REGULAR MEETING
MONDAY, SEPT 26, 2016
COUNCIL CHAMBERS
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 “Live and Archived Meeting Videos”. 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:
   C. PLEDGE OF ALLEGIANCE
   D. ROLL CALL

   The purpose of the Executive Session on Monday, September 26th was related to ________ matters.

2. PROCLAMATIONS AND PRESENTATIONS

   - Commendation celebrating Hispanic Heritage Month
   - Commendation celebrating Tack’s Sandwich Anniversary
   - Recognition Certificates for District 2 residents participating in the Curb Appeal Contest

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 12, 2016
   B. AGENDA: Regular Meeting of September 28, 2016

5. Consent Agenda Legislation

   A. Resolution – approving the COA appeal of Mr. and Mrs. Michael Gordon pertaining to the HARB denial for the installation of an elevator at 1604 Bern Street
B. **Award of Contract** – for the collection of Fire Revenue Recovery to PA Fire Recovery Service, LLC, Periwinkle Macungie, PA

C. **Resolution** – appointing Ralph Johnson to the Reading Area Technical Committee (RATS)

D. **Resolution** – approving the inter-municipal liquor license transfer for Cubano Reading LLA at 25 N 2nd Street

E. **Resolution** – authorizing the disposition of purchasing records from 1995

6. **ADMINISTRATIVE REPORT**

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

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

9. **ORDINANCES FOR FINAL PASSAGE**

    | Pending Legislation |
    |---------------------|
    | **Bill No. 2016** – creating the Reading Regional Water Authority *Introduced at the May 23 regular meeting* |
    | **Ordinance** – amending the City's Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions *Introduced at the August 8 regular meeting* |

    **A. Bill No. 39-2016** - restricting parking by establishing a No Parking zone on the east side of Reed Street at the intersection of Buttonwood Street and Reed Street for a distance of approximately 28 feet. The purpose of the restriction is to establish a safe and sufficient turning space for vehicles turning from Buttonwood Street onto that section of Reed Street.

    **B. Bill No. 40-2016** – authorizing the transfer of cash reserves in the General Fund totaling $85,000.00 from Fund Balance to Public Works
C. **Bill No. 41-2016** – authorizing the transfer of cash reserves in the Sewer Fund in the amount of $61,717.50 from Fund Balance to Engineering Costs and to Administrative costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6th and Canal Pump Station for Phase I.

D. **Bill No. 42-2016** – authorizing the transfer of $35,000 from the Fund Balance to the Charter Board to cover their expenses through the end of 2016

### 10. INTRODUCTION OF NEW ORDINANCES

A. **Bill No. 2016** – setting the salary of the CD Director at $82,000 per annum

B. **Bill No. 2016** - authorizing the Administration to enter into a one-year intergovernmental cooperation agreement regarding the collection and recycling of various recyclable items generated at multiple Reading School District locations. The Agreement is between the City of Reading and the Reading School District and retroactively effective July 01, 2016.

C. **Bill No. 2016** - amending the City Code by adding Chapter 184 Controlled Substance, Drug, Device and Cosmetic making the possession of marijuana a summary offense

D. **Bill No. 2016** - authorizing the addition of a budget item in the amount of $270,000 to the 2016 budget for the PA DCED Reimbursement Grant for the Asset Conditions Assessment Project.

E. **Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of $1,749,667.88 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on Waste Water Treatment Plant Upgrades

F. **Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of $345,588.63 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 19th Ward Pump Station.

G. **Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of $593,009.63 from Fund Balance to Program Management Costs and
amends the 2016 Sewer Fund operating budget to allocate funds to Program Management Services for the Consent Decree Program.

H. Bill No. 2016 - authorizing the transfer of cash reserves in the Sewer Fund in the amount of $205,309.44 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6th and Canal Pump Station Phase II.

11. RESOLUTIONS

| Tabled at 9-12 Meeting; Pending Public Hearing and Planning Commission recommendation |
| A. Resolution 72-2016 – authorizing the City Solicitor to execute the reimbursement agreement in the RAS with No. R16050006 for the Rockland Street Project initiated by the Wyomissing Foundation |

A. Resolution – reappointing Mark Pinkasavage to the Electrician’s Examining Board

B. Resolution – appointing Josephina Encarnacion to RAWA to fill the unexpired term of Ron Hatt

C. Resolution – appointing Alejandros Palacios as CD Director

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, September 26
Committee of the Whole – Penn Room – 5 pm
Regular Meeting – Council Chambers – 7 pm

Monday, October 3rd
Nominations & Appointments Committee – Council Office – 4 pm
Special Meeting – Introduction of the 2017 Budget and all related ordinances – 5 pm
Council Chambers
Strategic Planning Committee – Council Office – 5:30 pm
Monday, October 10th
Committee of the Whole – Penn Room – 5 pm
Regular Meeting – Council Chambers – 7 pm

Monday, October 17th
Nominations & Appointments Committee – Council Office – 4 pm
Budget Review – 5 pm Penn Room

Monday, October 24
Committee of the Whole – Penn Room – 5 pm
Regular Meeting – Council Chambers – 7 pm

City of Reading City Council
Regular Meeting
September 12, 2016

Council President Waltman called the meeting to order.

The invocation was given by Rev. John Francis from Christ Episcopal Church.

All present pledged to the flag.

ATTENDANCE
Council President J. Waltman
Councilor Daubert, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Twyman, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Slifko, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Managing Director G. Steckman
Mayor W. Scott

There were two (2) executive sessions on litigation at the Committee of the Whole meeting.

PROCLAMATIONS AND PRESENTATIONS
The Mayor issued a Proclamation declaring October 1st as Marc Anthony Day. The proclamation was accepted by David Farrar, General Manager of the Santander Center.
PUBLIC COMMENT
Council President Waltman stated that there are 15 citizens registered to address Council, five (5) on agenda matters and ten (10) on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended.

Councilor Daubert read the public speaking rules that were adopted by Council.

Paul Hoh, of Hampden Blvd., stated that there was deep concern expressed at the College Heights Community Council (CHCC) meeting last night about the proposed changes to the 1100 block of Rockland Street. He stated that the community was upset that they were excluded from the process, although they recognized that their exclusion is not the fault of the current administration. He stated that neighbors described the problems with the radius of the turns large trucks that cause the trucks to routinely run over the curbs, the problems that will be created by the cutaway areas of the median strips along with other issues. He noted that reducing the traffic lanes will worsen these problems. He also noted the need to confer with agencies such as BARTA and the Post Office. He suggested that Council table the resolution and hold a public hearing where all parties can provide input.

Ric Nieves, of Northmont Blvd., suggested that Council vote against the Rockland Street project, as it makes no sense. He expressed the belief that the street works fine as it is. He questioned spending valuable tax payer dollars to primarily improve Albright’s gateway. He expressed the belief that the design of the project will create traffic bottlenecks and increase safety issues for vehicles and pedestrians alike. He agreed that a public hearing should occur.

Lex McMillan, President of Albright College, stated that he sympathizes with the concerns expressed at the meeting last night. He stated that the college worked with a community development consultant through the Wyomissing Foundation and he stated that he was unsure why the community was excluded from providing input. He stated that the group has been working on this project for the past five (5) years. He stated that the project originated as a way Albright could make improvements to the City infrastructure and enhance the viability of the Rockland Plaza. He expressed the belief that the design will alleviate safety issues, not create them. He stated that the project is funded by the college, the Wyomissing Foundation and PennDOT. He stated that Albright will maintain the area, including the landscaping.

Deb McCreery, representing Albright, was not present.

Ed Terrell, of Franklin St., stated that he decided to return to Council meetings as they seem to go on and on. He stated that he has done his homework and he distributed the
City’s organizational chart showing that Reading citizens lead the government. He stated that citizens elect officials to be their voice. He stated that the City has 2800 blighted properties and he expressed the belief that there has misuse of federal funding. He noted that the $65M hotel does not pay taxes but officials still support it. He expressed the belief that a new Water Authority is not needed as water should become a City department.

Arthur Scholtz, of Green St., distributed photos showing the severe damage to 1132 Green Street. He stated that the deteriorated condition of this property is causing damage to the adjoining properties and that he has been forced to keep his property vacant with the water disconnected. He stated that the City condemned the property three (3) years ago and asked the administration to demolish the property before it collapses on its own. He expressed the belief that a heavy snow over the coming winter season will cause the property to collapse.

Abraham Amoros, from the Laborers International Union, described the relationship his organization has with other agencies. He expressed the belief that PLAs work to create smoothly running projects and benefits projects in other ways. He expressed the belief that the City should use a PLA for the WWTP project.

Jimmy Rivera, from Buttonwood St., was not present.

Ryan Helms, from the local IBEW 743, stated that the WWTP project was bid out three (3) times; two (2) times with a PLA and once without a PLA. He expressed the belief that the presentation made a few years ago noting the benefits PLAs bring to projects fell on deaf ears. He noted that the bid without the PLA came in only $5M lower that the last bid with the PLA. However, the bid still came in at $28M over budget. He stated that the majority of the low bidders are not local companies. He stated that the use of the PLA would help keep local jobs for local contractors and their employees.

Brian McMahon, from the Steamfitters Local 420 Union, expressed the belief that PLAs benefit projects. He also noted that of the three (3) bids for the WWTP project, the final bid without the PLA still came in $28M over budget. He expressed the belief that PLAs keep the dollars locally. He noted that the lowest bidder for the HVAC component is a union shop from outside the area. He suggested rejecting all bids submitted and rebidding the project a 4th time to drive the costs lower.

Ed Braukus, representing Membership Development at IBEW Local 743, stated that he represents 446 members and he spoke in support of the PLA as it would bring jobs home for local workers. He suggested that the lack of a PLA at the Citadel project for the Reading School District caused the project to be delayed and over budget. He explained that the PLA provides guarantees.
Karl Baskin, of Fairview Street, stated that he is president of the Ironworkers 420 Union and he described the volunteer service of his organization and their dedication to the community. He stated that at one time being a tradesman provided a wage that supported a family. However, now he looks to the right and he sees gangs; he looks to the left and he sees drugs; and he looks straight ahead and he sees minimum wage jobs and hairnets. He noted the importance of trades as a career. He stated that there are 25 trades’ apprentices and there are no jobs available in their own City.

Nate Rivera, of North 6th Street, noted that October is Hispanic Heritage Month and he questioned why representative groups were excluded from the proclamation declaring Marc Anthony Day. He expressed the belief that parking tickets have reached an epidemic level and he suggested that tickets are not a solution to the City’s financial problems. He suggested creating a new board to create solutions without tickets. He noted the scarcity of parking spaces in most City neighborhoods.

Evelyn Morrison, of Rose Street, expressed the belief that using federal funding without holding a public hearing for the Rockland Street project is a violation of federal requirements. She stated that she has not received a response to her Right To Know request. She expressed concern about the lack of public input on the Rockland Street project and she suggested that the project was improperly influenced by John Weidenhammer and the Wyomissing Foundation.

Anne Marie Wolfe, of Franklin Street, described the hardships and challenges of day-today living for some.

APPROVAL OF THE AGENDA & MINUTES
Council President Waltman called Council’s attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes from the August 8th Regular Meeting of Council. Council President Waltman stated that the one (1) ordinance is being added for introduction regarding authorizing the transfer of $35,000 from the Fund Balance to the Charter Board to cover their expenses through the end of 2016.

Councilor Marmarou moved, seconded by Councilor Daubert, to approve the minutes from the August 22nd Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 69-2016 – promoting Officer Joseph Cadawalder to Sergeant
B. Resolution 70-2016 – promoting Officer Brett Sneeringer to Sergeant

C. Resolution 71-2016 – authorizing the Mayor to sign and submit a Pennsylvania Department of Education Keystone Recreation, Park and Conservation Fund Grant application to request $75,000 in funding $75,000 for the HVAC rehabilitation of the Reading Public Library Northeast Branch. Total project cost $166,000.

ADMINISTRATIVE REPORT

The mayor announced that he received a letter informing him that PepsiCo will be closing their Center Avenue and Bern Street location. He stated that he was blindsided by the news and that he will be sure to do outreach to see if anything can be done to turn this situation around. He stated that the trash contract will be bid out in the same way as the current system. There will be no changes that will limit the private haulers ability to enter into private collection contract with residential properties. He stated that there are approximately 5825 collection accounts remaining with the private haulers and the rest are on the City’s program.

The mayor noted his success to date driven by working cooperatively with City Council to garner their approval for decriminalizing the parking ticket system. He noted the successes he has made since taking office were many of the things he promised during his campaign. He noted that those successes were possible by working cooperatively with others. He stated that he is proud that water is no longer being turned off at owner occupied properties when delinquencies occur.

Nelton Manon, a citizen sitting near the mayor, began asking the mayor questions. Council President Waltman interrupted and advised the citizen that questions from the audience are not permitted.

The mayor stated that he is the same man as the man who ran for office last year. He noted his positive working relationship with City Council and suggested that others trust that he will work cooperatively with him. He stated that he invites citizens to the table to discuss various issues; however, he will be wary of meetings organized for questionable purposes.

The managing director thanked the Police, Public Works Departments and others involved in the Reading 120 Race as their tireless work lead to a successful event. He called attention to the large stack of records provided by the haulers to correct the information they originally provided. The new information has been entered into the system by the CSC. He announced that a flyer regarding the packaging of rubbish will be going out in the October water bills in both English and Spanish.

Councilor Reed noted that the loss of PepsiCo is a huge loss for District 5 as they have been at that location since the mid 1920s. She suggested a broad marketing campaign to find a buyer for the site and preventing the site from becoming a blighted property.
Councilor Goodman-Hinnershitz noted the success of the Reading 120 for both participants and visitors.

AUDITOR’S REPORT
City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- A report on the Unemployment Compensation expense for the last 10 years
- A report showing that approximately $408K was spent on the WWTP project between January and June 2016 and overall $52.7M was spent on the project since it started in 2008

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

ORDINANCES FOR FINAL PASSAGE

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<th>Pending Legislation</th>
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| **Ordinance** – amending the City's Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions *Introduced at the August 8 regular meeting* |

There were no ordinances eligible for final passage at this meeting.

INTRODUCTION OF NEW ORDINANCES
Councilor Goodman-Hinnershitz read the following ordinances into the record:

**A. Ordinance** - restricting parking by establishing a No Parking zone on the east side of Reed Street at the intersection of Buttonwood Street and Reed Street for a distance of approximately 28 feet. The purpose of the restriction is to establish a safe and sufficient turning space for vehicles turning from Buttonwood Street onto that section of Reed Street.

**B. Ordinance** – authorizing the transfer of cash reserves in the General Fund totaling $85,000.00 from Fund Balance to Public Works

**C. Ordinance** – authorizing the transfer of cash reserves in the Sewer Fund in the amount of $61,717.50 from Fund Balance (54-07-00-2980-000) to Engineering Costs (54-07-45-4816-000) and to Administrative costs (54-07-45-4823-000) and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6th and Canal Pump Station for Phase I.
D. Ordinance – authorizing the transfer of $35,000 from the Fund Balance to the Charter Board to cover their expenses through the end of 2016

RESOLUTIONS
A. Resolution 72-2016 – authorizing the City Solicitor to execute the reimbursement agreement in the RAS with No. R16050006 for the Rockland Street Project initiated by the Wyomissing Foundation

Councilor Marmarou moved, seconded by Councilor Daubert, to table Resolution No. 72-2016 until October 24th.

Resolution No. 72-2016 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman
President - 7
Nays: None - 0

COUNCIL COMMENT
Councilor Daubert wished all students a great academic year. He also noted concern with the comments related to the WWTP project still being over budget and that the work is not coming from local contractors. He stated that he will keep watch over this issue.

Councilor Goodman-Hinnershitz expressed support for local trades’ jobs and the apprentice programs. She expressed the belief that as the WWTP project is a large project it could provide great experience for those in the apprentice programs. She noted the growth of the number of young people involved in biking and the opportunity organizations like the bike hub offer. She noted the need for bikers and drivers to drive in the public right of way safely and with caution.

Councilor Goodman-Hinnershitz spoke of her fabulous visit to our Sister City in Germany and the great experience the trip was. She stated that Mayor Bausch will be visiting here within the next two (2) years.

Councilor Marmarou displayed a flyer showing the folding stop signs that are used when traffic signals are not in service. He noted that some individuals are unfolding them creating a conflict between the stop sign and the working traffic signal. He suggested locking them when they are not in use.

Councilor Reed thanked all municipalities involved in the Reading 120 Race. She thanked the Reading Fightins for a great season provided by the team and its management. She noted that the games provide a venue for great family outings in a world class ballpark. She also
thanked the Public Works Director for checking on the street light outage on the Schuylkill Avenue Bridge.

Councilor Reed described the recent shooting of a neighbor who was cleaning up a yard in his area of trash and dog feces. She asked the administration if there were past or current property maintenance violations at this property.

Councilor Slifko expressed the belief that the City needs discussion around the demolition of dilapidated properties. He also thanked the Zoning Administrator for his work to organize the bike race.

Councilor Twyman expressed the belief that the bike race is a great way to highlight the beautiful terrain and scenery Reading and Berks County has to offer. He thanked those who took the opportunity to provide comment during the public comment period during the meeting. He noted the importance of public comment and new ideas.

Council President Waltman stated that a public hearing for the Rockland Street project will be scheduled and he expressed concern that the project got this far without input from the affected neighborhood. He expressed concern that the Albright President blamed the consultant for not involving the community. He noted that the 2017 budget process will be starting soon.

Council President Waltman expressed sympathy on the passing for former MDJ Deborah Lachina, who gave a multitude of service to the Reading Community over her lifetime.

Council President Waltman reviewed the upcoming Council meeting schedule.

Councilor Marmarou moved, seconded by Councilor Daubert, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk
RESOLUTION NO. 2016

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

Approving the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for the installation of an elevator covered with cement block construction with an EIFS finish in the color “Brite White”, requiring the planting of additional hemlocks to provide screening, and to include the installation of gray asphalt architectural shingles at the tower’s roof to match the existing shingles on the main roof of the home of the property on the west side of the property at 1604 Bern Street, owned by Patricia and Michael Gordon.

Adopted by Council__________________________, 2016

___________________________________
President of Council

Attest:

_______________________
Linda A. Kelleher, City Clerk
Appeal of Historic Architectural Review Board
Certificate of Appropriateness

IN THE MATTER OF § BEFORE THE
§ §
BERKS COUNTY § § CITY OF READING
§ §
PATRICIA & MICHAEL § § CITY COUNCIL
GORDON § §
1604 BERN ST, READING PA §

FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION

On Wednesday, September 14, 2016 the City of Reading City Council (Council) met to
hear testimony on the appeal of the decision made by the Historic Architectural Review
Board (HARB) on the Certificate of Appropriateness for the installation of an elevator
with cement block construction with an EIFS finish in the color “Brite White” and to
include the installation of gray asphalt architectural shingles at the tower’s roof to match
the existing shingles on the main roof of the home of the property at the west side of the
home owned by Patricia and Michael Gordon (Respondent), at 1604 Bern Street (Subject
Property), located within the Heights Conservation District.

At their August 16, 2016 meeting, HARB unanimously denied the application and
approved an alternative:

READING HISTORICAL ARCHITECTURAL REVIEW BOARD
Motion: The Historical Architectural Review Board, upon motion by Ms. Weller and seconded by
Mr. Sands, adopted the proposal to DENY a Certificate of Appropriateness for the proposed
work described herein and specified the following:

1. The proposal for the construction of a two story elevator tower at the western façade to consist of cement block construction with an EIFS finish in the color “Brite White” and to include the installation of gray asphalt architectural shingles at the tower’s roof to match the existing shingles on the main roof of the home of the property at 1604 Bern Street, was presented by Richard B. Keffer.

2. The construction of a two story elevator tower as proposed, presented, and shown on the submitted architectural plans dated June 28, 2016 was DENIED based on the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for
Rehabilitating Historic Buildings, Standard #9. ("New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.") and Standard #10. ("New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.").

3. The Board APPROVES the construction of a two story elevator tower at the western façade of the dwelling, to be centered on the gable and centrally located between the two first story windows, covering the second story window.

4. The exterior of the elevator tower shall be finished in board-and-batten siding, painted white to match the existing color of the house, and is to include the installation of gray asphalt architectural shingles at the tower’s roof to match the existing shingles on the main roof of the home.

The motion to DENY the original proposal and APPROVE an amended proposal as stated above was approved unanimously.

Findings of Fact
1. The Historic Architectural Review Board (HARB) is part of the City of Reading City Code Chapter 295 Part 1 – Historic and Conservation Districts. The HARB is a board of nine (9) duly qualified members.

2. At the August HARB hearing, the Respondent testified that she applied to install an elevator with cement block construction with cement board siding identically matching in appearance the asbestos siding currently installed on the house, and to include the installation of gray asphalt architectural shingles at the tower’s roof to match the existing shingles on the main roof of the home located at the window on the west side of the property near the front corner, as an accommodation for a resident of the property who is wheelchair bound. HARB denied the application but approved an alternative location that would place the elevator between the windows on the western side of the home, centered on the existing gable and cover the cement block structure with board-and-batten siding painted white to match the house and to include the installation of gray asphalt architectural shingles at the tower’s roof to match the existing shingles on the main roof of the home.

3. The Respondent testified that the elevator is needed to make an accommodation for her brother who is wheelchair bound, who requires access to the three (3) floors of the home. She stated that they consulted with three (3) architects who all, after inspecting the interior of the property, recommended that the elevator should be installed at the proposed location allowing it to work with the interior floor plan of the home.
4. The Respondent stated that moving the elevator to the location approved by HARB places the elevator too close to the fireplace located in the living room and inside one of the bedrooms located on the 2nd floor of the home. She stated that the interior is too small to have the elevator installed in the interior of the property.

5. The Respondent stated that extensive research allowed them to find siding that exactly matches the siding on the home without asbestos.

6. Mr. Keffer, an architect retained by the Respondent for the project, displayed drawings of the exterior front and west side of the home and photographs of the interior of the home. He noted the existing hemlocks will provide screening of the elevator installation when approaching the home from the eastern lane of Bern Street. He noted that an additional hemlock could be added at the front of the property to better screen the elevator. He stated that the recommended location presented to HARB best accommodates the mechanical requirements for the elevator. He explained that this location works best for the interior of the home and for those using the elevator. He also explained that relocating the elevator as approved by HARB would require the relocation of the HVAC condenser, which would be costly.

7. In response to a question, the Respondent stated that a chairlift was considered but as her brother requires the use of a wheelchair, a chairlift would not provide the accommodation they need. She added that the elevator will provide access to the main living areas of the home (1st and 2nd floors) along with the laundry area in the basement. She noted that she and her husband would also use the elevator as they are having health problems that come with the aging process.

8. In response to a question, Mr. Keffer stated that the elevator could be removed in the future and that the weight limit is 750 lbs. He noted that this is not a commercial elevator.

9. The Historic Preservation Specialist explained that HARB approved the installation of the elevator at the middle of the property on the side as it will improve the symmetry with the roof line and that the board believes that this location is more historically appropriate. She stated that the HARB decision is based on the Secretary of the Interior Guidelines SIS 9 and SIS 10, which refer to new installations.

10. The HARB Chair agreed that the location approved by HARB was viewed as more historically appropriate and more in line with the Secretary of the Interior Guidelines, which must be followed by the HARB and the owners of properties within historical districts. He noted that HARB did not have interior photos available when they considered the application so they were unable to determine if the HARB approved relocation was appropriate for the interior. He agreed that the HARB approved relocation to the middle of the side of the house eliminates the conflict with the roofline.
11. In response to a question, Mr. Keffer explained that the gable, made to complement the existing roof line in the applicants proposed location, will house the mechanical features required for an elevator.

**Conclusions of Law**
City Council, after considering all testimony and reviewing all Exhibits, approves the appeal of the Certificate of Appropriateness to allow the installation of an elevator in the location originally presented to HARB with cement block construction with an EIFS finish in the color “Brite White”, to require the planting of additional hemlocks to provide screening, and to include the installation of gray asphalt architectural shingles at the tower’s roof to match the existing shingles on the main roof of the home of the property located at the window on the west side of the property near the front corner.

**Order and Agreed Resolution**
The City of Reading City Council hereby approves the appeal of the COA for the installation of an elevator in the location originally presented to HARB with cement block construction with an EIFS finish in the color “Brite White”, to require the planting of additional hemlocks to provide screening, and to include the installation of gray asphalt architectural shingles at the tower’s roof to match the existing shingles on the main roof of the home of the property located at the window on the west side of the property near the front corner.

**Right to Appeal**
If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.
RECOMMENDED ACTION
The recommendation is to award the contract for the collection of the Fire Revenue Recovery to PA Fire Recovery Service, LLC, 7260 Periwinkle Drive, Macungie, PA 18062

BACKGROUND
Proposals for this project were received and there was a four member selection committee that evaluated the proposals. The services to be provided are:

- Motor Vehicle Accidents (For Fire/Rescue Services only)
- Vehicle Fires
- Structure Fires
- Hazardous Conditions or Materials Incidents (Where there is no County Response)
- Special Rescue Responses
- Water Related incidents

Requirements of Vendor:
The awarded vendor will be provided access to the Department’s Incident Reporting System and shall be required to;

- Do all the necessary research of Incidents to gather the required information to allow for the recovery of costs for the services provided.
- Maintain the ability to access the Incident Reporting Software being used by the Department.
- Billing for the services will be submitted to the Insurance Company only, the Homeowner/Vehicle owner will not be billed for the service rendered, with the exception of fires intentionally set by the property owner.

Time frame of contract – 2 years with ability for a 2 year or 1 year extension.
BUDGETARY IMPACT
There will be no outside fees associated with it. The money we receive will be deposited into a revenue line account code for the Fire Department Services.

PREVIOUS ACTION
None

SUBSEQUENT ACTION
Formal action by Council is required to award the contract at the September 26, 2016 meeting.

RECOMMENDED BY
Mayor, Managing Director, Director of Administrative Services, Fire Chief, Controller and Purchasing Coordinator.

RECOMMENDED MOTION
Approve/Deny the recommendation for the Collection of the Revenue Recovery for the Fire Department to PA Fire Recovery Services, LLC.

cc: File
RESOLUTION NO._______2016

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

Appointing Ralph Johnson to the RATS (Reading Area Transportation Study) Technical Committee.

Adopted by Council__________________________, 2016

___________________________________
Jeffrey S. Waltman Sr.
President of Council

Attest:

_______________________
Linda A. Kelleher
City Clerk
RESOLUTION NO.________2016

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

APPROVING the transfer of the restaurant liquor license from Morgantown into the City of Reading as per the application submitted by Cubano Reading LLC, aka Alejandro Ramirez for 25 North 2nd Street, Suite 3, Reading PA, as attached.

Adopted by Council__________________________, 2016

_______________________
President of Council

Attest:

_______________________
Linda A. Kelleher CMC
City Clerk
IN RE: APPLICATION OF CUBANO READING LLC FOR THE TRANSFER OF A LIQUOR LICENSE FROM MORGANTOWN TO READING FOR 25 N 2nd ST., SUITE 3 READING, BERKS COUNTY, PA

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

AND NOW, this 26th day of September, 2016, after a hearing held on September 6, 2016, upon the application of Cubano Reading LLC, aka Alejandro Ramirez, 130 Scotland Dr., 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:

1. The applicant is Cubano Reading LLC, aka Alejandro Ramirez, 130 Scotland Dr., Reading PA 19606 (hereinafter Applicant).
2. Applicant is the tenant of the commercial space at 25 N 2nd Street, Suite 3, Reading PA (hereinafter Subject Property), at the time of application and at the time of the hearing.
3. The Subject Property is located in the CC (Commercial Core) 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).
4. Applicant is seeking permission to transfer a liquor license into the City of Reading from the Clubhouse Pizza & Pub located in Morgantown, PA.
5. At the hearing, the Applicant’s attorney, Ted Zeller, Esq., testified for the applicant. In summary he stated:
   - Mr. Ramirez is the sole proprietor of Cubano Reading LLC and he plans to operate a restaurant at 25 N 2nd Street, Suite 3, which is a commercial space on the ground floor of the 2nd and Washington
Garage, owned by the Parking Authority. He described the other restaurants operated by Mr. Ramirez in the Berks and Lehigh areas. He stated that Mr. Ramirez has liquor licenses at all his restaurants and that he has an excellent record with the PaLCB.

- The restaurant will be located next to Panevino’s and offer a lunch and dinner menu, with a 12 am closing time. There will be occasional live music at the restaurant. The restaurant will have 90 seats in the interior and could have an additional 30 seats on the outdoor patio that will be available seasonally. Fifteen (15) employees will be required.
- Take-out business is estimated at 5% of the total business generated and that alcohol will complement the food offered.
- Mr. Ramirez will comply with all the City regulations and requirements to operate a restaurant with a liquor license.

6. When Mr. Zeller was questioned about the effort made to purchase one of the existing six (6) restaurant liquor licenses that are in safekeeping, he stated the following:
   - Eberhart’s (900 Schuylkill Ave) – contact party in New York, left two (2) telephone messages
   - Bowacon (Sam’s Goosehouse) – the phone number is not accepting incoming calls
   - El Toluca (500 N 9th St) – license under agreement
   - Joebranianna (Upland Café) – accepted a higher offer
   - Quisqueya Restaurant (353 N 4th St) – contact party in Harrisburg, left voice message
   - Liberty Retro Café (Avenue Bar and Grill) – establishment is reopening

7. There was no testimony in opposition to the application for the transfer of the license.

DISCUSSION

The Applicant is seeking permission to transfer a liquor license into the City of Reading from The Clubhouse Pizza & Pub in Morgantown. The license is a restaurant license. The license will be used at 25 N 2nd St, Suite 3, Reading PA owned by the Reading Parking Garage in a commercial/retail space.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 25 North 2nd Street, Suite 3 is located in the CC (Commercial Core) Zoning District.
2. Hearing was held on September 6, 2016.
3. Applicant requests permission to transfer a liquor license into the City of Reading. The license is a restaurant license from Morgantown.

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 6 restaurant licenses in safekeeping. City Council must make a decision to approve or deny the transfer within 45 days after the request to transfer is made.

6. The Applicant agreed to comply with the City’s regulations to run a restaurant with a liquor license at this establishment.

7. The Applicant is not seeking relief from any other City requirements.

8. There was no testimony at the hearing in opposition to the application for the license at this location.

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 Cubano Reading LLC, aka Alejandro Ramirez, 130 Scotland Drive, Reading PA 19606, to transfer a liquor license The Clubhouse Pizza & Pub in Morgantown Robesonia into the City of Reading is hereby APPROVED.

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

RESOLUTION NO. _______2016

Whereas, by virtue of Resolution 134-2009, adopted December 14, 2009, the City of Reading declared its intent to follow the procedures for the disposition of records set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009; and

Whereas, in accordance with Act 428 of 1968 (as amended) each individual act of disposition shall be approved by resolution of the governing body of the municipality:

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

That in accordance with the above-cited schedule, Council authorizes the disposition of the following public records:

Division of Purchasing Bid Files, Tabulations, Purchase Orders, Invoices, and General Correspondence, for the year 1995.

Adopted by Council_______________2016

_________________________________
President of Council

Attest:

____________________________
City Clerk
WHEREAS, the City of Reading, Berks County, Pennsylvania (the “City”), is empowered to establish, organize, and incorporate an authority pursuant to §5603 of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”); and

WHEREAS, in preparation for the passage of this Ordinance, a public hearing was held by the City Council of the City pursuant to notice duly advertised as required by the Municipality Authorities Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of the City and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same, as follows:

INTENT. It is the intent of the City Council of the City to organize an authority under provisions of the Municipality Authorities Act.

NAME OF AUTHORITY. The name of the authority shall be the “Reading Regional Water Authority”.

ARTICLES OF INCORPORATION. The proposed Articles of Incorporation of said
Reading Regional Water Authority are as follows:

**READING REGIONAL WATER AUTHORITY**

**ARTICLES OF INCORPORATION**

To: The Secretary of the Commonwealth of Pennsylvania.

In compliance with requirements of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”), and pursuant to the ordinance enacted by the City Council of the City of Reading, Berks County, Pennsylvania, expressing the intention and desire of the City Council of said municipality to organize a municipality authority under said Municipality Authorities Act, the incorporating municipality does hereby certify:

The name of the Authority is “Reading Regional Water Authority”.


No other authorities have been organized under said Municipality Authorities Act, under the former Act of June 28, 1935 (P.L. 463, No. 191), or under the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”, and is in existence in or for the incorporating municipality, except that the incorporating municipality has heretofore organized (i) the Reading Area Water Authority, (ii) the Reading Regional Airport Authority, (iii) the City of Reading Revitalization and Improvement Zone Authority, (iv) the Reading Downtown Improvement District Authority, and (v) the Berks Area Reading Transportation Authority, as a joint incorporating municipality, each under the provisions of the Act of May 2, 1945 (P.L.
382, No. 164), known as the “Municipality Authorities Act of 1945”, which authorities are in existence in or for said incorporating municipality.

The name of the incorporating municipality is the City of Reading, Berks County, Pennsylvania.

The names and addresses of the members of the City Council of the City of Reading, the incorporating municipality, are as follows:

<table>
<thead>
<tr>
<th>OFFICE</th>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Jeffrey Waltman</td>
<td>723 N 4th St Street Reading, PA 19601</td>
</tr>
<tr>
<td>Vice President</td>
<td>Donna Reed</td>
<td>1525 Argonne Rd Reading, PA 19601</td>
</tr>
<tr>
<td>Council Member</td>
<td>Chris Daubert</td>
<td>1135 Gregg Avenue Reading, PA 19607</td>
</tr>
<tr>
<td>Council Member</td>
<td>Stratton P. Marmarou</td>
<td>1515 Linden Street Reading, PA 19604</td>
</tr>
<tr>
<td>Council Member</td>
<td>Marcia Goodman-Hinnershitz</td>
<td>564 S 15th Reading, PA 19601</td>
</tr>
<tr>
<td>Council Member</td>
<td>Brian Twyman</td>
<td>849 N 11th St Reading, PA 19604</td>
</tr>
<tr>
<td>Council Member</td>
<td>John Slifko</td>
<td>919 N 3rd St Reading, PA 19601</td>
</tr>
</tbody>
</table>

The terms of office of the first members of the Board of said Reading Regional Water Authority shall commence on the date of appointment and shall be computed from the first Monday in January of 2015.

The term of existence of the Reading Regional Water Authority shall be for a period of fifty (50) years.

Advertisement of notice of filing these Articles of Incorporation is submitted herewith.

IN WITNESS WHEREOF, the undersigned has executed these Articles on behalf of the City of Reading, Berks County, Pennsylvania, and has caused to be affixed the seal and attested this ______ day of ______ 2016.

CITY OF READING
BERKS COUNTY, PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA    :    
     : SS.
COUNTY OF BERKS    :    

On this ____ day of __________, 2014, before me a Notary Public in and for said Commonwealth, personally appeared the above named Vaughn Spencer and Linda A. Kelleher, who stated that their official positions in the City of Reading are, respectively, the Mayor and City Clerk of the City of Reading, and who, in due form of law, acknowledged the foregoing Articles of Incorporation to be the act and deed of said City of Reading for the purposes therein specified.

________________________________________
                           Notary Public

NOTARIAL SEAL              My Commission Expires: ________________

______
MEMBERS. The first members of the Board of said Reading Regional Water Authority, shall be specifically appointed members of said Board for the terms set commencing on the date of appointment and computed from the first Monday in January, 2017.

AUTHORITY TO EFFECT THE INCORPORATION OF THE AUTHORITY. The Mayor of the City is hereby authorized and directed to execute the Articles of Incorporation of the proposed Reading Regional Water Authority in substantially the form set forth in this Ordinance, and the City Clerk of the City is hereby authorized and directed to attest the same and to affix thereto the seal of the City. Such officers are authorized and directed to execute and deliver such other documents, agreements, certificates and instruments, and to do all acts necessary or appropriate to effect the incorporation of the proposed Reading Regional Water Authority, including, but not limited to, to cause notice of the substance of this Ordinance, including the substance of the foregoing Articles of Incorporation, and the proposed filing of such Articles of Incorporation, to be published as required by the Municipality Authorities Act.

The Mayor of the City and the City Clerk of the City are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of the Reading Regional Water Authority, including payment of the required filing fees.

PURPOSES AND PROJECTS AUTHORIZED. The Reading Regional Water Authority shall have all the purposes, powers, and rights, as provided by the Municipality Authorities Act; provided, however, that the Authority shall be prohibited, without prior approval of City Council, from (a) undertaking any project which is not related to waterworks, water supply works or water distribution systems and (b) undertaking any project, whether or not related the waterworks, water supply works or water distribution systems, which involves the incurrence of any long term debt.

SEVERABILITY. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this City that such remainder shall be and shall remain in full force and effect.

REPEALER. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same expressly are repealed.

EFFECTIVE DATE. This Ordinance shall take effect upon its advertisement and enactment as required by law.

DULY ENACTED, THIS _____ DAY OF ______________, 2016, BY THE COUNCIL OF CITY OF READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL
SESSION DULY ASSEMBLED.

Attest: CITY OF READING
Berks County, Pennsylvania

__________________________________  By:
Linda A. Kelleher CMC, City Clerk         Jeffrey Waltman, President
of Council

(SEAL)
AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE, AS CODIFIED AS CHAPTER 600 OF THE CITY CODE, AND PARTICULARLY PROVIDING FOR THE REPEAL AND REPLACEMENT OF §600-2100 TELECOMMUNICATIONS TOWERS AND ANTENNA; AMENDING PORTIONS OF §600-800 DISTRICTS, §600-1202 SPECIAL EXCEPTIONS REPEALING TELECOMMUNICATIONS, SECTION §600-1203 CONDITIONAL USE ADDING TELECOMMUNICATIONS AND §600-2200 DEFINITIONS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES AND NON-TOWER WIRELESS COMMUNICATION FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby ORDAINED by the City of Reading City Council County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

Findings of Fact.

By enacting this Ordinance, the City intends to:

a. Promote the health, safety and welfare of City residents and businesses with respect to wireless communications facilities;

b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both City residents and wireless carriers in accordance with federal and state laws and regulations;

c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the City, including facilities both inside and outside the public rights-of-way;
d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities;

e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;

f. Protect City residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

g. Update the City’s wireless facilities regulations to incorporate changes in federal and state laws and regulations.

SECTION I. Short Title.

This Ordinance shall be known as the “City of Reading Wireless Communications Facilities Ordinance.”

SECTION II. Amending Chapter 600-800 Districts as follows:

§ 600-810. C-H Commercial Highway District.
A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.
B. Allowed uses.
   (1) Permitted-by-right uses: [Amended 2-14-2011 by Ord. No. 8-2011 Editor's Note:
   Amended during codification (see Ch. 1, General Provisions, Part 2). ]
   Banks and financial institutions, including drive-through
   Beverage distributors, beer and soft drinks
   Car wash
   College or university, not including residential uses, unless such dwellings meet the requirements for a dwelling occupied by a "family"
   Convenience stores, with or without auto fuel sales
   Emergency health-care facility/office
   Exercise clubs
   Fire and ambulance station
   Funeral homes
   Gardens, crop farming and forestry
   Home and garden supply centers
   Laundromats
   Miniature golf course
   Motels and hotels
   Municipal uses
   Nursing homes or personal-care centers
Offices
Parking lots and structures
Passenger terminal facilities
Personal service businesses
Radio and television stations
Recreational facilities, public parks and non-motorized recreation trails
Residential uses: the same residential uses shall be allowed as are allowed in the R-3 District
Restaurants, including eat-in, takeout, drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
Retail stores which may include drive-through facilities
Social clubs and associations, PLCB and non-PLCB licensed. Such use shall not be open between the hours of 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.
Taxi headquarters
Temporary employment agencies and service
Vehicle sales or rental
Veterinary hospitals
Wholesale sales and services

(2) Accessory uses. See Part 10 unless otherwise noted.
   (a) Amusement devices: pursuant to § 600-1010 of this chapter.
   (b) Drive-through services: pursuant to § 600-1004 of this chapter.
   (c) Entertainment: pursuant to § 600-1005.
   (d) Home occupations, major or minor: see § 600-1006.
   (e) Off-site parking areas: pursuant to § 600-1008.
   (f) Telecommunications non-tower antenna if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.

(3) Conditional uses. In compliance with § 600-1203.
   (a) Banquet hall.
   (b) Bottle clubs.
   (c) Group institution.
   (d) Public utilities.
   (e) Taverns and nightclubs.
   (f) Treatment center.
   (g) Telecommunications towers and facilities, including poles subject to Part 21 of this chapter

(4) Special exception uses. In compliance with § 600-1202.
   (a) Adaptive reuse.
   (b) Amusement arcade.
   (c) Auto service stations or auto repair.
   (d) Day-care facilities.
   (e) Manufactured/mobile home park.
   (f) Pawn shop.
(g) Place of worship.
(h) Surface parking facility.
(i) Telecommunications towers and facilities pursuant to Part 21 of this chapter.
(j) (i) Vehicle fuel sales.

§ 600-811. M-C Manufacturing Commercial District.
A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.
B. Allowed uses.
   (1) Permitted-by-right uses. [Amended 2-14-2011 by Ord. No. 8-2011]
   Manufacture or industrial processing within an enclosed building involving the following: (as listed on the North American Industrial Classification System, as applicable)
   Assembly and packaging
   Electronic and electrical equipment
   Fabricated metals products
   Food and beverage products
   Leather and leather products (not including curing, tanning and finishing of hides)
   Machinery
   Medical and scientific equipment and related products
   Motor freight transportation and warehousing
   Non-PUC telecommunications facilities
   Paper and allied products (other than raw paper pulp)
   Petroleum and coal products, other than asphalt manufacture or petroleum refining
   Pottery and ceramics
   Primary metals industries
   Railroad transportation
   Research and development facilities
   Rubber, synthetic rubber, resins and miscellaneous products
   Sporting goods, toys, jewelry
   Stone, clay and glass products
   Textiles and apparel
   Tobacco products
   Transportation equipment
   Transportation and public utilities
   Wood products and furniture
   Auto repair and car washes, in compliance with § 600-1105
   Banks and financial institutions
   College or university, not including residential uses
   Convenience stores with fuel sales
Employee agencies and services
Exercise club
Fire and ambulance stations
Flex space buildings that include one or more permitted-by-right business uses
Gardens, crop farming and forestry
Lumber and building material supply center, retail or wholesale
Municipal uses
Offices and medical laboratories
Radio and television stations
Recreation facilities, public parks and non-motorized recreation trails
Restaurants, which may not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
Retail and wholesale sales and services
Self-storage facilities
Swimming pool as principal use
Taxi headquarters
Telecommunications towers and facilities, pursuant to Part 21 of this chapter.
Facilities may be placed on a leased area.
Trade, vocational and hobby schools, not including residential uses
Vehicle sales or rental
Warehouse, distribution and storage facilities

(2) Accessory uses. See Part 10, unless otherwise noted.
   (a) Drive-through services for allowed principal uses: pursuant to § 600-1004 of this chapter.
   (b) Entertainment: pursuant to § 600-1005 of this chapter.
   (c) Swimming pools, accessory.
   (d) Telecommunications non-tower antenna if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See §§ 600-2106.
   (e) Wind turbine as an accessory use in compliance with § 600-1012.

(3) Conditional uses. In compliance with § 600-1203.
   (a) Banquet hall.
   (b) Public utilities, other than City-owned or City-operated uses and other than utility lines.
   (c) Taverns and nightclubs.
   (d) Telecommunications antenna, towers and facilities, including poles, subject to Part 21 of this chapter.

(4) Special exception uses. In compliance with § 600-1202.
   (a) Day-care facilities.
   (b) Kennels.
   (c) Manufacture or industrial processing of chemicals and allied products.
   (d) Manufacture of plastics and polymers.

C. Additional requirements.
(1) A minimum of 10% of the lot shall be devoted to areas landscaped with trees and shrubs and vegetative ground cover. This area shall not be used for any other purpose.

(2) All activities shall take place indoors; all outdoor storage shall be screened from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.

(3) Landscaped buffer strips, meeting Part 14 with a minimum of 10 feet wide in M-C Zones and 25 feet wide in H-M Zones, and plant screening shall be provided in every case where an industrial use abuts a principally residential use. In addition, where a residential district is located across a street or alley from a new or expanded industrial use, a ten-foot wide landscaped buffer strip shall be provided alongside such street or alley along such adjacent front, side or rear lot line.

(4) Truck loading and unloading areas shall be provided in an amount sufficient to permit the transfer of goods in other than a public street or front yard setback areas.

(5) Entrance and exit to permitted uses shall be clearly marked.

(6) Any glare, vibration or noise resulting from the use shall not be evident beyond the boundaries of the zoning district.

(7) The operation shall not result in the dissemination of smoke, dust, chemicals or odors into the air to such a degree as to be detrimental to the health, safety and welfare of any adjacent residents.

(8) Wind turbines shall be allowed that are attached to a roof of a building and do not extend a total of more than 25 feet above the roof of the building.

(9) A minimum seventy-five-foot setback shall apply from the average water level of the Schuylkill River for any new or expanded vehicle parking, outdoor storage area or building. This requirement shall not apply for recreational uses open for free for use by the general public.

§ 600-812. H-M Heavy Manufacturing District.
A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.
B. Allowed uses.
   (1) Permitted-by-right uses:
(a) Manufacturing or industrial processing involving the following: (as listed in the North American Industrial Classification System, where applicable)

[9] Petroleum and coal products, other than asphalt.
[10] Primary metals industries.
[16] Transportation equipment.

(b) Banks and financial institutions.

(c) College or university, not including residential uses.

(d) Exercise clubs.

(e) Fire and ambulance station.

(f) Flex space buildings, including two or more permitted business uses.

(g) Gardens, crop farming and forestry.

(h) Landing area for a helicopter, provided it meets requirements of State and Federal Aviation Agencies.

(i) Municipal uses.

(j) Offices.

(k) Radio and television stations.

(l) Recreation facilities, public parks and non-motorized recreation trails.

(m) Research and development facilities.

(n) Self-storage facilities.

(o) Telecommunications facilities other than towers and antennas. Lot size may be reduced to 2,500 square feet when on leased parcel, provided the structure may not be located in setback areas.

(p) Telecommunications towers and antennas pursuant to Part 21 of this chapter. For accessory antenna, see § 600-2106C(3).

(q) (o) Trade, vocational and hobby schools, not including residential uses.

(r) (p) Warehousing, storage, distribution, trucking or intermodal transfer facilities.

(s) (q) Wind turbine as an accessory use in compliance with § 600-1012.
(2) Accessory uses. See Part 10 unless otherwise noted.
   (a) Telecommunications non-tower antenna if co-located on a municipal
       facility or a tower that existed prior to the approval of this part and
       pursuant to Part 21 of this chapter. See § 600-2106.

(3) Conditional uses. See § 600-1203.
   (a) Group institution.
   (b) Junkyard.
   (c) Manufactured home parks.
   (d) Massage parlor (not including "massage therapy"), which shall meet
       the same
       regulations as a sexually oriented business, in addition to the City of
       Reading
       Code requirements.
   (e) Sexually oriented business: pursuant to § 600-1203.
   (f) Temporary shelter.
   (g) Treatment center.
   (h) Telecommunications antenna, towers and facilities, including poles,
       pursuant to Part 21 of this chapter.

(4) Special exception uses:
   (a) Manufacture of plastics and polymers.
   (b) Manufacture and industrial processing of chemicals and allied
       products.
   (c) Manufacture of asphalt.
   (d) Solid waste transfer facility.
   (e) Such other manufacturing and industrial uses as the applicant proves to
       the
       satisfaction of the Zoning Hearing Board will be similar to allowed uses
       and will
       not create hazards to public health and safety.

C. Additional requirements. Section 600-811C shall also apply to the H-M District.

§ 600-816. MU Municipal District.
A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements
   included
   at the end of this chapter.
B. Allowed uses.
   (1) Permitted-by-right uses:
       (a) Wastewater treatment operations.
       (b) Law enforcement operations.
       (c) Firefighting and rescue service operations.
       (d) Recycling operations.
       (e) Multiple principal uses and occupancies on single parcels within the
           Municipal Use District are expressly authorized; where common (City)
           ownership makes subdivision otherwise unnecessary; "area and bulk"
           standards shall apply to the property as a whole. The adequacy of
           separations between uses shall be
established by agreement between the City's representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.

(f) Governmental offices and public works facilities.

(g) Public recreation facilities.

(h) Non-motorized recreation trails.

(2) Accessory uses. See Part 10 unless otherwise noted.

(a) Telecommunications non-tower antenna if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.

(3) Conditional Permit uses:

(a) Telecommunications towers, antennas and facilities, including poles, pursuant to Part 21 of this chapter.

SECTION III. Amending Chapter 600-2206 Telecommunications Definitions by adding the following:

1. **Antenna**—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities defined below.

2. **Co-location**—the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF or utility or light pole.

3. **Distributed Antenna Systems (DAS)**—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

4. **Emergency**—a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

5. **FCC**—Federal Communications Commission.

6. **Monopole**—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.
7. **Non-Tower Wireless Communications Facility (Non-Tower WCF)**—all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.

8. **Persons**—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the City or to any department or agency of the City.

9. **Right-of-Way or ROW**—the surface of and space above and below any real property in the City in which the City or Commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the City or Commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes, but excluding lands other than Streets that are owned by the City or Commonwealth. The phrase “in the Right(s)-of-Way” means in, on, over, along, above and/or under the Right(s)-of-Way.

10. **Stealth Technology**—camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles.

11. **Substantially Change**—(1) any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

12. **Tower-Based Wireless Communications Facility (Tower-based WCF)**—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

13. **City**—City of Reading, Berks County, PA
14. **Wireless**—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

15. **Wireless Communications Facility (WCF)**—the Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

16. **Wireless Communications Facility Applicant (WCF Applicant)**—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other City owned land or property.

17. **Wireless Support Structure**—a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the City.

**SECTION IV. Repealing and replacing §600-2100 Telecommunications Towers and Antenna as follows:**

**§600-2101 Purpose and Scope.**

A. The purpose of this Ordinance is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in City of Reading. While the City recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the City also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

**§600-2102. General Requirements for All Tower-Based Wireless Communications Facilities.**

The following regulations shall apply to all Tower-Based Wireless Communications Facilities:

1. **Standard of Care.** Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
2. **Wind.** Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

3. **Height.** Any Tower-Based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet, which height shall include all subsequent additions or alterations. All Tower-Based WCF applicants must submit documentation to the City justifying the total height of the structure.

4. **Public Safety Communications.** No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

5. **Maintenance.** The following maintenance requirements shall apply:
   
a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
   
b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City’s residents.
   
c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

6. **Radio Frequency Emissions.** No Tower-Based WCF may, by itself or in conjunction with other WCF’s, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields”, as amended.

7. **Historic Buildings or Districts.** No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the City, or has been designated by the City as being of historic significance.

8. **Identification.** All Tower-Based WCF’s shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the City.
9. **Lighting.** Tower-Based WCF shall not be artificially lighted, except as required by law and as may be approved by the City. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

10. **Appearance.** Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

11. **Noise.** Tower-Based WCF’s shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

12. **Aviation Safety.** Tower-Based WCF’s shall comply with all federal and state laws and regulations concerning aviation safety.

13. **Retention of Experts.** The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City’s consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of any zoning permit.

14. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCF’s shall be acted upon within one hundred-fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the City shall advise the applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

15. **Non-Conforming Uses.** Non-conforming Tower-Based WCF’s which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.

16. **Removal.** In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

   a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within three (3) months of the cessation
of operations at the site unless a time extension is approved by the City.

b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and accessory facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.

c. Any unused portions of Tower-Based WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations. The City must approve all replacements of portions of a Tower-Based WCF previously removed.

17. **Permit Fees.** The City may assess appropriate and reasonable permit fees directly related to the City’s actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs. The Fee Schedule is located in Chapter 212.

**§600-2103 Tower-Based Facilities Outside the Rights-of-Way**

A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:

1. **Development Regulations:**

   a. **Prohibited in Residential Zones.** No Tower-Based WCF shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF’s are permitted only by Conditional Use in such districts as specified in §600- 800 Districts – sections 810, 811, 812, 816.

   b. **Gap in Coverage.** An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City’s decision on an application for approval of Tower-Based WCF’s.

   c. **Sole Use on a Lot.** A Tower-Based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district in Section 600-800.

   d. **Combined with Another Use.** A Tower-Based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
i. The existing use on the property may be any permitted use in the applicable district as per Section 600-800, and need not be affiliated with the communications facility.

ii. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.

iii. Minimum Setbacks. The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no Tower-Based WCF shall be located within five hundred (500) feet of a lot in residential use or a residential district boundary.

2. Notice. Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.

3. Co-Location. An application for a new Tower-Based WCF shall not be approved unless the City finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

4. Design Regulations:

a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.

b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.

c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.
5. **Surrounding Environs:**
   
a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

b. The WCF applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

6. **Fence/Screen:**
   
a. A security fence having a maximum height of six (6) feet shall completely surround any Tower-Based WCF, guy wires, or any building housing WCF equipment.

b. An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.

c. The WCF applicant shall submit a landscape plan for review and approval by the City Planning Commission for all proposed screening.

7. **Accessory Equipment:**
   
a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the City Engineer, then the ground mounted equipment shall be screened from public view using Stealth Technologies, as described above.

b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

8. **Additional Antennae.** As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.

9. **Access Road.** An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent
practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

10. **Bond.** Prior to the issuance of a permit, the owner of a Tower-Based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the City Solicitor, in an amount of $100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the City.

11. **Visual or Land Use Impact.** The City reserves the right to deny an application for the construction or placement of any Tower-Based WCF based upon visual and/or land use impact.

12. **Inspection.** The City reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

**§600-2104 Tower-Based Facilities in the Rights-of-Way**

A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:

1. **Prohibited in Residential Zones.** No Tower-Based WCF shall be located within a residential zone or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF’s are only permitted in such districts as specified in §600-800 Districts, sections 810, 811, 812 and 816.

2. **Gap in Coverage.** An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City’s decision on an application for approval of Tower-Based WCF’s in the ROW.

3. **Notice.** Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the property or parcel of the proposed facility.
and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.

4. **Co-location.** An application for a new Tower-Based WCF in the ROW shall not be approved unless the City finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

5. **Time, Place and Manner.** The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF’s in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.

6. **Equipment Location.** Tower-Based WCF’s and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:

   a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;

   b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.

   c. Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the City.

   d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

   e. Any underground vaults related to Tower-Based WCF’s shall be reviewed and approved by the City.

7. **Design Regulations.**
a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.

b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City, and shall not increase the overall height of the Tower-Based WCF to more than one hundred fifty (150) feet. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.

c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.

8. **Visual or Land Use Impact.** The City reserves the right to deny the construction or placement of any Tower-Based WCF in the ROW based upon visual and/or land use impact.

9. **Additional Antennae.** As a condition of approval for all Tower-Based WCFs in the ROW, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.

10. **Relocation or Removal of Facilities.** Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

    a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;
    
    b. The operations of the City or other governmental entity in the Right-of-Way;
    
    c. Vacation of a street or road or the release of a utility easement; or
    
    d. An Emergency as determined by the City.

11. **Compensation for ROW Use.** In addition to permit fees as described in Section §600-2102.17 above, every Tower-Based WCF in the ROW is subject to the City’s right to fix annually a fair and reasonable compensation to be paid for use and occupancy of
the ROW. Such compensation for ROW use shall be directly related to the City’s actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Tower-Based WCF shall pay an annual fee to the City to compensate the City for the City’s costs incurred in connection with the activities described above. The Annual ROW management fee for Tower-Based WCF’s shall be determined by the City and authorized by ordinance and shall be based on the City’s actual ROW management costs as applied to such Tower-Based WCF.

12. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of $100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.

§600-2105 General Requirements for All Non-Tower Wireless Communications Facilities

A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that do not substantially change the physical dimensions of the Wireless Support Structure to which they are attached:

1. Permitted in All Zones Subject to Regulations. Non-Tower WCF’s are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.

2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.

3. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
4. **Wind.** Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

5. **Public Safety Communications.** No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

6. **Aviation Safety.** Non-Tower WCF’s shall comply with all federal and state laws and regulations concerning aviation safety.

7. **Radio Frequency Emissions.** No Non-Tower WCF may, by itself or in conjunction with other WCF’s, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields”, as amended.

8. **Removal.** In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

   a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.

   b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.

9. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City’s ninety (90) day review period.
10. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City’s actual costs in reviewing and processing the application for approval of a Non-Tower WCF or $1,000, whichever is less.

B. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:

1. **Permitted in All Zones Subject to Regulations.** Non-Tower WCF’s are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.

2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.

3. **Standard of Care.** Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

4. **Wind.** Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

5. **Public Safety Communications.** No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

6. **Historic Buildings.** Non-Tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts lists maintained by the City or has been designated by the City as being of historic significance.

7. **Aviation Safety.** Non-Tower WCF’s shall comply with all federal and state laws and regulations concerning aviation safety.
8. **Maintenance.** The following maintenance requirements shall apply:

   a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

   b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City’s residents.

   c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

9. **Radio Frequency Emissions.** No Non-Tower WCF may, by itself or in conjunction with other WCF’s, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields”, as amended.

10. **Removal.** In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

    a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.

    b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.

11. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City’s ninety (90) day review period.
12. **Retention of Experts.** The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City’s consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of the zoning permit.

13. **Bond.** Prior to the issuance of a permit, the owner of each individual Non-Tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of $25,000 for each individual Non-Tower WCF, to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.

14. **Permit Fees.** The City may assess appropriate and reasonable permit fees directly related to the City’s actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs. The Fee Schedule is located in Chapter 212.

**§600-2105 Non-Tower Wireless Facilities Outside the Rights-of-Way**

The following additional regulations shall apply to Non-Tower Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. **Development Regulations.** Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCF’s subject to the following conditions:
   a. Such WCF does not exceed a maximum height of one hundred fifty (150) feet.
   b. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
   c. A six (6) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. **Design Regulations.**

   a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.

   b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use permit.

   c. All Non-Tower WCF applicants must submit documentation to the City justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

   d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

   e. **Non-Commercial Usage Exemption.** The design regulations enumerated in this Section shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

3. **Removal, Replacement, Modification.**

   a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.

   b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.

4. **Visual or Land Use Impact.** The City reserves the right to deny an application for the construction or placement of any Non-Tower WCF based upon visual and/or land use impact.

5. **Inspection.** The City reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
§600-2106 Non-Tower Wireless Facilities in the Rights-of-Way

A. The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-of-Way:

1. **Co-location.** Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.

2. **Design Requirements:**
   a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
   
   b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3. **Compensation for ROW Use.** In addition to permit fees as described above, every Non-Tower WCF in the ROW is subject to the City’s right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City’s actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Non-Tower WCF shall pay an annual fee to the City to compensate the City for its costs incurred in connection with the activities described above. The Annual ROW management fee for Non-Tower WCF’s shall be determined by the City and authorized by ordinance and shall be based on the City’s actual ROW management costs as applied to such Non-Tower WCF.

4. **Time, Place and Manner.** The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF’s in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.

5. **Equipment Location.** Non-Tower WCF’s and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;

b. Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the City Engineer or his designee, that ground-mounted equipment cannot be installed underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.

c. Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the City.

d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

e. Any underground vaults related to Non-Tower WCF’s shall be reviewed and approved by the City.

6. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

   a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;

   b. The operations of the City or other governmental entity in the Right-of-Way;

   c. Vacation of a street or road or the release of a utility easement; or

   d. An Emergency as determined by the City.

7. Visual or Land Use Impact. The City retains the right to deny an application for the construction or placement of a Non-Tower WCF based upon visual and/or land use impact.

§600-2107 Violations Applicable to All Wireless Facilities

1. Penalties. Any Person violating any provision of this Ordinance shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding five hundred dollars
($500), for each and every offense, together with attorneys’ fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Ordinance and any other remedy at law or in equity, the City may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Ordinance.

2. Determination of Violation. In the event a determination is made that a Person has violated any provision of this Ordinance, such Person shall be provided written notice of the determination and the reasons therefore. Except in the case of an Emergency, the Person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the City may, in its reasonable judgment, extend the time period to cure, provided the Person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the City may take any and all actions authorized by this Ordinance and/or federal and/or Pennsylvania law and regulations.

SECTION V. Amending §600-1203 Conditions for Conditional Use by adding Telecommunications Facility, Towers and Antenna as follows:

§600-1203. Conditions for conditional uses.
N. Telecommunications facility, towers and antenna (Note see §600-800, 2100 and 2206)
   (1) The applicant shall present a plan showing the following items:
      (a) Locations of all existing uses and proposed telecommunications facilities
      (b) Elevations of any existing uses and proposed telecommunications facilities
      (c) Vehicular access, fencing and any easements for access and utilities
      (d) The locations desired with two (2) alternative locations
   (2) The telecommunications facility shall comply with all State and Federal laws and regulations concerning aviation safety.
   (3) The applicant shall provide Stealth Technology to camouflage the proposed facility to make them more visually appealing and blend the proposed facility to render it minimally visible to the casual observer defined.
   (4) The City may retain the assistance of a consultant and/or expert to assist in the review and evaluation of the application. The applicant shall be responsible for all costs charged by the consultant and/or expert in connection with these activities. All associated fees and costs must be paid to the City prior to the issuance of the zoning permit, if the application is approved.
   (5) If additional information is requested by the City or the consultant and/or expert from the applicant, the time required by the applicant to provide the additional information shall not be counted toward the 150 day review period.

SECTION VI. Amending Section §600-1202 Special Exceptions by eliminating telecommunication towers and renumbering the section as required as follows:
§ 600-1202. Conditions for special exception uses.
A. Adaptive reuse.
B. Bed-and-breakfast inn.
C. Cemeteries. Cemeteries shall be allowed as provided in Part 8 and shall meet the following standards:
D. Day-care facilities.
E. Colleges, universities, primary and secondary schools and trade/hobby schools.
F. Amusement arcade.
G. Home occupations, major.
H. Hospitals and centers for the care of children.
I. Kennels.
J. Life-care retirement facility and nursing home.
K. Nursing homes. See "life-care retirement facility and nursing home" in this section.
L. Parks, playgrounds and public buildings. This term includes parks and playgrounds operated by the federal, state or local government or nonprofit organizations as well as public buildings operated by governmental agencies.
M. Pawn shops.
N. Places of worship. The proposed use shall be a bona fide nonprofit religious use.
O. Private surface parking facilities (lot or structure).
P. Swimming pools as a principal use.
Q. Telecommunications towers and facilities. Telecommunications towers and facilities shall be allowed as provided in the zoning district regulations, provided they meet the standards outlined in Part 21 of this chapter in addition to any stipulations set forth by the Zoning Hearing Board. See § 600-2106C(3) for antenna attached to a building.

SECTION VII. Miscellaneous

1. Police Powers. The City, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the City under applicable federal, state and local laws and regulations.

2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

3. Effective Date. This Ordinance shall become effective ten (10) days after enactment by the City Council.

ENACTED AND ORDAINED this ____ day of _____________, 2016.
ATTEST:

________________________________
________________________________

City Clerk          Council President

Submitted to Mayor by: ______________________
Date Submitted: _________________
Received in Mayor’s Office by: _________________
Date Received: _________________
Approved by Mayor: _________________
Date Approved: _________________
Vetoed by Mayor: _________________
Date Vetoed: _________________
TO: City Council
FROM: James Fegley, Charter Board Chair
PREPARED BY: Shelly Katzenmoyer, Deputy City Clerk
MEETING DATE: September 12, 2016
AGENDA MEMO DATE: August 19, 2016
RECOMMENDED ACTION: Council approval of a Budget Transfer allocating additional funds to the Charter Board for legal expenses

RECOMMENDATION:
The Charter Board requests a budget transfer to pay for legal services rendered and potential legal services.

- Authorizing the transfer of $35,000 from the Fund Balance (01-00-00-2990-000) to the Charter Board (01-17-91-4777-000)

BACKGROUND:
The Charter Board expects to expend its 2016 budget by mid-September. The Charter Board is currently processing several complaints, one of which is proceeding to the Evidentiary Hearing stage.

BUDGETARY IMPACT:
This transfer will reduce the Fund Balance by the amount of $35,000.

PREVIOUS ACTION:
None.

SUBSEQUENT ACTION:
The budget amendment must be approved by Council ordinance.

RECOMMENDED BY:
Charter Board

RECOMMENDED MOTION:
Approve/Deny the amendments to the 2016 budget as presented.
BILL NO. ____2016

AN ORDINANCE

AUTHORIZING A BUDGET AMENDMENT IN THE AMOUNT OF $35,000.00 FOR BUDGET YEAR 2016 FROM FUND BALANCE TO THE CHARTER BOARD

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

Section One: Council hereby authorizes the amendment of the 2016 Budget as follows:

• Authorizing the transfer of $35,000 from the Fund Balance (01-00-00-2990-000) to the Charter Board (01-17-91-4777-000)

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

ENACTED ________________, 2016

________________________________
President of Council

ATTEST:

________________________________
City Clerk

Submitted to Mayor by: _________________
Date Submitted: _________________
Received in Mayor’s Office by: _________________
Date Received: _________________
Approved by Mayor: _________________
Date Approved: _________________
Vetoed by Mayor: _________________
Date Vetoed: _________________
AN ORDINANCE

PROVIDING FOR NO-PARKING RESTRICTIONS

REED STREET, IN THE CITY OF READING

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading agrees to restrict parking by establishing a No Parking zone on the east side of Reed Street at the intersection of Buttonwood Street and Reed Street for a distance of approximately 28 feet. The purpose of the restriction is to establish a safe and sufficient turning space for vehicles turning from Buttonwood Street onto that section of Reed Street.

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__________________, 2016

________________________________
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: __________
TO: City Council
FROM: Glenn Steckman, Managing Director
       Josephina Encarnacion, Acting Admin. Services Director
       Ralph Johnson, Public Works Director
PREPARED BY: Josephina Encarnacion, Acting Admin. Services Director
MEETING DATE: September 12, 2016
AGENDA MEMO DATE: September 7, 2016
RECOMMENDED ACTION:
Council approval of payment for the transfer of cash reserves in the General Fund and amending the 2016 General Fund operating budget to allocate funds for the purchase of items previously being charged to Revenue Fund 01-07-52-3977, Interdepartmental Direct Sewer Reimbursement.

RECOMMENDATION:
Administration recommends Council approval of the transfer of cash reserves in the General Fund and amending the 2016 General Fund operating budget to allocate funds for the purchase of items previously being charged to Revenue Fund 01-07-52-3977, Interdepartmental Direct Sewer Reimbursement.

BACKGROUND:
In order to finalize the purchase of items previously charged Revenue Fund 01-07-52-3977, the administration is asking the council to approve the use of the General Fund’s fund balance to allocate funds.

BUDGETARY IMPACT:
These amendments would reduce the 2016 General Fund budgeted surplus by $0. The net effect would be to reduce the budgeted 2016 General Fund’s fund balance from $0 to $0.

PREVIOUS ACTION:
None.

SUBSEQUENT ACTION:
The budget amendment must be approved by Council.
RECOMMENDED BY:
The Managing Director, Acting Director of Administrative Services, and Director of Public Works.

RECOMMENDED MOTION:
Approve/Deny the amendments to the approved 2016 budget as presented.

Drafted by: Public Works
Sponsored/Referred by: Pub Works Dir/Man Dir
Introduced on: September 12, 2016
Advertised on: N/A

BILL NO. ____2016
AN ORDINANCE

AUTHORIZING AN APPROPRIATION TRANSFER WITHIN THE GENERAL FUND IN THE AMOUNT OF $85,000.00 FOR PURCHASE OF ITEMS PREVIOUSLY BEING INCORRECTLY EXPENSED TO REVENUE ACCOUNT 01-07-52-3977, INTERDEPARTMENTAL DIRECT SEWER REIMBURSEMENT.

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

Section One: Council hereby authorizes the transfer of cash reserves in the General Fund totaling $85,000.00 from Fund Balance (01-00-00-2990-000) as described:

$45,000 to 01-07-74-4405  
$15,000 to 01-07-71-4401  
$5,000 to 01-07-71-4510  
$5,000 to 01-07-74-4505  
$5,000 to 01-07-74-4402  
$10,000 to 01-07-14-4308  

And amends the 2016 General Fund operating budget to allocate funds for items previously being incorrectly expensed to Revenue Account 01-07-52-3977, Interdepartmental Direct Sewer Fund.

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

ENACTED _______________, 2016
____________________________
President of Council

ATTEST:
________________________________
City Clerk

Submitted to Mayor by: ___________________________
RECOMMENDED ACTION:
The budget amendment must be approved by Council.

RECOMMENDED MOTION:
Approve/Deny the amendments to the approved 2016 budget as presented.
BILL NO. ____2016
AN ORDINANCE

AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE SEWER FUND IN THE AMOUNT OF $61717.50 FOR ENGINEERING COSTS TO BE PERFORMED ON 6th AND CANAL PUMP STATION – PHASE I.

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

Section One: Council hereby authorizes the transfer of cash reserves in the Sewer Fund in the amount of $61,717.50 from Fund Balance (54-07-00-2980-000) to Engineering Costs (54-07-45-4816-000) and to Administrative costs (54-07-45-4823-000) and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6th and Canal Pump Station for Phase I.

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

ENACTED ________________, 2016

________________________________
President of Council

ATTEST:

________________________________
City Clerk

Submitted to Mayor by: _________________
Date Submitted: _________________
Received in Mayor’s Office by: _________________
Date Received: _________________
Approved by Mayor: _________________
Date Approved: _________________
Vetoed by Mayor: _________________
Date Vetoed: _________________
### Total Costs and Remaining

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**CITY OF READING**

**REQUEST FOR APPROPRIATION TRANSFER**

Appropriation Transfer No. 2016

Requested by Division of Sewer
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REASON FOR TRANSFER:  See attached memo

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*Transfer Made On City Books*

Drafted by: Managing Director
AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE DIRECTOR OF COMMUNITY DEVELOPMENT

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The salary of the Director of Community Development, Alejandro Palacios, shall be EIGHTY-TWO THOUSAND AND EIGHT HUNDRED DOLLARS ($82,800) per annum, payable in equal bi-monthly installments, or as otherwise provided for by ordinance.

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. 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_______________________, 2016

___________________________________
Jeffrey Waltman, President of Council

Attest:

___________________________________
City Clerk

Drafted by:   Public Works
Sponsored/Referred by: Public Works
Introduced on: September 26, 2016
Advertised on: N/A

BILL NO. _____2016

AN ORDINANCE

AUTHORIZING THE ENTRANCE INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY OF READING AND THE READING SCHOOL DISTRICT

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

Section One: Council hereby authorizes the Administration to enter into a one-year intergovernmental cooperation agreement regarding the collection and recycling of various recyclable items generated at multiple Reading School District locations. The Agreement is between the City of Reading and the Reading School District and retroactively effective July 01, 2016.

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

ENACTED ________________, 2016

_____________________________
President of Council

ATTEST:

_____________________________
City Clerk

Submitted to Mayor by: _________________
Date Submitted: _________________
Received in Mayor’s Office by: _________________
Date Received: _________________
Approved by Mayor: _________________
Date Approved: _________________
Vetoed by Mayor: _________________
Date Vetoed: _________________
INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS AGREEMENT is made and entered into by and between the CITY OF READING, a municipal corporation of the Commonwealth of Pennsylvania, with its principal office located at 815 Washington Street, Reading, Berks County, PA 19601 ("CITY"), and the READING SCHOOL DISTRICT, a third class school district of the Commonwealth of Pennsylvania, with its principal office located at 800 Washington Street, Reading, Berks County, PA 19601 ("SCHOOL DISTRICT").

WHEREAS, the parties to this Agreement desire to cooperate in the collection and recycling of various recyclable items generated at multiple SCHOOL DISTRICT locations throughout the CITY; and

WHEREAS, the Pennsylvania Intergovernmental Cooperation Law, Act 180 of 1972, as amended by Act 177 of 1996, 53 Pa. C.S. §2301 et seq. (the “Act”), endeavors cooperative agreements such as the one contemplated herein, and

WHEREAS, the CITY has passed an ordinance in accordance with the provisions of the Act, and the SCHOOL DISTRICT has passed a resolution approving the Agreement, and therefore each party is duly authorized to enter into this Agreement.

NOW THEREFORE, in consideration of the mutual covenants undertaken herein, and with the intent to be legally bound, the CITY for itself, its successors and assigns, and the SCHOOL DISTRICT for itself, its successors and assigns, hereby agree as follows:

1. Recitals. The above recitals are incorporated by reference and are made a part hereof as though set forth fully herein.
2. **Recycling Collection Services.** The CITY will provide recycling collection services to the SCHOOL DISTRICT at the sites listed on Exhibit A ("Collection Sites").

3. **Recyclable Material.** The CITY will collect mixed paper and comingle items ("Recyclable Material") from the Collection Sites.

4. **Containers.**
   
a. The CITY will provide a sufficient number of suitable containers at no cost to the SCHOOL DISTRICT to collect and store Recyclable Material in SCHOOL DISTRICT cafeterias, offices, and classrooms.

   b. The CITY shall provide and service dual compartment recycling containers at the entrance and exit of each school building of the SCHOOL DISTRICT. The maximum number of said dual compartment containers shall be determined by the CITY and SCHOOL DISTRICT based on the volume of Recyclable Material generated by the SCHOOL DISTRICT.

5. **Frequency of Collection.** The schedule and frequency of Recycling shall be established and adjusted from time to time by mutual agreement, based on the volume of Recyclable Material generated by the SCHOOL DISTRICT, in such a manner that all Recyclable Material generated by the SCHOOL DISTRICT is collected in a timely fashion.
6. **Additional Services.** The CITY’S Solid Waste Division shall provide advice and assistance, including staff time, to the SCHOOL DISTRICT for the purpose of establishing internal collection procedures.

7. **Student Involvement.** The SCHOOL DISTRICT agrees to foster and promote direct student involvement in the internal collections of Recyclable Material.

8. **Effective Date and Initial Term.** The Initial Term of this Agreement shall be for one (1) year, beginning July 1, 2016 (the "Effective Date").

9. **Renewal Terms.** This Agreement may be extended for additional one-year Renewal Terms upon written notice by the SCHOOL DISTRICT to the CITY of its intention to renew, which notice shall be given at least 90 days prior to the termination of the then-current Initial or Renewal Term and shall be delivered in accordance with the notice provision below.

10. **Termination Upon Notice.** Either party may terminate this agreement upon 90 days' prior written notice to the other party in accordance with the notice provision below.

11. **Fee.** The fee for the Recycling Collection Services for the Initial Term shall be $54,632.49. The fee will increase by 2% of the previous year’s fee for each successive one-year Renewal Term.

12. **Modification and Amendment.** This Agreement may only be amended or modified in writing, upon consent of both parties and as duly approved by official action of the parties.
13. **Indemnification.** Nothing in this Agreement shall constitute a waiver of Sovereign Immunity by either party. The CITY and the SCHOOL DISTRICT agree to indemnify each other for any and all claims which may arise from this Agreement which are brought or claimed by third party entities.

14. **Access.** The SCHOOL DISTRICT agrees to give reasonable access to school buildings within the SCHOOL DISTRICT to the CITY employees as necessary to perform the Recycling Collection Services set forth herein, which access may be limited at the sole discretion of the SCHOOL DISTRICT. Notwithstanding the foregoing, no CITY employee(s) shall enter or be present inside any SCHOOL DISTRICT building without the express consent of the SCHOOL DISTRICT and any CITY employee shall be escorted and accompanied by a SCHOOL DISTRICT official or employee at all times when present inside any SCHOOL DISTRICT BUILDING. The SCHOOL DISTRICT may also require CITY employees to obtain background clearances before entering or being present in any SCHOOL DISTRICT building, consistent with SCHOOL DISTRICT policy.

15. **Entire Agreement.** This Agreement, along with the Exhibit(s) attached hereto and incorporated by reference herein, comprises the entire agreement between the parties related to the subject matter of this Agreement, and supersedes any prior agreement, oral or written, between the parties on the subject matter herein.

16. **Notice.** All notices under this Agreement shall be deemed to have been given if mailed, U.S. Certified, Return Receipt Requested, to the principal office of record set forth above.
17. **Governing Law.** This Agreement, and all rights and obligations of the parties hereto, are
governed and construed in accordance with the laws of the Commonwealth of Pennsylvania.

18. **Authority.** The signatories to this Agreement, below, are duly authorized to enter into this
Agreement, as follows:
   a. City of Reading, Ordinance No. __________, passed on [Date].
   b. Reading School District, Resolution 702, passed on [Date].

19. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be
deemed an original.

20.

WHEREFORE, the parties hereto intending to be legally bound hereto set their hands and seals
this __________ day of __________________ 20____

CITY OF READING
By: ______________

Attest: ______________

READING SCHOOL DISTRICT
By: ______________

Attest: ______________
Exhibit A:

School District Buildings

Glenside Elementary - Monday
Millmont - Monday
Riverside Elementary - Monday
Northwest Middle School - Tuesday
Northwest Elementary - Tuesday
Laurels Park - Tuesday
Tyson Schoener – Wednesday
8th and Penn Center (Rock) - Wednesday
10th and Penn - Wednesday
13th and Green - Wednesday
10th and Green – Wednesday
RSD Administration Bldg. - Wednesday
Southwest - Wednesday
Walnut and Locust - Wednesday
16th and Haak - Thursday
Amanda Stoudt - Thursday
Southern - Thursday
Northeast - Friday
13th and Union – Friday
JCC – Friday
12th and Marion – Tuesday and Friday
Citadel – Monday, Tuesday, Wednesday, Thursday, Friday
Reading High – Monday, Tuesday, Wednesday, Thursday, Friday
Reading Maintenance Bldg. ?
TO: City Council  
FROM: Glenn Steckman, Managing Director  
     Josephina Encarnacion, Acting Admin. Services Director  
     Ralph Johnson, Public Works Director  
PREPARED BY: Josephina Encarnacion, Acting Admin. Services Director  
MEETING DATE: September 28, 2016  
AGENDA MEMO DATE: September 21, 2016  
RECOMMENDED ACTION: Council approval of a Budget Item addition to allow for the processing of funds for the Asset Conditions Assessment Project.

RECOMMENDATION:
Administration recommends Council approval to amend the City budget to include an item to allow the transfer of the reimbursement grant monies for the Asset Conditions Assessment Project from the Pennsylvania Department of Community and Economic Development (DCED) Municipal Financial Recovery Program (Act 47) to the payable accounts.

BACKGROUND:
DCED has awarded the City of Reading with a municipal financial recovery grant to fund the Asset Conditions Assessment in the amount of $270,000. A specific budget item was not included in the City’s 2016 Budget intended for this grant funding. This amendment is an item that will allow the issuance of payable accounts processed through the City’s electronic accounting.

BUDGETARY IMPACT:
This project is funded through a reimbursable DCED Municipal Financial Recovery Program (Act 47) grant. The new budget item will have no net effect on the budget since all monies requested owed to the contractors are received through the DCED grant at the 100% level and will be reimbursed to the City.
PREVIOUS ACTION:

SUBSEQUENT ACTION:
The budget amendment must be approved by Council.

RECOMMENDED BY:
The Managing Director, Acting Director of Administrative Services, and Director of Public Works.

RECOMMENDED MOTION:
Approve/Deny the amendments to the approved 2016 budget as presented.
AN ORDINANCE

AUTHORIZING AN AMENDMENT TO ADD A BUDGET ITEM FOR PA DCED REIMBURSEMENT GRANT FOR THE ASSET CONDITION ASSESSMENT PROJECT

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

Section One: Council hereby authorizes the addition of a budget item in the amount of $270,000 to the 2016 budget for the PA DCED Reimbursement Grant for the Asset Conditions Assessment Project.

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

ENACTED ________________, 2016

_____________________________
President of Council

ATTEST:

________________________________
City Clerk

Submitted to Mayor by: ________________
Date Submitted: ________________

Received in Mayor’s Office by: ________________
Date Received: ________________

Approved by Mayor: ________________
Date Approved: ________________

Vetoed by Mayor: ________________
Date Vetoed: ________________
TO: City Council
FROM: Glenn Steckman, Managing Director
       Josephina Encarnacion, Acting Admin. Services Director
       Ralph Johnson, Public Works Director
PREPARED BY: Ralph Johnson, Public Works Director/Amy Morriss WWTP Manager
MEETING DATE: September 26, 2016
AGENDA MEMO DATE: September 21, 2016
RECOMMENDED ACTION: Council approval of payment for design engineering for the 19th Ward project through use of sewer fund retained earnings reserves.

RECOMMENDATION: Administration recommends Council approval of the transfer of cash reserves in the Sewer Fund and amending the 2016 Sewer Fund operating budget to allocate funds for the costs of engineering for the 19th Ward Pump Station project.

BACKGROUND: The engineering design costs for 19th Ward Pump Station project had not been previously budgeted for in the Sewer Fund, since they were being paid through the use of cash reserves from previous years’ surpluses. However, due to changes in internal procedures, it now mandates that these expenditures be reflected in the Sewer Fund budget in order to prepare purchase orders for payment of these costs.

BUDGETARY IMPACT: The net effect would be to reduce the budgeted 2016 Sewer Fund retained earnings balance by $345,588.63.

SUBSEQUENT ACTION: The budget amendment must be approved by Council.
The Managing Director, Acting Director of Administrative Services, and Director of Public Works.

RECOMMENDED MOTION:
Approve/Deny the amendments to the approved 2016 budget as presented.

Drafted by   Public Works
Sponsored by/Referred by Public Works Director & Managing Director
Introduced on   September 26, 2016
Advertised on   N/A

BILL NO. ____2016
AN ORDINANCE
AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE SEWER FUND IN THE
AMOUNT OF $345,588.63 FOR ENGINEERING COSTS TO BE PERFORMED ON 19th WARD
PUMP STATION.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:
Section One: Council hereby authorizes the transfer of cash reserves in the Sewer Fund
in the amount of $345,588.63 from Fund Balance (54-07-00-2980-000) to Engineering
Costs (54-07-45-4816-000) and amends the 2016 Sewer Fund operating budget to allocate
funds to Engineering to be performed on 19th Ward Pump Station.

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

ENACTED ________________, 2016

_____________________________
President of Council

ATTEST:

_____________________________
City Clerk

Submitted to Mayor by: _________________
Date Submitted: _________________
Received in Mayor’s Office by: _________________
Date Received: _________________
Approved by Mayor: _________________
Date Approved: _________________
Vetoed by Mayor: _________________
Date Vetoed: _________________
TO: City Council
FROM: Glenn Steckman, Managing Director
Josephina Encarnacion, Acting Admin. Services Director
Ralph Johnson, Public Works Director
PREPARED BY: Ralph Johnson, Public Works Director/Amy Morriss WWTP Manager
MEETING DATE: September 26, 2016
AGENDA MEMO DATE: September 20, 2016
RECOMMENDED ACTION: Council approval of payment for design engineering for the Waste Water Treatment Plant Upgrades project through use of sewer fund retained earnings reserves.

RECOMMENDATION:
Administration recommends Council approval of the transfer of cash reserves in the Sewer Fund and amending the 2016 Sewer Fund operating budget to allocate funds for the costs of engineering for the Waste Water Treatment Plant Upgrades project.
BACKGROUND:

The engineering design costs for Waste Water Treatment Plant Upgrades project had not been previously budgeted for in the Sewer Fund, since they were being paid through the use of cash reserves from previous years’ surpluses. However, due to changes in internal procedures, it now mandates that these expenditures be reflected in the Sewer Fund budget in order to prepare purchase orders for payment of these costs.

BUDGETARY IMPACT:

The net effect would be to reduce the budgeted 2016 Sewer Fund retained earnings balance by $1,749,667.88.

SUBSEQUENT ACTION:

The budget amendment must be approved by Council.

RECOMMENDED BY:

The Managing Director, Acting Director of Administrative Services, and Director of Public Works.

RECOMMENDED MOTION:

Approve/Deny the amendments to the approved 2016 budget as presented.

Drafted by Public Works
Sponsored by/Referred by Public Works Director & Managing Director
Introduced on September 26, 2016
Advertised on N/A
BILL NO. ____2016

AN ORDINANCE

AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE SEWER FUND IN THE AMOUNT OF $1,749,667.88 FOR ENGINEERING COSTS TO BE PERFORMED ON WASTE WATER TREATMENT PLANT UPGRADES.

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

Section One:  Council hereby authorizes the transfer of cash reserves in the Sewer Fund in the amount of $1,749,667.88 from Fund Balance (54-07-00-2980-000) to Engineering Costs (54-07-45-4816-000) and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on Waste Water Treatment Plant Upgrades.

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

ENACTED ________________, 2016

_____________________________

President of Council

ATTEST:

_____________________________

City Clerk

Submitted to Mayor by: ________________

Date Submitted: ________________

Received in Mayor’s Office by: ________________

Date Received: ________________

Approved by Mayor: ________________

Date Approved: ________________

Vetoed by Mayor: ________________

Date Vetoed: ________________
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<tr>
<td>54-07-44-180-H</td>
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<td>54-07-00-2980</td>
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**City funding**

- $6,608,450.35

**Revenue source and amount**

- $6,608,450.35

**Expenditures:**

- **RKK Engineering**
  - Original Contract: $5,162,249.71
  - Amendment 1: $364,053.73
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| Total grant monies spent | $6,608,450.35 | 54-07-45-4816-000 | $4,858,782.47 | $1,749,667.88 |
# REQUEST FOR APPROPRIATION TRANSFER

19th Ward Pump Station

Requested by Division of 
Sewer

Prepared by 
Amy Morriss

Date 
9/20/2016

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REASON FOR TRANSFER: See attached memo
TO: City Council  
FROM: Glenn Steckman, Managing Director  
        Josephina Encarnacion, Acting Admin. Services Director  
        Ralph Johnson, Public Works Director  
PREPARED BY: Ralph Johnson, Public Works Director/Amy Morriss WWTP Manager  
MEETING DATE: September 26, 2016  
AGENDA MEMO DATE: September 21, 2016  
RECOMMENDED ACTION: Council approval of payment for Program Management Services for the Consent Decree Program through use of sewer fund retained earnings reserves.

RECOMMENDATION: Administration recommends Council approval of the transfer of cash reserves in the Sewer Fund and amending the 2016 Sewer Fund operating budget to allocate funds for the costs of the Program Management Services for the Consent Decree Program.

BACKGROUND: The costs for Program Management Services for the Consent Decree Program had not been previously budgeted for in the Sewer Fund, since they were being paid through the use of cash reserves from previous years’ surpluses. However, due to changes in internal procedures, it now mandates that these expenditures be reflected in the Sewer Fund budget in order to prepare purchase orders for payment of these costs.

BUDGETARY IMPACT: The net effect would be to reduce the budgeted 2016 Sewer Fund retained earnings balance by $593,009.00.
SUBSEQUENT ACTION:
The budget amendment must be approved by Council.

RECOMMENDED BY:
The Managing Director, Acting Director of Administrative Services, and Director of Public Works.

RECOMMENDED MOTION:
Approve/Deny the amendments to the approved 2016 budget as presented.

Drafted by   Managing Director’s Office
Sponsored by/Referred by   Public Works Director
Introduced on   July 11, 2016
Advertised on   N/A

BILL NO. ____2016
AN ORDINANCE
AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE SEWER FUND IN THE
AMOUNT OF $593,009.00 FOR ENGINEERING COSTS TO BE PERFORMED ON PROGRAM
MANAGEMENT SERVICES FOR THE CONSENT DECREE PROGRAM.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:
Section One: Council hereby authorizes the transfer of cash reserves in the Sewer Fund in the amount of $593,009.63 from Fund Balance (54-07-00-2980-000) to Program Management Costs (54-07-45-4822-000) and amends the 2016 Sewer Fund operating budget to allocate funds to Program Management Services for the Consent Decree Program.

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

ENACTED _______________, 2016

_____________________________
President of Council

ATTEST:
_____________________________
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<td>USL Account #</td>
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<td>City funding</td>
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<td>Revenue source and amount</td>
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<td>Expenditures:</td>
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</table>
TO: City Council
FROM: Glenn Steckman, Managing Director
       Josephina Encarnacion, Acting Admin. Services Director
       Ralph Johnson, Public Works Director
PREPARED BY: Ralph Johnson, Public Works Director/Amy Morriss WWTP Manager
MEETING DATE: September 26, 2016
AGENDA MEMO DATE: September 21, 2016
RECOMMENDED ACTION: Council approval of payment for design engineering for the 6th and Canal Pump Station Phase II project through use of sewer fund retained earnings reserves.

RECOMMENDATION:
Administration recommends Council approval of the transfer of cash reserves in the Sewer Fund and amending the 2016 Sewer Fund operating budget to allocate funds for the costs of engineering for the 6th and Canal Pump Station Phase II project.

BACKGROUND:
The engineering design costs for 6th and Canal Pump Station Phase II project had not been previously budgeted for in the Sewer Fund, since they were being paid through the use of cash reserves from previous years’ surpluses. However, due to changes in internal procedures, it now mandates that these expenditures be reflected in the Sewer Fund budget in order to prepare purchase orders for payment of these costs.

BUDGETARY IMPACT:
The net effect would be to reduce the budgeted 2016 Sewer Fund retained earnings balance by $205,309.44.
SUBSEQUENT ACTION:
The budget amendment must be approved by Council.

RECOMMENDED BY:
The Managing Director, Acting Director of Administrative Services, and Director of Public Works.

RECOMMENDED MOTION:
Approve/Deny the amendments to the approved 2016 budget as presented.

BILL NO. ____2016
AN ORDINANCE
AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE SEWER FUND IN THE AMOUNT OF $205,309.44 FOR ENGINEERING COSTS TO BE PERFORMED ON 6th AND CANAL PUMP STATION PHASE II.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:
Section One: Council hereby authorizes the transfer of cash reserves in the Sewer Fund in the amount of $205,309.44 from Fund Balance (54-07-00-2980-000) to Engineering Costs (54-07-45-4816-000) and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6th and Canal Pump Station Phase II.

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

ENACTED _______________, 2016
_______________________________
President of Council
ATTEST:

________________________________

city clerk

submitted to mayor by: ______________

date submitted: ______________

received in mayor’s office by: ______________

date received: ______________

approved by mayor: ______________

date approved: ______________

vetoed by mayor: ______________

date vetoed: ______________
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City funding

- $287,996.00

Revenue source and amount

- $287,996.00

Expenditures:

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Invoices paid to date:

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<td>RKK</td>
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<td>$ 205,309.44</td>
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RESOLUTION NO. ____2016

Whereas, the City of Reading has been awarded a grant in the amount of $292,700 (MPMS No. 103165) for the Rockland Street Project; and

Whereas, the Pennsylvania Department of Transportation’s Transportation Alternatives Program (TAP) requires execution of a reimbursement agreement, No. R16050006, to proceed.

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

That the City Solicitor be authorized to execute the reimbursement agreement in the RAS with No. R16050006 for the Rockland Street Project.

Adopted by Council_________________, 2016

__________________________________
President of Council

Attest:

___________________________
City Clerk
R E S O L U T I O N N O._______2016

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

That Mark Pinkasavage is reappointed to the Electrician’s Examining Board with a term ending October 1, 2022.

Adopted by Council ______________________, 2016

________________________________________
President of Council

Attest:

________________________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO._______2016

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

That Josephina Encarnacion is appointed to the Reading Area Water Authority to fill the unexpired term of Ron Hatt, with a term ending January 1, 2018.

Adopted by Council ______________________, 2016

________________________________________
President of Council

Attest:

________________________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO. ______-2016

APPOINTING ALEJANDRO PALACIOS AS DIRECTOR OF COMMUNITY DEVELOPMENT OF THE CITY OF READING.

WHEREAS, City of Reading Mayor Wally Scott has moved the appointment of Alejandro Palacios to the position of Director of Community Development; and

WHEREAS, Mr. Palacios is fully aware of the residency requirement of the City of Reading Home Rule Charter and shall comply with it within the allowable timeframe; and

WHEREAS, Mayor Scott and City Council are confident in the capabilities of Mr. Palacios and his ability to assume the position of Community Development Director.

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

That Alejandro Palacios be appointed Director of Community Development of the City of Reading, in accordance with Article 6, Section 603 of the City of Reading Home Rule Charter.

Adopted by Council___________________, 2016

_______________________________
Jeffrey Waltman, President of Council

Attest:

_______________________________
Linda A. Kelleher CMC, City Clerk