READING CODE BOOK, CHAPTER 600 ENTITLED "ZONING", PART 6 ENTITLED "TYPES OF

USES”, SECTION 600-807 ENTITLED “C-C COMMERCIAL CORE DISTRICT” BY AMENDING: (1) SUBSECTION B ENTITLED “ALLOWED USES” TO INCLUDE PUBLIC PARKING GARAGES AND PARKING LOTS OWNED/OR OPERATED BY THE CITY OF READING OR THE READING PARKING AUTHORITY, AND TO PROHIBIT NON-PUBLIC PARKING GARAGES AND PARKING LOTS; AND (2) SUBSECTION C ENTITLED “ADDITIONAL REQUIREMENTS IN THE C-C DISTRICT” TO PROHIBIT NON-PUBLIC PARKING GARAGES OR PARKING LOTS OPEN TO THE GENERAL PUBLIC.

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

SECTION 1. Amending the City of Reading Codified Ordinances, Chapter 600 entitled “Zoning”, Part 6 entitled “Types of Uses”, as attached in Exhibit A:

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended by this Ordinance 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 decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

ENACTED: _____, 2014

President of Council

Attest:

City Clerk
(Council Office & Parking Authority)
Submitted to the Mayor: _____
Date: _____, 2014
Received by the Mayor’s Office: _____
Date: _____, 2014
Approved by the Mayor: _____
Date: _____, 2014
Vetoed by the Mayor: _____
Date: _____, 2014

EXHIBIT A

§ 600-807. C-C Commercial Core District.

A. Dimensional requirements.²⁰

B. Allowed uses.

(1) Permitted-by-right uses:²¹

High-rise apartments;

Movie theaters and performing arts facilities

Low-rise or mid-rise apartments;

One-family attached dwellings (townhouses) or one-family semidetached dwellings meet the regulations of the R-3 District gardens, crop farming and forestry

Amusement arcade

Municipal building

Passenger bus or train terminal

Public parking garages and parking lots that are owned/or operated by *the City or Reading Parking Authority* ~~a City authorized parking authority or another governmental entity~~. A new parking garage with a street frontage of more than 100 feet shall include at least one street-level commercial use.

~~Nonpublic parking garages and parking lots that serve a use located within the C-C District, as opposed to being available to the general public. If such parking involves 10 or more new parking spaces, then special exception approval shall be required. As a criteria of special exception approval, the applicant shall show that the parking: (a) will not cause a loss of a significant historic building; (b) will not create a serious traffic congestion or a traffic hazard for pedestrians; and (c) will include suitable landscaping between the parking and a public sidewalk. See also Subsection C below.~~ A new parking garage with a street frontage of more than 100 feet shall include at least one street-level commercial use.

Bakeries (limited to 2,000 square feet production floor area) and retail sale of baked goods

Bank and other financial institutions, which may include drive-through facilities

Business and printing services

Civic/convention center and sports arena

College or university, other than residential uses

Conversion of existing building space into one or more dwelling units, which shall meet the requirements listed for "conversions" in § 600-1203D, even though the use is not a conditional use. Such conversion shall only be allowed if the lot includes at least one street level principal business establishment.

Creation and retail sales of art and crafts items, which may include multiple vendors

Dry cleaners (limited to 2,000 square feet of service/production area)

Fire and ambulance station

Fitness centers/exercise clubs

Funeral homes

Hotels, motels and bed-and-breakfast inns

Offices

Personal services, such as barber or beauty shop (see § 600-1103), tailors, nail salons (see § 600-1103) and certified massage therapy (see § 600-1103), and not including a massage parlor

Photo-finishing services

Radio and television stations

Recreational facilities, public parks and nonmotorized recreation trails

Restaurants (eat-in or takeout) which may include entertainment but shall not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.

Retail stores

Small appliance sales, repair and service stores

Social clubs and associations (non-PLCB licensed), which shall not be allowed fronting on Penn Street between 2nd Street and 6th Street and which shall not operate between 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.

Trade, vocational and hobby schools, not including residential uses

NOTE:

1. The street-level floor shall include at least one principal business establishment.

2. Accessory uses. See Part 10 unless otherwise noted.

(a) Amusement devices: pursuant to § 600-1010 of this chapter.

(b) Entertainment: pursuant to § 600-1005.

(c) Home occupations, major or minor: see § 600-1006.

(d) Storage as an accessory use to a use located within the C-C District.

(e) *Parking exclusively serving a principal use on the same lot*

3. Conditional Uses

(a) Banquet hall.

(b) Gaming facility.

(c) Taverns and nightclubs.

4. Special exception uses. Pursuant to § 600-1202 of this chapter.

(a) Day-care facilities.

(b) Dormitory or other residential uses owned or operated by a college or university, other than permitted-by-right dwelling units that are occupied by a "family."

(c) Place of worship.

C. Additional requirements in the C-C District.

1. Retail uses shall not extend into the public right-of-way, except as may be specifically approved under another City ordinance.

2. Drive-through services shall only be permitted as accessory to financial institutions.

A drive-through facility shall not have an entrance or exit onto Penn Street.

3. Height requirements.

(a) Structures may be increased in height up to 175 feet by special exception, provided the applicant provides an analysis to show that the additional height will allow sunlight to reach the street during midday hours, considering any proposed setbacks and an analysis of how the building will be set back from windows of existing adjacent buildings to provide compatibility.

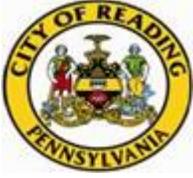
4. See parking requirements in § 600-1603.

5. A building shall not have a street-level building wall longer than 50 feet unless such

wall is interspersed with a window or door at least every 50 feet, artistic displays, changes in building setback or rooflines of more than three feet variation, and/or architectural features.

6. Wind turbines shall be allowed that are attached to a roof of a building and do not extend a total of more than 25 feet above the roof of the building.

7. A principal or accessory parking lot or parking garage shall not be allowed that is open to the general public, unless the structure is owned and/or operated by the City, the Reading *Parking Authority or their designees*. ***Accessory parking lots and garages are permitted only on the same lot as the principal use, except for lots and garages owned and or operated by the City, the Reading Parking Authority or their designees.*** ~~Berks County, another governmental entity, or a City authorized parking authority.~~



AGENDA MEMO

To: City Council

From: Carole Snyder, Managing Director

Date: September 3, 2014

Subject: Reading Area Firefighters Museum

The Reading Area Firefighters Museum (the Museum) is located on South 5th and Laurel Streets in Reading, in the station which housed Liberty Fire Co. No. 5. The mission of the Museum, staffed entirely by volunteers, has been as a permanent facility to house and display items related to the history of firefighting in Reading and Berks County.

Both the City and the Museum are desirous of entering into both a lease agreement and an MOU to document the terms of the relationship going forward. We are, therefore, seeking Council approval of the attached ordinance and MOU.

CC: Vaughn D. Spencer, Mayor

BILL NO. _____ - 2014

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE THE LEASE BETWEEN THE CITY OF READING AND THE READING AREA FIREFIGHTERS MUSEUM, INC. FOR PREMISES LOCATED AT 501 SOUTH 5TH STREET, READING, BERKS COUNTY, PA

WHEREAS, the City of Reading owns certain real property situate at 501 South 5th Street, Reading, Berks County, PA; and

WHEREAS, the Reading Area Firefighters Museum, Inc. desires to lease premises situate at 501 South 5th Street, Reading, Berks County, PA and intends to enter into a certain lease containing the terms set forth in attached Exhibit A;

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

SECTION 1. The Mayor is authorized to execute the Lease Agreement between the City of Reading and the Reading Area Firefighters Museum, Inc. to provide for the leasing of 501 South 5th Street, Reading, PA as more specifically identified in Exhibit "A".

SECTION 2: This Ordinance shall become effective in ten (10) days after its adoption and approval by the Mayor in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT "A"

Reading Area Firefighters Museum, Inc. Lease

This lease is made and concluded this _____ day of _____, 2014, by and between the CITY OF READING, a municipal corporation of the Commonwealth of Pennsylvania, located in the County of Berks, said Commonwealth, referred to in this Lease as "Lessor", and the READING AREA FIREFIGHTERS MUSEUM, INC., a Pennsylvania Nonprofit Corporation, referred to in this Lease as 'Lessee'.

In consideration of the mutual covenants and agreements set forth in this Lease, and other good and valuable consideration, Lessor leases to Lessee, and Lessee leases from the Lessor, the entire building, situate in the firehouse located at 501 South 5th Street, in the city of Reading, Berks County, Pennsylvania. The aforesaid leased premises are referred to in this lease as the "Premises".

ARTICLE 1. TERM

1.01 **Term of Lease.** The initial term of this lease shall be two years commencing on the _____ day of October, 2014, and ending on the _____ day of October, 2016 unless terminated sooner as provided in this Lease.

1.02 **Option to Extend Term of Lease.** The Lease term may be extended as mutually agreed upon by the parties. Any such agreement must be in writing and signed by both parties.

1.03 **Holdover.** If Lessee holds over and continues in possession of the leased Premises after expiration of the term of this Lease or any extension of that term, other than as provided in Paragraph 1.02, Lessee will be deemed at Lessor's option to be occupying the

Premises on the basis of a month-to-month tenancy, subject to all of terms and conditions of this Lease at the rent in effect during the last month of the term.

1.04 **Modification of Lease Terms.** The terms and conditions of this Lease may be renegotiated as conditions may necessitate but only upon the mutual consent of both Lessor and Lessee.

ARTICLE 2. RENT

2.01 **Rent.** Lessee agrees to pay to Lessor annual rent in the sum of Five Hundred Dollars (\$500.00) payable at the time of signing and then on or before the _____ of October of each year beginning in 2015.

2.02 **Location.** Lessee agrees to pay rent as provided in Paragraph 2.01 to Lessor at Lessor's office, located at Accounting Department, City Hall, 815 Washington Street, Reading, Pennsylvania, or at such other location as Lessor shall from time to time designate by written notice to Lessee.

ARTICLE 3. USE OF PREMISES

3.01 **Permitted Use.** Lessee shall utilize the leased Premises during the term of this Lease solely for the purpose of creating, operating and maintaining a fire service historical museum, along with all related accessory uses consistent with this purpose.

3.02 **Waste, Nuisance, or Illegal uses.** Lessee shall not use the Premises, or permit it to be used, in any manner that results in waste of the premises or that constitutes a nuisance. Lessee shall not use the Premises, or permit it to be used, for any illegal purpose. Lessee will comply, and will cause its officers, employees, agents, and invitees to comply with all applicable laws and ordinances and with all applicable rules and regulations of governmental agencies concerning the use of Premises.

3.03 **Joint Use of Lessor.** The Reading Fire Department Volunteer Scuba Team is permitted to use the easternmost one-story garage including the toilet facilities and utilize the interior stairs to the basement for purposes related to its mission.

3.04 **Display Items.** Lessor, its agents or invitees, shall not disturb, move modify or damage items in the leased Premises which are owned or which are being displayed on loan to Lessee, except those items which may be owned by Lessor.

3.05 **Quiet Enjoyment.** Lessor warrants that Lessee shall peaceably and quietly hold and enjoy leased Premises for the term hereby stated without hindrance or interruption by Lessor or any other person or persons lawfully or equitably claiming by, through or under Lessor, subject, nevertheless, to the terms and conditions of this Lease,

3.06 **Entrance.** Lessee, its agents and invitees, shall have the right to principally use the 5th Street entrance and/or the Laurel Street entrance to the building in order to access the leased Premises.

ARTICLE 4. MAINTENANCE AND SURRENDER

4.01 **Maintenance and Surrender.** Lessor shall maintain and repair the building in which the leased Premises are located and Lessor shall be responsible to repair any damage to the leased Premises caused by the deterioration of the building in which the Premises is located. Otherwise, in general, Lessee shall be responsible for the routine cleaning and maintenance of the leased Premises as required to maintain that portion in condition suitable for public display, and keep it free from waste or nuisance throughout the Lease term and any extension of that term, provided, however, in the event that such maintenance and repairs are the result of action or conduct of Lessor or Lessor's agents or invitees, Lessor shall be solely responsible for the same.

Maintenance of the shared areas shall be shared by the Reading Fire Department Volunteer Scuba Team and Lessee commensurate with the use of the facilities by each. At the termination of the Lease, Lessee shall surrender and deliver the leased Premises to Lessor as delivered with the exception of reasonable wear and tear.

4.02 **Remedy for Failure to Maintain.** In the event Lessor or Lessee should fail to perform their respective obligations to repair or maintain as set forth in Paragraph 4.01, above, after notice of the need for such repair or maintenance and the passage of a reasonable amount of time for performance after such notice, the notifying party may make the repairs or perform the maintenance at its own expense. In such an event, the notifying party shall be reimbursed for the reasonable expense of the repair or maintenance within thirty days (30) or at the termination of the Lease, whichever occurs first.

ARTICLE 5. UTILITIES AND GARBAGE REMOVAL

5.01 **Real Property Taxes.** Lessor shall pay and fully discharge any and all real property taxes imposed on the lease Premises during the term of this Lease.

5.02 **Utility Charges.** Lessor shall pay all utility charges for water, electricity, heat and gas used in and about the leased Premise during the term of the Lease.

5.03 **Garbage Removal.** Lessor shall pay and be responsible for the removal of all normal garbage and rubbish from the lease Premises during the term of the Lease.

5.04 **HVAC.** Lessor shall be responsible to supply adequate heating and electricity to the leased Premise, and it is Lessor's responsibility to maintain and repair, at Lessor's cost, the heating, electrical and plumbing systems servicing the building and leased Premises. The central air conditioning on the first floor shall be maintained by the Lessor.

ARTICLE 6. ALTERATION, ADDITIONS, AND IMPROVEMENTS

6.01 **Improvements.** Lessee may, with consent of Lessor, which consent shall not be unreasonably withheld, undertake repairs or modifications to the leased Premises or to the interior or exterior of the building in which the leased Premises is located.

6.02 **Alterations Property of Lessor.** All permanent alterations, additions, or improvements made by Lessee and affixed to the building shall become the property of Lessor at the termination of this Lease, with no reimbursement to Lessee for the cost or value thereof.

ARTICLE 7. INSURANCE

7.01 **Property Insurance.** Lessor shall be responsible to maintain adequate insurance to cover any loss or damage to any items or personal property placed on the Premises by Lessee minus the deductible amount. Lessee shall be responsible for the deductible amount. Lessor is also responsible for maintaining adequate insurance coverage on the building itself.

7.02 **Liability Insurance.** Lessor, at its own expense, shall provide and maintain in force during the term of this Lease liability insurance covering Lessor with one or more insurance companies who are licensed to do business in Pennsylvania.

7.03 **Indemnity:** Lessee shall indemnify and hold harmless Lessor, City Council, its employees, and agents from all suits, actions or claims from any character, including costs and attorney fees, brought because of injuries or damages received or sustained by any person, persons, or property; on account of the performance of this agreement; or on account of or in consequence of any neglect, negligence or because of any act or omission or misconduct of Lessee or agents from any claims or amounts arising or recovered under the Worker's Compensation Act, or any other law, ordinance, order or decree.

ARTICLE 8. DAMAGE OR DESTRUCTION OF PREMISES

8.01 **Notice to Lessor.** If the leased Premise or any improvements on the leased Premise should be damaged or destroyed by fire, flood, or other casualty, Lessee shall give immediate written notice of the damage or destruction to Lessor, including a description of the damage and, as far as known to Lessee, the cause of the damage.

ARTICLE 9. INSPECTION BY LESSOR

9.01 **Inspection by Lessor.** Lessee shall permit Lessor and Lessor's agents, representatives, and employees to enter onto the Leased Premises at all reasonable times for the purpose of inspection, maintenance, making necessary repairs or alterations to the Premises, or any other purpose necessary to protect Lessor's interest in the leased Premises.

ARTICLE 10. ASSIGNMENT AND SUBLEASE

10.01 **Assignment and Subletting by Lessee.** Lessee may not sublet, assign, encumber, or otherwise transfer this Lease, any right or interest in this lease, the leased Premises, or the improvements on the leased Premises, without the written consent of Lessor. If Lessee sublets, assigns, encumbers, or otherwise transfers its rights or interest in this Lease or the leased Premises or the improvements on the leased Premises without the written consent of the Lessor, Lessor may, at its option, declare this Lease terminated. In the event Lessor consents in writing to an assignment, sublease, or other transfer of all or any of the Lessee's rights under this Lease, the assignee or sublessee must assume all of the Lessee's obligations under this lease.

10.02 **Assignment by Lessor.** Lessor may assign or transfer any or all of its interests under the terms of this Lease.

ARTICLE 11. MISCELLANEOUS

11.01 **Right of First Refusal.** If Lessor decides in the future not to maintain the Premises as a museum, the Liberty Steam Fire Company shall have first buy back rights to the property for One Dollar (\$1.00), in as good, or better condition, as was originally conveyed from the Liberty Steam Fire Company. Should Liberty Steam Fire Company not wish to accept said property, Lessor will offer said property to Lessee for One Dollar (\$1.00). If neither the Liberty Steam Fire Company nor Lessee choose to accept said property, Lessor shall list the property for sale for marketable value.

11.02 **Memorandum of Lease.** Lessee shall have the right to record with the Berks County Recorder of Deeds, a memorandum of terms of this Lease, and Lessor agrees to sign and acknowledge the same at Lessee's request.

11.03 **Notices and Addresses.** All notices required under this Lease must be given either personally or by certified mail, addressed to the proper party, at the following address:

Lessor:

Charles D. Younger, Solicitor
City Hall Solicitor's Office
Room 2-54, City Hall
815 Washington Street
Reading, PA 19601

Lessee:

William Rehr
The Reading Area Firefighters Museum, Inc.
501 South 5th Street
Reading, PA 19601

Either party may change the names and/or address to which notices are sent by giving the other party notice of the new address in the manner provided in this Paragraph.

11.04 **Parties Bound.** This Lease shall be binding on, and inure to the benefit of, the parties to the Lease and their representatives heirs, executors, administrators, legal representatives, successors and assigns when permitted by this Lease.

11.05 **Pennsylvania Law to Apply.** This Lease shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania. All obligations of the parties created by this Lease are performable in Berks County, Pennsylvania.

11.06 **Legal Construction.** In the event any one or more of the provisions contained in this Lease shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the Lease, and this Lease shall be construed as invalid, illegal, or unenforceable provision had never been included.

11.07 **Prior Agreements Suspended.** This lease constitutes the only agreement between the Lessor and Lessee and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this lease.

11.08 **Amendment.** No amendment, modification, or alteration of the terms of this Lease shall be binding unless it is in writing, dated subsequent of the date of this lease, and duly executed by the Lessor and Lessee.

11.09 **Time of Essence.** Time is of the essence of this Lease. The undersigned Lessor and Lessee have executed this Lease as of _____, 2014.

CITY OF READING, PA

Attest:

By : _____ (SEAL)

THE READING AREA
FIREFIGHTERS MUSEUM, INC.

Attest:

By : _____ (SEAL)

**BILL NO. _____-2014
AN ORDINANCE**

LEVYING THE REAL ESTATE TAXES FOR THE FISCAL YEAR BEGINNING THE FIRST DAY OF JANUARY, 2015, AND ENDING THE THIRTY-FIRST DAY OF DECEMBER, 2015.

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

SECTION 1. For general revenue purposes, a tax of fifteen and four hundred eighty-nine thousandths mills (.015489) on the dollar, or fifteen dollars and forty-eight point nine cents (\$15.489) on each one thousand dollars is hereby levied and assessed for the fiscal year beginning the first day of January, 2015, and ending the thirty-first day of December, 2015, on all real property in the City of Reading taxable for County purposes.

SECTION 2. For purposes of funding activities of the Shade Tree Commission, a tax of two-tenths mills (.0002) on the dollar, or twenty cents (\$0.20) on each one thousand dollars is hereby levied and assessed for the fiscal year beginning the first day of January, 2015, and ending the thirty-first day of December, 2015, on all real property in the City of Reading taxable for County purposes.

SECTION 3. 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 4. This Ordinance shall be effective January 1, 2015, said date being the beginning of the fiscal year of the City of Reading.

Enacted _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ - 2014

AN ORDINANCE

AN ORDINANCE ESTABLISHING THE BUDGET FOR THE FUNDS OF THE CITY OF READING INCLUDING REVENUES AND EXPENSES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The budgeted revenues and expenses for the various funds of the City of Reading for the fiscal year beginning January 1, 2015, and ending December 31, 2015, shall be as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. This ordinance shall be effective January 1, 2015.

Enacted _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2014
A N O R D I N A N C E

AN ORDINANCE ESTABLISHING THE EMPLOYEE POSITIONS FOR THE CITY OF READING FOR THE FISCAL YEAR 2015.

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

SECTION 1. Positions for the City of Reading's fiscal year beginning January 1, 2015, and ending December 31, 2015, shall be as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. This Ordinance shall become effective January 1, 2015.

Enacted _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. ___-2014

AMENDING THE CITY CODE CHAPTER 1, § 23-1201. PURPOSE; MEMBERSHIP BY DECREASING THE NUMBER OF MAIN STREET BOARD MEMBERS FROM NINE (9) TO SEVEN (7).

WHEREAS, the City of Reading ("City"), by the adoption of Ordinance No. 95-2010 on November 22, 2010, has established the Reading Main Street Program with support from the Department of Community and Economic Development of the Commonwealth of Pennsylvania ("DCED") and the Pennsylvania Downtown Center ("PDC") in accordance with the New Communities Program for the prevention and elimination of blight under Section 4(C) of the Housing and Redevelopment Assistance Law, Act of May 20, 1949, P.L. 1633, No. 493, as amended; and,

IT IS HEREBY ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF READING AS FOLLOWS:

Section 1. Amending the City Code Chapter 1, § 23-1201. Purpose; Membership by decreasing the number of Main Street Board Members as follows:

The City recognizes that a blighting influence exists because of urban decay and continued divestment in the Central Business District of the City the Reading Main Street Program Board is hereby authorized and shall consist of ~~nine~~ seven (7) members, who shall be recommended by the Mayor and approved by City Council for a term of three years, and a liaison *appointed by Council. The liaison shall be a member of City Council along with a second member of Council serving as an alternative for the purpose of providing the Main Street Board with input on the vision for the downtown and advice on other matters.* The Reading Main Street Program Board of Directors and the Reading Department of Community Development will serve as advisory bodies to the Main Street Program. The Board of Directors of the RDIDA will exercise fiduciary and administrative oversight over the Reading Main Street Program. The purposes of the Reading Main Street Program are to: 1) promote a sense of community and unified purpose, 2) assure the historic continuity of the City's architectural heritage, 3) improve the image and perception of the City to residents and visitors and, 4) strengthen economic rejuvenation of property and commerce to the benefit of all.

. Section 2. Full force and effect. The remainder of this section shall remain in full force and effect.

Section 3. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or

unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the City Council that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 4. Repealer. All ordinances or parts of ordinances of the City which are inconsistent herewith are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor’s veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

DULY ENACTED AND ORDAINED this ___ day of _____, 2014.
CITY COUNCIL OF THE CITY
READING

Francis Acosta, President

Attest: _____
Linda Kelleher, City Clerk

Submitted to Mayor: _____
Date: _____
Received by the Mayor’s Office: _____
Date: _____
Approved by Mayor: _____
Date: _____
Vetoed by Mayor: _____
Date: _____

BILL NO. ____-2014
AN ORDINANCE

AMENDING THE PERSONNEL CODE, SECTION 70-703 PAYROLL TIME SHEET TO MATCH THE CURRENT PROCESS USED FOR THE SUBMISSION OF TIME SHEETS

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

Section 1. Amending § 70-703 of the Personnel Code as follows:

§ 70-702. Payroll administration. [Amended 10-26-2009 by Ord. No. 59-2009]

Every department director shall be responsible for implementing payroll procedures as stipulated in the employee handbook. Only employees filling positions defined in § 70-201 and authorized in the annual Position Ordinance, as defined in § 5-212, shall be paid wages and earn benefits including, but not limited to, sick time, vacation time, participation in the pension program, etc.

§ 70-703. Payroll time sheet.

- A. A payroll time sheet shall be completed for every employee for every pay period by the Supervisor or his/her designee.
- B. The time sheet is to be ~~signed~~ *submitted* by the Supervisor *or his/her designee.* ~~and the employee.~~
- C. All times sheets are submitted to the *Payroll Division after they are verified for accuracy.* ~~Administrative Services Department along with a checklist for accuracy to the payroll clerk by the supervisor or his/her designee. Said checklist should identify that all time sheets for his/her Department have been submitted along with any special instructions for the Administrative Services Department.~~²³
- D. ~~Time sheets are verified by the payroll clerk and submitted to Administrative Services Department for processing.~~
- E. ~~Payroll and time sheets are returned to the payroll clerk for final check.~~
- F. ~~Time sheets are returned to the Department for verification and retention.~~
- D.-G. The Administrative Services Department will provide fiscal analysis for cost centers.

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

Enacted: _____, 2014

President of Council

Attest:

City Clerk
(Council Staff/Law)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ - 2014

AN ORDINANCE

AN ORDINANCE PROVIDING FOR NO-PARKING RESTRICTIONS AT AND NEAR 118 SOUTH NINTH STREET IN ACCORDANCE WITH APPLICABLE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION REGULATIONS

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading agrees to restricting parking and to installing/maintaining appropriate No Parking signs in accordance with the Pennsylvania Department of Transportation Highway Occupancy Permit (HOP) Application No. 42617; this parking restriction is associated with the property at 118 South 9th Street, Reading PA 19602, known at this time as the Jet Set Restaurant LLC.

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 _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ - 2014

AN ORDINANCE

AN ORDINANCE PROVIDING FOR NO-PARKING RESTRICTIONS AT AND NEAR 290 MORGANTOWN ROAD IN ACCORDANCE WITH APPLICABLE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION REGULATIONS

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading agrees to restrict parking and maintain the requisite No Parking signs in accordance with the Pennsylvania Department of Transportation Highway Occupancy Permit Application # 61019 originally dated July 25, 2014. The purpose of this parking restriction is to ensure the proposed driveway has an adequate sight distance for vehicles entering the highway as shown in the application made by Domenico and Lucia Brutto for the business located at 290 Morgantown Road, Reading, PA 19611, doing business as Mimmo's Restaurant.

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 _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ - 2014

AN ORDINANCE

PROVIDING FOR NO-PARKING RESTRICTIONS
ACROSS FROM 1007 BERN STREET IN THE CITY OF READING

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading agrees to restrict parking and maintain the requisite No Parking signs, for a distance of 44 feet, across from the entrance to 1007 Bern Street. The purpose is to improve the turning radius for large trucks entering and leaving the business at that location.

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 _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ - 2014

AN ORDINANCE

PROVIDING FOR NO-PARKING RESTRICTIONS
ADJACENT TO 1426 PERKIOMEN AVENUE IN THE CITY OF READING

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading agrees to restrict parking and maintain the requisite No Parking signs, for a distance of approximately 20 feet, adjacent to 1426 Perkiomen Avenue. The purpose is to improve visibility for drivers exiting the parking lot of the Southeast Branch of the Reading Public Library.

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 _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PUBLIC WORKS

TO: Members of City Council

FROM: David C. Ruyak, Operations Division Manager

PREPARED BY: David C. Ruyak, Operations Division Manager

MEETING DATE: October 27th, 2014

AGENDA MEMO DATE: October 15th, 2014

RECOMMENDED ACTION: Approve Appropriation Transfers

BACKGROUND:

Moving \$650,000.00 from the Public Properties Contracted Services line item (01-07-74-4216) to the Traffic Engineering Street Lighting line item (01-07-24-4102).

BUDGETARY IMPACT:

Transfer of \$650,000
From: Public Properties Contracted Services, 01-07-74-4216
To: Traffic Engineering Street Lighting, 01-07-24-4102

PREVIOUS ACTION:

None

RECOMMENDED BY:

David Ruyak, Operations Division Manager of Public Works
Ralph Johnson, Public Works Director

RECOMMENDED MOTION:

Approve request.

BILL NO. _____ - 2014

AN ORDINANCE

APPROVING AN APPROPRIATIONS TRANSFER WITHIN THE 2014
PUBLIC WORKS GENERAL FUND BUDGET TO PAY FOR STREET LIGHTING

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Approving an appropriations transfer of \$650,000 from the Contracted Services line item in the 2014 Public Buildings budget (01-07-74-4216) to the Street Lighting budget Traffic Engineering budget (01-07-24-4102) to provide for street lighting for the remainder of 2014.

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 _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



TO: City Council

FROM: Henry Tangredi
Information Technology Division Manager

PREPARED BY: Henry Tangredi
Information Technology Division Manager

MEETING DATE: October 27, 2014

AGENDA MEMO DATE: October 21, 2014

RECOMMENDED ACTION: Approve IT Position Change

BACKGROUND:
The IT Division currently has the need to redefine and retitle the networking roles within the IT Division. It is requested that council amend the position ordinance by eliminating one (1) Network Administrator position, leaving one (1) Network Administrator, and create the position of Network Engineer. The position change has no additional budgetary impact.

BUDGETARY IMPACT:
None

PREVIOUS ACTION:
None

RECOMMENDED BY:
Managing Director, Admin Services Director, IT Division Manager

RECOMMENDED MOTION:
Approve the request.

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING THE 2014 FISCAL YEAR EMPLOYEE POSITION ORDINANCE

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance amending the 2014 Fiscal Year Employee Position Ordinance, by decreasing the Network Administrator positions from two (2) to one (1) and creating one (1) position of Network Engineer.

SECTION 2. Any other ordinance, or part thereof, of the City of Reading, Berks County, Pennsylvania, which is contrary to the amended ordinance, is hereby repealed.

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

Enacted _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO

FIRE DEPARTMENT

TO: City Council
FROM: Fire Chief William Stoudt, Jr.
PREPARED BY: Fire Chief William Stoudt, Jr.
MEETING DATE: October 27, 2014
AGENDA MEMO DATE: October 20, 2014
REQUESTED ACTION: Authorize the Transfer of Funds

RECOMMENDATION

The Fire Chief requests the following transfer of funds within Divisions of the Department of Fire and Rescue Services:

- From the Salary line (01-09-35-4000) of the Fire-Emergency Medical Division (EMS) a total of \$130,000.00 to be transferred
- \$30,000.00 to the Fire Administration Salary line (01-09-32-4000)
- \$50,000.00 to the Fire Suppression Salary line (01-09-34-4000)
- \$50,000.00 to the Fire Suppression Clothing line (01-09-34-4003)

BACKGROUND

Due to payments of employee separation in the Fire Administration Division, the Administration salary line would suffer a deficit without this transfer.

Due to personnel from the EMS Division being paid through Suppression beyond their training period, and other unforeseen factors, the Suppression Salary would suffer a deficit without this transfer.

Due to a PLRB award for remittance of clothing payments previously withheld, the Suppression Clothing line would suffer a deficit without this transfer.

BUDGETARY IMPACT

The transfer occurs during this budget period.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve an ordinance to authorize the transfer of funds

RECOMMENDED BY

The Fire Chief recommends approval.

RECOMMENDED MOTION

Approve/deny the ordinance authorizing the transfer of funds as listed.

**BILL ____ -2014
AN ORDINANCE**

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE 2014 BUDGET BETWEEN THE EMS DIVISION AND THE ADMINISTRATION AND SUPPRESSION DIVISIONS OF THE DEPARTMENT OF FIRE AND RESCUE SERVICES.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$130,000.00 from the Salary line (01-09-35-4000) of the Fire-Emergency Medical Division (EMS) to the Fire-Administration Division Salary line (01-09-32-4000), to the Fire-Suppression Division Salary line (01-09-34-4000) and to the Fire-Suppression Division Clothing line (01-09-34-4003)

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 _____ 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

**BILL NO. _____-2014
A N O R D I N A N C E**

AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF WAY GRANT BETWEEN THE CITY OF READING AND THE UGI UTILITIES, INC. THEREBY CONVEYING UNTO THE UGI UTILITIES, INC. A PERMANENT EASEMENT AND UNINTERRUPTED RIGHT OF ACCESS AS DESCRIBED IN SAID EASEMENT UPON THAT PORTION OF PREMISES ALONG 14TH & GREEN STREETS, READING, BERKS COUNTY, PENNSYLVANIA FOR INSTALLATION OF A GATED AND FENCED IN REGULATOR STATION.

WHEREAS, the City of Reading is the legal owner of real property situate along a portion of 14th & Green Streets, Reading, Berks County, Pennsylvania; and

WHEREAS, the UGI Utilities, Inc., has need of access to said property for purposes of installing a gated and fenced in regulator station; and

WHEREAS, the City of Reading is willing to grant to the UGI Utilities, Inc. an easement and uninterrupted right of access in connection with said parcel for such purpose.

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

SECTION 1. The Mayor is authorized to execute an Right of Way Grant/ Easement (attached as part of Exhibit "A") to convey unto the UGI Utilities, Inc. an easement and uninterrupted right of access upon that portion of premises located at 14th & Green Streets, Reading, Berks County, Pennsylvania, as shown on a certain diagram attached as part of Exhibit "A".

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2014

President of Council

Attest:

City Clerk

(LAW DEPT.)

**BILL NO. _____-2014
AN ORDINANCE**

**AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT
BETWEEN THE CITY OF READING AND STEVENS & LEE FOR PAYMENT OF CERTAIN
LEGAL BILLS INCURRED DURING THE READING AREA WATER AUTHORITY LEASE
NEGOTIATION.**

WHEREAS, certain issues arose during the lease negotiation with the Reading Area Water Authority which resulted in retaining the law firm of Stevens & Lee, Reading, PA; and

WHEREAS, the City Administration and City Council had differing points of view concerning the methodology for the retention of Stevens & Lee for certain legal services; and

WHEREAS, Stevens & Lee rendered legal services and there are outstanding bills for said services; and

WHEREAS, the City of Reading and Stevens & Lee desire to settle the issue of the outstanding bills,

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

SECTION 1. The Mayor is authorized to execute the Settlement Agreement between the City of Reading and Stevens & Lee for the payment of outstanding legal bills as set forth in the attachment hereto

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT made this _____ day of _____, 2014, by and between the CITY OF READING, a municipal corporation situate in the County of Berks and Commonwealth of Pennsylvania, hereinafter called "CITY",

AND

STEVENS & LEE, P.C., a professional corporation situate in the County of Berks and Commonwealth of Pennsylvania, hereinafter "STEVENS & LEE",

WHEREAS, Stevens & Lee entered into a certain agreement to provide legal services to the City; and

WHEREAS, the City Administration and City Council had differing points of view concerning the methodology for the retention of Stevens & Lee for certain legal services; and

WHEREAS, Stevens & Lee provided legal services to the City as set forth in the attached invoices; and

WHEREAS, the parties hereto agree to settle any and all issues re the payment of said invoices and hereby intend to be legally bound.

NOW THEREFORE, in consideration of the above promises and the mutual covenants herein contained, it is hereby agreed as follows:

1. The City hereby agrees to pay the sum of \$84,291.47 to Stevens & Lee for services rendered. Said payment shall be processed using appropriate methods.
2. The City and Stevens & Lee hereby agree that said sum is the total amount due and that no other claim shall be made by either party.
3. The City and Stevens & Lee acknowledge that all existing issues and any other issues re the propriety of the City's retention of Stevens & Lee are hereby settled without any claim by either party re the methodology of actions taken. The parties enter into this

Settlement Agreement to settle outstanding issues and avoid any future costs of litigation, etc.

4. This Settlement Agreement is binding upon the parties hereto as well as any assigns or other legal entities.

5. Any and all notices shall be sent to the parties as follows:

City of Reading, Law Department, City Hall, Rm. 2-54, Reading, PA 19601; Stevens & Lee, P.O. Box 679, Reading, PA 19603-0679.

Any changes to said addresses (or entities) shall be immediately provided in writing.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year above written.

WITNESS:

CITY OF READING:

City Clerk

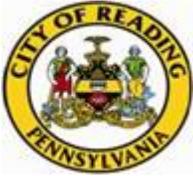
Vaughn D. Spencer, Mayor

WITNESS:

STEVENS & LEE, P.C.

Secretary

President



AGENDA MEMO

To: City Council

From: Carole Snyder, Managing Director

Date: September 3, 2014

Subject: Reading Area Firefighters Museum

The Reading Area Firefighters Museum (the Museum) is located on South 5th and Laurel Streets in Reading, in the station which housed Liberty Fire Co. No. 5. The mission of the Museum, staffed entirely by volunteers, has been as a permanent facility to house and display items related to the history of firefighting in Reading and Berks County.

Both the City and the Museum are desirous of entering into both a lease agreement and an MOU to document the terms of the relationship going forward. We are, therefore, seeking Council approval of the attached ordinance and MOU.

CC: Vaughn D. Spencer, Mayor

RESOLUTION NO. _____-2014

DIRECTING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF READING AND THE READING AREA FIREFIGHTERS MUSEUM, INC. FOR PREMISES LOCATED AT 501 SOUTH 5TH STREET, READING, BERKS COUNTY, PA

WHEREAS, the City of Reading ("City") is the fee simple owner of a piece of property located at 501 South 5th Street; and

WHEREAS, the City and the Reading Area Firefighters Museum, Inc. jointly desire to find a long-term solution to protect, enhance and preserve this valuable Reading landmark.

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

SECTION 1. Directing the Mayor to execute the amendment to the Memorandum of Understanding between the City of Reading and the Reading Area Firefighters Museum, Inc. as attached in Exhibit A.

SECTION 2. This Resolution shall become effective immediately.

Adopted _____, 2014

Council President

Attest:

City Clerk

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF READING AND THE READING AREA
FIREFIGHTERS MUSEUM, INC. FOR PREMISES LOCATED AT 501 SOUTH
5TH STREET, READING, BERKS COUNTY, PA**

WHEREAS, the City of Reading (“City”) owns certain property situate at 501 South 5th Street, Reading, Berks County, PA; and

WHEREAS, concurrent with this Memorandum of Understanding, the Mayor will execute a lease between the City and the Reading Area Firefighters Museum, Inc. (“Museum”) for said property; and

WHEREAS, the City and the Museum desire to set forth in writing certain understandings related to the lease.

WHEREAS, this Memorandum of Understanding between the City and the Museum will set forth the terms of these understandings:

1. The City will allow for installation of a fire and security system by the Museum's vendor at no cost to the City.

2. Within twelve to eighteen months of the adoption of this Memorandum of Understanding by City Council, the Museum will develop and present to City a long range strategic plan for its long-term viability, including a vision, a plan for self-sufficiency/sources and uses of funds.

3. The Museum will present an annual report to the City of its operations and planning efforts to date.

4. All amendments to this Memorandum of Understanding shall be in writing and approved by the governing bodies of each party.

Date: _____

City of Reading

By _____
Mayor

Attested:

City Clerk

Date: _____

Reading Area Firefighters Museum, Inc.

By _____

Attested:

RESOLUTION NO. _____ 2014

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

Approving the Conditional Use application submitted by Paulino Nunez (applicant) for a three (3) unit rental at 321 North 8th Street, which adds one efficiency unit to the existing permitted two unit dwelling, as documentation was provided showing that the efficiency unit existed when the applicant purchased the property in 2005 and efficiency and studio units were permitted at that time.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

(Council Staff)

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
PAULINO NUNEZ :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT FOR A THREE UNIT : PENNSYLVANIA
RENTAL PROPERTY AT :
321 N. 8th ST., :
READING, BERKS COUNTY, PA :

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

AND NOW, this 27th day of October, 2014, after a hearing held on October 14, 2014, upon the application of Paulino Nunez, 48 Hilgert Rd., Shillington PA 19607, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. Paulino Nunez, 48 Hilgert Rd., Shillington PA 19607, (hereinafter applicant).
2. Applicant is the fee simple owner of the property of 321 North 8th Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
3. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as “Zoning Ordinance”).
4. Applicant is seeking a Conditional Use permit to add one efficiency unit at the Subject Property. Currently the Subject Property has a zoning permit for two (2) dwelling units as per Zoning Ordinance sections 600-1203 (D) and 600-1204(D).
5. The Applicant attended the hearing.
6. The Applicant stated that he purchased the property in 2005 as a three (3) unit building and he provided documentation that included a multi-list sheet along with three lease agreements executed by tenants, one of which was for a studio dwelling.
7. The Applicant stated that he tried in the past to obtain the proper zoning but he was never provided with information on the conditional use application process until he spoke with the current zoning administrator.

8. The Applicant did not provide information on the number of about the availability of off-street parking, which was required when he purchased the property.
9. The zoning administrator and the Planning Commission recommended denying the permit.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one efficiency unit to the existing zoning permit that allows two dwelling units.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 321 North 8th Street is located in the R3 Zoning District.
2. Hearing was held on October 14, 2014.
3. Applicant requests a Conditional Use permit for an efficiency unit to the existing zoning permit that allows two dwelling units at 321 N 8th Street.
4. The burden of proof for an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. The Applicant did not provide information about the availability of off-street parking.
10. The Applicant provided documentation proving that the three units, including the efficiency unit, existed when he purchased the property in 2005 and studio and efficiency units were a permitted use before the Zoning Ordinance amendment in 2010.
11. The Applicant testified that he tried to apply for zoning prior to 2014; however, no one he spoke with at City Hall provided him with instructions on the process prior to the current zoning administrator, who began working for the City at the end of 2011.
9. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.

DECISION

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

1. The application of Paulino Nunez, of 48 Hilgert Rd., Shillington PA 19607, is hereby approved, adding a third dwelling efficiency unit to the existing zoning permit allowing two dwelling units at 321 North 8th Street with the following conditions:
 - a. The property shall meet all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department. The property shall also obtain a Certificate of Occupancy prior to the issuance of the Conditional Use permit.
 - b. The Applicant shall secure off-street parking for any occupant who has a vehicle.
 - c. The Applicant shall remove the dumpster located on the North 8th Street side of the property to an area that is not within the public view OR if an area that is not within public view is not available, then the applicant shall install attractive screening to mask the dumpster.

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

RESOLUTION NO. _____ 2014

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

Denying the Conditional Use application submitted by Luis Vera (applicant) of 2334 Highland Street, West Lawn, PA 19609 to add one additional dwelling unit to the existing single family dwelling at 139 South 10th Street.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

(Council Staff)

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
LUIS VERA :
FOR A CONDITIONAL USE : OF THE CITY OF READING,

PERMIT FOR A TWO UNIT : PENNSYLVANIA
RENTAL PROPERTY AT :
139 SOUTH 10th ST., :
READING, BERKS COUNTY, PA :

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

AND NOW, this 27th day of October, 2014, after a hearing held on October 14, 2014, upon the application of Luis Vera, 2334 Highland Street, West Lawn., PA 19609, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

12. The applicant is Luis Vera, of 2334 Highland Street, West Lawn PA 19609, (hereinafter Applicant).
13. Applicant is the manager of the fee simple owner of the property at 139 South 10th Street (hereinafter Subject Property) owned by Angel Vera, at the time of application and at the time of the hearing.
14. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
15. Applicant is seeking a Conditional Use permit to add one unit at the Subject Property that currently is permitted as a single family rental as per Zoning Ordinance sections 600-1203 (D) and 600-1204(D).
16. The Applicant attended the hearing.
17. The Applicant stated that the property was purchased in 2006 and that when he discovered that the second rental unit was illegal he applied for a zoning permit as he wants to legally operate the property. He stated that he will comply if Council rules to deny the second unit and orders de-conversion at the property. There is no history of housing permits or inspections at this property prior to 2012 when the applicant applied for a housing permit.
18. The applicant applied for a two unit zoning permit and the permit was denied by the zoning administrator. The zoning administrator approved a permit for a single family rental. The applicant was advised that he needed to de-convert the second unit or apply for a conditional use permit.

19. The Applicant did not provide information on the number of or about the availability of off-street parking, which was required when he purchased the property.
20. The zoning administrator and the Planning Commission recommended denying the permit.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one efficiency unit to the existing zoning permit that allows two dwelling units.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 139 South 10th Street is located in the R3 Zoning District.
2. Hearing was held on October 14, 2014.
3. Applicant requests a Conditional Use permit for a total of two (2) rental units at the Subject Property.
4. The burden of proof for an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. The Applicant did not provide information about the availability of off-street parking or Code compliance.
21. The Applicant did not provide documentation proving that the two units existed when the property was purchased in 2006.
22. The Applicant testified that he applied for a two unit zoning permit in 2012 when he discovered that the second unit was illegal.
23. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
24. The zoning administrator expressed the belief that the second unit was added after the property was purchased in 2006 and that there is no evidence of housing permits or property maintenance inspections prior to 2012.

DECISION

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

2. The application of Luis Vera, of 2334 Highland Street, West Lawn, PA 19609, for two dwelling units at 139 North 10th Street is hereby denied with the following orders:
 - d. The property shall be de-converted to a single family unit within six months and the property shall return to a single family rental or a single family owner occupied property.
 - e. An inspection to ascertain that the de-conversion occurred will be scheduled on or before April 27, 2015.
 - f. The property shall meet all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department. The property shall also obtain a Certificate of Occupancy.
 - g. The Applicant shall secure 1 ½ off-street parking spaces for the single family rental.

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

RESOLUTION NO. _____ 2014

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

Denying the Conditional Use application submitted by Brian Skiles (applicant) of 706 Franklin Street, Reading 19601 for the conversion of 714 Franklin Street from two dwelling units to one dwelling unit and a three room boarding house and ordering the de-conversion within six months.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

(Council Staff)

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
 BRIAN SKILES :
 FOR A CONDITIONAL USE : OF THE CITY OF READING,
 PERMIT TO ADD BOARDING :
 ROOMS TO THE TWO UNIT : PENNSYLVANIA
 RENTAL PROPERTY AT :
 714 FRANKLIN ST., :
 READING, BERKS COUNTY, PA :

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

AND NOW, this 27th day of October, 2014, after a hearing held on October 14, 2014, upon the application of Brian Skiles, 706 Franklin Street, Reading., PA 19601, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

25. Brian Skiles, of 706 Franklin Street, Reading, PA 19601 (hereinafter Applicant).
26. Applicant is the owner of the fee simple property at 714 Franklin Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
27. The Subject Property is located in the CR zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as “Zoning Ordinance”).
28. Applicant is seeking a Conditional Use permit to convert the two dwelling unit to a single dwelling unit with a three boarding rooms on the 2nd floor at the Subject Property, as per Zoning Ordinance sections 600-1203 (B) and (D) and 600-1204(D).
29. The Applicant attended the hearing.
30. The Applicant stated that the property was purchased in 1987 and he would like to continue using the property as a single dwelling unit on the first floor and a three room boarding space on the second floor.

31. The Applicant testified that he has sufficient off-street parking available behind the property. However, the Applicant did not provide testimony on the Code compliance of the building.
32. The Applicant expressed the belief that under his ownership conditions in the neighborhood have improved.
33. The Applicant provided testimony at length about other properties he owns, his court battles to keep the properties, his bankruptcy problems and his illnesses. He also listed a number of addresses of other rental properties and admitted that he is operating them illegally.
34. The zoning administrator provided a case report listing the history at the property as follows:
 - The previous owner applied to the Zoning Hearing Board # 1986-7, for a conversion of a single family dwelling unit into a boarding house. This appeal was denied on March 5, 1986 and the property remained as a single family dwelling unit.
 - In 1987, the applicant purchased the property. At that time, the applicant did not apply for the transfer of the zoning permit for the subject property. In 2002, the property was inspected as a two unit dwelling.
 - In 2007, the City changed Chapter 308, Housing Ordinance. At this time, the applicant submitted a housing application for one dwelling unit and three rooming units. On the applicant's lease of the property, it refers to the subject property as hotel rooms and suites.
 - In 2009, the applicant and his lawyer met with a previous zoning administrator and the previous City Solicitor to discuss zoning for the subject property and several other rental properties owned by the applicant. It was the City Solicitor's opinion that the subject property had a history of two dwelling units, and whereas the housing permit history identified one rental unit, it may be construed that the second unit was owner occupied. The applicant was given the option to accept the two dwelling units or seek conditional use approval from City Council. The property was inspected again as two dwelling units by Property Maintenance Division in 2009.
 - The applicant sought and was granted zoning permit # 2012-203 (attached) for two residential rental units, specifically specifying that no rooms were allowed.
 - On August 22, 2013, the City received a complaint that the applicant was renting the subject property as rooms on the second floor. An inspection was scheduled between William Frymoyer, a former zoning inspector and the applicant's property manager, Leroy Schaeffer. Mr. Schaeffer did state to Mr. Frymoyer that the property was being utilized as a rooming house. At the inspection, Mr. Frymoyer was denied entrance to the subject property by Mr. Schaeffer. Mr. Frymoyer explained that conditional use approval by City Council was needed to be able to operate a rooming house. On October 8, 2013, Mr. Frymoyer sent a letter to the applicant requesting documentation to substantiate Mr. Schaeffer's statements about the existing zoning approval for the rooming house. The applicant did not provide any documentation to support Mr. Schaeffer's statement.
 - On November 8, 2013, Mr. Frymoyer sent a cease and desist letter to the applicant stating that the use at the subject property as rooming houses was not a permitted use by right. The applicant was further advised that he had thirty (30) days to appeal said enforcement notice. No appeal of the

enforcement notice was undertaken.

- Property Maintenance Division inspected the subject property on February 20, 2014. The inspection was conducted on a first floor apartment and three rooms on the second floor. During the final inspection on June 25, 2014, the subject property was still being used as one apartment and three rooms.
- As a result of the applicant's failure to comply with the cease and desist letter and continued violations of the City of Reading Zoning's Ordinance, the zoning inspector filed a civil action with the Magisterial District Justice. A hearing was held before the Magisterial District Justice on September 2, 2014, the applicant was found guilty in absentia of operating a rooming house without zoning approval. The applicant filed an appeal of the Magisterial District Justice ruling with the Prothonotary's Office on September 24, 2014. An appeal hearing has not yet been scheduled in Berks County Court.

35. The zoning administrator and the Planning Commission recommended denying the permit.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to convert the two unit dwelling to a single family dwelling on the first floor and a three room boarding house on the second floor.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 714 Franklin Street is located in the CR Zoning District.
2. Hearing was held on October 14, 2014.
3. Applicant requests a Conditional Use permit to convert the Subject Property from a two dwelling unit to a single family unit with a three room boarding house on the second floor.
4. The burden of proof for an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. The Applicant stated that there is sufficient off street parking at the rear of this property and other properties he owns in this block.
7. The Applicant did not provide documentation proving the long term use of the property.
8. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
9. The zoning administrator and Planning Commission recommended denying the application for the conversion.

DECISION

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

3. The application of Brian Skiles, of 706 Franklin Street, Reading, PA 19601, to convert this two dwelling unit to a single dwelling unit on the first floor and a three room boarding house on the second floor is hereby denied with the following orders:
 - h. The property shall be de-converted to two dwelling units no later than April 27, 2015 and the property shall return to a two unit dwelling as specified in the 2012 zoning permit.
 - i. The second floor or any other unit, space or room in this property may not be rented as a boarding house, rooming house or hotel beginning November 27, 2014.
 - j. An inspection to ascertain that the de-conversion occurred will be scheduled by the property owner, property manager or the City on or before April 27, 2015.
 - k. If the de-conversion does not occur by April 27, 2015 or if the Applicant or his representative fails to allow the inspection of the property at the request of City officials, the City shall immediately exercise its right to revoke the Business Privilege License of the Applicant as per City Code §339-209 and immediately shut down all rental and business properties owned by the Applicant within the City of Reading.
 - l. The property shall meet all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department. The property shall also obtain a Certificate of Occupancy.

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

RESOLUTION NO. _____

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

Appointing Donna Reed as liaison to the Main Street Board and appointing Jeffrey Waltman as the alternative to the Main Street Board.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____ 2014

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

Denying in part and approving in part the appeal of the HARB Certificate of Appropriateness, as attached in the findings of fact, for the exterior property improvements at 733 Madison Avenue, Jose Vargas, owner.

Adopted by Council _____, 2014

Francis Acosta
President of Council

Attest:

Linda A. Kelleher, City Clerk

**Appeal of Historic Architectural Review Board
Certificate of Appropriateness**

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
JOSE VARGAS	§	CITY COUNCIL
733 MADISON AVE.	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Monday, October 6, 2014 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) on the Certificate of Appropriateness for the following exterior property improvements made by property owner Jose Vargas (Respondent) at 733 Madison Avenue (Property).

1. The installation of the wall mounted light fixture and the white vinyl replacement window at the first floor front façade, the installation of decorative wood trim and painting of the decking at the first floor front porch, and installation of fluted and flat wood trim at the first floor front porch columns
2. The removal of all decorative wood trim as installed at the first floor front porch and the fluted and flat wood trim applied to the first floor front porch columns
3. The installation of two (2) white vinyl double hung windows at the first floor front façade window opening
4. The repainting of the first floor front porch decking with embellishment.
5. The K-gutter installed at the first floor front porch and matching downspouts

At their July 2014 meeting, HARB unanimously approved and denied the following improvements to the Subject Property:

RESOLUTION #50-14 - Motion: The Historical Architectural Review Board upon motion by Mr. Hart and seconded by Mr. Webster adopted the proposal to issue a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to paint the masonry façade yellow and to paint trim in the colors green and white at the front façade (violation) at 733 Madison Ave. was presented by Jose Vargas.
2. The HARB approves the painting of exterior surfaces at the front façade in the colors and location as described above, as completed.

The above work was unanimously approved.

RESOLUTION #51-14 – Motion: The Historical Architectural Review Board upon motion by Mr. Hart and seconded by Mr. Webster adopted the proposal to DENY a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to install a wall mounted light fixture and a white vinyl replacement window at the first floor front façade, install decorative wood trim and paint the decking at the first floor front porch, and install fluted and flat wood trim at the first floor front porch columns (violation) at 733 Madison Ave. was presented by Jose Vargas.
2. The proposed installation of the wall mounted light fixture and the white vinyl replacement window at the first floor front façade, the installation of decorative wood trim and painting of the decking at the first floor front porch, and installation of fluted and flat wood trim at the first floor front porch columns, as completed was DENIED (based on the Secretary of the Interior Standards #9).

In order to rectify the items in violation and restore the historical integrity of the structure, the Board ISSUES a Certificate of Appropriateness for the following:

3. The removal of all decorative wood trim as installed at the first floor front porch and the fluted and flat wood trim applied to the first floor front porch columns in order to return the configuration of the porch to its original condition and the columns to their original proportions as exists at the first floor front porch located at 731 Madison Avenue.
4. The replacement of the installed white vinyl double hung windows at the first floor front façade window opening with a single wood double hung window in order to return the window to its original configuration and material.
5. The repainting of the first floor front porch decking in an epoxy paint to be gray in color and not to include any embellishment.
6. The installed wall mounted light fixture at the first floor front façade is to be turned 180 degrees so that the globe of the light is facing downward.
7. The K-gutter installed at the first floor front porch roofline is to be replaced with a half-round gutter and all downspouts are to be 3” round in configuration to match the round downspouts on the upper floors of the building.

The above work as stated in numbers 1. and 2. was unanimously denied and modifications were unanimously approved as stated in numbers 3. through 7.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is part of the City of Reading Codified Ordinances Chapter 295 Part 1 – Historic and Conservation Districts. The HARB is a board of nine (9) duly qualified members.
2. The Historic Preservation Specialist learned about the inappropriate improvements to the Subject Property through a complaint and she visited the property to speak with the Respondent advising him of the need to obtain a COA before proceeding further. When the Respondent failed to submit an application, the Historic Preservation Specialist made a second visit to the property and noticed that additional work had been performed. The Respondent applied for a COA after the second visit.
3. At the hearing the Respondent testified that he was unaware the property was located within a Historic District but that he learned that the property was in a Historic District before he began the property improvements. He testified that he was unaware of the need to apply for a COA or Building Permits.
4. The Respondent testified that he believed that as long as his property appeared similar to other properties within the block his property would be in compliance.
5. The Respondent testified that the new windows replaced the original window broken by the Fire Department when they responded to a gas leak and the wood features were replaced to eliminate the cracked and deteriorated wood. He stated that when he purchased the property the K gutters were already installed.
6. The Respondent expressed the belief that he should be treated fairly, noting that many other properties do not comply with the HARB regulations and he asked Council to approve his appeal.
7. The Historic Preservation Specialist circulated photographs of the Subject Property and the adjoining property.
8. The Historic Preservation Specialist agreed that the changes to the façade are similar to others made to properties on the block; however, 733 Madison is not the same architectural style as the other properties and she agreed that the color of the façade and trim are appropriate.
9. The Historic Preservation Specialist testified that the original single one- over-one front window was replaced with two one-over-one windows installed side by side which is inappropriate. She also stated that the HARB Board wants the K gutters replaced with the half-round gutters and the 3” wide downspouts.
10. The Historic Preservation Specialist stated that building permits were not pulled by the Respondent and that other properties in the neighborhood and the area were discovered through the enforcement process and she provided some examples.
11. City Council, referring to the photographs, questioned when the wrought iron railing was installed. The Historic Preservation Specialist stated that the railing was installed before the property transferred to the Respondent.

Conclusions of Law

City Council, after considering all testimony and reviewing all Exhibits, denies, in part, and approves, in part the appeal of the Certificate of Appropriateness, due to the fact that the Respondent failed to apply for a building permit. Had the Respondent applied for a building permit, he would have been informed about the HARB requirements and COA provisions.

Order and Agreed Resolution

The City of Reading City Council hereby denies, in part, and approves, in part, the appeal of the COA the exterior property improvements at 733 Madison Avenue as follows:

1. The proposed installation of the wall mounted light fixture and the white vinyl replacement window at the first floor front façade, the installation of decorative wood trim and painting of the decking at the first floor front porch, and installation of fluted and flat wood trim at the first floor front porch columns – APPEAL APPROVED.
2. The removal of all decorative wood trim as installed at the first floor front porch and the fluted and flat wood trim applied to the first floor front porch columns in order to return the configuration of the porch to its original condition and the columns to their original proportions as exists at the first floor front porch located at 731 Madison Avenue. – APPEAL APPROVED.
3. The replacement of the installed white vinyl double hung windows at the first floor front façade window opening with a single wood double hung window in order to return the window to its original configuration and material – APPEAL DENIED.
4. The repainting of the first floor front porch decking in an epoxy paint to be gray in color and not to include any embellishment – APPEAL DENIED.
5. The installed wall mounted light fixture at the first floor front façade is to be turned 180 degrees so that the globe of the light is facing downward – APPEAL: DENIED.
6. The K-gutter installed at the first floor front porch roofline is to be replaced with a half-round gutter and all downspouts are to be 3” round in configuration to match the round downspouts on the upper floors of the building – APPEAL APPROVED.

The Appeals denied in numbers 3, 4 and 5 above shall be corrected within 90 days and the Respondent shall obtain the required building permits from the City’s Building and Trades Division and a Certificate of Appropriateness from the Historic Preservation Specialist and the Historic Architectural Review Board where applicable. At the end of the 90 day period, the City shall conduct an inspection and enforcement shall begin if the correction process is incomplete.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made.

Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.