Regular Meeting Agenda
Council Chambers

Monday, July 24, 2017
7 pm

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: Pastor Javier Marcano, Iglesia Nuevo Comienzo Tu Palabra Guardare
C. PLEDGE TO THE FLAG
D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

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 & MINUTES
A. AGENDA: Meeting of July 24, 2017
B. MINUTES: July 10, 2017 Regular Meeting

5. Consent Agenda Legislation

A. Award of Contract – HVAC system for the Reading Public Library

B. Resolution – authorizing the disposition of various contracts in the City Clerk’s Office for services provided to the City between 1958 and 2003, as listed, in accordance with the City’s document retention schedule

C. Resolution – authorizing the execution and submission of the attached series of Applications for Traffic Signal Permits on Perkiomen Ave and Chestnut St for the PennDOT SR 2004 and SR 2054 Safety Corridor Improvements Projects, on behalf of the City of Reading
6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

Redevelopment Authority

9. ORDINANCES FOR FINAL PASSAGE

<table>
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<td><strong>Ordinance</strong> - amending the City Code by adding Chapter 184 Controlled Substance, Drug, Device and Cosmetic making the possession of marijuana a summary offense <strong>Introduced at the September 26, 2016 regular meeting</strong></td>
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A. **Bill 64-2017** – amending City Code Section 496-207 Solid Waste Storage and Collection - by assigning appeals of violations to this part to the Code And License Appeals Board (Chapter 23, Part 14), as attached in exhibit A **Introduced at the July 10 regular meeting**

B. **Bill 65-2017** – amending City Code Chapter 180 Property Maintenance Code, Part 111 Appeals - by assigning appeals of violations to this part to the Code And License Appeals Board (Chapter 23, Part 14), as attached in exhibit A **Introduced at the July 10 regular meeting**

C. **Bill 66-2017** – amending City Code Chapter 308 Housing, Part 132 Code and License Appeals Board by making the DCR Appeal Fee refundable if the appeal is approved by the Code And License Appeals Board (Chapter 23, Part 14), as attached in Exhibit A **Introduced at the July 10 regular meeting**

D. **Bill 67-2017** – restricting parking between the hours of 12 midnight and 6 AM, and maintaining the requisite No Parking signs, along both sides of Skyline Drive between the Pagoda and the City limits to the north, a distance of approximately 3,500 feet. The purpose is to improve safety during the nighttime hours **Introduced at the July 10 regular meeting**

E. **Bill 68-2017** – authorizing an appropriations transfer within the Wastewater Treatment Plant Fund in the amount of $100,000.00 for the resolution of Reading Area Water Authority past due bills from 2015 and 2016 **Introduced at the July 10 regular meeting**
F. Bill 69-2017 – authorizing the Administration to amend City Code Section 576-826 Tow Service Charges to amend the current rates charged by the tow contractors in performance of their contracted service and limiting the charge for tows from private lots *Introduced at the July 10 regular meeting*

G. Bill 70-2017 – amending the City Code Chapter 23 Boards and Commissions, Part 400 First Energy Stadium Commission by including one (1) member of City Council and the Public Works Director, or their designees as voting members of the First Energy Stadium Commission *Introduced at the July 10 regular meeting*

H. Bill 71-2017 – amending City Code Chapter 188 Curfew, Part 1 Juvenile Curfew, by applying the restriction to only persons under the age of 18 *Introduced at the July 10 regular meeting*

I. Bill 72-2017 – amending the Position Ordinance by adding a PT Program Coordinator for Police Administration for the Youth Police Academy *Introduced at the July 10 regular meeting*

J. Bill 73-2017 – amending Chapter 576, Part 8 Impounding and Booting of Illegally Parked Vehicles regarding regulations for the removal of vehicles from private lots *Introduced at the July 10 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

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<td>Pending – Additional Documentation Required</td>
<td>authorizing the establishment of a Trust Fund for other post-employment benefits by depositing and segregating funds for the exclusive use of certain post-employment benefits, appointment of Trust Fund Trustees, and the execution of the Trust Agreement.</td>
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A. Ordinance – amending the City Code Chapter 364 Massage Therapists by updating the terms to comply with the State Statutes

B. Ordinance – amending the 2017 General Fund budget and the transfer of cash reserves in the General Fund in the amount of $44,310.72 to allocate funds to pay for the purchase of a second set of gear for 16 additional firefighters not previously budgeted during the creation of the 2017 budget

C. Ordinance – amending City Code Chapter 14 Authorities, Part 506 Levy of DID Special Assessment and Part 508 Sunset Provisions by correcting the citations to the State Statutes
D. Ordinance - amending the City of Reading Code of Ordinances, Chapter 396 Parks and Recreation, Part 3 Park Use as attached

E. Ordinance – authorizing the execution of a revised MOU with the Conservation District, as recommended by the Planning Commission and the Public Works Dept

F. Ordinance – amending the City Code by creating a new Chapter 184 Controlled Substances, Drug, Device and Cosmetics, which provides the police with the ability to charge a summary offense for the personal possession or personal use of small amounts of marijuana, rather than a misdemeanor under the Crimes Code at their discretion

G. Ordinance – amending the Reading City Code Chapter 141 Animals, Section 205 by adding a heat index under the terms for Code Red

11. RESOLUTIONS

A. Resolution – appointing Mel Jacobson to the Redevelopment Authority

B. Resolution – reappointing Erin Weller to the Historic Architectural Review Board

C. Resolution –

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS/COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, August 7
Nominations & Appointments Committee – Council Office – 4 pm
Strategic Planning Committee – Council Office – 5 pm

Monday, August 14
Committee of the Whole – Penn Room – 5 pm
Regular Meeting – Council Chambers – 7 pm

Monday, August 21
Nominations & Appointments Committee – Council Office – 4 pm
Committee of the Whole – Penn Room – 5 pm

Monday, August 28
Committee of the Whole – Penn Room – 5 pm
Regular Meeting – Council Chambers – 7 pm
15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, July 24
DID Authority – 645 Penn St 1st floor – noon

Tuesday, July 25
Housing Authority Workshop – WC Building – 4 pm
Housing Authority – WC Building – 5 pm
Planning Commission – Penn Room – 6 pm
Penn’s Commons Neighborhood Group – Penn’s Commons meeting room – 7 pm

Wednesday, July 26
Main Street Board – Chamber Offices – 3:30 pm
Parking Authority – Penn Room – 5:30 pm
Stadium Commission – Penn Room – 7 pm

Monday, July 31
District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, August 1
Board of Health – Penn Room – 4 pm
Charter Board – Penn Room – 7 pm

Wednesday, August 2
Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm
District 2 Crime Watch – St Paul’s Lutheran Church – 6:30 pm

Thursday, August 3
Police Civil Service Board – Penn Room – noon

Tuesday, August 8
Environmental Advisory Council – Pendora Park – noon

Wednesday, August 9
Zoning Hearing Board – Council Chambers – 5:30 pm
Human Relations Commission – HRC office – 6 pm
Center City Community Organization – Holy Cross Church – 6 pm

Thursday, August 10
Police Pension Board – 3rd floor conference room – 9:30 am
Outlet Area Neighborhood Assn – St Mark's Lutheran Church – 6:30 pm

16. ADJOURN
City of Reading City Council
Regular Meeting
July 10, 2017

Council President Waltman called the meeting to order.

The invocation was given by Nancy Lennert, President Reading-Berks Conference of Churches.

All present pledged to the flag.

There was an executive session at the Committee of the Whole meeting regarding personnel.

ATTENDANCE
Council President 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

PROCLAMATIONS AND PRESENTATIONS
- This is Reading – Santo Marabella
- Recognizing Recreation Month, accepted by Daphne Klahr Executive Director of the Recreation Commission
- Recognizing Berks Best Academics
- MetEd made $1,000 donations to the Youth Police Academy and the Fire Burn Prevention Foundation in gratitude for the assistance they received during the network fire at 6th and Cherry Streets.

PUBLIC COMMENT
Council President Waltman stated that there are eight (8) citizens registered to address Council on non-agenda matters. No one objected to suspending the public speaking rule requiring non-agenda comment at the end of the meeting. Councilor Daubert read the public speaking rules adopted by Council ordinance.

Council President Waltman announced that Council members may choose to respond to the comments made directly after the comment period concludes or during Council Comment at the end of the meeting. He noted that Council’s response is not an invitation to an open discussion on the subject addressed.

Donald Lorah, of Washington St., expressed the belief that police patrol coverage is centralized on the south side of the City leaving the north, east and west sides under covered. He suggested correcting this flaw.

Jim Washington, of Palm Street, stated that last Wednesday July 5th at approximately 4 am he discovered that his home was broken into. He stated that the police department responded within 10 minutes. He stated that there have been several similar break-ins in the area. He stated that the responding officers found a cell phone that lead to the apprehension of the suspects. He stated that he received a phone call from CI Hope asking him to come to City Hall to identify the property stolen. He expressed thanks to all the officers who assisted his family during this incident.

Marilyn Littlejohn, of Lackawanna St., described the work to save the 55+ Club South of Penn from the proposed merger. She stated that the group recently proposed applying for CDBG funding; however, the board rejected authorizing the submission of a CDBG application. She stated that a meeting to discuss the club’s future is planned for Wednesday, July 19th at 6:30 pm at St. John’s Church.

Mack Sander, no address listed, was not present.

Justin Blatt, of Hessian Rd., described the increase in illicit activities at Mineral Spring Park since the East Ends Club closed. He stated that he regularly collects litter at this site and he explained that the type of debris has changed since the closure of the club. He noted the damage to a pavilion caused by a fallen tree and the degradation of the stone steps.

Ms. Wolf, illegible signature, suggested having kids help clean up the City through a partnership with the Rec Commission.
Evelyn Morrison, of Rose St., noted the importance of ending the proposed merger between the 55+ Club and Berks Encore. She described her work with the Bingaman Association and Councilor Daubert and their work going door to door to encourage involvement in the association. She noted that some residents are hesitant to get involved due to fear of retribution. She stated that during her door to door work she discovered the decaying condition of the City’s streets and sidewalks. She specifically noted the decay of the sidewalk at 5th and Penn due to the underground vault. She suggested beginning to address this decay to avoid devastating collapses.

APPROVAL OF THE AGENDA & MINUTES
Council President Waltman called Council’s attention to the agenda for this meeting and the minutes from the June 26th Regular Meeting of Council, including the legislation listed on the Consent Agenda heading. He noted the need to amend the agenda by adding the following:

Adding the following to the Consent Agenda:
1. Award of contract to Polydyne, Inc., One Chemical Plant Road, Riceboro, GA 31323 who is the low bidder for the purchase of polymer flocculent, at a price of $1.43/pound for approximately 60,000 pounds, for a total bid of $85,800.00.
2. Amending the Resolution on the Consent Agenda re the hiring of probationary Police Officers by adding Christopher M. DePietrantonio to the resolution

Adding the following Ordinances for Introduction
1. Ordinance – Amending the Position Ordinance by creating a part-time position Program Coordinator for the Youth Police Academy
2. Ordinance – Amending Chapter 576 Part 8 Impounding and Booting of Illegally Parked Vehicles regarding the removal of vehicles from private lots

Councilor Marmarou moved, seconded by Councilor Daubert, to approve the minutes from the June 26th Regular Meeting of Council, as amended and the agenda, including the legislation listed on the Consent Agenda, as amended. The motion was approved unanimously.

Consent Agenda
A. Award of Contract – for the purchase of polymer flocculent to Polydyne, Inc., One Chemical Plant Road, Riceboro, GA 31323 who is the low bidder, at a price of $1.43/pound for approximately 60,000 pounds, for a total bid of $85,800.00
B. Resolution 60-2017 – authorizing the hiring of 11 probationary police officers:
1. Kevin M. Butler
2. Devin M. Hasenauer
3. Sean P. Driscoll
4. John J. Krchnavy IV
6. Michael B. Johnson
7. Thomas R. Lloyd
8. Shane T. McEntarfer
9. Michael E. Marshall
10. Rebecca J. Morrison
11. Christopher M. DePietrantonio

ADMINISTRATIVE REPORT
The mayor thanked the Police Department for their continued work to address the problems at the Pagoda. He noted the improvements made to City Park by the Public Works crews. He stated that he was recently approached about holding a rap event at the bandshell in August. He announced his intent to work with City Council on this event.

The managing director announced that the ADA access to City Hall will be moved to the Cedar Street doors on July 12th and 13th during the repair of the North 8th Street entrance. He described the capital investment made by the WWTP and RAWA to the underground piping. He noted that the situation with the exposed underground vault at 5th and Penn Streets is being addressed and that the property owner is responsible for the repair work.

Councilor Goodman-Hinnershitz noted the city-wide problem with illegal fireworks over the 4th of July holiday. She noted the careless manner in which these explosives were used. She noted the need to address this recurring problem that involves both the sale and use of fireworks that are illegal in Pennsylvania.

Council President Waltman thanked the mayor and managing director for their reports.

AUDITOR’S REPORT
City Auditor Cituk read the report distributed to Council at the meeting, in summary:
- Distribution of the Appropriations Transfer Report as of 12-31-16
Future reports will be made after his review of the Parking Authority’s external audit report prepared by Herbein & Co. and a review of the pension funds. He stated that the City’s 2016 external audit has not yet been completed.

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS
None.

ORDINANCES FOR FINAL PASSAGE

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A. **Bill 57-2017** – amending the 2017 Budget by making adjustments to salaries in the Mayor’s Office, the Managing Director’s Office, the Administrative Services Department and the Public Works Department totaling $129,650 *Tabled at the June 26 regular meeting*

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 57-2017.

The managing director stated that these salary increases are funded by unfilled positions and they are within the Act 47 salary cap.

Councilor Goodman-Hinnershitz stated that the issue was approved by the City’s Act 47 Coordinator.

Bill No. 57-2017 was enacted by the following vote:

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

B. **Bill 59-2017** – amending City Code Chapter 600 Zoning, by adopting a new section §600-819 providing for a Steep Slope Overlay District, amending §600-2202 Definitions and adding a reference to these regulations in Chapter 521 Sustainability *Introduced at the March 13, 2017 regular meeting; Advertised June 6, 13 & 20; Public Hearing held June 28 at 5 pm in Council Chambers*

Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 59-2017.
Councilor Slifko explained that the EAC has been working on this ordinance for the past four (4) years and input was obtained from a variety of internal and external parties. He stated that the ordinance helps to address the upcoming MS4 requirements regarding erosion and runoff. He stated that the ordinance addresses moderate and steep slopes and is not meant to be burdensome to smaller projects. He noted the importance of the time the EAC spent developing this amendment.

Cathy Curran-Myers, Chair of the EAC, stated that the EAC considered similar ordinances adopted by a variety of communities. She stated that a map identifying the affected moderate and steep slope areas was created. She explained that the regulations will not impact smaller projects at existing properties.

**Bill No. 59-2017 was enacted by the following vote:**

**Yeas:** Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

**Nays:** None – 0

**C. Bill 60-2017 –** amending the Zoning Ordinance Section 600-501 by amending the Zoning Map to provide for the Riverfront Redevelopment Overlay Zoning District located within certain portions of the City in Manufacturing Commercial (M-C), R-3 Residential, And Commercial Neighborhood (C-N) zoning districts and amending Section 600-815 Districts by amending the requirements for a Riverfront Redevelopment (RR) Overlay Zone and the Zoning Map **Introducing at the May 8 regular meeting; Advertised May 15 & 24 and May 27, June 5th and June 19th; Public Hearing held June 28 at 5 pm in Council Chambers**

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 60-2017.

Councilor Reed stated that this draft was developed about a year ago by Aaron Booth, architect and HARB member. She stated that the City Clerk assisted in the development of the ordinance.

Mr. Booth described the work prior to drafting the ordinance to create a mixed use application that complements the adjoining residential neighborhood. He stated that this 49 acre industrial site has been vacant for the last decade. This overlay zone provides a mixed (light manufacturing, residential, recreational, commercial) use that will work well with the attached residential neighborhood. He expressed the belief that the mixed use will allow an improved buildout of the site.

Councilor Slifko thanked Mr. Booth for his work to develop an overlay that will expand the reuse of this site. He also noted the plans for the new roadway connecting with Schuylkill Avenue, the trail improvements and the planned improvements for the Schuylkill Avenue interchange.
Councilors Goodman-Hinnershitz and Twyman echoed Councilor Slifko’s remarks and they agreed that this new mixed use approach will fit well with the existing residential area.

Councilor Reed stated that the overlay provides a great opportunity for this 49 acre area. She encouraged the Reading Redevelopment Authority to undertake a renewed marketing approach for the property in this improved real estate market.

Bill No. 60-2017 was enacted by the following vote:

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

D. Bill 61-2017 – amending the 2017 Agency Fund budget in the amount of $15,000.00 to reflect the proceeds of a PEMA grant and the purchase of minor capital equipment items for the fire department not previously reflected in the 2017 budget Introduced at the June 26 regular meeting

Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 61-2017.

The managing director explained that this will allow the City to purchase new breathing apparatus for the Fire Department personnel.

Bill No. 61-2017 was enacted by the following vote:

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

E. Bill 62-2017 – amending City Code Chapter 212 Fee Schedule by adding appeals fees for the Code and License Appeals Board to cover the cost of the appeal hearing. All appeal fees are refundable if the appeal is approved as per ordinance Introduced at the June 26 regular meeting


Councilor Slifko explained that the next three (3) ordinances are focused on the consolidation of five (5) separate appeals board into one revamped appeals board. He stated that this consolidated effort will smooth the appeals process for citizens.

Bill No. 62-2017 was enacted by the following vote:
Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7
Nays: None – 0

F. Bill 63-2017 – amending the Agency Fund 2017 budget to reflect the budgeted receipt and subsequent repayment of line items which will allow the use of purchase orders to pay all refundable fire escrow deposits and improve tracking in the accounting system. These line items were not budgeted in the approved 2017 budget Introduced at the June 26 regular meeting

Councilor Reed moved, seconded by Councilor Slifko, to enact Bill No. 63-2017.

Bill No. 63-2017 was enacted by the following vote:

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

INTRODUCTION OF NEW ORDINANCES

Pending – Additional Documentation Required

Ordinance – authorizing the establishment of a Trust Fund for other post-employment benefits by depositing and segregating funds for the exclusive use of certain post-employment benefits, appointment of Trust Fund Trustees, and the execution of the Trust Agreement

Councilor Goodman-Hinnershitz read the following ordinances into the record:

A. Ordinance – amending City Code Section 496-207 Solid Waste Storage and Collection - by assigning appeals of violations to this part to the Code And License Appeals Board (Chapter 23, Part 14), as attached in exhibit A

B. Ordinance – amending City Code Chapter 180 Property Maintenance Code, Part 111 Appeals - by assigning appeals of violations to this part to the Code And License Appeals Board (Chapter 23, Part 14), as attached in exhibit A

C. Ordinance – amending City Code Chapter 308 Housing, Part 132 Code and License Appeals Board by making the DCR Appeal Fee refundable if the appeal is approved by the Code And License Appeals Board (Chapter 23, Part 14), as attached in Exhibit A

D. Ordinance – restricting parking between the hours of 12 midnight and 6 AM, and maintaining the requisite No Parking signs, along both sides of Skyline Drive between the
Pagoda and the City limits to the north, a distance of approximately 3,500 feet. The purpose is to improve safety during the nighttime hours

E. Ordinance – authorizing an appropriations transfer within the Wastewater Treatment Plant Fund in the amount of $100,000.00 for the resolution of Reading Area Water Authority past due bills from 2015 and 2016.

F. Ordinance – authorizing the Administration to amend City Code Section 576-826 Tow Service Charges to amend the current rates charged by the tow contractors and businesses in performance of their contracted service.

G. Ordinance – amending the City Code Chapter 23 Boards and Commissions, Part 400 First Energy Stadium Commission by including one (1) member of City Council and the Public Works Director, or their designees as voting members of the First Energy Stadium Commission

H. Ordinance – amending City Code Chapter 188 Curfew, Part 1 Juvenile Curfew, by applying the restriction to only persons under the age of 18

I. Ordinance – amending the Position Ordinance by adding a PT Program Coordinator to Police Administration for the Youth Police Academy

J. Ordinance – amending Chapter 576 Part 8 Impounding and Booting of Illegally Parked Vehicles regarding the removal of vehicles from private lots

RESOLUTIONS

A. Resolution 61-2017 – supporting the Centre Park Historical District’s desire to develop a Master Plan for the improvement of Centre Park, located at Centre Ave and Douglass Street.

Councilor Slifko moved, seconded by Councilor Reed, to adopt Resolution No. 61-2017.

Councilor Slifko explained that the City is fortunate to have a community group that actively supports the historical treasures within their neighborhood. He described the efforts taken by the Centre Park organization to date. He explained their desire to develop a long-term plan for the park within their neighborhood and the need to have a proper Master Plan developed for the Centre Park improvements.
Councilor Daubert agreed and noted that developing a Master Plan that is supported by
the City will also assist with the organization’s fundraising efforts.

Councilor Twyman commended Centre Park for their ongoing effort.

Councilor Goodman-Hinnershitz noted how much the organization does to build
community within the area. She stated that the relationship between the City and Centre
Park is a perfect public-private partnership.

Resolution No. 61-2017 was adopted by the following vote:

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

COUNCIL COMMENT
Councilor Marmarou noted the addition of new police officers in the upcoming academy
class. He expressed the belief that having an officer on patrol on Skyline Drive is the best
permanent solution to this ongoing multi-level issue.

Councilor Daubert agreed that Centre Park is a jewel; however, he also noted that one of
the most underrated jewels in the City is the Fire Museum located at South 5th and Laurel
Streets. He stated that the museum holds a wealth of history about Reading’s fire
department.

Councilor Goodman-Hinnershitz noted the upcoming installations of “This is Reading”
over the next three (3) weekends. She thanked Public Works for doing a beautiful job at
City Park. She noted the upcoming artshow at the Pagoda on July 23rd.

Councilor Twyman thanked the 55+ Club for their efforts. He also thanked all those who
currently dedicate time to picking up trash in the City. He expressed the belief that
Reading continues to move toward positivity.

Councilor Reed thanked MetEd for their generous donations to the Fire and Police
Departments. She also noted the upcoming Reading Pride celebration this coming Sunday
in Centre Park from 12-5 pm.

Council President Waltman agreed that City Park looks outstanding and he noted the
tranquility of the park.
Councilor Marmarou moved, seconded by Councilor Slifko, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk
RESOLUTION NO._______2017

WHEREAS, by virtue of Resolution 120-2006, adopted December 11, 2006, the City of Reading declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and;

WHEREAS, in accordance with Act 428 of 1968, 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 DOES HEREBY RESOLVE AS FOLLOWS:

In accordance with City of Reading Records Retention Policy and Document Retention Schedule, hereby authorizes the disposition of the following public records:

City Clerk’s Office:
- Brown, Robert & Associates, Inc. 1990 -91
- Brown, Sally K. 1984
- Clawges, Charles A. 1966
- Clean Air Systems of PA 1991
- Dougherty, John & Annie 1950
- Dougherty, Joseph F. 1980
- Dovetail Systems, Corp. 1987
- Dunlop, George U. 1955
- Dusenbury, Russell L. 1962
- F.M. Brown’s & Sons, Inc. 1965 -68, 69, 70, 77
- Rice & Weidman 1987
- Riegel, Harold & Lillian 1958
- Ringing Hill Landscape 1981, 83, 89, 94
- Rockwell International, Corp. 1973, 80, 81, 82, 83
- Roth, Gabriel B. (Elizabeth Fleisher) 1951
- Rothrock Motor Sales 1989
- Royal Guard Fence 1992
- Sensenig, Richard L. & Company 2002 -03
- Stuart Steel Protection 1968 -69

Adopted by Council________________________, 2017
President of Council

Attest:

_____________________________________
City Clerk

Drafted by Utilities Division
RESOLUTION NO. _______-2017

BE IT RESOLVED by the City of Reading City Council, Berks County, and it is hereby resolved by the authority of the same, that Public Works Director, Ralph Johnson, of the City of Reading is authorized and directed to sign and submit the attached series of Applications for Traffic Signal Permits for the PennDOT SR 2004 and SR 2054 Safety Corridor Improvements Projects, on behalf of the City of Reading. The traffic signal improvements are proposed at the following intersection locations:

Project: SR 2054 Section 01M ECMS No. 96378
1. Perkiomen Avenue (SR 2054) & Chestnut Street (SR 2004)
2. Perkiomen Avenue (SR 2054) & South 15th Street & Clymer Street
3. Perkiomen Avenue (SR 2054) & South 16th Street
4. Perkiomen Avenue (SR 2054) & South 17th Street
5. Perkiomen Avenue (SR 2054) & South 19th Street

Project: SR 2004 Section 02M ECMS No. 96379
1. Chestnut Street (SR 2004 & SR 2006) & Bingaman Street (SR 2004) and South 10th Street
2. Chestnut Street (SR 2004) & South 11th Street

Adopted by Council___________________, 2017

________________________________________________________________
President of Council

Attest:
B I L L N O.____-2017
A N O R D I N A N C E

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A TRUST FUND FOR OTHER POST-EMPLOYMENT BENEFITS BY DEPOSITING AND SEGREGATING FUNDS FOR THE EXCLUSIVE USE OF PROVIDING CERTAIN POST-EMPLOYMENT BENEFITS, APPOINTMENT OF TRUST FUND TRUSTEES, AND EXECUTION OF THE TRUST AGREEMENT.

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

SECTION 1. An Other Post-Employment Benefits Trust Fund is hereby established as set forth in Exhibit A, as attached hereto and made a part hereof.

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the provision above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

SECTION 3. This Ordinance shall be effective ten (10) days after Council adoption and approval by the Mayor or upon Council passage over a Mayoral veto as set forth in the Home Rule Charter Sections 219 & 221.

Enacted_______________, 2017

_____________________________
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: _________________
EXHIBIT A

OTHER POST-EMPLOYMENT BENEFITS TRUST FUND

Section 1. Trust Agreement.

The Mayor of the City of Reading is hereby authorized to execute the trust agreement attached hereto and incorporated herein.

Section 2. Purpose.

The City of Reading (hereinafter City) seeks to accumulate assets in a trust to fund the long-term obligations of the City for post-retirement life and medical benefits provided under applicable collective bargaining agreement(s).

Section 3. Establishment.

A. A trust is hereby irrevocably established for the exclusive benefit of participants as defined under the applicable documents.

B. The trust is intended to be a separate trust to accommodate advance funding of other post-employment benefits as described in Government Accounting Standards Board Statements Nos. 43 and 45, as amended or superceded.

C. The trust shall follow Act 44 guidelines on purchasing services.

Section 4. Board of Trustees.

A. The trust shall be held by a Board of Trustees, and successors trustees. The membership of the Board of Trustees shall include: (1) the Mayor or his designee; (2) the Managing Director; (3) the Director of Administrative Services; (4) a Fraternal Order of Police representative; (5) an International Association of Fire Fighters representative; (6) an AFSCME representative; and, (7) a member of the public as set forth in the trust agreement.

B. The authority and duties of the Board of Trustees are set forth in the terms of the trust agreement.

C. The Trustees shall not be entitled to compensation for their services in respect to the trust.

D. The Trustees shall at all times be bonded, the cost of which shall be paid from the trust unless paid by the City.
Section 5. Investments.

The Trustees shall have the authority over the investment of the assets held in the trust as set forth in the terms of the trust agreement.

Section 6. Funding.

The City shall contribute amounts to the trust in its sole and absolute discretion and shall have the right to discontinue contributions without termination of the trust, subject to the terms of the trust agreement. The City’s initial contribution shall be one million dollars ($1,000,000.00).

Section 7. Benefits.

The trust may provide benefits pursuant to the terms of plan, by cash payment to the appropriate parties as set forth by the terms of the trust agreement.

Section 8. Liability.

The Trustees shall not be liable for any loss of funds, except as set forth in the trust agreement.

Section 9. Other Plans.

The City may designate the trust to hold the assets of such other plans the City may adopt in addition to the initial plan, providing life, sickness, accident, medical, disability, or other similar welfare benefits, subject to the terms of the trust agreement.
AN ORDINANCE AMENDING CITY CODE – SECTION 496-207 SOLID WASTE STORAGE AND COLLECTION - BY ASSIGNING APPEALS OF VIOLATIONS TO THIS PART TO THE CODE AND LICENSE APPEALS BOARD (CHAPTER 23, PART 14), AS ATTACHED IN EXHIBIT A.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending City Code - Section 496-207 by assigning appeals of violations to this Part to the Code and License Appeals Board (Chapter 23, Part 14), as attached in Exhibit A.

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

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

SECTION 4: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Enacted ________________, 2017

________________________________________
Council President

Attest:

_____________________________________
City Clerk

Submitted to Mayor: _____________
Date: _____________
§ 496-207. Administration; violations and penalties.


A. Authorized retrieval and responsibility therefor.

(1) Abatement and costs/billing. The City of Reading contractor for curbside trash removal is authorized to pick up, abate and/or remove violations of this Part, including, but not limited to, items not picked up by the property's contracted hauler, placement of bags for retrieval in excess of that permitted, dumping or items placed improperly. The City of Reading contractor for curbside trash removal shall obtain documentation of such violations and note the address thereof prior to retrieval of said violations. The contractor shall report the violations, plus provide proof thereof and the documentation of their removal to the Manager or his/her designee City of Reading Solid Waste Division Manager or his/her designee who will coordinate with the Property Maintenance Division, and/or Property Maintenance Official assigned to the area from the violation was retrieved. The contractor shall additionally issue a bill to the City of Reading Public Works Department for the retrieval of the violations noting the date and address of the same. The City of Reading shall then issue a bill to the owner of the property from where the violation was retrieved for the costs it incurred to abate the violation. The City of Reading's contractor's removal of the violation and issuance of the City of a bill therefor shall not be exclusive remedy for abatement of such violations. The City reserves the right to undertake any additional action for such violation including but not limited commencing any appropriate legal action to recover costs for the abatement and/or commencement of penalty proceedings as set forth herein. 12

(2) Means of appeal.

(a) Application for appeal. Any person aggrieved by the aforesaid procedure to abate, bill and collect costs for abatement of violation of this Part as set forth above in Subsection A(1) shall have the right to appeal to the Codes and License Solid Waste and Recycling Appeals Board, Chapter 23 Part 14, by filing an appeal request in writing with the Property Maintenance Division Manager provided that a written application for appeal is filed within 20 days after issuance of the bill for collection of costs for abatement of violation of this Part per above. An application for appeal shall be on a form prepared and provided by the City. An administrative fee specified in Chapter 212 Fees of $25 shall be charged for each appeal. The appeal fee shall be refunded if the appeal is approved by the Code and License Appeals Board.
(b) Membership of Board. The Board of Appeals shall consist of two members of City Council and three citizens of Reading who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Solid Waste and Recycling Manager shall be an ex officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the governing body, and shall serve staggered and overlapping terms. The term for citizen appointees shall be for a period of three years.

[1] Chairman. The Board shall annually select one of its members to serve as Chairman.

[2] Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[3] Secretary. The City Clerk shall serve as Secretary to the Board. A detailed record of all proceedings will be filed in the office of the City Clerk for the City of Reading.

[4] Quorum. A quorum shall consist of not less than two-thirds of the Board membership.

(c) Notice of meeting. The Solid Waste and Recycling Appeals Board of Appeals shall meet upon notice from the Chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

(d) Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Solid Waste and Recycling Manager and any person whose interests are affected shall be given an opportunity to be heard in accordance with speaking rules defined by the Board.

(e) Procedure. The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(f) Postponed hearing. When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(g) Board decision. The Board shall modify or reverse the City's enforcement officer only by a concurring vote of a majority of the total number of appointed Board members.

[1] Records and copies. The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the Solid Waste and Recycling Division Manager.

[2] Administration. The Solid Waste Division Manager shall take immediate action in accordance with the decision of the Board.

(a) Court review. Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction the manner and time required by law following the filing of the decision in the office of the City Clerk of the City of Reading.

(b) Stays of enforcement. Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this Part as provided for in Subsection A(1).
AN ORDINANCE AMENDING CITY CODE – CHAPTER 180 PROPERTY MAINTENANCE CODE SECTION 111 APPEALS BY ASSIGNING APPEALS TO THE CODE AND LICENSE APPEALS BOARD (CHAPTER 23, PART 14), AS ATTACHED IN EXHIBIT A.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending City Code – Chapter 180 Property Maintenance Code Section 111 Appeals by assigning appeals to the Code And License Appeals Board (Chapter 23, Part 14), as attached in Exhibit A.

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

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

SECTION 4: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Enacted ______________, 2017

____________________________
Council President

Attest:

____________________________
City Clerk

Submitted to Mayor: __________
Date: __________
SECTION 111
MEANS OF APPEAL

[A] 111.1 Application for appeal.
Any person directly affected by a decision of the code official or a notice or order issued under this code, including an emergency order requiring immediate evacuation of all occupants that is issued under this code, shall have the right to appeal to the Code and License Board of Appeals, as per City Code Section 23 Part 14 with a fee set out in Chapter 212, provided that a written application for appeal is filed with the Property Maintenance Division Manager within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, except that an appeal of an emergency order requiring evacuation shall be based on a claim that there is no competent evidence that a true threat to safety existed during any period that any occupants were required to vacate their dwelling. **If the Code and License Appeals Board approves the appeal, the appeal fee shall be refunded.**

[A] 111.2 Membership of Board.
The Board of Appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance, building and trades and fire prevention and who are not employees of the jurisdiction. The code official shall be an ex officio member but shall have no vote on any matter before the Board. The Board shall be appointed by City Council and shall serve staggered and overlapping terms.

[A] 111.2.1 Alternate members.
City Council shall appoint a minimum of two alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

[A] 111.2.2 Chairman.
The Board shall annually select one of its members to serve as Chairman.

[A] 111.2.3 Disqualification of member.
A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 111.2.4 Secretary.
The chief administrative officer shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 111.2.5 Compensation of members.
Compensation of members shall be determined by law.

[A] 111.3 Notice of meeting.
The Board shall meet upon notice from the Chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] 111.4 Open hearing.
All hearings before the Board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the Board membership.

[A] 111.4.1 Procedure.
The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 111.5 Postponed hearing.
When the full Board is not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

[A] 111.6 Board decision.
The Board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed Board members.

[A] 111.6.1 Records and copies.
The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.

[A] 111.6.2 Administration.
The code official shall take immediate action in accordance with the decision of the Code and License Appeals Board.

[A] 111.7 Court review.
Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 111.8 Stays of enforcement.
Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Code and License Appeals Board.
AN ORDINANCE AMENDING CITY CODE – CHAPTER 308 HOUSING, PART 132. CODE AND LICENSE APPEALS BOARD BY MAKING THE DCR APPEAL FEE REFUNDABLE IF THE APPEAL IS APPROVED BY THE CODE AND LICENSE APPEALS BOARD, AS ATTACHED IN EXHIBIT A.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending City Code – Chapter 308 Housing, Part 132 Code and License Appeals Board by making the DCR Appeal Fee refundable if the appeal is approved by the Code And License Appeals Board (Chapter 23, Part 14), as attached in Exhibit A.

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

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

SECTION 4: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Enacted ________________, 2017

____________________________
Council President

Attest:

____________________________
City Clerk
§ 308-132. Code and License Appeals Board.  
[Amended 4-14-2014 by Ord. No. 24-2014; 11-23-2015 by Ord. No. 78-2015]  
A. Appeals. The occupant and/or owner may appeal the contents of said disruptive conduct report. Additionally, any person aggrieved by the suspension, nonrenewal, denial or revocation of a housing registration may appeal. All appeals must be filed, in writing, with the Director of the Department of Community Development, with the appropriate filing fee, as per the City of Reading Fee Schedule, Chapter 212, within 15 business days from the date appearing on the disruptive conduct report or notice of suspension, nonrenewal, denial or revocation of a housing permit mailed to the occupant or property owner. The appeal fee shall be refunded if the appeal is approved by the Code and License Appeals Board.  
B. Enforcement upon resolution of appeal of Code and License Appeals Board. Upon a successful appeal to the Code and License Appeals Board, that disruptive conduct report will be withdrawn and discounted within that twelve-month period. However, once all appeals to the Code and License Appeals Board have been exhausted and a second disruptive conduct report has been confirmed, the public officer shall reinspect the premises in question 15 business days from the date of decision to ensure either that the unit is vacant, or that the owner has commenced the eviction process. Failure to comply will result in revocation of the unit's housing registration.
B I L L    N O. ______ - 2017
A N    O R D I N A N C E

PROVIDING FOR NO-PARKING RESTRICTIONS ALONG SKYLINE
DRIVE IN THE CITY OF READING

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Restricting parking between the hours of 12 midnight and 6 AM, and
maintaining the requisite No Parking signs, along both sides of Skyline
Drive between the Pagoda and the City limits to the north, a distance of
approximately 3,500 feet. The purpose is to improve safety during the
nighttime hours.

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___________________, 2017

____________________________________
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: Ralph Johnson, Public Works Director
David Anspach, Wastewater Plant Manager

MEETING DATE:
AGENDA MEMO DATE:
RECOMMENDED ACTION: Council approval of a $100,000.00 transfer the transfer of cash within the Wastewater Treatment Plant Operations budget.

RECOMMENDATION:
Administration recommends Council approval of the transfer the transfer of cash within the Wastewater Treatment Plant Operations budget in the amount of $100,000.00 from Light and Power (54-07-44-4101-000) to Water Services (54-07-44-4107-000) to rectify billings from the 2015 and 2016 calendar years.

BACKGROUND:
The Wastewater Treatment plant was made known of past due balances and upon investigation it was determined there was a multitude of shortcomings in the processing system. The communication lines between Reading Area Water Authority (RAWA) through City Hall and to the Wastewater Treatment Plant (WWTP) were not completely in order and have since been rectified allowing for the free flow of billings and information. RAWA and WWTP had miscommunications on meter sizes, locations and billing addresses resulting in billings being sent to improper locations for improper meters.
The WWTP manages billings for Fritz Island as well as five (5) satellite pump stations and the Sanitary Sewers Lincoln Street Location. The resultant was 2015 unresolved bills totaling $37,775.83 and 2016 billings totaling $30,450.31. The remainder of funds transferred to be applied to interest and penalties for afore mentioned billings.

BUDGETARY IMPACT:
There is no net effect to the budget that is recognized at this time. The overall budget remains intact with only receiving internal transfers.

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 2017 budget as presented.

Drafted by: Public Works Dir.
Sponsored/Referred by: Managing Director
Introduced on: July 10, 2017
Advertised on: N/A

BILL NO. _____2017

AN ORDINANCE

AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE WASTEWATER TREATMENT PLANT FUNDS IN THE AMOUNT OF $100,000.00 FOR THE RESOLUTION OF READING AREA WATER AUTHORITY PAST DUE BILLS FROM 2015 AND 2016.

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

Section One: Council hereby authorizes the transfer of cash within the Wastewater Treatment Plant Operations budget in the amount of $100,000.00 from Light and Power (54-07-44-4101-000) to Water Services (54-07-44-4107-000) to rectify billings from the 2015 and 2016 calendar years. 2015 unresolved bills totaling $37,775.83 and 2016 billings totaling $30,450.31. The remainder of funds transferred to be applied to interest and penalties for afore mentioned billings.

Section Two: This Ordinance shall become effective ten (10) days after it’s 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
TO: City Council
FROM: Thomas G. Coleman IV, Esq. – Staff Attorney
PREPARED BY: Thomas G. Coleman IV, Esq.
MEETING DATE: July 10, 2017
AGENDA MEMO DATE: June 28, 2017
RECOMMENDED ACTION: To approve the amended fee schedule for tow services providers contracted with the City of Reading.

RECOMMENDATION: The RFP and contract has been negotiated and through several reviews with the County Solicitor’s Office, our Law Department and Managing Director’s office. The lease is to define the current use, clarify guidelines for potential changes, and define the respective roles between the Parties.

BACKGROUND: Codified Ordinance Section 576-826, “Towing service charges,” was last amended in 2015. The Administration sought to update the fee schedule and services provided to reflect the current market.

BUDGETARY IMPACT:

PREVIOUS ACTION: The RFQ indicated that the tow service, including the fee schedule, was subject to a change in terms and conditions.

SUBSEQUENT ACTION: None

RECOMMENDED BY: Glenn Steckman, Managing Director

RECOMMENDED MOTION: Approve the revised tow fee schedule and services provided.
BILL NO. ____2017

AN ORDINANCE

AMENDING CODIFIED ORDINANCE SECTION 576-826 TOW SERVICE CHARGES AND SERVICES PROVIDED.

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

Section One: Council hereby authorizes the Administration to amend City Code Section 576-826 Tow Service Charges to amend the current rates charged by the tow contractors in performance of their contracted service.

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 _______________, 2017

______________________________
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: _________________
Exhibit 1: Towing Service Fee Schedule.

<table>
<thead>
<tr>
<th>Type of Service</th>
<th>Light Duty Service Charge¹</th>
<th>Medium Duty Service Charge¹</th>
<th>Heavy Duty Service Charge¹,²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal Parking or Accident Tow</td>
<td>$80</td>
<td>$175</td>
<td></td>
</tr>
<tr>
<td>Rollback Tow</td>
<td>$125</td>
<td>$125</td>
<td></td>
</tr>
<tr>
<td>Snow Emergency Tow Fee</td>
<td>$115</td>
<td>$200</td>
<td></td>
</tr>
<tr>
<td>Police, or Criminal Related Matter³</td>
<td>$100</td>
<td>$100</td>
<td></td>
</tr>
<tr>
<td>Stolen Vehicle Recovery⁴</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Additional Fees**

| Service Call (Jumpstart, Tire Change, Gas, Etc.) | $25 | $25 |
| Accident Tow (past first hour) | ¼ price of type of tow service per ¼ hour | ¼ price of type of tow service per ¼ hour |
| Dropping Hooked-up Vehicle, Disconnect from Drive Shaft | $20 | $20 |
| Dolly | $60 | $75 |
| Skates, Ramps, Snatchblocks | $25 | $40 |
| Storage Per Day | $25 | $35 |
| Open Locked Vehicle | $15 | $15 |
| Add’lly Approved Specialized Equipment | $25 per extra hour | $45 per extra hour |

**Winching & Winching Recovery Cost Per Truck**

<table>
<thead>
<tr>
<th></th>
<th>Light Duty Service Charge(^1)</th>
<th>Medium Duty Service Charge(^1)</th>
<th>Heavy Duty Service Charge(^1,2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winching From Curb</td>
<td>$25</td>
<td>$35</td>
<td></td>
</tr>
<tr>
<td>Winching Recovery (First 30 Minutes)</td>
<td>$70 plus service charge</td>
<td>$90 plus service charge</td>
<td></td>
</tr>
<tr>
<td>Additional Time</td>
<td>$40 add’l for up to each ½ hour</td>
<td>$50 add’l for up to each ½ hour</td>
<td></td>
</tr>
</tbody>
</table>

**Miscellaneous Fees**

| Release Fee for United States Legal Holidays | $60 | $60 |
| Tow Operator Administrative Costs | $20 | $20 |
| Clean up and Debris Disposal | Prices shall be determined by tow operator based on degree of hazardous waste |

**Fees for all towing businesses operating within Reading**

| Charge to remove vehicles from private property | Not to exceed $100 per tow & $10 per day storage |

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\(^1\) **Light, Medium, and Heavy Duty:** Class of vehicle shall be identified consistent with the guide incorporated by reference, and described as “TRAA Vehicle Identification Guide.”

\(^2\) **Heavy Duty Service Charge:** Rates for services rendered shall be established by respective tow operator.

\(^3\) **Police, or Criminal Related Matter:** Rate established is a one-time charge assessed by the tow operator to the City of Reading. The fee is includes all costs associated with the service, irrespective of storage duration, for any police related matter.

\(^4\) **Stolen Vehicle Recovery:** Cars deemed stolen and recovered by the City of Reading Police department shall be serviced at no cost to the owner.
# TRAA VEHICLE IDENTIFICATION GUIDE

<table>
<thead>
<tr>
<th>CLASS 1 • LIGHT-DUTY • (6,000 lbs. or less GVW - 4 tires)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Cars" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLASS 2 • LIGHT-DUTY • (6,001 - 10,000 lbs. GVW - 4 tires)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image4.png" alt="Cars" /></td>
</tr>
</tbody>
</table>

*Classes 1 and 2 include passenger vehicles, light trucks, minivans, full-size pickups, sport utility vehicles and full-size vans.

<table>
<thead>
<tr>
<th>CLASS 3 • MEDIUM-DUTY • (10,001 - 14,000 lbs. GVW - 6 tires or more)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image7.png" alt="Trucks" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLASS 4 • MEDIUM-DUTY • (14,001 - 16,000 lbs. GVW - 6 tires or more)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image10.png" alt="Trucks" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLASS 5 • MEDIUM-DUTY • (16,001 - 19,500 lbs. GVW - 6 tires or more)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image13.png" alt="Trucks" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLASS 6 • MEDIUM-DUTY • (19,501 - 26,000 lbs. GVW - 6 tires or more)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image16.png" alt="Trucks" /></td>
</tr>
</tbody>
</table>

*Classes 3 through 6 include a wide range of mid-size vehicles, delivery trucks, utility vehicles, motor homes, parcel trucks, ambulances, small dump trucks, landscape trucks, flatted and stake trucks, refrigerated and box trucks, small and medium school and transit buses.

<table>
<thead>
<tr>
<th>CLASS 7 • HEAVY-DUTY • (26,001 - 33,000 lbs. GVW - 6 tires or more)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image19.png" alt="Trucks" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLASS 8 • HEAVY-DUTY • (33,001 lbs. and over GVW - 10 tires or more)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image22.png" alt="Trucks" /></td>
</tr>
</tbody>
</table>

*Classes 7 and 8 include a wide range of heavy vehicles, large delivery trucks, motor coaches, refuse trucks, cement mixers, all tractor trailer combinations including double trailers.

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**Information Needed To Correctly Dispatch Towing and Recovery Units:**

- Year, Make and Model of Vehicle to be Towed or Recovered
- DOT Classification (Class 1 – 8 based on GVW)
- Location of Vehicle
- Type of Tow (impound, accident, recovery, motorist assist, etc.)
- Additional Vehicle Information
  - 2 wheel drive, 4 wheel drive, all wheel drive
  - damage to vehicle, tire condition
  - vehicle loaded or empty
  - cargo contents
  - does the vehicle have a trailer
  - are the keys with the vehicle

**Note:** Any vehicle may carry hazardous materials. Advise if placarded.

**Note:** The Gross Vehicle Weight Rating (GVWR) of the vehicle to be towed or recovered can be found on the identification label on the vehicle's driver's side doorframe. The number of pounds listed on the label can then be compared with the DOT Classification Vehicle Type Chart for the correct DOT class.
Low enforcement communications with towing and recovery operators describing an incident and the vehicles involved can ensure quick and efficient clearing of these scenes and less disruption to traffic flow. In an effort to standardize communications, the towing industry is adopting the federal vehicle class standards as outlined herein.

VIN CODES

The year of the vehicle is critical information for towing operators in order for them to reference correct towing procedures. The diagrams on the front are examples of classifications. The following information about vehicle identification numbers affixed to the chassis will help determine the vehicle's year. As noted, the vehicle's year, identified by a letter or number in the VIN sequence, is the eighth character from the right.

**EXAMPLE 1995 VIN NUMBER:**

<table>
<thead>
<tr>
<th>Year</th>
<th>Letter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>A</td>
</tr>
<tr>
<td>1981</td>
<td>B</td>
</tr>
<tr>
<td>1982</td>
<td>C</td>
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</tr>
<tr>
<td>2011</td>
<td>B</td>
</tr>
<tr>
<td>2012</td>
<td>C</td>
</tr>
</tbody>
</table>

**TOW TRUCK/CAR CARRIER CLASSIFICATION**

**LIGHT-DUTY**

**TOW TRUCK**

**CAR CARRIER**

**HEAVY-DUTY**

**LOW BOY TRAILER**

**MEDIUM-DUTY**

**TOW TRUCK**

**CAR CARRIER**
AN ORDINANCE AMENDING THE READING CITY CODE CHAPTER 23 BOARDS AND COMMISSIONS, PART 400 FIRST ENERGY STADIUM COMMISSION BY INCLUDING ONE (1) MEMBER OF CITY COUNCIL AND THE PUBLIC WORKS DIRECTOR, OR THEIR DESIGNEES AS VOTING MEMBERS OF THE FIRST ENERGY STADIUM COMMISSION

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

SECTION ONE. Amending the Reading City Code Chapter 23 Boards and Commissions, Part 400 First Energy Stadium Commission by including one (1) member of City Council and the Public Works Director, or their designees as voting members of the First Energy Stadium Commission, as follows:

§ 23-401. Creation and members.
A First Energy Stadium Commission ("Commission") is hereby created which shall consist of nine qualified electors of the City of Reading ("City") to serve as liaison between the "City" and the Reading Fightin Phils or other baseball franchise organization. **Two (2) of the nine (9) members shall be the Public Works Director, or his designee, and one Council member, appointed by City Council.**

§ 23-402. Appointments and vacancies.
The seven (7) members of the Commission shall be appointed by the Mayor and confirmed (four affirmative votes) by Council. Three of the members first appointed under this section shall serve for terms of one year, three for terms of three years, and two for terms of five years, respectively, from the date of the approval of this section and until their respective successors have been duly appointed. Appointments of successors, in each case, will be for a period of five years. Any vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments. An ex-officio member representing the Public Works Department will be designated by the Mayor and an ex-officio member representing Council will be appointed via resolution.

Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Commission by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Commission by City Council. The Chairperson of the Board shall inform the
City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

Members of the Commission shall serve without compensation.

The members of the Commission shall elect their own Chairman and Vice Chairman/Secretary and select all other necessary officers to serve for a period of one year. The Commission shall adopt rules and regulations for its internal organization and procedure and for the conduct of all business within its jurisdiction.

A. The Commission, in cooperation with the City and the Reading Fightin Phils or other baseball franchise organization, shall supervise the operation of the First Energy Stadium. The Commission will assist the City and the Reading Fightin Phils or other baseball franchise organization in identifying the capital needs and repairs for the stadium, as listed in the revised and restated lease agreement dated October 25, 1999, "lease agreement." The Commission shall define capital project with the Reading Fightin Phils or other baseball franchise organization and shall submit to the Public Works Director and City Council, no later than July 1 of each year, its recommendation for capital repairs and improvements to the stadium for inclusion in the City’s operating budget and five-year capital plan.

B. The lease agreement transfers the responsibility of the beer sales from the City and the prior Stadium Commission to the Reading Fightin Phils or other baseball franchise organization. The $4,200 retained by the prior Stadium Commission to purchase beer products for the 2000 season shall be placed in an account titled "Stadium Capital." These monies will be expended for the capital repairs to the stadium as identified by the Commission and approved by the Public Works Operations Division Manager, as outlined in the lease agreement. This account will remain independent from all other City accounts and funds and will not be combined with the City's general fund at the end of any fiscal year. The City administration will appropriate a minimum of $5,000 per year in this account for each fiscal year.

C. Beginning January 1, 2017, the Reading Fightin Phils or other baseball franchise organization and the Commission shall open a new joint bank account within the Reading Fightin Phils or other baseball franchise organization bank accounting system entitled “Stadium Capital Fund” in which the City’s contribution of a minimum of $5,000 will be deposited, as per Parts A and B above. The account will require both the Chair of the Stadium Commission and the General Manager of the Reading Fightin Phils or other baseball franchise organization as signatories.

D. The Commission will supply a copy of all meeting minutes to the City Clerk and shall make an annual report to Council on the operations of the Commission.

SECTION TWO. Any and all ordinances which are contrary to Section One above is/are repealed.
SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council ________________, 2017

____________________________________
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: ______________
AN ORDINANCE AMENDING CITY CODE CHAPTER 188 CURFEW, PART 1 JUVENILE CURFEW, BY APPLYING THE RESTRICTION TO ONLY PERSONS UNDER THE AGE OF 18.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending City Code Chapter 188 Curfew, Part 1 Juvenile Curfew, by applying the restriction to only persons under the age of 18, as attached.

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

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

SECTION 4: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Enacted ________________, 2017

____________________________
Council President

Attest:

___________________
City Clerk

Submitted to Mayor: __________
Date: __________
Received by the Mayor’s Office: __________
Date: __________
Approved by Mayor: __________
Date: __________
Vetoed by Mayor: __________
EXHIBIT A

PART 1

Juvenile Curfew

[Adopted 11-13-2000 by Ord. No. 22-2000 (Ch. 6, Part 2, of the 2001 Code of Ordinances)]

Juvenile violence in our community causes great concern for the immediate health, safety and general welfare of our citizens. The City highly values the health, safety and general welfare of our juveniles minors, and has a vested interest in preserving and nurturing them as a valuable asset and investment for Reading's future. Persons under the age of 18 are susceptible to be pressured to participate in unlawful activities and to be victims of older perpetrators of crime by their lack of maturity, experience and their vulnerability. The physical, psychological and moral well-being of our juveniles minors is threatened by the increasing presence of gangs and street crime. Juveniles Minors in public places during late night and early morning hours are particularly susceptible to being victimized and abused. The City needs effective tools available to protect juveniles minors from the dangers that exist in the late and early morning hours at public places. The City believes that parental responsibility and supervision must be encouraged and promoted. The City finds that reasonable regulations on the hours which juveniles under the age of 18 years may be in or upon public streets, parks, or other places will protect the juveniles of this municipality and reinforce parental responsibility and authority.

§ 188-102. Purpose.
It is expressly the purpose of this Part to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Part. It is the specific intent of this Part that no provision or term used in this Part is intended to impose any duty whatsoever upon the City of Reading or any of its officers or employees, for whom the implementation and enforcement of this Part shall be discretionary and not mandatory. Nothing contained in this Part is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction of the Part of the City related in any matter to the enforcement of this Part by its officers, employees or agents.

§ 188-103. Minors Juveniles under 18.
No person under the age of 18 years shall be on or present in any public street, avenue, alley, park or any other public place in the City between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official City time, unless there exists a reasonable necessity therefor. The fact that such juvenile child is unaccompanied by any parent, guardian or other person having legal custody is found upon any street, alley or public place between the hours of 10:00 p.m. and 5:00 a.m. of the following day shall be prima facie evidence that such juvenile child is there unlawfully and no reasonable excuse exists therefor. (See § 188-106. Exemptions)
§ 188-104. Minors 16 to 18.
No person who is 16 years of age or older and under the age of 18 years shall loiter, loaf or idle on or about any public street, avenue, alley, park or other place in the City between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official time. (See § 188-106. Exemptions)

§ 188-1045. Duty of parent, guardian or custodian.
Like minors juveniles who have violated the offense, a parent of a minors juveniles is also subject to a separate fine. A parent or guardian of a juvenile minor under the age of 18 commits an offense if he or she knowingly permits, or, by insufficient lawful control, allows the juvenile to remain in any public place or on the premises of any establishment within the curfew hours. (See § 188-106. Exemptions)

§ 188-106. Defenses Exemptions.
It is a defense to prosecution under §§ 188-103 and 188-104 that:
A. The minors juvenile under the age of 18 is accompanied by his or her parents or legal guardian.
B. The minors juvenile under the age of 18 is upon an errand as directed by his or her parent or legal guardian, or one made necessary by an emergency, without detour or stop.
C. The minors juvenile under the age of 18 is in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through a curfew area is the most direct route.
D. The minors juvenile under the age of 18 is attending an official school, religious or other recreational activity supervised by adults, and sponsored by the City, a civic organization or another similar entity.
E. The minors juvenile under the age of 18 is engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.
F. The minors juvenile under the age of 18 is involved in an emergency.
G. The minors juveniles under the age of 18 is on the sidewalk abutting the minor’s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor’s presence.
H. The minors juveniles under the age of 18 is married or had been married or had disabilities of minors juveniles removed in accordance with state law.

A. No person, firm or corporation operating or in charge of any place of amusement, entertainment or refreshment or other place of business shall permit any minors juveniles under the age of 18 years to loiter, loaf or idle in such place during the hours prohibited by this Part.
B. This Part shall not be construed as permitting the presence at any time of any person under the age of 18 years in any place where his presence is now prohibited by any existing law or ordinance.
C. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business finds persons under the age of 18 years loitering, loafing or idling in such place of business, he shall immediately order such person to leave, and if such person refuses to leave the place of
business, the operator shall immediately notify the Police Department and inform them of the violation.

§ 188-108. Authority of police officer.
Any police officer is authorized to arrest, with or without warrant, any person or persons violating any provision of this Part, and any child unaccompanied by a parent, guardian or other adult person having the lawful care custody of such minor child. Enforcement of this Part shall be discretionary and not mandatory.

§ 188-109. Temporary custody procedure.
A. A police officer who reasonably believes that a juvenile under the age of 18 is violating any of the provisions as described herein shall have the authority to take the juvenile into custody, shall inform the juvenile of the reasons for such custody, and may demand that the parent or guardian appear and take custody of the juvenile. Should the parent not appear, or should the officer otherwise deem appropriate, the officer shall deliver, or arrange to deliver, the juvenile as follows:
   (1) To the juvenile's parent, guardian, custodian, or other adult person having custody or control of such juvenile. The officer releasing a juvenile into custody of an adult person having custody or control shall inform the adult of the reasons for the taking of the juvenile into custody; or
   (2) The officer may take the juvenile to the home of an adult extended family member after attempting to notify the parent, guardian, or custodian.
B. In the event that Subsection A(1) and (2) are not appropriate under the circumstances, the officer may deliver the juvenile to the following:
   (1) Juvenile will be taken to an appropriate social service agency with whom the City has contracted for such services or to an appropriate facility of the Department of Social and Health Services until the parent appears to take responsibility for the juvenile; or
   (2) In event the parent fails to appear, the juvenile is to be referred to an appropriate social service agency with whom the City has contracted for such services of to an appropriate facility of the Department of Social and Health Services for consideration of further intervention and/or placement services.

§ 188-110. Violations and penalties.
Any juvenile under the age of 18 and parent who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine no less than $50 and not in excess of $300, with additional community service for each occurrence.
BACKGROUND:
The Program Coordinator is responsible for a wide variety of administrative and program management tasks to support the Reading Youth Police Academy under the direction of the Chief of Police. This position will assist in planning, promoting and organizing activities as well as instructing some of the classes for the cadets. Another significant portion of the duties will be to establish and maintain appropriate records for the program and individual students and to produce regular summaries and reports.

BUDGETARY IMPACT:
This position will be financed by $50,000 in donated monies presently in the Reading Police budget in a designated line item to be used solely for the Reading Police Youth Academy Cadets.

PREVIOUS ACTION:
None

RECOMMENDED BY:
Police Chief
BILL NO. _____-2017
AN ORDINANCE
AMENDING BILL NO. 52-2016 - THE 2017 POSITION ORDINANCE -
TO AUTHORIZE THE ADDITION OF A PART-TIME COORDINATOR FOR THE
READING YOUTH POLICE ACADEMY IN POLICE ADMINISTRATION.

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

Section One: Amending Bill No. 52-2016 - The 2017 Position Ordinance - to authorize the addition of a part-time coordinator for the Reading Youth Police Academy in Police Administration

Section Two: This position will be funded by donated monies presently in the Reading Police budget in a designated line item to be used solely for the Reading Police Youth Academy Cadets

Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _________________________, 2017

_____________________________________
President of Council

Attest:

_____________________________________
City Clerk

Sent to Mayor ______
Date: ___________
Signed by Mayor ______
Date: ___________
Vetoed by Mayor: ________
Date: ___________
Over-ridden by Council:
Date: ___________
JOB SPECIFICS

Title: Program Coordinator (Youth Police Academy)  
Department: Police

Classification: part time  
Division:

Reports To: Police Chief  
FLSA Classification: non-exempt

Salary:  
Schedule: 28 hrs/week (various hrs)

Revision Date: 7/5/2017

POSITION BACKGROUND

The Program Coordinator is responsible for a wide variety of administrative and program management tasks to support the Reading Youth Police Academy under the direction of the Chief of Police. This position will assist in planning, promoting and organizing activities as well as instructing some of the classes for the cadets. Another significant portion of the duties will be to establish and maintain appropriate records for the program and individual students and to produce regular summaries and reports.

JOB SUMMARY

• Assist in developing and documenting Program curriculum.
• Assist in developing and updating a Policy and Procedures Manual for the Academy.
• Assist in developing a plan and schedule for a cadet summer program.
• Assist in developing and maintaining a marketing and public relations program to promote the Academy in the school system and the community at large.
• Establish a process and schedule for recruiting new cadets.
• Establish a schedule of weekly activities for the Program year.
• Establish and maintain a roster of instructors for all activities.
• Assist in developing an annual budget plus two year projections.
• Maintain accurate records of all income and expenses.
• Produce and distribute monthly budget summaries in a timely manner.
• Participate as an instructor and mentor in some of the cadet classes.
• Establish and maintain records on each cadet including original application, attendance, physical fitness accomplishments, classes completed, disciplinary issues and other notes as needed.
• Develop a communication plan and link to cadets and parents to report activities and progress.
• Produce activity summary reports as directed by the Chief of Police.

MINIMUM QUALIFICATIONS

• High school diploma or equivalent required.
• Familiar with Excel Spreadsheets.
• Strong planning and organizational skills
• Desire and enthusiasm to instruct and mentor youth.
• Willing and able to participate in overnight activities with cadets as scheduled.

**KNOWLEDGE, SKILLS & ABILITIES**
• Excellent verbal and written communication skills.
• Ability to function professionally at all times.
• Thorough knowledge of the City preferred.
• Ability to make decisions.
• Confidentiality mandatory.

**WORKING CONDITIONS**
Frequent sitting, talking, hearing, speaking and mental concentration necessary; use of hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms; specific vision requirements include close vision, color vision and the ability to adjust focus. Must be able to communicate and be understood clearly. May be required to lift or move files, books or supplies of up to 15 pounds. *(This job description does not constitute an employment agreement between the employer and employee. It is used as a guide for personnel actions and is subject to change by the employer as the needs of the employer and requirements of the job change.)*

**Disclaimer**
Management reserves the right to add, modify, change or rescind work assignments as needed. The essential functions or duties listed above are intended only as illustration of the various types of work that may be performed and are representative of those that must be met by an employee to successfully perform the essential functions of the job. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

____________________________________
Department Head/Division Manager/Supervisor
Date: ________________________

____________________________________
HR Manager
Date: ________________________
AN ORDINANCE AMENDING CITY CODE – CHAPTER 576 VEHICLES AND TRAFFIC, PART 8 IMPOUNDING AND BOOTING OF VEHICLES, A REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES BY ADDING A NEW 576-803 REMOVAL OF VEHICLES FROM PRIVATE LOTS AND RENUMBERING THE REMAINING SECTIONS

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending City Code – Chapter 576 Vehicles and Traffic, Part 8 Impounding and Booting of Vehicles, A Removal and Impoundment of Illegally Parked Vehicles by adding a new 576-803 Removal of Vehicles from Private Lots and renumbering the remaining sections as follows:

Part 8
Impounding And Booting Of Vehicles
A Removal and Impoundment of Illegally Parked Vehicles

§ 576-801. Applicability and scope.
[Amended 3-1-2005 by Ord. No. 10-2005 17 ]
The City of Reading Home Rule Charter and the State Vehicle Code provide the local governing body with the authority to adopt ordinances and regulations to address local problems. This Part provides the City with the authority to remove and impound those vehicles which are parked in a tow-away zone or in violation of the Code of the City of Reading. Any such vehicle may be removed by the Reading Police Department, the Reading Parking Authority, or upon order of the Managing Director seven days after the registered owner is provided with written notice to remove the vehicle. Notice shall be transmitted by posting a notice on the vehicle itself, by hand delivery to such owner, or by certified mail. The notice will advise the owner of the violation and direct that he make the necessary corrective action within five days or the vehicle will be removed by the City, with the cost of the removal and storage to be levied against the owner and that prosecution proceedings will be commenced.

17. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 576-802. Authority to remove and impound.
The City shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally; provided, that the circumstances of its parking were within the conditions stated in § 576-801. Provided, no such vehicle shall be
removed or impounded except in strict adherence to the provisions of this Part or the provisions of the Vehicle Code.

§ 576-803. Authority to remove and impound unattended vehicles on private property by any privately operated towing businesses operating within the City of Reading, as per 75 Pa C.S. § 3353.3.b

1. No person shall park or leave an unattended vehicle on private property without the consent of the owner or person in control or possession of the property except in case of emergency or disablement of the vehicle, in which case the operator shall arrange for the removal of the vehicle as soon as possible,

2. The provisions of this section shall only apply to privately owned lots where signage is posted to notify the public about the restriction. For purposes of this section, “private parking lot” shall mean a parking lot open to the public or used for parking without charge; or a parking lot used for parking with charge.

3. The property owner or person in control or possession of the property shall have the ability to remove or have removed an unattended vehicle by a privately operated towing business. Any towing company contracted to remove vehicles from private property shall not charge more than 100.00 for towing and no more than 10.00 a day for storage, charged to the owner of the vehicle, as per Section 212 Tow Service Charges.

This Section shall be enforced by the City of Reading Police Department and shall apply to all privately owned towing businesses operating within the City of Reading § 387-109. Violations and penalties.

5. Violations and penalties. Whoever violates any provision of this Section shall be, upon conviction thereof, sentenced to pay a fine not less than $100 nor more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day during which any person violates any provision of this chapter shall constitute a separate offense.

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

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

SECTION 4: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Enacted ________________, 2017

____________________________
Council President
Attest:
___________________
City Clerk

Submitted to Mayor: ____________
Date: ____________
Received by the Mayor’s Office: ____________
Date: ____________
Approved by Mayor: ____________
Date: ____________
Vetoed by Mayor: ____________
Date: ____________
AN ORDINANCE AMENDING THE CITY CODE CHAPTER 364 MASSAGE THERAPISTS BY UPDATING THE HOURS OF EDUCATION REQUIRED AND THE DEFINITION OF A RECOGNIZED SCHOOL OF MASSAGE AS PER THE PA STATUTES

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

SECTION ONE. Amending the City Code Chapter 364 Massage Therapists by updating the hours of education required and the definition of a Recognized School of Massage as per the PA Statutes, as follows:

The purpose and intent of this chapter is to recognize massage as a business occupation and health enhancement service and provide a means for issuing appropriate permits.

§ 364-102. Definitions.
For the purposes of this chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this section shall have the meanings given them in this section.

PERMIT — The permit to engage in the activities of a massage therapist as required by this chapter.

PERMIT ADMINISTRATOR — The Health Officer will be responsible for issuing, revoking and otherwise administering the permit program.

MASSAGE or MASSAGE THERAPY — The skillful application of touch to enhance health and well-being, in which soft tissue manipulation is primary.

MASSAGE THERAPIST or MASSAGE PROFESSIONAL — A health care practitioner who offers services to the public for compensation, using a massage specialty in caring for clients, and has obtained a permit as required by this chapter. A person who has engaged in "disqualifying conduct" means a person who:

A. Within five years immediately preceding the date of filing of the application for an issuance of a permit under this chapter has been convicted in a court of competent jurisdiction in the commonwealth.

B. Any misdemeanor or felony offense which relates directly to the practice of massage therapy, whether as a massage business owner or operator, or as a massage technician or professional.

C. Any felony the commission of which occurred on the premises of a massage establishment.
D. Within five years immediately preceding the date of the filing of the application for a permit under this chapter has had any massage establishment, operator, technician or trainee license or permit, which was issued by the State of Pennsylvania, or by any county or municipality, revoked.

E. Within five years immediately preceding the date of the filing of the application for a permit under this chapter has been convicted in a court of competent jurisdiction of:
   (2) Any offense in a jurisdiction outside the State of Pennsylvania which is the equivalent of any of the aforesaid offenses.

RECOGNIZED SCHOOL OF MASSAGE — Any school or institution of learning which: teaches the theory, ethics, practice, profession and work of massage therapy; requires a residence course of study before the student shall be furnished with a diploma or certificate of completion; and has been approved pursuant to Pennsylvania Statutes Title 24, §§ 18-1803 through 18-1841, or Pennsylvania State Code Title 22, Chapter 339, Vocational-Technical Education, §§ 339.1 through 339.6, or, if said school is not located in Pennsylvania, has complied with standards commensurate with those required in the aforementioned sections and has obtained certification under any similar state-approval program, if such exists. Transcripts from more than one recognized school can be combined to meet the educational standards required.

STATE OR NATIONAL PROFESSIONAL MASSAGE THERAPY ORGANIZATION OR ASSOCIATION DEVOTED TO THE MASSAGE SPECIALTY AND HEALTH ENHANCEMENT APPROACH — An organization or association that has been determined by the permit administrator to meet each of the following requirements:
   A. Requires a minimum of at least 500 hours of classroom instruction.
   B. Offers and encourages participation in continuing education programs.
   C. Has an established code of ethics and has enforcement procedures for the suspension and revocation of membership of persons violating the code of ethics.
   D. The organization does not discriminate on the basis of race, sex, creed, color, age or sexual orientation.

§ 364-103. Massage therapist permit required.
   A. It shall be unlawful for any person to act as a massage therapist unless such person holds a valid permit issued by the permit administrator.
   B. A massage therapist permit shall be issued to any person who has fulfilled the requirements of this chapter, unless grounds for denial of such permit are found to exist. The permit administrator may deny a permit to the permit applicant if:
      (1) The applicant made a material misstatement in the application for a permit.
      (2) The applicant is a person who has engaged in other, stated disqualifying conduct, as described under this chapter.
      (3) All fees have not been paid.

§ 364-104. Permit applications and fees.
   A. The permit administrator shall provide each applicant with an application form, requesting the information needed to determine whether the applicant meets the requirements for issuance of a permit pursuant to this chapter.
   B. All fees shall be in the amount set forth in Chapter 212, Fees. Fees shall reflect actual costs of investigation and issuance of massage permits.
   C. Within 60 working days following receipt of a completed application, the permit administrator shall either issue the permit, or mail a written statement of his or her reasons for
denial thereof. If the administrator takes neither action, the permit shall be deemed to be issued. The applicant shall furnish the following information:

(1) Name, residence address and telephone number; the previous addresses of applicant, if any, for a period of three years immediately prior to the date of the application and the dates of residence at each.

(2) Social Security number and driver's license number, if any.

(3) Applicant's weight, height, color of hair and eyes.

(4) Two prints of a recent passport-size photograph of applicant.

(5) Written evidence that the applicant is at least 18 years of age.

(6) Business, occupation or employment of the applicant for the three years immediately preceding the date of application. This information shall include, but not be limited to, a statement as to whether or not the applicant, in working as a massage or bodywork technician or similar occupation under a permit or license, has had such permit or license revoked or suspended, and the reasons therefor.

(7) The name and address of the recognized school attended, the dates attended, and a copy of the diploma or certificate of completion awarded the applicant. All applicants may be required to furnish additional evidence of enrollment and attendance of the required class hours or if such evidence is not available are subject to an oral interview by the permit administrator or his or her appointee to establish the bona fide completion of educational requirements.

(8) Such other identification and information as the City may require in order to discover the truth of the matters required to be set forth in the application.

D. Temporary permit. Massage therapists may request a sixty-day temporary permit upon payment of all fees for the first year. A temporary permit will be issued for use during the interim period. However, the temporary permit may be revoked at any time upon failure to meet the requirements for a permanent permit, or upon violation of other provisions of this chapter.

E. The massage permit shall have a number assigned by the City for the purposes of identification.

1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 364-105. Requirements for issuance of massage therapist permit.

Requirements for issuance of massage therapist permit. No permit will be issued unless the applicant meets all of the following criteria:

A. Is a member in good standing in a state or national professional association as defined in § 364-102.

B. Holds a current national certification under a recognized school of massage.

C. Satisfies one of the following conditions:

(1) Has completed 500 hours of instruction, as per 49 Pa. Code § 20.11 in the massage specialty and health enhancement approach from an approved school as defined in the definitions Section or classes in massage therapy and related topics offered through State-approved colleges and universities.

(2) Has completed 250 hours of such instruction and, in addition, 250 hours of practical experience in the massage specialty and health enhancement approach in the form of paid employment as documented by IRS tax returns or other affidavit. Proof of practical experience may include, but is not limited to, 1040 tax returns or W-2 tax forms provided to the applicant and certified by the employing professional and documentation of hours.

(3) Has completed a minimum of 100 hours of such training from an approved school, and proof of 400 hours additional training in:
(a) Continuing educational classes in the massage field and related classes offered by a recognized school of massage or bodywork as defined above.

(b) Classes and workshops as in Subsection C(3)(a) approved by the Board of Registered Nurses for nursing CE credit or approved in Category A by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

(c) Programs as in Subsection C(3)(a) approved and certified by qualifying professional organizations as defined above.

(d) Adult education classes in massage and related topics offered through state-approved colleges and universities.

(4) Has completed a minimum of 100 hours of such training from an approved school, and proof of 150 hours additional training as described above, and in addition, 250 hours of practical experience as defined above.

(5) Has passed an independently prepared and administered National Certification exam which has been recognized by objective standards to fairly evaluate professional levels of skill, safety and competence, as determined by the National Commission for Certifying Agencies (NCCA) or a similar certifying body. The practitioner need not maintain this certification after passing the exam, unless to meet the requirements prescribed herein.

§ 364-106. Appeal of denial of massage therapist permit.
A. The permit administrator shall give written notice to the applicant of a denial of an application for a massage therapist permit. Said notice shall set forth the grounds for the denial of the license or permit, and shall be mailed to the applicant at the applicant's address.

B. Within 30 days from the date of receipt of the notice of denial in the mail, the applicant may appeal the decision in writing to the permit administrator, setting forth in detail the ground or grounds for the appeal.

C. Upon receipt of a notice of appeal; the permit administrator shall designate a person to conduct a hearing in accordance with the City's hearing procedures. Such hearing shall be not less than 30 days from the date the appeal was received by the permit administrator. Written notice shall be given by mail to the applicant of the date, time, and place for the hearing.

§ 364-107. Revocation or suspension of permits; appeal.
A. The permit administrator may suspend or revoke any permit issued pursuant to this chapter in the event that he or she determines:
   (1) The permittee has violated any provisions of this chapter.
   (2) The permittee has engaged in disqualifying conduct, as described in this chapter.
   (3) The permittee has made a material misstatement in the application for a permit.

B. A person may appeal from the suspension or revocation of his or her permit pursuant to the procedure set forth in § 364-106 of this chapter.

§ 364-108. Existing massage practitioner permits.
All persons currently authorized by the City to practice massage holding existing massage permits who desire to continue practice, shall be granted two years from the effective date to comply with all requirements of this chapter providing that their massage services are not sexually oriented, are open to the general public and made equally available to both sexes, and that their business is open for inspection by zoning or health inspectors during their business hours.

A. This chapter shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:
(1) Any person holding an unrevoked license by the state while performing activities encompassed by the legal scope of practice of such professional license.

(2) Practitioners who work on fully clothed clients using one of the following systems while in the course of providing work under this system:

(a) Reflexology practitioners providing massage exclusively to the feet and/or hands and/or ears.
(b) Practitioners of educational systems in which touch is incidental and in which touch and words are used to deepen awareness of existing patterns of movement in the human body as well as to suggest new possibilities of movement.
(c) Practitioners using a non-touch contact to affect the energy systems of the human body.

B. The permit administrator may exempt from the requirements of this section practitioners of recognized proprietary somatic modalities which are not "massage" as commonly understood but which may fall within the definition of massage herein because of touching or other contact, if said practitioners are certified to practice by that modality's guild or other professional organization.

C. This chapter shall not apply to individuals administering massages or health treatment involving massage to persons participating in road races, track meets, triathlons, educational events or conferences and similar single occurrence athletic or recreational or educational events; provided that all of the following conditions are met:

(1) The massage services are made equally available to all participants in the event.
(2) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring corporations.
(3) The massage services are provided at the site of the event in a public setting and either during, immediately preceding or immediately following the event.
(4) The sponsors of the event have been advised of and have approved the provision of massage services and the qualifications required of those performing such services.

D. Out-of-state visitors.

(1) This chapter shall not apply to individuals in the City or state temporarily for educational events or disaster relief.

§ 364-110. Exemptions from zoning restrictions.
Those massage businesses in which all persons engaging in activities which require them to obtain a permit under this chapter possess the qualifications of, and have obtained valid permits as massage therapists shall be zoned as business, health-professional or commercial, and shall be permitted in any neighborhood that allows for home occupations or in areas where home occupations are not excluded.

§ 364-111. Violations and penalties.
Any person operating a business recognized as a massage occupation and/or health enhancement service within the City without obtaining a permit as provided herein or failing to comply with any and all provisions of this chapter, shall be, upon conviction thereof, sentenced to pay a fine of not less than $600 but no more than $1,000 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which such person violated this chapter may be considered as a separate offense and punishable as such as provided above and by law.
SECTION TWO. Any and all ordinances which are contrary to Section One above is/are repealed.

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

Enacted by Council ________________, 2017

____________________________________
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
      William Stoudt, Fire Department Chief  
PREPARED BY: Don Pottiger, Controller  
MEETING DATE: July 10, 2017  
AGENDA MEMO DATE: July 24, 2017  
REQUESTED ACTION: Amend the General Fund 2017 budget to reflect the purchase of a second set of gear for an additional 16 firefighters not previously budgeted for during the preparation of the 2017 budget.

RECOMMENDATION
The Managing Director recommends the above changes in the General Fund budget, resulting from the analysis of the existing uniforms.

BACKGROUND
The City has evaluated its current policy of providing gear to the city’s firefighters and has determined that all firefighters should have a second set of gear available to each member of the division. The new policy will provide an additional set of gear to each firefighter over the next three years. At that time gear will be replaced on an ongoing rotation so that all firefighters will have 2 sets of gear compliant with standards. The amount requested will complete the three year cycle of providing 2 sets of gear by the end of 2019. The administration has requested that these funds be made available to allow for the purchase of this gear.

BUDGETARY IMPACT
The authorization of the amendment will not impact the overall budget.

PREVIOUS ACTIONS
None

SUBSEQUENT ACTION
Council to take action to approve an ordinance for the authorization to provide funds to allow the purchase of a second set of gear for an additional 16 firefighters which had not been previously budgeted for during the preparation of the 2017 budget.
RECOMMENDED BY
The Managing Director recommends approval.

RECOMMENDED MOTION
Approve/deny the ordinance authorizing Council to take action to approve funding to pay for the purchase of a second set of gear for an additional 16 firefighters.

Drafted by Controller
Sponsored by/Referred by Man Dir
Introduced on July 27, 2017
Advertised on N/A

BILL NO. _____-2017
AN ORDINANCE
AMENDING THE 2017 GENERAL FUND BUDGET ORDINANCE - AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE GENERAL FUND IN THE AMOUNT OF $44,310.72 FOR COSTS ASSOCIATED WITH THE PURCHASE OF A SECOND SET OF GEAR FOR 16 ADDITIONAL FIREFIGHTERS NOT PREVIOUSLY BUDGETED FOR DURING THE 2017 BUDGET PREPARATION.

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

Section One: Council hereby authorizes amending the 2017 General Fund budget and the transfer of cash reserves in the General Fund in the amount of $44,310.72 to allocate funds to pay for the purchase of a second set of gear for 16 additional firefighters not previously budgeted during the creation of the 2017 budget.

Section Two: The payment will be paid from the General Fund Fire Department’s Suppression Division Uniform Allowance budget line item (01-09-34-4003) for the amount of $44,310.72, and the line item will be funded by the reduction of the General Fund Contingency Fund budget line item (01-04-06-4739) for the amount of $44,310.72.

Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _________________________, 2017
Attest:

______________________________
City Clerk

Sent to Mayor ______
Date: _________
Signed by Mayor ______
Date: _________
Vetoed by Mayor: ______
Date: _________
Over-ridden by Council:
Date: _________
AN ORDINANCE AMENDING CITY CODE CHAPTER 14 AUTHORITIES, PART 506 LEVY OF DID SPECIAL ASSESSMENT AND PART 508 SUNSET PROVISIONS BY CORRECTING THE CITATIONS TO THE STATE STATUTES WITHIN THESE SECTIONS

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending City Code Chapter 14 Authorities, Part 506 Levy of DID Special Assessment and Part 508 Sunset Provisions by correcting the citations to the State Statutes within these sections as follows:

§ 14-506. Levy of special assessment.

In accordance with the provisions of § 4, 5 and 10 of the Act, 73 P.S. § 834(5) and (10), 73 P.S. § 834(5) and 73 P.S. § 834 (10), an assessment fee shall be imposed on all nonexcluded properties located within the boundaries of the District provided that the final plan for the District is approved by City Council after notice to the public and public hearings.

A. Amount and method of assessment. The assessment shall be made as of January 1, 2016, and is based on the cost estimates provided in the final plan of the Reading Downtown Improvement District and shall be as follows:

(1) Commercial properties, industrial properties, and commercial apartment buildings within the District shall be assessed at the rate of 4.754 mills for each $1,000 of assessed value as set by the Berks County Assessment Office.

(2) Owner-occupied residential properties shall be excluded from the payment of the special property assessment provided such properties are carried as "residential" in the assessment records for the County of Berks, Commonwealth of Pennsylvania.
(3) Tax-exempt property owners within the District shall be allowed and encouraged to provide in-kind services or a financial contribution to the Authority in lieu of assessment.

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

C. Liens. Assessments shall constitute liens and encumbrances upon the assessed property and shall be collectable in accordance with the provisions of Section 7(d) of the Act, 73 P.S. § 837(d), and in general may be collected in the same manner as municipal tax claims notwithstanding the provision of this section as to installment payments.

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

§ 14-508. Sunset provision.

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

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

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

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

SECTION 4: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Enacted ________________, 2017
BILL NO. _______ 2017

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER 396
PARKS AND RECREATION, PART 3 PARK USE AS ATTACHED

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Code of Ordinances, Chapter 396 Parks and
Recreation, Part 3 Park Use as attached.

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

Enacted by Council ____________________, 2017

____________________________
President of Council

Attest:

____________________________
City Clerk

Submitted to Mayor: __________
Date: ______________

Received by the Mayor’s Office: __________
Date: ______________

Approved by Mayor: __________
Date: ______________

Vetoed by Mayor: __________
Date: ______________
Chapter 396 Parks and Recreation
Part 3
Park Use

[Adopted 5-12-2003 By Ord. No. 14-2033 (Ch. 16, Part 1, of the 2001 Code Of Ordinances)]

§ 396-301. Short title.
This Part shall be known and may be cited as the "Reading Park Code."

§ 396-302. Purpose.
The purpose of this Part is to create an atmosphere conducive to the enjoyment of, and to protect the substantial public investment in, the City's parks.

§ 396-303. Definitions.
A. Intent. For the purpose of this Part, all words used in the present tense include the future tense. All words in the singular number include the plural number, unless the natural construction of the word indicates otherwise. The word "shall" is mandatory and not directory.

B. As used in this Part, certain words are defined as follows:

CITY — The City of Reading.

DIRECTOR OF PUBLIC WORKS — The official appointed and confirmed and/or his designee so designated, or his authorized representatives.

PARK — Any area zoned as preservation, park, reserve, playground, recreation center, swimming pool, watershed or other place whatsoever owned, operated or used by the City and devoted to active or passive recreational use whether within or without the corporate City limits.

PEDALCYCLE — any wheeled vehicle propelled manually by pedaling without the use of a motor (unicycle, bicycle, tricycle, etc.)

PERMIT — The written authorization, issued by the Director of Public Works, to conduct activities governed by this Part.

PERSON — Any individual, firm, partnership, corporation or association, or any agent, assistant, employee or representative thereof.

SOLICITING — Persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods. Persons seeking any form contributions.
VEHICLE – Any conveyance (except baby carriages and motorized wheel chairs) including motor vehicles, buses, trailers of all types, campers, motorized bicycles, snowmobiles, all-terrain vehicles (ATVs), pushcarts or vehicles propelled by other than muscular power.

VENDING – Selling or trading any item or service.

Be present therein for any purpose whatever between the hours of 7:00 p.m. and 7:00 a.m., prevailing time, from October 1 through April 30, and 9:00 p.m. and 7:00 a.m., prevailing time, from May 1 through September 30, except with a permit. This prohibition shall not apply to City personnel engaged in the performance of their duties or to those having a permit or authorization from the Department of Public Works to conduct activities during closed hours.
Parks are open 7:00 a.m. until 7:00 p.m. prevailing time from October 1 through April 30 and 7:00 a.m. until 9:00 p.m. prevailing time from May 1 through September 30, except with a permit

This shall not apply to City personnel engaged in the performance of their duties or to those having a permit or authorization from the Police Department or the Reading Recreation Commission to conduct activities during closed hours.

§ 396-305. Rules of conduct.
No person shall do any of the acts hereinafter described within the limits of any City parks and playgrounds:

A. General uses and activities. Prohibitions

(1) **Disfigure**, disturb, injure, **tamper with**, move or remove any flower, fruit, plant, tree, shrub, bench, apparatus, public sign, notice, **bridge**, **table**, **fireplace**, **railing**, **paving or paving materials**, **monument**, **sculpture**, **stake**, **post**, or **other boundary marker**, or **other property whatsoever**.

(2) **Gather**, move or remove any wood, turf, grass, soil, rock, sand or gravel **in any way to injure the natural beauty of the area**.

(3) **Climb, stand, roller skate, roller blade, skateboard or sit upon monuments, sculptures, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes**.

(4) Hunt for, shoot at, chase, catch or kill, or attempt to shoot at, chase, catch or kill, with or without dogs, any bird or animal except at Lake Ontelaunee where the Commonwealth of Pennsylvania Game Commission has been authorized to control game propagation and hunting, except that no hunting shall be allowed within 1,000 feet of any picnic area; **nor shall one remove or have in one’s possession the young of any wild animal, the eggs or nest, or young wild creature**.
(5) **Release any waterfowl, bird, animal, or fish in any City park or playground.**

(6) Throw stones or missiles to injure any public property or to injure the natural beauty of the park.

(7) Throw or discard tin cans, bottles, glass, paper, rubbish, waste materials or litter of any description. *Dump or discard any refuse including waste materials or litter of any kind, junk, dead animal or offensive matter of any kind* except in the containers provided by the City for the deposit of such items. **Where receptacles are not provided, all such rubbish or waste shall be carried away from the park or playground by the person responsible for its presence, and properly disposed of elsewhere.**

(8) Dump or discard any refuse, junk, dead animal or offensive matter of any kind.

(9) Post or erect any bills, notices or advertising matter of any kind **without a permit.**

(10) Sell or offer for sale any merchandise, food, article or thing whatsoever, without a permit.

(11) Violate any posted rules for, or to misuse, any park, picnic area, court, camp area, playfield, swimming pool or other recreational area.

(12) Engage in camping, archery, golfing, or horseback riding or any game, sport or race except upon such grounds and areas, and at such times, as are specifically designated for such activities. **Camping includes overnight stays in a tent or recreational vehicle.**

**Horseback riding is allowed in parts of the Mt. Penn Preserve area.**

(13) Have any ceremony or any musical, theatrical or other entertainment event without a permit.

B. **(14) Gaming.** Engage in any unlawful gaming **or have possession of any instrument or device for gambling without a permit.**

(15) **Bring food trucks or carts or ice cream trucks or carts into a park without valid Health and Business licenses and a permit.**

C. **(16) Use of alcoholic beverages.** Consume, drink or have possession or custody of any **alcoholic beverages including** malt or brewed beverages or vinous or spirituous liquors except where a valid Commonwealth of Pennsylvania Liquor Control Board license is displayed.
(16) Use controlled substances without a permit.

(17) Solicit contributions for any purpose, whether public or private, except with a permit.

(18) Play, engage, or take part in any game or competitive sport for money or other valuable thing.

(19) Engage in any disorderly conduct or behavior tending to breach the public peace.

D. (2120) Use of firearms and fireworks. (1) Carry, have or Discharge firearms, paintball guns, air or spring rifles or slings, except as specified otherwise in this Part.

(2) (2221) Carry, have or use Set off any fireworks without a permit. Permits will ensure that fireworks are properly conducted and supervised in designated areas.

E. (2322) Use of vehicles or motor vehicles, bicycles or skateboards. Operate a licensed or unlicensed motor vehicle of any type, including motor bikes, mopeds, motorcycles, ATVs and snowmobiles.

(1) Except upon areas and at times specifically designated for such purposes, operate a licensed or unlicensed motor vehicle of any type, operate a bicycle, pedalcycle or cart or roller skate or use a skateboard.

(2423) Stand or park any vehicle, except at designated locations. those places designated therefor.

(25) Smoke per Code Chapter and section

B.F. Control of pets. Permit any dog or other animal to be in any park except on a leash. Pets must be on a leash which is no longer than six (6) feet and must be under the control of the owner or temporary custodian thereof. All City health codes including Reading Code of Ordinances Chapter 141 Animals and Chapter 288 Health & Safety, Part 1 Health Code, Section 288-111 Animal Maintenance governing animal maintenance shall apply including cleaning up and removing all waste.

C. G. Use of fire.

(1) Fires in the Antietam Lake and Lake Ontelaunee areas are permitted except in a City owned non-portable fire place or picnic stove. In all other parks Fires may be permitted only in a City owned non-portable fireplace or picnic stove or in a privately owned stove or similar device designed specifically for the cooking of food. Fire is prohibited in the Lake Ontelaunee watershed area.
(2) Smoke in areas where forbidden by signs.

(2) Discard lighted matches, cigars or cigarettes or any other lighted material. Smoking materials must be disposed of properly.

(3) Use or operate, in the Antietam Lake and Lake Ontelaunee watershed area, any device that uses combustible fuel, including lanterns, stoves, heaters or the like.

(3) Bonfires or any form of open burning are prohibited without a Special Events Permit.

All fires shall be continuously under the care and direction of the user beginning with the time it is kindled until it is extinguished. Embers must be disposed of properly.

§ 396-306. H. Use of bodies of water for fishing, boating, swimming, wading floating or ice skating.

(1) Fish at any time or at any place except in raw water or unfiltered bodies of water, Angelica Lake and in the Maidencreek at points more than 1,000 feet below the dam breast. Ice fishing is allowed at Lake Ontelaunee but ice thickness is not monitored by any agency or unless otherwise posted.

(2) Only persons not having attained 16 years of age may fish in the mud dam in or at Bernhart’s Reservoir which is situated east of the smaller spillway separating it from the main reservoir.

(3) Fish in or upon the entire premises known as Egelman’s Park, notwithstanding anything implied herein to the contrary.

(4) Use a boat upon any body of water owned or controlled by the City with the exception of Angelica Lake. Also, no person shall use any type of boat or craft upon which Angelica Lake unless the use be sanctioned by ordinance or resolution enacted or adopted by Council providing for the rental of such boat or craft from an authorized concessionaire or authorized City employee, or for the payment of a facility usage fee, in the case of a privately owned craft.

(4) Use, operate or occupy any private boat or craft upon Angelica Lake which is:

(a) Powered by a gasoline motor.
(b) Greater than 14 feet in overall length.
(c) Powered by an electric motor greater than five horsepower.

(5) Launch any type of boat or craft onto the Schuylkill River or Tulpehocken Creek from the banks of the City-owned or controlled riverfront unless such boat or craft be hand-carried over City-owned or controlled property.
(6) Swim, bathe, wade or float at any place except in a public swimming or wading pool.

(7) Ice skate or ice fish in or upon a lake, pond, stream, creek or any body of water owned or controlled by the City, unless officially posted for such purposes. It is unlawful to ice fish in Antietam Lake and Lake Ontelaunee where the Pennsylvania Fish Commission has been authorized to control fishing and so permits. No ice skating.

§ 396-307. Use of bikeways.

(1) It is prohibited to operate any licensed or unlicensed motor vehicle, including motor bikes, mopeds, and motorcycles, ATVs and snowmobiles.

(2) As the operator of a pedalcycle, not yield the right-of-way to pedestrians.

(3) Horseback ride.

(4) Use skateboards, roller skates, wagons, carts or other similar recreational devices, unless posted otherwise.

J. Time of use.
Be present therein for any purpose whatever between the hours of 7:00 p.m. and 7:00 a.m., prevailing time, from October 1 through April 30, and 9:00 p.m. and 7:00 a.m., prevailing time, from May 1 through September 30, except with a permit. This prohibition shall not apply to City personnel engaged in the performance of their duties or to those having a permit or authorization from the Department of Public Works to conduct activities during closed hours.

§ 396-307. Use of Roller Skates, Roller Blades, Skateboards

Roller skates, roller blades, and skateboards shall stay on pathways and must yield to pedestrians on pathways. Also see Chapter 5 Parks and Recreation, Part 5 Memorial Structures on Public Property, Section 396-502 Maintenance of existing memorial structures, Letter D Vandalism.

§ 396-308. Geo-Caching.

(1) Geo-caching is allowed on public property.

(2) The following guidelines apply to all geocaches placed within City of Reading parks and recreation facilities:

- All geocaches must be registered at www.geocaching.com.
• There should be no earth disturbance or vegetative impact to any site, nor should the cache be readily discernable by the general public.

• All cache seekers and cache owners must abide by park hours and all other park rules and regulations. Cache owners should also review and follow the listing requirements and guidelines at: http://www.geocaching.com/about/guidelines.aspx.

• The City of Reading and the Reading Recreation Commission, its officers, board of directors, managing agents and their personnel or representatives do not assume responsibility or liability for injury to any person or damage to any property sustained as a result of the placement or existence of the geocache, or use of the geocache by any person with any device or for any purpose. Participants in geocaching also absolve the City of Reading, its officials, and its employees of any liability.

• Cache(s) shall not be placed in PVC pipe, ammo cans, or have any military markings. Cache owner should use their discretion to determine what would be a permissible container to house the cache contents.

• The cache may not be placed within natural areas, wild plant sanctuaries, stream banks, riparian zones, wetlands, historical sites, exemplary nature communities, ecologically sensitive areas, unique geological features, dam structures, or unsafe areas.

• A cache may remain at the approved site for no more than three (3) years, at which time it must be removed, and the site restored to its original condition.

• Distracting, nuisance or otherwise inappropriate geocaches on public or City-owned property will be removed and treated as abandoned property.

• The placement of “Premium Member Only” geocaches will not be permitted in any City park, recreation facilities, or publicly owned properties. These caches require a monthly fee to access their coordinates and therefore make it impossible for the Commission and the City to monitor their locations. All caches on public lands shall be available to the public without a fee.

• Cache Owner shall delete site location(s) from all publications and/or website(s) within seven (7) days of removal from their geocache sites.
Geocaching is a privilege that may be revoked if policy and guidelines are not met. The City of Reading and the Recreation Commission reserve the right, at their discretion, to remove a geocache when it deems the geocache conflicts with park development, infrastructure repairs, maintenance, natural ecosystems, historical resources, or any other reason.

It is mutually agreed that the geocache and its contents have no monetary value, and will not contain hazardous, illegal or pornographic materials of any kind.

Additional regulations may be set by the City and the Recreation Commission.

(3) All rules and regulations as stipulated above and provided by the Reading Recreation Commission must be followed.

§ 396-309. Bicycles.

(1) All bicycles shall be operated in compliance with all provisions relating to pedalcycles as specified in the Pennsylvania Vehicle Code.

K. Official use.

(1) None of the regulations in this section shall preclude the City or its agents or employees, from operating motor vehicles or motorized boats, entering bodies of water engaging in controlled burning, posting signs and notices, bearing arms or conducting any other activities in pursuance of its duties.

(2) From time to time the Director of Public Works may waive the regulations of this Part and designate temporary uses or activities as they relate to special and scheduled ceremonies or recreational activities.

§ 396-310. Permits.

(1) All permits issued by the Director of Public Works shall be subject to park rules and regulations and a person to whom such permits may be granted shall be bound by such rules and regulations as fully as though the same were inserted in such permits.

(2) Any person to whom such permits may be granted shall be liable for any loss, damage or injury sustained by reason of negligence of such person.
(3) As a condition of issuing a permit, the City may require a permit applicant to secure liability insurance, to post bond or to make any other guarantees the City considers reasonable.

(4) No person shall conduct any activities for which a permit is required without first securing a valid permit to conduct such activities.

(5) Permits must be produced and exhibited upon request of any authorized person who shall desire to inspect the permit for the purpose of enforcing compliance with exceptions for permitted special events.

(6) No person shall make any alteration to a permit.

§ 396-311. Severability.

If any provision, paragraph, word, section, or subsection of this ordinance is invalidated by a court or competent jurisdiction, remaining provisions, shall not be affected and shall remain in full force and effect.

§ 396-312. Penalty.

(1) Whoever violates or fails to comply with the provisions of this Part, or any regulations made thereunder shall be, upon conviction thereof, sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(2) All fines and other money imposed or collected under the provisions of this Part shall be paid into the City Treasury.
AN ORDINANCE AUTHORIZING THE CITY OF READING TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BERKS COUNTY CONSERVATION DISTRICT WHICH SHALL SERVE AS A JOINT COMMITMENT BETWEEN THE SIGNATORIES TO CONTROL ACCELERATED EROSION AND TO PREVENT SEDIMENT POLLUTION TO THE WATERS OF THE COMMONWEALTH WHICH MAY RESULT FROM THE CONDUCT OF EARTH DISTURBANCE ACTIVITIES IN THE CITY OF READING

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

SECTION 1. SHORT TITLE. The short title of this Ordinance shall be “The Berks County Conservation District Erosion and Sediment Control Memorandum of Understanding Ordinance.”

SECTION 2. PURPOSE. The purpose of this Ordinance is to enable the City of Reading to partner with the Berks County Conservation District to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from conduct of earth disturbance activities in the City of Reading.

SECTION 3. AUTHORIZATION. The City approves entering into a Memorandum of Understanding with the Berks County Conservation District (“MOU”). A copy of which is attached hereto and incorporated herein by reference as Exhibit “A.”

SECTION 4. EXECUTION. The Mayor is hereby authorized and directed on behalf of the City: (i) to execute and deliver the MOU; and (ii) to execute and deliver such additional instruments, and to take such further actions as may be necessary or appropriate to carry forth the MOU and the transactions to be effected under the MOU, including payment of expenses, as may be due from the City under the MOU.

SECTION 5. RATIFICATION. All actions of any officer, agent or other representative of the City heretofore taken in the pursuit of the Berks County Conservation District and/or the City’s participation therein are hereby ratified and approved in all respects.
SECTION 6. NECESSARY ACTS. The City is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the MOU.

SECTION 7. REPEAL OF ORDINANCES. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 8. SEVERABILITY. Any court determination that a portion of a section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 9. This Ordinance shall become effective in ten (10) days after its adoption and approval by the Mayor in accordance with Section 219 or as provided in Section 221 of the City of Reading Home Rule Charter.

Enacted _________________________, 2017

___________________________________
Council President

Attest:

___________________________________
City Clerk

Submitted to Mayor: _________________
Date: _________________
Received by the Mayor’s Office: ________________
Date: ________________
Approved by Mayor: ________________
Date: ________________
Vetoed by Mayor: ________________
Date: ________________
MEMORANDUM OF UNDERSTANDING
Between the
BERKS COUNTY CONSERVATION DISTRICT
and
THE CITY OF READING

This Memorandum has been prepared jointly and agreed upon by each party for the following purposes:

To serve as a joint commitment by the signatory parties to control accelerated erosion and to prevent sediment pollution to the Waters of the Commonwealth which may result from the conduct of earth disturbance activities in ________________ (“Municipality”).

I. In carrying out the intent of this Memorandum, the Berks County Conservation District (“District”) shall:

1. Provide the Municipality with District project application packets and promptly notify Municipality of any changes in the plan review fee schedule.

2. Receive and review all Erosion and Sedimentation Control Plans (“E&S Plan” or “Plan”) for earth disturbance activities 5,000 square feet or greater, which are required to be written in accordance with Chapter 102.4 of the PA Code.

3. Within ten (10) working days of completion of review, notify the consultant, the applicant, the Municipality, and the municipal engineer of all E&S Plan/NPDES Permit approvals, deficiencies, and all determinations including all project inspection reports and valid complaint inspection reports. Providing this information supports the Municipality with respect to Municipality’s MS4 reporting requirements as required to satisfy Minimum Control Measure #4 related to services provided under this Memorandum.

4. Notify the consultant, the applicant, and the Municipality that a Plan submission has been returned based on either the lack of response within the specified time period or the lack of the development of a complete Plan in compliance with PA Department of Environmental Protection (PA DEP) Chapter 102 Erosion and Sediment Control Rules and Regulations.

5. Upon request, provide all applicants with the PA DEP Erosion and Sediment Pollution Control Program Manual and related forms, worksheets, checklists, etc., necessary to successfully prepare a Plan.

6. Upon the filing of a complaint by the Municipality and/or a third party, the following will occur:
   a. The District will inspect the complaint within (10) ten calendar days of its receipt.
   b. If warranted, the District will provide documentation of the associated findings. The source of the complaint shall remain anonymous in accordance with PA DEP policy.

7. Serve as the repository for all Plans, complaints, Earth Disturbance Inspection Reports, correspondence, etc., within the limitations stated by PA DEP, that involve earth disturbance activities within the said Municipality. All such information, except the complaint forms, shall be contained in a filing system which shall be available for inspection by Municipal officials upon receipt of a formal written request.

8. When requested by the landowner, provide technical assistance in the development of needed Agricultural E&S Plans and Manure Management Plans. 09/7/2016

In carrying out the intent of this Memorandum, the Municipality shall:
1. Retain a sufficient quantity of the District’s project application packets and provide such packets to all parties for projects that require a review. The Municipality shall provide instructions to have the Plans (residential, commercial, industrial, timber harvest, agricultural expansion construction, etc.) for earth disturbance activities greater than or equal to 5,000 square feet, which are required to be written in accordance with Chapter 102.4 of the PA Code, submitted to the District for review per Chapter 102 of the PA Code.

2. Notify the District within (5) five days of receipt of an application for a project disturbing greater than or equal to (1) one acre, pursuant to Chapter 102.42.

3. Pursuant to Chapter 102.43, **the Municipality** shall not issue building or other permit or approval to those proposing or conducting earth disturbance activities requiring a PA DEP permit until the PA DEP or District has issued the E&S or individual NPDES Permit or approved coverage under the general NPDES Permit for Stormwater Discharges Associated with Construction Activities under Chapter 102.5.

4. Forward all questions pertaining to the preparation of Plans and applications to the District.

5. Forward all third party complaints about ongoing earth disturbance activities to the District for its inspection.

6. Not issue final close-out, or grant final release of improvement/E&S escrow until the applicant has submitted a Notice of Termination for all NPDES Permitted activates and received Permit termination correspondence from the District.

7. Forward to the District, any third party agricultural complaint relating to: nutrient pollution and sediment pollution.

8. The District highly recommends that the Municipality necessitate the development of written Agricultural E&S Plans, which are required under Chapter 102.4 for agricultural plowing or tilling activities and animal heavy use areas disturbing 5,000 square feet or greater of land, as well as necessitate the development of Manure Management Plans, before building permits for agricultural operations are approved. Manure Management Plans are required under 25 PA. Code Section 91.36 (b) for all farming operations that land apply manure or agricultural process wastewater, whether they generate the manure or import it from another operation. All farming operations that include an Animal Concentration Area (ACA) or pasture must also have a written Manure Management Plan. In addition, the Municipality should not issue a building permit, or other permit or approval, to those proposing to construct a liquid or semi-solid waste storage facility unless they have a design that has been approved and stamped by a professional engineer.

II. This Memorandum of Understanding shall become effective immediately. It shall be reviewed as the need arises by either or both parties, and may be amended by mutual consent of both parties. This Memorandum of Understanding may be terminated at any time, by either party, following a thirty (30) day written notice to the other party.

FOR ________________________________ (municipality)

By: ________________________________ DATE ____________________

Attest: ________________________________

FOR THE BERKS COUNTY CONSERVATION DISTRICT
MEDIA RELEASE

Contact:
Councilor Donna Reed  610-823-0727
Councilor John Slifko  610-374-1894

New ordinance on small-amount marijuana possession introduced

For immediate release – An ordinance that would change the penalty for possession of small amounts of marijuana from a misdemeanor to a summary offense is being introduced to City Council by two of its members.

Working with the leadership of the Reading Police Department and City Clerk Linda Kelleher, City Councilors Donna Reed and John Slifko are co-sponsoring this legislation that would shift the severity of the penalty of possession of a small amount of marijuana (30 grams or less) from a misdemeanor to a summary offense, but not decriminalize that possession. The ordinance provides the Reading Police with an additional enforcement tool. The responding officer can choose to use this local ordinance or cite under the State Crimes Code, much the same as when responding to a noise complaint the officer can evaluate the situation and choose between the DCR (Disruptive Conduct Ordinance) or the Noise Ordinance.

A prior ordinance, introduced by Councilors Christopher Daubert and Donna Reed last September, which called for decriminalization of small amounts of marijuana as a civil offense, did not receive broad support of the body nor the administration. That ordinance, which has technically been pending, is being withdrawn by Daubert and Reed.

Under the new ordinance, crafted in consultation with Police Command Staff and Kelleher, the possession of small amounts of marijuana is not legalized but provides the officer with the discretion to charge the subject with a summary offense, rather than a misdemeanor offense. The summary offense will not mar the record of the person charged.

Highlights of the new legislation:

Fines for adults or minors issued a summary citation would range from $100 to $300.
Fines for an individual smoking marijuana in public would be even higher, ranging from $200 to $500.
RDP Chief Andres Dominguez and Deputy Chief James Marasco were also involved in discussions regarding the ordinance. Neither has endorsed the legislation, but respecting the wishes of the councilors, were most helpful in noting both its pros and cons.

Both noted that by issuing a summary citation, a police officer’s time would not be consumed following an arrest for possession initially through the requisite paperwork and subsequently through long hours in the court process. This would allow officers more time on the street, possibly save considerable funds spent on overtime, and alleviate the strain on court and probation resources.

Marasco noted, however, that marijuana lingers in the body for days, and may render an individual impaired, especially when operating a motor vehicle. Should someone be stopped under those circumstances, an arrest for driving under the influence (DUI) is likely. Reed and Slifko are grateful for the involvement of the RPD leadership, especially the research of other municipalities that have adopted similar legislation.

“Our goal here is to be fair,” said Slifko, “but none of us within city government in any way advocate the use of recreational marijuana by any one of our citizens or by visitors to Reading.” Reed concurred, also urging local magisterial district justices to impose community service hours on those receiving summaries in addition to the proposed fines.

City Council members discussed this proposed ordinance at the July 17 committee of the whole session. Additions and changes to by other councilors, the administration are welcomed prior to its formal introduction at the Monday, July 24, session. It can be acted upon no earlier than the Monday, Aug. 14, formal Council session.
An Ordinance amending the City Code by creating Chapter 184 Controlled Substances, Drug, Device and Cosmetics to the City of Reading Code, providing for the assessment of fines for the personal possession or personal use of small amounts of marijuana and the possession of marijuana paraphernalia in the City of Reading under certain terms and conditions.

WHEREAS, it is the purpose and intent of this Ordinance to provide the Reading Police Department with an additional enforcement tool by establishing a mechanism that offers the option to process the non-violent offense of the possession or the personal use of a small amount of marijuana and the possession of marijuana paraphernalia within the City of Reading and not to permit, promote or condone the possession or use of marijuana or marijuana paraphernalia within Reading; and,

WHEREAS, this Ordinance is consistent with the Controlled Substances, Drug, Device and Cosmetics Act in that it assesses a penalty for the personal possession or personal use of marijuana and the personal possession of marijuana paraphernalia which are illegal under Pennsylvania law; and,

WHEREAS, arrests for possession of marijuana can prevent or hinder individuals from gaining employment, getting into college, getting apartments or college loans, saddling them with lifetime criminal records. Many individuals who use marijuana are productive citizens who work, pay taxes, and should be spared a criminal record that can seriously hamper their opportunities; and,

WHEREAS, the expungement procedure for marijuana possession is lengthy and financially burdensome resulting in the offense remaining attached to a person’s criminal history despite the charge having been resolved; and,

WHEREAS, a growing number of cities within the Commonwealth of Pennsylvania, including York, Philadelphia, Pittsburgh, Harrisburg, and State College and Wilkes Barre have recently passed laws pertaining to small amounts of marijuana possessed for non-medical personal use; and,
WHEREAS, Philadelphia’s move to make marijuana a civil, non-criminal citation has reduced possession arrests by more than 70% since October 2014. The RAND Corporation estimates that it costs $1,250 to perform a marijuana summary or custodial arrest but just $20 to issue a civil citation. Based on 2014 statistics within city limits, this would place over $200 thousand back into the City of Reading’s budget annually. In Philadelphia the police, prosecutors, mayor, city council and residents have been pleased with the shift in policy and the tangible results; and,

WHEREAS, The federal government has adopted the policy of allowing individual states to go ahead with experiments in taxation, regulation, decriminalization, medical and industrial use of cannabis and hemp; and,

WHEREAS, Polls show that the majority of Pennsylvanians do not believe that possession of up to an ounce of cannabis should be a criminal offense; and,

WHEREAS, While Pennsylvania awaits the recently passed medical cannabis legislation to be implemented, patients need protection from criminal charges; and,

WHEREAS, Non-violent drug and alcohol abuse may cause long-term health risks and should be dealt with as a public health issue, not as a criminal issue. Using criminal means for SAM violations does nothing to deter drug and alcohol abuse but does increase the number of people with life changing criminal records, while incidents of criminal charges only burdens taxpayers and damages an individual’s chances for prosperity; and,

WHEREAS, in 2015 there were 542 arrests in the Reading Metro area for simple possession which equates to almost one and a half people per day having their lives seriously and permanently impacted at substantial cost to the taxpayers - a significant dedication of law enforcement, court and prison resources; and,

WHEREAS, City Council directs the City of Reading Police Department to enact policies consistent with the purpose of this Ordinance within ninety (90) days of its effective date. Now, therefore

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

AMENDING THE CITY OF READING CODE BY ADDING CHAPTER 184 CONTROLLED SUBSTANCES, DRUG, DEVICE AND COSMETICS,
ESTABLISHING A SUMMARY OFFENSE FOR MARIJUANA POSSESSION IN CERTAIN CIRCUMSTANCES

Section 1: Amending the City Of Reading Code by adding Chapter 184 Controlled Substances, Drug, Device and Cosmetics, establishing a summary offense for marijuana possession in certain circumstances, as follows:


(1) Marijuana means all forms and/or varieties of the genus Cannabis, whether growing or not, as defined by The Controlled Substance, Drug, Device and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780-101 et seq.

(2) Public Space means a street, alley, park, sidewalk, and a vehicle in or upon any street, alley, park or parking area, or any other place to which the public is invited.

(3) Small amount of marijuana means thirty (30) grams or less of marijuana or up to 8 grams of hashish.

(4) Smoking means inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe or other such device which contains marijuana.

(5) Personal Possession means actual physical custody of or the ability to exercise control over or have access to. This is limited to possession for the sole purpose of one’s own personal use. This does not include possession with intent to deliver, distribute, transfer, or sell.

(6) Personal Use means introducing marijuana into one’s own body, which includes smoking, inhaling, exhaling, vaporizing or burning any lighted cigar, cigarette, pipe or other such device with contains marijuana or marijuana extract.

(7) Marijuana paraphernalia means any objects used, intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana into the human body, or any objects used in the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, and/or concealing marijuana.

184-102. Possession or Smoking of a Small Amount of Marijuana.
(1) So long as marijuana shall be listed as a controlled substance in The Controlled Substance, Drug, Device and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780-101 et seq., no person shall be in possession of a small amount of marijuana as defined in said act.

(2) The following shall be a summary violation of this Section:

(a) Possessing a small amount of marijuana.

(b) Smoking a small amount of marijuana in any public space.

(c) Possessing marijuana paraphernalia

(3) Persons who are found in violation of this Section shall may be issued a summary non-traffic citation by the police or other authorized law enforcement officer. Alternatively, the officer can obtain the subject’s name and address and later send a summary non-traffic citation by First Class Mail.

(4) The parent or guardian of a minor under the age of eighteen (18) years who violates this Section shall also be in violation of this Section. The officer who observes a violation of this Section by a minor shall temporarily detain the minor and follow all existing procedures for the handling of summary offenses committed by a minor.

(5) Penalties.

(a) The penalty for a violation of subsection (2)(a) of this Section by an adult or minor under the age of eighteen (18) shall be a fine of not to exceed seventy-five one hundred dollars ($100.00) minimum to three hundred dollars ($300) maximum for each violation.

(b) The penalty for a violation of subsection (2)(b) by an adult or minor under the age of eighteen (18) shall be a fine of not to exceed one two hundred dollars ($200.00) to five hundred dollars ($500) maximum for each violation.

(c) The penalty for a violation of subsection (2)(c) of this Section by an adult or minor under the age of eighteen (18) shall be a fine of not to exceed seventy-five one hundred dollars ($100.00) minimum to three hundred dollars ($300) maximum for each violation.
(6) Evidence

(a) A positive field test of suspected marijuana conducted by law enforcement officers shall be prima facie evidence to support a finding of guilt under this ordinance, with no further testing of suspected marijuana required.

(b) Photographs of any evidence seized under this ordinance will be considered prima facie evidence to support a conviction under this ordinance.

(c) Law enforcement officers will be authorized to properly destroy and not store any evidence seized following testing and photographing.

(7) This Chapter shall not be construed to supersede any existing Pennsylvania or Federal law. Reading police officers retain the authority to enforce any applicable laws and it is Council’s intent that police officers may undertake custodial arrests where there is probable cause to believe that a criminal offense other than simple possession of a small amount of marijuana has been or is being committed.

(8) If any provision, sentence, clause, section or part of this ordinance or the application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of the City of Reading that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

(9) All ordinances or provisions of ordinances in conflict with the provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

(10) Appropriate City officials are authorized to take such actions as are necessary to effectuate this ordinance.

(11) Effective Date: This ordinance shall take effect Ordinance within ninety (90) days of the date the ordinance is approved by the Mayor.

ENACTED ______________, 2017

_____________________________
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 AMENDING THE READING CITY CODE CHAPTER 141 ANIMALS, SECTION 205 BY ADDING A HEAT INDEX UNDER THE TERMS FOR CODE RED

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

SECTION ONE. Amending the Reading City Code Chapter 141 Animals, Section 205 by adding a heat index under the terms for Code Red, as follows:

§ 141-205. Caring for animals.
   B. The City's Animal Control Agent shall have the authority to announce/call a Code Blue, relating to extreme cold, or Code Red, relating to extreme heat, requiring the owners of dogs to protect the unattended dog from the extreme heat or cold by bringing the dog into the place where the owner or person who has custody, control or possession of the dog resides.
      (1) A Code Blue may be called by the Animal Control Agent when the National Weather Service (NWS) predicts a wind chill temperature of 20° F. or below or precipitation with temperatures below 32° F.
      (2) A Code Red may be called by the Animal Control Agent when the National Weather Service (NWS) predicts an extended weather forecast that includes at least three consecutive days of with a heat index at 95° F. or above temperatures.
      (3) The Animal Control Agent shall announce the declaration of the Code Blue or Code Red on its website, to all local media outlets, and to the social media outlets it regularly uses to communicate with the public. A minimum of eight hours' notice shall be provided to Reading residents.
      (4) In addition to the requirements of the Pa. Code animal regulations as per Subsection A herein, any person who owns or has possession, custody or control of a dog shall not allow the animal to remain unattended outdoors (except for brief walks and brief periods of exercise) whenever a Code Blue or Code Red weather emergency has been declared by the City's Animal Control Agent.
      (5) If the City's Animal Control Agent finds that any person who owns or has possession, custody or control of a dog has not complied with the regulations herein, the City's Animal Control Agent shall have the ability to impound the dog, as per § 141-215, Impoundment, Part 6.
      (6) Upon impoundment, the City's Animal Control Agent shall follow the procedures in § 141-216, Notice to owner and redemption.
(7) Any person in violation of this Part shall be subject to the provisions of § 141-222, Violations and penalties, herein.

C. It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause an unattended dog to be fastened, chained, tied or restrained to houses, trees, fences, garages, stakes or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are satisfied:

(1) The tethering is not for a longer period of time than reasonably necessary for the dog's owner or custodian to complete a temporary task that requires the dog to be physically restrained, and

(2) The tether is attached to the dog by a non-choke type collar and attached to the stationary object by swivel anchors, latches, or similar devices in a manner which prevents the tether from becoming entangled around any object so as to limit the dog's freedom within the tethered area, or to prevent the dog, or any of its appendages, from becoming entangled by the tether, and

(3) The tether must be of a type commonly used for the size of the dog involved and if the tether is a chain, it may not be thicker than one-eighth of an inch, and

(4) The dog has easy access to (i) potable drinking water, (ii) edible food and (iii) adequate shade and/or shelter within the tethered area, and

(5) The dog is periodically monitored while tethered for the aforementioned reasonable period of time, and

(6) The dog is not tethered outdoors in violation of § 141-205B. Code Red or Code Blue above.

1. Editor's Note: See § 141-215A(6).

SECTION TWO. Any and all ordinances which are contrary to this amendment is/are repealed.

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

Enacted by Council ______________________, 2017

____________________________________
President of Council

Attest:
____________________________________
City Clerk

Submitted to Mayor: ______________________
Date: ______________________
Received by the Mayor’s Office: ______________________
Date: ______________________
RESOLUTION NO.______2017

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

That Mel Jacobson is appointed to the Reading Redevelopment Authority with a term ending December 31, 2022.

Adopted by Council ______________________, 2017

________________________________________
President of Council

Attest:

________________________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO.______2017

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

That Erin Weller is reappointed to the Historical Architectural Review Board with a term ending July 24, 2022.

Adopted by Council ______________________, 2017

______________________________
President of Council

Attest:

______________________________
Linda A. Kelleher
City Clerk