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: Nancy Lennert, President Reading-Berks Conference of Churches
C. PLEDGE TO THE FLAG
D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS
- This is Reading – Lynne Nottage and Santo Marabella
- Recognizing Recreation Month, accepted by Daphne Klahr Executive Director of the Recreation Commission
- Recognizing Berks Best Academics

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 10, 2017
B. MINUTES: June 26, 2017 Regular Meeting

5. Consent Agenda Legislation
A. Award of Contract –

B. Resolution – authorizing the hiring of 10 probationary police officers:
   1. Kevin M. Butler
   2. Devin M. Hasenauer
   3. Sean P. Driscoll
   4. John J. Krchnavy IV
   6. Michael B. Johnson
### 6. ADMINISTRATIVE REPORT

### 7. REPORT FROM OFFICE OF THE AUDITOR

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

### 9. ORDINANCES FOR FINAL PASSAGE

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<td>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 <em>Introduced at the March 13, 2017 regular meeting; Advertised June 6, 13 &amp; 20; Public Hearing held June 28 at 5 pm in Council Chambers</em></td>
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<td><strong>C. Bill 60-2017</strong></td>
<td>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 <em>Introduced at the May 8 regular meeting; Advertised May 15 &amp; 24 and May 27, June 5th and June 19th; Public Hearing held June 28 at 5 pm in Council Chambers</em></td>
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<td><strong>D. Bill 61-2017</strong></td>
<td>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</td>
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fire department not previously reflected in the 2017 budget *Introduced at the June 26 regular meeting*

**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*

**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*

**10. 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. |

**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

**11. RESOLUTIONS**

**A. Resolution** – 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.

**B. Resolution** –

**12. PUBLIC COMMENT – GENERAL MATTERS**

*Please see public speaking rules on second page*

**13. COUNCIL BUSINESS/COMMENTS**

**14. COUNCIL MEETING SCHEDULE**

**Monday, July 17**
Nominations & Appointments Committee – Council Office – 4 pm
Committee of the Whole – Penn Room – 5 pm

**Tuesday, July 18**
Comp Plan Public Hearing – 3rd Floor Conference Rm – 6:30 pm

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

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

**Wednesday, July 12**
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, July 13
Police Pension Board – 3rd floor conference room – 9:30 am
Outlet Area Neighborhood Assn – St. Mark's Lutheran Church – 6:30 pm

Tuesday, July 18
Fire Civil Service Board – Fire Training Center – 3 pm
Water Authority – Penn Room – 4 pm
Planning Commission – Penn Room – 6 pm
HARB – Penn Room – 6:30 pm
Charter Board – Council Chambers – 7 pm

Wednesday, July 19
O & E Pension Board – Penn Room – 1:30 pm
Redevelopment Authority – Redevelopment office – 3 pm

Thursday, July 20
Diversity Board – Penn Room – 3 pm
Shade Tree Commission – Public Works – 6 pm

Friday, July 21
Fire Pension Board – Penn Room – 10 am

Monday, July 24
DID Authority – 645 Penn St 5th floor - noon

16. ADJOURN
City of Reading City Council
Regular Meeting
June 26, 2017

Council President Waltman called the meeting to order.

The invocation was given by Councilor Daubert.

All present pledged to the flag.

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

Council President Waltman announced that Councilor Goodman-Hinnershitz was excused from the meeting due to a conflicting work engagement.

ATTENDANCE
Council President Waltman
Councilor Daubert, District 1
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
- Recognition of Reading Music Foundation Scholarship winners
- Recognition of RHS YNOT award winner

PUBLIC COMMENT
Council President Waltman stated that there are two (2) 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 discussed responding to issues raised during the Public Comment period at the Committee of the Whole meeting that occurred
prior to the start of this session and decided that Council members may consider responding to issues raised at the conclusion of the comment period.

**Rafael Nunez, of Lincoln Street**, stated that he has been a Reading resident for 16 years and he is seeking the City’s support for the expansion of his Seed of Hope mental health clinic located in the 200 block of North 6th Street. He explained that the planned expansion of this business would create jobs for approximately 15 people. He stated that he has all the required permits and he asked for the City’s support.

**Michael Schorn, of Palm Street**, stated that the Blacktop program operating in City Park is in its 25th year and has served over 800 youth. Blacktop offers basketball programs for boys and girls between the ages of 7-15. He stated that this summer’s program has the largest enrollment of all time. He described similar programs offered by other cities. He explained that over the years, the Blacktop organization has completed many repairs to the facilities in the park used for the program. He noted the damage done to the area by vandals and how the community came together to assist with the repair work. He stated that the north and south courts require resurfacing and new backboards are needed which is beyond the scope of the organization. He asked the City to consider helping to get these projects completed.

The mayor asked Mr. Schorn to work with the Public Works Director to address the scope of the work needed.

**APPROVAL OF THE AGENDA & MINUTES**
Council President Waltman called Council’s attention to the agenda for this meeting and the minutes from the June 12th Regular Meeting of Council, including the legislation listed on the Consent Agenda heading. He noted the need to amend the June 12th minutes by adding the mayor’s name to the list of officials attending.

**Councilor Marmarou moved, seconded by Councilor Daubert, to approve the minutes from the May 12th Regular Meeting of Council, as amended and the agenda, including the legislation listed on the Consent Agenda. The motion was approved unanimously.**

**Consent Agenda**
A. **Award of Contract** – to Value Payment Systems, Nashville, TN, charging a flat convenience fee of $1.95 for a transactions less than $78 and a fixed convenience fee of 2.5% for transactions over $78

B. **Resolution 56-2017** – authorizing the sale of City-owned vehicles to a scrap yard

C. **Resolution 57-2017** – authorizing the sale of City-owned 2007 street sweeper
ADMINISTRATIVE REPORT
The mayor and managing director stated that they did not wish to make statements.

AUDITOR’S REPORT
City Auditor Cituk read the report distributed to Council at the meeting, in summary:
• Collection of the Admissions Tax 2013-17
• Collection of the Real Estate Transfer Tax 2013-17
• Update on the 2016 external audit, which will not be completed by the Charter deadline of June 30th

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS
Downtown Improvement District Authority (DID) Executive Director Charles Broad distributed copies of the 2016 DID Annual Report. Board President Mike Zielinski stated that the Annual Report highlights DID’s accomplishments over the past year. He expressed the belief that DID is a vital part of Reading’s positive change, especially in the downtown.

Mr. Broad introduced DID Board members present this evening and apologized for those who had scheduling conflicts. He described some of DID’s accomplishments:
• Partnerships with the City Public Works Department, Community Foundation, Centro Hispano, Latino Chamber and other organizations
• Start of Sunday cleanup and security patrols
• Adopted the Penn Square Market program
• Achieving national accreditation of Main Street
• Move to the first floor of 645 Penn Street and start of a visitor’s center to improve interaction with the public

Councilor Slifko commended the work of DID and Mr. Broad. He stated that as liaison to the DID Board he regularly sees the work that is done to improve the downtown. He stated that so much of what DID does relieves the City from providing that same service.

Council President Waltman thanked Mr. Broad and DID for the work they do and the events they arrange to bring people downtown.

ORDINANCES FOR FINAL PASSAGE

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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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Ordinance – 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]

C. Ordinance – 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 [Introduced at the May 8 regular meeting; Advertised May 15 & 24; Public Hearing Scheduled for June 28th at 5 pm in Council Chambers]

A. Bill 53-2017 – Amending City Code - Code and License Appeals Board § 23-1401. Organization – by reducing the size of a quorum to three members, as attached in Exhibit A

Councilor Daubert moved, seconded by Councilor Reed to enact Bill No. 53-2017.

The City Clerk explained that the Code and License Appeals Board was created to replace five (5) individual appeals boards that required the appointment of 15 citizens. She stated that this new board has met several times to hear appeals and the new process works very smoothly. The adjustment of the quorum was requested as there are currently only four (4) members serving.

Bill No. 53-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6
Nays: None – 0

B. Bill 54-2017 – Amending City Code Chapter 583 Vending Machine Permits by replacing the Vending License Board of Appeals with the Code and License Appeals Board, as attached in Exhibit A

Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 54-2017.

Bill No. 54-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6
Nays: None – 0

C. Bill 55-2017 – amend the 2017 Position Ordinance by adding one part-time (1) Clerk Typist position in Public Works Operations/Garage
Councilor Marmarou moved, seconded by Councilor Daubert, to enact Bill No. 55-2017.

Councilor Slifko explained that this part-time position was funded in the 2017 budget but not included in the 2017 Position Ordinance.

Bill No. 55-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6
Nays: None – 0

D. Bill 56-2017 – amending the 2017 budget Demolition line item to fund the emergency demolition of the former Letisse warehouse, located at 211 South 11th Street, in the amount of $350,000 from the General Fund and $300,000 from CDBG

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 56-2017.

Councilor Slifko moved, seconded by Councilor Daubert, to amend the General Fund contribution to $250K and the CDBG contribution to $400K.

The motion to amend Bill No. 56-2017 was adopted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6
Nays: None – 0

The managing director explained the need to demolish this fire ravaged building. He stated that a lien was filed with the County Prothonotary.

Bill No. 56-2017, as amended, was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6
Nays: None – 0

E. 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

Councilor Slifko moved, seconded by Councilor Marmarou, to table Bill No. 57-2017.

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

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6
Nays: None – 0
F. Bill 58-2017 – amend the 2017 General Fund Budget to reflect the additional costs due the Police Pension and to the State as a result of the audit of the pension plans conducted by the Auditor General’s office totaling $54,540.36


The managing director explained that this will make corrections identified in the 2014 Pension Fund audit.

Bill No. 58-2017 was enacted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6
Nays: None – 0

The managing director was excused from the rest of the meeting at his request.

INTRODUCTION OF NEW ORDINANCES

Councilor Reed read the following ordinances into the record:

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A. **Ordinance** – 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

B. **Ordinance** – 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

C. **Ordinance** – 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.

RESOLUTIONS

A. **Resolution 58-2017** – appointing Thomas Ryan to the Shade Tree Commission

B. **Resolution 59-2017** – appointing Theresa Twine to the Charter Board
Councilor Marmarou moved, seconded by Councilor Slifko, to adopt Resolution Nos. 58 & 59-2017.

Councilors Marmarou and Slifko described the skills and experience both applicants will bring to their perspective boards.

Resolution Nos. 58 & 59-2017 were adopted by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman, Waltman, President - 6
Nays: None – 0

COUNCIL COMMENT
Councilor Twyman noted his support for the Blacktop program.

Councilor Slifko described the Centre Park Historic District’s proposal to complete a Master Plan for an improvement project for the park located at Centre Avenue and Douglass Street.

Councilor Slifko stated that when he left the Captain’s Cove restaurant last night at approximately 9:30 pm he decided to drive by the Pagoda. When he arrived he observed 20-30 parked vehicles with a stereo system blasting music, just as the residents of Hessian Camp claimed. He urged the administration to enforce the laws on the City’s books to curtail this activity.

Councilor Reed agreed with the need to curtail this ongoing problem at the Pagoda. She stated that in addition to disturbing the neighbors who reside in Hessian Camp, these activities also create a trash issue at the Pagoda. She stated that as a member of the Pagoda Foundation, she recommends closing off the parking area at the Pagoda with barricades or some other type of blockade after dusk. She noted that the Pagoda as a City owned park and reserve is covered by the Park Code regulations. She encouraged the Police to enforce these regulations.

The mayor noted the attendance of some members of the Hyde Park Boy Scouts. They were invited to the podium to comment on what they learned from attending this meeting. They stated that they now have a better understanding of how the government works and they noted that some issues addressed at the meeting are rather boring to the spectator.

Council President Waltman reviewed the upcoming Council meeting schedule.

Councilor Marmarou moved, seconded by Councilor Twyman, to adjourn the regular meeting of Council.
TO: City Council  
FROM: Chief Andrés Dominguez, Jr.  
PREPARED BY: Chief Andrés Dominguez, Jr.  
MEETING DATE: June 28, 2017  
AGENDA MEMO DATE: June 22, 2017  
REQUESTED ACTION: Authorize the hiring of ten new Reading Police Officers

RECOMMENDATION
The Managing Director and the Police Chief recommend the hiring of the following individuals as officers for the Reading Police Department (RPD), effective on July 17, 2017:

11. Kevin M. Butler  
12. Devin M. Hasenauer  
13. Sean P. Driscoll  
14. John J. Krchnavy IV  
16. Michael B. Johnson  
17. Thomas R. Lloyd  
18. Shane T. McEntarfer  
19. Michael E. Marshall  
20. Rebecca J. Morrison

BACKGROUND
The 2017 budget authorizes a total of 168 police officers to staff the RPD. Currently, we have 157 active police officers. In order to maintain an effective RPD, these new hires are necessary. The ten individuals have passed all civil service and hiring requirements. There are still additional vacancies that will be filled in the future.

BUDGETARY IMPACT
None. These funded positions have current vacancies as of the appointment date.
PREVIOUS ACTIONS
None

SUBSEQUENT ACTION
Council to take action to approve a resolution to authorize the hiring of Mr. Butler, Mr. Hasenauer, Mr. Driscoll, Mr. Krchnavy, Mr. Baxter, Mr. Johnson, Mr. Lloyd, Mr. McEntarfer, Mr. Marshall and Ms. Morrison as probationary officers for the RPD.

RECOMMENDED BY
The Managing Director and Police Chief recommend approval.

RECOMMENDED MOTION
Approve/deny the resolution authorizing the hiring of ten new probationary officers for the RPD.

ResoLUTION NO.______2017

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

Authorizing the hiring of the following as probationary police officers for the Reading Police Department, effective July 17, 2017:

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

Adopted by Council__________________________, 2017
June 5, 2017

Dear Council Members,

The Environmental Advisory Council (EAC) is pleased to forward a proposed environmental ordinance guiding development on Steep Slopes for your consideration. The purposes of the Steep Slope Ordinance are to promote public safety and minimize potential adverse property and resource impacts associated with development on steep slopes, such as increased runoff, soil erosion, slope instability, fire risk, septic system failure, and structural failure on such slopes.

This ordinance was initially forwarded for formal Council review in January of 2015 as part of a package of three environmental ordinances. We received substantial comments from the City and County Planning Commissions and withdrew and reworked the ordinance significantly to address those comments. The key concerns raised by the Planning Commissions regarding the Steep Slope Ordinance were:

1) The categories of projects covered and exempted should be more tightly drawn to eliminate small projects such as decks and patios from coverage; and

2) A map putting the public on notice of the areas likely to be affected by the creation of a Steep Slope Overlay District should accompany the ordinance. The EAC’s subcommittee met again with the City Zoning and Planning Officers and have made significant changes to address these issues, and to further simplify the ordinance and limit its application to the most hazardous slope conditions.

The EAC also received comments during the recent review process from both planning and zoning officials, administration staff, and the realtors association (R-BAR. Additional changes to clarify the regulations were made that do not substantially change the content of the regulation.
Overview of the Revised Steep Slopes Ordinance

The Steep Slopes Ordinance establishes a Steep Slope Overlay District in Reading wherever more than 10% of a lot has slopes of 15% or more. The regulations now establish only 2 categories of slope---moderately steep slopes (15-25% slopes) and very steep slopes (>25% slopes). The mildly sloped category (from 8-15% slopes) has been eliminated to concentrate on the most hazardous sites.

As recommended by both the County Planning Commission and the realtors association, these two slope categories track the map used in the comprehensive planning process and attached here, which shows the areas of the City with moderately steep slopes and very steep slopes that constitute the Overlay District. The steep slopes map in the Reading Comprehensive Plan that accompanies the Steep Slope Ordinance is intended to place citizens on notice of the areas that generally qualify as steep slopes that may be in the overlay district. Because of the scale of maps, which both planning commissions noted will not be accurate down to individual property slopes, the intention is to provide notice that development may be subject to the ordinance and a professional should be consulted before proceeding. The Planning Commission approved of this approach. Landowners are responsible to determine in their land development planning whether areas of their property are within the Steep Slope Overlay District.

Applicability of the overlay district has been reduced significantly in response to comments from staff and the realtors association to focus on the most treacherous sites for development. The revised proposal specifically exempts decks and patios and other accessory uses which are less than 500 square feet in coverage.

The Steep Slope Ordinance establishes standards appropriate for development of property with steep and severely steep slopes, in order to avoid structural or bank failures, excessive erosion, and runoff impacts on other properties. Specifically, steep slope areas have reduced maximum disturbed area and maximum impervious area limits to reduce instability and associated risks to public safety and property, and require developers to avoid erecting structures and accessory uses on the steep portions of lots in the overlay district.

The ordinance applies to both new land development, and to redevelopment of partially built-out properties; hazards may be even greater in expansion onto steep slopes of property that were already developed without regard to slopes. However, while the standards in the ordinance are required for new development, the standards will not be applied to redevelopment if it is not feasible to avoid the sloped areas because of constraints from the previous development of the property. New land development in the Steep Slopes Overlay District is required to restrict the maximum land area that is disturbed, limit slopes on areas that are cut and filled, and build structures outside steep slope areas. Redevelopment plans are required to include practices to protect slope stability to the extent feasible given existing development on the lot, utilizing erosion and sediment control measures to reduce the risk of slope instability, and keeping buildings and equipment within the existing footprint on steep slope areas.

Questions were raised about the enforceability of the concept of feasibility applied to redevelopment. The EAC decided to retain the commonly used legal principle of feasibility, which allows the reviewer to apply a reasonableness standard to determine that applying the best practices standards to a particular redevelopment project would be either technically infeasible or
economically unreasonable. Having the standard apply in this manner results in serious 
consideration of alternatives by the developer, while providing regulatory relief if warranted in 
individual cases.

Other changes include specification of 2 foot contour intervals (available from PAMAP) as 
recommended by R-BAR and County Planning, adding a definition of land disturbance, and 
including the City Planner and Zoning Officer as reviewers. A summary of significant comments 
and changes was presented and discussed at the May meeting of the EAC and is available on the 
website.

Finally, we note that these regulations will need to be cross-referenced in the SALDO, similar to 
what is done with the Flood Plain regulations as both land development plans and zoning permits 
will need to comply with the ordinance. A separate regulation will be forwarded to complete the 
cross-referencing.

The Environmental Advisory Council has been engaged in the development of this ordinance for 
over three years. The ordinance will contribute to the City’s efforts to manage storm water 
effectively and comply with new “MS4” storm water permit requirements. Discussion of these 
ordinances in the public forum will provide further outreach and understanding of ways we can 
make our City more sustainable, protecting health, safety and property as well as the environment. 
We thank you for your consideration.

Respectfully submitted,

Cathy Curran Myers, Chair

Environmental Advisory Council
BILL NO._______-2017
A N   O R D I N A N C E

AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 600 ZONING, BY ADOPTING A NEW SECTION §600-819 PROVIDING FOR A STEEP SLOPE OVERLAY DISTRICT AND AMENDING §600-2202 DEFINITIONS AND ADDING A REFERENCE TO THESE REGULATIONS IN THE CODE OF ORDINANCES CHAPTER 521 SUSTAINABILITY

WHEREAS, Steep slope development or redevelopment is a complex issue that can negatively affect the personal safety and property of individuals, as well as the environment; and

WHEREAS, the PA Municipalities Planning Code, Section 605 states that municipalities that have enacted a Zoning Ordinance may, among other things, regulate, restrict, or prohibit uses and structures at places of relatively steep slope or grade and other areas of hazardous geological or topographical features.

The difficulties in developing steep slopes include, but are not limited to:

1) Increased water runoff as a result of the removal of vegetative cover;

2) Increased soil erosion after the removal of vegetative cover which may lead to landslides, slope failure, downstream impacts, damage to water quality and habitat quality;

3) Unstable and hazardous structures creating risk to public safety;

4) Difficulty in reaching locations with emergency vehicles;

5) Increased likelihood of septic system failure;

6) Difficulties in providing utilities and services;

7) Loss of natural beauty of the land (aesthetic value);

8) Loss of woodlands, which contribute to good air and water quality; and

9) Loss of habitat for wildlife and the potential loss of biodiversity.

Because of these and other potential issues, the City of Reading Zoning Ordinance should be amended to include a Steep Slope Overlay District that will accomplish the following objectives:

1) To protect individuals and property from hazards posed by development on steep slopes;
2) To reduce accelerated storm water runoff and flash flood damages;

3) To preserve open spaces from development, thereby conserving woodlands, habitat for wildlife, and the natural beauty of the land for future generations to enjoy;

4) To conserve woodlands and preserve habitat for wildlife; and

5) To balance these public health and welfare concerns with the property interests of individuals.

SECTION 1: This Ordinance amends the City of Reading Code of Ordinances Chapter 600 Zoning to include section 600-819 Steep Slope Overlay District in order to regulate development on steep slopes and mitigate issues that accompanies such development and redevelopment and Section 600-2202 Definitions.

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

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

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

Enacted___________________________, 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: ___________
§600-819 Steep Slope Overlay District

A. Applicability

1. Any property where at least 10% of the total lot area contains slopes of 15% or greater shall be part of the Steep Slope Overlay District. Please refer to the Steep Slope Map included in the Comprehensive Plan. If you believe the property that you are improving falls in or near an area of steep slope, professional assistance is required to assess applicability of these regulations to the property.

2. The Steep Slope Overlay District is intended to guide development on steep slopes in order to promote public safety and minimize potential adverse impacts from developing on steep slopes that can pose serious threats to public safety, property, and the environment. Such impacts include increased runoff and pollution, soil erosion, slope instability, fire risk, septic system failure, and structural failure on such slopes.

3. The regulatory provisions apply to development of property located within the Steep Slope Overlay District and make recommendations for maintenance of any other properties within the Steep Slope Overlay District. For the purposes of this section:
   a. New development means development of lots with 25% or less impervious cover prior to the proposed development for which a permit is requested.
   b. Redevelopment means development of lots with greater than 25% impervious cover prior to the proposed development for which a permit is requested.

4. Accessory Uses and Equipment shall, to the extent feasible, not be located on or extend into the Steep Slope. Any Accessory Uses 500 square feet or greater shall require review by the Planning Commission during the plan review process. Changes to existing accessory uses shall not expand beyond the existing footprint.

5. All uses permitted by the underlying zoning district are permitted under the Steep Slope Overlay District unless they conflict with the rules and regulations set forth in this article. When there is a conflict between the regulations of the Steep Slope Overlay District and the underlying district, the regulations of the Steep Slope Overlay District shall take precedence.

6. Public utilities are permitted within the Steep Slope Overlay District.

7. It is the applicant's burden to delineate the boundaries of steep slopes on the applicant’s property. The applicant's delineation should be supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence enabling a reviewer to verify the applicant’s determination of the slopes on the property.

8. Exemptions – Decks and patios that are less than 500 square feet and allowable accessory uses listed in individual Zoning District descriptions unless 500 square feet or larger.
B. Creation of Steep Slope Designations

Slopes in the Steep Slope Overlay District shall be separated into two different categories depending on their steepness. Different regulations shall apply to lots depending on the types of slopes found within. When steep slopes cover at least 10% of the total lot area each, the regulations that apply to the steepest slopes shall take precedence when a conflict arises. The two types of slopes are as follows:

1) Moderately Steep slopes: Slopes that have a grade of at least 15% but less than 25%.

2) Very steep slopes: Slopes that have a grade of 25% or greater.

C. Regulations that Apply to Areas that Contain Steep Slopes

The regulations in this section shall apply to all lots, regardless of size, that include steep slopes.

1) New development. New development shall be designed to preserve the integrity of the slopes and local landscape. In an application for a zoning permit, the applicant shall design the development with respect to the Steep Slopes in accordance with the following general limitations and the regulations in the Standards sections below relating to development on moderately steep and very steep slopes:

   a. Any proposed new principal building and use shall not be located on the area of the lot within the Steep Slope;

   b. Restorations and improvements to existing structures and buildings located within Steep Slope areas shall not be expanded beyond their existing footprint;

   c. Identify strategies for avoidance and minimization of impacts and risks, including erosion and sediment control measures, cut and fill calculations, vegetation plan and other relevant factors in support of the permit and per request of the City Engineer or his/her designee.

2) Redevelopment. In an application for redevelopment of property, the applicant shall design the development plan in the application in a manner that does not increase slope related hazards, seeks to maintain and restore slope integrity to the extent feasible, and meets current regulations.

   a. If redevelopment within the Steep Slope Overlay District exceeds steep slope regulations at the time of the passage of this ordinance and is damaged or destroyed in the future, the owner of the property may rebuild it to its original dimensions and footprint.

   b. Restorations and improvements to existing structures and buildings located within Steep Slope areas shall not be expanded beyond their existing footprint, unless it is
not feasible to avoid Steep Slope areas and the Zoning Officer or City Planner and City Engineer find the development plan includes engineering and storm water management practices to reduce slope related hazards.

c. Additional measures to improve the structural and environmental integrity of the existing structures are encouraged.

d. The development plan in the application should include consideration of slope stability and erosion and sediment control measures to reduce the risk of slope instability impacts from existing and proposed redevelopment.

3) Exemptions:

a. Decks and patios that are less than 500 square feet.

b. Accessory uses as listed in individual Zoning District descriptions unless 500 square feet or larger.

D. General Application Information.

1) In order to determine compliance with the applicable Steep Slope Overlay requirements, an application for development shall include the following information with respect to the portion of the lot within the Steep Slope Overlay:

- Maps and schematic plans, prepared by a qualified individual (i.e. licensed surveyor, engineer, landscape architect, etc., identifying the location and natural grades of topography of steep slopes and proposed modifications, using two (2) foot contours.
  - Location, dimensions, and footprint of any proposed or existing building or structure, equipment and impervious coverage and proposed modifications.
  - Identifying the cut and fill areas and final grades of the land development.
  - Identifying the location of erosion and sediment control measures to include but not limited to silt fence, stormwater outflows, silt socks, temporary soil stockpiles, etc.
- A planting plan that includes plant species, locations, and coverage of shrubs and trees.
- A plan providing for the maintenance of permanent vegetation, stable slopes, grading, and integrity of the area.

2) Specific Application Requirements for Steep Slopes. When applying for a zoning permit that involves construction on slopes that are either moderately steep or very steep, the applicant shall provide the following information to the Zoning Administrator or City Planner, in addition to the requirements laid out in §600-301, D:

a. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use with respect to the Steep Slope Overlay District boundaries, with all pertinent information describing the proposal, and a topographical survey with contour elevations using two (2) foot contours.
b. A plan of proposed development or use of the site, conforming to the preliminary plan requirements of the Subdivision and Land Development Ordinance, with two (2) foot contours throughout the steep slope areas proposed for development or use. Contours shall be accurately drawn from on-site survey or aerial photographic sources acceptable to the City Engineer or his/her designee.

c. Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating storm water runoff.

d. Specifications for building construction and materials, including cutting, filling, grading, storage of materials, and the location of water supply and sewerage facilities.

e. Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems that may be created by the proposed activities, in compliance with municipal sedimentation and erosion control regulations.

f. Written confirmation from the City of Reading Fire Department that emergency access is satisfactory to provide adequate fire protection.

E. Standards for Moderately Steep Slopes

The following regulations apply to new development, and, to the extent feasible, to redevelopment, in areas that contain moderately steep slopes:

1) The regulations in this section shall apply to all lots, regardless of size, where at least 10% of the land contains slopes that are at least 15% but less than 25%.

2) The maximum disturbance area of the land that has been exclusively identified as moderately steep slopes shall be limited to 40% of the total area of the steep slopes on the lot or property being developed.

3) The maximum impervious coverage for the proposed use specified by the underlying zoning district shall be reduced by 15%.

4) The principal building shall not be located on the area of the lot that contains moderately steep slopes. If the entire area contains such slopes, the applicant must provide the information required in the Specific Application Requirements for Steep Slopes to the Zoning Administrator or City Planner before construction may begin.

5) Accessory uses and driveways may be located on or traverse through moderately steep slopes, with the following limitations:

   a) The maximum grade of a road or driveway may not exceed 10%.
b) Driveways shall follow the natural topography of the land if possible.

c) Unless exempted under Section C 3 b above, if accessory uses involve any disturbance of the land, the applicant shall provide the information outlined in the Specific Application Requirements for Steep Slopes to the Zoning Administrator or City Planner before any construction may begin.

6) The maximum building coverage for the proposed use specified by the underlying zoning district shall be reduced by 15%.

7) Uses permitted in the Preservation zone may be permitted on moderately steep slopes.

8) No trees with a diameter at breast height (DBH) of 8 inches or more shall be removed from moderately steep slope areas, except in accordance with a plan for the property developed in accordance with sustainable forestry management practices submitted by the applicant.

9) On-lot sewage disposal systems shall be permitted when approved by the City of Reading Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

10) Finished slopes shall not exceed 25%, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Zoning Administrator or City Planner in consultation with the City Engineer.

11) All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are approved by the Zoning Administrator or City Planner, in consultation with the City Engineer, in order to prevent erosion.

12) Any fill placed on the lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Zoning Administrator or City Planner, in consultation with the City Engineer.

13) Disturbance of moderately steep slopes shall be completed within one construction season. Slopes shall not be left bare during winter and spring thaw seasons.

14) Permanent vegetative cover must be planted on moderately steep slopes within three days of finishing construction or grading. If permanent vegetative cover is not established to cover 100% of the steep slope area it must be replanted until such permanent cover is established.

F. Standards for Very Steep Slopes

The following regulations apply to new development, and, to the extent feasible, to redevelopment, in
areas that contain very steep slopes:

1) The regulations in this section shall apply to all lots, regardless of size, where at least 10% of the land contains slopes that have a grade of 25% or higher.

2) The maximum disturbance area of the land that has been exclusively identified as very steep slopes shall be limited to 10% of the total area of the very steep slopes on the lot or property being developed.

3) The maximum impervious coverage for the proposed use specified by the underlying zoning district shall be reduced by 20%.

4) Buildings or principal uses shall not be located on a very steep slopes.

5) In addition to the above restrictions, all accessory uses and driveways shall not be located on very steep slopes if there is the possibility of placing them in less steep areas:
   a) If the applicant has no alternative but to place those accessory uses and driveways on or through very steep slopes, these uses may be permitted by the Planning Commission during the plan review process.
   b) The applicant shall provide the information required in the Specific Application Requirements for Steep Slopes to the Zoning Administrator or City Planner as part of the process of obtaining a zoning permit before any construction may take place on such slopes.
   c) The maximum grade of a road or driveway may not exceed 10%.
   d) Driveways shall follow the natural topography of the land if possible.

6) Uses permitted in the Preservation zone may be permitted on very steep slopes, provided that they shall not include any structures, impervious roads, driveways, or parking areas.

7) No trees with a diameter at breast height (DBH) of 8 inches or more shall be removed from very steep slope areas, except in accordance with a plan for the property developed in accordance with sustainable forestry management practices submitted by the applicant.

8) The use of on-lot sewage disposal systems on very steep slopes shall not be permitted.

9) Finished slopes shall not exceed 33% unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Zoning Administrator or City Planner in consultation with the City Engineer.

10) All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are approved by the Zoning Administrator or City Planner, in consultation with the City Engineer, in order to...
prevent erosion.

11) Any fill placed on the lot shall be properly stabilized based upon slopes and soil types, which may include compaction and other construction methods and retaining walls and other appropriate structures as required and approved by the Zoning Administrator or City Planner, in consultation with the City Engineer.

12) Disturbance of very steep slopes shall be completed within one construction season. Slopes shall not be left bare during winter and spring thaw seasons.

13) Permanent vegetative cover must be planted on very steep slopes within three days of finishing construction or grading. If permanent vegetative cover is not established to cover 100% of the steep slope area it must be replanted until such permanent cover is established.

G. Best Practices and Maintenance of Property in Steep Slope Overlay District

Landowners of lots within the Steep Slope Overlay District are encouraged to identify areas of their lots which may be subject to the regulations in this ordinance in the event that new construction or redevelopment is planned. The regulations serve to clarify expectations for all landowners in the Steep Slope Overlay District, and model best practices such as preservation of permanent vegetation, especially shrubs and trees, minimization of impervious surfaces, and maintenance of storm water control features to reduce risks to people, property and the environment from loss of slope integrity.

H. Enforcement

Enforcement of this provision shall be carried out by the Zoning Administrator in accordance with sections §600-204, §600-205, and §600-206 of the City of Reading Zoning Ordinance.

I. Limitation of Municipal Liability

The degree of steep slope protection sought by the provisions of these regulations is considered reasonable for regulatory purposes. These regulations do not imply that areas outside the Steep Slope Overlay District or permitted uses within the zoning district will be free from erosion or slope instability. These regulations shall not create liability on the part of the City of Reading or any officer or employee thereof for any damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

J. Validity and Severability

See section §600-106 of the City of Reading Zoning Ordinance for details.
§600-2202 Definitions

By adding the following definitions:

Cut: The removal of earthen materials for the purpose of making a lot flat and fit for construction.

Diameter at Breast Height (DBH): The diameter of a tree trunk measured at a point 4.5 feet above ground level.

Disturbance – Includes without limitation removing or altering vegetative cover, excavating, filling, grading, and construction of structures, excepting agricultural activity.

Grade (in terms of slopes): The amount of vertical distance measured in feet over a one hundred foot horizontal distance. For example, if a slope is 18%, the slope rises 18 feet for every 100 feet of horizontal distance.

Fill: Any clean soil or rock materials used to raise the ground elevation that complies with applicable regulations for clean fill.

Moderately Steep slope: A slope that has a grade of at least 15%, but less than 25%.

Permanent Vegetative Cover – A minimum uniform perennial vegetative cover, with a density capable of resisting accelerated erosion and sedimentation.

Steep Slope Overlay District: Any property that contains slopes with at least a 15% grade.

Very steep slope: A slope that has a grade of 25% or higher.
Report on the Proposed Riverfront Redevelopment Overlay Zone for Northwest Reading

Prepared by Aaron Booth, AIA

May 03, 2017

Summary

In the draft City of Reading Comprehensive Plan compiled in 2015, a Riverfront Redevelopment Overlay Zone is proposed for the area of Northwest Reading currently designated a M-C Manufacturing Commercial Zoning District. This area includes the 49.17-acre parcel known as 1 Berkshire Place, which has been vacant since construction was halted on the Berkshire Bottling Works plant in December 2007. The site and its context are characterized by several inherent qualities:

1. **Riverfront**: Development along the river should promote uses that depend upon adjacency to the river rather than non-dependent uses, enhance the public’s access and enjoyment of the water’s edge, and protect natural resources.

2. **Parkfront**: The greenway corridor can develop into pedestrian-friendly public plazas, plazas, and outdoor recreation that enrich neighborhoods and attract future development and visitors.

3. **Above the Floodplains**: Vacant land is elevated above the 100-year & 500-year floodplains, inviting flood-resistant development and offering outstanding views.

4. **Large Scale**: The scale of undeveloped land area is large enough to support a brand new urban district complete with the various commercial, residential, and recreational functions necessary to work, live, and play all within walking distance.

Given the success that many US cities have achieved in transforming their postindustrial waterfronts into vibrant mixed-use urban amenities for residents and visitors, it is in the City’s interest to explore the opportunity for 1 Berkshire Place to be redeveloped and transformed into a community of viable businesses and residences. The intrinsic characteristics of the site and its context, which already contain an existing residential historic district, green space, elementary school, arts center, and community center, make this area much more conducive to mixed-use development of walkable streetscapes rather than a large-scale industrial facility with fenced perimeters. Beyond the undesirable byproducts of intensive manufacturing, such as shipping traffic, noise, pollution, blocked access to the riverfront, safety/security concerns, visual impacts, etc., data indicates that mixed-use development is a higher and better use, potentially generating significantly increased taxable floor area and employment opportunities, resulting in higher tax revenue and economic growth over time.

This report briefly examines key considerations of a Riverfront Redevelopment Overlay Zone, including mixed-use development and its employment potential, attracting new business investment, trends of deindustrialization and suburbanization, other sites for industrial development, the Keystone Opportunity Zone, roadway and access improvements, small-scale manufacturing and mixed-uses, and brownfield site remediation. Based on these considerations, a 130.56 acre Riverfront Redevelopment Overlay Zone is anticipated to expand development opportunities for 1 Berkshire Place as well as underutilized parcels within portions of the neighboring Queen Anne Historic District in the Northwest section of the City of Reading.
Mixed-Use and Employment Potential

The RiverPlace Master Plan prepared by Sasaki Associates in 2005 was reviewed to analyze the employment-producing potential of 1 Berkshire Place. Based on the basic site layout indicated in the Master Plan, it is estimated that the site can support a development of several mixed-use buildings, which combine multiple occupancy types into a single structure. Within this arrangement of buildings, the total floor area may potentially include approximately 840,000 sf of commercial use on the 1st and 2nd Floors (retail, restaurants, services), 840,000 sf of office use on the 3rd and 4th Floors (business, technology-based research labs, medical), and up to 5,120,000 sf of residential use (a variety of market rate high rise apartments, condominiums, and low rise townhouses). A development of this typology is equates to a total gross building area of approximately 4,810,000 sf.

"Along the riverfront, a positive identity should build on the competitive advantage of desirable, prime riverfront land and proximity to downtown and neighborhoods. This approach recognizes that many areas along the riverfront, such as the Dana Yards and the Wyomissing Creek area, are quite different from suburban locations that have large parcels and better highway access. Because of the proximity of existing and future residential neighborhoods, business investment along the riverfront must be compatible with these uses."—Sasaki Associates
The US Green Building Council, the organization that administers the LEED certification program for sustainable building design and development, prescribes the number of square feet of gross floor area assignable to each employee for various building uses. Applying these figures, it is estimated that a mixed-use development at 1 Berkshire Place could potentially sustain up to 4,779 employees (see table below). By contrast, industrial uses may be estimated to support up to 500-1250 employees.

**New Business Investment**

Based on the proposed mixture of uses at 1 Berkshire Place, business occupancy constitutes 35% of the total building area. The employment-producing potential of business uses warrants consideration of an amendment to the existing Zoning Ordinance to increase the minimum business use within the Riverfront Redevelopment Overlay Zone from 3% to 35%. The Overlay Zone is intended to attract new business investment, as well as residential investment, and mixed-use development is an effective redevelopment strategy for that purpose.

Given that the mixture of uses supports a variety of employment categories, the median annual income is used to estimate that mixed-use development could potentially generate over $6 million in annual county earned income tax revenue after the expiration of existing Keystone Opportunity Zone tax abatements. With a total construction value based on floor area estimated to be approximately $1.17 billion, the proposed development could potentially generate over $20 million in city real estate tax revenue after the expiration of tax incentives.

### EMPLOYMENT & TAX REVENUE ESTIMATE FOR MIXED USE DEVELOPMENT - 1 BERKSHIRE PLACE

| Proposed | Employee | Median | Annual | Income Tax | Total | Floor Area | Employee | Total | Floor Area | Value of | Potential City |
|----------|----------|--------|--------|------------|-------|------------|----------|-------|------------| Tax Revenue (6256/4) |
| 5th - 12th Floors | | | | | | | | | | | |
| Residential | N/A | 3,000,000 | 62% | - | - | - | - | - | - | - | - |
| 1st & 4th Floors | | | | | | | | | | | |
| General Office | 250 | 570,000 | 12% | 2,280 | $36,120 | $2,961,730 | $143,500,000 | $12,260,000 |
| Medical Office | 225 | 150,000 | 3% | 667 | $36,120 | $666,380 | $37,500,000 | $16,000,000 |
| Educational, daycare | 620 | 20,000 | 0% | 32 | $36,120 | $141,280 | $5,000,000 | $88,400 |
| R&D or Laboratory | 400 | 100,000 | 2% | 250 | $36,120 | $325,000 | $25,000,000 | $410,000 |
| 1st & 2nd Floors | | | | | | | | | | | |
| Retail, general | 550 | 320,000 | 7% | 582 | $36,120 | $756,550 | $80,000,000 | $1,144,400 |
| Service (e.g. financial) | 600 | 320,000 | 7% | 533 | $36,120 | $695,094 | $80,000,000 | $1,144,400 |
| Restaurant | 435 | 150,000 | 3% | 345 | $36,120 | $448,336 | $37,500,000 | $665,000 |
| Grocery store | 550 | 50,000 | 1% | 91 | $36,120 | $118,211 | $12,500,000 | $221,000 |
| Low Rise Residential | N/A | 120,000 | 3% | - | - | - | - | - | - | - | - |
| TOTAL | 4,819,000 | 4,779 | - | - | - | - | - | - | - | - | - |

2. Source: USGBC LEED BD+C: New Construction vs. Appendix 2, Default Construction Costs
3. Floor area represents an estimated projection based on RiverPlace Master Plan proposed by Sasaki Associates in 2005

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Deindustrialization and Suburbanization

"During the 19th century, the United States became the world’s dominant industrial power. The process by which the country was transformed from an agrarian to an industrial nation began in a host of small cities in the northeastern United States. Even after the growth of large manufacturing centers like Detroit and Pittsburgh, many smaller cities continued to hold their own as manufacturing centers well into the 20th century. In Delaware, southern New Jersey, and eastern Pennsylvania, many colonial towns were transformed into industrial cities during the 19th century. As with many such cities around the United States, all of these cities lost much or most of their industrial base after the end of the Second World War and have struggled both to find a new postindustrial identity and to identify new 21st century economic drivers to replace their lost manufacturing plants. While some cities have had some success, with Bethlehem and Lancaster becoming tourist destinations and Wilmington a center for banking and finance, they all face daunting economic, social, and physical challenges. Many have lost a significant part of the population they once had, which in most of these cities reached its peak at some point between 1950 and 1970. As many of their middle class residents have departed for the suburbs, and much of their younger generation for other parts of the nation, these cities have come to contain growing numbers of poor residents, many with limited attachment to the workforce."

"All of these cities followed largely similar trajectories for much of their history, sharing a common course of stable 19th and early 20th century growth spurred by industrialization, and then decline after 1950 triggered by a combination of suburbanization and the loss of most of each city’s manufacturing base."

"As the forces of suburbanization and deindustrialization began to affect the Third District’s small manufacturing cities in the 1950s, these cities found themselves confronting a series of challenges posed by these forces, including demographic changes resulting in a smaller and poorer population; the loss of major manufacturing establishments; a declining role as the central retail district in the region; and falling property values and investment in the city’s building stock."

Reading’s manufacturing sector declined 68% between 1954 and 2007, and it is continuing to decline. While the suburban and rural parts of Berks County have experienced service sector growth and a real estate boom, the City of Reading has slowly experienced the job and income loss related to the decline of manufacturing in the US. Although the manufacturing sector remains a significant employer in Reading, continuing economic distress is evidence that the persistence of manufacturing does not translate to economic success.

"While a strong manufacturing base is a valuable present asset, in that it may provide the city with tax revenues and a pool of relatively well-paying jobs for workers with limited formal education, its significance for the future of these cities is more uncertain. No city can reasonably assume that its manufacturing base is stable or likely to grow on its own and, thus, avoid the hard work of finding new economic engines. It is more likely that manufacturing will decline in the future rather than grow, and that the successful cities of the future will have diversified their economies significantly in other directions."

Beyond 1 Berkshire Place, a wide range of existing land uses within the proposed Riverfront Redevelopment Overlay Zone already present opportunities for diversified economic growth, including residential, retail, business, and light industrial. The Overlay Zone is intended to promote a variety of new uses that are complementary to these existing business and residences, offering a diverse range of private investment and employment opportunities for residents. "Just as no city can thrive if it fails to build the middle class, no city can thrive in today’s economic world unless it can draw significant private-sector investment."

Reading has many underutilized assets that can catalyze growth in employment sectors other than manufacturing. Its rich history, its compact and walkable spatial pattern, its distinctive architecture, and its parks and riverfronts, all represent valuable resources that can draw new, dynamic populations and trigger future economic activity."
Manufacturing Sector Trends

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<td>Total of 13 Cities</td>
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Source: 1954-63, Economic Census, Geographic Area Series, Manufacturing; 2007, Economic Census, Geographic Area Series, Manufacturing, Table EC631A. Prepared by the U.S. Census Bureau. 1954-63 data distributed by the University of Virginia’s County and City Data Books website.

Alan Mallach, In Philadelphia’s Shadow: Small Cities in the Third Federal Reserve District. 58

Manufacturing Earnings Over Time

Source: Bureau of Economic Analysis Local Area Personal Income Estimates, 1949-2012. Note that U.S. industry data changed classification systems between the years 2000 and 2001. The results in the bar chart in the data series above, as manufacturing is defined in a slightly different way between the 1949-1950 period and 2000-2012 periods.

Antonio Callari et. al., Reading Economic Report. 59
Sites for Industrial Development

In 2000, 5.30 acres (or 0.3%) of the City's 6,394 acres of land area was occupied by industrial use.10 Since that time, several industrial sites that were once active are now vacant or underutilized, increasing the amount of developable land area (e.g. over 35 acres at the former Dana Corporation site near Weber and West Perry Streets). Considering only the east bank of the Schuylkill River, there are currently over 85 acres of undeveloped, formerly-industrial, riverfront land area, most of which is located within the existing M-C Manufacturing Commercial or H-M Heavy Manufacturing zoning districts.11 These sites for industrial development constitute over 14% of the total riverfront land area located within 1000 feet of the east bank of the Schuylkill River within Reading.12 Many of these sites, formerly owned by pillars of Reading's manufacturing history, have been vacant for over a decade. While it is important to accommodate new industrial development, the lack of demand requires policy consideration. Additionally, other underutilized parcels outside the City's riverfront area are more conducive to non water-dependent industrial redevelopment (e.g. the 12.5 acre former Glidden site, the 109.5 acre Norfolk Southern Railroad Yard).
It is not the lack of available industrial land that has led to Reading's deindustrialization. Rather this is part of a national trend of deindustrialization that has been affecting cities in the United States since the mid-twentieth century.

**Small-Scale Manufacturing and Mixed-Uses**

"Unlike the days when large companies dominated the nation's commodity production, today's manufacturing landscape is largely occupied by decentralized networks of small, specialized firms — many of which are hidden in plain sight in America's urban areas."³⁴

The existing M-C Manufacturing Commercial zoning designation in the proposed Riverfront Redevelopment Overlay Zone already allows many of the business types and amenities considered in the analysis of potential mixed-use development for 1 Berkshire Place. Users permitted by right within the M-C District include offices and laboratories, restaurants, retail and wholesale sales, recreation facilities, educational institutions, exercise clubs, public parks, and nonmotorized recreation trails. However, it does not permit residential use.

Small-scale manufacturing businesses, those requiring 5,000 sf or less, can be compatible with mixed-use development and can provide work opportunities for residents within walking distance.³⁵ This includes innovation-based operations (e.g., laser-cutting or 3D printing fabrication). While immediate adjacency between intensive manufacturing and housing within the same building is undesirable, small-scale manufacturing can certainly coexist within several hundred feet of residential uses on a site as large as 49.17 acres at 1 Berkshire Place.

"Small innovative companies involved in research and technology and light manufacturing of high value products will have minimal trucking requirements and may feature studies and live/work units."³⁶

The Zoning Ordinance allows "the option of developing property under the RR District or under the underlying district," but not both.³⁷ The changing scale and typeology of manufacturing may merit reconsideration of restrictions on mixed small-scale manufacturing and residential uses.³⁸

**Keystone Opportunity Zone**

Areas within the proposed Riverfront Redevelopment Overlay Zone occupy an existing Keystone Opportunity Zone (KOZ). The KOZ remains in effect until 2023 and would not be precluded by assignment of a Riverfront Redevelopment Overlay Zone in this area.

The tax benefits afforded by the KOZ program are not only intended for businesses. The program also grants abatements to residents located within the designated zone. Ordinances authorizing exemptions, deductions, abatements, and credits within the KOZ are explicitly intended to "stimulate industrial, commercial, and residential improvements."³⁹ KOZ's have been effective in stimulating numerous mixed-use commercial and residential developments throughout Pennsylvania.⁴⁰

Since 1 Berkshire Place was designated as a KOZ site, no new development has been realized on the parcel. Although KOZ's have been effective elsewhere at stimulating initial development investment, one drawback is that tax incentives at 1 Berkshire Place could defer over $20 million per year in City real estate taxes alone based on the analysis of potential mixed-use development on the site (refer to table on p. 4).

Provided that mixed-use new development does not contain a high percentage of low-income subsidized housing or non-profit uses, the new tax revenue generated after the expiration of the KOZ should strengthen the economic status of the City of Reading as intended and sustain the Reading School District's ability to facilitate
future changes in its student population. The proposed Riverfront Redevelopment Overlay Zone would not limit RSD ability to expand Northwest Elementary School, which is the facility that would be most directly impacted by population increases within the proposed Overlay Zone.

**Brownfield Soil Remediation**

In November 2002, a Baseline Environmental Report for 1 Berkshire Place was filed by the Greater Berks Development Fund (GBDF) and approved by PADEP. This document identified contaminants discovered through soil investigation and recommendations for remediation. GBDF completed the recommended remediation to develop the site for light industrial and commercial uses.

Although environmental regulations require a higher level of remediation for residential development, it is technically feasible to complete the additional remediation necessary to develop the site for mixed-use commercial, office, and residential use.

"Of the 122 soil samples collected and analyzed, 30 exceed the residential cleanup standard. While remediation will be required to address these impacts, it will only be required in the residential areas, and if the grading plan allows, much of the affected area can be used for open space or commercial areas. So there will have to be additional soil management costs as part of development, and sampling and analysis will be performed in residential areas that are Remediated. But compared to transportation and disposal off-site, these costs are relatively minimal. Based on the assumption that materials can be managed on-site as part of redevelopment, I don't see that the environmental impacts at the site would make such a redevelopment proposal financially infeasible."

Jim Cinelli, PE, Liberty Environmental, Inc.

Strategies available to manage remediated soils on-site can help to make environmental cleanup for residential development financially achievable, and the relative cost of such efforts would be a small percentage of the total investment for a large scale mixed-use development.

"Riverfront municipalities should take advantage of all opportunities to rehabilitate abandoned buildings and industrial and contaminated sites known as I2I, creatively upgrading, expanding, and reusing these sites and structures is an excellent way to infuse municipal centers with new capital investment and vitality."

**Roadway and Access Improvements**

The River Road Extension Project, infrastructure upgrades intended to promote the visibility of 1 Berkshire Place as an industrial site, has received funding and is estimated to commence with construction in March 2018. These improvements are needed to correct existing deficiencies and to supply adequate infrastructure, regardless of the type of redevelopment. Many of the benefits afforded to industrial development by the proposed road work are also beneficial to new mixed-use development, including:

1. Improved maneuverability for higher volumes of traffic.
2. Better highway access from within the City of Reading.
3. Safer pedestrian and bicycle facilities.
4. Connection of the intersection at Schuylkill Avenue and Windsor Street.

These upgrades also provide enhanced access to existing neighborhoods and recently completed townhomes on Weiser Street. The proposed Overlay Zone does not preclude the realization of the proposed road work, nor does it preclude an industrial use at 1 Berkshire Place.

Proposed Alterations to Schuylkill Avenue
McKearney Taylor, River Road Extension Project
future changes in its student population. The proposed Riverfront Redevelopment Overlay Zone would not limit RSD ability to expand Northwest Elementary School, which is the facility that would be most directly impacted by population increases within the proposed Overlay Zone.

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In November 2002, a Baseline Environmental Report for 1 Berkshire Place was filed by the Greater Berks Development Fund (GBDF) and approved by PADEP.21 This document identified contaminants discovered through soil investigation and recommendations for remediation. GBDF completed the recommended remediation to develop the site for light industrial and commercial uses.

Although environmental regulations require a higher level of remediation for residential development, it is technically feasible to complete the additional remediation necessary to develop the site for mixed-use commercial, office, and residential use.

"Of the 122 soil samples collected and analyzed, 50 exceed a residential cleanup standard. While remediation will be required to address these impacts, it will only be required in the residential areas, and if the grading plan allows, much if not all of this material could be consolidated into open space or onto commercial areas. So there will have to be additional soil management costs as part of development, and sampling and analysis will need to be performed in residential areas that are remediated. But compared to transportation and disposal off-site, these costs are relatively minimal. Based on the assumption that materials can be managed on-site as part of redevelopment, I don’t see that the environmental impacts at the site would make such a redevelopment proposal financially infeasible." Jim Cirelli P.E., Liberty Environmental, Inc.

Strategies available to manage remediated soils on-site can help to make environmental cleanup for residential development financially achievable, and the relative cost of such efforts would be a small percentage of the total investment for a large scale mixed-use development.

"Riverfront municipalities should take advantage of all opportunities to rehabilitate abandoned buildings and industrial and contaminated sites known as ‘illegals’. Creatively upgrading, expanding, and reusing these sites and structures is an excellent way to infuse municipal centers with new capital investment and vitality."

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Proposed Alterations to Schuylkill Avenue
McKormick Taylor, River Road Extension Project 24

Other names previously used for this site include RiverView Industrial Park, Dana Memorial Park, Riverfront Commerce Center, Reading Grey Iron, and Berkshire Bottling Works. See also Don Spatz, “New plan for bottling works in Reading revives old objections,” *Reading Eagle,* June 29, 2010.


Riverfront development is most appropriate for water-dependent uses (e.g., boating, fishing, waterfront commerce and recreation) and water-enhanced activities that do not require direct access to the water, but whose riverfront location adds to the public’s use and enjoyment of the water’s edge (e.g., parks, playgrounds, restaurants, museums, and mixed-use retail office and residential), rather than non-water-dependent uses (e.g., car washes, auto sales and storage operations, auto repair facilities, self-storage units, and manufacturing not involving waterborne transportation).

This report is not intended to be a comprehensive history of development of 1 Berkshire Plaza or its surrounding context. Rather, it is intended to address several key considerations that led to the proposal of a Riverfront Redevelopment Overlay Zone for Northwest Reading.


Ibid., p. 10.


Although actual manufacturing employment densities vary significantly based on the specific type of production (durable, non-durable, heavy, light, automated, etc.), total employment potential is generally limited by horizontal manufacturing processes planned for one-story building configurations.

City of Reading, PA, *Code of Ordinances, Chapter 600 Zoning,* Section 615.


Ibid., p. 53.

Ibid., p. 21.

Ibid., p. 19.


Mallach, p. 53.

Ibid., p. 47.

Ibid., p. 64.

Ibid., p. 5.

Ibid., p. 20.

Callari et al., p. 10.


The only parcel included in this figure that is not located with the existing M-C Manufacturing Commercial or H-M Heavy Manufacturing zoning district is the 5.6 acre parcel at Windsor & Ritter Streets owned by the Reading School District, which is located within the R-3 Residential zoning district.

Of the approximately 400.7 acres of land area within the City of Reading located within 1000 feet of the east bank of the Schuylkill River, approximately 84.3 acres is attributable to undeveloped formerly industrial parcels. However, the total area of these parcels, including portions beyond 1000 feet of the east bank of the Schuylkill River, is 99.0 acres.


Example: “Greenspoint Manufacturing and Dogger Center launched 22 years ago to save an old industrial building with 360,000 square feet across from the United Nations in Brooklyn, NY. The building was owned by the city, but it was run down and not managed well. A local community development organization stepped in to help save the building. It helped to create an independent company to redevelop the building and lease it out to local producers. Today, GMDC completed purchase and renovation of seven buildings in the Greenspoint neighborhood totaling over 700,000 square feet and 120 tenants. The average tenant is about 18 years in business, and average salaries are $40,000—well above local service sector salaries. The tenants are predominantly local artisans building products for the local market, but at manufacturing scales.” See Iana Press, *Economic Opportunity and Small-Scale Manufacturing,* Smart Growth America, available at https://smartgrowthamerica.org/economic-opportunity-small-scale-manufacturing/.

City of Reading, PA, Code of Ordinances, Chapter 600 Zoning, Section 615.

City of Reading, PA, Code of Ordinances, Chapter 600 Zoning, Section 702.

City of Reading City Council, Resolution 69/70-2012.

Example: "First built in 1883, as the city of Easton’s first economic development initiative, the Simon Silk Mill housed the manufacturing of textiles until the late 1960s. Acquired by the Easton Redevelopment Authority in 2006 it was studied for feasibility as a creative complex for individual artists and professionals and deemed a cultural redevelopment project. "Silk" will become a tour de force in the creative community as a live work location." Site VM Development Group LLC, Residential Projects, available at http://www.vmdevelopmentgroup.com/project/simon-silk-mills/, 2017.

Synergy Environmental, Inc., Scotts Stevens, & McCoy, document entitled Baseline Environmental Report, former Reading Iron Company Site (Oley Street Stoneyard, Pennsylvania Lines LLC Rail spur, and Metropolitan Edison Company Parcel) and Former Reading Gray Iron Castings Property, City of Reading, Berks County, Pennsylvania (the "BER"). The BER is maintained by the PaDEP in the Department's Southeast Regional Office file room in the Reading Iron Company/Reading Gray Iron Castings file, Land Recycling Program ID Nos. 3-6-1-21720, 3-6-1-21721, 3-6-1-21722 and 3-6-1-21723.


Berks County Planning Commission, Draft Highway and Transit Transportation Improvement Program, Reading Area Transportation Study; FY 2017 – 2020, May 2016, Section 2, p. 25.

McKormick Taylor, River Road Extension Project, plan drawings available at https://www.readingpa.gov/content/river-road-extension-project.
Drafted by A. Booth & City Clerk
Sponsored by/Referred by Councilor Reed
Introduced on May 8, 2017
Advertised on May 15 & 22, 2017

Bill No. __2017

AN ORDINANCE AMENDING CITY CODE CHAPTER 600 ZONING BY AMENDING SECTION 600-501 BY AMENDING THE ZONING MAP TO PROVIDE FOR THE RIVERFRONT REDEVELOPMENT OVERLAY ZONING DISTRICT LOCATED WITHIN CERTAIN PORTIONS OF THE CITY OF READING 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. THE AMENDMENT TO THE ZONING MAP AND THE PARCELS OF LAND TO BE OVERLAID BY THE RIVERFRONT REDEVELOPMENT OVERLAY DISTRICT ARE:

ALL THOSE CERTAIN TRACTS OF LAND BOUNDED ON THE NORTH BY RIVER ROAD, BOUNDED ON THE WEST BY RAILROAD PROPERTY OWNED BY PENNSYLVANIA LINES LLC (NORFOLK SOUTHERN CORP), AND BOUNDED ON THE SOUTH BY TULPEHOCKEN STREET AND BY BUTTONWOOD STREET AND BY RAILROAD PROPERTY OWNED BY PENNSYLVANIA LINES LLC (NORFOLK SOUTHERN CORP), AND BOUNDED ON THE EAST BY SCHUYLKILL AVENUE, INCLUDING:

1. ALL PARCELS SITUATED ON THE WEST SIDE OF SCHUYLKILL AVENUE BETWEEN RIVER ROAD AND WEST BUTTONWOOD STREET,
2. ALL PARCELS SITUATED ON THE WEST AND EAST SIDE OF MILTIMORE STREET BETWEEN RIVER ROAD AND WEST BUTTONWOOD STREET,
3. ALL PARCELS SITUATED ON THE WEST AND EAST SIDE OF GORDON STREET BETWEEN RIVER ROAD AND WEST BUTTONWOOD STREET,
4. ALL PARCELS SITUATED ON THE WEST AND EAST SIDE OF GEORGE STREET INCLUDING BAER PARK BETWEEN WEST WINDSOR STREET AND WEST DOUGLASS STREET
5. ALL PARCELS SITUATED ON THE WEST AND EAST SIDE OF JOHNSON STREET BETWEEN WEST GREENWICH STREET AND WEST GREEN STREET AND BETWEEN GORDON STREET AND SPEIDEIL STREET,
6. ALL PARCELS SITUATED ON THE WEST AND EAST SIDE OF TULPEHOCKEN STREET BETWEEN WEST DOUGLASS STREET AND WEST GREEN STREET,
7. ALL PARCELS SITUATED ON THE EAST SIDE OF TULPEHOCKEN STREET BETWEEN LAFAYETTE STREET AND WEST BUTTONWOOD STREET,
8. ALL PARCELS SITUATED ON THE WEST AND EAST SIDE OF EISENBROWN STREET BETWEEN WEST OLEY STREET AND WEST GREEN STREET,
9. ALL PARCELS SITUATED ON THE WEST AND EAST SIDE OF CLINTON STREET BETWEEN RIVER ROAD AND EISENBROWN STREET,
10. ALL PARCELS SITUATED ON THE SOUTH SIDE OF RIVER ROAD BETWEEN SCHUYLKILL AVENUE AND THE RIGHT-OF-WAY COMMONLY KNOWN AS OPPORTUNITY DRIVE,
11. ALL PARCELS SITUATED ON THE NORTH AND SOUTH SIDE OF WEST WINDSOR STREET BETWEEN GEORGE STREET AND SCHUYLKILL AVENUE,
12. ALL PARCELS SITUATED ON THE NORTH AND SOUTH SIDE OF WEST DOUGLASS STREET BETWEEN CLINTON STREET AND SCHUYLKILL AVENUE,
13. ALL PARCELS SITUATED ON THE NORTH AND SOUTH SIDE OF WEST OLEY STREET BETWEEN CLINTON STREET AND SCHUYLKILL AVENUE,
14. ALL PARCELS SITUATED ON THE NORTH AND SOUTH SIDE OF WEST GREENWICH STREET BETWEEN CLINTON STREET AND SCHUYLKILL AVENUE,
15. ALL PARCELS SITUATED ON THE NORTH AND SOUTH SIDE OF WEST GREEN STREET BETWEEN THE RIGHT-OF-WAY COMMONLY KNOWN AS OPPORTUNITY DRIVE AND SCHUYLKILL AVENUE,
16. ALL PARCELS SITUATED ON THE SOUTH SIDE OF LAFAYETTE STREET BETWEEN TULPEHOCKEN STREET AND MILTIMORE STREET,
17. ALL PARCELS SITUATED ON THE NORTH AND SOUTH SIDE OF SPEIDEL STREET BETWEEN TULPEHOCKEN STREET AND GORDON STREET,
18. ALL PARCELS SITUATED ON THE NORTH SIDE OF WEST BUTTONWOOD STREET BETWEEN TULPEHOCKEN STREET AND SCHUYLKILL AVENUE,
19. PROPERTY COMMONLY KNOWN AS 1 BERKSHIRE PLACE, THE FORMER GRAY IRON AND READING IRON PROPERTIES, INCLUDING THE RIGHT-OF-WAY COMMONLY KNOWN AS OPPORTUNITY DRIVE, INTERSECTING AT THE NORTHMOST PORTION WITH CLINTON STREET AT RIVER ROAD AND AT THE SOUTHMOST PORTION WITH TULPEHOCKEN STREET AT WEST GREEN STREET,
20. TRACTS, EASEMENTS, UNNAMED ALLEYS, AND RIGHTS-OF-WAY INCIDENTAL TO THE PROPERTIES SITUATED WITHIN THE BOUNDARY DESCRIBED HEREIN,

BACKGROUND

WHEREAS, the City of Reading Codified Ordinances sets forth Chapter 600, entitled “City of Reading Zoning Ordinance” which chapter has been amended from time to time; and

WHEREAS, the City Council of the City of Reading desires to amend the Official Zoning Map and portions of the Zoning Ordinance to provide a Riverfront Redevelopment Overlay Zone in portions of northwest Reading as depicted as attached in Exhibit A, in accordance with the provisions set forth in Section 609 of the Pennsylvania Municipalities Planning Code, as enunciated in 53 P.S. Section 10609.

NOW, THEREFORE, the City Council of the City of Reading hereby ordinates as follows:

SECTION 1. Amending Section 600-501 Zoning Map and Boundaries of the City of Reading Zoning Ordinance to provide that:

A. That portion located in the City of Reading of all certain tracts of land bounded on the north by River Road, and bounded on the west by railroad property owned by Pennsylvania Lines LLC (Norfolk
Southern Corp), and bounded on the south by Tulpehocken Street and by Buttonwood Street, and by railroad property owned by Pennsylvania Lines LLC (Norfolk Southern Corp), and bounded on the east by Schuylkill Avenue, including:

1. All parcels situated on the west side of Schuylkill Avenue between River Road and West Buttonwood Street,
2. All parcels situated on the west and east side of Miltimore Street between River Road and West Buttonwood Street,
3. All parcels situated on the west and east side of Gordon Street between River Road and West Buttonwood Street,
4. All parcels situated on the west and east side of George Street including Baer Park between West Windsor Street and West Douglass Street,
5. All parcels situated on the west and east side of Johnson Street between West Greenwich Street and West Green Street and between Gordon Street and Speidel Street,
6. All parcels situated on the west and east side of Tulpehocken Street between West Douglass Street and West Green Street,
7. All parcels situated on the east side of Tulpehocken Street between Lafayette Street and West Buttonwood Street,
8. All parcels situated on the west and east side of Eisenbrown Street between West Oley Street and West Green Street,
9. All parcels situated on the west and east side of Clinton Street between River Road and Eisenbrown Street,
10. All parcels situated on the south side of River Road between Schuylkill Avenue and the right-of-way commonly known as Opportunity Drive,
11. All parcels situated on the north and south side of West Windsor Street between George Street and Schuylkill Avenue,
12. All parcels situated on the north and south side of West Douglass Street between Clinton Street and Schuylkill Avenue,
13. All parcels situated on the north and south side of West Oley Street between Clinton Street and Schuylkill Avenue,
14. All parcels situated on the north and south side of West Greenwich Street between Clinton Street and Schuylkill Avenue,
15. All parcels situated on the north and south side of West Green Street between the right-of-way commonly known as Opportunity Drive and Schuylkill Avenue,
16. All parcels situated on the south side of Lafayette Street between Tulpehocken Street and Miltimore Street,
17. All parcels situated on the north and south side of Speidel Street between Tulpehocken Street and Gordon Street,
18. All parcels situated on the north side of West Buttonwood Street between Tulpehocken Street and Schuylkill Avenue,
19. Property commonly known as 1 Berkshire Place, the former Gray Iron and Reading Iron Properties, including the right-of-way commonly known as Opportunity Drive, intersecting at the northern most portion with Clinton Street at River Road and at the southmost portion with Tulpehocken Street at West Green Street,
20. Tracts, easements, unnamed alleys, and rights-of-way incidental to the properties situated within the boundary described herein,
and currently constituting a portion of the M-C Manufacturing Commercial, R-3 Residential, and C-N Commercial Neighborhood Zoning Districts, shall henceforth also constitute a Riverfront Redevelopment Overlay Zoning District.

SECTION 2. Amending Section 600-815D Districts of the City of Reading Zoning Ordinance as follows:

Section 600-815D(3) of the City of Reading Zoning Ordinance is hereby amended so as to provide that:

Minimum business uses. Allowing no more than 35% (approximately 4 floors) of the total floor area of all enclosed buildings after completion of the development of the tract to be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.

Section 600-815D(5) of the City of Reading Zoning Ordinance is hereby amended so as to provide that:

Riverfront access. The RR Overlay Zone offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RR Overlay Zone if the developer commits to providing public access to and along all portions of the Schuylkill Riverfront that are under the control of the applicant or that are under the ownership of any agency to such public access being provided by the applicant. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.

SECTION 2. The zoning officer of the City of Reading is hereby authorized to take such actions as may be necessary to cause the Official Zoning Map of the City of Reading to be amended in accordance with the terms and provisions of this Ordinance and shall take such other actions as may be necessary to effectuate the terms of this Ordinance.

SECTION 3. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION 4. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining portions of the Ordinance shall not be effected thereby. It is hereby expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions not been included herein.
SECTION 5. All other provisions of the Zoning Ordinance of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 6. This Ordinance shall become effective ten (10) days after its enactment by City Council.

ENACTED this ___ day of ______________, 2017.

CITY OF READING, Berks County, Pennsylvania

By: __________________________
    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 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.
The Council of the City of Reading hereby ordains as follows:

Section One: The 2017 General Fund Budget Ordinance is hereby amended by changing the ordinance to reflect the funding of the amended position ordinance, Bill No. 50-2017, approved at the May 22nd City Council meeting.

Section Two: The salary adjustments will be paid from decreases in the General Fund Salary budget line items, and will be funded by the increases in the General Fund Salary line items attached as Exhibit A.

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: __________
### City of Reading
### Salary Adjustments
### 2017

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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Managing Director</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Assistant</td>
<td>$46,350.00</td>
<td>$4,650.00</td>
<td>$51,000.00</td>
<td>01-04-06-4000-000</td>
</tr>
<tr>
<td>(from Administrative Assistant)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Services - Human Resources Division</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Resources Division Manager</td>
<td>$60,000.00</td>
<td>$15,000.00</td>
<td>$75,000.00</td>
<td>01-06-11-4000-000</td>
</tr>
<tr>
<td>(existing position)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Services - Accounting Division</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue Manager</td>
<td>$</td>
<td>-</td>
<td>$65,000.00</td>
<td>01-06-18-4000-000</td>
</tr>
<tr>
<td>(new position)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Services - Purchasing Division</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing Assistant - Full Time</td>
<td>$</td>
<td>-</td>
<td>$35,000.00</td>
<td>01-06-16-4000-000</td>
</tr>
<tr>
<td>(from Purchasing Assistant - Part Time)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Public Works - Public Works Director Division |
### Operations Manager
- **71,000.00**
- **3,000.00**
- **$74,000.00**

### Public Property Manager
- **58,000.00**
- **2,000.00**
- **$60,000.00**

**$129,650.00**

---

#### Decreases:

<table>
<thead>
<tr>
<th>Description</th>
<th>Was</th>
<th>(Decrease)</th>
<th>New</th>
<th>Budget Account #</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administrative Services - Administrative Servivces Director Division</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director (vacant)</td>
<td>$75,000.00</td>
<td>(75,000.00)</td>
<td>$ -</td>
<td>01-06-13-4000-000</td>
</tr>
<tr>
<td>Confidential Secretary (eliminated)</td>
<td>$42,000.00</td>
<td>(42,000.00)</td>
<td>$ -</td>
<td>01-06-13-4000-000</td>
</tr>
<tr>
<td>( adjustment to balance entry )</td>
<td></td>
<td></td>
<td>$1,150.00</td>
<td>01-06-13-4000-000</td>
</tr>
<tr>
<td><strong>Administrative Services - Purchasing Division</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing Assistant - Part Time (eliminated)</td>
<td>$13,800.00</td>
<td>(13,800.00)</td>
<td>$ -</td>
<td>01-06-16-4016-000</td>
</tr>
</tbody>
</table>

**$(129,650.00)**
AN ORDINANCE

AMENDING THE CITY OF READING CODE, CHAPTER 212 SETTING APPEAL FEES FOR MATTERS THAT MAY BE APPEALED TO THE CODE AND LICENSE APPEALS BOARD

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

Section One: City Code Chapter 212 Fees is amended to set appeal fees for matters that may be appealed to the Code and License Appeals Board in accordance with Appendix A herein.

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

_________________________________
Council President

Attest:

_________________________________
City Clerk

Submitted to the Mayor: __________
Date: __________
Approved by the Mayor: __________
Date: __________
Vetoed by the Mayor: __________
Date: __________
APPENDIX A

§ 212-104. Business Licenses Annual License Tax

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
<th>Ordinance No.</th>
<th>Code Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal Fee - Business License Revocation</td>
<td>$100</td>
<td></td>
<td>339-211</td>
</tr>
<tr>
<td>Or Cease Operations Order</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

§ 212-128. Rental housing inspection.

| Appeal Fee                          | $100 |               | 180-1301      |

§ 212-136. Curbside waste collection.

| Appeal Fee                          | $100 |               | 496-207       |

§ 212-146. Zoning. Vending

| Appeal Fee                          | $100 |               | 212-136       |

§ 212-147. Zoning

No change in Fees
REQUESTED ACTION: Amend the Agency Fund 2017 budget to reflect the budgeted receipt and subsequent repayment 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.

RECOMMENDATION
The Managing Director recommends the above changes in the General Fund budget, which will improve tracking in the accounting system.

BACKGROUND
Prior to the current change in accounting procedures, repayments of fire escrow deposits were handled using the existing accounts payable check request forms. Since the amounts of these refunds can reach dollar amounts which would require additional levels of review, it is recommended that purchase orders be used in order to ensure all levels of review are performed and that improved tracking can be achieved. This requires establishing budgeted line items in order to begin the new process. These budgeted line item amounts had not been reflected in the 2017 adopted budget. The administration has requested that these funds be approved in order to improve the City’s accounting procedures.

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 to amend the 2017 Agency Fund budget to reflect the budgeted receipt and subsequent repayment line items which will allow the use of purchase orders to pay all refundable fire escrow deposits and improve tracking in the accounting system.

RECOMMENDED BY
The Managing Director recommends approval.

RECOMMENDED MOTION
Approve/deny the ordinance amending the 2017 Agency Fund budget to reflect the budgeted receipt and subsequent repayment line items which will allow the use of purchase orders to pay all refundable fire escrow deposits and improve tracking in the accounting system.
AMENDING THE 2017 AGENCY FUND BUDGET ORDINANCE -
AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE AGENCY
FUND IN THE AMOUNT OF $100,000 TO BUDGET FOR THE RECEIPT AND
REPAYMENT OF FIRE ESCROW DEPOSITS RECEIVED, WHICH WAS NOT
REFLECTED IN THE 2017 APPROVED BUDGET.

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

Section One: Council hereby authorizes amending the 2017 Agency Fund budget in
the amount of $100,000.00 to reflect the receipt and subsequent
refunding of fire escrow deposit monies not previously reflected in the
2017 budget. This will allow purchase orders to be used in the refunding
process.

Section Two: The payment will be paid from the Agency Fund Fire Escrow
Reimbursement budget line item (31-06-00-4598) for the amount of
$100,000.00, and the line item will be funded by the addition of the
Agency Fund Fire Escrow Collected budget line item (31-06-00-3598) for
the amount of $100,000.00.

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
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: ____________
Received by the Mayor’s Office: ____________
Date: ____________
Approved by Mayor: ____________
Date: ____________
Vetoed by 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.  

(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 15 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) Stay 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: __________
Received by the Mayor’s Office: ___________
Date: ___________
Approved by Mayor: ___________
Date: ___________
Vetoed by 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.
BILL NO. ______ - 2017
AN ORDINANCE

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: 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 Charge¹²</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

<p>| Municipal Administrative Fee    | $50                        | $50                          | $50                          |
| Service Call                    | $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 |
| Dropsing 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                          |                             |</p>
<table>
<thead>
<tr>
<th>Add’lly Approved Specialized Equipment</th>
<th>$25 per extra hour</th>
<th>$45 per extra hour</th>
</tr>
</thead>
</table>

### Winching & Winching Recovery Cost Per Truck

<table>
<thead>
<tr>
<th></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>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

<table>
<thead>
<tr>
<th></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>Release Fee for United States Legal Holidays</td>
<td>$60</td>
<td>$60</td>
<td></td>
</tr>
<tr>
<td>Tow Operator Administrative Costs</td>
<td>$20</td>
<td>$20</td>
<td></td>
</tr>
<tr>
<td>Clean up and Debris Disposal</td>
<td>Prices shall be determined by tow operator based on degree of hazardous waste</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Fees for all towing businesses operating within Reading

<table>
<thead>
<tr>
<th></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>Charge to remove vehicles from private property</td>
<td>Not to exceed $250 per tow</td>
<td>Not to exceed $500 per tow</td>
<td>Not to exceed $500 per tow</td>
</tr>
</tbody>
</table>

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.
**TRAAC VEHICLE IDENTIFICATION GUIDE**

**CLASS 1 • LIGHT-DUTY • (6,000 lbs. or less GVW - 4 tires)**

**CLASS 2 • LIGHT-DUTY • (6,001 - 10,000 lbs. GVW - 4 tires)**

**CLASS 3 • MEDIUM-DUTY • (10,001 - 14,000 lbs. GVW - 6 tires or more)**

**CLASS 4 • MEDIUM-DUTY • (14,001 - 16,000 lbs. GVW - 6 tires or more)**

**CLASS 5 • MEDIUM-DUTY • (16,001 - 19,500 lbs. GVW - 6 tires or more)**

**CLASS 6 • MEDIUM-DUTY • (19,501 - 26,000 lbs. GVW - 6 tires or more)**

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

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

**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 Towing (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

**Notes:** Any vehicle may carry hazardous materials. Advise if possible.

*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.

**CLASS 7 • HEAVY-DUTY • (26,001 - 33,000 lbs. GVW - 6 tires or more)**

**CLASS 8 • HEAVY-DUTY • (33,001 lbs. and over GVW - 10 tires or more)**

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

```
1P8ZA1279SZ215470
```

<table>
<thead>
<tr>
<th>Year</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>A</td>
</tr>
<tr>
<td>1981</td>
<td>B</td>
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<tr>
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<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**

**MEDIUM-DUTY**

**TOW TRUCK**

**CAR CARRIER**

**LOW BOY TRAILER**
# TRAA Vehicle Identification Guide

<table>
<thead>
<tr>
<th>Class</th>
<th>Duty</th>
<th>GVW Range</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Light-Duty</td>
<td>0 - 6,000 lbs.</td>
<td>Classes 1 and 2 include passenger vehicles, light trucks, minivans, full size pickups, sport utility vehicles and full size vans.</td>
</tr>
<tr>
<td>2</td>
<td>Light-Duty</td>
<td>6,001 - 10,000 lbs.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Medium-Duty</td>
<td>10,001 - 14,000 lbs.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Medium-Duty</td>
<td>14,001 - 16,000 lbs.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Medium-Duty</td>
<td>16,001 - 19,500 lbs.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Medium-Duty</td>
<td>19,501 - 26,000 lbs.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Heavy-Duty</td>
<td>26,001 - 33,000 lbs.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Heavy-Duty</td>
<td>33,001 lbs. and over</td>
<td></td>
</tr>
</tbody>
</table>

### 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 present.

**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 be compared with the DOT Classification Vehicle Type Chart for the correct DOT class.

Classes 3 through 6 include a wide range of medium-sized vehicles, delivery trucks, utility vehicles, motorhomes, panel trucks, ambulances, small dump trucks, landscape trucks, flatbed and stake trucks, refrigerated and box trucks, small and medium school and transit busses.

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

§ 23-403. Removal of Members.
Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Commission by 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 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

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 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
It is a defense to prosecution under §§ 188-103 and 188-104 that:
A. The minsors juveniles under the age of 18 is accompanied by his or her parents or legal guardian.
B. The minors juveniles 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 juveniles 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 juveniles 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 juveniles 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 juveniles 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.
WHEREAS, Centre Park Historic District (CPHD), Inc. for the past 35 years has compiled an exemplary record in fulfilling its mission to preserve the historical and architectural heritage of the District, and to foster a sense of community throughout the entire Centre Park neighborhood; and

WHEREAS, CPHD, Inc. over the years has invested substantial funds and resources to make capital improvements to the District, including the restoration of the General McMurtrie Gregg statue at Centre Avenue and Oley Street, numerous amenities and upgrades to the Park itself, and the purchase and rehabilitation of the Artifacts Bank at 707 North 5th Street; and

WHEREAS, CPHD, Inc. now desires to further this tradition by developing, at its sole expense, a professional Master Plan for the long-term improvement and sustainability of Centre Park, which will be the basis for a capital campaign to implement and carry out the Plan in the years ahead; and

WHEREAS, the City of Reading desires to be a supportive partner in this endeavor by CPHD, Inc. as it will lead to the enhancement and long-term viability of one of the City’s much treasured assets.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

1. That the City of Reading shall have a representative who, over the next six (6) months to one (1) year, shall participate in the development if the Centre Park Master Plan; and
2. That, after the proposed plan is developed, the City shall again meet with CPHD, Inc. and together will:
   a. Agree on a mutually acceptable final Master Plan for Centre Park, and
   b. Agree on a process, going forward, for implementing the Plan, including:
      i. Developing specifications for the Master Plan,
      ii. Issuing RFP's for the work,
      iii. Overseeing the construction,
      iv. Transferring funds from CPHD, Inc. to the City as construction progresses, and
v. Creating a Memorandum of Understanding as to the ongoing maintenance responsibilities of both the CPHD, Inc. and the City of Reading.

ADOPTED BY COUNCIL ____________________, 2017

________________________________________
PRESIDENT OF COUNCIL

ATTEST:

________________________________________
CITY CLERK