



# ***CITY COUNCIL***

## ***Meeting Agenda***

**REGULAR MEETING  
COUNCIL CHAMBERS**

**MONDAY, JULY 27, 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:** Pastor Olga Moreira, Path of Holiness

## **C. PLEDGE OF ALLEGIANCE**

## **D. ROLL CALL**

The purpose of the Executive Session on Monday, July 27 was related to \_\_\_\_\_.

# **2. PROCLAMATIONS AND PRESENTATIONS**

- Council commendation L'Officiel Family Hair Center, accepted by Gerald Sauppee
- Council commendation recognizing Recreation Month, accepted by Reading Recreation Commission Executive Director Daphne Klahr
- Presentation of check to Rec Commission by Hillside Playground Assoc.

# **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 July 13, 2015

**B. AGENDA:** Regular Meeting of July 27, 2015

## **5. Consent Agenda Legislation**

**A. Award of Contract** – for Construction Management and Project Management at the Wastewater Treatment Plant *To be distributed Monday*

**B. Resolution 64-2015** – authorizing the Mayor to sign and submit a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application to request funding (\$910,099.00) of the total project cost (\$1,820,197.00) for improvements to be made at the Schuylkill River Trail *Tabled at July 13<sup>th</sup> regular meeting*

**C. Resolution 66-2015**– authorizing the submission of a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application to request funding (\$1,051,500.00) of the total project cost (\$1,500,000.00) for improvements to be made at Skyline Drive. *Tabled at July 13<sup>th</sup> regular meeting*

**D. Resolution** - providing CDBG HOME Funding for the Homes at Riverside at \$100,000 from available FY 2014 funding and moving \$100,000 of funds allocated to Habitat for Humanity to FY 2015.

## **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. Bill No. 37-2015** - re-enacting local firearms regulations, in part, located within Chapter 219 and repealed by Bill No. 2-2015 ***Introduced at the July 13 regular meeting***

**B. Bill No. 38-2015** - authorizing the transfer of \$4,417,085.00 from Fringe Benefits accounts ending in 4900 that include other Post Employment benefits to accounts ending in 4914 to identify both medical and prescription expense benefits associated with retired employees. This transfer has zero effect on All Funds Budgeted Spending ***Introduced at the July 13 regular meeting***

**C. Bill No. 39-2015** - amending the City Code, Chapter 5 Administrative Code, Section 5-701 Duties of City Health Officer as attached ***Introduced at the July 13 regular meeting***

**D. Bill No. 40-2015** - amending the City of Reading Code of Ordinances, Chapter Street 508 Streets and Sidewalks, Part 7 Street Cut Permits, as attached in Exhibit A ***Introduced at the July 13 regular meeting; Advertised July 20<sup>th</sup>***

## **10. INTRODUCTION OF NEW ORDINANCES**

**A. 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 ***Advertisement scheduled for August 3<sup>rd</sup>***

**B. Ordinance** – amending City Code Chapter 576 “Vehicles And Traffic,” Part 5 “Parking Meters” to add kiosks as an acceptable type of parking meter, to add electronic payment as an acceptable form of payment for parking and to authorize the reading parking authority, by resolution, to lower the maximum rates established by the city of reading and establish the periods of time for parking ***Advertisement scheduled for August 3<sup>rd</sup>***

**C. Ordinance** – amending Chapter 212 Part 144. Vehicles and traffic by adding a maximum per hour parking rate ***Advertisement scheduled for August 3<sup>rd</sup>***

## **11. RESOLUTIONS**

**A. Resolution** – reappointing William Harst to the Zoning Hearing Board

**B. Resolution** – reappointing Heminton Candelario-Urena to the Blighted Property Review Committee

**C. Resolution** – appointing Steven Symons to the Reading Area Water Authority

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

*Please see public speaking rules on second page*

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

## **14. COUNCIL MEETING SCHEDULE**

### **Monday, July 27**

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

*Regular Meeting – Council Chambers – 7 pm*

### **Monday, August 3**

*Nominations & Appointments Committee – Council Office – 4 pm*

*Conditional Use Hearing – 845 N 8<sup>th</sup> St – Council Chambers – 5 pm*

*Strategic Planning Committee – Council Office – at conclusion of hearing*

### **Monday, August 10**

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

*Regular Meeting – Council Chambers – 7 pm*

### **Thursday, August 13**

*Conditional Use Hearing – 508 N 9<sup>th</sup> St – Council Chambers – 5 pm*

### **Monday, August 17**

*Nominations & Appointments Committee – Council Office – 4 pm*

*Conditional Use Hearing – 549 N 10<sup>th</sup> St – Council Chambers – 5 pm*

*Finance Committee – Council Office – at conclusion of hearing*

*Standards of Living Committee – Council Office – at conclusion of hearing*

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

### **Monday, July 27**

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

*District 7 Crime Watch – Holy Spirit Church – 7 pm*

### **Tuesday, July 28**

*Environmental Advisory Council – Schlegel Park – 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

**Thursday, July 30**

Water Authority – Water Authority office – 4:30 pm

**Monday, August 3**

Shade Tree Commission – Public Works Building – 6 pm

**Tuesday, August 4**

Board of Health – Penn Room – 4 pm

Charter Board – Penn Room – 7 pm

**Wednesday, August 5**

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

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

**Thursday, August 6**

Police Civil Service Board – Penn Room – noon

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

District 3 Crime Watch – Calvary Baptist Church – 7 pm

**Monday, August 10**

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity fieldhouse – 6:30 pm

**City of Reading City Council  
Regular Meeting  
July 13, 2015**

Council President Acosta called the meeting to order.

The invocation was given by Lay Pastor Douglas Didyoung, St Mark's Lutheran Church.

All present pledged to the flag.

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

**ATTENDANCE**

Council President Acosta  
Councilor Daubery, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
Councilor Waltman, District 6  
City Auditor D. Cituk  
Solicitor C. Younger  
City Clerk L. Kelleher  
Managing Director C. Snyder  
Mayor V. Spencer

**PROCLAMATIONS AND PRESENTATIONS**

No proclamations or presentations were issued.

**PUBLIC COMMENT**

Council President Acosta stated that there are six (6) citizens registered to address Council on 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 participation regulations adopted by Council to those present.

**Peter Sutliff, of North 5<sup>th</sup> Street**, stated that the relocation of gas meters to the front façade of properties within historic districts by UGI is inappropriate and detrimental to the appearance of these historic properties. He stated that the group of affected community members meeting to

address this issue has reviewed the ordinance being traduced this evening. He stated that amendment suggestions were submitted along with a recommendation for an additional ordinance. He asked Council to consider the recommendations submitted.

**Gene London, of North 5<sup>th</sup> Street**, expressed the belief that properties within the City's historic districts have been seized by pre-historic gas meters. He expressed the belief that these meters are unattractive and unsafe, as they extend into the public right of way and create hazards to pedestrians and children. In addition he stated that the meters are also at risk of being hit by vehicles. He suggested that the City stop UGI from relocating meters to the exterior front façade. He stated that the meters, if they are relocated to the outside, should be placed in areas where they are not visible from the public right of way.

Mr. London stated that Flagger Force, working as a UGI subcontractor, detoured traffic into the parking lane which caused a truck to hit and damage his 100 year old tree at the front of his property. He noted that he had no advance notice that UGI was going to relocate the meter and that the subcontractor just appeared out of nowhere. He suggested that residents should stand together to object to the relocation of gas meters.

**Michael Lauter, of Centre Avenue**, stated that he is Executive Director of the Centre Park Historic District and that he is participating in the advisory group assembled to address the relocation of gas meters within historic districts, along with colleagues from Callowhill and Centre Park. He said that the relocation of the gas meters to the exterior front façade is upsetting and disturbing.

Mr. Lauter stated that in 1995 RAWA began relocating digital water meters to the outside of properties and that RAWA took care to make sure the meters were not placed within view of the public right of way for properties within the City's historic districts. He noted that when there was an increase in the usage of satellite dishes vs. cable, the City drafted an ordinance requiring regulation around the placement of satellite dishes at properties within the historic districts. He suggested that the City take a similar approach with the gas meters. He suggested that UGI should need to obtain HARB approval before they relocate a gas meter to the front façade, just as a satellite company must do.

Mr. Lauter questioned why UGI fails to provide sufficient notice to residents before they undertake the relocation of the gas meter.

**John Slifko, of North 4<sup>th</sup> Street**, stated that he too sits on the advisory group regarding the relocation of gas meters. He stated that the relocation of gas meters to the exterior front façade is a troublesome issue. He noted that the relocation is severely damaging the City's streets and sidewalks. He questioned why the City is allowing UGI to increase public safety hazards by allowing UGI to relocate the gas meters to the exterior front façade. He stated that the advisory

group reviewed the Street Cut ordinance amendment being introduced this evening. The group submitted recommendations to make the ordinance stronger, along with a second ordinance to regulate the exterior location of gas meters. He asked Council to consider these recommendations.

**Bill Bender, of North 5<sup>th</sup> Street,** noted the recent newspaper article regarding the award UGI received “Most Trusted Brand” status from Cogent Reports, a division of Market Strategies International. The Cogent Reports Residential Utility Trusted Brand and Customer Engagement study measures such company attributes as reputation and advocacy, customer focus, community support, communication effectiveness, environmental dedication and reliable quality. However, he suggested that UGI’s performance during the meter relocation is far from customer friendly in Reading, Lancaster and Bethlehem. He noted the difficulties both Bethlehem and Lancaster had during the meter relocation process. He also noted the lack of sufficient notice to the property owner and that the subcontractor merely shows up on the day the relocation of the meter is planned.

**Mel Jacobsen, of North 5<sup>th</sup> Street,** questioned the safety hazards created by the relocation of gas meters to the exterior front façade of properties, the City’s review of the PUC ruling, the need to replace the tree described by Mr. London earlier, review how other cities handled the relocation of gas meters, etc.

Mr. Jacobsen also questioned the City’s business friendly approach as he delivered a completed Conditional Use application to the Zoning Office with the required \$1000 fee on May 18, 2015. He stated that he made numerous calls to Zoning to find out when the hearing would be scheduled. About three (3) weeks ago the Zoning Office told him that the application was forwarded to the City Clerk; however, when he spoke with the City Clerk, he learned that the application was not forwarded. He stated that the City Clerk’s office followed up several times with the Zoning Administrator and the application was finally forwarded today, July 13<sup>th</sup>. He questioned the need for a two month delay to handle an application that took only two hours to complete.

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

Council President Acosta called Council’s attention to the minutes of the June 22<sup>nd</sup> meeting, and to the agenda for this meeting, including the legislation listed under the Consent Agenda heading. He stated that the Resolutions C and E on the Consent Agenda will be tabled until the next meeting and that the administration requested the addition of resolution under the Resolution heading to increase the salaries of some management employees.

**Councilor Sterner moved, seconded by Councilor Marmarou, to approve the agenda, as amended, 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** – none

**B. Resolution 63-2015** – Authorizing the promotion of Officer Jacquelyn M. Flanagan to the rank of Sergeant effective July 13, 2015

**C. Resolution 64-2015** – authorizing the Mayor to sign and submit a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application to request funding (\$910,099.00) of the total project cost (\$1,820,197.00) for improvements to be made at the Schuylkill River Trail – ***Tabled until the July 27<sup>th</sup> Regular Meeting***

**D. Resolution 65-2015** – authorizing the hiring of Candance Drabeck, Christopher Fortin, Richard Grier, Barry Lust, Anthony Schappell, Justin Sneeringer, Tyler Svitak as probationary patrol officers, effective July 13, 2015

**E. Resolution 66-2015** – authorizing the submission of a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application to request funding (\$1,051,500.00) of the total project cost (\$1,500,000.00) for improvements to be made at Skyline Drive. – ***Tabled until the July 27<sup>th</sup> Regular Meeting***

**F. Resolution 67-2015** – authorizing the execution of an agreement with PennDOT entitled Winter Traffic Services Five-Year Contract for the City to perform snow and ice clearance for state highways and bridges.

## ADMINISTRATIVE REPORT

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

- Completion of the ADA assessment for curb ramps and cross walks
- Discontinuation of the City's non-emergency transport service

Councilor Goodman-Hinnershitz questioned if the Naloxone training is being provided to Police and EMS personnel. The mayor stated that he believes that this training is provided to Police and all Fire employees.

Councilor Goodman-Hinnershitz explained that Naloxone is a drug used to aid those who have overdose symptoms related to opiates.

## AUDITOR'S REPORT

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

- 2014 Parking Authority external audit results
- 2014 Real Estate Transfer Tax collections

- Update on the City's 2014 external audit

Council President Acosta inquired about properties that transferred but did not pay the transfer tax. The Auditor stated that some transfers are exempt from the Transfer Tax such as properties that transfer due to divorce, foreclosure, estates, etc.

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

Renee Dietrich, President of the Reading Public Library Board, thanked Council and the administration for their increased contribution to the Library in 2015. She stated that that increased amount allowed the Library to restore many services that were previously cut.

Ms. Dietrich explained that the City's increased contribution was viewed as an endorsement of the services provided by the Library to the community. She stated that the increased contribution increased donations from the general public, as donors saw the increased contribution as a guarantee that the Library would continue to operate. She stated that the 2015 Summer Reading program has 2007 participants (adults and children) and the increased contribution has provided funding to staff the program. She again thanked the City for increasing the contribution to the Reading Public Library and requested that the City continue this increased funding level.

## ORDINANCES FOR FINAL PASSAGE

### Pending for Further Review

**C. Bill No. 33-2015** – Amending Chapter 5 Administrative Code of the City Code Part § 5-303 entitled “Severance” by addressing accrued vacation time for Department Directors

**D. Bill No. 34-2015** – 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.

There were no ordinances eligible for final enactment.

## INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

**A. Ordinance** - re-enacting local firearms regulations, in part, located within Chapter 219 and repealed by Bill No. 2-2015

**B. Ordinance** - **authorizing the transfer of \$4,417,085.00 from Fringe**

**Benefits accounts ending in 4900 that include other Post Employment benefits to accounts ending in 4914 to identify both medical and prescription expense benefits associated with retired employees.**

This transfer has zero effect on All Funds Budgeted Spending

**C. Ordinance** - amending the City Code, Chapter 5 Administrative Code, Section 5-701 Duties of City Health Officer as attached

**D. Ordinance** - amending the City of Reading Code of Ordinances, Chapter Street 508 Streets and Sidewalks, Part 7 Street Cut Permits, as attached in Exhibit A.

## **RESOLUTIONS**

**A. Resolution 67-2015** – increasing the salary of David Ruyak, Operations Division Manager, Public Works Department, by \$6,000.00 per annum, effective retroactively to the date of the discontinuance of Mr. Ruyak’s Acting Salary

**Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 67-2015.**

The Managing Director explained that the 2015 Budget planned a 2% salary increase for management level employees, those unrepresented by collective bargaining agreements. However, the new Recovery Plan states that the 2015 allocation for salaries cannot exceed the 2014 salary cap. She stated that due to attrition, not re-hiring to fill some positions, etc. created a level of funding available to increase some management salaries. She stated that the Department Directors discussed this issue at several meetings and identified a number of employees who are underpaid, when compared to the marketplace. She stated that there are six (6) management level employees who will get an increase beyond the 3% listed within the City Code; therefore Council approval is required.

The Auditor questioned if the correct process was being used to increase the one Department Director listed in Exhibit A. The Managing Director expressed the belief that the process used is correct.

The Auditor inquired about the effective date and retroactivity of the increases. The Managing Director stated that the increases will be retroactive to July 2, 2015, not the beginning of 2015.

**Resolution No. 67-2015 was adopted by the following vote:**

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

**Nays: None - 0**

**C. Resolution 68-2015** – to adjust the annual salary of the six management employees contained on the attached spreadsheet marked as Exhibit A.

**Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 68-2015.**

**Resolution No. 68-2015 was adopted by the following vote:**

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

**Nays: None - 0**

## **COUNCIL COMMENT**

Councilor Waltman stated that the City has come to a crossroads with the UGI gas meter issue. He noted the need to create a solution and successfully implement the solution in a way that will benefit Reading and its properties. He expressed the belief that this issue will be a battle that Reading needs to win. He stated that this issue will take time and effort.

Councilor Goodman-Hinnershitz thanked the residents from Callowhill and Centre Park for attending tonight's meeting and addressing Council. She noted that District 2 residents unsuccessfully tried to fight the relocation of gas meters to the exterior front façade of properties. She noted the great impact this has had on public safety, especially on Cotton Street and other streets where the sidewalks are narrowly sized. She stated that locating the meters on these small sidewalks increases the risk of injury to pedestrians, children and handicapped individuals. She also stated that locating the meters on these small sidewalks increases the risk of damage due to automobile crashes.

Councilor Marmarou described his experience when UGI relocated his meter to the exterior front façade. He noted the unrepaired damage to his landscaping. He also noted that Council had the PUC to Reading for a tour of the Cotton Street area a few months ago. He stated that the streets in his district are in horrible condition due to the relocation of the gas meters.

Councilor Reed noted that the relocation of gas meters to the exterior front facades creates safety issues city-wide. She described the problems on Schuylkill Avenue and in other District 5 areas. She voiced her support for properties within the City's historic districts. She expressed support for the need for the citizens and government to work together to develop a sound solution for the relocation of gas meters.

Councilor Reed described the great effort that include several people, along with the RHS Girls Basketball team this past Sunday on Penn Street.

Council President Acosta stated that City Council has not ignored the issue relating to the relocation of the gas meters, as Council has been attempting to address the issue for approximately five (5) years with the various administrations. He also noted some prior meetings were held with UGI staff members who told various mistruths and made promises that were not kept.

Councilor Sterner expressed the belief that fighting this issue will take a large effort and assistance from the media.

The group continued the discussion on the relocation of UGI gas meters.

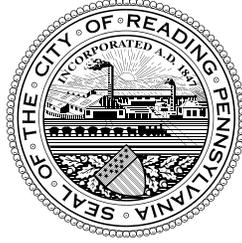
Councilor Daubert described the quality of life problems created by large trucks parked in No Parking areas over weekends. He stated that the truckers, who reside elsewhere, will be approached about parking on a private lot.

Council President Acosta reviewed the upcoming Council schedule.

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

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





# AGENDA MEMO

VAUGHN SPENCER, MAYOR  
CAROLE SNYDER, MANAGING DIRECTOR

**TO:** City Council  
**FROM:** Ralph Johnson, Director of Public Works  
**PREPARED BY:** Cindy DeGroote, Grants Coordinator  
**MEETING DATE:** July 13, 2015  
**AGENDA MEMO DATE:** July 8, 2015  
**REQUESTED ACTION:** Council approve a resolution to authorize the Mayor to sign and submit a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application for the Schuylkill River Trail Improvements Project

## RECOMMENDATION

The Administration recommends Council approve a resolution authorizing the Mayor to sign and submit a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application to request funding (\$910,099.00) of the total project cost (\$1,820,197.00) for improvements to be made at the Schuylkill River Trail.

## BACKGROUND

The Multimodal Transportation Fund Program provides grants to municipalities to encourage economic development and ensure that a safe and reliable system of transportation is available to Pennsylvania residents. The Schuylkill River Trail Improvements Project is an eligible project for this funding source. The City is partnering with the Berks County Conservancy. The City will serve as the grant applicant with the intension of making needed improvements to the Schuylkill River Trail located from Franklin Street to the Penn Street Bridge to the Buttonwood Street Bridge. The improvements will include construction of raised landscape buffers, street restriping, crosswalk construction, trail construction to connect with the existing trail, and

retaining design services for the site work. The need for the rehabilitation of this site has been identified as a priority in the current City's Ten Year Park, Recreation and Open Space Plan and Comprehensive Plan. The required (\$910,098.00) local match of the total project cost (\$1,820,197.00) has been applied to through the PA Department of Conservation and Natural Resources Community Conservation Partnerships Program's April 2015 grant round.

**BUDGETARY IMPACT**

None

**PREVIOUS ACTION**

None

**SUBSEQUENT ACTION**

None

**REVIEWED BY**

Director of Public Works, Managing Director and Mayor

**RECOMMENDED MOTION**

Approve/Deny the resolution to authorize the Mayor to sign and submit a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application for the Schuylkill River Trail Improvements Project.

Drafted by	Business Analyst
Sponsored by/Referred by	Council Mayor

Resolution No. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR A PA CFA MULTIMODAL TRANSPORTATION FUND PROGRAM GRANT FOR AN IMPROVEMENT PROJECT AT THE SCHUYLKILL RIVER TRAIL.**

WHEREAS, The Multimodal Transportation Fund Program provides grants to municipalities to encourage economic development and ensure that a safe and reliable system of transportation is available to Pennsylvania residents; and

WHEREAS, the City of Reading desires to make improvements to the Schuylkill River Trail. The need for the improvements to be made at the site is identified as a priority in the City's Ten Year Park, Recreation and Open Space Plan.

WHEREAS, THE City of Reading is requesting \$910,099.00 of the total project cost of \$1,820,197.00 through the CFA Multimodal Transportation Fund Program Grant funds; and

WHEREAS, the required local share of funding, \$910,098.00, has been be applied to through the 2015 round of the PA Department of Conservation and Natural Resources Community Conservation Partnerships Program funding; and

WHEREAS, the City of Reading acknowledges the responsibility to annually budget funds for maintenance and operation of the project facilities.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING that it agrees to comply with the requirements of the Commonwealth Financing Authority Multimodal Transportation Fund Program for the purpose of obtaining grant funds to make improvements to the Schuylkill River Trail.

PASSED COUNCIL \_\_\_\_\_, 2015

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CITY CLERK

**TO:** City Council  
**FROM:** Ralph E. Johnson, Director of Public Works  
**PREPARED BY:** Ralph E. Johnson, Director of Public Works  
**MEETING DATE:** July 13, 2015  
**AGENDA MEMO DATE:** July 8, 2015  
**REQUESTED ACTION:** Council approve a resolution to authorize the Mayor to sign and submit a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application for the Skyline Drive Improvements Project

**RECOMMENDATION**

The Administration recommends Council approve a resolution authorizing the Mayor to sign and submit a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application to request funding (\$1,051,500.00) of the total project cost (\$1,500,000.00) for improvements to be made at Skyline Drive.

**BACKGROUND**

The Multimodal Transportation Fund Program provides grants to municipalities to encourage economic development and ensure that a safe and reliable system of transportation is available to Pennsylvania residents. The Skyline Drive Improvements Project is an eligible project for this funding source. The City is partnering with Lower Alsace Township and Alsace Township. Lower Alsace Township will serve as the grant applicant with the intension of making needed improvements to about 2.55 miles of Skyline Drive in Lower Alsace Township, Alsace Township and the City of Reading. The improvements will include roadway repairs, resurfacing and line painting with the complete streets concept in mind. The need for the improvements to be made is identified as an integral part of the City’s road system and a desired location for applying the complete streets concept. The City’s required (\$120,000.00) local match of the total project cost (\$1,500,000.00) is being requested in the 2016 capital budget.

**BUDGETARY IMPACT**

The City’s match to the grant is a 2016 Capital Improvements request of \$120,000.00.

**PREVIOUS ACTION**

None

**SUBSEQUENT ACTION**

None

**REVIEWED BY**

Director of Public Works, Managing Director and Mayor

**RECOMMENDED MOTION**

Approve/Deny the resolution to authorize the Mayor to sign and submit a Commonwealth Financing Authority Multimodal Transportation Fund Program Grant application for the Skyline Drive Improvements Project.

**Resolution No. \_\_\_\_\_**

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION IN COOPERATION WITH LOWER ALSACE TOWNSHIP AND ALSACE TOWNSHIP FOR A PA CFA MULTIMODAL TRANSPORTATION FUND PROGRAM GRANT FOR AN IMPROVEMENT PROJECT AT SKYLINE DRIVE.

WHEREAS, The Multimodal Transportation Fund Program provides grants to municipalities to encourage economic development and ensure that a safe and reliable system of transportation is available to Pennsylvania residents; and

WHEREAS, Lower Alsace Township, Alsace Township and the City of Reading desire to make improvements to Skyline Drive. The need for the improvements to be made is identified as an integral part of the City's road system and a desired location for applying the complete streets concept.

WHEREAS, Lower Alsace Township, Alsace Township and the City of Reading are requesting \$1,051,500.00 of the estimated total project cost of \$1,500,000.00 through the CFA Multimodal Transportation Fund Program Grant funds; and

WHEREAS, the City of Reading's required local share of funding, \$120,000.00 is being requested in the 2016 capital budget; and

WHEREAS, the City of Reading acknowledges the responsibility to annually budget funds for maintenance and operation of the project facilities.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING that it agrees to comply with the requirements of the Commonwealth Financing Authority Multimodal Transportation Fund Program for the purpose of obtaining grant funds to make improvements to Skyline Drive.

ADOPTED BY COUNCIL \_\_\_\_\_, 2015

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CITY CLERK

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

RESOLUTION REVISING THE FY 2014 AND 2015 ACTION PLAN FOR THE HOME INVESTMENT PARTNERSHIP PROGRAM

WHEREAS, the City of Reading is an entitlement community receiving HOME Investment Partnerships Program funds from the U.S. Department of Housing and Urban Development under Title II of the National Affordable Housing Act of 1990, Public Law 101-625; and

WHEREAS, the City allocated FY 2015 funds in the amount of \$100,000 to the Homes at Riverside, an affordable rental housing development to be constructed at 1001 Weiser Street; and

WHEREAS, the Developer is ready to proceed with this project but the City has not yet received its Letter of Credit Agreement from the U.S. Department of Housing and Urban Development for FY 2015; and

WHEREAS, there are funds available in FY 2014 for activities that have not yet been committed.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Reading, that the Homes at Riverside will be funded from available FY 2014 funding and that \$100,000 of funds allocated to Habitat for Humanity shall be moved to FY 2015.

Adopted by Council \_\_\_\_\_, 2013

\_\_\_\_\_

Francis G. Acosta

President of Council

Attest: \_\_\_\_\_

Linda A. Kelleher, City Clerk

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

\_\_\_\_\_  
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	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

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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	Legal Specialist
Sponsored by/Referred by	Council President and Vice President
Introduced on	July 13, 2015
Advertised on	

**BILL NO. \_\_\_\_\_-2015**

**AN ORDINANCE**

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

**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, as attached in Exhibit A.

**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: \_\_\_\_\_

**Chapter Street 508 Streets and Sidewalks**  
**Part 7 Street Cut Permits**

**§ 508-701. Purpose.**<sup>20</sup>

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curblines thereof, until a Street Cut Permit (Permit) is obtained from the Department of Public Works. It shall be the responsibility of the person receiving the Permit (the Permittee) to promptly restore the permitted street cut and any other affected facility in proper order and repair in accordance with this ordinance and associated guidance documents. When the street cut involves the use of a utility the Permittee shall be the owner of the utility or the owner's legal agent.

**§ 508-702. Application.**

Applications for a Permit to break the pavement or surface of any legally open streets shall be submitted on the form provided by the Department of Public Works, shall include all information and applicable fees, and shall be signed by the applicant. The application information and fees shall include the following:

- A. **Permit Fee.** Each application shall be accompanied by a permit fee as provided in Chapter 212, Fees.
- B. **Inspection Fee.** An inspection fee will be assessed for each separate street cut as provided in Chapter 212, Fees.
- C. **Pavement Restoration Fee.** *It shall be the duty of the party applying for the permit to restore to good order and repair in accordance with the City of Reading's specifications.* The Permittee shall pay a permanent pavement restoration fee for those cuts where the permanent pavement restoration is provided by the City of Reading, in accordance with Chapter 212, Fees, unless otherwise stipulated. ~~Refer to Section 508-706 Pavement cuts on recently paved streets for additional charges that may apply to recently paved streets.~~ Permittee's s who prefer to have their contractor perform the permanent pavement restoration work must have completed a Letter of Agreement with the City to that effect and will not be assessed the permanent pavement restoration fee *except as noted in Section 508-706 and Section 508-709.C. Refer to Section 508-706 Pavement cuts on recently paved streets for premature degradation charges that will apply to cuts made on recently paved streets, and Section 508-709.C for permanent pavement restoration made Ahead of Paving in coordination with the City.*
- D. **Detailed Plan of the work.** *The applicant shall furnish a* A scale plan shall accompany the application showing the extent and nature of the planned work at each street cut location within the right- of-way. *The plan shall set forth, but is not limited to:*
  - 1) *The purpose for which the excavation is to be made;*
  - 2) *The Permittee shall include The dimensions and location of the proposed excavation including the nearest cross streets where the excavation or street opening is considered;*
  - 3) *The full scope of work to be included in the project;*
  - 4) *The date or dates during which the requested excavation is to be permitted;*

- 5) *The date such excavation is to be refilled and resurfaced in the manner hereinafter provided; and*
- 6) *A Traffic Impact Plan (TIP). As specified in §508-709, a TIP shall be submitted with any permit application for all proposed work that is to be conducted on a City roadway.*

~~all other important details on the plan that the Permittee is aware of and other information as required by this section and as directed by the City Engineer **Public Works Director** or his/her designee (City Engineer).~~

- E. **Letter of Agreement.** A properly executed Letter of Agreement will be required for all Permits with the exception of a single Permit application for one street cut by a non-utility applicant.
- F. **Bond Guaranty of Work.** *The Permittee shall guarantee and maintain the street cut, excavation, and any related work for twenty-four (24) months from the completion of the City approved final restoration. Within this twenty-four (24) month period, the Permittee shall correct or cause to be corrected all restoration work in the manner determined necessary by the Public Works Director within five (5) calendar days of receipt of the notification. Failure to perform within the five calendar days may be completed by the City and invoiced to the Permittee for all costs incurred in performance of the work. Payment not made within thirty (30) days of the invoice date will be enforceable against the posted bond, including any fees and costs involved in the collection thereof.*

Each street cut will require a bond *signed* or other acceptable form of surety before a Permit is issued. The bond shall be signed by the applicant in the amount as specified in Chapter 212, Fees. The bond shall accompany the Permit application and shall remain in effect for a period of *twenty-four months (24) two years* from the date of the acceptance of the final pavement restoration. Public utility companies shall provide a bond as specified in Chapter 212, Fees that will warrant all street cut work performed in that calendar year. Bonds for utility companies shall be renewable on an annual basis. If the condition is such that the Permittee fails to comply with this ordinance by not promptly completing the permitted work, including trench restorations and restoration of other affected facilities or fails to maintain such restorations in proper order and repair following construction, the ~~City Engineer~~ **Director of Public Works** shall have cause to remedy that condition by calling on the Permittee's bonding company to perform the work necessary to restore the street and other affected facilities to proper order.

- G. **Additional fees and information.** The size and type of street cut(s) may require payment of additional fees and submission of additional information as prescribed in this ordinance. All fees, plan information, bonding, application and Letter of Agreement must be provided and approved before the City will issue a Permit. Permits are issued subject to all other applicable ordinances of the City of Reading, and all applicable state and federal laws.
- H. *Display of permits and signage at work site. Unless otherwise authorized, permit(s) shall be kept at the work site for the duration of the project and made available for inspection upon request of any duly authorized City official. Such permits cannot be affixed to any temporary structure including fences, containers, or construction equipment.*

- I. **Revocation of Permit.** *All street cut or excavation permits are subject to revocation at any time by the Department of Public Works upon written notice served to whom the permit was granted, their agent, or employee . Such notice shall contain a brief statement detailing the revocation and be issued for failure to cure within three (3) days:*
  1. *A violation of any condition of the permit.*
  2. *A violation of this section or any other applicable City of Reading ordinance relating to the work.*
  3. *The creation or failure to eliminate a condition or action that constitutes a nuisance or endangers the lives, property, or welfare of City residents.*

### **§ 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 ~~City Engineer~~ **Director of Public Works** may deny or delay issuance of a Permit if existing or anticipated conditions for the use of the street indicate that the street cut work will interfere with the safety and judicious use of the street and the Right-of-Way.

### **§ 508-704. Permit issuance and schedule for construction of street cuts**

Permit applications shall be submitted ~~a minimum of two weeks~~ ***not less than thirty (30) days*** prior to the start of the proposed street cut work, ***and construction work must commence within fifteen (15) calendar days of approval; failure to do so may result in permit revocation, or require the submission of a new application.*** The Permittee shall notify the City at least three days in advance of breaking the street. Each Permit shall be valid for a period of ~~six~~ **four** months. If deemed necessary, Permit time extensions may be granted as specified in Section 508-709 Other related permits and fees.

### **§ 508-705. Charged surface**

In computing the surface area of the permanent pavement restoration surface to be charged, ***for small single cuts, twelve inches shall be added to all sides of the proposed cut. For Large Street Cuts (per 508-707.A), the charged surface shall include the combined area of each trench, plus, as a separate fee, the area of milling and overlay required to restore the overlying surface. For applicants where the Large Cuts are coordinated with the City for Ahead of Paving Permits, see Section 508-709.C.*** If the Permittee or City inspector determines that the Permittee removed, disturbed or damaged a pavement area greater than what is stated on the Permit, the Permittee shall pay a proportionate amount to be fixed by the Department of Public Works.

### **§ 508-706. Pavement cuts on recently paved streets**

~~Final pavement restorations for s~~ **Street** cuts on recently paved streets ~~will be provided by the City, and~~ are subject to additional charges to recover the premature degradation caused by the work. The restoration fee for pavement cuts on streets paved more than 10 years before the date of the application shall be calculated at the permanent pavement restoration rate specified in Chapter 212, Fees. The restoration **premature degradation** fee for pavement cuts on streets paved within ten years from the date of the application shall be issued **based** on the permanent pavement restoration rate specified in Chapter 212, Fees **as follows** following additional fees ; 100% additional ~~for~~ **of the restoration fee** for the current year through the fifth year, and 80% ~~additional~~ **of the restoration fee** for years six through ten. **The premature degradation fee applies to all Permittees under these conditions whether they provide the pavement restoration or the City provides the restoration.**

### **§ 508-707. Special site conditions**

Where, in the opinion of the ~~City Engineer~~ **Director of Public Works** and at his/her sole discretion, site conditions are determined to involve construction work beyond that required for a small single utility service connection, the Permittee shall provide additional information, and may be required to perform additional work and pay additional fees. Where additional work is required to restore the pavement and other features within the Rights-of-Way, those terms shall be included in the Letter of Agreement before issuance of the Permit.

Special site conditions include, but are not limited to, permanent restoration of the street surface by the applicant, permanent restoration of the street beyond the area of the trench cut opening, construction of features within the Rights-of-Way other than trench restoration, and other special site construction work determined during the application. Examples of special site conditions are described below:

- A. **Large cuts.** Additional restoration of the pavement wearing surface will be required for cuts larger than those made for small single utility service connections. Large street cuts include, but are not limited to, the following conditions:
1. Where two or more transverse or longitudinal cuts are made within a 100 foot long section of street **and the total area of the cuts is equal to or greater than 40.0 square feet.** (Transverse cuts are typically made for laterals that run across the street, and longitudinal cuts are typically made for mains running with the street.)
  2. **Where the area of a single cut is equal to or greater than 40.0 square feet.**
  3. ~~Where a single longitudinal cut exceeds 100 feet.~~

The additional restoration for these cuts shall comply with the City's ~~drawing~~ **standard engineering drawings** and specifications for Large Street Cut Restoration which shall include milling and overlaying of the wearing surface of the entire ~~travel~~ lane(s) between the curb and the street centerline within the area bounded by the cut(s).

- B. **Curb ramps.** For conditions where the Permittee proposes ~~a street cut~~ **an alteration to** within a street intersection, or along, or through a pedestrian walkway **crosswalk or other crosswalk** within the City's Rights-of-Way and where the existing curb ramps at that ~~intersection~~ **crosswalk** do not meet the current requirements of the Americans with Disabilities Act (ADA), the Permittee will be

required to install ADA-compliant ~~upgrade the crosswalk to meet current ADA standards including~~ curb ramps at all corners within ~~for that intersection crosswalk.~~ ***Crosswalk and pedestrian access route alterations, as defined by the ADA and Penn DOT, shall include any project that will affect or could affect the accessibility or use of the accessible route. Alteration projects that meet these conditions shall be determined by the Director of Public Works on a case by case basis and shall follow the latest Penn DOT guidance, including Publication 13M, Chapter 6. Alterations include any extensive resurfacing or overlaying of the pavement within the crosswalk.*** The area within a street intersection is the area delineated by the curb radii and the lines drawn across the streets that connect the termini of the curb radii, or the lines drawn parallel to the outside edge of the pedestrian walkways, whichever generates the larger area. This condition also applies where the work will disturb any street corner beyond the curbline. ***City crosswalks are located at all street intersections whether or not crosswalk markings are present. Crosswalks are also located along sidewalks where the sidewalks cross alleys and driveways. For crosswalks that are not marked, the crosswalk area within a street intersection is the area delineated by the outside curb radii and the lines drawn across the streets that connect the termini of the curb radii, excluding the area of the interior rectangle. The interior rectangle is formed by projecting the curblines into the intersection and the rectangle is defined by the corners of the intersecting projected curblines. Unmarked crosswalks include the area that is defined by the projection of the sidewalk across the street, alley or driveway.*** For street cuts proposed under these conditions the Permittee will be required to construct, or reconstruct curb ramps at ~~the crosswalk~~ each and every corner of the intersection or alley to meet the current ADA and Penn DOT requirements. To facilitate the proper construction of the ramps, the Permittee shall include with their Permit application the following additional provisions:

1. An existing conditions survey that includes all of the curb ramps within the intersection, alley or other accessible route where the cut is proposed to determine compliance and/or non-compliance with ADA.
2. Curb ramp designs for construction of each new and non-compliant curb ramp. The curb ramp designs must comply with the most current applicable Penn DOT standard for curb ramps. The existing condition survey and the ramp designs must be sealed by a qualified engineer or surveyor registered in the Commonwealth of Pennsylvania.
3. An amendment to the Letter of Agreement that states that the Permittee will construct or replace curb ramps within the intersection or alley that does not currently meet ADA and Penn DOT requirements.
4. A bond, letter of credit or other form of appropriate surety that includes an amount equal to cost to construct the ramps per the approved design. The form of surety other than a bond must be approved by the City Solicitor. The amount of the surety must be approved by the ~~City Engineer~~ ***Director of Public Works.***

Ramp designs will be reviewed by the ~~City Engineer~~ ***Director of Public Works*** for approval prior to issuance of the Permit. For projects that involve state and/or federal funding, additional Penn DOT approval shall be required.

Following construction of the curb ramps, The Permittee shall submit to Public Works completed as-built (record) drawings of the work indicating that the ramps were properly inspected and were found to comply with the approved design.

- C. **Steel Plates.** *When a temporary surface is required the temporary installation and maintenance thereof shall be the responsibility of the Permittee until the permanent surface is completed and accepted.*
1. *Steel Plates shall only be used to secure open excavations when the Permittee is unable to backfill the same day excavation occurs and may be utilized for a period not to exceed four (4) business days, unless otherwise permitted by the City. In the event steel plates must be left unattended for a period exceeding 4 business days without prior approval, the Permittee is required to notify the City of Reading Public Works Department the reason(s) and necessity of the plate(s), as well as the estimated time before resuming their work.*
  2. *All steel plates shall be properly marked with the utility and contractor name, and a twenty-four (24) hour contact phone number in the event of a disturbance. Additionally, the steel plates shall be of sufficient thickness to resist bending and vibration under traffic loads and shall be anchored securely to prevent movement. If these conditions are not met, the Permittee shall be required to backfill, pave the excavation, or use alternative methods sufficient to remedy the disruption.*
  3. *Skid-resistant plates are required: from November and through April and in high-traffic locations including, but not limited to crosswalks near schools, hospitals or elderly housing, stop bars, handicapped ramps, on bridges and major intersections. The City does reserve the right to require skid-resistant plates when deemed necessary.*
  4. *The plates shall be secured to prevent any lateral movement. If movement occurs, the Permittee will be notified to re-secure plating immediately; otherwise the Permittee shall be charged 115% of the cost incurred by the City to secure the Permittee's plates.*
  5. *All plated locations ~~must have "Caution: Steel Plates Ahead" signs constructed with Retro Reflective Floresecnt Orange material (Type 4) bracketed 6 feet in height or greater on unobstructed poles or posts placed at approximately 100 feet in advance of the steel plate location, unless otherwise approved by the City of Reading Public Works Department. "Steel Plates Ahead" signs must be taken down when plates have been removed from the work site.~~ must utilize traffic control devices as defined to include, signs, signals, or markings generally used to warn, or guide vehicular traffic through streets, highways, or private roads open to public travel as regulated by the Manual on Uniform Traffic Control Devices (MUTCD).*

**§ 508-708. Inspection** <sup>22</sup>

If the City of Reading determines that the permitted work is of sufficient magnitude or importance to warrant additional inspection beyond routine spot-inspection or due to noncompliance with the Permit conditions, the Permittee shall be charged for all expenses incurred by the City of Reading for the additional inspection(s).

**§ 508-709. Other related permits and fees.**

A separate Permit shall be issued for each individual street cut. In addition to the streets cut previously described, Street Cut Permits will be issued for the following:

A. **Bore holes.** Bore holes are small auger drilled excavations, up to 8 inches in diameter and no deeper than 18", made in the pavement section for the purpose of investigating pavement conditions, or to open the pavement for investigations below the pavement section. Bore holes made below the pavement section must utilize non-destructive excavation methods. Non-destructive excavation shall be limited to methods that use pressurized air and vacuum systems to excavate borings, up to 4 square feet in area, for visual examination of underground utilities and other subsurface conditions. Non-destructive methods other than air-vacuum systems must be approved in writing by the ~~City Engineer~~ **Director of Public**

**Works** prior to issuance of the Permit. Bore holes are street cuts and a bore hole fee will be charged for each bore hole made, as specified in Chapter 212, Fees. A Permit will be required for each bore hole grouping. The Permittee shall restore the bore holes in the same manner as a standard street cut. The work shall be completed within 30 days of boring. If the applicant does not restore the bore holes within that time period, the City of Reading reserves the right to take any steps deemed necessary to repair the street and the associated costs shall then be paid by the Permittee.

**B. Emergency cuts.** Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or bore holes required to search out threatening conditions, may be made in advance of a Permit at the discretion of the utility company conducting the investigation and repairs. ***Within two hours of commencing an emergency cut or excavation***, the City's Police Department shall be notified ~~immediately~~ at (610) 655-6111, as well as other potentially affected utilities and the PA One Call System. An authorized representative of the responsible party(ies) shall notify the Department of Public Works the next business day, and a proper Permit application accompanied by appropriate fees and other required documents shall be submitted to the City within seven business days of the commencement of the work.

- 1) ***A Permittee shall perform emergency work until the emergency is eliminated, unless otherwise directed by the City.***
- 2) ***Once obtained, the emergency permit shall be kept on site and presented upon the request of any City official authorized to enforce this part.***

**C. Ahead of Paving Permit.** Applicants proposing street cuts at locations that are scheduled for street improvements by the City of Reading will be charged at the Ahead of Paving Permit fee rate as specified in Chapter 212, Fees. A detailed construction plan must accompany each application for an Ahead of Paving Permit. ~~Excavation, backfilling and~~ ***Temporary and street cut permanent trench*** restoration will be performed by the Permittee at his/her cost and in accordance with the schedule as directed by the ~~City Engineer~~ ***Director of Public Works***. ***The Permanent pavement surface restoration will be coordinated with the Director of Public Works. The fee charged for this restoration shall be determined by applying typical costs for this construction work applied to the charged surface per Section 508-705.***

**D. A Traffic Impact Plan (TIP).** ***The TIP shall detail the method by which vehicular and pedestrian traffic will be affected and controlled during a permitted project. The TIP shall also include any barricades, signs, lights or other approved safety devices necessary to facilitate a closure and where the work results in closing or diverting traffic into another lane, a Flag person shall at all times be posted while the work is actively being performed. For street closures within the City that also require PennDOT permits, the application must include a copy of the state issued permit and comply with all traffic control standards. In residential districts zoned R1, the Public Works Director may waive the requirement for a TI; however, all other traffic control regulations are enforced.***

**E. ~~D~~ Time extension.** For conditions where the permitted work may not be completed, or has not been completed, on or before the Permit expiration date, the ~~City Engineer~~ ***Director of Public Works*** may, if he/she deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening. If an extension of time beyond the Permit expiration date is necessary for the Permittee to complete the work, then a written application must be submitted and signed by the Permittee at least two

weeks prior to the expiration date. Permit time extensions will only be granted upon the timely submission of the Permit extension application and the payment of the time extension fee, as specified in Chapter 212, Fees. ***Any Permittee that fails to request and receive an extension for permitted work and continues to work shall be in violation of this section.***

#### **§ 508-710. Construction Standards**

**A. Plan and subsurface drawings and record drawings.** All applicants shall include with their application scale drawings that clearly and accurately shows the location of the proposed work with respect to existing facilities within the vicinity of the proposed work that will be, or could be, affected by the work. The scope of the drawings shall include as a minimum: all adjacent underground utilities, curb lines, sidewalks, traffic control loops, and similar features in both plan and cross section view. Upon completion of work, the Permittee shall furnish to the Director of Public Works record drawing(s) that indicates the as-constructed location, size and type of utility or feature installed or altered and its location with reference to the street surface and the adjacent curb lines. The standard of accuracy for the drawings shall be:

1. For standard single utility service connections: the same as those submitted for Final Plan under Chapter 515 Subdivision and Land Development Ordinance.
2. For large street cuts and cuts required for work other than a single service connection: as specified on the City of Reading's Street Cut Restoration drawing.

**B. Excavation notice.** Pennsylvania law (Act No. 187, as amended)<sup>24</sup> requires those who intend to excavate or demolish to file certain notices (PA One Call) before commencing work. Applicants for Permits to break the pavement or surface of any legally open street shall comply with all the requirements of this Act and the City of Reading permits issued where this obligation has not been met shall be deemed null and void.

The Permittee shall deliver a construction schedule in writing to the City indicating the date which the street cut will begin, the estimated date when the restoration of the trench will begin, and any other milestones that may be critical to the inspection of the work.

**C. Pavement edges.** The paved surface shall be cut to a neat edge using an asphalt/concrete saw or jackhammer. The Permittee shall take the necessary precautions to protect the neat edge, and is responsible to restore any edges that become broken.

**D. Barricades, trench covers and lighting.** All street openings ***and excavated material*** shall ***either be removed from the site, stockpiled at a designated curb, or*** properly barricaded ***to keep gutters clear, unobstructed*** and protected by the Permittee. Excavations shall not be left open at the end of the work shift or when left unattended. Permittees are responsible for the protection of the public within the construction areas and all work zones shall be marked in accordance with PennDOT's work zone traffic control regulations until the permitted street cut is restored and approved. Nothing contained in this Part or other legislation of the City of Reading shall release the person or persons opening the street from any liability associated with claims for injury or damage resulting therefrom.

**E. Backfilling.** Materials excavated in conjunction with street cuts should be promptly hauled away and shall be removed before nightfall. The Permittee shall arrange for the immediate repair of the affected utility and backfill the trench without delay. Backfill material shall consist of crushed stone

placed and properly compacted in accordance with the details and specifications issued by the ~~City Engineer~~ **Director of Public Works**.

**F. Paving restoration.** Immediately following backfilling and compaction, the Permittee shall apply a temporary pavement restoration in accordance with the City of Reading's Street Cut Restoration drawing and specifications. For those permits where the Permittee performs the permanent pavement restoration, this work shall be completed not less than 3 months or more than 6 months following the temporary pavement restoration. The surface material shall be compacted with a gravity roller or vibrating compactor subject to the approval of the ~~City Engineer~~ **Director of Public Works**. The Permittee shall maintain the restoration by re-excavating and/or applying additional surface material in order to provide a smooth-riding surface. ~~for a period of one year after restoration, or where applicable, until the City provides a permanent surface repair.~~ Repairs shall be made by the Permittee within 24 hours' notice by the City. The Permittee is responsible for the continual protection and maintenance of the cut whether or not he/she is notified by the City to perform additional work.

**G. Notices to begin and end work.** *Once the permit is received, the Permittee shall notify t*~~The~~ Department of Public Works ~~shall be notified~~ at least three work days prior to the start of the pavement cut, and *again shall be notified* at least three (3) work days prior to when the trench is to be backfilled and the restoration completed.<sup>25</sup> *Permittee shall also notify the Chief of Police, or his/her designee, of construction and street closures at least twenty-four (24) hours in advance of the commencement of non-emergency work.*

**H. Work to conform to the City of Reading standards.** The work shall be done at such time and in such manner as shall be consistent with the safety of the public and *in accordance with the City of Reading engineering standard drawings and specifications* ~~shall conform to all requirements and standards of the City of Reading.~~ If the City of Reading discovers that the work has been discontinued or has not been properly performed, the Permittee, upon being notified thereof in writing by the City of Reading, shall immediately take all necessary steps, at Permittee's own expense, to place the work in such condition, as to conform to the City's requirements or standards. If a dispute arises between the Permittee and the City of Reading's inspector, the City of Reading's inspector shall have the authority to suspend work until the matter can be referred to the ~~City Engineer~~ **Director of Public Works** for resolution.

**§ 508-711 Comprehensive General Liability and Indemnification.** *The applicant for a street cut or excavation permit shall provide a certificate of insurance with general liability coverage, including any liability normally covered by a General Liability policy with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the annual aggregate. Prior to commencement of the performance of the excavation, Contractor shall furnish to the City a certificate of insurance evidencing required coverage in at least the limits required herein, naming the City of Reading, its elected officials, agents, and employees as Additional Insured for "ongoing operations" and "products and completed operations". Moreover, the applicant agrees, as a condition governing the issuance of permit that they shall hold harmless the City of Reading, its elected officials, agents, and employees from any and all claims and actions whatsoever arising under the execution of said permit.*

**§ 508-712 Violations and penalties.**

Any person, firm or corporation who breaks or cuts in any manner the surface of any street of the City without first having obtained the proper permit and paid the application fee and charges hereinbefore set forth, including any time extension fee, or violates any of the other provisions of this section shall, upon conviction before Magisterial District Judge, be sentenced to pay a fine

not exceeding \$300 *for an initial offense and not to exceed \$1,000* for ~~each~~ *subsequent violations* ~~offense~~, plus costs; and in default of the payment of such fine and costs, said person and/or the responsible agents or officers of firms or corporations, violating the provisions of this section, shall be imprisoned in the Berks County Prison for a period not exceeding 90 days.

Drafted by	City Clerk
Sponsored by/Referred by	Council President & Police Chief
Introduced on	July 13, 2015
Advertised on	July 20, 2015

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

**AN ORDINANCE RE-ENACTING LOCAL FIREARMS REGULATIONS, IN PART,  
LOCATED WITHIN CHAPTER 219 AND REPEALED BY BILL NO. 2-2015**

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

**SECTION 1.** Re-enacting local firearms regulations, in part, located within Chapter 219 repealed by Bill No. 2-2015, as follows:

**§ 219-101. Definitions.**

As used in this Part, the following words shall have the meanings indicated:

**DISCHARGE** — The expulsion of a projectile from a firearm or the operation of a firearm in such a manner so as to lead one to reasonably conclude, by sight or sound, that a projectile was expelled from a firearm. If the firearm used is capable of the expulsion of a projectile, its firing alone shall be sufficient to constitute a discharge and no further proof of the expulsion of a projectile shall be necessary.

**FIREARM** — Any device which is designed and intended to expel a projectile by action of gun powder, any other explosive, compressed air, compressed gas or mechanical device, including any device which, when discharged, would by sound or otherwise: lead another to reasonably conclude by sight or sound that the device expelled a projectile; or give the appearance of the expulsion of a projectile even though no expulsion of a projectile occurred. By way of example and not limitation, items that are to be considered firearms under this Part include guns, pistols, rifles and shotguns. The definition of "firearm" shall not be deemed to include items that are traditionally considered to be children's toys when used in the manner for which they were designed. The definition of "firearm" shall not include starter pistols when used in the manner in which they were intended; i.e., to signify the start of a race or other similar event.

**~~§ 219-102. Failure to report lost or stolen firearms. [Added 12-22-2008 by Ord. No. 63-2008] Repealed and Reserved~~**

**§ 219-103. Discharge of firearms. [Amended 12-22-2008 by Ord. No. 63-2008]**

A. Except in necessary defense of person or property, or as provided in the exceptions set forth in Subsection B of this section, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the City.

B. The following acts shall not constitute a violation as set forth in this section:

(1) The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty including, but not limited to, active operations, training exercises and ceremonies.

(2) The discharge of a firearm for purposes of hunting or other activities regulated by and conducted in accordance with the Game and Wildlife Code of Pennsylvania, 34 Pa.C.S.A. § 101 et seq.

(3) The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of Reading.

(4) The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Chief of Police of the City of Reading.

**§ 219-104. Use of air rifles, bow and arrows or similar devices restricted. [Amended Ord. No. 63-2008]**

A. Except as provided in Subsection B of this section, it shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, BB gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the City, except as provided in this section, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

B. The following acts shall not constitute a violation as set forth in this section:

(1) The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty including, but not limited to, active operations, training exercises and ceremonies.

(2) The discharge of a firearm for purposes of hunting or other activities regulated by and conducted in accordance with the Game and Wildlife Code of Pennsylvania, 34 Pa.C.S.A. § 101 et seq.

(3) The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of Reading.

(4) The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Chief of Police of the City of Reading.

**§ 219-105. Permits for limited discharge of firearms. [Amended 12-22-2008 by Ord. No. 63-2008]**

The Chief of Police of the City of Reading may issue a permit to allow the limited discharge of firearms for events or activities within the City of Reading, upon application of the party responsible for the organization or promotion of such event or activity. The Chief of Police shall only issue a permit once he/she has determined in his/her judgment that adequate safety measures have been or will be taken such that the discharge of firearms during the event or activity will not pose a significant risk to the health and safety of the residents of the City, or the participants and spectators during the event or activity. The issuance of a permit under this

section shall not be unreasonably withheld or delayed. By way of example and not limitation, the events or activities for which permits may be issued include target shooting competitions or demonstrations, fireworks demonstrations and block shoots.

**§ 219-106. Violations and penalties. [Amended 12-22-2008 by Ord. No. 63-20082]**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be fined \$1,000 for each offense and the cost of prosecution and shall be ordered to pay restitution, in an amount determined by the court, for damages to person or properties suffered by a victim as a result of the violation of this ~~Part~~ **Chapter** and shall serve a term of imprisonment of *not to exceed* 90 days *for each offense*. Each discharge as defined herein shall constitute a separate and distinct offense, and sentences therefore shall be imposed for each offense. ~~and may not run concurrently but must run consecutively to each other.~~ The fines collected by the Magisterial District Judge for a violation of provisions of this chapter shall be paid over to the City of Reading.

**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	Controller
Sponsored by/Referred by	Managing Director
Introduced on	June 27, 2015

BILL NO. \_\_\_\_\_ - 2015

AN ORDINANCE

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM FRINGE BENEFITS ACCOUNTS ENDING IN 4900 THAT INCLUDE OTHER POST EMPLOYMENT BENEFITS TO ACCOUNT 4914 TO IDENTIFY BOTH MEDICAL AND PRESCRIPTION EXPENSE BENEFITS ASSOCIATED WITH RETIRED EMPLOYEES.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$4,417,085.00 from Fringe Benefits accounts ending in 4900 that include other Post Employment benefits to account 4914 to identify both medical and prescription expense benefits associated with retired employees. This transfer has zero effect on All Funds Budgeted Spending.

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: \_\_\_\_\_

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Admin Manual Work Group/Board of Health
Introduced on	July 13, 2015
Advertised on	

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

**AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER 5  
ADMINISTRATIVE CODE, SECTION 5-701 DUTIES OF CITY HEALTH OFFICER  
AS ATTACHED**

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

**Section 1.** Amending the City of Reading Code of Ordinances, Chapter 5 Administrative Code, Section 5-701 Duties of City Health Officer as attached.

**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: \_\_\_\_\_

## City Health Officer

### § 5-701. Duties of City Health Officer. [Amended 8-10-2009 by Ord. No. 44-2009]

The City Health Officer is appointed by the Mayor and reports to the ~~Administrator of the Property Maintenance Division~~ **Community Development Director or his/her designee** where the office and budget is located. Qualifications for this position are experience and training in public health. This person must be certified by the Pennsylvania Department of Health. He/she shall have the following duties and responsibilities as prescribed by the law, Charter and ordinance, and include but not be limited to the following:

- A. Perform the obligations and functions of the City Health Administrator.
- B. Perform and/or assign responsibility for restaurant inspections, review inspections, issue citations, and close if necessary.
- C. ***Perform and/or assign responsibility for tattoo parlor inspections, review inspections, issue citations, and close if necessary.***
- D. Evaluate and issue handicap parking privilege.
- ~~E.~~ Provide inoculations as required.
- ~~F.~~ Collaborate with Administrative Services Director in workers' compensation, sick leave, family leave, and/or any other health-related issues.
- ~~F.~~ ~~Perform and/or assign responsibility for health inspections of trash trucks.~~
- ~~G.~~ ~~Provide professional expertise to the lead abatement program.~~
- ~~H.~~ ~~Administer the animal bite program.~~
- ~~I.~~ Provide required reports to the state/federal governments.
- H. Provide monthly reports to the Board of Health and attend meetings as requested by the Board.***
- I. Assess the health implications in hoarding situations as requested.***

July 27, 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) to the pedestrian surfaces in the DID area after snow plowing (if required) by the City.

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.

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**

It is understood that this Agreement is a contract for personal services and neither party may assign the rights and obligations under this Agreement without the prior written consent of the other party. This Agreement shall be binding upon the successors and assigns of the parties hereto.

**XI. CONTINGENCY UPON APPROVAL OF DID PROPERTY OWNERS AND CITY COUNCIL OF FINAL DID PLAN AND RE- ESTABLISHMENT OF THE DID AUTHORITY**

This Agreement shall not go into effect unless the Final Plan for the DID is approved by the City Council and DID property owners, in accordance with the NID Act, and unless the DID Authority is re-established by City Council.

IN WITNESS WHEREOF, the parties hereto have set their hands and respective seals the date and year first above written.

READING DOWNTOWN IMPROVEMENT  
DISTRICT AUTHORITY

By: \_\_\_\_\_  
Michael Zielinski, Chairman

Attest: \_\_\_\_\_ (SEAL)  
\_\_\_\_\_, Secretary

CITY OF READING

By: \_\_\_\_\_  
Vaughn **D. Spencer, Mayor**

Attest: \_\_\_\_\_ (SEAL)  
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

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

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

That William Harst is reappointed to the Zoning Hearing Board with a term ending January 1, 2020.

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

\_\_\_\_\_  
Francis G. Acosta  
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 Heminton Candelario-Urena is reappointed to the Blighted Property Review Committee with a term ending July 27, 2018.

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

\_\_\_\_\_  
Francis G. Acosta  
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 Steven Symons is appointed to the Reading Area Water Authority with a term ending January 1, 2019.

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

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

Attest:

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