

CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
2015
COUNCIL CHAMBERS**

**MONDAY, MARCH 23,
7:00 P.M.**

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda. All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

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

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

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. Efrain Ortiz, St. Paul's Church of God

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

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

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Greek Independence Day

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 March 9, 2015

B. AGENDA: Regular Meeting of March 23, 2015

5. Consent Agenda Legislation

A. Award of Contract – to McCormick Taylor, Exton, PA for the River Road Extension Design Project. The total cost of the project will be \$1,011,619.62. However, the City will only be paying 20% of that fee (that equates to \$202,323.93). Federal funds will be covered the rest of the 80% of the project as well as 100% of the construction phase.

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 13-2015 - Amending the Zoning Ordinance, Chapter 27, §27-1204 C providing for Conditional Use applications and procedures eliminating the ability of the City and property owner to waive a decision made by City Council. ***Introduced at the February 23 regular meeting; Advertised March 9th and March 16th; Public Hearing held March 23rd at 5 pm***

B. Bill No. 14-2015 - Amending Plumbing Code Of The City Of Reading, Section § 180-902 amendments to allow installation of pex or plastic water type piping in all structures, to the same extent that it is permitted under the 2009 International Plumbing Code as adopted by the Pennsylvania Uniform Construction Code ***Introduced at the March 9 regular meeting; Advertisement on 3-16***

Pending until April 13th Meeting

Bill No. -2015 - amending Chapter 339 Of The Reading City Code, Entitled "Licenses And Permits," by creating a New Part 3 adding definitions, duties, penalties, exceptions, prohibited acts, licensing requirements and other related items regarding provision of immigration assistance services provided by Notary Public businesses and individuals; all under certain terms and conditions ***Introduced at the March 9 regular meeting; Advertisement on 3-10 and 3-16***

10. INTRODUCTION OF NEW ORDINANCES

None

11. RESOLUTIONS

A. Resolution - increasing the salary of Pamela Hoffman, Confidential Secretary, City of Reading Police Department, to \$21,000.00 per annum

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, March 23

Public Hearing – Zoning Amendment re Condition Use Decisions – Council Chambers – 5 pm

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

Regular Meeting – Council Chambers – 7 pm

Monday, April 6

Nominations & Appointments Committee – Council Office – 4 pm

Strategic Planning Committee – Council Office – 5 pm

Monday, April 13

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, March 23

DID Authority – 645 Penn St 5th floor – noon

Tuesday, March 24

Environmental Advisory Council – Public Works Building – noon

Housing Authority Workshop – WC building – 4 pm

Housing Authority – WC building – 5 pm

Planning Commission – Penn Room – 7 pm

Penn's Commons Neighborhood Group – Penn's Commons meeting room – 7 pm

Wednesday, March 25

Main Street Board – 2nd & Penn Sts 5th floor

Parking Authority – Parking Authority Office – 5:30 pm

Thursday, March 26

Water Authority – Water Authority Office – 4 pm

Monday, March 30

District 7 Crime Watch – Holy Spirit Church – 7 pm

Wednesday, April 1

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

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

Thursday, April 2

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm
District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, April 6

Shade Tree Commission – Public Works Building – 6 pm

Tuesday, April 7

Board of Health – Penn Room – 4 pm

Charter Board – Penn Room – 7 pm

Wednesday, April 8

Zoning Hearing Board – Council Chambers – 5:30 pm

Human Relations Commission – HRC office – 6 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, April 9

Police Pension Board – City Hall 3rd floor conference room – 9:30 am

Outlet Area Neighborhood Assn – St. Mark's Lutheran Church – 6:30 pm

Sunday, April 12

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, April 13

Fire Civil Service Board – Penn Room – 4 pm

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

City of Reading City Council

Regular Meeting

March 9, 2015

Council President Acosta called the meeting to order.

The invocation was given by Councilor Daubert.

All present pledged to the flag.

An executive session on employee salaries was held during the Committee of the Whole session, preceding this meeting.

ATTENDANCE

Council President Acosta

Councilor Daubert, District 1

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Waltman, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director C. Snyder

Mayor V. Spencer

Council President Acosta stated that Councilors Reed and Goodman-Hinnershitz entered Council Chambers immediately following roll call.

PROCLAMATIONS AND PRESENTATIONS

The mayor issued a proclamation to the Girl Scouts.

PUBLIC COMMENT

Council President Acosta 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 Daubert read the public speaking regulations adopted by City Council.

Josie Miller, of Wyomissing, was not present.

Cathy Kopicz, of Mohrsville, was not present.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the minutes of the February 9th meeting, postponed until February 17th and the February 23rd meeting and to the agenda for this meeting, including the legislation listed under the Consent Agenda heading. Resolution B under the Consent Agenda heading will be moved to the Resolution heading and considered separately.

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

Consent Agenda

A. Resolution 26-2015 – Sewage Plan Revision for the HAR Associates' Homes at Riverside project located on Weiser Street

C. Resolution 28-2015 – authorizing the promotion of Officer Aaron Demko to the position of Sergeant

ADMINISTRATIVE REPORT

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

- Receipt of a Baaa1 bond rating
- Modification to the City's employment application to exclude the question regarding criminal history
- Update on the gas leak last week in the Orange and Cotton Street area
- Update on Fair Housing events for City landlords
- Update on the Wyomissing Park street lighting project

Councilor Goodman Hinnershitz noted her agreement with the "ban the box" change to the employment application. However, she noted that this will apply to the City's applications only and that the City cannot require other City businesses to remove criminal history questions from their applications.

Council President Acosta stated that although the criminal history question will be removed from the City's employment application, a criminal history and background check will be conducted.

AUDITOR'S REPORT

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

- Report on the 2015 Battle of the Badges
- Return of Maria Rodriguez as Audit Coordinator

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

There were no reports issued at this meeting.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 8-2015 - authorizing the transfer of \$257,194 from Purchasing to Public Works for budgeted Motorola radio maintenance ***Introduced at the February 17 regular meeting***

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 8-2015.

Bill No. 8-2015 was enacted by the following vote:

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

B. Bill No. 9-2015 – amending the Recycling Budget (Fund 56) by transferring \$10,000 from the Portnoff Expense line item to the Contracted Services Line Item to fund contracted construction management services related to the Recycling baler project ***Introduced at the February 17 regular meeting***

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 9-2015.

The Managing Director stated that this transfer will cover the portion of the cost that is not covered by the project grant.

Bill No. 9-2015 was enacted by the following vote:

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

C. Bill No. 10-2015 – amending the Position Ordinance by adding two part-time, seasonal Graffiti Abatement Technicians to the Recycling Fund, Fund 56 ***Introduced at the February 17 regular meeting***

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 10-2015.

The Managing Director stated that funding for these two part-time seasonal positions were approved in the budget; however, through an error, the positions were not included in the 2015 Position Ordinance.

Bill No. 10-2015 was enacted by the following vote:

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

D. Bill No. 11-2015 – amending the salary range for the Police Chief to no less than \$80,000 and no more than \$125,000. ***Introduced at the February 23 regular meeting***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 11-2015.

Council President Acosta stated that he will not support the change in the salary range for the Police Chief based on the discussion held in the Committee of the Whole executive session. He noted the need for the City to fairly address the salaries of management level employees.

Councilor Reed inquired if a violation of the Chief's contract would occur if the proposed amendment does not occur. The Solicitor and Managing Director stated that a potential contract violation would occur if the proposed amendment does not occur.

Bill No. 11-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Sterner, Waltman - 5
Nays: Reed, Acosta, President - 2

E. Bill No. 12-2015 – authorizing the issuance of the City's Series A and B of 2015 Bonds to complete the proposed refunding project for the 2008 GO Bonds ***Introduced at the February 23 regular meeting***

Councilor Marmarou moved, seconded by Councilor Daubert, to enact Bill No. 12-2015.

The Managing Director explained that the Amended Recovery Plan includes this

transaction and lists interest savings of approximately \$1.375M; however, Stevens and Lee predicts that the savings will come closer to \$1.5M due to the marketplace conditions.

Bill No. 12-2015 was enacted by the following vote:

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

Nays: None - 0

Pending March 23rd Public Hearing

Ordinance– Amending the Zoning Ordinance, Chapter 27, §27-1204 C providing for Conditional Use applications and procedures eliminating the ability of the City and property owner to waive a decision made by City Council. ***Introduced at the February 23 regular meeting; Advertised March 9th and March 16th***

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance – Amending Chapter 339 Of The Reading City Code, Entitled “Licenses And Permits,” by creating a New Part 3 adding definitions, duties, penalties, exceptions, prohibited acts, licensing requirements and other related items regarding provision of immigration assistance services provided by Notary Public businesses and individuals; all under certain terms and conditions ***Advertisement on 3-10 and 3-16***

B. Ordinance – Amending Plumbing Code Of The City Of Reading, Section § 180-902 amendments to allow installation of pex or plastic water type piping in all structures, to the same extent that it is permitted under the 2009 International Plumbing Code as adopted by the Pennsylvania Uniform Construction Code. ***Advertisement on 3-16***

RESOLUTIONS

A. Resolution 29-2015 – reappointing Richard McDougall to the Downtown Improvement District Authority

Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution No. 29-2015.

Councilor Marmarou noted the skill of the candidate being reappointed.

Councilor Goodman-Hinnershitz noted that the interview sheets drafted by the City

Clerk provide value as they help guide the interview process for each individual board opening.

Resolution No. 29-2015 was adopted by the following vote:

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

B. Resolution No. 27-2015- approving Donald Pottiger as Acting Administrative Services Director

Councilor Daubert moved, seconded by Councilor Reed, to adopt Resolution No. 27-2015.

The Managing Director stated that the skills and abilities of Mr. Pottiger will help lead the Administrative Services Department until a new director is identified and appointed.

Resolution No. 27-2015 was adopted by the following vote:

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

COUNCIL COMMENT

Councilor Daubert stated that he visited the emergency shelter opened at Amanda Stout area where the gas leak took place last week. He stated that the Fire Department handled this potentially dangerous situation very well and communicated well with those affected. He thanked all service providers such as the Reading School District, the Animal Rescue League, the Red Cross and the Fire Department for their assistance in handling this problem safely and efficiently.

Councilor Goodman-Hinnershitz thanked Councilor Daubert for visiting the area where the gas leak occurred. She noted this area is a location where Districts 1 and 2 merge. She thanked all responders for their assistance.

Councilor Goodman-Hinnershitz noted the new art show planned for the Goggleworks over the next six year period. She stated that this is the type of program envisioned for the Goggleworks and that the program will bring an exciting economic opportunity to Reading.

Councilor Marmarou thanked Public Works for their work to repair the many new potholes that are springing up.

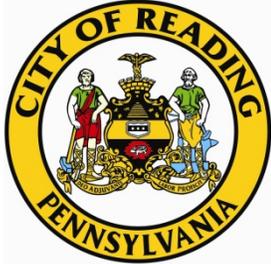
Councilor Reed expressed condolences to Big John Ulrich's family. She noted that Big John was an icon to the Greater Berks area. She stated that Big John represented City Council District 5 from 1998 to 2002. She stated that when she ran against Big John for the District 5 seat, she learned that civility in politics can occur. She spoke about Big John's life time of generosity and philanthropy.

Council President Acosta described the Dominican Republic event held on February 21st and he noted the education provided at the event.

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

Respectfully submitted by Linda A. Kelleher CMC,

City Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: March 23, 2015
AGENDA MEMO DATE: March 18, 2015
RECOMMENDED ACTION: Awarding of Contract for the River Road Extension Design Project

RECOMMENDATION

The recommendation is to award the contract for the River Road Extension Design Project to McCormick Taylor, 222 Valley Creek Blvd., Suite 130, Exton, PA 19341.

BACKGROUND

The City of Reading is retaining a PennDOT qualified engineering consultant to provide environmental studies, preliminary engineering, final design and construction consultation for the River Road Extension Project. The project shall include the redesign of the intersection of Schuylkill Avenue (SR 183) and Windsor Street to a four-way intersection eliminating current access from Bridge Street and Eberhart Street, design of a new street meeting collector standards between Windsor Street and Spring Street generally in alignment with Lincoln Street, design of an upgrade of existing Spring Street between the new collector and the Schuylkill Avenue bridge to collector standards, investigation of the need for and the design of new traffic signals at the redesigned Schuylkill Avenue/Windsor Street, the new Windsor Street/Collector, and the new Spring Street/Collector intersections, and design of accommodations throughout the project area for sidewalk and bicycle access (particularly between the Schuylkill River Trail and the Schuylkill Avenue bridge crossing of the Schuylkill River. There may be involvement with the City's Queen Ann Historic District if work extends outside of existing Rights-of-Way. All proposed improvements shall meet current PennDOT design and safety standards as applicable and will be constructed in accordance with PennDOT Publication 408 while providing a context-sensitive design approach. The project will be funded with a combination of Federal and City of Reading funds.

The City used the RFQ process with the final selection meeting PennDOT's seven unit review process.

BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds to cover the project. The account code to be charged is 34-07-52-4830 project 34-07-52-1058. The total cost of the project will be \$1,011,619.62. However, the City will only be paying 20% of that fee (that equates to \$202,323.93). Federal funds will be covered the rest of the 80% of the project as well as 100% of the construction phase.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the March 23, 2015 meeting.

RECOMMENDED BY

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

RECOMMENDED MOTION

Approve/Deny the recommendation for the River Road Extension Design Project in order that contract may be awarded to McCormick Taylor.

cc: File

Drafted by	City Clerk
Sponsored by/Referred by	City Council
Introduced on	February 23, 2015
Advertised on	March 9 th , March 16 th , 2015

BILL NO. _____-2015
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 27, §27-1204 C PROVIDING FOR CONDITIONAL USE APPLICATIONS AND PROCEDURES ELIMINATING THE ABILITY OF THE CITY AND PROPERTY OWNER TO WAIVE A DECISION MADE BY CITY COUNCIL.

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 27, Zoning Section §27-1204 C Conditional Use Applications and Procedures as follows and renumbering this section accordingly:

§27-1204 Conditional Use Applications and Procedures.

C. If the Zoning Administrator has determined that the conditional use sought is one which is specifically authorized as a conditional use in the Zoning District wherein the applicant’s property is located, one copy of the Application shall be forwarded to the City Planning Commission for its review; one copy shall be retained by the Zoning Administrator and one copy shall be forwarded to the City Clerk for review by City Council or its designated member or independent attorney appointed as a hearing officer pursuant to 53 P.S. § 10913.2.

1. The application shall be reviewed at one (1) or more advertised hearings of City Council or its designated hearing officer with the initial hearing being commenced within sixty (60) days of receipt of the completed application, unless the applicant agrees in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the

prior hearing. The City Council shall either approve or disapprove the application in writing within forty-five (45) days after the date of the final hearing. If a hearing officer is so designated and appointed by City Council the hearing officer shall submit written findings and recommendations to City Council in sufficient time to permit a decision by Council or findings, where no decision is called for, within the allotted time for decision as provided herein.

2. Notices of all hearings shall be given in accordance with the requirements of Section 410 A. of this Chapter (§27-410)
3. The hearing shall be conducted by the designated hearing officer or City Council in accordance with the same procedures and safeguards as those specified in Section 410 D. through L of this Chapter (§27-410)
4. The Decision and/or Findings of City Council shall be made in accordance with the same requirements as those set forth for the Zoning Hearing Board in Section 412 of this Chapter (§27-412).
5. Notice of the Decision and/or Findings by the hearing officer or City Council shall be made in accordance with the same requirements as those set forth for the Zoning Hearing Board in Section 413 of this Chapter (§27-413)
6. In the case of a proposed Conditional Use that may be subject to additional regulation and control by State or Federal regulation(s) or statute(s), City Council may defer a final decision for up to 30 additional days or longer upon receipt of written request therefor from the applicant.
- ~~7. In cases where a hearing officer is appointed the applicant, in addition to the City, may, prior to the decision of City Council, waive decision or findings by City Council and accept such decision or findings of the hearing officer as final.~~
8. The granting of permission to conduct a Conditional Use does not exempt the applicant from acquiring all approvals required by the Subdivision and Land Development provisions of the City of Reading Consolidated Code.
9. All appeals from the Decision of City Council shall be made in compliance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

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

SECTION 3. This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Drafted by	City Clerk
Sponsored by/Referred by	Council President Acosta
Introduced on	March 9, 2015
Advertised on	March 10 and March 16, 2015

BILL NO. __2015

ORDINANCE

AMENDING CHAPTER 339 OF THE READING CITY CODE, ENTITLED "LICENSES AND PERMITS," BY CREATING A NEW PART 3 ADDING DEFINITIONS, DUTIES, PENALTIES, EXCEPTIONS, PROHIBITED ACTS, LICENSING REQUIREMENTS AND OTHER RELATED ITEMS REGARDING PROVISION OF IMMIGRATION ASSISTANCE SERVICES; ALL UNDER CERTAIN TERMS AND CONDITIONS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS:

SECTION 1. Chapter 339 of the Reading City Code is hereby amended to add a new Part 3 as follows:

PART 3. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

§ 339-301. Immigration Assistance Services.

Definitions. As used in this Section:

"BIA" means the Board of Immigration Appeals as determined under Title 8 (Aliens and Nationality) of the Code of Federal Regulations, as amended.

"Director" means the Director of the Administrative Services Department

"Compensation" means money, property, services, promise of payment, or

anything else of value.

“CSC” means Customer Service Center.

“Department” means the Department of Administrative Services.

"Employed by" means that a person is on the payroll of the employer and the employer deducts from the employee's paycheck social security and withholding taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

~~"Immigration matter" means any proceeding, filing or action affecting the status~~ of any person which arises under immigration and naturalization law, regulations, procedure, executive order or presidential proclamation, including those which arise under actions or jurisdiction of the United States Department of Homeland Security, the Department of Justice, the United States Department of Labor, the United States Department of Revenue, the United States Department of State or any successor agencies or department(s).

"Immigration assistance service" means the business of providing any form of assistance, for a fee or other compensation, to any person in an “immigration matter.”

“Provider” means any person or entity, including but not limited to a corporation, partnership, limited liability company, sole proprietorship or natural person, that provides immigration assistance services, but shall not include persons or entities exempt under Subsection (2).

§ 339-301. Exemptions. Nothing in this Part shall regulate any business to the extent that such regulation is prohibited by state or federal law. The requirements of this Part shall not apply to any of the following persons or entities if such person or entity can prove eligibility for an exemption as follows:

(a) Any person who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him or her in the practice of law, or any person working under the supervision of such person;

(b) Any organization recognized by the BIA that provides immigration assistance services via representatives accredited by such board to appear before the Department of Homeland Security or the Executive Office for Immigration Review, that does not charge a fee or charges nominal fees, as defined by the BIA;

(c) Any person employed by the federal government or by the Commonwealth of

Pennsylvania and authorized to provide services in an immigration matter, when acting within the scope of such employment or authority;

(d) Any elected official who, acting within the scope of his or her official capacity, without a fee or other payment makes inquiries in an “immigration matter”;

(e) Any City official or employee who, acting within the scope of his or her duties, without requiring a separate fee or other payment, makes inquiries in an “immigration matter” on behalf of an individual.

§ 339-303. Provider Requirements.

(a) Registration. In addition to obtaining a business privilege license as required under Chapter 339, Part 2, a provider shall register with the CSC annually, pursuant to such registration process as may be established by the Department. A single registration shall include all locations at which a provider performs immigration-related services.

(1) At the time of registration, a provider must sign a form designated by the Department, attesting the provider’s knowledge and consent to conduct business in accordance with the provisions of this Part, and acknowledging that any violation of the provisions of this Part by the provider may result in fines and penalties in addition to those stated in Part 339, as well as cease operations orders and suspension or revocation of the provider’s business privilege license.

(2) At the time of registration, a provider must provide proof of a surety bond in the amount of \$50,000 in order to ensure payment of all final judgments and decrees entered against the provider for damages arising from the provision of immigration assistance services. The surety bond shall be in effect for the entire period in which the provider provides immigration assistance services, plus one year after the provider ceases all operations.

(b) Signs. All providers shall post signs at the provider's place of business, and every location where the provider regularly meets with customers. Signs shall be posted in a conspicuous interior location where the signs will be visible to customers who enter the office. Signs shall meet all of the following requirements:

(1) Each sign shall be at least 11 inches by 17 inches

(2) If the signs are placed on the exterior of the building or are located in a window the signs shall comply with Zoning and Historic Preservation regulations

(3) Notice signs shall contain the following statement:

(i) “This office is not an authorized government agency. I am not an attorney licensed to practice law or a representative accredited by

the Board of Immigration Appeals. I cannot represent you before any immigration authority or agency and may not give legal advice or accept fees for legal advice. Advice on obtaining legal representation can be obtained from the Berks County Bar Association. Fingerprints taken at this location will not be accepted by the United States Department of Homeland Security for any purpose. You may cancel any contract within three (3) business days and get your money back for services not performed. If you have a complaint about this business, contact the City of Reading Customer Services Center.”

(4) Notice signs shall be designed and approved by the Department or its designee and posted in a downloadable Portable Document Format (PDF) on the Department’s website. The notice signs shall contain the statements required under this Section in English and any other language as determined by the Department. Providers shall reproduce the PDF from the Department website, without modification, and post as required herein.

(4) A fee sign, which contains a schedule of all services and fees regularly charged, shall be posted.

(c) Brochure. Before providing any services, a provider shall provide each customer with a brochure or handbill containing all disclosures in the form required under this section. Such brochure or handbill shall be designed and approved by the Department, and shall be posted on the Department’s website in PDF Format. Providers shall reproduce and distribute the brochure exactly as obtained from the Department website, without modification. The brochure or handbill shall be in English and any other language as determined by the Department.

(d) Documents. Providers shall retain copies of all documents prepared or obtained in connection with services provided to a customer for a period of three (3) years after the date a written contract is executed by the provider and the customer, whether or not the contract is subsequently cancelled.

(1) Documents shall be retained at the provider’s principal place of business and made available for confirmation of such retention by the Director or his representative upon demand, during normal business hours.

(e) Advertising. When advertising immigration assistance services by signs, pamphlets, newspapers, internet, television, radio or any other means, a provider shall post or otherwise include with the advertisement a notice in English and in every other language in which the person provides or offers to provide assistance. The notice shall be of a conspicuous size and shall state the following: "The individual offering to provide assistance to you is NOT an attorney licensed to practice law or a representative accredited by the Board of Immigration Appeals. The individual cannot represent you before any immigration authority or agency and may not give legal advice or accept fees

for legal advice.”

(1) No advertisement for immigration assistance services shall expressly or impliedly guarantee that the licensee will achieve any particular government action, including, but not limited to, the granting of employment authorization, lawful permanent residence status, citizenship, or any other form of immigration benefit or relief.

(2) Advertising posted at a provider’s place of business shall be subject to confirmation of compliance with subsection (3) (e) by the Director or his representative, upon demand, during normal business hours.

3) All advertising in violation of this Section may be subject to penalties.

(f) Providers shall comply with all reasonable and lawful requests by the Department.

§ 339-304. Legal Duties of a Provider. Each provider may only perform the following immigration assistance services:

- (a) Transcribing responses to a government agency form which is related to an immigration matter, but not advising a customer as to his or her answers on those forms;
- (b) Translating information on forms, including the instructions, to a customer and translating the customer's answers to questions posed on those forms, but not advising a customer as to his or her answers on those forms;
- (c) Securing for the customer supporting documents, requested by the customer, currently in existence, including but not limited to birth and marriage certificates, foreign passports, tax forms, police clearances and educational credentials, which may be needed to submit with government agency forms;
- (d) Translating documents from a foreign language into English;
- (e) Notarizing signatures on government agency forms, if the person performing the service is a notary public licensed in Pennsylvania;
- (f) Arranging for the performance of medical testing and the obtaining of reports of such test results;

§ 339-305. Written Agreements.

(a) Each provider shall execute a written contract with the customer before providing any form of assistance in an immigration matter.

(1) The written contract shall include the following provisions:

- (a) Name, address and telephone number of the provider;
- (b) Itemization of all services to be provided and performed for the customer;
- (c) Identification of all compensation and costs to be charged to the customer for the services to be performed;
- (d) A statement that any originals of documents prepared, submitted or obtained may not be retained by the provider for any purpose, including payment of compensation or costs;
- (e) A statement that the provider shall give the customer a copy of each document filed with a government entity;

- (f) A statement that the customer is not required to obtain supporting documents through the provider, but may obtain such documents himself or herself;
- (g) A statement, on the face of the contract and in print larger and more conspicuous than other print on the contract, in plain language and substantially similar to the following: “The individual providing assistance to you under this contract is not an attorney licensed to practice law or accredited by the Board of Immigration Appeals to provide representation to you and may not give legal advice or accept fees for legal advice.”;
- (h) A statement that the customer may rescind the contract within three (3) business days, which shall be conspicuously set forth in the contract in plain language substantially similar to the following: "You have three (3) business days to cancel this contract. Notice of cancellation must be in writing. If you cancel this contract within three (3) business days, you will get back your documents along with any fees that you have paid.”;
- (i) A statement conspicuously set forth in plain language substantially similar to "The individual providing assistance to you under this contract is prohibited from disclosing any information or filing any forms or documents with immigration or other authorities without your knowledge and consent.";
- (j) A statement conspicuously set forth in plain language substantially similar to "A copy of all forms completed and documents accompanying the forms shall be kept by the service provider for three years. A copy of the customer's file shall be provided to the client on demand and without fee.";
- (k) A statement that the provider has financial surety in effect for the benefit of any customer in the event that the customer is owed a refund, or is damaged by the actions of the provider, together with the name, address and telephone number of the surety. The statement should be in plain language and substantially similar to “The provider is required by law to have

insurance, which is called a financial surety. If you are not given the services you agreed on, as the customer you may be able to get your money back through this insurance.”

(2) The contract shall be in a language understood by the customer, an English language version of the contract shall also be provided.

(3) A copy of the contract shall be provided to the customer upon the customer's execution of the contract.

(4) Receipts shall be issued for all services provided, and any guarantee must be made in writing.

(5) The customer has the right to cancel the contract within three (3) business days after his or her execution of the contract, without fee or penalty.

(6) The contract may be cancelled at any time after execution. If the contract is cancelled after three (3) business days, the provider may retain fees for services rendered, and any additional amounts actually expended on behalf of the customer. All other amounts must be returned to the customer within fifteen (15) days after cancellation.

(7) If any interpreter services are provided, the contract shall include an attestation from the interpreter affirming the accuracy of the translation and the translator's certification that he or she is competent to translate from the specified foreign language into English.

(8) Upon demand of the customer, providers must provide to the customer any documents prepared, submitted or obtained in relation to an immigration matter.

(9) Signature—Where a form has a section for the preparer to fill out, the provider must provide his or her own information and sign the form as the preparer.

§ 339-306. Prohibited acts. It shall be unlawful for any provider, person, or business entity engaged in the business of immigration assistance services to:

(a.) In the course of dealing with customers or prospective customers:

(1) Make any statement that the person can or will obtain special favors from or has special influence with the United States Department of Homeland Security, the Department of Justice or any other government agency; or threaten to report the client to immigration or other authorities or undermine in any way the client's immigration status or attempt to secure lawful status;

(2) Make any guarantee or promise to a customer, regarding outcomes in an immigration matter;

(3) Demand or retain any compensation for service not performed or costs that are actually not incurred;

(4) Fail to provide a customer with copies of documents filed with a governmental entity, or refuse to promptly return documents supplied by, prepared by, or paid for by the customer upon the request of the customer, or upon termination of the contract, even if there is a fee dispute between the licensee and the customer;

(5) Give any legal advice concerning an immigration matter or otherwise engage in the practice of law, including, but not limited to, any advice regarding the selection of forms to be completed and submitted to any government agency in connection with an immigration matter;

(b) Represent or advertise, in connection with the provision of assistance in immigration matters, the title of lawyer or attorney at law, or equivalent terms in the English language, or any other language, including, but not limited to, "notary public," "accredited representatives of the Board of Immigration Appeals" or "immigration consultant," that could reasonably cause a customer to believe that the person possesses any form of license, accreditation, or official authorization to provide advice on an immigration matter. Provided, however, that a notary public licensed in Pennsylvania may use the term "notary public" if such use is accompanied by the statement that the person is not an attorney;

(c) State, imply, offer or otherwise represent that a person, business, agency, office or organization is authorized to provide fingerprinting services which will be accepted by the United States Department of Homeland Security (DHS) for the process of DHS applications or for any other purpose;

(d) Charge fees, directly or indirectly, for referring an individual to an attorney for any immigration matter. Provided, however, that a person may charge a fee

for notarizing documents as permitted by the Pennsylvania laws regarding notary publics;

(f) Represent that a fee may be charged, or charge a fee, for the distribution, provision or submission of any official document or form issued or promulgated by a state or federal governmental entity, or for the referral of the customer to another person or entity that is qualified to provide services or assistance which the provider will not provide;

(g) Disclose any information to, or file any forms or documents with, immigration or other authorities without the knowledge or consent of the customer.

(h) Refuse to comply with any reasonable and lawful request from a Department inspector acting within the scope of responsibility under this Part.

(i) Perform, or offer to perform, any immigration assistance services or other act which requires a business privilege license under this Chapter and registration under this Part without a valid business privilege license issued by the Department and registration approved by the Department.

(j) Fail to adhere to any provision of this Part.

§ 339-307. Penalties and Enforcement.

(a) Enforcement. In addition to any other penalty provided by law, any person who violates any provision of this Part shall be subject to appropriate Code enforcement proceeding and subject to fines and penalties specified. Each day that a violation of any provision of this Part continues shall constitute a separate and distinct offense. Any person who violates any provision of this Part shall further be liable in a private action as provided herein.

(b) Penalties. Upon the Department's determination that a provider is in violation of this Part hereof, or upon receipt of information of a provider's violation of this Part, the Department may take appropriate action against the individual or business entity, including:

(1) Suspension or Revocation of License. Suspension or revocation of licenses granted under Part 339 Part 2 for all premises operated by the individual where violations have occurred. During any period of license suspension, each and every location of the individual's business shall cease operation as an immigration assistance service provider.

(2) Cease Operations Order. The Department may issue a Cease Operations Order for each business location operated by the individual whose

license(s) has been suspended in accordance with the same procedures as set out in Part 339, Part 2, provided that the Cease Operations Order shall identify the prohibited operations and shall state that the applicable license has been suspended for violation(s) of the Code.

(3) No License. No new license shall be issued for a business location posted with a Cease Operation Order or a license suspension, so long as any person under a license suspension imposed by the Department, or any member of such person's immediate family, or, in the case of a corporation, the corporation or any affiliated business entities, retain a pecuniary interest in the property at that location.

§ 339-308. Private right of action. Any person aggrieved by any violation of this Section or any rule or regulation promulgated hereunder, may bring an action in an appropriate court against any person subject to this Part, for injunction against the violation or for such other or additional relief as may be appropriate to deter, prevent or compensate for the violation. Remedies for violation of this Ordinance shall be cumulative, and shall include costs, compensatory damages, and punitive damages, to the extent allowed by law. Any judgment obtained against a provider under this Part may be provided to the Department and provide a basis for a suspension of license and cease operations order.

SECTION 2. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

SECTION 3. This ordinance shall become effective six (6) months after its adoption and in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: _____, 2015

President of Council

Attest:

City Clerk

DATE: March 4, 2015

FROM: Linda A. Kelleher, City Clerk

Please place the following ad in the Reading Eagle Times in the Public Notice Section on March 10th and March 16th

City of Reading

Ordinance Introduction

The City of Reading City Council introduced the following ordinances at their regular business meeting on Monday, March 9, 2015:

Ordinance – Amending Chapter 339 Of The Reading City Code, Entitled “Licenses And Permits,” by creating a New Part 3 adding definitions, duties, penalties, exceptions, prohibited acts, licensing requirements and other related items regarding provision of immigration assistance services provided by Notary Public businesses and individuals; all under certain terms and conditions

This ordinance is eligible for enactment at Council’s March 23, 2015 regular business meeting. For more information or for a copy of the complete ordinance please contact the City Clerk’s Office, City Hall, 815 Washington St, Rdg, PA during regular business hours or by E Mail at Council@readingpa.org. A copy of the ordinance is also available on the City’s website on the Regular Meeting agenda March 9th and March 23rd.

Drafted by	Legal Specialist
Sponsored by/Referred by	Managing Director
Introduced on	March 9, 2015
Advertised on	March 16, 2015

BILL NO. _____ 2015

**AN ORDINANCE AMENDING PLUMBING CODE OF THE CITY OF READING,
SECTION § 180-902. AMENDMENTS TO ALLOW INSTALLATION OF PEX OR
PLASTIC WATER TYPE PIPING IN ALL STRUCTURES**

WHEREAS, the City desires to eliminate the restriction that limits the installation of PEX or plastic water type piping to new single family dwellings.

WHEREAS, the City desires to permit the installation of PEX or plastic water type piping to the same extent that it is permitted under the 2009 International Plumbing Code as adopted by the Pennsylvania Uniform Construction Code.

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

SECTION 1. Amending the Plumbing Code of the City of Reading, Section § 180-902. Amendments, as follows:

180-902. Amendments.

The following sections of the International Plumbing Code, 2009 Edition, a/k/a Plumbing Code for the City of Reading, is hereby amended, revised, deleted, etc., as indicated:

...

E. Chapter 6, Water supply and distribution.

...

(2) Section 603, Water service.

(a) Section 603.1.1, Water service piping, to read as follows:

603.1.1 Water service piping. Water service pipe to point of entrance to the building shall be made of brass pipe, copper tube, type K minimum with flare fitting, cast iron water pipe or galvanized steel pipe (no plastic piping for water service or meter setup). All threaded ferrous pipe and fittings shall be galvanized or cement-lined and when used underground in corrosive soil or filled ground, shall be coal-tar enamel coated and threaded joints shall be coated and wrapped when installed. No curb or meter box for water service shall be located in any driveway or ramp area.

~~(a) PEX or plastic water type piping may be used in new only singlefamily dwelling.~~

(a) PEX or plastic water type piping may be installed consistent with the provisions of the Pennsylvania Uniform Construction Code and the Building and Trades Department Guidelines for the installation of PEX or plastic type piping which are attached as Exhibit 3 to this Section.

SECTION 2. This Ordinance shall be effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

Adopted _____, 2015

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Drafted by	Legal Specialist
Sponsored by/Referred by	
Introduced on	N/A
Advertised on	N/A

RESOLUTION NO. _____ 2015

INCREASING THE SALARY OF PAMELA HOFFMAN, CONFIDENTIAL SECRETARY, CITY OF READING POLICE DEPARTMENT, IN ACCORDANCE WITH CHAPTER 70, SECTION 701 (G) OF THE PERSONNEL CODE.

WHEREAS, Pamela Hoffman is currently a Confidential Secretary for the City of Reading Police Department; and

WHEREAS, the current salary of Pamela Hoffman does not reflect the duties which she has been assigned; and

WHEREAS, the City of Reading wants to compensate Pamela Hoffman for the work that she performs.

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

That the salary of Pamela Hoffman, Confidential Secretary, City of Reading Police Department, shall be TWENTY-ONE THOUSAND DOLLARS (\$21,000.00) per annum, effective immediately.

Adopted Council _____, 2015

President of Council

Attest:

City Clerk