



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, SEPT. 28, 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: Pastor Valerie Willis, St. Matthew United Methodist Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, September 28 was related to _____.

2. PROCLAMATIONS AND PRESENTATIONS

- Council commendation recognizing

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 September 14, 2015

B. AGENDA: Regular Meeting of September 28, 2015

5. Consent Agenda Legislation

A. Award of Contract

B. Resolution No. 85-2015 – making the following Council appointments -
Environmental Advisory Council – John Slifko; Diversity Board – Jeffrey Waltman; Local
Redevelopment Authority – Chris Daubert, Stratton Marmarou, and Jeffrey Waltman;
Blighted Property Review Committee – John Slifko

C. Resolution - approving the Council Committee Structure and Assignments for the remainder of 2015

D. Resolution – approving the Conditional Use Application to allow 2 additional rental units at 508 N 9th Street with conditions

E. Resolution – denying the transfer of a liquor license from Robesonia to 2101 Howard Blvd.

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

Presentation of the 2014 External Audit – Herbein & Co.

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

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 48-2015 – authorizing the extension of the Downtown Improvement District (DID) for a five year period and authorizing the execution of the agreement between DID and the City *Introduced at the July 27 regular meeting; Advertised on August 17th and 28th; Public Hearing Tuesday, September 8th; Tabled at the September 14 regular meeting; 2nd Hearing planned when the Plan is finalized*

B. Bill No. 49-2015 – authorize intra-department transfer of \$10,000 for the repair of the vehicle exhaust removal system at the City’s EMS station. *Introduced at the September 14th meeting*

C. Bill No. 50-2015 – amending the Sidewalk Sales hours and making other clarifications *Introduced at the September 14th meeting; Advertised on September 21st*

D. Bill No. 51-2015 – amending the City Code Chapter Street 508 Streets and Sidewalks, Part 7 Street Cut Permits, by adding provisions relating to the rejection of Street Cut Applications *Introduced at the September 14th meeting; Advertised on September 21st*

E. Bill No. 52-2015 – amending the City Code, Chapter 23, Part 10 Diversity Board, Section 10 Membership Removal to provide clarity *Introduced at the September 14th meeting*

F. Bill No. 53-2015 –authorizing the execution of a lease agreement with the organization “Christmas in Reading” to continue the Holiday Light Display at Hillside Playground ***Introduced at the September 14th meeting***

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – amending Sections § 576-826 and 827 of the City Code relating to Towing Fees ***Advertisement scheduled for Oct 5th***

B. Ordinance – amending the City Code Chapter 5 Administrative Code, Section 5-806 Fiscal Provisions Part C Regulations Concerning Appropriations and Transfers adding language regarding the reserve, as required by the Amended Act 47 Recovery Plan

C. Ordinance – amending the City Code Chapter 600, by adopting a new Section §600-818 providing for a Riparian Buffer Overlay District and amending §600-2202 Definitions ***Advertisement scheduled for Oct 5th and 12th; Public Hearing scheduled for Oct 19th at 5 pm***

D. Ordinance – amending the City Code Chapter 600 Zoning by amending Part 8 Districts to add alternative energy systems as Accessory Uses, Part 10 Accessory Uses by renaming Section 1012 Wind Turbines to Alternative Energy Systems, and amending Section 2202 Definitions ***Advertisement scheduled for Oct 5th and 12th; Public Hearing scheduled for Oct 19th at 5 pm***

E. Ordinance – vacating and removing from the 300 block of St. George Street from the City’s Topographical Map - ***28 day layover period required; Advertisement scheduled for Oct 5th, 12th and 19th***

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

Wednesday, September 30

Presentation of the 2016 Budget –Council Chambers - 5 pm

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

RAWA re 5th Addendum – Penn Room after Public Hearing

Monday, October 5

Nominations & Appointments Committee – Council Office – 4 pm

Strategic Planning Committee – Council Office – 5:00 pm

Wednesday, October 7

Summit Chase Drive Neighborhood Meeting – St Constantine Greek Orthodox Church – 6:30 pm

Thursday, October 8

HARB Appeal Hearing re 233 Spring St – Council Chambers – 4:30 pm

Monday, October 12

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

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, September 28

DID Authority – 645 Penn St 5th Floor – noon

District 7 Crime Watch – Holy Spirit Church – 7 pm

Thursday, October 1

Police Civil Service Board – Penn Room – noon

Animal Control Board – Council Chambers – 6 pm

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

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, October 5

Shade Tree Commission – Public Works Center – 6 pm

Tuesday, October 6

Board of Health – Penn Room – 4 pm

Charter Board – Penn Room – 7 pm

Wednesday, October 7

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

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

Thursday, October 8

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

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

Sunday, October 11

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, October 12

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

**City of Reading City Council
Regular Meeting
September 14, 2015**

Council Vice President Reed called the meeting to order.

The invocation was given by District 1 Councilor Chris Daubert.

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 and potential litigation.

ATTENDANCE

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

Council Vice President Reed announced that Council President Waltman is under the weather this evening.

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following commendations:

- recognizing September as Childhood Cancer Awareness Month
- recognizing National Recovery Month

PUBLIC COMMENT

Council Vice President Reed stated that there are two (2) citizens registered to address Council on non-agenda matters. She 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.

George Stichter, of Moss Street, was not present.

Rebekah Ritter, of Washington Street, stated that she is both a Reading resident and a Reading business owner. She described the problems she experienced at her Washington Street art gallery due to Saturday's bike race, the route and the street closures. She noted that the problems could have been avoided if communication about the race in advance had been better. She suggested that in the future the City should provide alternative transportation routes or detours when traffic needs to be closed on certain streets.

APPROVAL OF THE AGENDA & MINUTES

Council Vice President Reed called Council's attention to the minutes of the August 24th meeting, the September 8th Special meeting and to the agenda for this meeting. She noted that the Award of Contract regarding the sale of the wheelchair vans is withdrawn and the need to add an agenda for introduction regarding a lease agreement for the Christmas in Reading group who is taking over the Hillside Holiday Light Display.

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

Consent Agenda

A. Award of Contract – sale of wheelchair vans – WITHDRAWN BY THE ADMINISTRATION, COUNCIL APPROVAL NOT REQUIRED DUE TO THE SURPLUS PROPERTY PROVISION LISTED IN THE PURCHASING CODE

B. Resolution 81-2015 – denying the Conditional Use permit for 4 rental units at 549 N. 10th Street and approving only 2 additional rental units at 549 N 10th Street

C. Resolution 82-2015 – authorizing and directing the Public Works Director to submit the attached application for Traffic Signal Approval for the Synchronization of the 2nd Street Improvements Project to PennDOT and to sign this application on behalf of the City of Reading

ADMINISTRATIVE REPORT

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

- Receipt of a \$5K grant by Reading Beautification from Santander
- Start of the ADA update in the 18th Ward area
- Upgrade of the Penn Street streetlights between 2nd and 7th Streets

Councilor Goodman-Hinnershitz questioned if the City sponsored the bike race. The Managing Director stated that the City did not provide a monetary donation to the event but the City was recognized as a sponsor due to in-kind contributions that were available due to the cancellation of the annual Labor Day Parade. She explained that the cancellation of the parade freed up the

services of Police, Fire and Public Works so they could be dedicated in part to this event. Costs that exceed that budgeted for the parade were billed to the organization that runs the bike race.

Councilor Marmarou asked the Mayor why City Council was not invited to attend or participate in the event when other elected officials were provided with invitations. There was no response to his question.

AUDITOR'S REPORT

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

- Results of the 2012-14 Liquid Fuels Audit
- Revenue collected from the Real Estate Transfer Tax for 2015

Councilor Goodman-Hinnershitz stated that she and the Auditor attended the round table held by the Auditor General on Pension Reform earlier today. She stated that the Auditor General mentioned the cost of Reading's administrative fees on a per employee basis. She asked the Auditor to confirm that amount as it may be incorrect. She noted that Pension Reform is needed by all municipalities, not just Reading.

Council Vice President Reed thanked Councilor Goodman-Hinnershitz and the Auditor for attending to represent the City.

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***

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

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 47-2015.

The Managing Director explained that this is a housekeeping amendment to make the ordinance match the language in the collective bargaining agreement.

Bill No. 47-2015 was enacted by the following vote:

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

Nays: – None - 0

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

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table Bill No. 48-2015.

Bill No. 48-2015 was tabled by the following vote:

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

Nays: – None - 0

INTRODUCTION OF NEW ORDINANCES

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

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

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

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

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

E. Ordinance – authorizing the execution of a lease agreement with Christmas in Reading to continue the Holiday Light Display at Hillside Playground

RESOLUTIONS

A. Resolution No. 83-2015 – appointing Richard Rosato to the Animal Control Board

B. Resolution No. 84-2015 – reappointing Jonathan DelCollo to the Board of Ethics

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 83 and 84-2015.

Councilors Marmarou and Goodman-Hinnershitz spoke of the merits and skills of the people being appointed and reappointed.

Resolution Nos. 83 and 84-2015 were adopted by the following vote:

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

Nays: – None - 0

COUNCIL COMMENT

Councilor Daubert noted the need for broader recognition and fundraising for pediatric cancer. He thanked those who fight for these young victims.

Councilor Goodman-Hinnershitz spoke about the important pathway for those involved with the disease of substance and alcohol abuse. She also noted the sheer strength of the professional bicycle riders who rode in Saturday's race.

Councilor Goodman-Hinnershitz announced the upcoming downtown concert scheduled for September 24th.

City Auditor Cituk congratulated the Fightin Phils for moving into the playoff season.

Council Vice President Reed noted the talents of the Fightin Phils team. She agreed with the remarks of Ms. Miller regarding the need to better communicate with residents and businesses about downtown events.

Carl Gethmann stated that he submitted a request to address Council on the City website and he questioned why he was not on the list. The City Clerk stated that she did not receive an email with Mr. Gethmann's request; however, she noted that a request was received from Ms. Miller.

Carl Gethmann, of Heine Street, noted the disintegrated condition of Heine Street. He suggested that the City share the cost of the repaving with Mt. Penn. He noted that his requests for assistance from Mt. Penn were ignored.

Council Vice President Reed reviewed the upcoming Council schedule.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adjourn the meeting.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

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

RESOLUTION NO. _____

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

That City Council appoints these members to serve in the following positions:

- Environmental Advisory Council – John Slifko
- Diversity Board – Jeffrey Waltman
- Local Redevelopment Authority – Chris Daubert, Stratton Marmarou, and Jeffrey Waltman
- Blighted Property Review Committee – John Slifko

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher
City Clerk

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

RESOLUTION NO. _____ 2015

Approving the following Council Committee Structure and Assignments for the remainder of 2015 as follows:

Part A. The Council President shall serve as an ad hoc member of all Council Committees.

Part B. 1st Monday of each month

- **4:00 pm - Nominations & Appointments**, Chaired by Mr. Marmarou

Committee Chair responsibilities – lead interview of applicants for the Boards, Authorities and Commissions. Center questions for new appointments on: why the applicant decided to apply, what skills and abilities the applicant has that will contribute to the effectiveness of the board and how the candidate is qualified to contribute to the mission of the board. Center questions for reappointment on: what issues the board deals with, is there the need for any legislative improvements to the board’s enabling legislation, why the applicant is seeking reappointment, conflict of interest, etc. (Sheet will be distributed at each meeting).

Committee members – Mr. Marmarou, Mr. Sterner, Ms. Goodman-Hinnershitz

- **5:00 pm - Strategic Planning Committee**, Chaired by Mr. Daubert with the meetings facilitated by Ms. Snyder.

Committee Chair responsibilities – discuss the agenda plan with the Managing Director and Ms. Kelleher no later than the 3rd week of each month and follow-up on agenda topics discussed and recommendations made by the Committee.

Key agenda topics will include review and recommendations on key issues facing the City, such as: updates to and amendments of the Recovery Plan, Recycling litigation, Act 73, economic development (reports and review projects), and updates from all Council Committee Co-chairs on the issues handled by the Finance and Standards of

Living meetings and obtain updates from Councilors appointed to various entities such as the EAC, the BPRC, the Rec Commission, RATS, the Berks County Criminal Justice Advisory Board, etc.

Committee Members – Committee of the Whole

Part C. 3rd Monday of each month

- **4:00 pm - Nominations & Appointments** – if needed (see description above)
- **5:00 pm Finance Committee**, co-chaired by Ms. Goodman-Hinnershitz and Ms. Reed

Committee Co-chair responsibilities – discuss the agenda plan with the Managing Director and Ms. Kelleher no later than the 1st week of each month and follow-up on topics discussed and recommendations made by the Committee. Define the Budget Review process annually, chair Budget Review meetings, attend audit committee meetings, attend Act 47 meetings, RATS meetings, and be the liaison to the Redesigning Reading CDC.

Key agenda topics will include labor issues, CDC, Recovery Plan issues that relate to finances, audit, budget (General Fund and CDBG Action Plan), financial reporting, purchasing policies, contract awards, review of bonds and other financing tools, internal controls and any other financial or business practices, and reviewing the work of the City Auditor, taxes (Rates, exonerations and exemption appeals), fees and fines etc.

Committee Members - Ms. Goodman-Hinnershitz, Ms. Reed, and Mr. Slifko

- **5:00 pm Standards of Living**, Chaired by Mr. Sterner

Committee Chair responsibilities - discuss the agenda plan with the Managing Director and Ms. Kelleher no later than the 1st week of each month and follow-up on topics discussed and recommendations made by the Committee.

Key agenda topics will include building and trades, public works, public safety, property maintenance, zoning, housing, neighborhood revitalization, Community Development, graffiti abatement efforts, community group organization and support.

Committee Members - Mr. Sterner, Mr. Marmarou and Mr. Daubert

Adopted by Council on _____ 2015

President of Council

ATTEST:

City Clerk

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 Mr. Henry Sanchez, 2248 Raymond Ave., Reading, PA 19605 (applicant), for the addition of two rental units to the existing one unit dwelling 508 North 9th Street with conditions.

Adopted by Council _____, 2015

Jeffrey Waltman
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
HENRY SANCHEZ :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT TO ADD TWO :
ADDITIONAL DWELLING : PENNSYLVANIA
UNITS TO THE ONE UNIT :
RENTAL PROPERTY :
AT 508 NORTH 9th ST., :

READING, BERKS COUNTY, PA :

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

AND NOW, this 28th day of September, 2015, after a hearing held on September 8, 2015, upon the application of Mr. Henry Sanchez, 2248 Raymond Ave., Reading, PA 19605 (applicant), 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 Mr. Henry Sanchez, 2248 Raymond Ave., Reading, PA 19605 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 508 N. 9th Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
3. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
4. Applicant is seeking a Conditional Use permit to add an additional two rental units to the Subject Property which is currently zoned as a single family residential rental dwelling, 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 did not attend the hearing; however, he was represented by his architect Melvyn Jacobson (hereinafter Applicant's Representative)
6. The Applicant's Representative asked Council to consider the large size of this property as they consider the request to add two (2) additional rental units. He stated that the large size of the property no longer meets the needs of the average family.

7. The Applicant's Representative stated that each unit is on a separate floor, each unit has 1 ½ bathrooms, each unit has two available forms of egress in the form of the front staircase and a rear fire escape.
8. The Applicant's Representative stated that many of the properties in this area are rental properties. He stated when past applications for additional units were requested, the lack of onsite off street parking was an issue. He explained that the current zoning administrator recently explained that offsite, off-street parking spaces are sufficient and the applicant decided to move forward through the process after learning this information.
9. The Applicant's Representative did not present testimony on the Building and Trades permits required to convert the building or if the mechanicals at the property will require an upgrade to handle the additional units.
10. The zoning administrator provided a case report, in summary:
 - The applicant made settlement on the subject property in February, 2015. In May of 2015, the applicant submitted a Conditional Use Hearing application for three dwelling units. Property Maintenance inspected the property in December of 2012 and May of 2014, as one unit, and recently in April of 2015, as one unit. There are currently three bathrooms, one on each level, and one kitchen on the first level of the property. All housing payments are current.
 - On March 1, 2006, City Council held a Conditional Use Hearing for the appeal request for the conversion of a single unit into four apartment units which was denied due to the illegal conversion and insufficient parking (Refer to ed).
 - On May 9, 2006, City Council held a Conditional Use Hearing for the appeal request for the conversation of a single unit into three apartment units. At that hearing, Council had the same concerns regarding adequate parking and the possible conversion of extra rooms into bedrooms. The applicant requested to resubmit his plans based on the input from Council and was permitted to do so. Council agreed to withhold making a decision until the May 22, 2006 regular meeting (Refer to attached). On May 30, 2006, the Conditional Use Application was denied by Resolution 2006-67. (Refer to attached)
 - The requirement for off street parking is one and one half spaces per dwelling unit. Three off-street parking spaces are proposed, which would leave a deficit of two.
11. The zoning administrator and the Planning Commission recommend approving the permit with the following conditions:
 - One of the dwelling units is owner occupied.
 - The applicant shall submit a landscaping plan for the area designated to be covered by gravel (gravel should not be utilized).
 - The applicant shall designate one on-site parking space for each dwelling unit.
12. When questioned, the zoning administrator stated that he recommends owner occupancy due to the Comp Plan and his belief that owner occupied properties are better managed.

13. The Applicant's Representative objected to the owner occupancy recommendation. He questioned the legality of the recommendation and noted that the property was purchased without this condition or a deed restriction requiring owner occupancy. He noted that the owner lives within Reading.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add two (2) additional residential dwelling units to the second and third floors of the Subject Property which is currently zoned as a single family residential rental unit.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 508 North 9th Street is located in the R3 Zoning District.
2. Hearing was held on September 8, 2015.
3. Applicant requests a Conditional Use permit to add two (2) additional rental dwelling units to the second and third floors of the Subject Property which is currently zoned as a single family residential rental unit.
4. The burden of proof for an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. The Applicant did not present testimony on the Building and Trades regulations required by the zoning ordinance.
7. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
8. The zoning administrator and Planning Commission recommended approving the application with conditions.
9. The Applicant's Representative objected to the condition requiring owner occupancy questioning the legality of that condition as the property was not purchased with any conditions or deed restrictions. He noted that the owner resides locally.
9. However, after the hearing the Planning Commission submitted their recommendation and they also questioned the legality of the owner occupancy condition.

DECISION

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

1. The application of Mr. Henry Sanchez, 2248 Raymond Ave., Reading, PA 19605, to add two residential dwelling units to this property is hereby APPROVED with the following conditions:
 - a. The Applicant shall obtain all the required permits to undertake the conversion project, including a business license.
 - b. The Applicant shall schedule an inspection by the Building and Trades inspectors to ascertain that the property meets all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department.
 - c. The Applicant shall obtain an occupancy permit.
 - d. The Applicant shall install four (4) electric meters to provide separate electrical service for each unit and the common areas of the property.
 - e. The applicant shall submit a landscaping plan for the area designated to be covered by gravel (gravel should not be utilized).
 - f. The applicant shall designate one on-site parking space for each dwelling unit.

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

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

R E S O L U T I O N N O. _____ 2015

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

DENYING the transfer of the liquor license from Robesonia into the City of Reading as per the application submitted by Ms. Mariangela Coyle for 2101 Howard Boulevard, Reading, PA, as attached.

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
MARIANGELA COYLE :
FOR THE TRANSFER OF A : OF THE CITY OF READING,
LIQUOR LICENSE FROM :
ROBESONIA TO READING : PENNSYLVANIA
FOR 2101 HOWARD BLVD., :
READING, BERKS COUNTY, PA :

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

AND NOW, this 28th day of September, 2015, after a hearing held on September 14, 2015, upon the application of Ms. Mariangela Coyle, 99 Santa Maria Drive, Reading PA 19606 (applicant), notice of such hearing having been first sent, posted and advertised in accordance with the provisions of 47 P.S. §4-461(b.3), the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

14. The applicant is Ms. Mariangela Coyle, 99 Santa Maria Drive, Reading PA 19606 (hereinafter Applicant).
15. Applicant is the tenant at 2101 Howard Blvd., Reading PA (hereinafter Subject Property), at the time of application and at the time of the hearing.
16. The Subject Property is located in the R1-A zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, and the terms of 47 P.S. §4-461(b.3).
17. Applicant is seeking permission to transfer a liquor license into the City of Reading from Robesonia.
18. At the hearing, the Applicant verified that the testimony presented by her attorney, John DiGiamberardino, Esq. was accurate. In summary he stated:
 - Ms. Coyle began the process to open a restaurant and incorporate in August 2015 as a tenant. He explained that 2101 Howard Blvd. is the former Arner’s Restaurant, which was sold to the current owner in March 2015.
 - Ms. Coyle intends to operate a family style restaurant at this location. He stated that the original Arner’s had a liquor license. The license continued at the property until it was sold by the previous property owner.

- Ms. Coyle has planned operational hours, but she is willing to modify the operating hours to comply with the City and LCB.
 - He stated that she is currently working with the Building Trades office on improvements to the interior of the property. A Certificate of Occupancy has not yet been issued. He stated that the restaurant will seat 130 plus seating for 19 at the seating bar. He stated that there is an off street parking lot for 60 cars.
 - He stated that Ms. Coyle plans to sell take out beer, in addition to inside sales and Sunday sales. He stated that Ms. Coyle also plans to apply for an Amusement Permit that will allow only music through an intercom for the restaurant. Bands and DJs (live acts) will not be permitted. He stated that Ms. Coyle plans to comply with the PaLCB RAMP (Responsible Alcohol Management Program) regulations for herself and her employees.
 - Mr. DiGiamberardino expressed the belief that this license was at one time transferred out of Reading. He explained that before approaching the owner of the Robesonia license, they did make an effort to contact the four (4) retail licenses that are in safekeeping within Reading but the licenses were unavailable. He explained that the area that the restaurant is located in is primarily commercial.
 - Ms. Coyle has no criminal history and she is not a public official.
19. Lt. Paul Reilly, from the Reading Police Department, stated that the Reading Police Department is concerned about adding an additional liquor license as the number of active licenses greatly exceeds the amount allowed by the PaLCB quota. He stated that the number of active liquor licenses creates a burden on the Police Department, due to the low manning level of the Department. He stated that when the Department was fully staffed with 215 officers, officers could be deployed to bars to diffuse quality of life and criminal issues at bar closing times. However, that is no longer possible with manning levels at 168. He stated that the Department could support the license if it was one of the licenses that are in safekeeping.
20. Lt. Reilly stated that the Reading Police cannot rely on the assistance of Central Berks Regional Police Department, as they too have coverage problems due to low manning issues.
21. Lt. Reilly stated that he has never heard of problems when the Arner's liquor license was in use; however, he noted that Arner's closed much earlier in the evening than the time proposed by Ms. Coyle.
22. Lt. Reilly described quality of life problems at other establishments with a liquor licenses and the Department's struggle to respond effectively due

to manning problems. He also testified that the City has a total of 117 liquor licenses within Reading.

23. The zoning administrator provided a case report, in summary:
 - The applicant purchased the subject property in April, 2015 and was granted zoning permit, # 2015-1819, as a transfer of a lawful non-conforming use to operate the Francesca's Restaurant and Pizzeria.
 - The days and hours of operation are Sunday through Saturday, 10:00 AM to 11:00 PM, prevailing time and will have ten employees.
 - The subject property has 16 parking spaces; an additional 21 parking spaces are available on parcel 16531607688522, which is also owned by the applicant.
 - The applicant submitted a plan review and supplied a Certificate of Occupancy from PA Licenses and Inspection from 1970. These plans were granted approval; City licensed contractors were hired and have had the required rough-in inspections. Since the structure is under construction; a final inspection has not been performed.
24. The zoning administrator recommends approving the transfer of the license.

DISCUSSION

The Applicant is seeking permission to transfer a liquor license into the City of Reading. The license is a tavern license from Robesonia. The license will be used at 2101 Howard Blvd., Reading PA.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 2101 Howard Street is located in the R1-A Zoning District.
2. Hearing was held on September 14, 2015.
3. Applicant requests permission to transfer a liquor license into the City of Reading. The license is a tavern license from Robesonia.
4. City of Reading City Council is permitted to approve or deny the request to transfer a liquor license into Reading as per 47 P.S. §4-461(b.3) based on the affect the transfer will have on the welfare, health, peace and morals of the municipality or its residents.
5. The PaLCB quota for the City of Reading is 29 licenses. There are currently 61 retail licenses active within the City; of those, there are a total of 7 licenses in safekeeping and 4 of those are retail licenses. City Council must make a decision to approve or deny the transfer within 45 days after the request to transfer is made.

7. Lt. Reilly from the Reading Police Department described quality of life problems at other establishments with liquor licenses and the Department's struggle to respond effectively due to manning problems. He also testified that the City has a total of 117 liquor licenses within Reading and that the Department could support the request if a license already within Reading would be used.
8. Lt. Reilly stated that the Reading Police cannot rely on the assistance of Central Berks Police Department, headquartered approximately one block away from the restaurant, as they too have coverage problems due to low manning issues.
9. Lt. Reilly stated that he did not know of problems associated with the use of the liquor license by Arner's; however, he noted that Arner's closed much earlier than that proposed by Ms. Coyle.
10. Mr. DiGiamberardino stated that Ms. Coyle is willing to meet any conditions defined by the City. He stated that this will be a family restaurant, not a bar which will eliminate the concerns expressed by Lt. Reilly.
11. The Applicant is not seeking relief from any other City requirements.

DECISION

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

As per 47 P.S. §4-461(b.3) , City Council has the authority to approve or deny the transfer of a liquor license into the City of Reading based on the affect the transfer will have on the welfare, health, peace and morals of the municipality or its residents. The application of Ms. Mariangela Coyle, 99 Santa Maria Drive, Reading PA 19606, to transfer a liquor license from Robesonia into the City of Reading is hereby DENIED due to the following:

- A. The number of active retail liquor licenses in the City of Reading greatly exceeds the quota of 29 licenses established by the PaLCB. There are currently 4 of those retail licenses in safekeeping within the City of Reading.
- B. The undue burden the additional license would place on the Reading Police Department through the increased quality of life issues associated with the consumption of alcoholic beverages

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

September 23, 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

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

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

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

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

READING DOWNTOWN IMPROVEMENT
DISTRICT AUTHORITY

By: _____
Michael Zielinski, Chairman

Attest: _____ (SEAL)

, Secretary

CITY OF READING

By: _____
Vaughn D. Spencer, **Mayor**

Attest: _____ (SEAL)
Linda A. Kelleher, City Clerk

AGENDA MEMO

DEPARTMENT OF FIRE & RESCUE SERVICES

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

RECOMMENDATION

Requesting the following transfer of funds:

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

BACKGROUND

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

BUDGETARY IMPACT

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

RECOMMENDED BY

William I. Stoudt Jr. Fire Chief

RECOMMENDED MOTION

Approve the ordinance authorizing the transfer of funds as requested.

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

**BILL NO. _____ 2015
AN ORDINANCE**

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

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

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

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

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

Enacted _____ 2015

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

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

BILL NO. _____ 2015
A N O R D I N A N C E

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

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

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

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

Adopted _____, 2015

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor’s Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Exhibit A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§453-112. Conditions for Issuance of Permit.

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

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

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

§453-113. Removal of Improvements.

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

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

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

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

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

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

AN ORDINANCE

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

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

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

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

Enacted: _____, 2015

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

§ 508-703. Rejection of application

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

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

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

**BILL NO. _____ 2015
AN ORDINANCE**

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

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

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

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

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

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

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

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

Enacted by Council _____, 2015

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Drafted by	David Kersley, Senior Business Analyst
Sponsored by/Referred by	William Heim, Police Chief
Introduced on	September 28, 2015
Advertised on	October 5, 2015

BILL NO. _____-2015

AN ORDINANCE

AMENDING § 576-826 and -827 OF THE CODE OF THE CITY OF READING MODIFYING ALLOWABLE TOWING SERVICE CHARGES AND RELATED PROVISIONS

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

Section One: Sections § 576-826 and 827 of the City Code are amended as specified in Exhibit A hereof.

Section Two: 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: _____

Over-ridden by Council: _____

Date: _____

EXHIBIT A

§ 576-826. Towing service charges. [Amended 1-13-2003 by Ord. No. 2-2003; 2-10-2003 by Ord. No. 5-2003]

A. Towing twenty-four hour service

Type of Service	Day Charge	Night Charge
Basic service		
<u>Municipal Administrative Fee</u>	\$65 <u>\$65</u>	\$65 <u>\$65</u>
Service call ₂	\$35 <u>\$46</u>	\$45 <u>\$59</u>
Illegal parking tow fee ₂	\$55 <u>\$72</u>	\$65 <u>\$85</u>
Accident tow (first hour) ₂	\$70 <u>\$91</u>	\$80 <u>\$104</u>
Snow emergency tow fee ₂	\$75 <u>\$98</u>	\$80 <u>\$104</u>
Additional charges		
Accident tow (past first hour, Per quarter hour)	\$10	\$10
Open locked vehicle	\$10 <u>\$13</u>	10 <u>\$13</u>
Dropping hooked-up vehicle + service call charge	\$15 ₃	\$15 ₃
Dolly tows	\$45 <u>\$56</u>	\$55 <u>\$72</u>
Rollback tows (see note)	\$125 flat	\$125 flat
Storage (regular tow) illegal only	\$15 per day w/ 8-hour grace period	
Storage (accident tow & all others)	\$30 per day w/ 8-hour grace period	
Disconnect fee (drive shaft)	\$40 <u>\$13</u>	\$10 <u>\$13</u>
Winching from curb	\$15 <u>\$20</u>	\$15 <u>\$20</u>
<u>Winching: recovery, per truck</u>		
<u>First 30 minutes</u>	<u>\$65 + service charge</u>	<u>\$65 + service charge</u>
<u>Additional time</u>	<u>\$35 up to each ½ hr</u>	<u>\$35 up to each ½ hr</u>
<u>Vehicles >11,000 GVW</u>	<u>300% surcharge</u>	<u>300% surcharge</u>
45 ton truck ₄	\$150 <u>\$195</u>	\$175 <u>\$228</u>
Specialized equipment	\$25 per hour extra if needed	
Release fee after hours and Legal holidays	\$40 <u>\$59</u>	\$40 <u>\$59</u>
Gate fee	\$5	\$5
Disposal of debris	Price shall be determined by degree of hazardous waste	
Mileage charge for vehicle delivery beyond contractor discharge yard	\$3 per mile	\$5 per mile

§ 576-827. Towing zones.

In order to provide for the immediate removal of those vehicles interrupting the proper and orderly flow of traffic and thereby constituting an emergency situation, City of Reading shall be divided into zones, the number of zones not to exceed two, the boundaries which shall be determined by statistical analysis of the volume of vehicles towed by the Police Department with the exception of abandoned motor vehicle tows. Authorized towing contractors for each zone will be determined through the competitive bid process.

NOTES:

¹ Lower fee charged 7:00 a.m.-7:00 p.m., Monday through Friday; higher fee charged at all other times.

² Eight-hour grace period from the time of the tow, in calendar days.

³ Dropping hooked-up vehicle. This fee may be charged to the owner or operator of any illegally parked vehicle, or any vehicle ordered towed by a member of the Reading Police Department, if a tow truck is attached in any way to a vehicle, or a substantial effort has been initiated to tow the vehicle and the owner or operator arrives at the scene to claim same prior to its removal. All charges will be paid to driver before vehicle is released to owner.

⁴ Forty-five-ton truck, or such designation as may be determined for towing vehicles capable of towing a vehicle that may have a maximum weight rating as allowed by Vehicle Laws of Pennsylvania (75 Pa.C.S.A., as may be amended).

B. Labor. Labor charges at a maximum of ~~\$40~~ **\$52** per man per hour, or fraction thereof, may be charged for services rendered over and above the first man hour of service, when required, computed from the time of arrival at the scene. Utilization of additional personnel, and the assignment of the ~~\$40~~ **\$52** per hour extra fee (if needed). All hourly charges for equipment and/or labor shall be completely documented. A copy of all documentation shall be submitted to the Traffic Enforcement Unit of the Police Department along with the Police copy of the tow receipt.

C. Storage. There shall be no charge for the first eight hours of storage. Thereafter, a storage charge may commence at the rate of \$15 for each additional 24 hours of storage or fraction thereof, and for vehicles involved in traffic stops and/or accidents, \$30 is charged for each additional 24 hours of storage or fraction thereof.

D. Rate review and adjustment. City Council may review and adjust the rates set forth in this section as deemed appropriate or necessary ***but not more frequently than once per calendar year.*** ~~Such review and rate reconsideration shall be conducted not more than once each year, beginning no sooner than Spring 2004. The rate review shall begin in January and any adjustments must enacted no later than May of each year.~~

E. Administrative fee. ~~The City shall impose an administrative fee of \$10 which shall be paid by each vehicle owner or their agent at the time when they retrieve their vehicle from the tow contractor. A vehicle shall not be released without payment of the administrative fee. The towing contractor shall remit collected administrative fees to the City of Reading on the 15th day of the month for the preceding month or, if the 15th day is a weekend or holiday, on the first business day thereafter.~~

Drafted by	City Clerk
Sponsored by/Referred by	Managing Director
Introduced on	September 28, 2015

BILL NO. ____-2015

AN ORDINANCE

AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER 5 ADMINISTRATIVE CODE, SECTION 5-806 FISCAL PROVISIONS AMENDING PART C REGULATIONS CONCERNING APPROPRIATIONS AND TRANSFERS ADDING LANGUAGE REGARDING THE RESERVE.

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

Section 1. Amending the City of Reading Code of Ordinances, Chapter 5 Administrative Code, Section 5-806 Fiscal Provisions Part C Regulations Concerning Appropriations And Transfers adding language regarding the reserve, as required by the Amended Act 47 Recovery Plan, as attached.

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

Enacted: _____, 2015

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

§5-806 Fiscal Provisions

C. Regulations concerning appropriations and transfers

(8) Requiring City Council approval, via ordinance, for the following:

- (a) Salary increases for Department Directors that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees. Please see Personnel Code Section 701 for salary increases for other employees.
- (b) All expenditures not approved and listed in the operating or capital budgets for the fiscal year prior to those expenditures occurring.
- (c) All expenditures and allocations of \$10,000 or more from and to any and all line items falling in the Departmental and Non-departmental area of the General Fund.
- (d) *Any transfer from the Reserve.*

(9) Structurally Balanced Budget *and Reserve*: The City's objective is to achieve and maintain a structurally balanced budget in all funds such that recurring revenues fund recurring expenditures. *Beginning in 2015, the City shall maintain a reserve containing a minimum of two months' of regular general fund operating expenditures. Should the level of the reserve fall below the value of two months' of regular general fund operating expenditures, non-recurring revenues and budget surpluses should replenish reserve levels to the above minimum level. Excess amounts above the minimum level may be used to pay down outstanding long-term debt and fund capital budget projects, in that order.*

To that end, the Director of Administrative Services shall report to the Managing Director and City Council on the inclusion of any non-recurring revenues in each budget, forecast or actual report of financial results. That report should include the amount and use of any non-recurring revenues. For the purpose of this policy, non-recurring revenues shall include land or asset sales, use of fund

balance, transfers from other funds that exceed ongoing and sustainable levels, and transfers from other funds that exceed legal limits. Non-recurring revenues also include any revenue that is anticipated to be received for only one year.

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Environmental Advisory Council
Introduced on	September 28, 2015
Advertised on	October 5 and 12, 2015

**BILL NO. _____-2015
AN ORDINANCE**

AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 600, BY ADOPTING A NEW SECTION §600-818 PROVIDING FOR A RIPARIAN BUFFER OVERLAY DISTRICT AND AMENDING §600-2202 DEFINITIONS

WHEREAS, Riparian buffers adjacent to Watercourses and Impoundments provide numerous environmental and resource management benefits including without limitation:

- 1) Restoring and maintaining chemical, physical and biological integrity of water resources;
- 2) Removing pollutants from urban storm water;
- 3) Reducing erosion and controlling sedimentation;
- 4) Stabilizing stream banks;
- 5) Providing a natural impediment to floods;
- 6) Contributing organic material that is a source of nutrients and energy for aquatic ecosystems;
- 7) Maintaining tree canopies that serve to stabilize stream temperatures and therefore aquatic ecosystems;
- 8) Providing riparian wildlife habitat; and
- 9) Furnishing scenic value and recreational opportunities.

WHEREAS, Because of the benefits identified above, as well as others which may not be listed, the City of Reading Zoning Ordinance shall be amended to include a Riparian Buffer Overlay District that will accomplish the following objectives:

- 1) Prevent the further loss of the benefits to property and the community provided by protecting existing riparian buffers along water courses and impoundments by requiring new development to take place in such a manner so as to preserve and enhance the beneficial functions of the areas within the Riparian Buffer Setbacks;
- 2) Reduce the ongoing damage to public and private property and the community from the presence of buildings and structures and other impervious surfaces within the Riparian Buffer

Setback by encouraging redevelopment in a manner designed to reduce or limit the extent of buildings, structures and impervious surfaces within the Riparian Buffer Setback;

- 3) Educate owners of properties that include Riparian Buffers Setbacks regarding the benefits of restoring the important functions of these areas by identifying desirable maintenance practices that could be voluntarily employed within Riparian Buffer Setbacks by any landowner.;

SECTION 1: This Ordinance amends the City of Reading Code of Ordinances Chapter 600 Zoning by adding section 600-818 Riparian Buffer Overlay District in order to regulate development and redevelopment near Watercourses and Impoundments and mitigate issues that accompany such development and redevelopment and section 600-2202 Definitions.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached exhibit shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall be effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted _____, 2015

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

§600-818: Riparian Buffer Overlay District

A. Applicability

This Ordinance is intended to modify the location of certain development in relation to Watercourses and Impoundments but not to modify the overall density of such development. The regulatory provisions apply to development and redevelopment of property located within the Riparian Buffer Setback, and make recommendations for the maintenance of any other properties within the Riparian Buffer Setback, to protect both water resources and property from stormwater damage, flash flooding, erosion and sedimentation, and pollution.

B. Creation of Riparian Buffer Setbacks

A Riparian Buffer Setback is an area extending alongside and adjacent to watercourses and impoundments which must be designed, managed and maintained as a Riparian Buffer to protect stability of banks and edges, improve water quality, reduce the effects of erosion, flash flooding and contaminated runoff, and to act as a transitional zone between upland and aquatic habitat.

The following Riparian Buffer Setback is required within the following zoning districts:

- 1) R -1 – 35 feet
- 2) R-1 A – 35 feet
- 3) R-2 – 25 feet
- 4) R-3 – 15 feet
- 5) R-PO – 25 feet
- 6) C-C – 15 feet
- 7) C-R – 15 feet
- 8) C-H – 25 feet
- 9) M-C – 35 feet
- 10) H-M – 35 feet
- 11) P – 35 feet

C. Regulations that Apply to Areas that Contain Riparian Buffer Setbacks

1) The regulations in this section shall apply to all lots, regardless of size, that include Watercourses and Impoundments. In lots which qualify for development in the Riverfront Redevelopment Overlay District, those optional regulations shall take precedence.

2) Areas within the Riparian Buffer Setback along watercourses and impoundments must be used as a Riparian Buffer; they must be properly graded and stabilized, and managed as open space with permanent vegetation consisting of at least 20% shrub or tree cover.

3) Development. Development shall be designed to preserve the integrity and function of any existing Riparian Buffer. All areas within the Riparian Buffer Setback shall be designed and managed as a Riparian Buffer, except as specifically provided in this section. In an application for development, the applicant shall design the development without encroaching upon the Riparian Buffer Setback, in accordance with the following limitations:

- a) The principal building and use shall not be located on the area of the lot within the Riparian Buffer Setback;
- b) Other structures, accessory uses and equipment shall also, to the extent feasible, not be located on or extend into the Riparian Buffer Setback;
- c) Other impervious coverage shall not extend into the Riparian Buffer Setback, unless the City Engineer finds that:
 - 1) constraints unique to the property prevent the reasonable development of the property without encroaching upon the Riparian Buffer Setback, and
 - 2) the development plan minimizes the encroachment and provides compensating mitigation to reduce the impacts of the encroachment into the Riparian Buffer Setback.

4) Redevelopment. For the purposes of this section, redevelopment shall mean any physical improvement that involves earth moving, removal, or addition of impervious surfaces to a lot which contains pre-existing development within the overlay district. In an application for development of property, the applicant shall design the land development plan in a manner that maintains and restores riparian buffer functions to areas in the Riparian Buffer Setback to the extent feasible, including the following:

- a) No new buildings or structures shall be added in the portion of the lot located within the Riparian Buffer Setback;
- b) Restoration and improvement of existing buildings and structures located within the Riparian Buffer Setback shall not be expanded beyond their existing footprint;
- c) Accessory uses and equipment should be located or relocated, to the extent feasible, so as not to encroach upon the Riparian Buffer Setback;
- d) Impervious coverage shall not be added in the Riparian Buffer Setback, and, except for access roads and necessary parking areas, redevelopment plans shall, to the extent feasible, remove existing impervious surfaces from the Riparian Buffer Setback and grade and revegetate the Riparian Buffer Setback Area as a Riparian Buffer.

5) Application Information. In order to determine compliance with the applicable Riparian Buffer Setback requirements, an application for land development shall include the following information with respect to the portion of the lot within a Riparian Buffer Setback:

- a) Maps and schematic plans identifying the location of watercourses and impoundments on and adjacent to the property under development;
- b) Location, dimensions and footprint of any proposed or existing building or structure, equipment and impervious coverage;
- c) Slopes and grading plan;

- d) A Planting Plan that includes plant species, locations and coverage of shrubs and trees;
- e) A Riparian Buffer Maintenance Plan providing for the maintenance of permanent vegetation, stable slopes and grading, and integrity of the Riparian Buffer.

D. Permitted Land Disturbances in Riparian Buffer Setback

- 1) The area within the Riparian Buffer Setback established in this ordinance for each zoning district shall be managed as a Riparian Buffer.
- 2) The following land disturbances shall be permitted without limitation when located within a Riparian Buffer Setback:
 - a) Implementation of an approved Riparian Buffer Maintenance Plan, which may include vegetation and open space management and which provides for the maintenance of permanent vegetation, Watercourse and Impoundment banks, edges and water quality.
 - b) Activities regulated by the Commonwealth of Pennsylvania, such as permitted stream or wetland crossings or other obstructions and encroachments, in accordance with a valid permit.
 - c) Installation of pervious-surfaced trails along or providing access to a Watercourse or Impoundment, or an impervious-surfaced trail providing access when required or authorized by federal, state or local regulations.
 - d) Gardening and exterior yard maintenance, not including mowing or tilling, unless done in accordance with an approved Riparian Buffer Maintenance Plan.

E. Maintenance and Protection of Riparian Setback Areas

All owners of property that includes a Riparian Buffer Setback are encouraged to develop and implement a Riparian Buffer Maintenance Plan and are encouraged to use best management practices within the Riparian Buffer Setback area to maximize the functions and benefits for their property and downstream properties to restore the functions of the Riparian Buffer area over time.

Such practices include, without limitation:

- proper grading to reduce erosion of banks
- mulching of exposed soils
- establishing permanent vegetative cover including shrubs and trees
- the use of native plants adapted to the edge of waterway habitat
- removal of invasive plants
- limiting mowing and restoring the natural habitat
- protection and stabilization of banks and impoundment edges
- water quality protection, including regular cleanup and spill prevention
- reduction of runoff volumes and velocity to prevent downstream damages and flooding

- installation of rain barrels and other rain water harvesting
- encouraging rain water infiltration with rain gardens or terraces
- voluntary removal of obstructions, unused equipment, and accessory uses
- removal of impervious surface cover
- use of porous paving materials
- responsible storage of fuels and chemicals and other potential pollutants

F. Boundary Determination – The applicant is responsible for the measurement of the applicable Riparian Buffer Setback established in 600-818B along any watercourses or impoundments located on the lot, and delineation of such Riparian Buffer Setbacks on any plans for land development. Measurement is from the edge of bank at the time of a permit application.

The Zoning Administrator, in consultation with the City Engineer, shall be responsible for reviewing the location of the Riparian Buffer Setback, as applicable to any specific permit or approval. An applicant shall provide all plans, maps, and other information that may be necessary to make such a determination.

G. Violations and Penalties

Any person who or partnership or corporation that has violated or permitted the violation of the provisions of this chapter shall be subject to zoning enforcement remedies as described in Section 600-201.

§600-2202 Definitions

By adding the following definitions:

Impoundments – any body of surface water formed by the construction or excavation of a basin or the obstruction of stream flow in such a manner as to cause the collection of a body of water which would not have formed under natural conditions.

Riparian Buffer - a permanently vegetated open space, including at least 20% trees and shrub cover, on graded and stabilized slopes, extending along and adjacent to a watercourse or impoundment that is managed to protect stability of banks and edges; improve water quality; to reduce the effects of erosion, flash flooding and contaminated runoff; and to act as a transitional zone between upland and aquatic habitat.

Riparian Buffer Maintenance Plan – A landscape management and maintenance plan that provides best management practices for the establishment of permanent vegetation and property maintenance in Riparian Buffers, including mulching, mowing, weed control, selection and restoration of herbs, shrubs and trees, and protection of stability and integrity of banks and edges of the watercourse or impoundment.

Riparian Buffer Setback – The measured distance from the edge of the banks of a watercourse or impoundment which is required to be maintained as a Riparian Buffer, as required for the zoning district in which said watercourse is located.

Watercourses -A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow, including, without limitation, streams and stream systems, brooks, ponds, waterways, creeks and any other such channel or collection point for flowing or standing water.

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Environmental Advisory Council
Introduced on	September 28, 2015
Advertised on	October 5 and 12, 2015

BILL NO. _____ - 2015

**AN ORDINANCE OF THE CITY OF READING
AMENDING THE CODE OF ORDINANCES CHAPTER 600 ZONING
BY AMENDING PART 8 DISTRICTS TO ADD ALTERNATIVE ENERGY SYSTEMS AS ACCESSORY USES, PART
10 ACCESSORY USES BY RENAMING SECTION 1012 WIND TURBINES TO ALTERNATIVE ENERGY
SYSTEMS, AND AMENDING SECTION 2202 DEFINITIONS**

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

WHEREAS, The City of Reading seeks to provide opportunities for Alternative Energy Systems while regulating the use of potentially intrusive facilities, equipment and machinery; and

WHEREAS, City Council desires to provide for, promote and regulate the use of alternative energy sources in the City of Reading; and

WHEREAS, The purpose of this Ordinance is to establish provisions for the design, permitting, construction and operation of Alternative Energy Systems within the City of Reading, subject to reasonable conditions that will protect the public health, safety and/or general welfare of the City's residents and environment.

SECTION 1: The Code of Ordinances of the City of Reading Chapter 600 Zoning is hereby amended to address Alternative Energy Systems.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted _____, 2015

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Chapter 600 – Zoning

Part 8 Districts

§600-801. R-1-A Residential District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (g) Geothermal Heat Pumps
- (h) Solar Energy Systems
- (i) Water Powered Energy Systems

§600-802. R-1 Residential District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (g) Geothermal Heat Pumps
- (h) Solar Energy Systems
- (i) Water Powered Energy Systems

§600-803. R-2 Residential District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (g) Geothermal Heat Pumps
- (h) Solar Energy Systems
- (i) Water Powered Energy Systems

§600-804. R-3 Residential District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (g) Geothermal Heat Pumps
- (h) Solar Energy Systems
- (i) Water Powered Energy Systems

§600-805. (Reserved).

§600-806. R-PO Residential/Professional Office District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (c) Geothermal Heat Pumps
- (d) Solar Energy Systems
- (e) Water Powered Energy Systems
- (f) Roof Mounted Wind Turbines

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

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (e) Roof Mounted Wind Turbines
- (f) Geothermal Heat Pumps
- (g) Solar Energy Systems
- (h) Water Powered Energy Systems

Also delete C (6)

§600-808. C-R Commercial Residential District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (d) Geothermal Heat Pumps
- (e) Solar Energy Systems
- (f) Water Powered Energy Systems

§600-809. C-N Commercial Neighborhood District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (d) Geothermal Heat Pumps
- (e) Solar Energy Systems
- (f) Water Powered Energy Systems

Conditional Uses current (2) shall become (3) and Special Exception Uses current (3) shall become (4)

§600-810. C-H Commercial Highway District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (g) Geothermal Heat Pumps
- (h) Solar Energy Systems
- (i) Water Powered Energy Systems
- (j) Roof Mounted Wind Turbines

§600-811. M-C Manufacturing Commercial District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (f) Geothermal Heat Pumps
- (g) Solar Energy Systems
- (h) Water Powered Energy Systems
- (i) Free Standing or Roof Mounted Wind Turbines

Also delete C (8)

§600-812. H-M Heavy Manufacturing District.

B. (4) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (a) Free Standing or Roof Mounted Wind Turbines
- (b) Geothermal Heat Pumps
- (c) Solar Energy Systems
- (d) Water Powered Energy Systems

Also delete B. (1) (s)

§600-813. P Preservation District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (d) Geothermal Heat Pumps
- (e) Solar Energy Systems
- (f) Water Powered Energy Systems

§600-816. MU Municipal District.

B. (2) Accessory uses. In compliance with Part 10, unless otherwise noted.

- (a) Geothermal Heat Pumps
- (b) Solar Energy Systems
- (c) Water Powered Energy Systems
- (d) Free Standing or Roof Mounted Wind Turbines

§600-1012. Alternative Energy Systems

A. Applicability. This Section of the Zoning Ordinance shall apply to all Alternative Energy Systems that are proposed to be constructed after the effective date of this Zoning Ordinance. Alternative Energy Systems constructed prior to the effective date of this Ordinance shall not be required to meet the requirements specified under this Ordinance, except for the maintenance and removal provisions found in section 1012 J 2-5. Any physical modification to an existing Alternative Energy System that alters the size, type or generating capacities of the facilities shall require a permit and shall comply with the applicable provisions specified under this Ordinance.

B. Permitted as Accessory Use. Alternative Energy Systems designed and utilized as an accessory use, which may include Geothermal Heat Pumps, Solar Energy Systems, Wind Turbines, and Water Powered Energy, shall be permitted as an accessory use as described in Part 8, subject to the applicable provisions specified under this Zoning Ordinance.

C. Authorized as Primary or Supplemental Energy Source. Alternative Energy Systems as an accessory use may be utilized as the primary or supplemental energy source for the principal use on the lot where it is located in accordance with Zoning Ordinance Part 8 Districts. Surplus energy may be exchanged, transferred and/or sold to a public utility company, provided that such surplus energy is exchanged,

transferred and/or sold in accordance with the provisions established by the Public Utility Commission and Public Utility Code.

D. General Requirements. The following provisions shall apply to all types of Alternative Energy Systems:

1. Alternative Energy Systems shall be permitted provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Zoning Ordinance.
2. Alternative Energy Systems shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.
3. Alternative Energy Systems shall be setback from all property lines a distance of not less than the normal setback requirements for accessory buildings/structures in that zoning district. All Alternative Energy Systems shall comply with the building and lot coverage requirements of the zoning district in which they are located.
4. Alternative Energy Systems shall emit no noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat that unreasonably impacts or affects neighboring properties or creates a nuisance. The burden of proof shall be upon the property owner if a claim of nuisance arises.
5. All Alternative Energy Systems and/or any appurtenant structures shall be set back from all public roads a distance of not less than 1.1 times the Alternative Energy System's height, as measured from the nearest edge of the Alternative Energy System and/or any appurtenant structure to the right-of-way line of all public roads.
6. No Alternative Energy System shall be located, modified or constructed within the City of Reading unless a permit has been issued to the Facility Owner in accordance with the provisions of this Section of the Zoning Ordinance.
7. All new exterior Alternative Energy Systems within Historic and Conservation Districts must receive their Certificate of Appropriateness from the Historical Architectural Review Board prior to application for a permit.
8. All Alternative Energy Systems shall comply with all City of Reading noise regulations.

E. Special requirements for Wind Turbines

1. All wind turbines shall meet the following additional requirement:
 - a. All Wind Turbines shall include automatic devices to address high-speed winds, such as mechanical brakes and over-speed controls and be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

2. Free Standing Wind Turbines will also meet these requirements:

- a. All Free standing wind turbines shall be set back from all lot lines and street rights-of-way a minimum distance equal to the total maximum height to the top of the extended blade. All wind turbine setbacks shall be measured from the center of the base of the turbine at ground level.
- b. If support wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- c. All installations shall coordinate with the Federal Aviation Administration and PennDOT's Bureau of Aviation regarding airport hazard zoning.
- d. The maximum total height above the ground level to the tip of the extended blade shall be 150 feet.
- e. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
- f. Wind Turbines shall not be climbable up to twelve (12) feet above ground surface. All access doors to wind turbines and electrical equipment may be fenced, as appropriate. All shall be locked to prevent entry by non-authorized persons.
- g. The minimum height of a Wind Turbine shall be fifteen (15) feet, as measured from the ground surface to the tip of the blade at its lowest turning movement.

3. Roof Mounted Wind Turbines. Roof Mounted Wind Turbines may extend a maximum of 25 feet above the maximum height limit in the applicable zoning district.

F. Special requirements for Geothermal Heat Pumps:

1. The owner of any geothermal system shall be responsible for all remediation efforts and costs necessitated as a result of a release from the system that impacts or threatens to impact ground water or surface water. If the owner refuses to take corrective action, the City may take corrective action in accordance with the property maintenance code and all State and Federal regulations. All costs incurred by the municipality in doing so will be borne by the owner.

2. Closed Loop Geothermal Heat Pump Systems must meet these requirements:

- a. Be self-contained having no contact with ground water, surface water or the water table under 100 year flood conditions.
- b. All heat exchanging fluids within any Geothermal Heat Pump must be comprised either of saline, water or other type of non-hazardous fluid, the release of which would not pose any risk of impact to groundwater in excess of standards set forth in all applicable State and Federal regulations.

c. The Geothermal Heat Pump may not be in contact with an aquifer or be sited within any aquifer's recharge zone.

3. Open Loop Geothermal Heat Pump Systems shall be reviewed on a case by case basis and the owner bears the burden of demonstrating no significant adverse impacts upon land or water resources.

G. Special requirements for Solar Energy Systems:

The following provisions shall specifically apply to Solar Energy Systems and appurtenant structures and/or facilities associated with their operation:

1. There is no restriction regarding visibility of solar panels, except in historic and conservation districts.
2. Solar energy panels shall be designed and located to minimize glare that could affect any occupied adjacent properties and/or any street right-of-way.
3. In accordance with section 600-918 relating to Green Incentives, solar installations may exceed building height restrictions in the applicable district by 15 feet, and signs by 10 feet, and certain parking installations are exempt from building coverage requirements.
4. Surface area of ground mounted solar energy systems shall not be counted as impervious lot coverage.

H. Special Requirements for Water Power Energy Systems:

The following provisions shall specifically apply to Water Power Energy Systems and appurtenant structures and/or facilities associated with their operation:

1. No Water Powered Energy System shall endanger or threaten native local wildlife including fish, amphibians and reptiles.
2. No Water Powered Energy System affecting current, cross section or flow of a waterway shall be approved without a permit or approval of the PA Department of Environmental Protection. Installations that may significantly alter the stream bed or directional flow of a stream, such as small dams and their upstream/downstream races or "ponds" for in-stream turbines and overshot/undershot wheels, may be approved if properly permitted under state and federal law.
3. All Water Powered Energy Systems shall have safety disconnects of their paddles, wheels or turbines in case of flood or heavy water flow beyond the anticipated capacity of the Alternative Energy Facility.

I. Application: The Facility Owner shall provide the following in connection with his/her application for an Alternative Energy Facility:

1. A full description of the proposed Alternative Energy System.

2. Architectural drawings of the system to be installed, all appurtenant structures and/or facilities associated with operation of the Alternative Energy System.
3. Dimensions and locations of all affected buildings and structures on the Applicant's real property and adjacent properties and any applicable setbacks.
4. Photographs to establish baseline conditions at the time of the application.
5. A statement of the estimated output of the proposed Alternative Energy System and where the energy will be utilized.
6. A letter of agreement with a Private Energy Utility Provider if the energy to be generated by the Alternative Energy System is to be conveyed off the Applicant's real property.
7. The application for any permit for an accessory solar or wind energy system shall include an acknowledgement that the issuing of said permit shall not, and does not, create in the property owner, its, his, her, or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadow and/or obstructions to solar or wind energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property. Such acknowledgement shall be signed by the property owner.
8. All new exterior Alternative Energy Systems within Historic and Conservation Districts must submit their Certificate of Appropriateness from the Historical Architectural Review Board with their application.
9. Copies of any other permits that have been obtained from agencies with jurisdiction over the Alternative Energy System.

J. Installation, Maintenance and Removal Requirements

1. Installation.
 - a. No Alternative Energy System shall be located, modified or constructed within the City of Reading unless a permit has been issued to the Facility Owner in accordance with the provisions of this Section of the Zoning Ordinance.
 - b. For alternative energy system categories in which installer certification exists a certified installer shall be required for more complex installations, non-residential installations, or if recommended by the manufacturer.
2. Maintenance Obligations. The accessory alternative energy system must be clean and properly maintained in good, working order, and kept free from all hazards and unsafe conditions that are detrimental to the public health, safety and welfare. To the extent that an accessory alternative energy system constitutes an immediate threat to the public health, safety and welfare, the City is authorized to take all necessary steps to mitigate such public health, safety or welfare threat. All costs incurred by the City in doing so will be borne by the owner.

3. Best Practices Required. All Alternative Energy Systems are to be installed and maintained using best practices.

4. Corrective Action. In the case of a breakdown, malfunction, misuse or other situation involving an Alternative Energy System, it is the obligation of the Facility Owner and Operator to immediately initiate corrective action. If the Facility Owner and Operator refuse or are incapable of doing so, the City has the right to take corrective action at the expense of the Facility Owner and Operator.

5. Removal.

a. The Facility Owner or Operator shall, at his/her expense, completely remove any Alternative Energy System within twelve (12) months after the end of its useful life. The Alternative Energy System will be presumed to be at the end of its useful life if no energy is generated for a continuous period of twelve (12) months.

b. If the Facility Owner or Operator fails to complete removal during the prescribed period of twelve (12) months, the City may take such measures as necessary to complete removal in accordance with this Zoning Ordinance at the expense of the Facility Owner and Operator.

6. Existing Systems. All Alternative Energy Systems in place at the time this Ordinance is adopted shall be kept in clean, working order and meet the Maintenance, Corrective Action and Removal responsibilities in sections 2-6.

§ 600-2202. Definitions.

By adding the following definitions:

Alternative Energy: A source of energy generated from solar, water, wind, geothermal or similar sources, which is capable of providing energy and utilities for a permitted use.

Alternative Energy System: A system capable of converting solar, water, wind, and/or geothermal energy into viable energy sources including utilities for a permitted use. Such facilities may include, without limitation, solar panels, wind turbines, geothermal heat pumps, water turbines and/or other compatible alternative energy systems.

Applicant: A person or entity filing an application under this Ordinance.

Best Practices: Current industry standards of construction and maintenance for a technology. Best Practices are not for purposes of this Ordinance defined as State of the Art, which is acknowledged to often be prohibitively expensive and to involve standards that are constantly changing.

Free Standing Alternative Energy System: A system that is not physically mounted, attached and/or connected (except utility and energy transfer connections) to a permitted principal building. All such facilities shall be considered a separate or accessory structure that has the ability to convert and convey

energy to the principal use in accordance with all pertinent zoning, utility and building code requirements.

Geothermal Heat Pump: An energy system utilized for heating and cooling purposes through a series of heat-exchanging pipes or tubes integrated into the ground, groundwater or surface water with a heat-exchanging media that flows through a loop system.

Occupied Building: A building located on a parcel of land utilized as a permitted use in accordance with the provisions of the City of Reading Zoning Ordinance.

Private Energy and Utility Provider: A principal use owned, operated and/or maintained by a private or independent utility company for the purpose of providing energy within a defined service area or grid system in accordance with the provisions established by the Public Utility Commission and the Public Utility Code.

Solar Energy System: A system that converts solar energy into thermal or electrical energy, where the solar energy is collected through solar cells, film, modules and/or panels and then transferred to a battery or an inverter (DC to AC power), which can be utilized as an electrical source or transferred into the utility grid system.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a generator, which may include a nacelle (shroud/cover), rotor, tower, transformer pad, blades, spirals, helixes and/or supporting energy apparatus.

Water Power: The generation of electricity or mechanical energy by the use of water motion, which may include overshot or undershot waterwheels, turbines, and other devices, including all associated equipment/facilities.