



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, AUGUST 24, 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, 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: Danny Moore, lay pastor, Holy Trinity Church of God

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, August 24 was related to potential litigation.

2. PROCLAMATIONS AND PRESENTATIONS

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

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration, including applause or cheering, at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular meeting of August 10, 2015

B. AGENDA: Regular Meeting of August 24, 2015

5. Consent Agenda Legislation

A. Award of Contract – for Furnishing Bituminous Materials and Asphalt Cements for

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

B. Resolution – approving the conditional use permit for 841-845 North 8th Street with conditions

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

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

Pending Required Notice and Public Hearing

Ordinance – authorizing the extension of the Downtown Improvement District (DID) for a five year period and authorizing the execution of the agreement between DID and the City
Introduced at the July 27 regular meeting; Advertisement scheduled for August 17th and 28th; Public Hearing Scheduled for Tuesday, September 8th

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

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

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

10. INTRODUCTION OF NEW ORDINANCES

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

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

11. RESOLUTIONS

A. Resolution –

B. Resolution –

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, August 24

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, September 7

City Hall Closed – Labor Day Holiday

Tuesday, September 8

Nominations & Appointments Committee – Council Office – 4 pm

Public Hearing re DID Retention – Council Chambers – 5 pm

Conditional Use Hearing re 549 N 10th – Council Chambers – 5:15 pm

Special Meeting re appointment of District 6 representative– Council Chambers – 5:30 pm

Strategic Planning Committee – Council Office – after Special Meeting

Monday, September 14

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, August 24

DID Authority – 645 Penn St 5th floor – noon

Tuesday, August 25

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

Penn’s Commons Neighborhood Group – Penn’s Commons Meeting Room – 7 pm

Wednesday, August 26

Main Street Board – 2nd & Penn Sts 5th floor – 3:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

Thursday, August 27

Water Authority – RAWA Office – 4:30 pm

CRIZ Authority – 3rd floor conference room – 5:30 pm

Monday, August 31

District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, September 1

Charter Board – Penn Room – 7 pm

Wednesday, September 2

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

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

Thursday, September 3

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

Tuesday, September 8

Water Authority Workshop – Water Authority Office – 4:30 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, September 9

Zoning Hearing Board – Council Chambers – 5:30 pm
Human Relations Commission – HRC Office – 6 pm
Center City Community Organization – Holy Cross Church – 6 pm

Thursday, September 10

Police Pension Board – 3rd floor conference room – 9:30 am
Outlet Area Neighborhood Assn – St Mark’s Lutheran Church – 6:30 pm

Sunday, September 13

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, September 14

Shade Tree Commission – Public Works Center – 6 pm
6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse

City of Reading City Council

Regular Meeting

August 10, 2015

Council Vice President Waltman called the meeting to order.

The invocation was given by Rev. John Francis, Christ Episcopal 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 litigation.

ATTENDANCE

Councilor Daubery, District 1

Councilor Goodman-Hinnershitz, District 2 (via telephone)

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

- There were no proclamations or presentations at this meeting.

PUBLIC COMMENT

Council Vice President Waltman stated that there are three (3) citizens registered to address Council; one (1) on non-agenda matters and two (2) 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 5th Street, stated that he is a former chair of the HARB and a

resident of a historic district. He thanked Council for introducing the amendment to the Historic District Ordinance to include gas meters and improving the regulations for historic districts. He expressed the belief that the PUC's ruling does not provide ample consideration to properties within historic districts.

Vince Rosado, of North 13th Street, read the Preamble of the US Constitution and expressed his understanding of the Constitutional right of Freedom of Speech. He suggested that Council stop enacting legislation without listening to the voice of the people. He expressed the belief that Council members should pass annual budgets that do not contain self interests. He suggested that those who cannot put their self interests aside should resign.

Stefan Kosikowski, of South 11th Street, expressed concern with the process that will be used by the Democratic and Republican parties to select candidates for the Council President seat for the November General election. He asked Council to attempt to make sure that the City Committees influence the selection process, as only the City electorate will be voting for that position. He expressed the belief that some members of the County Democratic Committee have no respect for the City or those who reside there.

APPROVAL OF THE AGENDA & MINUTES

Council Vice President Waltman called Council's attention to the minutes of the July 27th meeting, and to the agenda for this meeting. He stated that the administration has requested the addition of a consent agenda resolution regarding the funding for the Skyline Drive paving project and he suggested adding a resolution appointing a Council Vice President.

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

Consent Agenda

A. Award of Contract - none

B. Resolution 72-2015 - respectfully requesting that the Pennsylvania DEP work with U.S. EPA officials to develop a plan to reduce carbon pollution from Pennsylvania's power plants to exceed its Clean Power Plan target, and that maximizes the potential for renewable energy and energy efficiency

C. Resolution 73-2015 - authorizing (1) City designation of matching funds for

Multimodal Transportation Fund Grant for Skyline Drive improvements and (2) designation of signatory for grant administrative report

ADMINISTRATIVE REPORT

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

- Update on fires within the City over the last three (3) weeks
- Update on the MS4
- Update on the completion of the digesters at the WWTP
- Rebid of the Liquid and Solids portion of the WWTP project on August 20th
- Passing of William “Gus” Giddens

Council Vice President Waltman asked all present for a moment of silence for Mr. Giddens and his family.

AUDITOR’S REPORT

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

- Report on the capital spending at the WWTP will occur at the August 17th Finance Committee meeting
- Report on the receipt of \$42,770 from the State Snow/Ice Grant
- Update on the 2014 external Audit

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

None.

ORDINANCES FOR FINAL PASSAGE

Pending Additional Review Required

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

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

Pending Required Notice and Public Hearing

Ordinance – authorizing the extension of the Downtown Improvement District (DID) for a five year period and authorizing the execution of the agreement between DID and the City
Introduced at the July 27 regular meeting; Advertisement scheduled for August 3rd

A. Bill No. 41-2015 – 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 ***Introduced at the July 27 regular meeting; Advertised August 3rd***

Councilor Daubert moved, seconded by Councilor Marmarou, to enact Bill No. 41-2015.

Councilor Daubert stated that this ordinance does not expand the enforcement area. The ordinance only modernizes the methods used to make parking payments.

Bill No. 41-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, - 6
Nays: – None - 0

B. Bill No. 42-2015 – amending Chapter 212 Part 144. Vehicles and traffic by adding a maximum per hour parking rate ***Introduced at the July 27 regular meeting; Advertised August 3rd***

Councilor Daubert moved, seconded by Councilor Marmarou, to enact Bill No. 42-2015.

Council Vice President Waltman explained that the maximum charge can be \$2 per hour which is the rate charged at the State Lot located at 7th and Penn Streets. He noted that the amendment provides flexibility to the Parking Authority Board and improves the management of parking.

Councilor Reed noted that the Executive Director of the Parking Authority has promised that the meter rate will not raise above \$1.50 per hour until studies are completed and considered by the Parking Authority Board.

Bill No. 42-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, - 6
Nays: – None - 0

INTRODUCTION OF NEW ORDINANCES

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

A. Ordinance – amending the Fee Schedule, City Code Chapter 212, Section 123 Police Department, by reducing the cost of a certified police report to that mandated by the State *Advertisement scheduled for Aug 17th*

B. Ordinance – amending the Fee Schedule, City Code Chapter 212, Section 140, Streets and Sidewalks Pavement Restoration, Premature Degradation and Steel Plate Fees *Advertisement scheduled for Aug 17th*

C. Ordinance – amending the City Code, Chapter 295, Historical and Conservation Districts by adding regulations relating to the installation of gas meters within historic districts *Advertisement scheduled for Aug 17th*

RESOLUTIONS

A. Resolution 74-2015 – reappointing Elsayed Elmarzouky to the Police Civil Service Board

B. Resolution 75-2015 – appointing Pamela Johnson to the Police Civil Service Board

C. Resolution 76-2015 – appointing Zelda Yoder to the Human Relations Commission

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution Nos. 74-76-2015.

Councilor Marmarou noted the skills of those being appointed and reappointed.

Resolution Nos. 74-76-2015 were adopted by the following vote:

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

Nays: None - 0

Council Vice President Waltman asked the Solicitor to handle the adoption of Resolution 77-2015.

D. Resolution 77-2015 – appointment of the Council President

The Solicitor opened nominations for Council President.

Councilor Daubert moved, seconded by Councilor Reed, to nominate Jeffrey Waltman.

The Solicitor inquired if there were other nominations. No other nominations were made and the Solicitor closed nominations.

Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution No. 77-2015, appointing Jeffrey Waltman as Council President.

Councilor Reed expressed support for the appointment of Council Vice President Waltman to this new position due to his proved leadership and experience. She expressed the belief that Council Vice President Waltman has the ability to lead Council through this rough period.

Councilor Daubert agreed and noted that he appreciates what Council Vice President Waltman contributes to Council.

Councilor Sterner echoed the previous comments and noted the Council Vice President's strong leadership.

Councilor Goodman-Hinnershitz stressed the importance of Council maintaining the highest ethical standards. She expressed her belief in the skill and leadership of Council Vice President Waltman.

Council Vice President Waltman thanked his colleagues for their support during these trying times. He stated that although the City and certain individuals are experiencing trying times, Council needs to move forward and continue its work.

Resolution No. 77-2015 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6
Nays: None - 0

D. Resolution 78-2015 – appointment of a Council Vice President

Council President Waltman opened the floor for nominations.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to nominate Donna Reed as Council Vice President.

Council President Waltman asked if there were other nominations. As no further nominations were made, the nominations were closed.

Councilor Goodman-Hinnershitz expressed the belief that Councilor Reed has the experience, skill and leadership required to fill this position. She also noted her good working relationship with members of Council.

Councilor Sterner expressed his belief in the leadership of Councilor Reed.

Council President Waltman agreed that Councilor Reed has the necessary skills and he also noted their agreement to hold each other accountable.

Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution No. 78-2015, appointing Donna Reed as Council Vice President.

Resolution No. 78-2015 was adopted by the following vote:

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

Nays: None - 0

COUNCIL COMMENT

Councilor Reed noted the trying times that various some public officials are dealing with. She expressed her sympathy to the Acosta family and she expressed hope that the law will prevail over this and related matters.

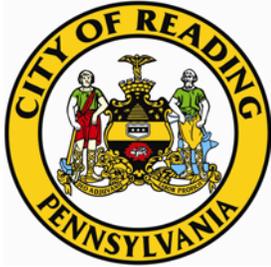
Councilor Daubert noted that the City is greater than any one person and that the City is not defined by the actions of one person.

Council President Waltman expressed the belief that all humans make mistakes. He suggested that we assist those who make mistakes rather than walking away from them. He suggested refraining from judgment and to continue to build on the positive.

Council President Waltman announced the upcoming Council meeting schedule.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: August 24, 2015
AGENDA MEMO DATE: August 10, 2015
RECOMMENDED ACTION: Awarding of Contract for the Furnishing Bituminous Materials for Pick-Up for the Department of Public Works

RECOMMENDATION

The recommendation is to award the contract for Furnishing Bituminous Materials and Asphalt Cements for Pick-up to South Reading Blacktop, Division of Reading Materials, 148 Angstadt Lane, Birdsboro, PA 19508 who is the low bidder at the unit prices submitted for an estimated total bid price of \$128,475.00. This contract is for all of 2015. The total is based upon estimated usage. The actual expenditure may be greater or less than the estimate.

BACKGROUND

Bids for Furnishing Bituminous Materials and Asphalt Cements for the Department of Public Works were received on June 26, 2015.

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

BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds in budget account code 35-07-00-4815 to cover the materials.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the August 24, 2015 meeting.

RECOMMENDED BY

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

RECOMMENDED MOTION

Approve/Deny the recommendation for Furnishing Bituminous Materials and Asphalt Cement in order that contract may be awarded accordingly to South Reading Blacktop.

cc: File

July 2, 2015

To the Mayor
City Hall
Reading, PA

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

**BID FOR FURNISHING BITUMINOUS MATERIALS FOR PICK UP
IN PART FOR THE DEPARTMENT OF PUBLIC WORKS AND THE CITY OF READING,
PENNSYLVANIA**

South Reading Blacktop/ Divisino of Reading Materials, Inc.
 148 Angstadt Lane
 Birdsboro, PA 19508

ITEM	DESCRIPTION	QUANTITY/Tons	UNIT PRICE	EXTENSION
1	For furnishing Superpave Asphalt Mixture Design, 9.5mm, PG 64-22, wearing, 0-0.3 million ESALS, SRL –any, conforming to the Penn DOT Publication 408, F.O.B. at available plant locations in any quantity of one (1) ton or more per day. Price per ton	800	\$48.50	\$38,800.00
2	For furnishing Superpave Asphalt Mixture Design, 19.0mm, PG 64-22, Binder, 0-0.3 Million ESALS, conforming to the Penn			

	DOT Publication 408, F.O.B. at available plant locations in any quantity of one (1) ton or more per day.			
	Price per ton	300	\$44.95	\$13,485.00
3	For furnishing Superpave Asphalt Mixture 25.0mm, PG 64-22, Base, 0-0.3 million ESALS, conforming to Penn DOT Publication 408, F.O.B. at available plant Locations in any quantity of one (1) ton or more per day.			
	Price per ton	1,000	\$42.55	\$42,550.00



ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXTENSION
4	For furnishing Pre-Mixed Stock-pile patching material, conforming to Penn DOT Specifications, to be picked up at available locations, in any quantity of one (1) ton or more per day. Price per ton	200	\$96.00	\$19,200.00
	TOTAL ITEMS 1-4			\$114,035.00

EJB Paving & Materials Co.
 1119 Snyder Road
 West Lawn, PA 19609

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXTENSION
1	Price per ton	800	\$58.25	\$46,600.00
2	Price per ton	300	\$51.25	\$15,375.00
3	Price per ton	1,000	\$47.50	\$47,500.00
4	Price per ton	200	95.00	\$19,000.00
	TOTAL ITEMS 1-4			\$128,475.00

Tammi Reinhart

Purchasing Coordinator

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

RESOLUTION NO. _____ 2015

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

Approving the Conditional Use application submitted by Ms. Veronica Johnson of PO Box 1383, Reading, PA 19603 (applicant), for one (1) additional rental unit at 841-845 North 8th Street and approving zoning relief from providing five parking spaces as needed per Section 600-1603(A) (31) (a) Residential Conversions with conditions as defined herein.

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
 VERONICA JOHNSON :
 FOR A CONDITIONAL USE : OF THE CITY OF READING,
 PERMIT TO ADD ONE :
 ADDITIONAL DWELLING : PENNSYLVANIA
 UNIT TO THE :
 RENTAL PROPERTY :
 AT 841-845 N 8th ST., :
 READING, BERKS COUNTY, PA :

DECISION OF THE CITY OF READING

CITY COUNCIL ON A CONDITIONAL USE APPLICATION

AND NOW, this 24th day of August, 2015, after a hearing held on August 3, 2015, upon the application of Ms. Veronica Johnson, PO Box 1383, Reading, PA 19603 (applicant), for a conditional use permit at 841-845 N. 8th Street (subject property) notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The applicant is Ms. Veronica Johnson, PO Box 1383., Reading, PA 19603 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 841-845 North 8th Street (hereinafter Subject Property), at the time of application and at the time of the hearing.

3. The Subject Property is located in the CN zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
4. Applicant is seeking a Conditional Use permit to add an additional rental units to the Subject Property which is currently zoned as one (1) commercial unit and 2 dwelling units, one of which is owner occupied, as per Zoning Ordinance sections 600-804(B)(3), 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (31) (a) and 600-2202.
5. The Applicant stated that the property was purchased in 2003 and originally the dwellings were for single family use.
6. The Applicant stated that there are sufficient off street parking spaces; however, the zoning administrator testified that additional parking for the commercial unit is required.
7. The Applicant did not submit testimony on the Building and Trades permits used to convert the building.
8. The Applicant stated that she began the application process in 2010.
9. The Applicant stated that the properties each have a dwelling and that the dwellings are registered as rental properties. She stated that the square footage of the existing and proposed dwelling units all meet the Zoning Ordinance requirements.
10. The zoning administrator provided a case report, in summary:
 - The applicant submitted a housing application requesting three dwelling units and two rooms and sought zoning approval. On July 23, 2014, the zoning administrator inspected 845 North 8th Street and found three dwelling units with a suspected fourth unit in the basement of the subject property and one dwelling unit at 842 Little Cedar Street. During the zoning administrator's inspection the subject property had two electrical meters, one gas meter and two hot water heaters. The applicant stated that she converted the property into the three dwelling units and two rooms over her duration of ownership of the property. No building or trades permits were pulled during the conversion.
 - The zoning administrator denied the applicant's request on August 19, 2014. Zoning approval was granted for a total of two dwelling units, one at 845 North 8th Street and one at 842 Little Cedar Street. Of the two dwelling units, one was designated as owner occupied. However, the applicant continued to rent the subject property as three dwelling units and two rooms on the third floor. 842 Little Cedar Street is owner occupied.
 - The applicant owns the adjacent existing 20' x 100' surface parking lot at 841-843 North 8th Street and 838 and 840 Little Cedar Street. According to submitted plans, the parking lot shows five (5) spaces bordering the

north side of the property.

- The applicant met with the zoning administrator on October 19, 2014, January 7, 2015, and April 29, 2015. The applicant is requesting a total of three dwelling units, two of which have already been granted approval.
- The applicant submitted a Conditional Use Application on April 29, 2015. The applicant proposes to convert the first floor front of the subject property, 845 North 8th Street, into a commercial personal service, beauty salon; a use permitted by right. The applicant seeks conditional use approval to increase the remainder of the subject property, 845 North 8th Street, into two dwelling units. The structure on 842 Little Cedar Street shall remain as a single dwelling unit.
- The applicant proposes to convert the first floor of 845 North 8th Street into a personal service commercial space. The commercial space is 555 square feet.
- Apartment 1 will encompass the rear of the first floor (behind the commercial space) and the second floor directly above. The two bedroom unit is 811 square feet and is within the minimum floor space requirement. This unit is designated on the plans to be owner occupied.
- Apartment 2 will consist of the second and third floor of 845 North 8th Street and is designated as a three bedroom unit. The unit is 976 square feet and is within the minimum floor space requirement for a three bedroom unit.
- 842 Little Cedar Street is a single family detached dwelling unit and is 690 square feet.
- The applicant owns the adjacent 20' x 120' surface parking at 841-843 North 8th Street. The applicant did not submit a professionally designed parking plan with the application; however, did provide a layout with the application. On the layout, the parking spaces would be parallel, 8 feet wide by 18 feet long. The requirement is 20 feet long by 8 feet wide. There is an aluminum carport approximately 10' x 36' as measured from Little Cedar Street. There are signs designating the entrance to the parking lot is from North 8th Street and exiting onto Little Cedar Street. However, upon site inspection, the cars were parking opposite of the designated signage. There were four trash receptacles for the subject property stored in the parking lane.
- According to Section 600-1602, this adjacent lot could accommodate up to five parking spaces using the parking requirement of 8 feet wide by 20 feet long. There is enough area to also accommodate a buffer strip along North 8th Street per Section 600-1401; and a screened dumpster enclosure along Little Cedar Street per Section 600-916(B).
- The off street parking requirement for each use in the building is: the commercial use requires three spaces; the residential units require five spaces. The total number of parking spaces required for both uses in the

building is eight spaces. The applicant is seeking zoning relief from providing five parking spaces as needed per Section 600-1603(A) (31) (a) Residential Conversions. Per Section 600-1602(E), the applicant needs relief to reduce the size of the parking spaces.

11. The zoning administrator recommended approving the permit with conditions and the Planning Commission recommended denying the permit. However, the Planner testified that had the Planning Commission had opportunity to review the new information in the case report, they may have reached another conclusion.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one (1) additional residential rental unit to the dwelling located at 841-845 North 8th Street. Zoning Permit # 2015-1019 allows 1 commercial unit and 2 dwelling units, one of which is owner occupied. There is an additional single family dwelling located at 842 Little Cedar Street.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 841-845 North 8th Street is located in the CN Zoning District.
2. Hearing was held on August 3, 2015.
3. Applicant requests a Conditional Use permit to add one (1) additional rental dwelling unit to the 841-845 North 8th Street, which is currently zoned as one (1) commercial unit and two (2) dwelling units, one of which is owner occupied.
4. The burden of proof for an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.

6. The Applicant did present testimony that no additional parking is required; however, the Zoning Administrator also presented testimony that additional off street parking spaces are required.
7. The Applicant did not present testimony on the Building and Trades regulations required by the zoning ordinance. However, the Zoning Administrator presented testimony that the required building/trades permits were not issued when the conversion of the building occurred after Ms. Johnson purchased the building in 2003.
7. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
8. The Applicant is seeking relief from the off-street parking requirements with this conditional use application.
9. The zoning administrator recommended approving the application with conditions and Planning Commission recommended denying the application. However, the City Planner testified that had the Planning Commission had the opportunity to review the zoning case report the recommendation may have been altered.

DECISION

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

- The application of Ms. Veronica Johnson, PO Box 1383, Reading, PA 19603, to add one (1) residential dwelling unit and relief from the parking requirements as defined in the Zoning Ordinance to this property is hereby APPROVED WITH THE FOLLOWING CONDITIONS AND ORDERS:
 1. The applicant shall consolidate parcels, 841 and 845 North 8th Street, as a single parcel.
 2. One of the dwelling units at 845 North 8th Street shall remain owner occupied.
 3. A professional parking plan that includes one dedicated off street parking space for each unit and two (2) spaces for the commercial unit for 841-843 North 8th Street with all parking spaces clearly defined by painted lines and/or wheel blocks and marked, including a screened in dumpster enclosure

and buffer strip shall be submitted to and approved by the zoning administrator.

4. The commercial occupant, if other than the applicant, shall be required to obtain a zoning permit and business privilege license from the City.

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

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Cindy DeGroot, Grants Coordinator
MEETING DATE: August 24, 2015
AGENDA MEMO DATE: August 19, 2015
RECOMMENDED ACTION: Awarding of Contract for Phase II improvements to the 11th and Pike Playground for the Departments of Public Works and Community Development.

RECOMMENDATION,

The recommendation is to award the contract to Spotts Brothers, Inc, 42 Berger Street, Schuylkill Haven, PA 17972, at a total submitted bid price of \$308,468.50 for various improvements to the 11th and Pike Playground for the Departments of Public Works and Community Development. Spotts Brothers, Inc. is the low bidder to meet the specifications.

BACKGROUND

Bids for the Phase II improvements at the 11th and Pike Playground for the Departments of Public Works and Community Development were received on August 17, 2015. The bid award is based on various items which include renovations to the site: water feature upgrade, porous asphalt basketball court upgrade, activity court upgrade and ADA accessibility. A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Community Development, Accounting, and Public Works have confirmed that there are sufficient funds for this contract. The funding will be out of CDBG monies, an approved DCNR grant, and the sewer fund account.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the August 24, 2015 meeting.

RECOMMENDED BY

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

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the Phase II improvements to the 11th and Pike Playground in order that the contract may be awarded to Spotts Brothers, Inc.

cc: File

August 18, 2015

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled on August 17, 2015, with a Contract to be awarded or the bids rejected.

THE BID FOR THE 11TH AND PIKE PHASE II REHABILITATION PROJECT FOR THE DEPARTMENT OF PUBLIC WORKS.

BIDDER	BID PRICE	ALTERNATE 1	ALTERNATE 2
Spotts Brothers, Inc 42 Berger Street Schuylkill Haven, PA 17972	\$210,894.00	\$26,252.00	\$71,322.50
Accell Inc PO Box 550 Birdsboro, PA 19508	\$303,546.00	\$2,700.00	\$113,168.00

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

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: _____

August 19, 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

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

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

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 Genesis 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 6th & Washington for 30 years and am so proud and grateful of how your staff does their best to keep the areas safe and clean for all of us.

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

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

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

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

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

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

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

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

XIII. LIST OF PROPERTIES

See attached.

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

CITY COUNCIL OF THE CITY OF READING

BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Sunset Provision.

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

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

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

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

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

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

SECTION 13. Repealer. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

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

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

CITY OF READING, BERKS COUNTY, PA

Francis G. Acosta, Council President

Attest:

_____(SEAL)

Linda A. Kelleher, City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

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

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

AND

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

BACKGROUND

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

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

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

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

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

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

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

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

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

I. CITY RESPONSIBILITIES

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

2. **Billing and Collection Services.**

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

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

3. **Police Services**

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

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

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

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

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

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

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

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

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

II. **DID AUTHORITY RESPONSIBILITIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Scope of Work by DID

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

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

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

b) Application of Herbicide

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

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

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

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

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

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

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

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

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

4. Payment to DID Authority:

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

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

III. CONTRACT TIME FRAME

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

IV. INDEMNIFICATION

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

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

V. CITY LIASION

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

VI. FAILURE TO PERFORM REQUIRED SERVICES

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

VII. CONSTRUCTION

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

VIII. JURISDICTION AND VENUE

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

IX. NO ORAL MODIFICATIONS PERMITTED

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

X. SUCCESSORS AND ASSIGNS

Drafted by	Senior Business Analyst
Sponsored by/Referred by	Senior Business Analyst
Introduced on	
Advertised on	

BILL NO. ____-2015

AN ORDINANCE

MODIFYING CHAPTER 212, FEES, SECTION 123, POLICE DEPARTMENT MISCELLANEOUS FEES

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

- Section One: The Fee Schedule of the City of Reading, Chapter 212 of the City Code, is hereby amended by reducing the cost of a certified police report as set forth at Exhibit A hereof.
- Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED _____, 2015

President of Council

ATTEST:

City Clerk

- Submitted to Mayor by: _____
- Date Submitted: _____
- Received in Mayor's Office by: _____
- Date Received: _____
- Approved by Mayor: _____
- Date Approved: _____
- Vetoed by Mayor: _____
- Date Vetoed: _____
- Over-Ridden by Council: _____
- Date of Over-Ride: _____

EXHIBIT A

§ 212-123. Police Department miscellaneous fees.

Description	Fee	Ordinance	No. Code Citation
Use of pistol range	\$25 per person	38-2011	N/A
Certified copy of police report	\$20	23-2015	N/A
<i>Certified copy of police report</i>	<i>\$15</i>		
Extensive case file duplication	Sum of actual costs	23-2015	
Phone call/dispatch recording	Sum of actual costs	23-2015	
Local criminal background report	\$20	23-2015	
Bomb squad/K-9 squad	Sum of costs and manpower used	38-2011	N/A
Standby charges	\$88 per hour per officer	38-2011	N/A

Drafted by	Ad Hoc Work Group: Tim Krall, David Kersley, Thomas Coleman Linda Kelleher
Sponsored by/Referred by	Ralph Johnson
Introduced on	August 10, 2015
Advertised on:	August 17, 2015

BILL NO. ____-2015

AN ORDINANCE

MODIFYING CHAPTER 212, FEES, SECTION 140, STREETS AND SIDEWALKS

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

Section One: The Fee Schedule of the City of Reading, Chapter 212, Section 140 Streets and Sidewalks of the City Code, is hereby amended as set forth at Exhibit A hereof.

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

ENACTED _____, 2015

President of Council

ATTEST:

City Clerk

Submitted to Mayor by: _____
Date Submitted: _____
Received in Mayor's Office by: _____
Date Received: _____
Approved by Mayor: _____
Date Approved: _____
Vetoed by Mayor: _____
Date Vetoed: _____
Over-Ridden by Council: _____
Date of Over-Ride: _____

EXHIBIT A

§ 212-140. Streets and sidewalks.

Description	Fee	Ordinance No.	Code Citation
Curb permit (feet)		31-2009	§ 508-301B
0 to 24	\$250		
25 to 49	\$300		
50 to 99	\$350		
100 to no limit	\$350 for every 100 feet plus \$3.50 per foot for every foot over 100 feet		
Street restoration		31-2009	§ 508-302A
1 foot wide	\$35/foot		
2 feet wide	\$70/foot		
Building line survey, first side (feet)		31-2009	§ 508-304B
0 to 49	\$200		
50 to 99	\$250		
100 to no limit	\$250 plus \$2.50 for every foot over 100 feet		
Second, third or fourth sides	Repeat rates		
Residential driveway permit fee	\$400	31-2009	§ 508-305B(1)
Commercial driveway permit fee	\$450	31-2009	§ 508-305B(1)
Driveways spanning property line for joint use of abutting properties	\$250 for each user		
Reconstruction of driveway	\$50	31-2009	§ 508-305B(2)
Sidewalk cut permit	\$100 per cut	78-2013	
Vault, areaway, basement stairs or structure (each)	\$200		§ 508-306A(1)
Sidewalk vault fee	\$80 31-2009		§ 508-306A(1)
Sidewalk repair construction permit	\$80	31-2009	§ 508-307A(1)
Time limit extension	\$10	35-2008	§ 508-309A

Annual license for commercial parking lot	\$5 per space with \$25 minimum	35-2008	§ 508-403
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Street occupancy permit	\$10	35-2008	§ 508-702B
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Street restoration fee		35-2008	§ 508-702B
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~~Not to exceed five square yards~~ \$150/square yard

~~Each additional square yard over five~~ \$120/square yard

Same as street cut permit

.Street cut permit		78-2013	
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Street cut permit \$10/permit

Street cut inspection \$100/street cut

Fee

Pavement Restoration Fee **508-702B**

0 to 5 square yards \$150/square yard

Over 5 square yards,
Per additional square yard \$120/square yard

Premature Degradation Fee **508-702C**

~~For cuts on streets paved within 5 years of the application date~~ Add 100% to the above fee

For cuts on streets paved within 5 years of the application date Add 100% of the **Pavement Restoration Fee**

~~For cuts on streets paved 6 to 10 years of the application date~~ Add 80% to the above fee

For cuts on streets paved 6 to 10 years of the application date Add 80% of the **Pavement Restoration Fee**

Bore hole fee	\$5 per bore hole	35-2008	§ 508-707A § 508-709A
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Ahead of paving permit	\$10 per block and/or street intersection	35-2008	§ 508-707C § 508-709C
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Time extension fee \$10 per month or
fraction thereof

35-2008

~~§ 508-707E~~

§ 508-709D

Steel Plate Placement Fees (Winter, November Through March)

First 5 Days \$0 (each)

Days 6 to 10 \$600 (each)

Subsequent \$180 per day (each)

Steel Placement Fees (Summer, April Through October)

First 5 Days \$0 (each)

Days 6 to 10 \$300 (each)

Subsequent \$90 per day (each)

Drafted by	City Clerk/Solicitor
Sponsored by/Referred by	HARB/ Councilor Waltman
Introduced on	August 10, 2015
Advertised on	August 17, 2015

**BILL NO. _____ 2015
AN ORDINANCE**

AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 295,
HISTORICAL AND CONSERVATION DISTRICTS BY ADDING
REGULATIONS RELATING TO THE INSTALLATION OF GAS METERS
WITHIN HISTORIC DISTRICTS

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. An ordinance amending the City Code, Chapter 295, Historical and Conservation Districts by adding regulations relating to the installation of gas meters within historic districts, as follows:

§ 295-102. B. Definitions

GAS MAIN — *the primary gas utility pipe typically located below a public right-of-way.*

GAS METER — *a specialized flow meter, used to measure the volume of fuel gases such as natural gas and propane.*

GAS METER ASSEMBLY — *a gas meter installation including, individually or jointly, associated gas pressure regulator, valves, and piping.*

GAS PRESSURE REGULATOR — *a valve that regulates the flow of gas at a specified pressure.*

GAS SERVICE — *gas piping between the gas main and the gas meter assembly.*

§ 295-106 D. General administrative procedures.

(1) All persons or entities desiring to undertake an exterior alteration or modification, requiring a building permit under the presently enacted building code, to any building, structure, sign, or premises or install any *gas meter assembly*, satellite dish, antenna, or other modern device utilized to receive video programming signals as set forth in

Subsection E below within any designated historic district, shall apply to the Preservation Officer for a certificate of appropriateness prior to obtaining the required building permits as set forth in § 295-107. No application shall be accepted or deemed complete until such time as all forms, materials and plans are filed and any and all fees are fully paid.

E. Placement of satellite dishes in historic districts.

(1) Installation.

(a) No satellite dishes, antenna, or other similar modern device shall be installed or placed in front yards, front of buildings or along their facades that can be seen from a public right-of-way within historic districts. All satellite dishes, antenna, or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes shall be installed in the rear or on the roof of the main dwelling unit. A roof-mounted satellite dish or antenna shall not be visible from the public right-of-way. When being secured to a brick wall, anchoring for satellite dishes shall only occur within the mortar joints and not within the brick themselves.

(b) Satellite dishes that are placed in accordance with this chapter may be approved at staff level when submitted with a diagram of their proposed placement on the structure or building. Placement of satellite dishes on any other area of a structure or building shall be sent to the Reading Board of Historical Architectural Review for review.

(2) Exceptions. Satellite dishes, antenna, or other modern devices, as defined herein, may be installed in front of buildings in the historic district only if no other means of reception can be provided. In such cases where the proposed location of a satellite *dish* is visible from a public right-of-way, the owner or tenant of the property shall seek the issuance of a certificate of appropriateness as required in § 295-107 of this chapter. Such satellite dishes, antenna, or other modern devices shall be installed to be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Inspector and Historic Preservation Specialist shall approve the installation to ensure there is no disruption to the historic nature and aesthetic value of the district.

(3) Removal. Any satellite dishes installed in the front of buildings before the enactment of this chapter shall be removed to meet the requirements of the ordinance or must be reviewed by the Reading Board of Historical Architectural Review to obtain a certificate of appropriateness as required per § 295-107 of this chapter within one year of the effective date of this chapter. Satellite dishes shall be removed when the owner or tenant who installed the device no longer inhabits the property.

(4) Violations and penalty. Placement of any satellite dish that does not conform to the guidelines of this section will constitute a violation and may be subject to penalty and enforcement per §§ 295-122 and 295-123.

F. Placement of gas meters in historic districts.

(1) Installation.

(a) No gas meters shall be installed or placed in front yards, front of buildings or along their facades that can be seen from a public right-of-way within any historic district

designated by City ordinance or listed in the National Register of Historic Places. Such gas meters shall be located inside the building, at an exterior location that is not visible from a public right-of-way, or shall be installed within an exterior, below-grade vault that is covered by a flush, corrosion-resistant access hatch.

(b) Exposed gas pressure regulator installations shall be inconspicuously located outside the main dwelling unit.

(c) All exposed components of a gas meter assembly installation shall be fabricated of corrosion-resistant materials and painted along with associated visible valves and piping to match the color of the adjacent façade of the building.

(d) Gas meter assembly installations shall be resistant to tampering, vandalism, and protected from damage by moving vehicles.

(e) Gas meter assembly installations shall not encroach upon required sidewalk widths, so designated by City ordinance.

(f) Gas meter assembly installations shall maintain uniformity in overall size, elevation, and configuration with new or existing gas meter assembly installations located at each immediately adjacent property.

(g) Existing sidewalks and streets disturbed by installations or alterations of the gas main, gas service, or a gas meter assembly shall be repaved to match existing adjacent surfaces in panels extending the entire width of the sidewalk or street and shall be finished with appropriate seams and joints to provide surface continuity with adjacent paving, free of uneven or non-uniform conditions.

(h) Gas meters that are placed in accordance with this chapter may be approved by the Preservation Officer when submitted with a diagram of their proposed placement on the structure or building and relevant photographs of the building. Placement of gas meters on any other area of a structure or building shall be reviewed by the Historical Architectural Review Board.

(2) Exceptions. Gas meters, as defined herein, may be installed in front yards, front of buildings, or along their facades that can be seen from a public right-of-way within historic districts only if no other means of gas service can be provided. In such cases where the proposed location of a gas meter is visible from a public right-of-way, the public utility shall seek the issuance of a certificate of appropriateness as required in § 295-107 of this chapter. Such gas meters shall be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Inspector and Historic Preservation Specialist shall approve the installation to ensure there is no disruption to the historic nature and aesthetic value of the district.

(3) Removal. Any existing gas meter assembly installed in front yards, front of buildings or along their facades that can be seen from a public right-of-way within historic districts before the enactment of this Section must be reviewed by the Historical Architectural Review Board to obtain a certificate of appropriateness as required per § 295-106 of this chapter within one year of the effective date of this

chapter. The Historical Architectural Review Board may require removal and/or alterations to existing gas meter assemblies and adjacent construction to meet the requirements of this Section.

(4) Violations and penalty. Placement of any gas meter that does not conform to the guidelines of this section will constitute a violation and may be subject to penalty and enforcement per §295-122 and 295-123.

§ 295-107. Required permits and certificates.

A. Building permit. No person shall erect, construct, reconstruct, alter, restore, demolish, raze or change in appearance in any manner any building, structure, object or site, in whole or in part, in any designated historic district, without first obtaining the required permits which have been issued on the strength of a certificate of appropriateness.

B. Certificate of appropriateness.

(1) Historic districts. No permit shall be issued or cause to be issued, for the construction, reconstruction, alteration, restoration, demolition or razing of any building, structure, or premises, in whole or in part, within a designated historic district until a certificate of appropriateness has been issued. Such certificate shall not be limited to work requiring a building permit according to the presently enacted building code, but shall include all work affecting general design, arrangement, texture, material and color of a structure which can be seen from a public street or way. This includes, but is not limited to, the following: painting; sandblasting; chemical cleaning; stucco or other applied textures; replacement or major repair of windows, cornices, trim or other nonstructural elements; signs; and other work affecting any building, structure or premises.

(2) Conservation districts.

(a) No permit shall be issued or cause to be issued, for new construction and additions to buildings or structures, including a porch or porch enclosure, that impacts the streetscape within a designated conservation district until a certificate of appropriateness has been issued, unless specifically listed as exempt below.

(b) Demolition activity impacting the streetscape, including demolition of any character defining porch, balcony, deck, cornice, dormer or roof, shall require the issuance of a certificate of appropriateness, unless specifically listed as exempt below.

(c) The following activities shall not require a certificate of appropriateness:

(1) Demolition or construction of any building or structure not visible from a public right-of-way.

(2) Maintenance, repair, or alteration of a building or structure or part thereof.

(3) Installation of appurtenances and accessory elements of a decorative or ancillary nature, regardless of visibility from a public street, including but not limited to the following:

- (a) Storm windows and doors, awnings and shutters.
- (b) Signs, banners and flags.
- (c) Downspouts and gutters.
- (d) Flower boxes, light fixtures and mailboxes.
- (e) Heating or cooling units, including solar heating fixtures.
- (f) Fences, walls not exceeding four feet in height, gates, arbors and trellises.
- (g) Antennas and satellite dishes.
- (h) Other ancillary or decorative elements.

[i] Gas meters that are not visible from a public right-of-way.

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

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

**BILL NO. _____ 2015
AN ORDINANCE**

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

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

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

§ 212-131. Sales: sidewalk sales.

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

§ 212-135. Sidewalk cafe sales.

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

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor’s veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Adopted _____, 2015

President of Council

Attest:

City Clerk



AGENDA MEMO

OFFICE OF THE CITY AUDITOR

D

TO: City Council
FROM: David Cituk, City Auditor
PREPARED BY: David Kersley, Senior Business Analyst
MEETING DATE: September 14, 2014
AGENDA MEMO DATE: August 18, 2015
RECOMMENDED ACTION: Approval of Ordinance Modifying Police Pensions

RECOMMENDATION

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

BACKGROUND

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

- Reduces police contributions to the pension plan for officers hired after 12/31/2011 from 6.5% to 5.0% of salary, reflecting lower pension benefits (§62-404(B));
- Reduces the police pension benefit to 50% of average annual pay, requires 20 years of service, and establishes a minimum pension eligibility age of 50 for officers hired after 12/31/2011 (§62-405(D));
- Adds language conforming to Commonwealth law regarding police disability pensions (§62-408);
- Adds language conforming to Commonwealth law regarding benefits for survivors of police killed in the line of duty (§62-409);
- Eliminates the ability of officers hired after 12/31/2011 to purchase length-of-service credits (§62-414 and §62-415); and
- Eliminates the ability of officers hired after 12/31/2011 to participate in the Deferred Retirement Option Program, known as DROP (§62-417).

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

BUDGETARY IMPACT

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

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is required to authorize these changes.

RECOMMENDED BY

City Auditor and Police Pension Board Solicitor.

RECOMMENDED MOTION

Motion to approve this Ordinance.

cc: File

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

**BILL NO. _____ 2015
AN ORDINANCE**

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

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

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

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Adopted _____, 2015

President of Council

Attest:

City Clerk

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

PART 4

Police Pension Fund

[Adopted 5-8-2000 by Ord. No. 6-2000 (Ch. 1, Part 6A, of the 2001 Code of Ordinances);
amended in its entirety 4-22-2013 by Ord. No. 24-2013¹⁰]

§ 62-401. Definitions.

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

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

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

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

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

COMPENSATION — — Pickup contributions plus remuneration received as a City employee excluding refunds for expenses, contingency and accountable expense allowances and excluding severance payments or payments for unused vacation or unused sick leave or camp time that is paid upon termination. Compensation includes amounts excluded from income pursuant to a member's election under a cash or deferred compensation arrangement described in Sections 401(k) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code, a cafeteria plan described in Section 125 of the Code, and, effective January 1, 1998, a qualified transportation fringe benefit plan under Section 132(f) of the Code. Notwithstanding the preceding, the annual compensation of a member shall be limited as set forth in Section 401(a)(17) of the Code [as adjusted annually pursuant to section 401(a)(17)(B) of the Code and announcement by the Internal Revenue Service; for 2011, \$245,000]. Compensation for any prior year shall be subject to the limitations set forth in Appendix A, A-1.¹¹ If compensation for any prior determination period is taken into account in determining a member's benefits for the current year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period.

DROP — — Deferred Retirement Option Plan.

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

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

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

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

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

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

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

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

PERSON--An officer or employee of the City.

PLAN --The City of Reading Police Pension Plan.

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

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

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

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

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

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

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

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

§ 62-402. Police Pension Fund Association.

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

§ 62-403. Duties of Administrative Services Director.

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

§ 62-404. Contributions to fund.

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

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

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

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

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

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

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

her intention to request a refund.

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

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

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

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

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

§ 62-408. Permanent disability pension.

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

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

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

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

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

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

§ 62-410. Computation of time of service.

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

§ 62-411

PENSIONS

§ 62-413

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

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

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

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

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

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

§ 62-413. Payment to estate.

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

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

§ 62-414. Military service.

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

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

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

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

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

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

§ 62-415. Police service.

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

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

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

§ 62-416. Increases in allowances following retirement.

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

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

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

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

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

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

§ 62-418. Direct rollovers.

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

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

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

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