



# ***CITY COUNCIL***

## ***Meeting Agenda***

***REGULAR MEETING  
COUNCIL CHAMBERS***

***MONDAY, SEPT. 14, 2015  
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](http://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:** Rev. Laddie Benton, Washington Presbyterian Church

### **C. PLEDGE OF ALLEGIANCE**

### **D. ROLL CALL**

The purpose of the Executive Session on Monday, September 14 was related to \_\_\_\_\_.

## **2. PROCLAMATIONS AND PRESENTATIONS**

- Council commendation recognizing September as Childhood Cancer Awareness Month

## **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 August 24, 2015

Special Meeting of September 8, 2015

**B. AGENDA:** Regular Meeting of September 14, 2015

## **5. Consent Agenda Legislation**

**A. Award of Contract** – sale of wheelchair vans

**B. Resolution -2015** – denying the Conditional Use permit for 4 rental units at 549 N. 10<sup>th</sup> Street and approving only 2 additional rental units at 549 N 10<sup>th</sup> Street

**C. Resolution -2015** – authorizing and directing the Public Works Director to submit the attached application for Traffic Signal Approval for the Synchronization of the 2<sup>nd</sup> Street Improvements Project to the PennDOT and to sign this application on behalf of the City of Reading.

**6. ADMINISTRATIVE REPORT**

**7. REPORT FROM OFFICE OF THE AUDITOR**

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

**9. ORDINANCES FOR FINAL PASSAGE**

**Pending Additional Review Required**

**Bill No. 31-2015** – Amending Chapter 5 Administrative Code of the City Code Part § 5-303 entitled “Severance” by addressing accrued vacation time for Department Directors *Introduced at the June 8 regular meeting*

**Bill No. 32-2015** – Amending Chapter 70 Personnel of the City Code by adding a new part § 70-716 entitled “Severance” for career employees and renumbering the section accordingly *Introduced at the June 8 regular meeting*

**A. Ordinance 47-2015** – amending the City Code, Chapter 62, Part by aligning the police pension plan with the City’s Financial Recovery Plan and the 2012 collective bargaining agreement with the Fraternal Order of Police *Introduced at the August 24 regular meeting*

**B. Ordinance 48-2015** – authorizing the extension of the Downtown Improvement District (DID) for a five year period and authorizing the execution of the agreement between DID and the City *Introduced at the July 27 regular meeting; Advertisement scheduled for August 17<sup>th</sup> and 28<sup>th</sup>; Public Hearing Tuesday, September 8<sup>th</sup>*

**10. INTRODUCTION OF NEW ORDINANCES**

**A. Ordinance** – Authorize intra-department transfer of \$10,000 for the repair of the vehicle exhaust removal system at the City’s EMS station..

**B. Ordinance** – amending the Sidewalk Sales hours and making other clarifications

**C. Ordinance** – amending the City Code Chapter Street 508 Streets and Sidewalks, Part 7 Street Cut Permits, by adding provisions relating to the rejection of Street Cut Applications

**D. Ordinance** – amending the City Code, Chapter 23, Part 10 Diversity Board, Section 10 Membership Removal to provide clarity

## **11. RESOLUTIONS**

**A. Resolution** – appointing Richard Rosato to the Animal Control Board

**B. Resolution** – reappointing Jonathan DelCollo to the Board of Ethics

## **12. PUBLIC COMMENT – GENERAL MATTERS**

*Please see public speaking rules on second page*

## **13. COUNCIL BUSINESS / COMMENTS**

## **14. COUNCIL MEETING SCHEDULE**

### **Monday, September 14**

*Liquor License Transfer Hearing – Council Chambers – 5 pm*

*Committee of the Whole – Council Office – 5:30 pm*

*Regular Meeting – Council Chambers – 7 pm*

### **Monday, September 21**

*Finance, Audit, Budget Committee – Council Office – 5 pm*

*Standards of Living Committee – Council Office – 5 pm*

### **Monday, September 28**

*Committee of the Whole – Council Office – 5:30 pm*

*Regular Meeting – Council Chambers – 7 pm*

### **Wednesday, September 30**

*Presentation of the 2016 Budget – 5 pm Council Chambers*

*Public Hearing re Comp Plan – 5:30 pm Council Chambers*

## **15. BAC AND COMMUNITY GROUP MEETING SCHEDULE**

### **Monday, September 14**

*Shade Tree Commission – Public Works Center – 6 pm*

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse

**Tuesday, September 15**

Fire Civil Service Board – Penn Room – 3 pm

HARB – Penn Room – 6:30 pm

Charter Board – Council Chambers – 7 pm

**Wednesday, September 16**

O & E Pension Board – Penn Room – 1:30 pm

Redevelopment Authority – Redevelopment Authority Office – 5 pm

**Thursday, September 17**

Blighted Property Review Committee – Council Office – 6 pm

**Friday, September 18**

Fire Pension Board – Penn Room – 10 am

**Monday, September 21**

Library Board – 113 S 4<sup>th</sup> St – 4 pm

**Tuesday, September 22**

Environmental Advisory Council – City Park – noon

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

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

**Wednesday, September 23**

Main Street Board – 2<sup>nd</sup> & Penn Sts 5<sup>th</sup> Floor – 3:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

**Thursday, September 24**

Water Authority – Water Authority Office – 4:30 pm

CRIZ Authority – 3<sup>rd</sup> Floor Conference Room – 5:30 pm

**Monday, September 28**

DID Authority – 645 Penn St 5<sup>th</sup> Floor – noon

District 7 Crime Watch – Holy Spirit Church – 7 pm

**City of Reading City Council**  
**Regular Meeting**  
**August 24, 2015**

Council President Waltman called the meeting to order.

The invocation was given by Danny Moore, lay pastor, Holy Trinity Church of God.

All present pledged to the flag.

The Committee of the Whole meeting held before the start of this meeting included an executive session on litigation.

**ATTENDANCE**

Council President Waltman  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
City Auditor D. Cituk  
Solicitor C. Younger  
City Clerk L. Kelleher  
Managing Director C. Snyder  
Mayor V. Spencer

Council President Waltman stated that Councilor Daubert was excused from the meeting to attend to a personal matter. He noted that the District 6 seat is currently vacant.

**PROCLAMATIONS AND PRESENTATIONS**

City Council recognized:

- I Lead Students for work to beautify Penn Street
- Members of the Girls Basketball team for their work to beautify Penn Street
- Lori Kaplan and Pier Ignozzi Shafer for their work to beautify Penn Street

**PUBLIC COMMENT**

Council President Waltman stated that there are two (2) citizens registered to address Council on non-agenda matters. He asked 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.

Councilor Reed read the public participation regulations adopted by Council to those present.

**Judy Nuss, of Wernersville Road**, was not present.

**Melissa Singleton, of Franklin Street**, asked Council to consider increasing the salaries of the City's crossing guards. She noted that crossing guards in other municipalities are paid \$11 per hour, compared to the salary of \$7 per hour here in Reading.

## **APPROVAL OF THE AGENDA & MINUTES**

Council President Waltman called Council's attention to the minutes of the August 10<sup>th</sup> meeting, and to the agenda for this meeting.

**Councilor Sterner moved, seconded by Councilor Marmarou, to approve the agenda, including the legislation listed under the Consent Agenda heading and the minutes as listed. The motion was approved unanimously.**

### **Consent Agenda**

**A. Award of Contract** – for Furnishing Bituminous Materials and Asphalt Cements for Pick-up to South Reading Blacktop, Division of Reading Materials, Birdsboro, PA, low bidder. The unit prices submitted for an estimated total bid price of \$128,475.00 for 2015. The total is based upon estimated usage. The actual expenditure may be greater or less than the estimate.

**B. Resolution 79-2015** – approving the conditional use permit for 841-845 North 8<sup>th</sup> Street with conditions.

**C. Award of Contract** – to Spotts Brothers, Inc, Schuylkill Haven, at a total submitted bid price of \$308,468.50 for various improvements to the 11<sup>th</sup> and Pike Playground for the Departments of Public Works and Community Development. Spotts Brothers, Inc. is the low bidder to meet the specifications.

## **ADMINISTRATIVE REPORT**

The mayor read the report distributed to Council at the meeting. In summary:

- Recent fires at the Evergreen Power Plant, 533 South 6<sup>th</sup> Street and 102 Neversink Road
- Receipt of a Mission Lifetime award for the EMS Division from the American

- Heart Association
- Update on the baler project

## AUDITOR'S REPORT

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

- Report on the collection of the 2015 Admissions Tax
- Report on the collection of the 2015 Transfer Tax
- Report on the collection of the Traffic Fines and Motor Vehicle Codes fees
- Thanking the Reading Parking Authority for their financial contribution

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

None.

## ORDINANCES FOR FINAL PASSAGE

### **Pending Additional Review Required**

**Bill No. 31-2015** – Amending Chapter 5 Administrative Code of the City Code Part § 5-303 entitled “Severance” by addressing accrued vacation time for Department Directors  
*Introduced at the June 8 regular meeting*

**Bill No. 32-2015** – Amending Chapter 70 Personnel of the City Code by adding a new part § 70-716 entitled “Severance” for career employees and renumbering the section accordingly  
*Introduced at the June 8 regular meeting*

### **Pending Required Notice and Public Hearing**

**Ordinance** – authorizing the extension of the Downtown Improvement District (DID) for a five year period and authorizing the execution of the agreement between DID and the City  
*Introduced at the July 27 regular meeting; Advertisement scheduled for August 3<sup>rd</sup>; Public Hearing Scheduled for Sept 8<sup>th</sup>*

**A. Bill No. 43-2015** – – amending the Fee Schedule, City Code Chapter 212, Section 123 Police Department, by reducing the cost of a certified police report to that mandated by the State  
*Advertisement scheduled for Aug 17<sup>th</sup>*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 43-2015.**

Council President Waltman explained that this ordinance reduces the cost of the police report, as required by State statute.

**Bill No. 43-2015 was enacted by the following vote:**

**Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 5**

**Nays: – None - 0**

**B. Bill No. 44-2015** – – amending the Fee Schedule, City Code Chapter 212, Section 140, Streets and Sidewalks Pavement Restoration, Premature Degradation and Steel Plate Fees *Advertisement scheduled for Aug 17<sup>th</sup>*

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 44-2015.**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to amend the fees by half.**

**The amendment to Bill No. 44-2015 was adopted by the following vote:**

**Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 5**

**Nays: – None - 0**

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 44-2015 as amended.**

Councilor Goodman-Hinnershitz noted the importance of adding fees to address the steel plates used during street construction projects.

**Bill No. 44-2015 as amended was enacted by the following vote:**

**Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 5**

**Nays: – None - 0**

**C. Bill No. 45-2015** – – amending the City Code, Chapter 295, Historical and Conservation Districts by adding regulations relating to the installation of gas meters within historic districts *Advertisement scheduled for Aug 17<sup>th</sup>*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 45-2015.**

**Bill No. 45-2015 was enacted by the following vote:**

**Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 5**  
**Nays: – None - 0**

## **INTRODUCTION OF NEW ORDINANCES**

Council Vice President Waltman read the following ordinances into the record:

**A. Ordinance** –amending the City Code by reducing the cost of sidewalk sale permits in Chapter 212, Fee Schedule, Part 131 Sidewalk Sale and Sidewalk Café Permits

**B. Ordinance** – amending the City Code, Chapter 62, Part by aligning the police pension plan with the City’s Financial Recovery Plan and the 2012 collective bargaining agreement with the Fraternal Order of Police

## **RESOLUTIONS**

There were no resolutions at this meeting.

## **COUNCIL COMMENT**

Councilor Reed noted the challenges faced by the crossing guards while they work to protect our children. She pledged to attempt to address the disparity in salaries during the upcoming budget discussions.

Councilor Goodman-Hinnershitz agreed with the need to address the salaries of the crossing guards noting the many hazards they face daily.

Council President Waltman announced the upcoming Council meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Reed, to adjourn the meeting.**

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

*Clerk*

Drafted by	City Clerk/City Solicitor
Sponsored by/Referred by	City Clerk/City Solicitor
Introduced on	N/A

RESOLUTION NO. \_\_\_\_\_ 2015

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

**Denying** the Conditional Use application submitted by Mr. Antonio Tineo, 515 Calabria Drive, Blandon, PA 19510 (applicant), **for four (4) additional rental units** at 549 North 10<sup>th</sup> Street and **approving** a Conditional Use permit **for only two (2) additional rental units** at the same property with conditions as attached in the following documents.

**Adopted by Council** \_\_\_\_\_, **2015**

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher CMC  
City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL

ANTONIA TINEO :

FOR A CONDITIONAL USE : OF THE CITY OF READING,

PERMIT TO ADD FOUR :

ADDITIONAL DWELLING : PENNSYLVANIA

UNITS TO THE :

RENTAL PROPERTY :

AT 549 NORTH 10<sup>th</sup> ST., :

READING, BERKS COUNTY, PA :

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

**AND NOW**, this 14<sup>th</sup> day of September, 2015, after a hearing held on August 17, 2015, upon the application of Mr. Antonio Tineo, 515 Calabria Drive, Blandon, PA 19510 (applicant) for a conditional use permit at 549 North 10<sup>th</sup> Street (subject property) 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. Mr. Antonio Tineo (hereinafter Applicant), resides at 515 Calabria Drive, Blandon, PA 19510.
2. Applicant is the owner of the fee simple property at 549 North 10<sup>th</sup> 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 four (4) additional rental units to the Subject Property which is currently zoned as two (2) commercial units, one of which is occupied, and 2 dwelling units, as per

Zoning Ordinance sections 600-804(B)(3), 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (31) (a) and 600-2202.

5. The applicant testified that there is currently a first floor restaurant and second floor with two rental units at the property. He stated that eventually he obtained a permit for two (2) additional units and he is now seeking a permit for two (2) more units. He stated that he obtained five (5) parking spaces within 1000 feet of the property to meet the zoning requirements. He stated that neighbors have not experienced increased traffic or criminal activity from his initial conversion of the property.
6. The applicant stated that the current 2<sup>nd</sup> floor units are occupied and that there are no rental units on the first floor. He stated that he obtained a permit for two (2) additional units and that he now is seeking to add two (2) more units to the building. He expressed the belief that the units meet the square footage required by the zoning ordinance. He explained that he met with the zoning administrator and that he believes he has complied with the direction of the zoning administrator.
7. The Applicant did not submit testimony on the Building and Trades permits used to convert the building and/or reconfigure the electrical, plumbing and mechanical equipment.
8. The Zoning Administrator and the Applicant's architect presented evidence that the applicant may have illegally converted two (2) additional rental units, in whole or in part, as he applied for permits for Trades permits for four (4) units without first seeking a Conditional Use permit to increase the number of rental units.
9. The zoning administrator's case report stated that three (3) of the four (4) units were below the square footage required by the zoning ordinance; however, he expressed the belief that the discrepancy was de minimus.
10. The Applicant's architect testified that the units were made smaller to allow the widening of the public corridor.
11. The zoning administrator provided a case report, in summary:
  - This property is situated at the intersection of North 10<sup>th</sup> Street and Greenwich Street. It is an irregularly shaped property, bounded on the north by Greenwich Street, on the east by parcel 1010 Greenwich Street and a ten foot wide alley, on the south by parcel 543, 545, and 547 North 10<sup>th</sup> Street, and on the west by North 10<sup>th</sup> Street. The subject parcel is 8,355.38 square feet which includes a two story brick structure.
  - There are two (2) dwelling units on the second and two (2) commercial units on the first floor. The property is located in the R-3 Residential

District; the property is not located within an historic district, overlay district or the floodway or flood hazard area.

- The applicant purchased the property in June 2010. The zoning permit for the two dwelling units was transferred to the applicant in April 2012 (#2012-1027). In August 2013, the applicant registered the entire building as two dwelling units and the restaurant, Pizza Villa. (#2013-1070). The second commercial unit is currently vacant.
- In 2010 the applicant applied for a Conditional Use permit to convert the property to a six (6) unit rental – adding four (4) additional dwelling units. The application was denied by Council Resolution 42-2010 on April 26, 2010 (attached).
- On April 8, 2015 the Zoning Hearing Board granted relief as follows:

Appeal 2015-07 – 549-555 North 10<sup>th</sup> Street:

1. Remove the electronic projecting sign and limit window signage to 30% of glass area or 600 square inches per window.
2. Relocate and screen the dumpster for 549-555 North 10<sup>th</sup> Street.
3. Retain illuminated awnings along Greenwich and North 10<sup>th</sup> Street providing there is no unwanted glare to surrounding properties.
4. A Certificate of Occupancy Inspection shall be issued by the City of Reading's Division of Building and Trades.

Appeal 2015-08 – 550 Mulberry Street

1. There shall be no more than five (5) parking spaces at least twenty feet (20') in length. The parking area shall be clearly defined by painted lines and wheel blocks and adequately graded and properly drained.
  2. No access to the parking lot shall be allowed from Mulberry Street and concrete planters or other immovable device measuring at least 3 feet in depth by 8 feet in length shall be installed along Mulberry Street to prohibit through traffic.
  3. All asphalt shall be removed from the property line to the curb line and be replaced with concrete sidewalk and curb as approved by the City Engineer.
  4. In both cases, the applicant agreed on record to comply with the ZHB conditions in order to receive the proposed zoning relief. The expanded hours of operation for the sports bar are approved but contingent upon compliance of all the conditions set forth for 549-555 North 10<sup>th</sup> Street
12. The Planning Commission, through the City Planner, expressed concern that the required off street parking is two full blocks away from the subject property and they expressed doubt that the tenants would walk

two full blocks to use the off street spaces. They also expressed concern with the long-term viability of the lease agreement for the parking spaces.

13. The zoning administrator and Planning Commission recommend approving the permit with conditions.

## **DISCUSSION**

The Applicant is seeking a Conditional Use Permit to add four (4) additional residential rental units to the dwelling located at 549 North 10<sup>th</sup> Street. At the time of the application, the property has zoning for two (2) commercial spaces on the first floor and two (2) rental dwellings on the second floor.

The request for four (4) additional units was previously denied in Resolution 42-2010 on April 26, 2010 as the applicant failed to provide documentation that the plumbing, heating, electrical equipment and facilities are adequate and appropriate for the proposed expansion as per Zoning Section 27-1203.4.C and the applicant failed to provide sufficient off street parking.

At the hearing on August 17, 2015, the Applicant provided a lease agreement for off street parking; however, the lot is two blocks away from the subject property and the Planning Commission expressed concern that the lot is too far away from the subject property, which would make the spaces unusable by the tenants who rent the dwellings. The applicant also failed to provide documentation that the plumbing, heating, electrical equipment and facilities are adequate and appropriate for the proposed expansion as per Zoning Section 27-1203.4.C

At the hearing on August 17, 2015, the Applicant, his architect and the Zoning Administrator presented testimony that two (2) of the four (4) new dwelling units requested in the application were already converted without a zoning permit. The zoning administrator stated that there may be an illegal rental dwelling located in the basement of the property.

Plans submitted by the Applicant show that three (3) of the four (4) additional rental units fall below the square footage required by the Zoning Ordinance.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Subject Property at 549 North 10<sup>th</sup> Street is located in the R3 Zoning District.

2. Hearing was held on August 17, 2015.
3. Applicant requests a Conditional Use permit to add four (4) additional rental dwelling units to the 549 North 10<sup>th</sup> Street, which is currently zoned for two (2) first floor commercial units, only one is currently in use, and two (2) second floor dwelling units (labeled as Apartment #5 and #6 on the plan labeled as A-5).
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 present testimony and a lease agreement for off street parking; however, that lot is two full blocks away from the building and concern about the location was expressed at the hearing. The applicant did not present counter testimony.
7. The Applicant did not present testimony on the Building and Trades regulations required by the zoning ordinance, nor documentation that the plumbing, heating, electrical equipment and facilities are adequate and appropriate for the proposed expansion as per Zoning Section 27-1203.4.C.
8. The case report prepared by the zoning administrator shows that three of the four (4) units proposed do not meet the square footage requirements in the zoning ordinance.

Dwelling Unit	Sq Ft of proposed DU	Minimum Req'd Sq Footage	Difference in Sq Footage
1 - 2 bedrooms	685	700	- 15
2 - 1 bedroom	538	550	- 12
3 - 1 bedroom	525	550	- 25
4 - 2 bedrooms	915	700	+ 215

9. The zoning administrator also stated that a possible illegal rental unit may exist in the basement of the property.
10. The Zoning Administrator and the Applicant's architect presented evidence that the applicant may have illegally converted two (2)

additional rental units, in whole or in part, as he applied for permits for Trades permits for four (4) units without first seeking a Conditional Use permit to increase the number of rental units.

- 11. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
- 12. The zoning administrator and Planning Commission recommended approving the application with conditions.

**DECISION**

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

The application of Mr. Antonio Tineo, 515 Calabria Drive, Blandon, PA 19510, to **add four (4) residential dwelling units** to the 2<sup>nd</sup> floor at 549 North 10<sup>th</sup> Street is hereby **DENIED**; however, City Council **APPROVES** the addition of **only two (2) new residential units on the second floor**, the unit designated as Apartment #4 on the attached plan labeled A-5 and the combination of units designated as Apartments #1, #2 and #3 on the submitted and attached plan labeled as A-5, at 549 North 10<sup>th</sup> Street with conditions and deconverting the rental dwelling in the basement within 60 days for the following reasons:

- 1. The applicant failed to present testimony on the Building and Trades regulations required by the zoning ordinance, nor documentation that the plumbing, heating, electrical equipment and facilities are adequate and appropriate for the proposed expansion as per Zoning Section 27-1203.4.C
- 2. Three (3) of the four (4) units proposed do not meet the square footage requirements in the zoning ordinance.

Dwelling Unit	Sq Ft of proposed DU	Minimum Req’d Sq Footage	Difference in Sq Footage
1 - 2 bedrooms	685	700	- 15

2 - 1 bedroom	538	550	- 12
3 - 1 bedroom	525	550	- 25
4 – 2 bedrooms	915	700	+ 215

3. Testimony at the hearing indicates from the applicant, his architect and the zoning administrator that two additional rental units were added to the property without the required zoning permit or building permits.
3. Although the applicant leased an additional five (5) off street parking spaces, City Council finds that the spaces provided do not meet the definition of “off street parking” as per Zoning Ordinance Section 600-2202 Definitions, as the parking is not an accessory use to the subject property.

**Prior to the issuance of the Conditional Use permit for the two (2) new rental units on the second floor, the unit designated as Apartment #4 and the combination of units designated as Apartments #1, #2 and #3 on the plan labeled as A-5 submitted and attached, the Applicant shall comply with the following conditions:**

1. All applicable Building/Trades and Fire code requirements shall be met.
2. A certificate of occupancy certificate shall be issued by the City of Reading’s Division of Building & Trades after the property is inspected.
3. A Property Maintenance inspection shall be performed at the property and the property owner must correct all code violations discovered during the inspection prior to renting the new dwelling units.
4. Deconverting the rental unit that may be located in the basement within 60 days.

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



IN RE: APPLICATION OF ARISMENDY TINEO : BEFORE THE CITY COUNCIL  
FOR A CONDITIONAL USE PERMIT : OF THE CITY OF READING,  
RELATIVE TO THE PROPERTY : PENNSYLVANIA  
LOCATED AT 549-555 NORTH 10<sup>th</sup> :  
STREET, READING, BERKS COUNTY :  
PENNSYLVANIA :  
: CONDITIONAL USE  
: CONVERSION INCREASE THE  
: NUMBER OF UNITS & EXPAND THE  
: SIZE OF THE RESTAURANT SPACE  
:

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

AND NOW, this 26th day of April, 2010, a hearing have been held on March 31, 2010, upon the application of Arismendy Tineo, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

**FINDINGS OF FACT**

City Council finds the following facts:

1. The Applicant is Arismendy Tinco, "Applicant" with a registered mailing address of 549-555 North 10<sup>th</sup> Street. The Applicant authorized Architect Louis Masciotti to appear and testify at the hearing on his behalf.
2. Applicant was the fee simple owner of the property of 549-555 West Oley Street at the time of application and time of hearing.
3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
4. Applicant is seeking a Conditional Use for the addition of four (4) rental units and the expansion of the restaurant at the Subject Property per §27-1203.4 of the City of Reading Zoning Ordinance.
5. Applicant seeks the conversion to permit four (4) additional units and the expansion of the restaurant seating area at the Subject Property which is currently permitted as a two (2) family rental units, a pizza shop with alcohol and a used furniture business.
6. Applicant testified that currently the Subject Property is a three story structure which contains two (2) apartment units with individual bathrooms, kitchens and bedrooms, one unit on each floor, along with a restaurant, a machine shop and a used furniture business. Zoning records show zoning permits for the two (2) existing rental

units, a pizza shop and the used furniture business; however, there is no zoning permit on record for the machine shop.

7. Applicant testified that only six (6) off-street parking spaces will be created at the rear of the property for the sole use of the tenants occupying the rental units, if approved. There is currently no off street parking for the existing rental units. The Applicant was informed that the Zoning Ordinance requires 1.5 off-street parking spaces for each rental unit. Applicant testified that no additional off-street parking will be provided for the tenants. . He suggested that tenants could also park on the street.

8. Applicant testified that the expansion of the restaurant would allow the addition of a 28 seat area that would compliment the existing counter and booth seating arrangement. There is no off-street parking for the restaurant. No additional off street parking will be provided for the restaurant expansion.

9. The Zoning Administrator testified that as restaurants are not a permitted use in a R-3 Zoning District that the business remains a pre-existing non-conforming use until the size of the restaurant is expanded beyond 10%, as stated in the Zoning Ordinance Section 607 (4) A. Any expansion of a non conforming use beyond 10% requires application to and consideration by the City of Reading Zoning Hearing Board.

10. Applicant stated that the size of the restaurant will be expanded by 20%.

11. Applicant stated that no live entertainment or amplified music is planned for the restaurant.

12. The City of Reading Planning Commission recommends that the Conditional Use application be approved if adequate parking is provided for the rental units, as required by the Zoning Ordinance.<sup>1</sup>

13. Zoning Ordinance Section 27-1203 (4) B defines the square footage for rental units. The proposed and existing units comply with the square footage requirements for apartment units of the Zoning Ordinance.

14. Applicant provided a site plan, drawn to scale.

15. Applicant presented no exhibit or documentation that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for all units in the Subject Property as required by the Zoning Ordinance. Applicant testified that they had attended a One Stop meeting with the City of Reading Building/Trades and Fire Officials and foresaw no difficulty in meeting the requisite Code requirements in undertaking the conversion.

16. Applicant stated that the restaurant has a liquor license for carry-out beer and in house consumption and that they will not seek an expansion of these privileges.

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<sup>1</sup> Representative for the Planning Commission testified that the recommendation for approval was based on the mistaken understanding that the expansion of the rental units would result in a total of four (4) units not a total of six (6) units.

17. Neighbors of the Subject Property, M. Maria Kost and Tom Purcell testified that this neighborhood is stressed by a severe lack of parking and that the neighborhood is already too overcrowded.

#### DISCUSSION

Applicant requests a Conditional Use to undertake a conversion of the Subject Property located in an R-3 Residential Zoning District to obtain an additional four (4) permitted rental units to expand the rental use to six (6) unit rental units and expand the size of the restaurant located on the first floor of the property.

#### CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.
2. A hearing was held on March 31, 2010.
3. Applicant requests a conversion as a Conditional Use permit to add four (4) additional rental units to this mixed use property, for a total of six (6) units and requests a Conditional Use permit to expand the restaurant located on the first floor of the building.
4. The burden of proof in an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with attached conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code.
6. The requirements for a conversion as a Conditional Use in an R-3 Zoning District are set forth in §27-1203.4 of the City of Reading Zoning Ordinance.
7. In order to grant the relief, Applicant must show that he has satisfied §27-1203.4 of the City of Reading Zoning Ordinance.
8. Applicant failed to meet the burden of proof to meet the requirements of conversion as a Conditional Use for an additional four (4) rental units, a total of six (6) units, as set forth in §27-1203.4 of the City of Reading Zoning Ordinance. Specifically, Applicant failed to prove:
  - a. Documents indicating that the plumbing, heating, electrical equipment and facilities are adequate and appropriate for the proposed expansion §27-1203.4.D and
  - b. There were at least 1.5 off street parking spaces delegated to each unit of the Subject Property per §27-1203.4.C
9. The City of Reading City Council does not have jurisdiction for expansion of the restaurant as a Conditional Use.
10. Applicant did not file an application for other relief from the Zoning Hearing Board for the City of Reading.

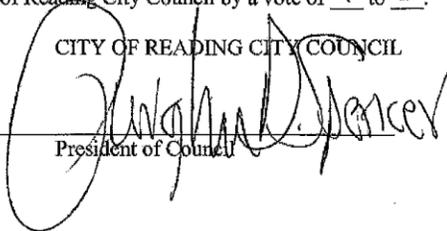
**DECISION**

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

**Applicant is hereby denied a Conditional Use for a Conversion of the Subject Property to add four (4) additional rental units** creating a total of six (6) rental units at this property, as the applicant failed to provide 1.5 off-street parking spaces for each rental unit.

The Applicant also applied for a Conditional Use permit to expand the restaurant space. Restaurant use is not a permitted use within the R3 zoning district; therefore the use is a pre-existing non-conforming use. The application seeks to increase the floor size of the restaurant beyond the 10% provided in the Zoning Ordinance Section 607 (4) A. Jurisdiction for an expansion of a non conforming use beyond 10% lies with the Zoning Hearing Board for the City of Reading. City Council does not have jurisdiction over this use; therefore the application for Conditional Use for expansion of the restaurant is denied.

This is the decision of the City of Reading City Council by a vote of 7 to 0.

CITY OF READING CITY COUNCIL  
  
\_\_\_\_\_  
President of Council

Attest:

  
\_\_\_\_\_  
City Clerk

Drafted by	City Clerk/PennDOT
Sponsored by/Referred by	Managing Director/Pub Works Dir
Introduced on	N/A
Advertised on	N/A

**R E S O L U T I O N N O. \_\_\_\_\_ 2015**

**BE IT RESOLVED** by the City of Reading City Council, Berks County, and it is hereby resolved by authority of the same, that Public Works Director Ralph Johnson of the City of Reading is authorized and directed to submit the attached application for Traffic Signal Approval for the Synchronization of the 2<sup>nd</sup> Street Improvements Project to the Pennsylvania Department of Transportation and to sign this application on behalf of the City of Reading.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of Council

I, Ralph Johnson, Public Works Director of the City of Reading, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the City of Reading City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature and designation of official title

**Application for  
Traffic Signal Approval**

Please Type or Print all Information in Blue or Black Ink



County : \_\_\_\_\_  
Engineering District : \_\_\_\_\_  
Department Tracking # : \_\_\_\_\_  
Initial Submission Date : \_\_\_\_\_

**A - Applicant's (Municipal) Contact Information**

Municipal Contact's Name : Ralph Johnson Title : Public Works Director, City Engineer  
Municipal Name : City of Reading  
Municipal Address : 815 Washington Street, Reading, PA 19601  
Municipal Phone Number : 610-655-6610 Alternative Phone Number : \_\_\_\_\_  
E-mail Address : ralph.johnson@readingpa.gov  
Municipal Hours of Operation : 8:00am-4:30pm

**B - Application Description**

Location (*intersection*) : Second Street & Penn Street  
Traffic Control Device is :  NEW Traffic Signal  EXISTING Traffic Signal (Permit Number) : 06-301-84  
Type of Device (*select one*)  Traffic Control Signal (MUTCD Section 4D, 4E, 4G)  Flashing Beacon (MUTCD Section 4L)  School Warning System (MUTCD Section 7B)  
 Other : \_\_\_\_\_  
Is Traffic Signal part of a system? :  YES  NO System Number (*if applicable*) : \_\_\_\_\_  
If YES, provide locations of all signalized intersections in system.  
System limits: Along Penn Street with each of 2nd Street, 3rd Street, 4th Street, 5th Street, 6th Street, 8th Street, 9th Street, 10th Street & 11th Street. The closed loop system master controller to be located at the intersection of Penn Street & 6th Street.  
Explain the proposed improvements :  
Updating pavement marking.  
Associated with Highway Occupancy Permit (HOP)? :  YES  NO If YES, HOP Application # : 37244

**C - Maintenance and Operation Information**

Maintenance and Operations are typically performed by? :  
 Municipal Personnel  Municipal Contractor  Municipal Personnel & Contractor  
 Other : \_\_\_\_\_  
Maintenance and Operations Contact Name : John Hivner Company/Organization : Telco Inc  
Phone # : 610-916-6200 Alternative Phone # : \_\_\_\_\_ E-mail : hivnerjc@comcast.net

**D - Attachments Listing**

Municipal Resolution (*required*)  Location Map  Traffic Volumes / Pedestrian Volumes  
 Letter of Financial Commitment  Photographs  Turn Lane Analysis  
 Traffic Signal Permit  Straight Line Diagram  Turn Restriction Studies  
 Warrant Analysis  Capacity Analysis  Other : \_\_\_\_\_  
 Crash Analysis  Traffic Impact Study (TIS)  
 Traffic Signal Study  Condition Diagram

**Application for  
Traffic Signal Approval**

Please Type or Print all Information in Blue or Black Ink



County : \_\_\_\_\_  
 Engineering District : \_\_\_\_\_  
 Department Tracking # : \_\_\_\_\_  
 Initial Submission Date : \_\_\_\_\_

**E - Applicant (Municipal) Certification**

The applicant desires to own, operate, and maintain the traffic control device in the location indicated above; and the Vehicle Code requires the approval of the Department of Transportation ("Department") before any traffic signals may be legally erected or modified. A signed Application for Traffic Signal Approval (TE-160) must be submitted in conformance with the instructions provided by the Department, and a Traffic Signal Permit must be issued, before any work can begin.

If the Department approves a traffic signal after a traffic engineering study and engineering judgment indicates the need, the traffic signal shall be installed, owned, operated, and maintained within the parameters indicated in the Vehicle Code and the Department's regulations relating to traffic signs, signals, and markings. The Department may direct appropriate alterations to the design or operation (including, but not limited to, hours of operation) of the traffic signal, or require removal of the traffic signal, if traffic conditions or other considerations necessitate alteration or removal.

All items associated with the traffic control device (geometric features, signs, signals, pavement markings, pedestrian accommodations, and other traffic control device associated items) are the applicant's responsibility. The Traffic Signal Permit will then document all of the items associated with operation of each traffic control device. The applicant, at its sole expense, shall provide the necessary inspection, maintenance, and operation activities in conformance with the Department's Publication 191 or as otherwise agreed to by the Department. The applicant shall perform the preventative and responsive maintenance requirements and recordkeeping in accordance with the exhibits specified below. If the applicant fails to provide the required inspection, maintenance, or operation services within thirty (30) days of receipt of written notice from the Department, the Department shall have the right to perform the required inspection, maintenance, or operation services in the applicant's stead and the applicant shall reimburse the Department for all costs incurred. Federal- and/or state-aid participation may be withheld on all future projects if the applicant fails to demonstrate to the Department the ability to provide all required maintenance and operation services. The applicant certifies that it has funds available and committed for the operation and maintenance of the traffic control device and that it will make available sufficient funds for all required future inspection, maintenance, and operation activities.

The applicant shall indemnify, save harmless and, defend (if requested) the Commonwealth of Pennsylvania, its agents, representatives, and employees from and against any damages recoverable under the Sovereign Immunity Act, 42 Pa. C.S. §§ 8521-8528, up to the limitations on damages under said law, arising out of any personal injury or damage to property which is finally determined by a court to be caused by or result from acts or omissions of the applicant and for which a court has held applicant, its officials, or employees to be liable. This provision shall not be construed to limit the applicant in asserting any rights or defenses. Additionally, the applicant shall include in any contracts into which it enters for maintenance, operation, or inspection of the traffic control device this same obligation to indemnify the Commonwealth and its officers, agents, and employees; and it shall require its contractor(s) to provide public liability insurance coverage, naming the Commonwealth and the applicant as additional insureds for bodily injury, including death and property damage, in the minimum amounts of \$500,000 per person, \$1,000,000 per occurrence, it being the intention of parties to have the contractor fully insure and indemnify the Commonwealth and the applicant.

The applicant shall comply with the study and ordinance requirements of 75 Pa. C.S. § 6109. The applicant submits this application with the intention of being legally bound.

Neither this application nor any Traffic Signal Permit creates any rights or obligations with respect to parties other than the applicant and the Department. Third parties may not rely upon any representations made by either the applicant or the Department in connection with the submission or approval of this application or any work permitted or approved that is related to this application, as regards either payment of funds or performance of any particular item of maintenance precisely as specified.

- The applicant agrees to comply with the attached Exhibits:
- Exhibit "A": Preventative and Response Maintenance Requirements (Sheet 3 of 5)
  - Exhibit "B": Recordkeeping (Sheet 4 of 5)
  - Exhibit "C": Signal Maintenance Organization (Sheet 5 of 5)

Printed Municipal Contact Name :Ralph Johnson Date : \_\_\_\_\_  
 Signed By : \_\_\_\_\_ Witness or Attest : \_\_\_\_\_  
 Title of Signatory : Public Works Director, City Engineer Title of Witness or Attester: \_\_\_\_\_

**Exhibit "A":  
Preventative and Response Maintenance  
Requirements**



County : \_\_\_\_\_  
 Engineering District : \_\_\_\_\_  
 Department Tracking # : \_\_\_\_\_  
 Initial Submission Date : \_\_\_\_\_

**Preventive Maintenance**

The APPLICANT or its contractor will provide preventive maintenance for each individual component of the traffic signal installation covered by this application at intervals not less than those indicated in the Preventive Maintenance Summary, PA DOT Publication 191, current version. This is the recommended level of maintenance to keep the intersection control equipment and signals in mechanically, structurally and aesthetically good condition.

**Response Maintenance**

The APPLICANT or its contractor will provide response maintenance in accordance with the provisions of the Response Maintenance Schedule. It encompasses the work necessary to restore a traffic signal system to proper and safe operation. Includes Emergency Repair and Final Repair.

**FINAL REPAIR:**  
 Repair or replace failed equipment to restore system to proper and safe operation in accordance with permit within a 24-hour period.

**EMERGENCY REPAIR:**  
 Use alternative means or mode to temporarily restore system to safe operation within a 24-hour period. Final repair must then be completed within 30 days unless prohibited by weather conditions or availability of equipment.

**Response Maintenance Schedule**

<u>KNOCKDOWNS</u>	<u>TYPE OF REPAIR PERMITTED</u>
Support - Mast arm	Emergency or Final
Support - Strain pole	Emergency or Final
Span wire/tether wire	Final Only
Pedestal	Emergency or Final
Cabinet	Emergency or Final
Signal heads	Final Only
<b>EQUIPMENT FAILURE</b>	
Lamp burnout (veh. & ped.)	Final Only
Local controller	Emergency or Final
Master controller	Emergency or Final
Detector sensor	
- Loop	Emergency or Final
- Magnetometer	Emergency or Final
- Sonic	Emergency or Final
- Magnetic	Emergency or Final
- Pushbutton	Emergency or Final
Detector amplifier	Emergency or Final
Conflict monitor	Final Only
Flasher	Final Only
Time clock	Emergency or Final
Load switch/relay	Final Only
Coordination unit	Emergency or Final
Communication Interface, mode	Emergency or Final
Signal cable	Final Only
Traffic Signal Communications	Final Only
Traffic Signal Systems	Final Only

**Exhibit "B":**  
Recordkeeping
 County : \_\_\_\_\_  
 Engineering District : \_\_\_\_\_  
 Department Tracking # : \_\_\_\_\_  
 Initial Submission Date : \_\_\_\_\_
**Recordkeeping**

Accurate and up-to-date recordkeeping is an essential component of a good traffic signal maintenance program. In recognition of this fact, the APPLICANT must prepare, retain, and make available to the COMMONWEALTH, on request, a record of all preventive and response maintenance activities performed on the traffic signal equipment covered by this application.

The APPLICANT shall establish a separate file for each installation and keep its records in the municipal building, signal maintenance shop, or other weather-protected enclosure.

At a minimum, the following records will be kept by the APPLICANT or its contractor for each traffic signal. These forms can be found in Section 10.0, Maintenance Record Forms, PA DOT Publication 191, current version.

FORM 1 - Master Intersection Record

This form, which lists all maintenance functions performed at the intersection, should be updated within one day of the activity but no more than one week later.

FORM 2 - Response Maintenance Record

Each time response maintenance is required at the intersection, this form is to be completed. Once the pertinent information is transferred to the master intersection record, this form is to be placed in the intersection file.

FORM 3 - Preventive Maintenance Record

This form will be used to provide a record of the preventive maintenance activities performed at each intersection. The date, the activities performed, and the signature of the person in charge of the work must be recorded in the form.

This form may be kept at the intersection, if it is adequately protected from the weather. Form 1 must be updated at the central file, however, to reflect the date and activity.

**Exhibit "C":  
Signal Maintenance Organization**
 County : \_\_\_\_\_  
 Engineering District : \_\_\_\_\_  
 Department Tracking # : \_\_\_\_\_  
 Initial Submission Date : \_\_\_\_\_
**Personnel Classifications**

In order to properly maintain the traffic signal equipment covered by this applicant, the APPLICANT agrees to provide, as minimum, the following staff throughout the useful life of equipment. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191.

**Traffic Engineer** - The administrative position which has prime responsibility for the proper operation of traffic signal equipment. The principal function of this position is the supervision and control of subordinate personnel and the planning of their activities to ensure adequate preventive and response maintenance programs.

**Minimum Position Requirements**

1. A thorough understanding of traffic signal design, installation and maintenance.
2. A working knowledge of the interaction between the following traffic characteristics: Intersection geometry, traffic flow theory, control type (fixed time, actuated, etc.), signal phasing and timing, and interconnection.
3. An ability to supervise subordinate personnel effectively in the assignment of their work.
4. Possession of a college degree in engineering, which includes course work in traffic engineering.
5. Either four years experience in the field of traffic engineering or its equivalent in graduate college work.

**Signal Specialist** - The individual responsible for the diagnostics and repair of all traffic signal equipment including solid state equipment.

**Minimum Position Requirements**

1. Extensive training and troubleshooting skills in electronics and software.
2. Ability to repair modules in the shop and to design test equipment needed to diagnose and repair a problem.
3. Ability to make design and modifications to implement or omit special functions.
4. Ability to implement a recordkeeping system to include maintenance activities, inventory control and identification of recurring problems.
5. Ability to perform all tasks required of a signal technician.

**Signal Technician** - Individual responsible for the operation and maintenance of traffic signals and electromechanical equipment.

**Minimum Position Requirements**

1. Ability to perform response maintenance on solid state equipment up to the device exchange level.
2. Capability to diagnose a vehicle loop failure and initiate corrective action.
3. Ability to tune detector amplifiers.
4. Ability to follow wiring schematics, check and set timings from plan sheet and check all field connections.
5. Ability to perform preventive maintenance on all equipment and to maintain accurate records of all work perform.

**Training**

The APPLICANT agrees to secure training in order to upgrade the ability of its present staff to properly perform the required maintenance functions. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191.

**Budget Requirements**

The APPLICANT agrees to provide, in its annual operating budget, dedicated funds which are sufficient to cover the cost of the personnel, training, contractors (if utilized) and specialized maintenance equipment which are required, by virtue of this application. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191..

## Application Instructions



### A - Applicant's (Municipal) Contact Information

**Municipal Contact's Name:** Provide the municipal contact name that is (or will be responsible) for the traffic signal. Typically this is either the Municipal Manager or Roadmaster.

**Title:** Provide the title of the municipal contact name.

**Municipal Name:** Provide the official municipal name.

**Municipal Address:** Provide the full address of the municipal building.

**Municipal Phone Number:** Provide the municipal phone number of the municipal contact.

**Alternative Phone Number:** Provide an alternative phone number of the municipal contact.

**E-mail Address:** Provide the e-mail address of the municipal contact.

**Municipal Hours of Operation:** Please provide the municipalities normal operating hours (i.e. Monday-Thursday 9 AM - 2 PM)

### B - Application Description

**Location (intersection):** Please provide a detailed location of the device or devices being considered for approval.

Please include any State Route and/or local road names in your description.

**Traffic Control Device is:** (Please select one of the two following categories)

**NEW Traffic Signal:** This item should be selected when requesting approval of a traffic signal that is currently not in operation at the device location indicated above.

**EXISTING Traffic Signal:** This item should be selected when requesting approval to make a modification or update to an existing traffic signal.

**(Permit Number):** Please provide the traffic signal permit number.

**Type of Device (select one):** (Please select one of the four following categories)

**Traffic Control Signal:** As defined in federal Manual on Uniform Traffic Control Devices (MUTCD) Sections 4D, 4E, and 4G. When selecting this category this is the typical red/yellow/green and pedestrian signal indications

**Flashing Beacon:** As defined in federal Manual on Uniform Traffic Control Devices (MUTCD) Section 4L. When selecting this category, this is typically either the flashing yellow/red signal at an intersection and/or the flashing yellow warning sign.

**School Warning System:** As defined in federal Manual on Uniform Traffic Control Devices (MUTCD) Section 7B. When selecting this category, this is typically the flashing school warning sign with a 15 mph indication.

**Other:** When selecting this category, this pertains to all other permitted electrically powered traffic control devices approved by the Department.

**Is Traffic Signal part of a system?:** Check off the appropriate box, either YES or NO. If YES, please fill in the **System Number (if applicable):** line.

**Explain the proposed improvements:** Provide a description of the proposed improvements to the intersection. This may be as complex as installing and/or upgrading a traffic signal or as non-complex as placement of a new traffic sign to supplement an existing traffic signal.

**Associated with Highway Occupancy Permit (HOP)?:** Check off the appropriate box, either YES or NO. If YES, please fill in the **Application #:** line.

### C - Maintenance and Operation Information

**Maintenance and Operations are typically performed by?:** Please indicate if maintenance and operation will be performed by Municipal Personnel or through Contract Services.

**Maintenance and Operations Contact Name:** Provide the primary maintenance contact name for the individual that is (or will be responsible) for the maintenance and operation of the traffic signal.

**Company/Organization:** Provide the name of the company/organization with which the primary maintenance contact is affiliated.

**Phone #:** Provide the phone number for the primary maintenance contact.

**Alternative Phone #:** Provide an alternative phone number for the primary maintenance contact or affiliated company/organization.

**E-mail:** Provide the e-mail address for the primary maintenance contact.

### D - Attachments Listing

Check off all documents which will be submitted along with this application. Note that a Municipal Resolution, authorizing the municipal contact to submit and sign the application, is a required document.

A sample Municipal Resolution has been provided on the next page.

### E - Applicant (Municipal) Certification

**Printed Municipal Contact Name:** Please print the name of the municipal contact person signing the application.

**Date:** Please provide the date on which the application was signed.

**Signed By:** Please provide the signature of the named municipal contact.

**Title of Signatory:** Please provide the title of municipal contact.

**Witness or Attest:** Please provide the signature of the person witnessing or attesting the signature.

**Witness or Attester:** Please provide the title of the person witnessing or attesting the signature.

Drafted by	City Clerk/Legal Specialist
Sponsored by/Referred by	Council President Acosta
Introduced on	June 8, 2015

**BILL NO. \_\_\_\_\_ 2015**  
**AN ORDINANCE**

AN ORDINANCE AMENDING CHAPTER 5 ADMINISTRATIVE CODE OF THE CITY CODE PART § 5-303. ENTITLED “SEVERANCE” AND RENUMBERING THE SECTION ACCORDINGLY.

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

**SECTION 1.** Amending Chapter 5 Administrative Code of the City Code Part § 5-303 entitled “Severance” as follows:

**§ 5-303. Severance. [Added 12-27-1999 by Ord. No. 42-1999]**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

DEPARTMENT DIRECTOR — Any person employed by the City of Reading as the Administrative Services Director, Managing Director, Public Works Director, Chief of Police, Chief of the Department of Fire and Rescue Services, Director of Community Development or City Solicitor. A department director shall also include any such person who is employed by the City of Reading as the acting director of any of the aforementioned departments for a period of more than six months.

CITY COUNCIL—The elected or appointed City Council persons of the City of Reading.

MAYOR — The chief executive officer of the City of Reading.

TERMINATION — Action taken by the Mayor or the City Council which ends the employment of one or more of the aforementioned department directors.

TERMINATION FOR **DOCUMENTED JUST CAUSE**—An act of the Mayor or the City Council which ends the employment of any of the aforementioned department director as per § 70-714

**B. Severance package. [Amended 10-23-2006 by Ord. No. 70-2006]**

- (1) Termination for reasons other than **documented** just cause. Any department director terminated for reasons other than **documented** just cause shall receive a payment for three months of salary payments the department director would have received, plus the department director shall earn one month of severance for every year above three years **and payment for any accrued vacation time or compensatory time which had been earned prior to termination.** Any department director receiving a payment equal to six months' worth of pay at the rate he was receiving on the day prior to his/her termination shall not receive any other monetary compensation from the City of Reading at the time of his/her termination including, but not limited to, payment for any accrued vacation time or compensatory time which had been earned prior to termination.
- (2) Termination without **documented** just cause. Any department director terminated without **documented** just cause shall receive a payment equal to any accrued and unused vacation days as tabulated by the Administrative Services Department on the day prior to the date of termination.
- (3) Compensatory time. Upon termination for any reason, no employee of the City of Reading shall receive a payment for any unused or accrued compensatory time.
- (4) Health benefits. Any department director terminated for a reason other than **documented** just cause shall receive medical benefits provided for by the City of Reading at the same level he/she was receiving on the date prior to his/her termination for a period not to exceed 180 days. Local benefits provided by the City of Reading shall cease on the 180th day following the termination of the department director or when the department director secures health and medical insurance through attainment of other employment, etc., whichever comes first. Any department director terminated without **documented** just cause shall only receive the medical benefits which the City of Reading is required to provide any employee at the time of his/her termination.

**C. Information hearing following termination for **documented** just cause.**

- (1) Notice of termination without **documented** just cause. Any department director terminated without **documented** just cause shall be provided with a written notice of proposed termination which contains the reasons and factual basis for such action.
- (2) **Hearing.** Within seven days of receiving notice of termination, the department director may request an opportunity to respond to the reasons provided by the Mayor **and Managing Director** for his/her termination. If a request for such a hearing is made, the Mayor **and Managing Director** shall conduct a ~~meeting~~ **hearing**, which may be in form or nature, that which the department director may respond to the reasons given for his proposed termination. At such ~~meeting~~ **hearing**, the department director may be represented by an attorney of his choosing and present evidence or information relevant to the reasons and factual basis set forth in the notice of proposed termination. After such hearing, the Mayor and **Managing Director** may do one of three things: rescind the notice of proposed termination which was served upon the department director, convert the department director's termination into a termination for reasons other than just cause or maintain the termination without **documented** just cause.

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

Enacted by Council \_\_\_\_\_, 2015

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President of Council

Attest:

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City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Drafted by	City Clerk/Legal Specialist
Sponsored by/Referred by	Council President Acosta
Introduced on	June 8, 2015

**BILL NO. \_\_\_\_\_ 2015  
AN ORDINANCE**

AN ORDINANCE AMENDING CHAPTER 70 PERSONNEL OF THE CITY CODE BY ADDING A NEW PART § 70-716. ENTITLED “SEVERANCE” AND RENUMBERING THE SECTION ACCORDINGLY.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

**SECTION 1.** Amending Chapter 70 Personnel of the City Code by adding a new part § 70-716 entitled “Severance” as follows and renumbering the section accordingly.

**§ 70-716. Severance.**

**A. Definitions.** As used in this section, the following terms shall have the meanings indicated:

**CAREER EMPLOYEE** – any unrepresented management employee who has been a City employee for a minimum of four (4) years.

**CITY COUNCIL**—The elected or appointed City Council persons of the City of Reading.

**MAYOR** — The chief executive officer of the City of Reading.

**TERMINATION** — Action taken by the Mayor or the City Council which ends the employment of one or more of the aforementioned career employees.

**TERMINATION FOR DOCUMENTED JUST CAUSE**—An act of the Mayor or the City Council which ends the employment of any of the aforementioned career employees as per § 70-714

**B. Severance package.**

(1) Termination for reasons other than documented just cause. Any career employee terminated for reasons other than documented just cause shall receive a payment for three months of salary payments the career employee would have

**received, plus the career employee shall earn one month of severance for every year above three years and payment for any accrued vacation time which had been earned prior to termination.**

- (2) Termination without documented just cause. Any career employee terminated without documented just cause shall receive a payment equal to any accrued and unused vacation days as tabulated by the Administrative Services Department on the day prior to the date of termination.**
- (3) Health benefits. Any career employee terminated for a reason other than documented just cause shall receive medical benefits provided for by the City of Reading at the same level he/she was receiving on the date prior to his/her termination for a period not to exceed 180 days. Local benefits provided by the City of Reading shall cease on the 180th day following the termination of the career employee or when the career employee secures health and medical insurance through attainment of other employment, etc., whichever comes first. Any career employee terminated without documented just cause shall only receive the medical benefits which the City of Reading is required to provide any employee at the time of his/her termination.**

**C. Information hearing following termination without documented just cause.**

- (3) Notice of termination without documented just cause. Any career employee terminated without documented just cause shall be provided with a written notice of proposed termination which contains the reasons and factual basis for such action.**
- (4) Hearing. Within seven days of receiving notice of termination, the career employee may request an opportunity to respond to the reasons provided by the Mayor and Managing Director for his/her termination. If a request for such a hearing is made, the Mayor and Managing Director shall conduct a hearing which may be in form or nature, that which the career employee may respond to the reasons given for his proposed termination. At such hearing, the career employee may be represented by an attorney of his choosing and present evidence or information relevant to the reasons and factual basis set forth in the notice of proposed termination. After such hearing, the Mayor and Managing Director may do one of three things: rescind the notice of proposed termination which was served upon the career employee, convert the career employee's termination into a termination for reasons other than documented just cause or maintain the termination without documented just cause.**

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

Enacted by Council \_\_\_\_\_, 2015

\_\_\_\_\_  
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: \_\_\_\_\_

September 10, 2015

Francis G. Acosta, President  
City Council, City of Reading  
815 Washington Street  
Reading, PA 19601

Re: Reading Downtown Improvement  
District Authority

Our File No. 110324-1

Dear Mr. Acosta:

This law firm serves as Solicitor for the Reading Downtown Improvement District Authority (DID Authority). We ask that the re-establishment and re-authorization of the DID Authority be placed on the agenda for discussion at the July 27, 2015 meeting of City Council.

This has become necessary for two reasons. The DID Authority has a sunset date of December 31, 2015. If it is not re-established, the DID Authority will cease to exist. Further, under the Neighborhood Improvement District Act, under which the DID Authority was re-established in 2005, the DID is authorized as the Neighborhood Improvement District Management Association (NIDMA), to administer the programs of and services offered by the DID Authority, and this must be re-authorized in order for the work of the DID Authority to continue.

This letter shall serve as our request for: 1) the re-establishment of the current Downtown Improvement District and an expanded area described in the proposed Ordinance as a Neighborhood Improvement District, with no decrease in the current level of City services in the Downtown Improvement District area; 2) the re-authorization and re-establishment of the DID Authority as set forth in the Ordinance; and, 3) the continued designation of the Reading Downtown Improvement District Authority as the NIDMA and administrator for the Main Street Program.

If you have any questions, please feel free to contact me at any time. Thank you in advance for your attention to this matter.

Very truly yours,

KOZLOFF STOUDT

Professional Corporation

Joan E. London

/JEL

cc: Charles R. Broad, Exec. Dir., Reading DID



## Reading Downtown Improvement District

# PRELIMINARY PLAN

January 1, 2016 to December 31, 2020

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### **I. MISSION STATEMENT**

To create a vital, productive, and commercially active environment in downtown Reading.

### **II. INTRODUCTION**

The Reading Downtown Improvement District (DID) was created in 1995 in response to employees' and business owners' repeated requests for a cleaner, safer downtown Reading. For nearly twenty years Reading DID has provided services which are beyond the capabilities of the municipality and yet critical to the economic growth and success of the City of Reading. Through a special assessment, levied upon all commercial properties within the District, downtown Reading is a cleaner, safer and more inviting place to live, work and visit. Although a sunset provision included in the initial 1995 Plan limited DID authority to five years, in June of 2000 80% of eligible property owners voted in favor of a five-year extension through June 30, 2005. In 2005 eligible property owners voted in favor of a ten-year reauthorization and expansion of the DID. This year, assessed property owners will determine whether DID should continue for 5 more years. This document is the preliminary plan for Reading DID and outlines accomplishments, proposed changes and required renewal procedures.

### **III. BACKGROUND**

The Reading Downtown Improvement District Authority (RDIDA) was organized pursuant to the Business District Authority Act of 1980, an amendment to the Municipalities Authority Act of 1945. The 1980 legislation granted Business District Authorities the power to designate improvement districts within commercial areas, develop a plan for specific improvements and, with the approval of the municipal governing body, to levy special assessments to pay their costs. In January 1995, Reading City Council adopted Ordinance 134-95 establishing the Reading DID. At the time, Council recognized that the participation of such an authority downtown was "desirable for the entire City of Reading to preserve and improve the economic vitality of the central business district." Prior to Council adoption of an ordinance approving the DID Final Plan in July 1995, over 40 meetings were held with business and property owners in the DID area. The services Reading DID provides to downtown Reading were established in those meetings.

In October 2000, following an overwhelmingly favorable vote by District property owners, City Council passed Ordinance 20-2000, approving the DID Renewal Plan and extending the improvement district for a second five-year term.

In 2005 Reading DID undertook another renewal campaign in which property owners determined DID should continue, based on past performance for 10 years. The renewal expanded its territory east to City Park, north on Fifth Street to Elm Street, adding nearly 200 new properties including GoggleWorks Center for the Arts, and the new BARTA parking garage on Franklin Street. Pursuant to the Neighborhood Improvement District Act of 2000 (NID), Reading City Council restructured the DID as a Neighborhood Improvement District and the Reading Downtown Improvement District Authority as the NID Management Association (NIDMA) for the District. The familiar Reading DID name and logo remained.

Reading DID is now conducting another reauthorization campaign in which property owners will decide whether DID should continue based upon its past performance and proposed changes. Services currently provided by Reading DID will be maintained and expanded. Existing services and proposed changes are more fully described in the following sections.

#### **IV. DISTRICT DESCRIPTION**

BEGINNING at the intersection of Washington Street and North Second Street; along North Second Street to Walnut Street to North Third Street to Washington Street to Madison Avenue; to Elm Street excluding 430, 432 and 438 Elm Street; along Elm Street to Church Street to Walnut Street to Poplar Street to Washington Street to Moss Street to Court Street, excluding 906, 908, 910, 912, 914, 916, 918 and 920 Washington Street and 40 Moss Street; along Court Street to North Eleventh Street, excluding 11, 15, 17, 19, 21 and 23 North Tenth Street and 24, 22, 20, 18, 16, 14, 12, 10 and 6 North Eleventh Street; along North Eleventh Street crossing Penn Street to South Eleventh Street; along South Eleventh Street to Cherry Street to South Ninth Street, excluding 1013 Cherry Street, 25, 23, 21, 19, 17, 15, 13, 11 and 9 South Tenth Street, 915, 913, 911, 909, 907 Cherry Street, 914 rear Penn Street, and 25, 23, 21, 19, 17 and 13 South Ninth Street; along South Ninth Street to Franklin Street to South Seventh Street to Chestnut Street to Plum Street to Franklin Street, including 112 and 108 Plum and 614, 618 and 622 Franklin Street; along Franklin Street to Pearl Street excluding 514, 516, 518, 520, and 522 Franklin Street; along Pearl Street to Chestnut Street to Wood Street, excluding 521, 519, 517, 433, 431, 429, 427, 425 and 421 Chestnut Street; along Wood Street to Franklin Street to South Fourth Street to Cherry Street to Carpenter Street to South Third Street, excluding 341, 339, 337, 335, 333, 331, 329 and 327 Franklin Street and including 30 South Fourth Street; continuing along Cherry Street to South Second Street to Franklin Street, excluding 27, 25, 23, 21, 19, 17, 15, 13 and 11 South Second Street; along Franklin Street to South Front Street to North Front Street to Washington Street to North Second Street, place of BEGINNING.

#### **V. TERM**

The RDIDA will operate for five years from **January 1, 2016** through **December 31, 2020**.

#### **VI. FUNDING**

Funding for DID services comes from several sources, primarily a special assessment fee based on total property value assessments, but also cash and in-kind contributions, fee-for-special services, and marketing efforts. In 1995 the assessment fee rate was established at 3.747 mills. The rate was increased

in 2001 to 4.754 mills and renewed at that same rate in 2005. The current assessment rate of 4.754 mills is proposed to change in 2016 to 5.327 mills, which is a 12.03 % increase. Since the rate has not increased for 15 years, that is an increase of 0.8% per year.

The 2016 estimated assessment income from the 414 assessable properties in the DID will be approximately \$565,600. Of the \$325,471,900 total property assessment in the DID, \$218,212,300 or 67.04%, encompasses tax-exempt properties. Owners of these tax-exempt properties will be encouraged to provide a financial contribution or in-kind services to the DID Authority in lieu of having their properties assessed. The billing and collection of property owner assessments will be performed by the DID Authority with assistance from the City of Reading Tax Administration and Solicitor offices. All owner-occupied residential properties will be exempt from paying an assessment fee.

Reading DID has been and will continue to be aggressive in securing funds for enhanced programming and improvements through local, state and federal grants. Pennsylvania Department of Community and Economic Development grant opportunities, such as the Main Street, Elm Street, and Housing and Redevelopment Assistance programs, will be pursued. Reading DID will also seek federal Community Development Block Grant funds. No streetscape or other physical improvements are proposed.

**VII. 2016 BUDGET SUMMARY**

<b>REVENUE:</b>		<b>EXPENSES:</b>	
Assessments	\$565,600	Administration	58,250
Fees for Services/Contracts	156,750	Personnel	182,100
Tax Exempt Contributions	43,000	<b>PROGRAMS &amp; SERVICES:</b>	
		Marketing & Promotion	50,000
		Ambassador Services	475,000
		Capital Expenditures	0
<b>TOTAL REVENUE:</b>	<b>\$765,350</b>	<b>TOTAL EXPENSES:</b>	<b>\$765,350</b>

**VIII. SERVICES CURRENTLY PROVIDED BY DID:**

- **Ambassador Services** – DID has a team of Ambassadors who are focused on the areas of safety, environmental maintenance and hospitality/guide services. The Ambassadors are easily recognized by their uniforms (bright red shirts/jackets and khaki pants). These uniforms allow downtown workers, residents and visitors to quickly identify the Ambassadors should they need assistance with safety, maintenance or other related matters.

**Safety-related assignments** are carried out in a variety of ways:

- Foot patrols
- Bicycle patrols
- Segway® patrols
- Business security checks

- Parking facility patrols
- Personal safety escorts
- “Quality of Life” interactions
- Special event security
- Social service outreach and referral
- Crime prevention education
- Information sharing with law enforcement personnel

**Environmental Maintenance** – This encompasses the following:

- Manual cleaning -- broom and pan
- Mechanical cleaning – vacuum and pavement scrubbing
- Graffiti and handbill removal
- Pressure washing
- Leaf removal
- Snow and ice removal
- Weed abatement

● **Hospitality/Guide Services** – These services include:

- Furnish information
- Provide directions
- Respond to service requests

● **Special Events Planning and Implementation** – DID oversees the planning and implementation of several special events during the course of the year, including:

- Holiday Parade
- Holiday tree lighting ceremony
- MidDay Cafes
- Scarecrow contest
- Fire + Ice Fest

DID also works in conjunction with other public authorities, agencies, governmental bodies and private enterprises on a variety of projects and activities related to the improvement of downtown. Among those we partner with are:

- City of Reading Community Development Department
- City of Reading Public Works Department
- Reading Parking Authority
- Reading Redevelopment Authority
- Wyomissing Foundation
- Berks County Community Foundation
- Greater Reading Chamber of Commerce & Industry
- Go Greater Reading
- Berks Community Television
- GoggleWorks
- Berks County Commissioners
- State Representative Tom Caltagirone
- Reading Eagle Company
- Santander Arena
- Santander Performing Arts Center
- Reading Musical Foundation
- Reading Symphony Orchestra
- Reading Area Community College

- Albright College
- Alvernia University

As evidenced by our extensive involvement in the downtown community, DID is deeply committed to the improvement and revitalization of downtown Reading. With the generous financial support from private benefactors, we can continue and expand on this mission now and in the future.

## **IX. SUMMARY OF 2014 ACTIVITIES**

2014 was a busy year for the Reading Downtown Improvement District (DID). From increased activity involving the Reading Main Street Program to planning a first-ever Fire + Ice Fest, DID was intently focused on programs and projects to rejuvenate downtown Reading.

Here's a summary of major activities for the year:

- **Main Street Program** – DID was designated as an accredited *National Main Street Program* for meeting the commercial district revitalization performance standards set by the National Main Street Center®, a subsidiary of the National Trust for Historic Preservation.

In addition, the Reading Main Street Board of Directors began meeting starting in August. The board is chaired by Jack Gulati, a local entrepreneur who has operated a variety of businesses and who currently owns the Reading Royals hockey team. Other board members are Ellen Horan, President and CEO of the Greater Reading Chamber of Commerce & Industry; Sean Moretti, who owns Destination Realty, LLC in Reading and is also a real estate broker; Brian Fichthorn, who is a financial project manager with Brentwood Industries and board president of Genesius Theatre; and John Kramer, Director Emeritus of the Center for Community Leadership at Albright College.

As part of the Main Street Program's initiatives, informational meetings were held with downtown business owners to make them aware of various benefits – including grant funding for physical improvements and marketing – that are part of the program. Special workshops were also held to assist business owners with such things as proper signage and creation of marketing plans.

**Ambassadors in Action** – DID's Ambassadors were on the go throughout the year, starting with January's harsh winter weather. Several storms kept the squad busy well into March with snow and ice removal. Ongoing efforts at trash removal yielded 20,572 bags of trash for the year, along with 4,518 bags of leaves that were collected within the District's boundaries between September and November.

As always, workers and residents in downtown Reading took advantage of the Ambassador service of escorting them to and from their vehicles. Nearly 500 calls were responded to during 2014. In addition, the Ambassadors checked in daily with dozens of businesses within the District as part of DID's business safety and awareness program. Those numbers totaled almost 14,000 for the year, which doesn't include 8,307 checks of Reading Parking Authority facilities.

Other duties performed by the Ambassador team included setup and tear-down during MidDay Cafes and special events, such as the first Scarecrow Contest that was held in the fall and Cups of Compassion that was conducted in December.

**Reading Fire + Ice Fest** – Planning for this major winter-time event began in the fall and carried through until the festival was held January 16-18, 2015 between the 400 and 600 blocks of Penn Street.

Funding for this first-ever event was provided in large part by a generous grant from the Hawley and Myrtle Quire Fund of the Berks County Community Foundation. Major support was also provided by the Reading Eagle Company and WEEU; Greater Reading Chamber of Commerce & Industry, Abraham Lincoln Hotel; the City of Reading; and Dean Frymoyer LLC. Several local companies also sponsored ice sculptures.

- Hundreds of people attended the festival, which featured ice carving exhibitions and competitions, large interactive ice sculptures, live music on stage at Fifth and Penn streets, a chili cook-off, and an informal Snowfall Ball. Based on feedback from the public, Reading Fire + Ice Fest was an unqualified success, and DID hopes to secure funding to hold the festival in 2016.
- **MidDay Cafes, Reading Holiday Parade, Holiday Tree Lighting Ceremony, Scarecrow Contest** – All of these are DID-sponsored annual events, except the Scarecrow Contest, which was held for the first time and attracted a lot of public and news media attention. Plans are to hold the contest again this fall and expand it to include more entries and additional autumn decorations. The other events attracted hundreds of participants and attendees to downtown Reading.
- **DID Newsletter** – Dormant for several years, the DID newsletter was revived and renamed “Destination: Downtown Reading!” The publication is distributed twice a month in print and electronic form, and features a variety of articles, including the latest happenings downtown and profiles of businesses in the District.

## **X. VISION**

As we move forward, the Reading Downtown Improvement District sees tremendous opportunity for rejuvenation of the city’s commercial core. There already are several urban amenities and organizations, in addition to DID, in place that position the city to achieve a greater level of economic prosperity and vitality. It’s a matter of “connecting the dots” to get to the next level and beyond.

Our focus will continue to be on the core mission of Safe, Clean and Green. At the same time, we would like to share a broader vision for downtown Reading and hope to play a key part in making that vision a reality by providing a physical environment that promotes change.

Studies have shown that vibrant downtowns are the focal point of the community at large and both draw in visitors and encourage them to explore neighboring points of interest and activity. That’s why it’s so important to re-invigorate downtown Reading, which ultimately will be to the benefit of outlying communities in Berks County.

From an arts, entertainment and education perspective, downtown Reading is experiencing a resurgence to some degree with impressive venues such as GoggleWorks Center for the Arts, IMAX theaters, The Miller Center for the Arts, Santander Arena, and Santander Performing Arts Center. There are two notable hotels – the history-steeped Abraham Lincoln Hotel and the soon-to-open DoubleTree Hotel. The downtown landscape is rich with restaurants both large and small, including The Peanut Bar, Judy’s on Cherry, Panevino’s, Outside In, Mi Casa Su Casa, Pauline’s Soups, Russo’s Pizza, and many more. Housing opportunities include Manor at Market Square to Washington Towers to GoggleWorks Apartments. Downtown is also home to major private employers such as Santander Bank and Wells Fargo Bank, as well as county and state employers.

But there’s no room to sit on the laurels of this success. Much more can, and needs, to be accomplished. We envision downtown as being a vibrant marketplace, neighborhood, business center and public gathering space for the people of Greater Reading. The public streets and courtyards will be bustling with organized events, street vendors, outdoor cafes and sidewalk sales. New residential construction will add to this buzz and create a great environment for evening activities and entertainment at the previously mentioned facilities, not to mention new ones that will open as a result of this revival. Property owners will upgrade existing retail spaces, and entrepreneurs will be drawn to downtown to create new office space, which in turn will attract a larger number of employees.

Key to this vision is a cohesive collaboration between private and public entities. Strong alliances between businesses and local governing bodies are crucial to success. Other elements that will play a critical role in the revival include:

- Attracting people to live downtown. Across the nation, there exists concrete evidence that shows downtown residents spur economic activity in areas where they live. From restaurants to clothing stores to cultural/entertainment venues, these residents are in need of businesses and attractions that are conveniently located and within walking distance of their homes. Housing should be made available for professionals who have expendable income and are looking to spend their money in the neighborhoods where they reside.

Recent research in North Carolina found that for every unit of housing added to a downtown, between \$7,000 and \$19,000 of investment downtown is generated just in spending by that resident.

- Make downtown more pedestrian friendly. This needs to be a high priority. A sense of place is best experienced on foot. One cannot appreciate the amenities offered by a downtown while sitting in a vehicle. If sidewalks are well lit and perceived as safe and comfortable, it makes the downtown a desirable, appealing place. This leads to more human activity and in turn attracts even more activity, since people are drawn to lively places. It’s especially important to create this pedestrian-appealing environment so that those working downtown will be more inclined to remain in the area after work and enjoy all that it has to offer, from interesting boutiques and specialty shops to appealing restaurants and cafes.
- Better use of open public spaces. These include Penn Square, along the riverfront, City Park, and several spacious courtyards such as the one at Sixth and Penn streets. From music fests to art shows, these spaces are superb locations to stage numerous events and activities and increase pedestrian traffic and community interaction.

- A more concerted effort is needed between public and private entities to attract new businesses downtown and fill in the vacant gaps that currently exist. A stronger retail base is necessary, along with new employers both large and small.
- Establishment of high speed rail service between Philadelphia to Reading should be a priority. This goes hand-in-hand with the first element of attracting people to live downtown. Such service would encourage professionals from the Philadelphia environs to reside in the downtown Reading area, where housing and cost of living would be significantly less than in Philadelphia.
- The city needs to build upon its cultural and arts opportunities and venues. Numerous studies have shown that a direct correlation exists between these offerings and the vibrancy of a downtown's commercial core. The recent announcement of a five-year deal to bring an international arts conference to the GoggleWorks is a great opportunity for the downtown and hopefully will spur more activity in the future.
- A robust façade improvement program is necessary to bolster the outward appearance of the commercial corridor. Attractive facades will create a more inviting, effervescent atmosphere for the downtown and have proven to increase retail and business traffic.

Elevating downtown Reading to greater levels of economic prosperity is going to take time and patience. But it also demands intense focus, drive and determination on the part of both public and private enterprise, as well as a cohesive approach and a unified vision for the future. We're confident all of this can be achieved for the greater good of downtown.

## **XI. PROCEDURE/TIMELINE**

Reading DID will follow a similar process (outlined below) for this restructuring as for the previous renewal in 2005. Only legal owners of assessed properties within the district will be eligible to approve the five-year Reading DID plan.

1. RDIDA prepared and mailed preliminary plan; Reading City Council will adopt restructuring ordinance and services agreement with City of Reading for renewal period.
2. Advertise and hold public hearing(s) for preliminary plan.
3. Prepare and mail final plan; advertise and hold public hearing for final plan. Begin 45 day voting period.
4. Reading City Council adopts Ordinance approving final plan. A negative vote by 40% or more of eligible property owners is required to defeat the renewal of Reading DID. An objection shall be registered in writing, signed by the property owner, with the Reading City Clerk within 45 days of the presentation of the final plan. Each eligible property owner shall be entitled to one vote for each parcel of land owned.

## **XII. TESTIMONIALS**

"I must let you know how fantastic your entire staff is and how they make a difference in downtown Reading. I work for Santander Bank at 601 Penn Street and have worked at that building and the building at the corner of 6<sup>th</sup> & Washington for 30 years and am so proud and grateful of how your staff does their best to keep the areas safe and clean for all of us.

As I was leaving 601 around 7:30 last night, Charles Hunt (I hope I remembered his name correctly) was sweeping up trash (mostly cigarette butts) and the guy had a huge smile on his face and

pleasantly said “Good evening – have a great rest of your day.” I thanked him for that and for keeping our city clean. Well, after my long day, he made mine!”

**Julie Santers – Senior Vice President in the Compliance Risk Management Department at Santander Bank**

“We’re very fortunate at Mi Casa Su Casa to have the Reading Downtown Improvement District as a ‘business partner.’ DID has given us so many opportunities to promote and expand our restaurant business. And we can’t say enough about the cleaning and safety services offered by the DID Ambassadors. Downtown Reading is very fortunate to have such an active organization supporting the commercial community.”

**Johanny Cepeda, Owner, Mi Casa Su Casa Café (restaurant located at 320 Penn Street)**

“I have recently taken the bold move to relocate my business from Wyomissing to Downtown Reading. Upon request, I had the pleasure of meeting Chuck Broad and Carl Brown of the Reading Downtown Improvement District. They were able to address my primary concern of safety by describing the Ambassador Program. They also provided a wealth of information about the services and programs that the DID perform for the City of Reading. In turn, I was able to relay this information to my customer base and by doing so I was able to retain a customer who was thinking of leaving me due to their perception of safety.

As a business owner, I appreciated the care and attention that the DID not only gave to me and my business but I also appreciate what they are doing for the City of Reading. I am grateful to have this resource available to me as a business owner in downtown Reading.”

**Toni Reece, President, The PEOPLE Academy, Inc. and Founder of The PEOPLE Chronicles**

**XIII. LIST OF PROPERTIES**

See attached.

Drafted by	DID Solicitor
Sponsored by/Referred by	Council President
Introduced on	July 27, 2015
Advertised on	August 3, 2015

CITY COUNCIL OF THE CITY OF READING

BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_ 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AMENDING BILL NO. 41-2005, TO AUTHORIZE THE RE-ESTABLISHMENT OF THE "CITY OF READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY," PURSUANT TO THE NEIGHBORHOOD IMPROVEMENT DISTRICT ACT, 73 P.S. SECTION 831, *ET SEQ.*; RE-ESTABLISHING THE DOWNTOWN IMPROVEMENT DISTRICT AND ITS BOUNDARIES, APPOINTING THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY AS THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION AND AS PROVIDER OF MANAGERIAL AND ADMINISTRATIVE SERVICES FOR THE CITY MAIN STREET PROGRAM, ESTABLISHING A LIMITATION FOR ITS EXISTENCE, AUTHORIZING ASSESSMENTS, AND ESTABLISHING A COLLECTION PROCEDURE FOR LIENS, AND PROVIDING FOR A REPEALER

WHEREAS, the City Council of the City of Reading, Berks County, Pennsylvania, finds that the owners of properties including business, professional, commercial and residential properties in the core business district of the City of Reading desire a downtown that is attractive, clean, safe and friendly to residents, visitors and business invitees;

WHEREAS, the Commonwealth of Pennsylvania has adopted enabling legislation, specifically the Neighborhood Improvement District Act, 73 P.S. § 831, Act No. 2000-130, authorizing the creation of Neighborhood Improvement Districts to enable property owners in neighborhoods to provide services to their neighborhoods that supplement municipal services otherwise provided.

WHEREAS, the Neighborhood Improvement District Act provides for the assessment of property owners within the Neighborhood Improvement District to pay for those additional services;

WHEREAS, the current Downtown Improvement District Authority for the City of Reading, established pursuant to the Municipality Authorities Act of 1945, P.L. 382, No. 164, as amended, and Ordinance No. 41-2005, was re-authorized on July 1, 2005;

WHEREAS, the current Downtown Improvement District Authority for the City of Reading will terminate on December 31, 2015, pursuant to the sunset provision in its enabling Ordinance, unless it is re-authorized by the City Council;

WHEREAS, during the current period of the existence of the Downtown Improvement District Authority, the City Council established the Reading Main Street Program with support from the Pennsylvania Department of Community and Economic Development and the Pennsylvania Downtown Center under Ordinance No. 95-2010 for the purpose of elimination of blight and economic revitalization of Downtown Reading;

WHEREAS, by Ordinance No. 5-2013, City Council authorized the Reading Downtown Improvement District Authority Board to exercise fiduciary and administrative oversight over the Reading Main Street Program and authorized the Executive Director of the Reading Downtown Improvement District to act as the Program Manager for the Reading Main Street Program; and,

WHEREAS, the City Council of the City of Reading believes that the re-authorization and re-establishment of the Reading Downtown Improvement District Authority, with the Reading Downtown Improvement District Authority serving as the Neighborhood Improvement District Management Association for the Downtown Improvement District and as the provider of fiduciary and administrative oversight and as Program Manager for the Reading Main Street Program, is necessary and desirable to strengthen the downtown and improve the probability of success of businesses and the preservation of the amenities of life for residents and commercial occupants within the Downtown Improvement District.

**NOW THEREFORE BE IT ENACTED AND ORDAINED** by the City Council of the City of Reading, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Re-Establishment of the Reading Downtown Improvement District Authority.

The Reading Downtown Improvement District Authority (“Authority”), originally established by Ordinance No. 41-2005, titled “An Ordinance Authorizing the City of Reading to Organize an Authority to be Known as the “Reading Downtown Improvement District Authority,” and as amended (which amendments are incorporated by reference) is hereby re-established pursuant to the Municipality Authorities Act and the Neighborhood Improvement District Act, pursuant to the terms set forth herein.

SECTION 2. Re-Establishment of Neighborhood Improvement District. As authorized by Act 2000-130, 73 P.S. § 831 *et seq.* known as the Neighborhood Improvement District Act of 2000 (hereinafter the “Act”), Authority, as re-established, shall be organized and exist for the purposes of providing cleaning, maintenance, and security, as well as other services as authorized, in the area described hereinbelow, which shall be known as the “Reading Downtown Improvement District” (“District”):

BEGINNING at the intersection of Washington Street and North Second Street; along North Second Street to Walnut Street to North Third Street to Washington Street to Madison Avenue; to Elm Street excluding 430, 432 and 438 Elm Street; along Elm Street to Church Street to Walnut Street to Poplar Street to Washington Street to Moss Street to Court Street, excluding 906, 908, 910, 912, 914, 916, 918 and 920 Washington Street and 40 Moss Street; along Court Street to North Eleventh Street, excluding 11, 15, 17, 19, 21 and 23 North Tenth Street and 24, 22, 20, 18, 16, 14, 12, 10 and 6 North Eleventh Street; along North Eleventh Street crossing Penn Street to South Eleventh Street; along South Eleventh Street to Cherry Street to South Ninth Street, excluding 1013 Cherry Street, 25, 23, 21, 19, 17, 15, 13, 11 and 9 South Tenth Street, 915, 913, 911, 909, 907 Cherry Street, 914 rear Penn Street, and 25, 23, 21, 19, 17 and 13 South Ninth Street; along South Ninth Street to Franklin Street to South Seventh Street to Chestnut Street to Plum Street to Franklin Street, including 112 and 108 Plum and 614, 618 and 622 Franklin Street; along Franklin Street to Pearl Street excluding 514, 516, 518, 520, and 522 Franklin Street; along Pearl Street to Chestnut Street to Wood Street, excluding 521, 519, 517, 433, 431, 429, 427, 425 and 421 Chestnut Street; along Wood Street to Franklin Street to South Fourth Street to Cherry Street to Carpenter Street to South Third Street, excluding 341, 339, 337, 335, 333, 331, 329 and 327 Franklin Street and including 30 South Fourth Street; continuing along Cherry Street to South Second Street to Franklin Street, excluding 27, 25, 23, 21, 19, 17, 15, 13 and 11 South Second Street; along Franklin Street to South Front Street to North Front Street to Washington Street to North Second Street, place of BEGINNING.

A map showing the general boundaries, site, and situation of the proposed District is attached hereto, incorporated herein, and marked as Exhibit "A".

The Authority may recommend to City Council more specific boundaries of the designated District. The Authority shall have the authority to develop and make business improvements and provide administrative services, including additional security, cleaning and maintenance, marketing, and other management services. The Authority shall have the authority to impose an assessment on each benefited property in the designated district described in this Section.

SECTION 3. Responsibilities of the Reading Downtown Improvement District Authority. The responsibilities of the Reading Downtown Improvement District Authority shall be to facilitate a "Clean and Safe" Downtown, as set forth in the Final Plan for the Downtown Improvement District, which will be attached hereto, incorporated herein, and marked as Exhibit "B" and the Municipal Services Agreement between the City and the Reading Downtown Improvement District Authority, which will be attached hereto, incorporated herein, and marked as Exhibit "C." The Board of Directors of the Reading Downtown Improvement District Authority shall continue to provide fiduciary and administrative oversight to the Reading Main Street Program, and the Executive Director of the Reading Downtown Improvement District shall continue to serve as Program Manager for the Reading Main Street Program, all for compensation as set forth in the attached Municipal Services Agreement, and any amendments thereto.

SECTION 4. Authorization of City Solicitor. The City Solicitor is authorized and directed to cause notice of this Ordinance to be published to the extent required by and in accordance with the Neighborhood Improvement District Act and the Municipality Authorities Act. The Authority and its Solicitor are further authorized and directed to take all steps necessary for the filing, in accordance with the Neighborhood Improvement District Act and the Municipality Authorities Act, of amendments to the Articles of Incorporation of the Authority and By-Laws of the Authority as required by the Neighborhood Improvement District Act, the Municipality Authorities Act, or other applicable law.

SECTION 5. Management. The Authority, an existing municipal authority established pursuant to the Act of May 2, 1945 (P.L. 382, No. 164, known as the Municipality Authorities Act of 1945), shall be re-authorized, and shall be appointed as Neighborhood Improvement District Management Association of the City of Reading Downtown Improvement District and authorized to exercise all powers provided

for in Section 7 of the Act, 73 P.S. § 837, provided that the Final Plan for the District is approved by City Council after notice to the public and public hearings.

SECTION 6. Levy of Special Assessment. In accordance with the provisions of Sections (4) (5) and (10) of the Act, 73 P.S. § 834 (5) and (10), an assessment fee shall be imposed on all non-excluded properties located within the boundaries of the District provided that the Final Plan for the District is approved by City Council after notice to the public and public hearings.

(a) Amount and Method of Assessment. The assessment shall be made as of January 1, 2016, and is based on the cost estimates provided in the Final Plan of the Reading Downtown Improvement District and shall be as follows:

(1) Commercial properties, industrial properties, and commercial apartment buildings within the District shall be assessed at the rate of five and three hundred twenty seven one thousandth (5.327) mills for each one thousand dollars of assessed value as set by the Berks County Assessment Office.

(2) Owner-occupied residential properties shall be excluded from the payment of the special property assessment provided such properties are carried as "Residential" in the assessment records for the County of Berks, Commonwealth of Pennsylvania.

(3) Tax-exempt property owners within the District shall be allowed and encouraged to provide in-kind services or a financial contribution to the Authority in lieu of assessment.

(b) Payment of Assessment. Payment of the entirety of the assessment, beginning with sums due on January 1, 2016 and each January 1 of each year thereafter, shall be due no later than sixty (60) days following the date of mailing of the notice of assessment.

(c) Liens. Assessments shall constitute liens and encumbrances upon the assessed property and shall be collectable in accordance with the provisions of Section 7(d) of the Act, 73 P.S. § 837 (d) and in general may be

collected in the same manner as municipal tax claims notwithstanding the provision of this section as to installment payments.

(d) Delinquent Payment of Assessments. In the event of delinquency or failure to remit assessments, the property shall be subject to lien and the property owner shall be additionally assessed for costs of collection, interest at a rate of ten percent (10%) per annum, as authorized by the Municipal Claims and Tax Liens Law, and counsel fees.

SECTION 7. Collection of Assessments. The Authority is designated as the collector for assessments provided for herein.

SECTION 8. Sunset Provision.

(a) The Authority shall automatically terminate on December 31, 2020, unless continued or extended by subsequent action of the City Council of the City of Reading in accordance with the provisions of the Act, 73 P.S. § 830, *et seq.*

(b) In the event of termination, all property of the Authority shall pass to the City of Reading and the District shall cease to exist.

SECTION 9. Municipal Services Agreement. An agreement shall be prepared and approved by between the City Council of the City of Reading and the Board of the Authority which will govern respective specific powers, duties and responsibilities of the City of Reading and the Authority. This Services Agreement shall be attached to this Ordinance as Exhibit "C" and shall be hereby incorporated by reference as though the same were set forth herein at length.

SECTION 10. No Reduction in Services. The City of Reading shall in no way reduce or suspend the current level of services currently being provided to the geographic area of the District as a result of the re-establishment of the Authority. Services provided by the Authority shall be in addition to services provided by the City of Reading. The Authority shall periodically monitor the quantity and quality of City services outlined in the agreement.

SECTION 11. Severability. If any sentence, clause, section or part of this Part is for any reason found to be illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections of this Part. It is hereby declared to be the intent of the City Council of the City of Reading that this Part would have been adopted had such illegal, invalid or unconstitutional sentence, clause, section or part thereof not been included therein.

SECTION 12. Contingency of Final Plan Approval. This Ordinance shall take effect immediately, however, the existence of the Authority shall cease in the event the plan for the District, as put forth by the Authority is not approved after public review, as required by the Act. This Ordinance shall be null and void, and of no legal force or effect unless the Final Plan for the District is approved by the City Council and property owners within the above-described area encompassing the District, in accordance with applicable law, including but not limited to the Neighborhood Improvement District Act.

SECTION 13. Repealer. 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 14. Effective Date. The within ordinance shall take effect immediately upon adoption and approval by the Mayor.

DULY ENACTED AND ORDAINED by the City Council of the City of Reading, Berks County, Pennsylvania, in lawful session duly assembled, this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF READING, BERKS COUNTY, PA

\_\_\_\_\_  
Francis G. Acosta, Council President

Attest:

\_\_\_\_\_(SEAL)

Linda A. Kelleher, City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**AGREEMENT BY AND BETWEEN  
THE CITY OF READING AND  
THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY**

THIS AGREEMENT, entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between THE CITY OF READING, a Pennsylvania Municipal Corporation, organized as a City of the Third Class pursuant to the Pennsylvania Third Class City Code, having its principal offices located at 815 Washington Street, Reading, Berks County, Pennsylvania (hereinafter referred to as the "City");

AND

THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY, a Pennsylvania Municipal Authority, organized pursuant to the Pennsylvania Municipality Authorities Act and the Pennsylvania Neighborhood Improvement District Act, having its principal offices located at 645 Penn Street, Fifth Floor, Reading, Berks County, Pennsylvania (hereinafter referred to as the "DID Authority" or the "DID").

**BACKGROUND**

WHEREAS, the DID Authority was organized by the City pursuant to Bill No. 134-94, adopted on January 11, 1995 which authorized the City to organize an Authority for the purpose of making business improvements and providing administrative services to the central business district of the City, to be known as the "Reading Downtown Improvement District" (hereinafter referred to as the "DID"), as authorized by the Business Improvement District Act ("BID Act") then in effect;

WHEREAS, the DID Authority was renewed and reauthorized in 2000 under the BID Act, and renewed and reauthorized again in 2005, under the Neighborhood Improvement District Act (“NID Act”), which superseded the BID Act, and now has a sunset date of December 31, 2015;

WHEREAS, pursuant to the NID Act and the terms of its 2005 renewal, the DID Authority was authorized to act at the Neighborhood Improvement District Management Association (“NIDMA”) for the DID;

WHEREAS, the City, by the adoption of Ordinance No. 95-2010 on November 22, 2010, established the “Reading Main Street Program” with support from the Commonwealth of Pennsylvania, Department of Community and Economic Development and the Pennsylvania Downtown Center, for purposes of elimination of blight, and economic revitalization in the Downtown area of the City;

WHEREAS, in 2013, by Ordinance No. 5-2013, City Council authorized the Board of Directors of the DID Authority to exercise fiduciary and administrative oversight over the Reading Main Street Program, and authorized the Executive Director of the DID to serve as the Program Manager for the Reading Main Street Program;

WHEREAS, the DID Authority now requests a) the re-establishment and re-authorization of the DID Authority for another five (5) year period, until December 31, 2020; b) the authorization of the DID Authority to continue to act as the NIDMA for the DID, and c) the authorization of the DID Authority to continue to exercise fiduciary and administrative oversight of the Reading Main Street Program, and for the DID Executive Director to continue to serve as Program Manager for the Reading Main Street Program;

WHEREAS, the City and the DID Authority are taking the steps required by the Municipality Authorities Act and the NID Act to re-establish the DID Authority; expand the DID, and authorize the DID Authority to act as the NIDMA and continue to exercise fiduciary, administrative oversight, and program management, for the Reading Main Street Program; and,

WHEREAS, the NID Act requires that an agreement be entered into between the governing body and the NIDMA setting forth the respective duties and responsibilities of the respective parties.

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

**I. CITY RESPONSIBILITIES**

1. **Maintenance of Base Level of Services.** The City shall maintain the present base level of services within the DID boundary area. The City will not reduce the base level of services contained in this Agreement from its current level of services.

2. **Billing and Collection Services.**

a) While the DID Authority has its own billing and collection program for the billing and collection of property owner assessments, the Administrative Services Department will assist the DID Authority with all matters relating to property ownership and tax information regarding properties within the DID Authority boundary area.

b) In the event that it is requested in writing by the DID Authority, the City shall be responsible for the collection of all property assessment fees levied upon property owners in the DID. In the absence of such a request, the DID Authority shall be responsible for billing and collection of property owner assessments.

### 3. **Police Services**

a) The Police Department will cooperate and work with the DID Authority in coordinating, implementing, and monitoring the DID Security Program, to efficiently utilize and maximize the resources of both the Police and the DID Authority. This shall include, but not be limited to:

i. identification and utilization of supervisory personnel in the Police Department to serve as liaison(s) with and communicate with DID supervisors and safety personnel;

ii. meeting with DID supervisors and safety personnel periodically and as needed to share information regarding crime reports and to suggest deployment strategies; and,

iii. allowing talk-group(s) on the existing City radio system to be used for DID Authority personnel.

4. **Other Services.** The following are additional services or activities carried out by one or more departments of the City of Reading that will be continued:

a) **Traffic Control** – The City will provide traffic control services (e.g., police, barricades, etc.) at the request of the DID Authority, and as deemed necessary by the Police.

b) **Hanging of Banners** – The DID Authority may purchase street banners to fit the existing hardware installed by the City throughout the DID boundary area. The City will hang and remove banners within the boundaries at no cost to the DID Authority.

c) **Holiday Tree** – The City currently purchases, installs, and decorates a tree for the holidays at the corner of Fifth and Penn Streets.

d) **Holiday Lights** – The City currently installs, but does not purchase, white holiday lighting in the 100 block of North Fifth Street and in the 00 and 100 blocks of North Ninth Street.

## II. **DID AUTHORITY RESPONSIBILITIES**

1. **Replacement of Services Previously Provided by the City.** The DID Authority will, as set forth in the Agreement of August 30, 1995, provide the following cleaning services in replacement of services previously provided by the City in the area known as “Penn Square” (Penn Street between Fourth and Sixth Streets), the area known as “Courtyard One” (located between 601 and 645 Penn Street), the area known as “Courtyard Two” (located between the Wachovia Building at Sixth and Penn Streets and the State Office Building located at Sixth and Cherry Streets) and the area known as “Market

Square Plaza” (located at 824 to 840 Penn Street). All of these areas shall be referred to collectively as the (“Project Area”):

a) Manual Sweeping/Vacuuming, and Maintenance - Trained daytime employees, wearing uniforms, name tags, radios, and carrying information packets shall walk through the Project Area and, on a daily basis:

- i) broom clean and vacuum with hand operated vacuum equipment sidewalks and gutter areas;
- ii) remove litter from planters, tree pits, and building stairwells;
- iii) clean up in and around bus shelters; and,
- iv) empty trash receptacles two to three times per day, or as needed.

b) Snow and Ice Removal - After periods of snowfall, DID personnel shall apply an anti-skid or ice melter (to be supplied by the City) **as set forth in Section 2(b)(viii) of this Agreement.**

2. **DID Services Over and Above City Services.** The DID Authority will, as set forth in the Agreement of August 30, 1995, provide the following services over and above City services in the DID Area and in the Project Area:

a) Ambassador Services - Personnel wearing uniforms, name tags, radios, and carrying information packets shall circulate on foot and on bicycles through the DID area from 7:00 a.m. to 10:30 p.m. weekdays, 8:30 a.m. to 5:00 p.m. on Saturday, on special occasions as directed by the DID Authority, and, on a daily basis:

- i) serve as additional visible security enhancements and as “eyes and ears” for the Police, including foot, bicycle, and Segway™ patrols of streets and parking facilities in the DID area;
- ii) serve as goodwill representatives of Downtown Reading, politely and courteously meeting and greeting visitors and supplying information and directions; and,
- iii) conducting business security checks;
- iv) providing security for special events;
- v) crime prevention education;
- vi) respond to requests for assistance by property and business owners, residents, visitors, the Reading Police, and other City Departments, including

encouraging loiterers to move on to another location, and referrals to police and social service agencies as needed.

b) Cleaning and Maintenance – Personnel wearing uniforms, name tags, radios, and carrying information packets shall:

- i) broom clean and vacuum with hand operated and mechanized vacuum equipment sidewalks and gutter areas;
- ii) remove litter from planters, tree pits, and building stairwells;
- iii) clean up in and around bus shelters;
- iv) empty trash receptacles two to three times per day, or as needed;
- v) perform mechanized sweeping and vacuuming throughout the DID area at a minimum three days per week (weather permitting);
- vi) steam clean/pressure wash the area between Fifth and Sixth Streets along Penn Street a minimum of two times per year;
- vii) remove graffiti and handbills from public and private properties within the DID, as needed;
- viii) after periods of snowfall, shovel sidewalks at intersections, handicap ramps, and at pedestrian crosswalk areas, and apply an anti-skid agent or rock salt (to be supplied by the City); and,
- ix) leaf removal.

c) Marketing and Promotional Services – Personnel shall provide marketing and promotional services to property owners, merchants, employees and visitors in the downtown, including but not limited to:

- i) presenting Mid-Day Café events annually each summer, and other seasonal special events as may be determined appropriate; and
- ii) sponsoring and organizing the annual Holiday Parade and Tree Lighting ceremony.

**d) Event Coordination. The DID shall serve as the coordinator of events in the DID Area. The City, the DID Executive Director, and the organizer of any public event in the DID Area shall hold a coordination meeting to avoid conflicts in scheduling and resource utilization prior to the issuance of permits for such event(s) by the City.**

**e) Self-Service Vending Boxes. The DID shall regulate the location and condition of all self-service vending boxes for newspapers, circulars, and pamphlets located in the DID**

**Area. The City shall assist as needed with enforcement and the initiation of or cooperation in prosecution with respect to such boxes in the DID Area.**

**3. Scope of Work by DID**

a) Refuse Disposal – Refuse generated by cleaning services of DID personnel, including refuse from trash receptacles, refuse materials collected by manual sweeping vacuuming, and refuse from mechanical sweeping/vacuuming will be accepted by the City for disposal through the Department of Public Works. The City of Reading shall collect refuse from one designated collection location in the following manner:

i) Litter can bag liners – The DID will discard in containers located at Thirteenth and Walnut Streets. The City shall empty this container Mondays, Wednesdays and Fridays. No refuse shall remain on the street or sidewalk in the DID once it has been removed. The City shall empty these containers Mondays, Wednesdays and Fridays.

ii) Mechanical sweeping refuse – DID will discard in containers located at Thirteenth and Walnut Streets. The City shall empty these containers Mondays, Wednesdays and Fridays.

b) Application of Herbicide

i) DID shall be responsible to keep cracks weed free at all times in the area between the curb line and the building line or between the curb line and the inside edge of the sidewalk, including tree pits. All cracks within this area shall be weed free.

ii) DID shall remove, either mechanically or by hand, all existing weeds from within the above-designated areas. DID shall bag and dispose of all weeds and debris.

iii) After removal of weeds, DID shall treat designated areas with weed killer as necessary. DID is responsible for the control of weeds on a regular basis throughout the year. Frequency of treatment shall be determined by DID as needed to control the growth and appearance of new weeds. Regular maintenance shall be performed to deter the growth of new weeds and treat or remove any new weeds as they appear. DID shall maintain area in weed-free condition at all times.

iv) Application of all weed killers shall be made by the State Certified Applicator. Applications shall be made in accordance with manufacturers' recommended rates and conditions.

v) DID shall take necessary precautions not to damage any plants, trees, or planter areas. Treated areas shall be limited to weeds growing in cracks only.

vi) DID shall make chemical/herbicide applications at a time to prevent exposure of pedestrians to products used in the treatment of weeds.

c) Escort Service - DID Authority Ambassadors shall provide escort service to and from area parking garages from 7:00 a.m. to 10:30 p.m. weekdays, 8:30 a.m. to 5:00 p.m. on Saturday, and by special arrangement. Ambassadors make daily checks to businesses in the DID area.

d) Marketing Service - DID will maintain an inventory of businesses and available real estate within the downtown area. No less than four newsletters will be published annually promoting downtown shops, restaurants and events. The Downtown Reading website will be kept updated as necessary.

e) Management and Administration of the Reading Main Street Program - The City has received a Keystone Communities/Main Street designation from the Commonwealth of Pennsylvania, Department of Community and Economic Development, geared towards the revitalization of Downtown Reading. The vision of the Reading Main Street Program is to be achieved through the cooperative efforts of City government, non-profit organizations, businesses, private developers, and volunteers to implement design; promotion; economic restructuring; and safe, clean and green initiatives. These efforts will be led by the Reading Main Street program as administered by the DID Authority. The DID Authority Board, as described in Ordinance No. 5-2013, shall provide fiduciary and administrative oversight of the Reading Main Street Program. The DID Executive Director shall manage and administer the Main Street Program, including attendance at Main Street Board meetings, preparation of reports, budgeting, and approval of program expenditures and other tasks as shall be determined by the DID Authority and Main Street Boards. The DID Authority shall be compensated by the City for these services to the Reading Main Street Program as set forth in Paragraph 4(b) of this Section II.

**4. Payment to DID Authority:**

a) Replacement Services/Services Over and Above City Services. The City agrees to pay the DID Authority the following sums of One Hundred Thousand Dollars and 00/100 (\$100,000.00) per year for "Replacement Services" and "Services Over and Above City Services." Disbursement of these funds will be one time per month, of one twelfth (1/12) of the total amount, which is Eight Thousand Three Hundred Thirty Three Dollars and Thirty Three Cents (\$8,333.33) per month.

b) Reading Main Street Program. The payment described in Paragraph 4(a) of this Section II, above, shall be independent of payment for services rendered by the DID Authority in its capacity as providing fiduciary and administrative oversight and Program Management Services for the Reading Main Street Program. For the services to the Reading Main Street Program, the DID Authority shall receive the sum of Fifty Thousand Dollars and 00/100 (\$50,000.00) per year, with disbursement of these funds one time per month of one twelfth (1/12) of the total amount, which is Four Thousand One Hundred Sixty Six Dollars and Sixty Six Cents (\$4,166.66) per month.

**III. CONTRACT TIME FRAME**

The contract between the City and the DID Authority will commence January 1, 2016 and terminate December 31, 2020. The contract shall remain in force for the full term of the Reading DID Authority unless either party serves sixty (60) days' notice of termination.

**IV. INDEMNIFICATION**

The DID will hold the City harmless and indemnify against all claims and losses directly related to the performance of the DID of duties under this Agreement, except matters involving negligent or intentional acts and/or omissions by the City, its officials, agents, contractors, and employees.

The City will hold the DID harmless and indemnify against all claims and losses directly related to the performance of the City of duties under this Agreement, except matters involving negligent or intentional acts and/or omissions by the DID, its officials, agents, contractors, and employees.

**V. CITY LIASION**

The DID Authority will communicate with and update the Chief of Police, the Director of Public Works, The Executive Director of the Recreation Commission, or such other person as the City shall designate in writing of issues of safety and cleaning as appropriate.

**VI. FAILURE TO PERFORM REQUIRED SERVICES**

In the event that either party fails to perform the services contained in this Agreement, either party may terminate this agreement upon ten (10) days prior written notice.

**VII. CONSTRUCTION**

This Agreement shall be construed and interpreted under the laws of the Commonwealth of Pennsylvania.

**VIII. JURISDICTION AND VENUE**

Any action brought arising from disputes over this agreement shall be brought in the Court of Common Pleas of Berks County, Pennsylvania.

**IX. NO ORAL MODIFICATIONS PERMITTED**

It is understood that this Agreement contains the entire Services Agreement of the parties and that no modification shall be valid unless in writing and signed by both of the parties to this Agreement.

**X. SUCCESSORS AND ASSIGNS**



Drafted by	Legal Specialist
Sponsored by/Referred by	Property Maintenance Mgr
Introduced on	August 24, 2015

**BILL NO. \_\_\_\_\_ 2015  
AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODE BY REDUCING THE COST OF SIDEWALK SALE PERMITS IN CHAPTER 212, FEE SCHEDULE, PART 131 SIDEWALK SALE AND SIDEWALK CAFÉ PERMITS**

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

**SECTION 1:** Amending the City of Reading Code by reducing the cost of Sidewalk Sale and Sidewalk Café Permits in Chapter 212, Fee Schedule as follows:

**§ 212-131. Sales: sidewalk sales.**

Description	Fee	Ordinance No. Code Citation
Annual sidewalk sale permit	<del>\$210</del> <u>\$0</u> 51-2009	§ 453-107

**§ 212-135. Sidewalk cafe sales.**

Description	Fee	Ordinance No. Code Citation
Sidewalk cafe permit (annual)	<del>\$210</del> <u>\$0</u> 51-2009	§ 479-108
Sidewalk mini-cafe permit (annual)	<del>\$80</del> <u>\$0</u>	51-2009 § 479-108

**SECTION 2.** 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.

Adopted \_\_\_\_\_, 2015

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

# AGENDA MEMO

OFFICE OF THE CITY AUDITOR

D



DATE:  
ACTION:

City Council  
David Cituk, City Auditor  
David Kersley, Senior Business Analyst  
September 14, 2014  
August 18, 2015  
Approval of Ordinance Modifying Police Pensions

## RECOMMENDATION

Adoption of an ordinance aligning the City's police pension plan with the City's Financial Recovery Plan and the 2012 collective bargaining agreement with the Fraternal Order of Police.

## BACKGROUND

Guided by principles and mandates established in the City's Financial Recovery Plan as adopted by City Council on May 28, 2010, the City renegotiated its police pension program as memorialized in the 2012 collective bargaining agreement with the Fraternal Order of Police. The proposed ordinance will modify the Code of the City of Reading, Chapter 62, Part 4 to reflect those negotiated changes. Specifically, the ordinance:

- Reduces police contributions to the pension plan for officers hired after 12/31/2011 from 6.5% to 5.0% of salary, reflecting lower pension benefits (§62-404(B));
- Reduces the police pension benefit to 50% of average annual pay, requires 20 years of service, and establishes a minimum pension eligibility age of 50 for officers hired after 12/31/2011 (§62-405(D));
- Adds language conforming to Commonwealth law regarding police disability pensions (§62-408);
- Adds language conforming to Commonwealth law regarding benefits for survivors of police killed in the line of duty (§62-409);
- Eliminates the ability of officers hired after 12/31/2011 to purchase length-of-service credits (§62-414 and §62-415); and

- Eliminates the ability of officers hired after 12/31/2011 to participate in the Deferred Retirement Option Program, known as DROP (§62-417).

In addition, with respect to matters not specifically associated with the Recovery Plan or the CBA, the recommended ordinance provides a basis for refunding excess length-of-service credits purchased by officers (§62-405(D)) and a few other minor 'housekeeping' amendments to conform with Commonwealth law.

**BUDGETARY IMPACT**

Whereas these provisions have been in place, impacts are already calculated in the 2015 General Fund Budget.

**PREVIOUS ACTION**

None.

**SUBSEQUENT ACTION**

Formal action by Council is required to authorize these changes.

**RECOMMENDED BY**

City Auditor and Police Pension Board Solicitor.

**RECOMMENDED MOTION**

Motion to approve this Ordinance.

cc: File

Drafted by	David Kersley, Senior Business Analyst
Sponsored by/Referred by	David Cituk, City Auditor
Introduced on	August 24, 2015

**BILL NO. \_\_\_\_\_ 2015  
AN ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 62, PART 4 OF THE CITY OF READING CODE, ALIGNING CERTAIN PROVISIONS OF THE POLICE PENSION PLAN WITH THE CITY'S FINANCIAL RECOVERY PLAN AND THE CITY'S COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE.**

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

**SECTION 1:** Amending the City's Code, Chapter 62, Part 4 as provided at Exhibit A hereof.

**SECTION 2.** 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.

Adopted \_\_\_\_\_, 2015

\_\_\_\_\_  
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: \_\_\_\_\_

## PART 4

**Police Pension Fund**

**[Adopted 5-8-2000 by Ord. No. 6-2000 (Ch. 1, Part 6A, of the 2001 Code of Ordinances);  
amended in its entirety 4-22-2013 by Ord. No. 24-2013<sup>10</sup>]**

**§ 62-401. Definitions.**

As used in this part, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following respective meanings:

**AVERAGE ANNUAL PAY**-- The amount which would constitute the highest average annual compensation which the member earned during any five calendar years of his service for the City, or which would be determined by the rate of the monthly pay of such member at the date of retirement, whichever is the higher. ***With respect to members hired after December 31, 2011, "Average Annual Pay" means the member's rate of monthly pay at the date of termination or the highest annual salary during any 5 years of service.***

**BOARD** — — The Police Pension Fund Association Board to which reference is made in § 62-402.

**BOARD ADMINISTRATOR**--The position designated by the Board to act on behalf of the Board in matters of day-to-day administration of the plan. **CITY**--The City of Reading, Pennsylvania.

**CODE**--The United States Internal Revenue Code, as amended, including reference, where applicable, to regulations and other guidance issued by the United States Department of Treasury and the Commissioner of the Internal Revenue Service.

**COMPENSATION** — — Pickup contributions plus remuneration received as a City employee excluding refunds for expenses, contingency and accountable expense allowances and excluding severance payments or payments for unused vacation or unused sick leave or camp time that is paid upon termination. Compensation includes amounts excluded from income pursuant to a member's election under a cash or deferred compensation arrangement described in Sections 401(k) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code, a cafeteria plan described in Section 125 of the Code, and, effective January 1, 1998, a qualified transportation fringe benefit plan under Section 132(f) of the Code. Notwithstanding the preceding, the annual compensation of a member shall be limited as set forth in Section 401(a)(17) of the Code [as adjusted annually pursuant to section 401(a)(17)(B) of the Code and announcement by the Internal Revenue Service; for 2011, \$245,000]. Compensation for any prior year shall be subject to the limitations set forth in Appendix A, A-1.<sup>11</sup> If compensation for any prior determination period is taken into account in determining a member's benefits for the current year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period.

**DROP** — — Deferred Retirement Option Plan.

DROP ACCOUNT-- Separate account created to accept a DROP member's monthly pension check while an employee is a DROP member.

EMPLOYEE--A person in the service of the City as a member of the police force.

FUND--The Police Pension Fund, which shall hold the assets of the plan in trust.

MEMBER--A current or former employee who has made or makes required contributions under the plan.

MILITARY SERVICE--Honorable active service in the uniformed services listed below is considered military service for pension purposes: Navy; Air Force; Marine Corps; Coast Guard; Reserve Corps.

NEW EMPLOYEE -- An employee who enters the service of the City on or after January 1, 1977.

NEW MEMBER — — An employee who is a member of the retirement system on or after January 1, 1977.

PENSION BENEFITS — — The financial allowances provided to members pursuant to the provisions of this part.

PERSON--An officer or employee of the City.

PLAN --The City of Reading Police Pension Plan.

PRESENT EMPLOYEE -- An employee in the service of the City prior to January 1, 1997.

PRESENT MEMBER--An employee who is a member of the retirement system prior to January 1, 1977.

QUALIFIED MILITARY SERVICE --Any service in the uniformed services (as defined in Chapter 3 of Title 38, United States Code), by any individual if such individual is entitled to reemployment rights under such chapter with respect to such service.

RATE OF MONTHLY PAY — — One-twelfth of the base pay as set forth in the salary ordinance, in effect as of date of retirement, adopted pursuant to a collective bargaining agreement and/or Act 111 arbitration, plus 1/12 of longevity pay plus 1/12 of holiday pay the member is entitled to for the calendar year.

SALARY-- The base pay as set forth in the salary ordinance adopted pursuant to a collective bargaining agreement and/or Act 111 arbitration and shall not include any other compensation subject to the limits on compensation set forth in Section 401(a)(17) of the Code. ***With respect to members hired after December 31, 2011, "Salary" means the fixed amount of compensation paid at regular, periodic intervals by the City to the member and from which pension contributions have been deducted.***

SPOUSE — — The spouse of a member, as determined under law of the Commonwealth of Pennsylvania. Effective for designations made after December 31, 2006, a member may designate his/her spouse to be the beneficiary of the member's pension, regardless of the date of the marriage.

YEARS ON RETIREMENT — — The number of whole years that a police officer has been retired as of January 1, 2001.

YEARS OR WHOLE YEARS OF SERVICE -- For the purposes of computing the period of time during which a member has been employed by the City, each whole twelve-month period commencing from the date of employment of a member.

**§ 62-402. Police Pension Fund Association.**

- A. There is hereby created a Board to be known as the "Police Pension Fund Association Board," consisting of:
- (1) The Mayor or his designee.
  - (2) The City Auditor, formerly known as the "City Controller."
  - (3) The Administrative Services Director, formerly known as "Director of Accounts and Finance."
  - (4) The Chief of Police.
  - (5) One retiree member of the system to be elected by the members of the retirement system.
  - (6) One active police person to be chosen by members of the retirement system.
- B. The representatives chosen by the members shall be elected for terms of four years. The terms of the members of the Board shall run concurrently with the term of the Mayor.
- C. A vacancy in the Board occurring during the term of the representatives elected by the members of the retirement system shall be filled for the unexpired term by members of the retirement system.
- D. Board members shall serve without compensation.
- E. It shall be the duty of the Board to register all members and to administer the collection and distribution of the fund herein provided for and to make such reasonable rules and regulations as the Board may deem necessary in order to effectuate the provisions to a responsible institution experienced in administering the collection, distribution and investment of pension funds, but in such event the Board shall require any such institution to provide the Board with written reports of its activities relating to the fund at least once every six months.

**§ 62-403. Duties of Administrative Services Director.**

- A. It shall be the duty of the Administrative Services Director of the City to submit to the Board statements showing the name, sex, title, compensation, duties, date of birth and date of full-time employment of a person who is eligible for membership in the retirement system.
- B. In addition, it shall be the duty of the Administrative Services Director to submit to the Board through, the Pension Administrator, a statement providing years of full-time service, date of termination, total contributions to the fund by each employee and compensation for the highest five calendar years of the employment of any such terminated individual.

**§ 62-404. Contributions to fund.**

- A. Each member shall contribute to the fund an amount equal to 5% of his salary or wages plus \$1 per month. Effective January 1, 2007, said mandatory member contribution to the fund shall increase to 6.5% of his base salary plus \$1 per month.
- B. Contributions to the fund shall be made by the City deducting the same from the salary or wages of the member and paying said deductions to the fund. **Notwithstanding the foregoing, members hired after December 31, 2011 shall contribute to the fund an amount equal to 5% of their salary or wages per month. All employees shall, at all times, be fully vested in such contributions to the pension fund until the date of their termination, for whatever reason.**

**§ 62-405. Right of members to pension benefits and amount of pension benefits.**

- A. Normal retirement benefits.
  - (1) Amount.
    - (a) Effective January 1, 1999, all members of the plan shall be eligible for a normal retirement of 50% of average annual pay upon having completed 20 years of service, without regard to age.
    - (b) Effective January 1, 2007, members may retire with the following benefit:
      - [1] Sixty percent of average annual pay with 20 years of service.
      - [2] Sixty two percent of average annual pay with 21 years of service. [3]
      - Sixty four percent of average annual pay with 22 years of service. [4]
      - Sixty six percent of average annual pay with 23 years of service. [5]
      - Sixty eight percent of average annual pay with 24 years of service.
      - [6] Seventy percent of average annual pay with 25 years of service.
    - (c) Effective January 1, 2008, all members shall be required to retire upon the completion of 30 years of service.
    - (d) Notwithstanding the foregoing sentence, members hired after December 31, 2011 shall be eligible for a normal retirement of 50% of Average Annual Pay upon having completed 20 years of service and reaching 50 years of age.**
  - (2) During the lifetime of any retired member, such member shall be entitled to receive 1/12 of the annual pension benefit specified in Subsection A(l). Such pension benefits shall be paid monthly, in advance, in accordance with and subject to the conditions set forth herein. **Members hired after December 31, 2011 shall not be entitled to the increased benefits provided by this Section 1-605(1)(A)(2). Such members shall be eligible for a normal retirement of 50% of Average Annual Pay upon having completed 20 years of service and reaching 50 years of age.**
  - (3) In addition to the pension benefits which are authorized to be paid in accordance with the previous Subsection A(2), each member who may become entitled to pension benefits shall also become entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth:
    - (a) Service increments shall be the amount obtained by computing the number of whole years a member shall have continued as a paid City employee after having served in the employment of the City for a period of 20 years and multiplying the number of years in excess of 20 by an amount equal to 1/40 of the pension benefit which becomes payable to such member in accordance with the

provisions of this part. The maximum service increment pension shall be \$500 per month.

- B. Members entitled to reduced retirement benefits. Any member who ceases to be employed by the City for any reason prior to completing the minimum required period for continuous service under Subsection C, but after having completed 12 years of full-time service shall be entitled upon retirement to receive benefits in accordance with Subsection C of this section.
- C. Computation of reduced retirement benefits. Should a member of the Police Pension Fund cease to be employed as a full-time employee for any reason prior to completing the minimum period of continuous service requirement, but after completing 12 years of full-time service, the member shall be entitled to cease his or her employment and vest in his or her retirement benefit computed under § 62-405, subject to the following conditions:
  - (1) The member must file on a fund-authorized form with the Board Administrator a written notice of his or her intention to vest.
  - (2) The member must include in the notice the date the member intends to terminate his or her service as a full-time employee.
  - (3) The termination date shall be at least 30 days later than the date the notice to vest is received by the Board.
  - (4) The member must be in good standing with the Police Department on the date of notice to vest.
  - (5) The Board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of said notice to vest or the highest average annual salary which the member received during any five calendar years of service preceding said date, whichever is higher.
  - (6) Upon reaching the date which would have been the member's retirement date had the member continued his or her full-time employment with the Police Department, the member shall notify the Board, in writing, that the member desires to collect his or her pension. The amount of pension benefits the member is entitled to receive under this section shall be computed as follows:
    - (a) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.
    - (b) The portion of the base retirement due the member shall be determined by applying to the base amount the percentage that his or her years of service actually rendered bears to the years of service which would have been rendered had the member continued to be employed by the Department until his or minimum retirement date.

***D. Refund of Payments Used to Purchase Intervening Military Service, Non Intervening Military Service and/or Police Service. At the cessation of employment, any member that has purchased service time as permitted under §1-614(1), §1-614(2), §1-614(3) or §1-614.1, may elect to obtain a refund of all or a portion of the payments used to purchase such service time, without interest, rather than receive the benefits, if any, of the additional service time so purchased for purposes of calculating service time under this Police Pension Fund, subject to the following conditions:***

- (1) The member must file with the Police Pension Fund Association Board written notice of his or***

- her intention to request a refund.*
- (2) The member must include in the notice the date that the member intends to terminate his or her service as an employee.*
  - (3) The refund will be scheduled for approval at the next suitable Police Pension Board meeting.*
  - (4) The member must include in the written notice the amount of the requested refund. When requesting a partial refund, such members should give notice of their requested refund amount by stating the number of purchased years of service for which they are not requesting a refund. In this case, the remaining funds used to purchase additional service time will be refunded.*
  - (5) The member must include in the written notice a statement acknowledging that by requesting a refund he or she forfeits any benefits, rights or entitlements, if any, associated with the additional service time purchased with the refunded payments and will be treated, for the purposes of this Police Pension Plan, as not having served the time that was purchased with the refunded payments.*
  - (6) All refunds will be subject to tax withholding as required by applicable law. Notwithstanding the foregoing, if any member that has purchased service time as permitted under §1-614(1), §1-614(2), §1-614(3) or § 1-614.1 has previously requested and has received, prior to cessation of employment, a refund of all or a portion of the payments used to purchase such service time, and such refund has not been repaid prior to cessation of employment, the member may not obtain a refund pursuant to this §1-605(4) of any purchases of service time that had previously been refunded.*

**§ 62-406. Right to refund of contribution in lieu of receipt of pension benefit.**

Any member who becomes entitled to pension benefits in accordance with the provisions of § 62-405 may elect to obtain a refund of all his contributions without interest rather than to receive the pension benefits provided for in any of said section. Such election must be made in writing to the Board prior to the date on which the first pension payment is made to the member. ***Such refund of contributions shall include all payments used to purchase service time under §1-614(1), §1-614(2), §1-614(3) or §1-614.1, without interest.***

**§ 62-407. Termination of employment of members prior to being entitled to pension benefits.**

Any member who has been in the service of the City for a period of less than 20 years and whose service shall terminate prior to his or her spouse or children becoming eligible for a pension shall be paid the total amount of the contributions paid into the fund by him and without interest, except as provided in § 62-405C.

**§ 62-408. Permanent disability pension.**

Any member who becomes totally disabled as a result of injury or illness in the line of duty or, if not in the line of duty, after he shall have completed 10 years of service, shall be entitled to full pension benefits during such disability. Any member who becomes totally disabled not as a result of injury or illness in the line of duty and shall not have completed 10 years of service shall be entitled to a pension of 1/2 (50%) of the full pension to which he would otherwise be entitled. Proof of such disability shall consist of the sworn statement of three practicing physicians, designated by the Board, that the member is in a condition of health which totally disables him from performing the

duties of his position or office or of any other gainful employment within the police force of the City to which he may be assigned. Any such member receiving pension benefits shall thereafter be subject to physical examination at any reasonable time or times, upon order of the Board, and upon his failure to submit to any such examination, his pension shall cease. ***Effective January 1, 1999, all police officers hired on or after January 1, 1977, who are injured in the performance of their duties and due to that injury are unable to perform the duties of a Reading Police Officer, shall be entitled to the same pension benefits as those officers hired prior to January 1, 1977.***

**§ 62-409. Widow or widowers and children of members.**

The widow or widower of a member who has retired on pension hereunder, or if not retired has completed 10 years of service, shall be entitled to full pension benefits. The widow or widower of a member who has not completed 10 years of service shall be entitled to a pension benefit of 1/2 (50%) of the full pension. However, the widow or widower of a member who has been killed in service, regardless of his or her years of service shall be entitled to receive full pension benefits. Such pension shall be payable so long as such widow or widower survives and upon the death of the widow or widower such pension shall be divided equally among the children of the member under the age of 18 years. Such pension shall cease on the later date of:

- A. The death of the widow or widower.
- B. The 18th birthday of the youngest child.

***Notwithstanding the foregoing, effective January 1, 2004, the survivor's benefit as a result of a killed-in-service benefit shall be equal to the pension that the member would have received had he been retired at the time of his death.***

**§ 62-410. Computation of time of service.**

- A. Except as set forth in Subsection B of this section, the period of service used to determine whether a member is eligible for pension benefits under the provisions of this part shall be computed from the date on which a person becomes a member of the Police Pension Fund. If, after becoming a member, a person leaves the service of the City and is subsequently re-employed, for purposes of determining eligibility for benefits, his time of service shall be computed from the date on which he last became a member of the fund.
- B. A member who terminates his service in the police force of the City and has been re-employed as a member of the police force shall be entitled to credit for prior service in determining his eligibility for pension benefits under the following circumstances:
  - (1) Such member shall be entitled to a credit for prior service if he has repaid to the fund any contributions which he withdrew from the fund upon leaving the service of the City. The extent of prior service for which such member shall be entitled to a credit shall be based on the length of time during which such member originally paid the contributions which he withdrew and which he repaid.

§ 62-411

PENSIONS

§ 62-413

**§ 62-411. Receipt of contributions; payment from and investment of fund.**

- A. It shall be the exclusive duty of the Board to serve as fund trustees and to receive, disburse, retain, invest and reinvest the fund created by virtue of this part and to pay over by warrant or

check the amount due under this plan to members or their widows or widowers or their estates or children. The Board, with the approval of the Administrative Services Director of the City, may enter into agreements with reputable institutions to perform any of the aforesaid duties, including, but not limited to, advising the Board with respect to any and all of its duties, but in the event the Board does so, any such agreement shall require the institutions involved to provide the Board with written reports concerning its activities at least once every six months. The compensation of such institutions shall be paid by the fund or such source of pay as is designated by applicable law. The fund shall be used for the exclusive purpose of funding and paying benefits provided hereunder, and a reversion of fund assets or a return of City contributions is prohibited, except as otherwise provided by applicable law or IRS Revenue Ruling 91-4.

- B. The City shall contribute to the fund an amount sufficient to meet the requirements of the fund but such amount shall not be less than Subsection B(1), nor more than Subsection B(2).
  - (1) An amount equal to 1/2% of all City taxes levied by the City, other than taxes levied to pay interest on or to extinguish the debt of the City or any part thereof, plus such additional amounts as are actuarially necessary to provide for the cost of pensions paid to widows, widowers and children of members.
  - (2) An amount equal to 3% of all City taxes levied by the City other than taxes levied to pay interest on or to extinguish the debt of the City or any part thereof, plus such additional amounts as are actuarially necessary to provide for the cost of pensions paid to widows, widowers and children of members.
  - (3) The City may take by gift, grant, devise or bequest any money or property, real, personal or mixed, for the benefit of this fund. The Board shall enter into such agreements for the care, management and disposal of such funds, in a manner consistent with the directions of the respective donors.
- C. Effective January 1, 2007, notwithstanding anything the contrary provided herein, the City shall guarantee placement of funds to make the current police pension solvent to accommodate the increase in benefit. Said fund amount shall be determined and agreed upon by both the City and FOP.

**§ 62-412. Exemption from attachment or execution; nonassignability.**

The pension benefits and service increments herein provided for shall not be subject to attachment or execution, assignment or transfer and shall be payable only to the person designated by this part.

**§ 62-413. Payment to estate.**

In the event that any member dies prior to becoming entitled to any pension benefits hereunder, and leaves no widow or widower or children eligible for benefits hereunder, the member's remaining contributions in the fund shall be paid without interest to the following parties in the order designated:

- A. To the estate of the member;
- B. To a person entitled to the contributions in accordance with the interstate laws of the Commonwealth of Pennsylvania.

**§ 62-414. Military service.**

- A. Intervening. Any member who enters active military service at a time when he is a member of the plan shall have his years (or completed calendar months) of active military service, not to exceed a total of five, credited as years of service for retirement purposes; provided that:
- (1) He receives an honorable discharge, certificate of satisfactory service or the equivalent thereof, and produces same to the Board.
  - (2) He is re-employed by the City within 90 days of such discharge or within such longer period as his re-employment rights are protected by law.
  - (3) He shall pay into the fund the amount which he would have been obligated to pay during the period of his military service, but not to exceed a total of five years, if he had been an active employee of the City, which amount shall be based on his salary or wages as a City employee immediately before his departure for active military service.

***Members hired after December 31, 2011 may not purchase intervening military service credit.***

- B. Nonintervening. Any member who has not retired and who entered military service subsequent to September 1, 1940, and was not a member of the plan prior to such military service, shall be entitled to make application (on a form, if any, prescribed by the Board) to the plan and have completed months of military service, not to exceed five years, credited as years of service for retirement purposes, under the following conditions:

- (1) The member shall pay to the fund an amount equal to the total of Subsection B(1)(a) and (b) below:
  - (a) An amount equivalent to the pension contribution of Patrol Trainee for the first year, Patrolman 1 for the second year, Patrolman 2 for the third year and Patrolman 3 for the fourth and fifth years during the years the military service was credited, each of which to be determined as of the date the employee becomes a member.
  - (b) An amount equivalent to 15.7% of such member's salary representing the City's normal cost (as determined by the actuary), or such rate as computed under the most recent actuarial valuation available as of the date the person becomes a member.
- (2) A member who has not completed payment, either through payroll deduction or by any other payment method, of the entire amount required under the previous subsections by the time the member files a letter of resignation or retirement the member shall not be permitted to receive credit for such nonintervening military service. Any partial payment made by such member on or prior to termination of the member shall be refunded to such member.

***Members hired after December 31, 2011 may not purchase non-intervening military service credit.***

- C. USERRA and HEART requirements. Effective December 12, 1994, any member who is absent on account of qualified military service and returns to City service within the period of time during which his reemployment rights are protected by federal law shall receive service credit, contributions, benefits and other rights provided under this subsection in lieu of the service credit, contributions, benefits or other rights to which the member would otherwise be entitled under this section, except to the extent the member would be entitled to more advantageous service credit, contributions, or benefits or more valuable rights under other provisions of this section. A member described in this subsection shall be credited with years of service for the full period of qualified military service, provided such member pays into the fund an amount equal to the contributions such member would have been required to make but for his absence on account of qualified military service, within the five-year period of time beginning on his reemployment date (or the lesser period of time beginning on such reemployment date that is three times the length of his qualified military service), and the City shall make all contributions that would have been due on account of such member contributions, and the member shall be entitled to all other rights and benefits accruing on account of such contributions and service. For purposes of this subsection, a member shall be treated as having received compensation during his qualified military service based on the rate of compensation the member would have received but for his qualified military service compensation, or if such amount is not reasonably certain, his average compensation during the twelve-month period immediately preceding his qualified military service (or, if shorter, the period of time immediately preceding his qualified military service). This subsection shall be applied in a manner consistent with Section 414(u) of the Code.
- (1) Effective January 1, 2007, in the case of a member who dies while performing qualified military service, the member's surviving beneficiary shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided herein as though the member had resumed employment with the City on the day before death and then terminated employment on account of death in accordance with Section 401(a)(37) of the Code.
- (2) Effective with respect to years beginning after December 31, 2008, for purposes of applying the limits on annual benefits and contributions and for purposes of applying other applicable provisions of the Code, but not for purposes of determining benefits and contributions, "compensation" shall also include differential wage payments, as defined in Section 3401(h) of the Code, paid by the City to an employee on account of qualified military service.

**§ 62-415. Police service.**

Any member who has not retired shall be entitled to have full credit (consistent with the military service purchase rules in §62-414) for each year or fraction thereof, to the completed month, not to exceed five years under the following conditions:

- A. He shall pay the buyback rate set forth in § 62-414B(l) based upon his first year of hire.
- B. Buyback may be made at any time prior to retirement (installment payment plans shall be allowed and implemented) but current retirement standards shall apply.

***Members hired after December 31, 2011 may not purchase police service credit.***

**§ 62-416. Increases in allowances following retirement.**

- A. On and after the effective date of this section, pension benefits shall be increased to those members who have previously retired only upon the action of the City Council and only if the funded status of the fund is such that sufficient provision is made to provide for the accrual of normal cost of future service benefits and of interest on unfunded accrued liabilities.
- B. The fund shall pay a member a special ad hoc postretirement adjustment if all of the following apply:
  - (1) The retiree has terminated active employment with the City as a member.
  - (2) The retiree is receiving a retirement benefit from the City on the basis of active employment with the City as a police officer.
  - (3) The retiree began receiving the pension benefit before January 1, 1996.
- C. Except as provided in Subsections D and E, the fund shall pay a member a monthly special ad hoc postretirement adjustment under this section that shall be calculated as follows:
  - (1) The base adjustment shall be determined by multiplying 15 cents by the years of service and then multiplying that product by the years on retirement.
  - (2) The longevity factor shall be determined as the sum of the products calculated by multiplying 0.025 by the years on retirement and 0.05 by the years on retirement in excess of 25, if any.
  - (3) The longevity adjustment shall be determined by multiplying the base adjustment calculated under Subsection C(1) by the longevity factor calculated under Subsection C(2).
  - (4) The special ad hoc postretirement adjustment payable under this section shall be the sum of the base adjustment calculated under Subsection C(1) and the longevity adjustment calculated under Subsection C(3).
- D. Limitation. If a retiree is entitled to be paid a special ad hoc postretirement adjustment by more than one municipal retirement system, the amount of the special ad hoc postretirement adjustment under Subsection C shall be reduced before such payments commence so that the total of all these adjustments paid to the retiree does not exceed the amount specified in Subsection C.
- E. Modification in the amount of 2002 special ad hoc postretirement adjustment. The amount of the special ad hoc postretirement adjustment calculated under Subsection C shall be reduced annually by 65% of the total amount of any postretirement adjustments provided to the retiree under any other City pension plan after December 31, 1988, and before January 1, 2002, and paid in the immediately preceding year.
- F. The special ad hoc postretirement adjustment under this section is effective on the date of the first pension benefit payment issued after June 30, 2002. If the special ad hoc postretirement adjustment under this section is not commenced in the initial retirement benefit payment occurring after June 30, 2002, the special ad hoc postretirement adjustment shall be included as soon as practicable in the pension benefit payment of the retiree, and the initial pension

benefit payment that includes the special ad hoc postretirement adjustment also shall include the total amount of the special ad hoc postretirement adjustments previously omitted from the pension benefit payments made after June 30, 2002.

§ 62-417. **Deferred Retirement Option Program (DROP).**

- A. Eligibility. Effective January 1, 2001, members of the Reading Police Department, who have not retired prior to the implementation of the DROP program may enter into the DROP on the first day of any month following completion of 20 years of credited service. ***Members of the Reading Police Department hired after December 31, 2011 shall not be eligible for or permitted to participate in the DROP program.***
- B. Written election. An eligible member electing to participate in the DROP must complete and execute a "DROP option form" prepared by the City of Reading, Administrative Services Department, which shall evidence the member's participation in the DROP. The form must be signed by the member and notarized and submitted to the City of Reading, Administrative Services Department, prior to the date on which the member wishes the DROP option to be effective. The DROP option form shall include an irrevocable notice to the City, by the member, that the member shall resign from employment with the City of Reading Police Department effective on a specific date not more than 60 months from the effective date of the DROP option. In addition, and consistent with the member's resignation date, all retirement documents required by the Board Administrator must be filed and presented to the Board for approval of retirement and payment of pension. Once a retirement application has been approved by the Board it is irrevocable.
- C. Limitation on pension accrual. After the effective date of the DROP option, the member shall no longer earn or accrue additional years of continuous service nor will the member's compensation change for pension purposes.
- D. Benefit calculation. For all retirement fund purposes, continuous service of a member participating in the DROP shall remain as it existed on the effective date of commencement of participation in the DROP. Service thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the fund. The average monthly pay of the member for pension calculation purposes shall remain as it existed on the effective date of commencement of participation in the DROP. Earnings or increases in earnings thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Pension Fund. The pension benefit payable to the member shall increase only as a result of cost-of-living adjustments in effect on the effective date of the member's participation in the DROP, or by applicable cost-of-living adjustments granted thereafter. ***During the period the member participates in the DROP, such member shall contribute to the fund an amount equal to 5% of his salary or wages per month. However, members who made an election to participate in the DROP prior to January 1, 2012 shall not be required to make mandatory contributions to the fund during the period such members participate in the DROP.***
- E. Payments to DROP account. The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a normal retirement benefit shall, upon the member commencing participation in the DROP, be paid into a separate DROP account established to receive the member's monthly pension payments. Such DROP account shall be credited with interest in a manner prescribed by the Board.
- F. Payout. Upon the termination date set forth in the member's drop option form, or such date as the member withdraws or is terminated from the DROP program, the retirement benefits payable to the member or the member's beneficiary, if applicable, shall be paid to the

member or beneficiary and shall no longer be paid to the member's deferred retirement option account. Within 30 days following termination of a member's employment pursuant to their participating in the DROP program, the balances in the member's deferred retirement option account shall be paid to the member in a single lump sum payment, or at the member's option, in any fashion permitted by law.

- G. Disability During DROP. If a member becomes temporarily disabled during his participation in DROP, his participation freezes and the time period while on disability does not count towards the five-year participation limit. Upon return to duty, membership in DROP shall resume, continuing with the remaining time left in the five-year membership period. The member shall receive disability pay in the same amount as a disabled member who is not participating in DROP. In no event shall a member on temporary disability have the ability to draw from his DROP account. However, notwithstanding any other provisions in this subsection, if an officer is disabled and has not returned to work as of the date of his required resignation, then such resignation shall take precedence over all other provisions herein and said officer shall be required to resign.
- H. Death. If a DROP member dies before the DROP account balance is paid, the member's legal beneficiary shall have the same rights as the member to withdraw the account balance.
- I. The DROP shall not be available to an elected official, except for an official first elected prior to September 18, 2009.
- J. Amendment. ~~Except as may be required by applicable law, any amendments to this § 62-417 shall be consistent with the provisions covering deferred retirement option plans set forth in any applicable collective bargaining agreement and shall be binding upon all future DROP members and upon all DROP members who have balances in their deferred retirement option accounts.~~ **Except as may be required by applicable law, or otherwise noted in the Plan, any amendments to this Section 1-616 shall be consistent with the provisions covering deferred retirement options plans set forth in any applicable collective bargaining agreement and shall be binding upon all future DROP members and upon all DROP members who have balances in their deferred retirement option accounts.**

#### § 62-418. Direct rollovers.

- A. Direct rollovers. Notwithstanding any provision herein to the contrary that would otherwise limit a distributee's election under this subsection, on and after January 1, 1993, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
- B. For purposes of this section, the following definitions shall apply:

DIRECT ROLLOVER--A direct rollover is a payment by the system to the eligible retirement plan specified by the distributee.

DISTRIBUTEE — — A distributee includes any member. In addition, a member's surviving spouse and the member's spouse or former spouse who is the alternate payee under a domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse. Effective with respect to

distributions after 2009, a distributee also means a beneficiary of a member other than a surviving spouse.

# AGENDA MEMO

## DEPARTMENT OF FIRE & RESCUE SERVICES

**TO:** City Council  
**FROM:** William I. Stoudt Jr., Fire Chief  
**PREPARED BY:** William Milyo A.O.  
**MEETING DATE:** September 14, 2015  
**AGENDA MEMO DATE:** September 9, 2015  
**REQUESTED ACTION:** Authorize intra-department transfer of entire sum for repairs of the Plymovent System at the EMS Station.

### RECOMMENDATION

Requesting the following transfer of funds:

- \$10,000 within the General Fund as detailed below:
  - \$10,000 From GF Account Code #01-09-35-4802 (EMS machinery & equipment) to GF Account Code #01-09-35-4401 (EMS building maintenance & repair).

### BACKGROUND

The transfer, if permitted, will enable the repair of the vehicle exhaust removal system at the City's EMS station. This is for the resolution of a grievance.

### BUDGETARY IMPACT

### PREVIOUS ACTIONS

None

### SUBSEQUENT ACTION

### RECOMMENDED BY

William I. Stoudt Jr. Fire Chief

### RECOMMENDED MOTION

Approve the ordinance authorizing the transfer of funds as requested.

Drafted by	Fire Department
Sponsored by/Referred by	Chief Stoudt/Managing Director
Introduced on	September 14, 2015
Advertised on	N/A

**BILL NO. \_\_\_\_\_ 2015  
AN ORDINANCE**

**AN ORDINANCE AUTHORIZING AN INTRA-DEPARTMENT  
TRANSFER OF FUNDS WITHIN THE 2015 FIRE DEPARTMENT  
GENERAL FUND BUDGET.**

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

**SECTION 1.** Authorizing the following transfer within the 2015 Budget:

\$10,000 From GF Account Code #01-09-35-4802 (EMS machinery & equipment) to GF Account Code #01-09-35-4401 (EMS building maintenance & repair).

**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 \_\_\_\_\_ 2015

\_\_\_\_\_  
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: \_\_\_\_\_

Drafted by	Tonya Butler
Sponsored by/Referred by	Ron Natale
Introduced on	

**BILL NO. \_\_\_\_\_ 2015**  
**A N O R D I N A N C E**

**AN ORDINANCE AMENDING THE CITY OF READING CODE BY SETTING THE PERMIT FEE AS PER THE CITY OF READING FEE SCHEDULE AND INCREASING THE SIDEWALK SALES HOURS IN CHAPTER 453, PART I, SIDEWALK SALES**

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

**SECTION 1:** Amending the City of Reading Code by setting the fee schedule as per the City of Reading Fee Schedule and increasing the sidewalk sales hours in Chapter 453, Part I, Sidewalk Sales as per Exhibit A.

**SECTION 2.** 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.

Adopted \_\_\_\_\_, 2015

\_\_\_\_\_  
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

### **§453-107. Sidewalk Sale Permit Term and Fees.**

- A. The term of each sidewalk sale permit shall be specified on the permit which is issued and shall not exceed 52 events per year.
- B. ~~The permit fee to be charged is \$250 per year—§ 212-131. (As per the fee schedule)~~  
*Fees required under this section shall be established by City Council and included on the City's Fee Schedule.*
- C. ~~There shall be no prorating or rebate of the annual permit fee.~~

**§453-108. Sidewalk Sale Display Standards.** The ~~Codes Enforcement Office~~ *Property Maintenance Division* is hereby authorized to grant revocable permits for the use of the sidewalk for the display for sale of merchandise, flowers, floral arrangements and ornamental shrubbery not prohibited herein upon the following terms and conditions:

- A. No more than 52 sidewalk sales can occur during each calendar year.
- B. The permit and regulated activity shall be valid only during a single calendar year.
- C. The permitted activity shall be conducted only as an accessory to a business establishment lawfully operating on the first floor of the premises, on the sidewalk in front of the principal place of business of such establishment and by the entity which operates such establishment. All sales shall be conducted within such establishment. No cash register or other facility for the exchange of currency or otherwise receiving payment for goods and services shall be permitted on the sidewalk.
- D. The applicant shall have the consent of the owner and lessee, if any, of the premises in front of which the permitted activity is to be conducted ~~and the consent of each abutting property owner~~ *and shall provide notice of the permitted activity to the adjoining property owner(s).*
- E. There shall be no less than eight feet from the curblines to the front of the nearest structure.
- F. No sidewalk display shall be nearer than three feet zero inches to the curb, except that if the sidewalk is nine feet zero inches or more in width, then the distance from the curb shall be not less than 1/3 of the width of the sidewalk with a maximum of two rows.
- G. The applicant shall at all times maintain free and clear from all obstruction an aisle not less than three feet in width providing access to any establishment fronting on said sidewalk.
- H. No permanent structure may be affixed to the sidewalk or any building. The applicant shall be responsible for any damage caused to any sidewalk or public property.
- I. The sidewalk use shall not interfere with access to any public service facility, create a nuisance or fire hazard.
- J. At least one trash receptacle shall be provided by the business or person and the premise shall be kept litter free.
- K. No outdoor lighting or live or mechanical music shall be permitted.

L. The sidewalk display shall be permitted only during the hours the business is open to the public or between the hours of ~~9-7:30~~ a.m. and ~~5~~ 9 p.m.

M. The applicant shall agree to indemnify and save harmless the City of Reading, its officers, agents, attorneys and employees from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the sidewalk use.

N. The applicant shall obtain and maintain in full force and effect throughout the term of the permit a policy of general liability insurance, which such policy shall name the City of Reading, its officers, agents, attorneys and employees as additional insured, have a combined single limit of not less the \$1,000,000 and contain a provision prohibiting its cancellation except upon 20 days notice to the City of Reading. The applicant shall file with the ~~Codes Enforcement Office~~ **Property Maintenance Division**, prior to the issuance of the permit, a certificate evidencing the requisite insurance.

O. ~~The applicant shall file with the Codes Enforcement Office, prior to the issuance of the permit, the permit fee as set forth herein. Any other conditions required or prescribed by the Property Maintenance Division shall be reasonable and necessary to protect the health, welfare and safety of the public, including the denial of the application.~~

P. ~~The permit fee must be made at time of application.~~

Q. ~~Any other conditions required or prescribed by the Codes Enforcement Office shall be reasonable and necessary to protect the health, welfare and safety of the public, including the denial of the application.~~

R. ~~The owner/operator must submit with the application the name and street address of the owner of the abutting properties if not the same person along with:~~

~~(1) A description of the owner of the abutting property, if other than a natural person, including the legal status (corporation, partnership, etc.) and a general description of the type(s) of business operated on the abutting property.~~

~~(2) Written authority in the form of a power of attorney from the owner to submit the application if the applicant is not the owner of the abutting property.~~

**§453-109. Special Sidewalk Sales.** Anything in this article to the contrary notwithstanding, the City of Reading ~~Codes Enforcement Office~~ **Property Maintenance Division** may permit the selling and display for sale of merchandise on, over or upon the sidewalk at any location within the City for a period not to exceed seven days in conjunction with any organized sidewalk sales days open to all retail merchants within the a specific neighborhood or City block, as long as the affected merchants comply with the other terms of this ordinance and other applicable City ordinances.

### **§453-112. Conditions for Issuance of Permit.**

A. Upon approval by the ~~Codes Enforcement Office~~ **Property Maintenance Division** of the plans submitted by the applicant and upon the applicant furnishing to the City of Reading the following, the ~~Codes Enforcement Office~~ **Property Maintenance**

*Division* shall issue a permit, valid through the end of the calendar year:

- (1) A hold-harmless agreement executed by the applicant and indemnifying the City against loss, including costs and expenses, resulting from injury to person or property as a direct or indirect result of the operation of the sidewalk ~~café~~ *sales*. Said hold-harmless agreement shall be subject to the approval of the City Solicitor.
  - (2) Proof of liability insurance in the amount of \$100,000 per individual and \$300,000 per occurrence.
- B. Sidewalk sales permits are not transferable. Changes in ownership/operation require reapplication for a permit.

### **§453-113. Removal of Improvements.**

- A. If the City incurs any costs in removing any equipment or improvements from a sidewalk sale for the following reasons: the establishment failed to remove equipment at the close of the business day, the establishment went out of business or the establishment failed to renew its permit, within 30 days of the close of the year, the City shall remove and store all equipment and bill the property owner for the actual costs of labor, materials, equipment or any other item, service or expense incurred by the City to correct such violation, plus any additional administrative fees. The equipment removed shall remain in the City's possession until the bill from removal and any fines or fees are paid in full.
- B. Any bill for such removal of equipment undertaken pursuant to this chapter shall be billed to and paid by the property owner within 60 days. Upon failure of the property owner to pay the amounts due within 60 days, the City shall assess this uncollected debt on the property taxes of this building.

### **§453-116. Violations and penalties; effect on eligibility for license.**

- A. Whoever violates any provisions of this article shall, upon conviction thereof in a summary proceeding, be fined not less than \$200 and not more than \$1,000 for each offense, to be collected as other fines and costs are by law collectible, or imprisoned for not more than 90 days, or both. Each day during which a violation occurs shall constitute a separate offense.
- B. Any person who is convicted of a violation of any of the provisions of this article shall have his permit suspended for one full year and shall not be eligible for another permit until the expiration of one full year.
- C. Any person who fails to remove a sidewalk sales materials at the close of each business day, as provided for in §10-1615, shall not be eligible for a permit in any following year.
- D. Failure to observe any of the conditions set out herein is grounds for revocation of a permit. Prior to such revocation, the ~~Codes Enforcement Office~~ *Property*

*Maintenance Division* shall give 10 days' written notice to the permittee of his violation of or his failure to observe a general condition as set out above. If the permittee requests a hearing prior to the expiration of that ten-day notice period, the City Council shall hold a hearing to determine if the license should be revoked. The permittee may present evidence in his own behalf if he so desires. The decision in regard to revocation may be appealed to the City Council. If the permittee fails to request such a hearing, the revocation shall become effective upon the expiration of the ten-day notice period. If a permit granted under this section is revoked, all tables, chairs and other appurtenances used as a part of the sidewalk sale shall be immediately removed from the sidewalk.

- E. This article and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law.

Drafted by	Legal Specialist
Sponsored by/Referred by	Managing Director
Introduced on	September 14, 2015
Advertised on	September 21, 2015

**AN ORDINANCE**

**AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER STREET 508 STREETS AND SIDEWALKS, PART 7 STREET CUT PERMITS.**

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

**Section 1.** Amending the City of Reading Code of Ordinances, Chapter Street 508 Streets and Sidewalks, Part 7 Street Cut Permits.

**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: \_\_\_\_\_, 2015

\_\_\_\_\_  
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: \_\_\_\_\_

**§ 508-703. Rejection of application**

Street Cut Permits shall not be issued to any person, firm or corporation indebted to the City due to a previously issued permit. ~~Additionally, no permit shall be issued for non-emergency work commencing from September through November of any calendar year.~~ ***The Public Works Director, or his designee, shall review non-emergency applications anticipated to commence after September of the calendar year. The Public Works Director, or his designee, may permit the project to begin contingent upon the review of several factors, including but not limited to final restoration date, size of the cut, use of steel***

*plates, and scope of the project, however no non-emergency projects shall begin in November, December, or January of a given year.*

Drafted by	Legal Specialist
Sponsored by/Referred by	Managing Director
Introduced on	September 14, 2015

**BILL NO. \_\_\_\_\_ 2015  
AN ORDINANCE**

AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 23, PART 10  
DIVERSITY BOARD, SECTION 10 AMENDING MEMBERSHIP  
REMOVAL.

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

**WHEREAS**, the City of Reading Diversity Board serves in an advisory capacity to the Mayor and City Council by providing input on policy and processes that promote and facilitate active involvement and participation by diverse cultures such as of race, color, religion, ancestry, national origin, age, sex, familial status, and handicap within the Reading Community

**SECTION 1.** Amending the City Code, Chapter 23, Part 10 Diversity Board, Section 10 Membership Removal as follows:

**§ 23-1003. Membership Removal. [Amended 3-8-2010 by Ord. No. 6-2010; 9-13-2010 by Ord. No. 68-2010; 8-22-2011 by Ord. No. 41A-2011; 2-11-2013 by Ord. No. 7-2013]**

- A. The Diversity Board shall be composed of nine voting members, chosen to serve three-year staggered terms and appointed by the City Council. The Diversity Board shall include one representative of Council, Managing Director, or designee, the Human Resources Director or designee, one member representing AFSCME, one representative of the NAACP, one representative of a ~~the PSLC~~ **reputable, majority Latino or Hispanic organization located within the City of Reading**, the Human Relations Commission Executive Director or designee, and two members reflecting the geographic, demographic, technical, and nontechnical backgrounds of the citizens of Reading.
- B. Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Diversity Board members having ~~three~~ **two** or more unexcused absences in a calendar year may be replaced by City Council. Notification of potential dismissal from the Diversity Board will be mailed by the Chair to the Board member following a second absence within a calendar year. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this

attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. **[Amended 8-26-2013 by Ord. No. 35-2013]**

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

Enacted by Council \_\_\_\_\_, 2015

\_\_\_\_\_  
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: \_\_\_\_\_

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Council Nominations and Appointments Committee
Introduced on	N/A
Advertised on	N/A

**RESOLUTION NO. \_\_\_\_\_**

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

That Richard Rosato is appointed to the Animal Control Board with a term ending September 14, 2018.

Adopted by Council \_\_\_\_\_, 2015

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Council Nominations and Appointments Committee
Introduced on	N/A
Advertised on	N/A

**R E S O L U T I O N N O. \_\_\_\_\_**

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

That Jonathan DelCollo is reappointed to the Board of Ethics with a term ending September 14, 2018.

Adopted by Council \_\_\_\_\_, 2015

\_\_\_\_\_  
 Jeffrey Waltman  
 President of Council

Attest:

\_\_\_\_\_  
 Linda A. Kelleher  
 City Clerk