



CITY COUNCIL

Meeting Agenda

REGULAR MEETING
COUNCIL CHAMBERS

MONDAY, JUNE 27, 2016
7:00 P.M.

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under "Live and Archived Meeting Videos". All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.
3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
4. Citizens may not approach the Council tables at any time during the meeting.
5. Any person making threats of any type, personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking, removed from Council Chambers and/or cited.
6. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. Althea France, Zion City of Truth

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, June 27th was related to _____ matters.

2. PROCLAMATIONS AND PRESENTATIONS

- Commendation recognizing the 75th Anniversary of the John P. Feeney Funeral Home, accepted by Michael Feeney

3. PUBLIC COMMENT – AGENDA MATTERS:

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

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

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

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of June 13, 2016

B. AGENDA: Regular Meeting of June 27, 2016

5. Consent Agenda Legislation

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

Environmental Advisory Council – Cathy Curran-Myers, Chair

9. ORDINANCES FOR FINAL PASSAGE

Pending additional information required

Bill No. 2016 – creating the Reading Regional Water Authority *Introduced at the May 23 regular meeting*

None

10. INTRODUCTION OF NEW ORDINANCES

None

11. RESOLUTIONS

A. Resolution – reappointing Michael Leifer to the Fire Civil Service Board

B. Resolution No. -2016 – approving the Conditional Use permit at 436 S 18th St., to allow the conversion of one commercial unit to a residential rental unit, creating two residential rental units at the property with conditions

C. Resolution No. -2016 – approving the Conditional Use permit at 800 N 5th St., to allow the conversion of one commercial unit to a residential rental unit, creating five residential rental units at the property with conditions

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, June 27

Committee of the Whole – Penn Room – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, July 4

City Hall Closed – Happy Independence Day

Tuesday, July 5

Nominations & Appointments Committee – Council Office – 4 pm

Strategic Planning Committee – Council Office – 5 pm

Monday, July 11

Committee of the Whole – Penn Room – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, June 27

DID Authority – 645 Penn St – noon

District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, June 28

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

Penn's Common Neighborhood Group – Penn's Common meeting room – 7 pm

Wednesday, June 29

Stadium Commission – Stadium RBI Room – 7 pm

Tuesday, July 5

Charter Board – Penn Room – 7 pm

Wednesday, July 6

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

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

Thursday, July 7

Police Civil Service Board – Penn Room – noon

Sunday, July 10

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, July 11

Shade Tree Commission – Public Works Building – 6 pm

City of Reading City Council
Regular Meeting
June 13, 2016

Council President Waltman called the meeting to order.

The invocation was given by Pastor Felipe Fana, Iglesia Misionera La Senda.

All present pledged to the flag.

The Committee of the Whole meeting included an executive session on litigation.

ATTENDANCE

Council President Waltman

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Twyman, District 3

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

Council President Waltman stated that Councilor Marmarou is excused due to a health issue.

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations issued at this meeting.

PUBLIC COMMENT

Council President Waltman announced that the rules will be suspended to allow Bill No. 22 to dissolve RAWA to be called up for a vote at this time, after public comment on the Bill is heard. He explained that he has a schedule conflict and will need to leave the meeting after the vote. He inquired if any Councilor objected to suspending the rules for this purpose. No one objected.

Councilor Daubert read the Council public comment rules English and a citizen in the audience read the rules to the audience in Spanish.

Josue Garcia-Fisher, of Lebanon, stated that he is a landlord and he expressed the opinion that RAWA's business dealings are unfair and unjust. He described a water charge of approximately \$4,000 and RAWA told him to hire a plumber to find what caused the problem. He stated that the

plumber found nothing to substantiate the problem or the charge. He stated that RAWA refused to acknowledge that there may be a problem with the meter, not the pipes. He expressed the belief that the billing practices employed by RAWA are unfair and that the Authority is abusive. He stated that while he always tries to do things the right way, he finds no resolve.

Andrew Molteni, of Pear Street, agreed that RAWA should be dissolved. He expressed the belief that a \$97 water bill for a one (1) person household is too high. He suggested that everyone work together rather than walking down the street to nowhere-ville. He expressed the belief that high salaries of RAWA employees are unnecessary and he suggested that people volunteer to perform those services and functions.

Shelia Perez, no mailing address listed on the sign in sheet, agreed with the dissolution of RAWA due to their exorbitant expenditures and unethical practices. She disagreed with the creation of a new authority to replace RAWA and she expressed the belief that water should be run as a City service under the control of the PUC. She noted the opinions expressed by Judge Sprecher in a 2014 court ruling that highlights the various problems with RAWA. She questioned the process to create the new authority and claimed that providing information in English alone is a violation of the Voting Rights Act. She questioned the City Clerk's role in the process to create the authority and noted the need for a public hearing prior to the vote on the ordinance to create a new authority.

Evelyn Morrison, of Church Street, suggested that those individuals having water billing issues should avail themselves of the process in place to meet with RAWA officials. She volunteered to assist those in need. She described the problem with paying the water bill at non-authority locations such as check cashing locations where the transfer of the cash can take up to a week and create penalties and additional charges to residents. She agreed with Ms. Perez that a public hearing is needed before a new authority can be created. She expressed concern with fees paid to subcontractors by RAWA as those fees are paid using Authority funds generated by citizens. She expressed the belief that the activities of all appointed and elected officials should be explored to identify improprieties and conflicts.

APPROVAL OF THE AGENDA & MINUTES

Council President Waltman called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the May 23rd Regular Meeting of Council. He noted the need to amend the agenda to include an appointment resolution for RAWA. No one objected to the amendment of the agenda.

Councilor Daubert moved, seconded by Councilor Reed, to approve the minutes from the May 23rd Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution No. 50-2016 – authorizing the execution of the PY2014, PY2015 and PY2016 CDBG

Action Plan Amendment to program \$1,100,000 in unprogrammed CDBG funds for the Fire Protection Equipment Activity (the purchase of a Ladder Vehicle) for the 3rd and Court Station

Bill No. 22-2016 – dissolving the Reading Area Water Authority *Introduced at the May 23 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to enact Bill No. 22-2016.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed to amend Bill No. 22- 2016 by eliminating the word “sale”, changing the dissolution date to December 31, 2016 and replacing “demanding the resignation” with “requesting the resignation”.

The amendment to Bill No. 22-2016 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman President - 6
Nays: None - 0

Councilor Slifko stated that while he supports the dissolution at this time, he is unsure what will replace the RAWA organization. He noted Council’s work to address and correct various RAWA related issues over the past few years.

Councilor Reed expressed the belief that the terms negotiated two (2) years ago were never completed properly by RAWA. She noted that while there was a conflict between the Mayor and Council two (2) years ago about the dissolution of RAWA, there is agreement between the Mayor and Council in 2016.

Council President Waltman agreed that Council and the administration are taking a big step by dissolving RAWA and he agreed that a public hearing will need to occur prior to the enactment of an ordinance to create a new authority.

Bill No. 22-2016 was enacted, as amended, by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman President - 6
Nays: None - 0

Council President Waltman was excused from the meeting at this time and Vice President of Council Reed took the chair.

PUBLIC COMMENT

Council Vice President Reed stated that there are thirty two (32) citizens registered to address Council on non-agenda matters. She inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended.

Council Vice President Reed reminded those registered to speak about the public speaking rules read earlier in the meeting.

John Hefferon, of Mohnton, stated that he owns rental properties in the 100 block of South 6th Street for 11 years. He stated that there are operational problems with Codes, RAWA, Police and Solid Waste. He stated that this block is located within the Prince Historic District and he described the deplorable condition of properties in the surrounding neighborhoods, also within the Prince Historic District. He described his work to make the Building Trades and Codes inspectors aware that a property that adjoins one of his properties was in a state of near collapse; however, the inspectors disagreed. He stated that eventually the property did collapse and caused significant damage to his property. He stated that drug trafficking and prostitution are prevalent in surrounding neighborhoods along with trash laying in the streets. He also questioned why there are parking meters in the 100 block of South 6th Street at this is a residential neighborhood. He suggested that the City also dissolve the Parking Authority and hire additional police officers.

Adele Wallace, of North 4th Street, stated that she is a City resident who sent her children through the Reading School District. She agreed that people should be provided with municipal IDs so they can pick their children up from school where proper identification is required. She expressed the belief that lack of acceptable IDs an untenable situation that should be resolved.

Dottie Allyn, of Exeter, stated that she agrees with the points Make the Road PA identifies about the need for the Municipal ID program. She expressed the belief that this issue affects many individuals.

Peter Gustis, of West Reading, stated that he and a partner are in the process of opening a medical marijuana business in the 500 block of North 3rd Street in a deteriorated building. He described the benefits to the medical marijuana program and their work to make sure this business will fit in with this neighborhood.

Adanjesus Marin, of Washington Street, asked his supporters in the audience to stand up. He asked everyone to take a moment of silence for the victims and family members that were involved in the Orlando Florida incident over the weekend. He stated that he supplied a draft budget and ordinance to the City for the municipal ID program. He expressed the belief that if the City charges \$15 for the municipal ID card the City will generate \$58K annually and if the City charges \$30 (cost of the State ID) the City will generate \$128K annually. He stated that Make the Road PA has been waiting a year for the City to consider this issue.

Janice Paulino, of Bingaman Street, was not present.

Colleen Normiele, of North 3rd Street, expressed her belief in the proposed municipal ID program. She stated in 2014 14% of people were ineligible for a State issued ID and that 17% of voters do not have access to some form of identification. She described the issues that are created for those who

do not have an ID and the additional costs they must pay to do certain things like cash checks.

Alex Madrigal, of South 5th Street, (with assistance from Mr. Marin as a translator) stated that he is a Reading citizen who has worked within Reading for nine (9) years. He stated that when he moved to Reading many buildings in neighborhoods appeared to be abandoned; however, those conditions are starting to improve. He expressed the belief that the municipal ID program will aid people and the City.

Maura Reinbrecht, of Washington Street, stated that she supports the municipal ID program as it will improve the lives of those who cannot obtain ID cards through the normal channels. She stated that she attends college in New York City and she has seen the program work successfully to benefit the disadvantaged.

Tony Vera, of Washington Street, stated that he is an intern with Make the Road PA and a college graduate. He noted the disadvantages of not having an ID card and he expressed the belief that all people should have the opportunity to obtain ID cards.

Rainy Leonore, of Hill Road, stated that she is an immigrant student and she described the difficulties imposed upon those who cannot obtain IDs through the normal channels. She expressed the belief that undocumented immigrants should be recognized.

Brad Richardson, of Franklin Street, stated that the budget Make the Road PA provided to the City shows that this program is a revenue generating opportunity for Reading. He expressed the belief that the program can be run successfully with part-time staff.

Abraham Cepeda was not present and Bernardo Carbajal spoke in his place. He stated that he strongly believes in this program. He described his legal work against the Hazelton ordinance regarding undocumented immigrants. He expressed the belief that the Constitution applies to all people, including undocumented immigrants. He described the problems faced by those who cannot obtain an ID.

Alexis Cardenas, of South 5th Street, stated that he is a university professor here to make a film about how people make sense of their lives with and without IDs and why this program is important.

Mike Szajna, of Exeter, stated that he is a school bus driver who sometimes fills on at the routes of other drivers and he described the problems that occur when someone picking up a child cannot provide proper ID. He stated that the problems involved affect many parties.

Carmen Molina, of North 5th Street, (with assistance from Mr. Marin as a translator) described the difficulties endured by those who cannot obtain an ID card.

Amanda Mogro, of North 9th Street, (with assistance from Mr. Marin as a translator) asked Council to approve the program so all have access to ID cards and the services and programs those with IDs can obtain. She noted that undocumented immigrants are not bad people here to do bad things.

Juan Oleas, of South 5th Street, stated that he supports the program. He stated that he at one time was an immigrant who obtained citizenship. He stressed the importance of taking that life changing step. He stated that the ID program will benefit all.

Adriana Silva, of Penn Street, stated that he supports the municipal ID program so everyone can be counted and supported. He described the difficulties experienced by those without IDs. He expressed the belief that offering IDs to undocumented immigrants will get everyone out of the shadows.

Calixto Fernandez, of Penn Street, (with assistance from Mr. Marin as a translator) stated that he supports the program as it will allow all to participate and get people out of the shadows.

Evelyn Nieves, of North 6th Street, was not present.

Dionicia Zarato , of Penn Street, was not present.

Sue Jahaira Rodriguez, of Spring Township, was not present.

Luna Alma, of Buttonwood Street, was not present.

Naicisa Molina, of Muhlenberg Township, was not present

Marvin Hernandez, of North 3rd Street, expressed the belief that the municipal ID program will provide significant changes for those who cannot obtain an ID under the current system.

Claudia Sanchez, of South 5th Street, suggested that Reading, like other important cities, adopt the municipal ID program as having an ID will provide benefits to people who need them. She expressed the belief that having the program will attract more people to Reading.

Mike Shoumlisky, of Butler Street, stated that at the last meeting Council voted unanimously in support of Senate Bill 414 that focuses on changing the defined benefit pension program for police and fire fighters which will damage the integrity of both departments and cause massive retirements. He noted that police and fire fighters are not eligible for Social Security benefits and therefore do not pay into the program. He stated that the creation of a defined contribution program for police and fire will require the creation of two (2) new pension boards which will require new employees, actuaries and legal counsel. He stated that Reading's fire pension is one of the best funded programs in the State. He stated that \$6B of the unfunded pension problem in Pennsylvania is the fault of Philadelphia. He noted that under the current system the employee contribution and the State contribution reduce the City's obligations. He noted that the strain of being a police officer and fire

fighter creates scars physically and emotionally and he suggested that police and fire fighters not be treated as liabilities.

Janice Paulino, no address listed on the sign in sheet, was not present

Wanda Negron, of Lackawanna Street, was not present.

Evelyn Morrison, of Church Street, asked to be recognized as she also registered to address a non-agenda topic. Council did not object.

Ms. Morrison suggested that the municipal ID program could bring stability and reform. She noted that the program would also help those who have been incarcerated and those who choose to find work. She stated that churches support the program.

ADMINISTRATIVE REPORT

The mayor stated that the municipal ID program is being considered; however, the program and materials provided require additional vetting. He stated that the ordinance provided contains many errors and issues that may be a violation of Federal and State regulations. He also stated that the terms may be a violation of the oath of office taken by the mayor, Council and some appointed officials as the oath pertains to upholding the laws of the local government, State and Federal governments. He expressed the belief that laws should apply to all citizens, not some.

Mr. Marin asked his supporters in the audience to join him by walking out of the meeting.

The mayor stated that the City will consider adopting the program after all aspects of the program and the ordinance are thoroughly researched. He noted that City laws cannot violate State and Federal regulations. He expressed the belief that walking out of a meeting when you hear something contrary is not good democratic expression. He suggested that City Council should not pass the legislation and allow those who want the program to test the issue through the referendum process (Note: under the Charter citizens would use the Initiative process to propose the program to the electorate).

AUDITOR'S REPORT

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

- 1996-2016 Unemployment Compensation
- 2012-16 Real Estate Transfer Tax

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

Council Vice President Reed stated that the 2015 annual fire report was distributed to Council and she inquired if Chief Stoudt wished to make a presentation. Chief Stoudt stated that the report speaks for itself.

ORDINANCES FOR FINAL PASSAGE

Pending additional information required

Bill No. 17-2016 – authorizing Berks EIT, as the City’s tax collector, to engage one or more third-party collection agencies to pursue and collect delinquent Tax and apply a fee for the use of a third-party collection agency provided that the fee does not exceed twenty-five percent (25%) of the amount of Tax collected from any such Taxpayer *Introduced at the April 25 regular meeting; Tabled at the May 9 and May 23 regular meetings*

Bill No. 2016 – creating the Reading Regional Water Authority *Introduced at the May 23 regular meeting*

A. Bill No. 20-2016 – setting the salary of the Police Chief at \$105,000 *Introduced at the May 23 regular meeting*

The mayor stated that when he discussed salary with the Chief, Mr. Dominguez told him that taking the job is not about the money and that he wishes to take the job to make a positive contribution.

Councilor Daubert moved, seconded by Councilor Slifko, to enact Bill No. 20-2016.

Bill No. 20-2016 was enacted by the following vote:

Yeas: Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman - 5

Nays: None - 0

B. Bill No. 21-2016 – amending the 2016 Position Ordinance and the 2016 Annual Operating Budget to add the position of Deputy Chief under Police Administration and setting the salary for the Deputy Chief at the amount received by a Captain *Introduced at the May 23 regular meeting*

The mayor explained the need for a Deputy Police Chief who can fill in and/or be in the line of succession for the Chief position should it become open. He stated that although he had someone in mind for the position, he agreed with the Chief’s request to select the person to fill this new position.

Councilor Goodman-Hinnershitz expressed the belief that creating the position is a logical fit within the Police Department.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to enact Bill No. 21-2016.

Bill No. 21-2016 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman - 5

Nays: None - 0

Councilor Goodman-Hinnershitz read the pending ordinances into the record.

INTRODUCTION OF NEW ORDINANCES

No ordinances were introduced at this meeting.

RESOLUTIONS

A. Resolution 51-2016 – appointing Chris Kern to the Environmental Advisory Council

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to adopt Resolution No. 51-2016.

Councilors Goodman-Hinnershitz and Slifko noted the skills and environmental qualifications this candidate will bring to the EAC.

Resolution No. 51-2016 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman - 5

Nays: None - 0

B. Resolution 52-2016 – appointing Bill Murray to fill the unexpired term of Gery Fisher on the Water Authority

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to adopt Resolution No. 52-2016.

The mayor noted the skills and experience with the operations of other water systems this candidate will bring to RAWA.

Resolution No. 52-2016 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman - 5

Nays: None - 0

COUNCIL COMMENT

Councilor Daubert described the positive experience he had at the Islamic Center ceremony last night.

Councilor Twyman thanked those attending the meeting tonight. He noted the importance of public participation in government. He noted his disappointment when the citizens left the meeting without considering all sides of the discussion.

Councilor Goodman-Hinnershitz stated that she appreciates all the comments made on the

proposed municipal ID program but she questioned Make the Road PA's leadership when they asked the supporters to walk away from the meeting when contrary points were made. She described the District 2 events over the past few weeks.

Councilor Daubert, regarding the proposed municipal ID program, stated that all proposed legislation goes through a vetting process which allows people to become educated on the issue and make adjustments to the legislation so it fits well within our government structure. He stated that the mayor's comments represent that vetting process.

Councilor Slifko agreed that while Make the Road PA presented the issue, the issue has not been properly vetted like other proposed legislation. He noted the large number of errors and inconsistencies within the draft ordinance prepared by Make the Road PA. He expressed the belief that walking out during the democratic process to work through the imperfections in the ordinance is improper.

Councilor Reed noted the City's work on water related issues over the past several years. She noted her disappointment that Make the Road PA walked out of the meeting before listening to all sides of the issue. She noted the importance of everyone listening to each other and considering all points of view. She noted the upcoming vigil planned in response to the fatal incident in Orlando early Sunday morning.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Drafted by City Clerk
Sponsored by/Referred by City Council
Introduced on May 23, 2016
Advertised on

**CITY OF READING
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. _____ 2016
(Duly Enacted _____ 2016)**

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, SIGNIFYING THE INTENTION OF CITY COUNCIL TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT, AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE “READING REGIONAL WATER AUTHORITY”; SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY AND FIXING THEIR TERM OF OFFICE; DESIGNATING THE PURPOSES FOR SAID AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID AUTHORITY, INCLUDING THE PUBLICATION OF REQUIRED PUBLIC NOTICE; AND CONTAINING CLAUSES FOR SEVERABILITY, REPEAL, AND EFFECTIVE DATE.

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

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

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

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

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

ARTICLES OF INCORPORATION. The proposed Articles of Incorporation of said Reading Regional Water

Authority are as follows:

READING REGIONAL WATER AUTHORITY

ARTICLES OF INCORPORATION

To: The Secretary of the Commonwealth of Pennsylvania.

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

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

The Authority is formed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented, with all powers authorized by said Municipality Authorities Act.

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

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

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

<u>OFFICE</u>	<u>NAME</u>	<u>ADDRESS</u>
President	Jeffrey Waltman	723 N 4 th St Street Reading, PA 19601
Vice President	Donna Reed	1525 Argonne Rd Reading, PA 19601
Council Member	Chris Daubert	1135 Gregg Avenue Reading, PA 19607
Council Member	Stratton P. Marmarou	1515 Linden Street Reading, PA 19604

Council Member	Marcia Goodman-Hinnershitz	564 S 15th Reading, PA 19601
Council Member	Brian Twyman	849 N 11 th St Reading, PA 19604
Council Member	John Slifko	919 N 3rd St Reading, PA 19601

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

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

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

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

**CITY OF READING
BERKS COUNTY, PENNSYLVANIA**

By: _____
Wally Scott, Mayor

Attest: _____
Linda A. Kelleher CMC, City Clerk

COMMONWEALTH OF PENNSYLVANIA :
 : SS.
COUNTY OF BERKS :

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

Notary Public

NOTARIAL SEAL

My Commission Expires: _____

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

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

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

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

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

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

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

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

Attest:

CITY OF READING
Berks County, Pennsylvania

Linda A. Kelleher CMC, City Clerk

By: _____
Jeffrey Waltman, President of Council

(SEAL)

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

RESOLUTION NO. _____

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

That Michael Leifer is reappointed to the Fire Civil Service Board with a term ending June 27, 2020.

Adopted by Council _____, 2016

President of Council

Attest:

Linda A. Kelleher
City Clerk

R E S O L U T I O N N O. _____ 2016

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

Approving the Conditional Use application submitted by Ms. Michelle Ragoo, 90-23 182nd St., Hollis NY 11423 2 (applicant), for 436 South 18th Street to convert the existing 1st floor commercial unit to a residential unit, allowing two (2) residential rental units at this property.

Adopted by Council _____, 2016

President of Council

Attest:

City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
MICHELLE RAGOO :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT TO CONVERT :
THE COMMERCIAL UNIT AT : PENNSYLVANIA
436 S. 18th ST TO A RESIDENTIAL :

UNIT TO MAKE TWO RESIDENTIAL :
UNITS AT THE PROPERTY :

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

AND NOW, this 27th day of June, 2016, after a hearing held on June 1, 2016, upon the application of Michelle Ragoo, 90-23 182nd St., Hollis NY 11423, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The applicant is Michelle Ragoo, 90-23 182nd St., Hollis NY 11423 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 436 South 18th Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
3. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
4. Applicant is seeking a Conditional Use permit to convert the 1st floor commercial space to one (1) residential unit at the Subject Property, creating a two (2) unit residential property, as per Zoning Ordinance sections 600-804(2)(c) 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (3) and 600-2202.
5. The Applicant testified at the hearing.
6. The Applicant's agent stated that the property was purchased with one residential unit and one commercial unit in May 2016 and that the electric, plumbing, etc. require no changes. She stated that the only improvement she made was the installation of new flooring and that she will not be changing the size of the units.
7. The Applicant's agent stated that off-street parking is not provided; however, there is sufficient public parking in the area. The City Planner noted that this was a two (2) unit property prior to the enactment of the zoning ordinance; therefore the use is a pre-existing, non-conformity.
8. The Applicant testified that the garage and off-street lot at the rear of the property is a separate property, owned by another party.
9. The Applicant testified that the majority of the properties in this neighborhood are multi-unit rental properties.
10. The Applicant stated that her brother and brother-in-law, who also own rental properties in the area, have offered to help her manage this property.

11. The zoning administrator provided a case report and stated that the property is a 2 ½ story building. Adams Dry Cleaner was located in the commercial unit between 1955 and 1985. There is no record of how the 2nd floor unit was used. Property Maintenance inspected the property in October 2013 and November 2015 and they identified the 1st floor commercial space and the 2nd floor residential space. There were no inspections prior to 2013.
12. When asked, the Applicant did not object to having the agenda with the property packet entered as an exhibit.
13. The zoning administrator stated that both units exceed the minimum sizes required by the zoning ordinance.
14. The zoning administrator recommended that Council approve the conversion of the commercial space to a residential space and add conditions limiting each unit to having no more than three (3) tenants and stay in compliance with the City's codes.
15. The City Planner testified that the Planning Commission reviewed the application at their April meeting and recommended approving the application.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to convert the 1st floor commercial unit to a residential unit, creating a two (2) unit rental at 436 South 18th Street.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 436 South 18th Street is located in the R3 Zoning District.
2. Hearing was held on June 1, 2016.
3. Applicant requests a Conditional Use permit to convert the 1st floor commercial unit to a residential unit, creating a two (2) unit rental
4. Off-street parking is not required as the use is a pre-existing, non-conformity.
5. The burden of proof for an application for a Conditional Use is upon the Applicant.
6. The City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
7. The Applicant testified that the current electrical, plumbing and other systems meet the needs of the property in its current configuration. The Applicant also testified that her brother and brother-in-law will assist with the management of the property.
8. The size of the units is in compliance with the zoning ordinance requirements.
9. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
10. The zoning administrator and Planning Commission recommended approving the application for the conversion.

DECISION

After reviewing the Applicant's request in detail and considering the testimony at the hearing, City Council enters the following decision:

1. The application of Michelle Rago, 90-23 182nd St., Hollis NY 11423, to convert the 1st floor commercial unit to a residential unit, creating a two residential unit rental property at 436 South 18th Street, is hereby approved with the following orders:
 - a. The applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.
 - b. The property shall meet all applicable Property Maintenance, Building, Trades and Fire code requirements.
 - c. The applicant shall refrain from allowing more than three (3) individuals to reside at the property.

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

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

RESOLUTION NO. _____ 2016

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

Approving the Conditional Use application submitted by MYTMITE LLC, aka Gregory Kiddy, 718 N 5th St, Reading (applicant), for 800 North 5th Street to convert the existing 1st floor commercial unit (dental office) to a one (1) bedroom residential rental unit, allowing a total of five (5) residential rental units at this property, with conditions.

Adopted by Council _____, 2016

President of Council

Attest:

City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
 MYTMITE LLC. :
 AKA GREGORY KIDDY : OF THE CITY OF READING,
 FOR A CONDITIONAL USE :
 PERMIT TO CONVERT :
 THE 1st FLR COMMERCIAL UNIT AT : PENNSYLVANIA
 800 NORTH 5th ST TO A RESIDENTIAL :
 UNIT TO MAKE FIVE RESIDENTIAL :
 UNITS AT THE PROPERTY :

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

AND NOW, this 27th day of June, 2016, after a hearing held on June 15, 2016, upon the application of MYTMITE LLC, aka Gregory Kiddy, 718 N 5th St, Reading (hereinafter “Applicant”), notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

16. The applicant is MYTMITE LLC, aka Gregory Kiddy, 718 N 5th St, Reading.
17. Applicant is the owner of the fee simple property at 800 North 5th Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
18. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as “Zoning Ordinance”).
19. Applicant is seeking a Conditional Use permit to convert the 1st floor commercial space (dental office) to one (1) residential unit at the Subject Property, creating a five (5) unit residential property, as per Zoning Ordinance sections 600-804(2)(c) 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (3) and 600-2202.
20. The Applicant testified at the hearing.
21. The Applicant stated that the property was formerly owned and operated by a dentist, who ran his practice from the 1st floor commercial unit until he retired. He stated that he and his partner purchased five (5) properties in the 700 and 800 blocks of North 5th Street, one of which they reside in.
22. The Applicant explained that while facing the property the dental office is located to the right of the center hall and another rental unit exists to the left side of the center

hall. The 2nd floor has two (2) residential units and the 3rd floor has one (1) unit. He stated that they retained an architect to help redesign the dental office into a one (1) bedroom residential space and convert the portion of the garage used for an office. He stated that his goal is to provide safe, clean, affordable housing. He expressed the belief that this neighborhood is not well suited for the continuation of some other commercial use at the property.

23. When asked, the Applicant did not object to having the agenda with the property packet entered as an exhibit.
24. The Applicant testified that the pad leading to the garage could be used to provide two (2) off-street parking spaces and that they intended to use the garage for their personal vehicles.
25. The Applicant testified that the garage will remain a garage use and the basement will not be converted to another use.
26. The Applicant did not testify about the property's plumbing, heating, electrical or facilities.
27. The zoning administrator stated that the property is located at 5th and Douglass Streets on a .25 acre parcel. He explained that there are two (2) units on the 1st and 2nd floors and one (1) unit on the 3rd floor. He stated that the unit being converted has 658 sq. ft., (Zoning Ordinance requires the minimum sq. ft for a 1 bedroom at 550 sq. ft.) He stated that the property was purchased by the Applicant in February 2016 and the zoning application was submitted in May 2016.
28. The zoning administrator recommended approving the conversion with the following conditions. He stated that the conditions will apply to the property, not only to the unit being converted:
 - Renting to no more than three (3) unrelated individuals
 - Keeping the building code compliant
 - Complying with the HARB regulations and requirements
29. The City Planner stated that the Planning Commission reviewed the application at their May 24, 2016 meeting. He expressed the belief that allowing a residential use is more compliant than a commercial use. He stated that the Commission's only hesitation was spurred by the upcoming PennDOT improvement project which will likely eliminate 14 parking spaces from the neighborhood to improve line of sight at intersections without traffic signals or signs. He stated that the Commission agrees with the recommendation to approve the conversion with the recommended conditions.
30. One citizen who resides in the neighborhood testified during the public comment period and he agreed with the conversion of the commercial unit to a residential unit.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to convert the 1st floor commercial unit to a one (1) bedroom residential rental unit, creating five (5) rental units at 800 North 5th Street.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 800 North 5th Street is located in the R3 Zoning District.
2. Hearing was held on June 15, 2016.
3. Applicant requests a Conditional Use permit to convert the 1st floor commercial unit (dental office) to a one (1) bedroom residential unit, creating a five (5) unit rental property.
4. Off-street parking is not required as the use is a pre-existing, non-conformity.
5. The burden of proof for an application for a Conditional Use is upon the Applicant.
6. The City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
7. The Applicant did not testify about the property's plumbing, heating, electrical systems and facilities.
8. When asked, the Applicant did not object to having the agenda with the property packet entered as an exhibit.
9. The size of the converted unit is in compliance with the zoning ordinance requirements.
10. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
11. The zoning administrator and Planning Commission recommended approving the application for the conversion with conditions.

DECISION

After reviewing the Applicant's request in detail and considering the testimony at the hearing, City Council enters the following decision:

2. The application of MYTMITE LLC, aka Gregory Kiddy, 718 N 5th St, Reading, to convert the 1st floor commercial unit (dental office) to a residential unit, creating a five residential unit rental property at 800 North 5th Street, is hereby approved with the following orders:
 - d. The applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.
 - e. The property shall meet all applicable Property Maintenance, Building, Trades and Fire code requirements and the Historic District and Secretary of the Interior Regulations.
 - f. The applicant shall refrain from allowing more than three (3) unrelated individuals to reside in any unit at this property.

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