

CITY COUNCIL

Meeting Agenda

REGULAR MEETING
COUNCIL CHAMBERS

MONDAY, AUGUST 8, 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: Doug Didyoung, Lay Pastor, St. Mark's Lutheran Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, August 8th was related to _____ matters.

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Britton Gagliardi

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 July 25, 2016

B. AGENDA: Regular Meeting of August 8, 2016

5. Consent Agenda Legislation

A. Resolution 59-2016 – promoting Officer Kevin Ebersole to the rank of Sergeant

B. Resolution 60-2016 – promoting Officer Carcheri H. Gingrasso to the rank of Sergeant

C. Resolution 61-2016 – promoting Officer Luz Shade to the rank of Sergeant

D. Award of Contract – for Oxychlorine Compound to George S. Coyne 3015 State Road Croydon, PA for \$116,610 per year

E. Award of Contract – for Potassium Permanganate to George S. Coyne 3015 State Road Croydon, PA \$102,278

F. Resolution 62-2016 – authorizing the hiring of four (4) probationary police officers attending the Police Academy effective immediately

G. Resolution 63-2016 – authorizing the hiring of eight (8) new police officers effectively immediately

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

9. ORDINANCES FOR FINAL PASSAGE

Pending Legislation

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

A. Bill 29 - 2016 – authorizing the transfer in the sewer reserve fund in the amount of \$1,141,326.69 for construction work to be performed on the digester *Introduced at the July 25 regular meeting*

B. Bill 30 - 2016 – authorizing the transfer from the Agency Fund in the amount of \$20,000.00 to General Plant Supplies and amending the 2016 Agency Fund operating budget to allocate funds for the purchase of supplies for the K-9 and bicycle units through the use of public sector contributions *Introduced at the July 25 regular meeting*

C. Bill 31 - 2016 – amending City Code Chapter 576 Vehicles And Traffic, Part 5 Parking Meters, A Regulations by adding an Administrative Appeal Process Section 576-518 and repealing the imprisonment provision for default of payment in Section 576-517 (B) *Introduced at the July 25 regular meeting*

D. Bill 32 - 2016 – adopting the 2016 Operating Budget of Community Development Fund 32 and authorizing the appropriation of funds in the amount of \$4,673,875.24 to fund projects and administrative operations *Introduced at the July 25 regular meeting*

E. Bill No. 33-2016 – amending the City of Reading Code of Ordinances, Chapter 600 Zoning, Section 600-2111 Telecommunications Facility Exemptions *Introduced at the June 27 regular meeting; Advertised on June 28, July 18 and 25; Public Hearing held August 1*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – amending the City Code, Chapter 5 Administrative Code, Section 5-806 Fiscal Provisions to provide improved clarity by providing a new Section 807 covering the Annual Budget and Capital Program, incorporating the Purchasing Policies currently identified as Section RE3117-OO5a-Ex A within Section 809, adding reserved sections for future use and renumbering Section 800 in its entirety, as attached in Exhibit A.

B. Ordinance – amending the City's Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions

11. RESOLUTIONS

A. Resolution – Reappointing Robert Fegley to the Plumbing Board.

B. Resolution – appointing Lucy Cortez to the DID Authority Board.

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, August 8

Committee of the Whole – Penn Room – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, August 15

Nominations & Appointments Committee – Council Office – 4 pm

Finance, Audit, and Budget Committee – Council Office – 5 pm

Standards of Living Committee – Council Office – 5 pm

Monday, August 22

Committee of the Whole – Penn Room – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Tuesday, August 9

Water Authority Workshop – Water Authority Office – 4:30 pm

Wednesday, August 10

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, August 11

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

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

Sunday, August 14

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, August 15

Library Board – 113 S 4th St – 4:30 pm

Tuesday, August 16

Environmental Advisory Board – Pendora Park – noon

Fire Civil Services Board – Fire Training Center – 3 pm

HARB – Penn Room – 6:30 pm

Charter Board – Council Chambers – 7 pm

Wednesday, August 17

Officers & Employees Pension Board – Penn Room – 1:30 pm

Redevelopment Authority – Redevelopment Authority office – 3 pm

Thursday, August 18

Blighted Property Review Committee – Council Chambers – 6 pm

Shade Tree Commission – Public Works Center – 6 pm

Friday, August 19

Fire Pension Board – Penn Room – 10 am

Monday, August 22

DID Authority – 645 Penn St 5th floor - noon

City of Reading City Council
Regular Meeting
July 25, 2016

Council President Waltman called the meeting to order.

The invocation was given by Pastor Alan Wolkenhauer, Trinity Lutheran Church.

All present pledged to the flag.

ATTENDANCE

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Twyman, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director G. Steckman

Mayor W. Scott

There was an executive session on litigation at the Committee of the Whole meeting.

Council President Waltman announced that Councilor Slifko was unable to attend the meeting due to an injury.

PROCLAMATIONS AND PRESENTATIONS

Council issued a Commendation and the Mayor issued a Proclamation recognizing Park and Recreation Month, accepted by Recreation Commission Executive Director Daphne Klahr

Daphne Klahr, Executive Director of the Rec Commission, distributed the Rec Commission's annual report. She noted that the Rec Commission has received two (2) awards for excellence in the last three (3) years. She described the Rec Commission's staffing and programming and the dinosaur summer project. She noted that the staff are currently gearing up for the fall programs. She thanked the City's Public Works Department for their hard behind the scenes work that enables the Commission's work.

PUBLIC COMMENT

Council President Waltman stated that there are four (4) citizens registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended.

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

Ernie Schlegel, of Pear Street, questioned the use of his name in the article “Full Speed Ahead” that appeared in the Sunday Reading Eagle. He questioned the claim that the former administration was about power and the new administration is about getting ahead. He noted his disappointment in the mean spirited talk.

Wanda Negron, of Lackawanna Street, described her recent experience with Vince’s Towing following a car accident. She questioned why the tow truck arrived at the scene before the ambulance. She also questioned the business practices and exorbitant fees charged by Vince’s Towing.

Shelia Perez, no address listed on the signup sheet, read from Charter Section X Boards and Commissions and Charter Section XI Citizen Participation. She once again put Council on notice.

Crystal Kowalski, of Wyomissing, noted her interest in decriminalization of parking tickets. She stated that she has been tracking the number of parking ticket cases that result in jail time.

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 July 11th Regular Meeting of Council.

Councilor Marmarou moved, seconded by Councilor Daubert, to approve the minutes from the July 11th Regular Meeting of Council and the agenda, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 53-2016 – authorizing the disposition of records from the City Clerk’s office re expired contracts

B. Award of Contract – for Sulfur Dioxide 1 Ton Cylinders JCI Jones Chemicals Inc. 1765 Ringling Blvd. Sarasota, FL in the amount of \$52,000.00

C. Award of Contract – for Liquid Chlorine 1 Ton Cylinders JCI Jones Chemicals Inc. 1765 Ringling Blvd. Sarasota, FL in the amount of \$90,750.00

D. Award of Contract – for Sodium Hydroxide 25% Bulk to Brenntag Northeast 81 West Huller Lane Reading in the amount of \$23,460.00

E. Award of Contract – for Sodium Hydroxide 25% Totes to Brenntag Northeast 81 West Huller Lane Reading in the amount of \$15,136.80

F. Award of Contract – for Sodium Hypochlorite 15% Bulk to Univar USA Inc. 532 East Emaus Street Middletown, PA in the amount of \$53,000.00

G. Award of Contract – for Sodium Hypochlorite 15% Totes to Brenntag Northeast 81 West Huller Lane Reading in the amount of \$29,182.50

H. Resolution 55– authorizing the Mayor to execute the Certification of Unpaid Interim Tax Bills for 943 E. Laurel St. and 414A Minor St.

I. Resolution 54– authorizing the approval of a Sewage Planning Module revision for Radkra LLC’s 1100 Rockland Street Student Housing project.

ADMINISTRATIVE REPORT

The mayor gave an overview of the feasibility report prepared for the East Reading Pool. He noted the City's interest in acquiring the pool and converting it to a sprinkler park. He stated that the new park would cost approximately \$1M and he noted the importance of preserving this as a community resource.

AUDITOR'S REPORT

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

- 2012-16 Real Estate Transfer Tax
- 2012-16 Admissions Tax
- 1997-2016 Cable Franchise Fee

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

- PennDOT Report re proposed traffic improvement project at 5th and Bingham Street to Chestnut Street, to Perkiomen Avenue to the Mt Penn boundary line.

Representatives from PennDOT and PennDOT contractors made a presentation on the proposed paving projects for South 5th Street to Howard Street (boundary with Mt. Penn). They explained that the project will rehabilitate the roadway curb to curb. They stated that in locations where brick exists, the brick will be replaced with concrete. Curbs will also be replaced in some areas. The project, as it is curb to curb, will also replace the existing ADA ramps in approximately 46 locations. The project will be bid out in April 2017 and work is expected to begin in June 2017. The project is expected to take a year's time. They explained that the project boards on display will remain on display for one (1) week and the public will have the ability to provide comment on the project.

Councilor Goodman-Hinnershitz noted that the project will disrupt parking in an already stressed area. She suggested that PennDOT and the contractors work with the Parking Authority to provide options for the people who reside in the affected neighborhoods.

Councilor Reed questioned if property owners will be charged for the repair/replacement work on the sidewalks and curbs, as property owners are responsible for maintenance of sidewalks and curbs. The contractor stated that the property owners will not be assessed a charge.

The Managing Director noted that there will be a tremendous amount of repaving in Reading over the coming year. He stated that the repaving projects start with the replacement of the ADA ramps in areas where repaving is done curb to curb. He noted that UGI will be assisting with the cost of some paving projects if they have performed utility work on the street.

A representative from Abilities in Motion noted the gaps located in some roadways and intersections that create a trip hazard.

ORDINANCES FOR FINAL PASSAGE

Pending additional information required

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

Ordinance – amending the City of Reading Code of Ordinances, Chapter 600 Zoning, Section 600-2111 Telecommunications Facility Exemptions *Introduced at the June 27 regular meeting; Advertised on June 28, July 18 and 25; Public Hearing scheduled August 1*

A. Bill No. 22-2016 - 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 July 11 regular meeting*

Councilor Marmarou moved, seconded by Councilor Daubert, to enact Bill No. 22-2016.

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

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

B. Bill No. 23-2016 – authorizing the transfer of funds from the Shade Tree budget to the Minor Capital budget for the purchase of a bucket truck, authorized in the 2015 budget *Introduced at the July 11 regular meeting*

Councilor Daubert moved, seconded by Councilor Reed, to enact Bill No. 23-2016.

Councilor Goodman-Hinnershitz noted the need for the replacement of the bucket truck that is currently in use.

Councilor Twyman expressed the belief that the importance of the City’s trees are overlooked. He noted the importance of trees in an urban community.

Bill No. 23-2016 was enacted by the following vote:

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

C. Bill No. 24-2016 – authorizing the amendment of the 2016 Budget to add a PennDOT Reimbursement Grant for the Downtown Lighting Project *Introduced at the July 11 regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 24-2016.

Bill No. 24-2016 was enacted by the following vote:

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

D. Bill No. 25-2016 – authorizing the addition of a budget item for the receipt of a grant from the State Fire Commissioners for the replacement of the Fire Department’s nozzle and hoses *Introduced at the July 11 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 25-2016.

Bill No. 25-2016 was enacted by the following vote:

Yeas: Daubert, Marmarou, Goodman-Hinnershitz, Reed, Twyman, Waltman, President - 6

Nays: None - 0

E. Bill No. 26-2016 – amending City Code Chapter 496 Solid Waste, Part 1 Dumpster by amending the definitions of Trash Can, Dumpster and Trash Can and deleting the definition of Container ***Introduced at the July 11 regular meeting***

Councilor Daubert moved, seconded by Councilor Twyman, to enact Bill No. 26-2016.

Councilor Daubert stated that while this change will be helpful, it by itself is not the sole solution. He noted the importance of the upcoming consideration of the program used to collect municipal waste.

Councilor Reed explained that this change will help the City secure better prices when municipal trash collection is bid out.

Councilor Goodman-Hinnershitz expressed the belief that this change is a step in the right direction. She noted the need for a strong and varied education program.

Councilor Twyman agreed with the importance of this discussion about trash collection and he agreed with the need for a strong educational component.

Council President Waltman commended the administration for getting this discussion started. He noted that Bill No. 27 below is a partner bill that addresses the Solid Waste ordinance.

Bill No. 26-2016 was enacted by the following vote:

Yeas: Daubert, Marmarou, Goodman-Hinnershitz, Reed, Twyman, Waltman, President - 6

Nays: None - 0

F. Bill No. 27-2016 – amending City Code Chapter 496, Part 2 Solid Waste, Section 206 Storage of Municipal Waste requiring storage in containers and defining the type of trash bag that may be used for set out ***Introduced at the July 11 regular meeting***

Councilor Daubert moved, seconded by Councilor Marmarou, to enact Bill No. 27-2016.

Bill No. 27-2016 was enacted by the following vote:

Yeas: Daubert, Marmarou, Goodman-Hinnershitz, Reed, Twyman, Waltman, President - 6

Nays: None - 0

G. Bill No. 28-2016 – authorizing the use of the General Fund Reserve to pay off the balance of the 2010 unfunded debt bond in the amount of \$6,570,000 ***Introduced at the July 11 regular meeting***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 28-2016.

Councilor Goodman-Hinnershitz noted the importance of the City's ability to pay this bond off early. She noted the City's progress under Act 47.

The managing director stated that paying the bond off will generate approximately \$1.2M in savings as the interest rate is 6%.

Bill No. 28-2016 was enacted by the following vote:

Yeas: Daubert, Marmarou, Goodman-Hinnershitz, Reed, Twyman, Waltman, President - 6

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

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

A. Ordinance – authorizing the transfer in the sewer reserve fund in the amount of \$1,141,326.69 for construction work to be performed on the digester.

B. Ordinance – authorizing the transfer from the Agency Fund in the amount of \$20,000.00 to General Plant Supplies and amending the 2016 Agency Fund operating budget to allocate funds for the purchase of supplies for the K-9 and bicycle units through the use of public sector contributions.

C. Ordinance – amending City Code Chapter 576 Vehicles And Traffic, Part 5 Parking Meters, A Regulations by adding an Administrative Appeal Process Section 576-518 and repealing the imprisonment provision for default of payment in Section 576-517 (B).

D. Ordinance – adopting the 2016 Operating Budget of Community Development Fund 32 and authorizing the appropriation of funds in the amount of \$4,673,875.24 to fund projects and administrative operations.

RESOLUTIONS

None.

COUNCIL COMMENT

Councilor Marmarou thanked those who provided support during the difficult period of moving his wife into a facility where she can safely reside.

Councilor Reed described the accident experienced by Councilor Slifko when he fell off a roof while performing volunteer work at Essig Playground for the Gilmore Henne Foundation. She noted that it was a miracle that he was not more severely injured.

Councilor Reed noted that her neighborhood was recently visited by the Parking Authority and a number of tickets were issued. She questioned why the tickets were issued as this area is not plagued by parking problems or heavy traffic. She suggested that changes in the application of parking regulations should be provided to residents before tickets are issued.

Councilor Twyman noted his pride in our law abiding police officers. He noted the need for increased fairness in the justice system. He stressed the need for public participation in Council meetings. He also stressed the

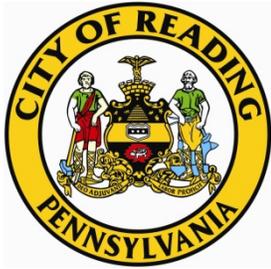
importance of municipal trash collection in Reading and the need for people to stop sweeping litter into the street as the street sweepers do not have the capability to remove litter from the streets.

Councilor Goodman-Hinnershitz expressed the belief that the NAACP event planned for this Wednesday at the Alright Chapel will begin a community conversation on barriers for people of color. She noted the domestic violence issue that recently occurred in Reutlingen Germany, the City's Sister City. She noted the need for coordinated volunteer cleanups in a variety of areas prior to the September 10th bike race.

Council President Waltman reviewed the upcoming Council meeting schedule.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: July 11, 2016
AGENDA MEMO DATE: June 30, 2016
RECOMMENDED ACTION: Awarding of Contract for Chemicals 2016 Oxychlorine Compound

RECOMMENDATION

The recommendation is to award the contract for Chemicals to George S. Coyne 3015 State Road Croydon, PA 19021.

BACKGROUND

The purpose of the project is to be used for plant operation, solids processing and odor control. Chemicals are necessary to maintain compliance.

BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds to cover the project. The total amount is \$116,610.00/yr.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the July 11, 2016 meeting.

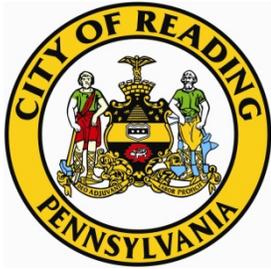
RECOMMENDED BY

Mayor, Managing Director, Public Works Director, Acting Director of Administrative Services, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the Chemicals Project in order that the contract may be awarded to George S. Coyne Chemical Co.

cc: File



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: July 11, 2016
AGENDA MEMO DATE: June 30, 2016
RECOMMENDED ACTION: Awarding of Contract for Chemicals 2016 Potassium Permanganate free Flowing

RECOMMENDATION

The recommendation is to award the contract for Chemicals to George S. Coyne 3015 State Road Croydon, PA 19021.

BACKGROUND

The purpose of the project is to be used for plant operation, solids processing and odor control. Chemicals are necessary to maintain compliance.

BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds to cover the project. The total amount is \$102,278.00/yr.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the July 11, 2016 meeting.

RECOMMENDED BY

Mayor, Managing Director, Public Works Director, Acting Director of Administrative Services, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the Chemicals Project in order that the contract may be awarded to George S. Coyne Chemical Co.

cc: File

Drafted by
Sponsored by/Referred by
Introduced on
Advertised on

City Clerk
Mayor & Police Chief
August 8, 2016
N/A

RESOLUTION NO. _____ 2016

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

Authorizing the hiring of the following as patrol officers for the Reading Police Department, effective immediately:

1. Johnathnael Pena
2. Ryan Holohan
3. Reinaldo Melendez II
4. Jonathan Troyer
5. Trevor Atkins
6. Madeline Cooper
7. Ross Heckler
8. Bryce Lewis

Adopted by Council _____, 2016

Jeffrey S. Waltman Sr.
President of Council

Attest:

Linda A. Kelleher
City Clerk

Drafted by
Sponsored by/Referred by
Introduced on
Advertised on

City Clerk
Mayor & Police Chief
August 8, 2016
N/A

RESOLUTION NO. _____ 2016

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

Authorizing the hiring of the following as probationary patrol officers for the Reading Police Department, effective immediately:

1. Raymond Acevedo
2. Mark Lacek Jr
3. Matthew Troxell
4. Ervin Gonzalez-Morales

Adopted by Council _____, 2016

Jeffrey S. Waltman Sr.
President of Council

Attest:

Linda A. Kelleher
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
Sponsored by/Referred by
Introduced on
Advertised on

City Clerk/Assist. Solicitor
Planning/Law
June 27, 2016
June 28, July 18 and 25, 2016

**BILL NO. _____ 2016
AN ORDINANCE**

**AN ORDINANCE OF THE CITY OF READING AMENDING THE ADMINISTRATIVE CODE,
ZONING ORDINANCE SECTION 600-2111 TELECOMMUNICATIONS FACILITY
EXEMPTIONS.**

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Zoning Ordinance Section 600-2111 by striking the exemption of PUC regulated corporations as follows:

§ 600-2111. Telecommunications facility exemption.

- A. A commercial telecommunications tower or antenna necessary for and clearly primarily used for emergency communications by the City of Reading Police or Fire Departments, emergency medical services and other similar public safety organizations is exempt from these requirements.
- ~~B. All PUC regulated corporations are exempt from these regulations.~~

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

SECTION 3. This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter

Enacted _____, 2016

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: _____

AGENDA MEMO

Finance Department

TO: City Council

FROM: Glenn Steckman, Managing Director
Josephina Encarnacion, Acting Admin. Services Director
Ralph Johnson, Public Works Director

PREPARED BY: Ralph Johnson, Public Works Director

MEETING DATE: July 25, 2016

AGENDA MEMO DATE: July 20, 2016

RECOMMENDED ACTION: Council approval of payment for construction and engineering design work for the digester equipment through use of sewer fund retained earnings reserves.

RECOMMENDATION:

Administration recommends Council approval of the transfer of cash reserves in the Sewer Fund and amending the 2016 Sewer Fund operating budget to allocate funds for the costs of engineering and construction on the digester equipment.

BACKGROUND:

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

BUDGETARY IMPACT:

These amendments would reduce the 2016 Sewer Fund budgeted surplus by \$1,141,326. The net effect would be to reduce the budgeted 2016 Sewer Fund retained earnings balance by \$1,141,326.

SUBSEQUENT ACTION:

The budget amendment must be approved by Council.

RECOMMENDED BY:

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

RECOMMENDED MOTION:

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

Drafted by:	Law Office
Sponsored by/ Referred by:	Public Works
Introduced on:	July 25, 2016
Advertised on:	N/A

BILL NO. ____ 2016

AN ORDINANCE

AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE SEWER FUND IN THE AMOUNT OF \$1,141,326.69 FOR CONSTRUCTION WORK TO BE PERFORMED ON THE DIGESTER.

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

Section One: Council hereby authorizes the transfer of cash reserves in the Sewer Fund in the amount of \$1,141,326.69 from Fund Balance (54-07-00-2980-000) to Construction Costs (54-07-45-4814-000) and to Engineering Design Costs (54-07-45-4816-000) and amends the 2016 Sewer Fund operating budget to allocate funds the work to be performed on the digester.

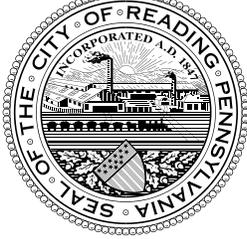
Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED _____, 2016

President of Council

ATTEST:

City Clerk



AGENDA MEMO

Finance Department

TO: City Council
FROM: Glenn Steckman, Managing Director
Josephina Encarnacion, Acting Admin. Services Director
Andres Dominguez, Chief of Police
PREPARED BY: Josephina Encarnacion, Acting Admin. Services Director
MEETING DATE: July 20, 2016
AGENDA MEMO DATE: July 25, 2016
RECOMMENDED ACTION: Council approval of payment for supplies for the K-9 and bicycle units through use of contributions from public funds reflected in Agency Fund balance.

RECOMMENDATION:

Administration recommends Council approval of the transfer of cash reserves in the Agency Fund and amending the 2016 Agency Fund operating budget to allocate funds for the purchase of various supplies for the K-9 and the bicycle units.

BACKGROUND:

The purchase of these supplies had not been previously budgeted for in the Agency Fund, since they were being paid through the use of contributions from the public sector. Due to changes in internal procedures, it now mandates that the use of Agency Fund monies requires a budget for each project accounted for within this fund.

BUDGETARY IMPACT:

These amendments would reduce the 2016 Agency Fund balance by \$20,000. Agency funds do not normally reflect a surplus nor deficit.

SUBSEQUENT ACTION:

The budget amendment must be approved by Council.

RECOMMENDED BY:

The Managing Director, Acting Director of Administrative Services, and Chief of Police.

RECOMMENDED MOTION:

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

Drafted by: Law Office
Sponsored by/ Referred by: Police
Introduced on: July 25, 2016
Advertised on: N/A

BILL NO. ____ 2016

AN ORDINANCE

AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE AGENCY FUND IN THE AMOUNT OF \$20,000.00 FOR PURCHASE OF GENERAL SUPPLIES.

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

Section One: Council hereby authorizes the transfer of cash reserves in the Agency Fund in the amount of \$20,000.00 from Fund Balance (31-08-00-2990-000) to General Plant Supplies (31-08-00-4510-000) and amends the 2016 Agency Fund operating budget to allocate funds for the purchase of supplies for the K-9 and bicycle units through the use of public sector contributions.

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

ENACTED _____, 2016

President of Council

ATTEST:

City Clerk

Drafted by: Law Office
Sponsored by/ Referred by: Mayor/Managing Director
Introduced on: July 25, 2016
Advertised on: August 1, 2016

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 576 VEHICLES AND TRAFFIC, PART 5 PARKING METERS, A REGULATIONS BY ADDING ADMINISTRATIVE APPEAL PROCESS SECTION 576-518 AND REPEALING IMPRISONMENT PROVISION FOR DEFAULT OF PAYMENT IN SECTION 576-517 (B).

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 576 Vehicles and Traffic, Part 5 Parking Meters, A Regulations shall be and is hereby amended to include Section 576-518 as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. Chapter 576 Vehicles and Traffic, Part 5 Parking Meters, A Regulations Section 576-517 (B) shall be and is hereby amended by repealing and/or striking "...and, in default of payment of fine and costs, be imprisoned not more than 10 days."

SECTION 3. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 576 shall remain in effect unchanged and likewise are ratified.

SECTION 4. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2016

President of Council

Attest:

City Clerk

Submitted to Mayor by: _____

Date Submitted: _____

Received in Mayor's Office by: _____

Date Received: _____

Approved by Mayor: _____

Date Approved: _____

Vetoed by Mayor: _____

EXHIBIT A

Section 576-518. Parking Ticket Appeal Process.

A. Submission of written appeal.

- (1) A parking ticket will include a notice to inform the owner/driver of the vehicle (“owner”) how the owner may submit, in writing, an appeal setting forth the reason or reasons why the owner believes the parking ticket issued by the City of Reading or Reading Parking Authority is in error.
- (2) Such written appeal through a complaint and investigation form shall be filed with the Reading Parking Authority within 10 days of the date of issuance of the parking ticket to make the lower penalty applicable for any bond purpose. No written appeal will be accepted when not filed within 30 days of the issuance of the parking ticket.
- (3) Individuals who submit an appeal will be contacted within 3 calendar days after the appeal is processed and advised whether the parking ticket will be upheld or dismissed.

B. Hearing scheduling.

- (1) Where the parking ticket is upheld, and subject to (2) below, the Reading Parking Authority will schedule a hearing before an independent hearing officer and notice of said hearing’s date, time and location shall be provided to owner.
- (2) Owner will be required to post a bond payment in the relevant amount indicated on the parking ticket. Said bond payment will be refunded to owner where the independent hearing officer dismisses the parking ticket.

C. Determination.

- (1) The independent hearing officer shall render a determination at the end of the scheduled hearing. Where the appeal is denied, the independent hearing officer shall direct owner to make appropriate payment of the ticket. Additionally, owner shall receive in writing his/her right to appeal the denial of his/her appeal to the Berks County Court of Common Pleas, 633 Court Street, Reading, PA, within 30 days of the independent hearing officer’s determination.

D. Responsibility for costs.

- (1) Any and all costs associated with the filing of an appeal in the Berks County Court of Common Pleas shall be the responsibility of the person or entity filing said appeal.
- (2) If the Berks County Court of Common Pleas denies the appeal, the owner shall thereafter from the date of judgment is entered be assessed interest, costs and penalties as may be set forth pursuant to the schedule of fees of the Code of Ordinances of the City of Reading.

AGENDA MEMO

Finance Department

TO: City Council
FROM: Glenn Steckman, Managing Director
Josephina Encarnacion, Acting Admin. Services Director
Alejandro Palacios, Acting Director of Community Development
PREPARED BY: Yomary Castro, Community Development Fiscal Officer, Alejandro Palacios Acting Director
MEETING DATE: July 25, 2016
AGENDA MEMO DATE: July 20, 2016
RECOMMENDED ACTION: To adopt the 2016 Operating Budget of Community Development funds (Fund 32).

RECOMMENDATION:

It is recommended that City Council to adopt the Fiscal Year 2016 Operating Budget to appropriate Community Development funds on City's accounting system to improve recordkeeping.

BACKGROUND:

The grant and contract awards for these projects were previously approved by Council, however, a specific budget item was not included in the City's 2016 Budget intended for this grant funding. This amendment is an item that will allow the issuance of payable accounts processed through the City's electronic accounting.

Historically, Fund 32 projects' budgets were maintained solely by Community Development Department, and the revenues and expenditures for these projects are reflected in the accounting records over multiple fiscal years.

BUDGETARY IMPACT:

No budgetary impact to the General Fund.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED BY:

The Managing Director, Acting Director of Administrative Services, and Acting Director of Community Development.

RECOMMENDED MOTION:

Approve/Deny the adoption of the 2016 Operating Budget of Community Development Fund 32.

Drafted by: Controller
Sponsored by/ Referred by: CD
Introduced on: July 25, 2016
Advertised on: N/A

BILL NO. ____ 2016

AN ORDINANCE

ADOPTING 2016 OPERATING BUDGET OF COMMUNITY DEVELOPMENT FUND 32 TO FUND PROJECTS AND ADMINISTRATIVE OPERATIONS.

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

Section One: Council hereby adopts the 2016 Operating Budget of Community Development Fund 32 and authorizes the appropriation of funds in the amount of \$4,673,875.24 to fund projects and administrative operations.

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

ENACTED _____, 2016

President of Council

ATTEST:

City Clerk

Submitted to Mayor by: _____

Date Submitted: _____

Received in Mayor's Office by: _____

Date Received: _____

Approved by Mayor: _____

Date Approved: _____

Vetoed by Mayor: _____

Date Vetoed: _____

Drafted by _____ City Clerk/Asst. Solicitor
Sponsored by/Referred by _____
Introduced on _____
Advertised on _____

**BILL NO. _____-2016
AN ORDINANCE**

AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER 5 ADMINISTRATIVE CODE, SECTION 5-806 FISCAL PROVISIONS TO PROVIDE IMPROVED CLARITY BY PROVIDING A NEW SECTION 807 FOR THE ANNUAL BUDGET AND CAPITAL PROGRAM, INCORPORATING THE PURCHASING POLICIES CURRENTLY IDENTIFIED AS SECTION RE3117-OO5a-Ex A WITHIN SECTION 809, ADDING RESERVED SECTIONS FOR FUTURE USE AND RENUMBERING SECTION 800 IN ITS ENTIRETY.

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

Section 1. Amending the City Code, Chapter 5 Administrative Code, Section 5-806 Fiscal Provisions to provide improved clarity by providing a new Section 807 covering the Annual Budget and Capital Program, incorporating the Purchasing Policies currently identified as Section RE3117-OO5a-Ex A within Section 809, adding reserved sections for future use and renumbering Section 800 in its entirety, as attached in Exhibit A.

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

Enacted: _____, 2016

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

§5-806 Fiscal Provisions

A. Fiscal year.

Editor's Note: Provisions of the Charter are set forth below:

§ 901. Fiscal year.

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

B. Administrative Services Director.

- (1) Bonding. The Administrative Services Director shall be bonded in such amount as determined by the Administrative Code. He/She shall assist the Managing Director in determining which personnel in the Administrative Services Department shall be bonded.
- (2) Policies and procedures. The Administrative Services Director shall be responsible for preparing policies and procedures as required by the Administrative Code. These policies and procedures shall be available to the public for inspection. Copies may be made for the public at a reasonable cost not in excess of reproduction which may include both direct and indirect costs of such reproduction.
- (3) Securities. The Administrative Services Department is authorized and empowered on behalf of the City to establish and maintain accounts with those banks and brokers as are necessary and convenient for the purchase and sale of any and all forms of securities which are in accordance with the City's investment policy as per Part D herein.

C. Regulations concerning appropriations and transfers

- (1) The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a financial procedure manual to be prepared and periodically reviewed and updated by the Administrative Services Department. Expenditures shall be executed in a uniform manner for every City Department.

- (2) The Administrative Services Director shall prepare and submit a monthly report to the Mayor, the Managing Director, and Council. This monthly report shall include all revenues, expenditures, borrowing, and any use for each City department and each City Fund account, and status reports comparing those expenditures with the adopted budget. The report shall include an estimate of the fiscal year end projections for both revenues and expenditures. All reports shall also include the receipt or forecast of nonrecurring revenues. For the purpose of this policy, nonrecurring revenues shall include land or asset sales, use of fund balance, transfers from other funds that exceed ongoing and sustainable levels, and transfers from other funds that exceed legal limits. Nonrecurring revenues also include any revenue that is anticipated to be received for only one year.

In addition to these monthly reports, the Managing Director shall also submit quarterly financial reports as outlined in initiative FI04 of the City's Act 47 Recovery Plan dated June 11, 2010.

- (3) ~~In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's and/or Managing Director's ability to manage and administer the budget.~~

By ordinance, City Council may place a limit on excess spending for any budgeted program or line item. Additionally, City Council shall by ordinance authorize intra-governmental, line item appropriations, subsidies, or transfers exceeding \$10,000. This is not intended to unduly restrict the administration's ability to manage and administer the budget.

The modification shall be considered upon receipt of an agenda memorandum delivered not less than two weeks before the transfer is required. The memorandum must explain the transaction, the proposed use for the funds and shall only be permitted upon a majority of vote of Council.

- (4) Justification for transferring, borrowing or any use of funds between departments and/or City Fund accounts must be presented to and approved by Council ordinance. The financial procedures manual will stipulate the following:

(a) Expenditure procedures.

(b) Justification procedures for transferring money between line items.

(c) Justification procedures for transferring money between departments.

- (d) Administration of petty cash funds.
 - (e) Justification procedures for transferring, borrowing, or any use of money between City Fund accounts.
- (5) Interfund Borrowing: The City will limit its use of interfund borrowing to obtain cash from one fund type or reserve to fund activities of another fund type or reserve, and will apply the following conditions to limit such borrowings:
- (a) The borrowing deemed a lawful use of such funds;
 - (b) The Director of Administrative Services has determined that the funds to be borrowed will not be needed by the lending fund during the lending period;
 - (c) The borrowing is for a temporary period with repayment scheduled during the same fiscal year;
 - (d) Any borrowing activity that cannot be repaid by the end of the fiscal year, other than temporary lags in reimbursements, will be disclosed along with a plan for replenishment within ten (10) calendar days of the transaction;
 - (e) No such borrowing shall cause the City to be in noncompliance with its policy on structurally balanced budgets;
 - (f) No such borrowing shall cause the City to be in noncompliance with applicable federal and/or state requirements or agreements; and
 - (g) For existing borrowings that are not in compliance with this policy, the City shall adopt budgets and a plan to come into compliance by the end of 2015.

Any actions taken to borrow money under these conditions must be separately disclosed in the City's periodic financial reports to City Council with an anticipated repayment date. If the cumulative amount that one fund borrows from another fund(s) during the calendar year is more than \$500,000, any amount in excess of \$500,000 must be approved by Council. Similarly, if the cumulative amount borrowed from one fund by any other fund(s) during the calendar year is more than \$500,000, any amount in excess of \$500,000 must be approved by Council.

- (6) Fund Transfers and Subsidies: The City may make permanent, annual transfers from other City funds into the General Fund under the following conditions:

(a) Use a cost allocation method to allocate administrative and overhead costs to other funds or programs receiving administrative services from the City. The cost allocation method must be applied consistently across funds and years. The cost allocated to each fund must be sustainable by those other funds. A summary of cost allocation method for each allocated cost shall be maintained in writing.

(b) There shall be an adopted schedule for transfers included in the annual budget. Transfers that are not annual shall occur at least quarterly. The City may also make transfers from enterprise funds according to the following conditions:

(1) The transfer complies with all applicable federal and/or state requirements and agreements.

(2) The transfer is based on an adopted calculation methodology applied each year. This methodology may be based on percentage of revenues, return on investment, percentage of net revenues, or other calculation adopted by the City Council. The methodology should be adopted consistently each year.

(7) ~~Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeding \$10,000 including fund transfers and subsidies. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, borrowed or used at least two weeks before the transfer is required.~~

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

(a) Salary increases for Department Directors that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees. Please see Personnel Code Section 701 for salary increases for other employees.

(b) All expenditures not approved and listed in the operating or capital budgets for the fiscal year prior to those expenditures occurring.

(c) All ~~expenditures and allocations~~ *transfers and appropriations* of \$10,000 or more from and to and any and all line items falling in the Departmental and Non-departmental area of the General Fund.

(9) Any transfer from the Reserve.

Structurally Balanced Budget and Reserve: The City's objective is to achieve and maintain a structurally balanced budget in all funds such that recurring

revenues fund recurring expenditures. Beginning in 2015, the City shall maintain a reserve containing a minimum of two months' of regular general fund operating expenditures. Should the level of the reserve fall below the value of two months' of regular general fund operating expenditures, non-recurring revenues and budget surpluses should replenish reserve levels to the above minimum level. Excess amounts above the minimum level may be used to pay down outstanding long-term debt and fund capital budget projects, in that order.

To that end, the Director of Administrative Services shall report to the Managing Director and City Council on the inclusion of any non-recurring revenues in each budget, forecast or actual report of financial results. That report should include the amount and use of any non-recurring revenues. For the purpose of this policy, non-recurring revenues shall include land or asset sales, use of fund balance, transfers from other funds that exceed ongoing and sustainable levels, and transfers from other funds that exceed legal limits. Non-recurring revenues also include any revenue that is anticipated to be received for only one year.

- (10) Report on Policy Compliance: The elected City Auditor will report quarterly to City Council on the City's compliance with these policies. This report shall be made available to the public.

D. Bank and investment accounts

- (1) The City of Reading City Council shall, annually, authorize all bank and investment accounts opened and used by the City by resolution on or before the last day of January of the new calendar year.
- (2) New bank and investment accounts shall only be opened under the signature of the Director of Administrative Services, the City Auditor, Mayor or the Managing Director and shall be approved by Council resolution before any funds are deposited.

E. Purchasing

- (1) Responsibility. The Administrative Services Director, in consultation with the Managing Director, shall develop a purchasing policy and procedure for the purchase of supplies and materials and the sale of personal and real property; such policy and procedure under these fiscal provisions is made a part hereof *in Section 809 Purchasing Policy and Procedure* and marked "~~Exhibit A~~" and hereafter referred to as "~~Policy and Procedure~~."

- (2) Purchasing policy – *See Section 809*
- (a) The overall authority and responsibility for City purchasing is centralized within the Department of Administrative Services.
 - (b) The purchasing policy and procedure is applicable to all departments, offices and agencies and shall include the service function of *the disposal of surplus property or unused material supplies or equipment after they have been declared as surplus by the Department Director*, ordering and buying goods and services. In addition, functions such as planning and scheduling purchases, seeking competition, assuring the preparation of proper specifications, and enforcing compliance with all purchasing regulations and procedures shall be part of the purchasing policy and procedure.
- (3) Purchasing ~~Manager~~ *Coordinator* – *See Section 809*
- ~~(a) The Purchasing Manager shall have the authority to:~~
 - ~~[1] Purchase or contract for all materials, supplies, equipment and contractual services for all City departments, offices and agencies with the exception of:~~
 - ~~[a] Books, subscriptions~~
 - ~~[b] Business meeting expenses~~
 - ~~[c] Charitable contributions~~
 - ~~[d] Dues~~
 - ~~[e] Items that can legitimately be purchased via the petty cash process~~
 - ~~[f] Postage~~
 - ~~[g] Tuition~~
 - ~~[h] Travel, meals, mileage~~
 - ~~[i] Utility services~~

- ~~[2] — Review all requisitions for the purchase of materials, supplies, equipment and services not exempted from this regulation for quality and cost.~~
- ~~[a] — The purchasing process will begin with the Department Director's formulation of specifications that identify and describe the product or service to be purchased.~~
- ~~[b] — The Purchasing Manager will assure that the specifications meet the Department's needs, but do not call for features or a level of quality not necessary for the item's use.~~
- ~~[c] — If there is a lack of agreement between the Purchasing Manager and the Department Director concerning any specifications, the Purchasing Manager will refer the matter and all support documentation to the Administrative Services Director for final determination.~~
- ~~[3] — Prepare, in cooperation with department directors, standard written specifications for supplies and/or services not exempted by this regulation especially those common to various City functions.~~
- ~~[4] — Place orders for all supplies, materials, equipment, or services, not exempted by this regulation, by the issuance of a purchase order.~~
- ~~[a] — It is the general policy of the City to make awards to the responsible vendor who meets the specifications for the items or services to be purchased at the lowest cost. Factors such as delivery time, quality, operating and maintenance costs, service, etc., as well as initial price, should be considered by the Purchasing Manager to determine the lowest cost vendor who meets the specifications.~~
- ~~[b] — When the Purchasing Manager or department director deems that an award should be made to other than the lowest cost vendor or when the Purchasing Manager and the department director fail to agree, the matter with all supporting information shall be referred to the Purchasing Committee for final determination.~~
- ~~[5] — Dispose of surplus or unused material supplies or equipment after they have been declared as surplus by the Department Director wherein the materials, etc., are located and such declaration is agreed to by the~~

~~Purchasing Manager. In the event the Purchasing Manager and the department director fail to agree on what materials are surplus, the matter with all supporting information shall be referred to the Managing Director for final determination. Disposal shall be on an annual basis or more frequent basis as needed and in accordance with the policy and procedure.~~

~~[6]—Enforce all purchasing regulations and procedures, and any such purchases pursuant to this section shall be done in accordance with the policy and procedure.~~

~~(b)—The Purchasing Manager has the following responsibilities:~~

~~[1]—Procure for the City the highest quality in commodities and services that meet the user's needs at the lowest cost.~~

~~[2]—Purchase as many items as feasible in bulk to take full advantage of discounts.~~

~~[3]—Keep informed of current development in the field of purchasing including prices and market developments.~~

~~[4]—Keep accurate and up-to-date records of all verbal and written solicitations and bids in a manner that they are available for public inspections.~~

~~[5]—Provide assistance to any department director as required to draft specifications.~~

~~[6]—Formulate and circulate for approval, modification or additions to purchasing regulations and procedures as deemed necessary.~~

~~[7]—Contact Pennsylvania Department of Labor and Industry when the invitation to quote/bid is formulated, if the Pennsylvania Prevailing Wage Act, 43 P.S. § 165-1 et seq., is applicable.~~

~~(4)—Emergency authority. In case of an emergency, purchase authority is delegated to the individual department directors when the Purchasing Manager is unavailable, i.e., after normal working hours. Such purchase authority shall be exercised in the manner set forth in the policy and procedure.~~

~~(5)—Department directors~~

~~(a) The department directors have the authority to:~~

~~[1] Determine the need for all materials, supplies, equipment and service for his/her department.~~

~~[2] Formulate specifications that are clear, concise and descriptive of all the requirements for all intended purchases.~~

~~(b) The department directors have the responsibility to:~~

~~[1] Furnish the Purchasing Manager with all necessary information to assure that the purchase will be correct in all details.~~

~~[2] Provide specifications that are clear and rated for the use intended.~~

~~[3] Provide a justification when requesting a proprietary item.~~

~~[4] Provide a list of suggested vendors. This will assist the Purchasing Manager in locating the item, although it does not restrict the Manager in looking elsewhere.~~

~~[5] Notify Purchasing Manager when the material, supplies, or equipment is delivered and if it is inferior in quality or unsatisfactory.~~

~~[6] Notify Purchasing Manager annually, by the date established by the Purchasing Manager, of any surplus, obsolete or scrap materials or equipment that exist in the department.~~

F. Investments

(1) Responsibilities. The Administrative Services Director shall be responsible for identifying money (except monies belonging to pension funds) to be invested, understanding the options available and for what time period, communicating this information to the Managing Director, implementing the decision, and making regular reports regarding these actions to the Mayor, Managing Director and Council. All investments shall comply with PA Act 72 as currently constituted.

(2) Types of investments. The Administrative Services Director shall invest in these types:

(a) Any obligations of the United States government for one year or less.

- (b) United States Treasury Bills.
 - (c) Short-term obligations of the United States government or its agencies.
 - (d) Savings accounts or time deposits of Pennsylvania institutions insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund up to the amount covered by insurance with the remainder covered by approved collateral pledged by the depository.
 - (e) Obligations of the United States, State of Pennsylvania, any political subdivision of the state and any of their agencies or instrumentalities, backed by their full faith credit.
 - (f) Prime commercial paper (unsecured promissory notes issued by any industrial, common carrier, public utility or finance company or corporations of \$1,000,000,000,000 of assets or more) having no litigation pending or threatened against the prime commercial paper, being not in default upon any of its outstanding obligations, whose credit has been approved by the national credit office, incorporated or its successor and the investments make up 10% or less of the City's total portfolio.
 - (g) Certificates of deposit from institutions having their principal place of business in the state and insured and collateralized as in Subsection F(2)(d) above.
 - (h) Shares of investment companies properly registered investing only in the investments in Subsection F(2)(a) through (g) above.
- (3) Combining investments. Investment monies may be combined to purchase investment(s), provided such funds are accounted for separately in all respects and earnings from investments that are separately and individually computed and recorded and credited to the accounts from which the investment was purchased. Investment monies can be combined to purchase investment(s) pooled with other political subdivisions and municipal authorities in accordance with P.L. 180 of July 12, 1972, 53 Pa.C.S.A. § 2301 et seq., provided there is separate and equal computation, recording and distributions of earnings. All investments shall comply with PA Act 72.

G. Signing checks

- (1) Documentation. The issuing and signing of all City checks shall be in accordance with the following:
 - (a) The amount expressed in the request is allocated for in the department budget.

(b) The person presenting the request shall provide evidence that the amount due is for the payee in whose name it is drawn.

(c) Supplies, services or other consideration for payment has been processed by purchasing regulations if required.

(d) Supplies, services or other consideration for payment has been verified that they have been furnished or performed according to law or contract.

(2) Check signatures

(a) The Administrative Services Director and the City Auditor shall sign all checks drawn against the City Treasury. Facsimile signatures may be used.

(b) In the event of the absence of the Administrative Services Director, the Mayor shall have the authority to sign checks in his/her place and stead.

(c) In the event of the absence of the City Auditor, the auditing coordinator in the office of the City Auditor *or the City Solicitor* shall have the authority to sign checks in his/her place and stead.

(d) "Absence," as used in this section, is hereby defined as failure to be present in Reading City Hall for a period of three consecutive full business days or more for any reason including, but not limited to, vacation, illness, mental or physical incapacity or death.

(3) Limitations. No signed check shall be distributed, mailed, or released unless there is sufficient money in the particular budget from which it is drawn, as well as the checking account to cover it at the time the check has been issued. Exception is made for payroll as it is subject to FLSA and Federal wage and overtime regulations.

H. Record of assets. The Administrative Services Director shall keep a complete record of books and accounts under appropriate titles, to show separately and distinctly all of the assets, property inventory, trusts, and indebtedness and all of the receipts and expenditures of the various departments. He/she shall supervise and control the accounts of all of the departments, and may require a written statement of all money or property of that department.

I. Annual budget – *See Section 807*

~~(1) Submission and adoption.~~

~~Section 902 of the Charter provides:~~

~~§ 902. Submission of Balanced Budget and Capital Program.~~

~~On or before 90 days prior to the ensuing fiscal year the departments heads will submit a proposed budget and capital program to the Managing Director. On or before 90 days prior to the ensuing fiscal year the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.~~

~~(2) Budget message~~

~~(a) Section 903 of the Charter provides:~~

~~§ 903. Budget message.~~

~~The budget shall be accompanied by a message which shall include:~~

- ~~A. An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.~~
- ~~B. An outline of proposed programs and an explanation of new, expanded, or abolished programs or functions.~~
- ~~C. A summary of the City's debt position.~~
- ~~D. Such other material that will inform the Council and the public of municipal goals.~~

~~(3) Budget organization and content.~~

~~(a) Section 904 of the Charter provides:~~

~~§ 904. Budget~~

~~The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program,~~

purpose or activity, and object. The budget shall contain, among other things, the following:

A. It shall begin with a general summary of its contents.

B. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

The estimated income shall mean the total of estimated revenue plus the prior fiscal year's fund balance. If a deficit exists, a plan to eliminate that deficit must be included in the budget.

C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

D. It shall show the number of proposed employees in every job classification and the proposed salaries of all exempt employees beginning in 2009.

[Amended 1-26-2009 by Ord. No. 3-2009]

The budget shall include the position ordinance, defined in § 5-212, Ordinances, which shows the number of all proposed employees in every job classification, as defined in § 70-201, Categories of employment, *highlighting changes and the proposed salaries of all exempt employees beginning in 2009* (plain italic language required by Bill No. 3-2009 enacted January 26, 2009, and approved by the Mayor January 27, 2009).

[Amended 10-26-2009 by Ord. No. 60-2009; 8-27-2012 by Ord. No. 86-2012]

[a] — In some cases, however, prudent succession management may call for temporarily exceeding the position allowance in a particular department. Some examples are:

[i] When there is a known planned retirement of an individual in a highly technical position, smooth operations would call for an extended period of knowledge transfer that would require hiring the replacement individual prior to the retirement.

[ii] In the case of extended apprenticeships or training periods, such as police, it would make sense to consider the historic rate of attrition when determining the ideal class size. This would provide a more consistent number of trained staff versus the current system which can produce peaks and valleys.

~~[b]—Therefore, in order to manage the operations of the City more effectively, City Council may, by ordinance, authorize the Managing Director to exceed the position ordinance for any department with the following conditions:~~

~~[i]—No departmental position ordinance will be exceeded for a period of time greater than six months.~~

~~[ii]—The temporary addition of employees will not cause the total wages of the City to exceed budgeted levels.~~

~~[iii]—The Managing Director will report to Council on all planned hires which will exceed any position ordinance and will report on the status of all such hires on a regular basis.~~

~~[iv]—At no time will the total number of City employees exceed the total number of employees authorized under position ordinances by more than 10 employees.~~

~~E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding four fiscal years.~~

~~F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.~~

~~G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual budget and submit to Council with appropriate supporting information as to the necessity for such programs.~~

~~H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.~~

~~The total of proposed expenditures shall not exceed the total of estimated income.~~

Editor's Note: Section 901 of the Charter provides:

~~§ 901. Fiscal year.~~

~~The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.~~

~~(4) Adoption.~~

~~(a) Section 905 of the Charter provides:~~

~~§ 905. City Council action on budget.~~

~~1. Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the budget with a notice stating:~~

~~A. The times and places where copies of the budget message and budget document are available for inspection by the public.~~

~~B. The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.~~

~~C. The proposed budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.~~

~~(5) Amendments.~~

~~(a) Section 905 of the Charter provides:~~

~~§ 905 (b) Amendment before adoption.~~

~~After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.~~

~~If the amended budget increases, decreases, or readjusts funding requirements by more than 5% or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal City workdays.~~

~~Council shall provide for another public hearing to be held within five days after the Mayor has resubmitted the budget.~~

~~(b) — After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the Council.~~

~~(c) — If the amended budget increases, decreases, or readjusts funding requirements by more than 5%, or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal business days.~~

~~Three normal City work and/or business days ("normal business days" shall mean weekdays and shall exclude Saturdays, Sundays and holidays).~~

~~(d) — Council shall provide for another public hearing to be held within five regular business days after the Mayor has resubmitted the budget.~~

~~Five normal City work and/or business days ("normal business days" shall mean weekdays and shall exclude Saturdays, Sundays and holidays).~~

~~(6) — Adoption.~~

~~(a) — Section 905 of the Charter states:~~

~~§ 905 (c) Adoption. Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15, then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.~~

~~(b) — The Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt an annual budget by that date, the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.~~

~~(c) Within 30 days after the adoption of a budget ordinance, the Administrative Services Director shall file a copy of the budget with the appropriate state agency.~~

~~(7) Revised budget.~~

~~(a) Section 906 of the Charter provides:~~

~~§ 906. Revised budget. Notwithstanding any other provisions of this article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with §§ 905, 906, with the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.~~

~~(b) Within 15 days after the adoption of an amended budget ordinance, the Administrative Services Director shall file a copy with the appropriate state agency.~~

~~(8) Amendments after adoption.~~

~~(a) Section 908 of the Charter provides:~~

~~§ 908. Amendments after adoption.~~

- ~~1. Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 220 of this Charter.~~
- ~~2. Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget.~~
- ~~3. Transfer of appropriations may be made in accordance with provision of the Administrative Code.~~

Editor's Note: Section 220 of the Charter provides:

~~§ 220. Emergency ordinance.~~

~~An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists.~~

- ~~(b) Transfer of appropriations may be made in accordance with the provision of the Administrative and Fiscal Codes in accordance with the provisions of § 908 of the Charter.~~

J. Capital Program – See Section 807
[Amended 10-22-2012 by Ord. No. 98-2012]

~~(1) Definitions.~~

- ~~(a) Capital improvement program (CIP). A five year plan that shall contain eligible capital projects listed in order of priority for funding during the five year period.~~
- ~~(b) Capital project. Any project funded or proposed to be funded by public monies in part or whole to build, restore, retain, rehabilitate, purchase or repurchase any equipment, property, facility, infrastructure, vehicle, hardware for information technology, park facility, or building that is to be used for the public benefit or is a public asset, and has minimum total value of \$50,000.~~
- ~~(c) Capital program budget. An annual budget that shall identify the total funding and source of funding for each capital project adopted in the capital improvement plan that to be executed during the fiscal year.~~
- ~~(d) Capital purchase. Any purchase of a vehicle or other motorized equipment.~~
- ~~(e) Capital expenditure. An allocation from the capital budget for an approved capital project.~~

~~K. Capital priorities. Each year in the first week of May, the Mayor shall provide an annual statement of CIP priorities to the Council and to the departments funded by the CIP. The statement of priorities shall indicate substantive outcomes that the City is seeking to achieve through projects funded through the CIP and operational goals.~~

~~(1) Project and purchase proposals.~~

~~(a) Each year in the first week of June, the Administrative Services Department (ASD) shall issue a formal request to each City department for capital project proposals. The request shall be via a standard format set by the ASD that includes an estimate of the aggregate size, in dollar figures, of the proposed capital budget for the fiscal year.~~

~~(b) Each capital project and purchase proposal shall be submitted to the ASD by the first week of July and shall include the following:~~

~~[1] For projects:~~

~~[a] A description of the geographic location of each proposed capital project. If a capital expenditure is for a general Citywide project, the description shall list anticipated locations, but note that the list may not be exhaustive;~~

~~[b] An estimated timeline for the completion of the capital project;~~

~~[c] An estimated total budget for the capital project;~~

~~[d] Any potential impact the capital project may have on the City's operating budget;~~

~~[e] The estimated useful life of the capital project;~~

~~[f] For capital projects related to the general maintenance of infrastructure, the total projected funds required to improve or rehabilitate the infrastructure type citywide to an acceptable state of function or repair;~~

~~[g] The departmental priority for each capital project submitted;~~

~~[h] A statement of whether the capital project will impact public safety or public health;~~

~~[i]—A statement of whether the project is CDBG eligible;~~

~~[j]—A proposed source of financing;~~

~~[k]—A statement of whether the capital project is consistent with the City Comprehensive Plan.~~

~~[2]—For purchases:~~

~~[a]—A description of the proposed vehicle's use;~~

~~[b]—A description of the condition of the vehicle being replaced including mileage and age;~~

~~[c]—The inventory of vehicles used by the department with a statement of primary purpose and frequency of use;~~

~~[d]—An estimated total budget for the capital purchases.~~

~~(c) — Charter § 911 (b) (6) states that *All Capital Projects must be included in the Capital Program Budget.*~~

~~(2) — Capital Improvement Program Committee, the CIPC.~~

~~(a) — The Capital Improvement Program Committee (CIPC) shall advise the Mayor and City Council on the selection and prioritization of all capital projects and ensure that the CIP is properly administered. The membership of the CIPC shall consist of the following nine *seven* members:~~

~~[1] Director of Administrative Services;~~

~~[2] Director of Community Development;~~

~~[3] Director of Public Works;~~

~~[4] Chief of the Fire Department;~~

~~[5] Chief of the Police Department;~~

~~[6] City Auditor;~~

~~[7] One Member of City Council, appointed by the President of City Council.~~

~~(b) — The Chair or assignee of the CIPC shall provide a complete listing of all capital project proposals for the CIPC members to review and analyze prior to the meeting on the proposed projects.~~

~~(c) — The Chair or assignee of the CIPC shall produce a report on the findings of the committee.~~

~~(3) — Contents of the CIPC Report.~~

~~(a) — Each year the CIPC shall produce a report, as required by Section 911(d) (1) of the Home Rule Charter, Preliminary feasibility study that details the following:~~

~~[1] — A clear general summary of its contents;~~

~~[2] — Cost estimates and recommended time schedules for each improvement of other capital expenditure;~~

~~[3] — Method of financing, upon which each capital expenditure is to be reliant;~~

~~[4] — The annual cost of operating and maintaining the project to be constructed or acquired.~~

~~[5] — The percentage of total funds to be allocated to capital purchases versus capital projects.~~

~~Charter § 911 (b) (2) also requires a list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;~~

~~(b) — Each capital project proposal shall be ranked by the CIPC according to the following criteria:~~

~~[1] — Projects that will resolve an imminent threat to public or employee safety or health;~~

~~[2] — Achieve compliance with federal or state statutory mandates;~~

~~[3] — Reduce expenditures in the operating budget;~~

~~[4] — Improve efficiency or effectiveness of service delivery;~~

~~[5] — Comply with the City's Comprehensive Plan;~~

~~[6] — Achieve community or economic revitalization;~~

~~[7] — Any other criteria as determined by the Committee.~~

~~(c) — The CIPC shall also evaluate the five year CIP and propose any changes that are necessary to ensure that the plan is consistent with the City's capital needs.~~

~~(d) — The CIPC Report shall be provided to the Mayor by no later than the first week of September of each year, and the Chair of the Committee or assignee shall draft the report.~~

~~(4) — Submission and approval.~~

~~(a) — The Mayor shall prepare and submit to the City Council a five year capital program no later than the final date for submission of the budget. The capital program shall include a capital budget. The proposed five year capital program and budget shall be posted on the City's website for public review on the date the budget is submitted to Council.~~

~~(b) — The Mayor, with the assistance of the Managing Director, Administrative Services Director and the Director of Community Development and in accordance with the provision of the Municipalities Planning Code (53 P.S. § 10209.1), the Managing Director shall be responsible for developing administering the capital budget. The Mayor shall prepare and submit to the City Council a five year capital program no later than the final date for submission of the budget.~~

~~(c) — The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.~~

~~(5) — Final proposal and financing Charter §911 (d).~~

~~(a) — The final capital project proposal and financing shall include:~~

~~[1] — A clear general summary of its purpose and justification.~~

~~[2] — The cost estimates and time schedule for the capital project, including the cost of the post project completion audit.~~

~~[3] — The method of financing and sources upon which this capital project is reliant.~~

~~[4] — The annual cost of operating and maintaining the project to be constructed or acquired.~~

~~[5] — This final capital project proposal will be published and made available for the public to review (use notice and hearing notice, Charter § 912). Capital project replaces capital program.~~

~~[6] — The final Council approval of capital projects will require five votes to approve.~~

~~(b) — The contracts for capital projects shall be subject to the procurement process established by the Charter and the Code.~~

~~(6) — City Council action on the capital improvement program (Charter § 912)~~

~~(a) — Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the capital program with a notice stating:~~

~~[1] — The times and places where copies of the capital program message and capital program document are available for inspection by the public.~~

~~[2] — The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating budget.~~

~~[3] — The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.~~

~~(7) — Adoption. [Charter § 912(3)(b)] Council must adopt an annual capital program by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a capital program by December 15, then the Mayor's original capital program shall become the official capital program of the City for the ensuing year.~~

~~(8) — Capital project execution. [Charter § 911 (d) (3), Capital project reporting.]~~

- ~~(a) — Current projects. All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Administrative Services Director and the Project Manager to the City Council in such a form that it is available to the public.~~
- ~~(b) — Quarterly report. The quarterly report on all capital projects approved for the current budget year shall be distributed to Council by the last day of each fiscal quarters. The report shall include the following:~~
- ~~[1] — A clear general summary of its purpose and justification.~~
 - ~~[2] — A statement of each project's status as of the date of the report.~~
 - ~~[3] — A statement of whether the project is 50% more or less completed.~~
 - ~~[4] — The cost estimates and time schedule for each capital project, including the cost of the post project completion audit.~~
 - ~~[5] — The method of financing and sources upon which this capital project is reliant.~~
 - ~~[6] — The annual cost of operating and maintaining the project to be constructed or acquired.~~

~~Also refer to Charter §911 (d)(3)(a)~~

~~Current projects. All Capital Projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.~~

- ~~(c) — Extended projects. If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained, the project must go through § 911(d)(1) and (2) of and as required by the Charter § 911(d)(3), and Subsection K(1), (2) and (3) of this section in the subsequent year.~~
- ~~(d) — Post project completion audit. (Charter § 914911(d)(4)) Following completion of the capital project, a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by~~

the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

L. Annual Financial Report

- (1) Section 308 of the Charter provides:

§ 308. Powers and duties of the Mayor.

The Mayor shall have the following powers and duties:

(c) Inform City Council and the public each January of the financial and general condition of the City.

- (2) The Mayor, with the assistance of the Managing Director, Administrative Services Director and other appropriate department directors, shall:
- (a) Inform Council and the public by the end of each January of the financial and general condition of the City. This report shall be as complete as possible but shall not be in the detail required under Subsection K(2)(b).
 - (b) Report (under oath) to the Council and appropriate state agency, by the end of each March, a comprehensive financial report in accordance with the standards set forth by GASB and GAAP.
 - (c) Prepare, review and update as necessary procedures necessary to implement this section, which shall include the following:
 - [1] The format of the report (taking into consideration the maximum standards of the GASB and the commonwealth).
 - [2] Dissemination to the public.
 - [3] A descriptive and textual analysis of the state of the City, and the City's finances.
 - (d) When a new Mayor has been elected, the Mayor leaving office must submit as comprehensive a report as possible by December 31 of the final year of his/her term. The new Mayor shall review this report by January 31 of the year he/she takes office and proposed comments and additions to the report in preparing his/ her report pursuant to Subsection K(2)(a).

M. Risk Management.

- (1) Responsibility. The Administrative Services Director shall collaborate with the Managing Director in developing a risk management procedures manual. Additionally, the Administrative Services Director is responsible for joint reports to the Mayor, Managing Director and Council.
- (2) Reports. Reports issued by the Administrative Services Director shall include the following:
 - (a) Status of insurance (including self-insurance, requests for proposals for insurances which shall be considered professional services under this code), competitive bidding procedures.
 - (b) Claims.
 - (c) Bonds.
 - (d) Other items under risk management.

N. Contracts

- (1) Approval of contracts.
 - (a) Section 915 of the Charter provides:

§ 915. Bidding process.

- (a) *Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed \$10,000, it shall be the duty of said City to have such work performed pursuant to a contract awarded to the lowest responsible bidder [subject to Subsection d)], after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, co-partnership, association or corporation who, as subcontractor or otherwise, has furnished material, supplied or performed labor, rented equipment or service in or in connection with the prosecution of the work as aforesaid, and the inclusion*

thereof in any contract shall preclude the filing by any such person, co-partnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment.

(b) The City may make contracts for carrying into execution the provisions of the Code, ordinance and the laws of the State of Pennsylvania. Council approval shall be required ~~of~~ *for* all contracts with a value of \$35,000 and over, and all collective bargaining agreements. Any contracts ~~for~~ *with a value of* \$34,999.99 or less shall be entered into by the Mayor and Managing Director ~~as shall be determined~~ without requirement of approval by Council *as per Section 809 Purchasing Policies*. ~~All contracts or purchase not in excess of \$10,000 shall be approved by the Mayor and the Managing Director~~

(c) Ethics Code §6 Prohibited Behaviors Letter H Awarding Contracts

H. Awarding Contracts

1. *To the extent that it is not inconsistent with federal or state law: (i) a City Employee, (ii) a City Official, (iii) any Immediate Family of a City Employee or City Official; or (iv) any for-profit business entity in which the City Employee, City Official, or any Immediate Family has a Material Interest, shall not enter into any Contract valued at Five Hundred Dollars (\$500.00) or more with the City or any City agency or instrumentality, unless the Contract has been awarded through an open and public process, in accordance with Pennsylvania law, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the City Official or City Employee shall not have any supervisory or overall responsibility for the implementation or administration of the Contract. Any Contract or subcontract made in violation of this subsection may be subject to further penalties, pursuant to the terms and provisions of the Pennsylvania Public Official and Employee Ethics Act (65 Pa. C.S.A. §1101.1, et. seq.).*
2. *Prior to entering into or awarding any No-Bid Contract, the City Employee, Official, agent or instrumentality entering into such No-Bid Contract on behalf of the City, must immediately provide the Board of Ethics with the following information:*
 - i. *The name and address of all contracting parties;*
 - ii. *A draft copy of the contract to be entered into;*
 - iii. *A report, in compliance with 25 P.S. §3260a (Section 1641 of the Pennsylvania Election Code), as amended, which shall provide the following:*

- a. *An itemized list of all political contributions known to each contracting party by virtue of the knowledge possessed by every officer, director, associate, partner, limited partner, or individual owner that has been made by:

 - 1. *Any officer, director, associate, partner, limited partner, individual owner or members of the immediate family of the aforementioned parties when the contributions exceed an aggregate of One Thousand Dollars (\$1,000.00) by any individual during the preceding year; or*
 - 2. *Any employee or members of his or her immediate family whose political contribution exceeded One Thousand Dollars (\$1,000.00) during the preceding year.**
- iv. *Any other information that the Board of Ethics may require.*
- 3. *In the event that the intended recipient of a City No-Bid Contract or any officer, director, associate, partner, limited partner, individual owner, member, employee, or Immediate Family of any of the aforementioned parties has made a donation to a political committee of a City Employee, City Official, agent or instrumentality, in excess of the contribution limitations set forth in Section 1-199.22 during any of the preceding two (2) calendar years from the date the draft copy of the proposed contract is submitted to the Board of Ethics, then and in that event the City is prohibited from awarding that No-Bid Contract to that intended party.*
- 4. *For purposes of this Section, the office that is considered to have ultimate responsibility for the award of the Contract shall be as provided for by the established purchasing policies of the City of Reading.*

§5-807 Budget and Capital Program

A. General Fund Budget

- (1) Submission and adoption.

Section 902 of the Charter provides:

§ 902. Submission of Balanced Budget and Capital Program.

On or before 90 days prior to the ensuing fiscal year the departments heads will submit a proposed budget and capital program to the Managing Director. On or before 90 days prior to the ensuing fiscal year the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget

and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

(2) Budget message

(a) Section 903 of the Charter provides:

§ 903. Budget message.

The budget shall be accompanied by a message which shall include:

- A. An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.*
- B. An outline of proposed programs and an explanation of new, expanded, or abolished programs or functions.*
- C. A summary of the City's debt position.*
- D. Such other material that will inform the Council and the public of municipal goals.*

(3) Budget organization and content.

(a) Section 904 of the Charter provides:

§ 904. Budget

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- A. It shall begin with a general summary of its contents.*
- B. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.*

The estimated income shall mean the total of estimated revenue plus the prior fiscal year's fund balance. If a deficit exists, a plan to eliminate that deficit must be included in the budget.

C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

D. It shall show the number of proposed employees in every job classification and the proposed salaries of all exempt employees beginning in 2009.

[Amended 1-26-2009 by Ord. No. 3-2009]

The budget shall include the position ordinance, defined in § 5-212, Ordinances, which shows the number of all proposed employees in every job classification, as defined in § 70-201, Categories of employment, highlighting *changes and the proposed salaries of all exempt employees beginning in 2009* (plain italic language required by Bill No. 3-2009 enacted January 26, 2009, and approved by the Mayor January 27, 2009).

[Amended 10-26-2009 by Ord. No. 60-2009; 8-27-2012 by Ord. No. 86-2012]

[a] In some cases, however, prudent succession management may call for temporarily exceeding the position allowance in a particular department. Some examples are:

[i] When there is a known planned retirement of an individual in a highly technical position, smooth operations would call for an extended period of knowledge transfer that would require hiring the replacement individual prior to the retirement.

[ii] In the case of extended apprenticeships or training periods, such as police, it would make sense to consider the historic rate of attrition when determining the ideal class size. This would provide a more consistent number of trained staff versus the current system which can produce peaks and valleys.

[b] Therefore, in order to manage the operations of the City more effectively, City Council may, by ordinance, authorize the Managing Director to exceed the position ordinance for any department with the following conditions:

[i] No departmental position ordinance will be exceeded for a period of time greater than six months.

- [ii] The temporary addition of employees will not cause the total wages of the City to exceed budgeted levels.
- [iii] The Managing Director will report to Council on all planned hires which will exceed any position ordinance and will report on the status of all such hires on a regular basis.
- [iv] At no time will the total number of City employees exceed the total number of employees authorized under position ordinances by more than 10 employees.

E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding four fiscal years.

F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual budget and submit to Council with appropriate supporting information as to the necessity for such programs.

H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

Editor's Note: Section 901 of the Charter provides:

§ 901. Fiscal year.

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

(4) Adoption.

(a) Section 905 of the Charter provides:

§ 905. City Council action on budget.

1. *Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the budget with a notice stating:*
 - A. *The times and places where copies of the budget message and budget document are available for inspection by the public.*
 - B. *The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.*
 - C. *The proposed budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.*

(5) Amendments.

(a) Section 905 of the Charter provides:

§ 905 (b) Amendment before adoption.

After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

If the amended budget increases, decreases, or readjusts funding requirements by more than 5% or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal City workdays.

Council shall provide for another public hearing to be held within five days after the Mayor has resubmitted the budget.

- (b) *After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the Council.*
- (c) *If the amended budget increases, decreases, or readjusts funding requirements by more than 5%, or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal business days.*

Three normal City work and/or business days ("normal business days" shall mean weekdays and shall exclude Saturdays, Sundays and holidays).

- (d) *Council shall provide for another public hearing to be held within five regular business days after the Mayor has resubmitted the budget.*

Five normal City work and/or business days ("normal business days" shall mean weekdays and shall exclude Saturdays, Sundays and holidays).

(6) Adoption.

- (a) Section 905 of the Charter states:

§ 905 (c) Adoption. Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15, then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.

- (b) The Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt an annual budget by that date, the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.
- (c) Within 30 days after the adoption of a budget ordinance, the Administrative Services Director shall file a copy of the budget with the appropriate state agency.

(7) Revised budget.

- (a) Section 906 of the Charter provides:

§ 906. Revised budget. Notwithstanding any other provisions of this article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with §§ 905, 906, with the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.

- (b) Within 15 days after the adoption of an amended budget ordinance, the Administrative Services Director shall file a copy with the appropriate state agency.

(8) Amendments after adoption.

- (a) Section 908 of the Charter provides:

§ 908. Amendments after adoption.

1. *Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 220 of this Charter.*
2. *Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget.*
3. *Transfer of appropriations may be made in accordance with provision of the Administrative Code.*

Editor's Note: Section 220 of the Charter provides:

§ 220. Emergency ordinance.

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and

specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists.

- (b) Transfer of appropriations may be made in accordance with the provision of the Administrative and Fiscal Codes in accordance with the provisions of § 908 of the Charter.

B. Capital Program

[Amended 10-22-2012 by Ord. No. 98-2012]

(1) Definitions.

- (a) Capital improvement program (CIP). A five-year plan that shall contain eligible capital projects listed in order of priority for funding during the five-year period.
- (b) Capital project. Any project funded or proposed to be funded by public monies in part or whole to build, restore, retain, rehabilitate, purchase or repurchase any equipment, property, facility, infrastructure, vehicle, hardware for information technology, park facility, or building that is to be used for the public benefit or is a public asset, and has minimum total value of \$50,000.
- (c) Capital program budget. An annual budget that shall identify the total funding and source of funding for each capital project adopted in the capital improvement plan that to be executed during the fiscal year.
- (d) Capital purchase. Any purchase of a vehicle or other motorized equipment.
- (e) Capital expenditure. An allocation from the capital budget for an approved capital project.

C. Capital priorities. Each year in the first week of May, the Mayor shall provide an annual statement of CIP priorities to the Council and to the departments funded by the CIP. The statement of priorities shall indicate substantive outcomes that the City is seeking to achieve through projects funded through the CIP and operational goals.

(1) Project and purchase proposals.

- (a) Each year in the first week of June, the Administrative Services Department (ASD) shall issue a formal request to each City department for capital project proposals. The request shall be via a standard format set by the ASD that includes an estimate of the aggregate size, in dollar figures, of the proposed capital budget for the fiscal year.
- (b) Each capital project and purchase proposal shall be submitted to the ASD by the first week of July and shall include the following:
 - [1] For projects:
 - [a] A description of the geographic location of each proposed capital project. If a capital expenditure is for a general citywide project, the description shall list anticipated locations, but note that the list may not be exhaustive;
 - [b] An estimated timeline for the completion of the capital project;
 - [c] An estimated total budget for the capital project;
 - [d] Any potential impact the capital project may have on the City's operating budget;
 - [e] The estimated useful life of the capital project;
 - [f] For capital projects related to the general maintenance of infrastructure, the total projected funds required to improve or rehabilitate the infrastructure type citywide to an acceptable state of function of repair;
 - [g] The departmental priority for each capital project submitted;
 - [h] A statement of whether the capital project will impact public safety or public health;
 - [i] A statement of whether the project is CDBG eligible;
 - [j] A proposed source of financing;
 - [k] A statement of whether the capital project is consistent with the City Comprehensive Plan.

- [2] For purchases:
 - [a] A description of the proposed vehicle's use;
 - [b] A description of the condition of the vehicle being replaced including mileage and age;
 - [c] The inventory of vehicles used by the department with a statement of primary purpose and frequency of use;
 - [d] An estimated total budget for the capital purchases.
- (c) Charter § 911 (b) (6) states that *All Capital Projects must be included in the Capital Program Budget.*
- (2) Capital Improvement Program Committee, the CIPC.
 - (a) The Capital Improvement Program Committee (CIPC) shall advise the Mayor and City Council on the selection and prioritization of all capital projects and ensure that the CIP is properly administered. The membership of the CIPC shall consist of the following nine *seven* members:
 - [1] Director of Administrative Services;
 - [2] Director of Community Development;
 - [3] Director of Public Works;
 - [4] Chief of the Fire Department;
 - [5] Chief of the Police Department;
 - [6] City Auditor;
 - [7] One Member of City Council, appointed by the President of City Council.
 - (b) The Chair or assignee of the CIPC shall provide a complete listing of all capital project proposals for the CIPC members to review and analyze prior to the meeting on the proposed projects.
 - (c) The Chair or assignee of the CIPC shall produce a report on the findings of the committee.

(3) Contents of the CIPC Report.

(a) Each year the CIPC shall produce a report, as required by Section 911(d) **(1)** of the Home Rule Charter, Preliminary feasibility study that details the following:

- [1] A clear general summary of its contents;
- [2] Cost estimates and recommended time schedules for each improvement of other capital expenditure;
- [3] Method of financing, upon which each capital expenditure is to be reliant;
- [4] The annual cost of operating and maintaining the project to be constructed or acquired.
- [5] The percentage of total funds to be allocated to capital purchases versus capital projects.

Charter § 911 (b) (2) also requires a *list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;*

(b) Each capital project proposal shall be ranked by the CIPC according to the following criteria:

- [1] Projects that will resolve an imminent threat to public or employee safety or health;
- [2] Achieve compliance with federal or state statutory mandates;
- [3] Reduce expenditures in the operating budget;
- [4] Improve efficiency or effectiveness of service delivery;
- [5] Comply with the City's Comprehensive Plan;
- [6] Achieve community or economic revitalization;
- [7] Any other criteria as determined by the Committee.

- (c) The CIPC shall also evaluate the five-year CIP and propose any changes that are necessary to ensure that the plan is consistent with the City's capital needs.
 - (d) The CIPC Report shall be provided to the Mayor by no later than the first week of September of each year, and the Chair of the Committee or assignee shall draft the report.
- (4) Submission and approval.
- (a) The Mayor shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget. The capital program shall include a capital budget. The proposed five-year capital program and budget shall be posted on the City's website for public review on the date the budget is submitted to Council.
 - (b) The Mayor, with the assistance of the Managing Director, Administrative Services Director and the Director of Community Development and in accordance with the provision of the Municipalities Planning Code (53 P.S. § 10209.1), the Managing Director shall be responsible for developing administering the capital budget. The Mayor shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget.
 - (c) The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.
- (5) Final proposal and financing Charter §911 (d).
- (a) The final capital project proposal and financing shall include:
 - [1] A clear general summary of its purpose and justification.
 - [2] The cost estimates and time schedule for the capital project, including the cost of the post-project-completion audit.
 - [3] The method of financing and sources upon which this capital project is reliant.
 - [4] The annual cost of operating and maintaining the project to be constructed or acquired.

- [5] This final capital project proposal will be published and made available for the public to review (use notice and hearing notice, Charter § 912). Capital project replaces capital program.
- [6] The final Council approval of capital projects will require five votes to approve.
- (b) The contracts for capital projects shall be subject to the procurement process established by the Charter and the Code.
- (6) City Council action on the capital improvement program (Charter § 912)
 - (a) *Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the capital program with a notice stating:*
 - [1] *The times and places where copies of the capital program message and capital program document are available for inspection by the public.*
 - [2] *The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating budget.*
 - [3] *The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.*
- (7) *Adoption. [Charter § 912(3)(b)] Council must adopt an annual capital program by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a capital program by December 15, then the Mayor's original capital program shall become the official capital program of the City for the ensuing year.*
- (8) Capital project execution. [Charter § 911 (d) (3), Capital project reporting.]
 - (a) *Current projects. All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Administrative Services Director and the Project Manager to the City Council in such a form that it is available to the public.*
 - (b) Quarterly report. The quarterly report on all capital projects approved for the current budget year shall be distributed to Council by the last day of each fiscal quarters. The report shall include the following:

- [1] A clear general summary of its purpose and justification.
- [2] A statement of each project's status as of the date of the report.
- [3] A statement of whether the project is 50% more or less completed.
- [4] The cost estimates and time schedule for each capital project, including the cost of the post project completion audit.
- [5] The method of financing and sources upon which this capital project is reliant.
- [6] The annual cost of operating and maintaining the project to be constructed or acquired.

Also refer to Charter §911 (d)(3)(a)

Current projects. All Capital Projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.

- (c) Extended projects. If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained, the project must go through § 911(d)(1) and (2) of and as required by the Charter § 911(d)(3), and Subsection K(1), (2) and (3) of this section in the subsequent year.
- (d) Post-project-completion audit. (Charter § 914911(d)(4)) *Following completion of the capital project, a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.*

Section 808 – Reserved

Section 809 – Purchasing Policy and Procedure – relocate existing text located in Part RE3117-OO5a-Ex A as amended in 2016

Section 810 - Reserved

§ 5-807. 811 Department of Public Works.

Section 812 - Reserved

§ 5-808. 813 Economic Development Manager. [Amended 10-11-2004 by Ord. No. 42-2004; 6-12-2006 by Ord. No. 46-2006; 2-12-2007 by Ord. No. 13-2007]

Section 814 - Reserved

§ 5-~~809~~. 815 Department of Police. [Amended 11-13-2001 by Ord. No. 39-2011; 12-28-2009 by Ord. No. 73-2009]

§ 5-~~810~~. 816 Department of Fire and Rescue Services. [Amended 9-23-1996 by Ord. No. 30-1996; 5-29-2001 by Ord. No. 14-2001; 2-12-2007 by Ord. No. 12-2007]

§ 5-~~811~~. 817 Department of Law. [Amended 6-22-1998 by Ord. No. 22-1998]

§ 5-~~812~~. 818 Planning Division of the Department of Community Development.¹² [Amended 5-29-2001 by Ord. No. 14-2001]

(3) Purchasing Manager.

(a) The Purchasing Manager shall have the authority to:

[1] Purchase or contract for all materials, supplies, equipment and contractual services for all City departments with the exception of:

[a] Books, subscriptions.

[b] Business meeting expenses.

[c] Charitable contributions.

[d] Dues.

[e] Items that can legitimately be purchased via the petty cash process.

[f] Postage.

[g] Tuition.

[h] Travel, meals, mileage.

[i] Utility services.

[j] Healthcare.

[k] Insurance.

5-Re3117-005a Exhibit A

6.03 CATEGORIES OF PURCHASES MADE NOT REQUIRING A PURCHASE ORDER:

Certain categories of purchases do not require the department, division, office or agency to follow the requisition/purchase order process, and the orders are not placed by the purchasing coordinator as outlined in Administrative Procedure "Requisition and Purchase Order Process."

Categories of purchases that do not require a purchase order are as follows:

- ◆ Arbitration costs
- ◆ Association dues
- ◆ Books and subscriptions
- ◆ Business meeting expenses
- ◆ Charitable contributions
- ◆ Debt service & related fees
- ◆ Insurance
- ◆ Items under one hundred dollars (\$100) that can legitimately be purchased via petty cash
- ◆ Postage
- ◆ Tuition
- ◆ Travel expenses for job related purposes - including meals, lodging and transportation (travel policy must be followed)
- ◆ Utility services (e.g., heat, electricity, phone services regulated by the PUC)
- ◆ Worker's compensation disbursements
- ◆ *Healthcare*
- ◆ *Insurance*

Only the expenses and services listed above may be purchased with payment authorized by the Accounts Payable Approval form

Drafted by City Clerk/Asst. Solicitor
Referred by City Clerk/Asst. Solicitor
Introduced on August 8, 2016
Advertised on August 9, 2016

BILL NO. _____ 2016

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

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

Findings of Fact.

By enacting this Ordinance, the City intends to:

- a. Promote the health, safety and welfare of City residents and businesses with respect to wireless communications facilities;
- b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both City residents and wireless carriers in accordance with federal and state laws and regulations;
- c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the City, including facilities both inside and outside the public rights-of-way;
- d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities;
- e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;
- f. Protect City residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

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

SECTION I. Short Title.

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

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

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

A. Dimensional requirements. Editor’s Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses: [Amended 2-14-2011 by Ord. No. 8-2011 Editor’s Note: Amended during codification (see Ch. 1, General Provisions, Part 2).]

- Banks and financial institutions, including drive-through
- Beverage distributors, beer and soft drinks
- Car wash
- College or university, not including residential uses, unless such dwellings meet the requirements for a dwelling occupied by a "family"
- Convenience stores, with or without auto fuel sales
- Emergency health-care facility/office
- Exercise clubs
- Fire and ambulance station
- Funeral homes
- Gardens, crop farming and forestry
- Home and garden supply centers
- Laundromats
- Miniature golf course
- Motels and hotels
- Municipal uses
- Nursing homes or personal-care centers
- Offices
- Parking lots and structures
- Passenger terminal facilities
- Personal service businesses
- Radio and television stations
- Recreational facilities, public parks and non-motorized recreation trails
- Residential uses: the same residential uses shall be allowed as are allowed in the R-3 District
- Restaurants, including eat-in, takeout, drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
- Retail stores which may include drive-through facilities
- Social clubs and associations, PLCB and non-PLCB licensed. Such use shall not be open between the hours of 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.
- Taxi headquarters
- Temporary employment agencies and service
- Vehicle sales or rental
- Veterinary hospitals

Wholesale sales and services

- (2) Accessory uses. See Part 10 unless otherwise noted.
 - (a) Amusement devices: pursuant to § 600-1010 of this chapter.
 - (b) Drive-through services: pursuant to § 600-1004 of this chapter.
 - (c) Entertainment: pursuant to § 600-1005.
 - (d) Home occupations, major or minor: see § 600-1006.
 - (e) Off-site parking areas: pursuant to § 600-1008.
 - (f) Telecommunications *non-tower* antenna *if co-located on a municipal facility or an existing tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.*
- (3) Conditional uses. In compliance with § 600-1203.
 - (a) Banquet hall.
 - (b) Bottle clubs.
 - (c) Group institution.
 - (d) Public utilities.
 - (e) Taverns and nightclubs.
 - (f) Treatment center.
 - (g) *Telecommunications towers and facilities, including poles subject to Part 21 of this chapter*
- (4) Special exception uses. In compliance with § 600-1202.
 - (a) Adaptive reuse.
 - (b) Amusement arcade.
 - (c) Auto service stations or auto repair.
 - (d) Day-care facilities.
 - (e) Manufactured/mobile home park.
 - (f) Pawn shop.
 - (g) Place of worship.
 - (h) Surface parking facility.
 - ~~(i) Telecommunications towers and facilities pursuant to Part 21 of this chapter.~~
 - (j) Vehicle fuel sales.

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

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

- (1) Permitted-by-right uses. [Amended 2-14-2011 by Ord. No. 8-2011]
 - Manufacture or industrial processing within an enclosed building involving the following: (as listed on the North American Industrial Classification System, as applicable)
 - Assembly and packaging
 - Electronic and electrical equipment
 - Fabricated metals products
 - Food and beverage products
 - Leather and leather products (not including curing, tanning and finishing of hides)
 - Machinery
 - Medical and scientific equipment and related products
 - Motor freight transportation and warehousing
 - Non-PUC telecommunications facilities
 - Paper and allied products (other than raw paper pulp)

Petroleum and coal products, other than asphalt manufacture or petroleum refining
 Pottery and ceramics
 Primary metals industries
 Railroad transportation
 Research and development facilities
 Rubber, synthetic rubber, resins and miscellaneous products
 Sporting goods, toys, jewelry
 Stone, clay and glass products
 Textiles and apparel
 Tobacco products
 Transportation equipment
 Transportation and public utilities
 Wood products and furniture
 Auto repair and car washes, in compliance with § 600-1105
 Banks and financial institutions
 College or university, not including residential uses
 Convenience stores with fuel sales
 Employee agencies and services
 Exercise club
 Fire and ambulance stations
 Flex space buildings that include one or more permitted-by-right business uses
 Gardens, crop farming and forestry
 Lumber and building material supply center, retail or wholesale
 Municipal uses
 Offices and medical laboratories
 Radio and television stations
 Recreation facilities, public parks and non-motorized recreation trails
 Restaurants, which may not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
 Retail and wholesale sales and services
 Self-storage facilities
 Swimming pool as principal use
 Taxi headquarters
~~Telecommunications towers and facilities, pursuant to Part 21 of this chapter.~~
 Facilities may be placed on a leased area.
 Trade, vocational and hobby schools, not including residential uses
 Vehicle sales or rental
 Warehouse, distribution and storage facilities

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

(a) Drive-through services for allowed principal uses: pursuant to § 600-1004 of this chapter.

(b) Entertainment: pursuant to § 600-1005 of this chapter.

(c) Swimming pools, accessory.

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

(e) Wind turbine as an accessory use in compliance with § 600-1012.

(3) Conditional uses. In compliance with § 600-1203.

(a) Banquet hall.

(b) Public utilities, other than City-owned or City-operated uses and other than utility lines.

(c) Taverns and nightclubs.

(d) Telecommunications antenna, towers and facilities, including poles, subject to Part 21 of this chapter.

(4) Special exception uses. In compliance with § 600-1202.

(a) Day-care facilities.

(b) Kennels.

(c) Manufacture or industrial processing of chemicals and allied products.

(d) Manufacture of plastics and polymers.

C. Additional requirements.

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

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

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

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

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

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

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

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

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

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

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses:

(a) Manufacturing or industrial processing involving the following: (as listed in the North American Industrial Classification System, where applicable)

[1] Assembly and packaging.

[2] Electronic and electrical equipment.

[3] Fabricated metals products.

[4] Food and beverage products.

[5] Instruments and related products.

[6] Leather and leather products.

[7] Machinery.

- [8] Paper and allied products.
 - [9] Petroleum and coal products, other than asphalt.
 - [10] Primary metals industries.
 - [11] Railroad transportation.
 - [12] Rubber, synthetic rubber, resins and miscellaneous products.
 - [13] Stone, clay and glass products.
 - [14] Textile and apparel products.
 - [15] Tobacco products.
 - [16] Transportation equipment.
 - [17] Transportation and public utilities.
 - [18] Wood products and furniture.
- (b) Banks and financial institutions.
 - (c) College or university, not including residential uses.
 - (d) Exercise clubs.
 - (e) Fire and ambulance station.
 - (f) Flex space buildings, including two or more permitted business uses.
 - (g) Gardens, crop farming and forestry.
 - (h) Landing area for a helicopter, provided it meets requirements of State and Federal Aviation Agencies.
 - (i) Municipal uses.
 - (j) Offices.
 - (k) Radio and television stations.
 - (l) Recreation facilities, public parks and non-motorized recreation trails.
 - (m) Research and development facilities.
 - (n) Self-storage facilities.
 - ~~(o) Telecommunications facilities other than towers and antennas. Lot size may be reduced to 2,500 square feet when on leased parcel, provided the structure may not be located in setback areas.~~
 - ~~(p) Telecommunications towers and antennas pursuant to Part 21 of this chapter. For accessory antenna, see § 600-2106C(3).~~
 - (q) Trade, vocational and hobby schools, not including residential uses.
 - (r) Warehousing, storage, distribution, trucking or intermodal transfer facilities.
 - (s) Wind turbine as an accessory use in compliance with § 600-1012.
- (2) Accessory uses. See Part 10 unless otherwise noted.
- (a) Telecommunications *non-tower* antenna *if co-located on a municipal facility or an existing tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.*
- (3) Conditional uses. See § 600-1203.
- (a) Group institution.
 - (b) Junkyard.
 - (c) Manufactured home parks.
 - (d) Massage parlor (not including "massage therapy"), which shall meet the same regulations as a sexually oriented business, in addition to the City of Reading Code requirements.
 - (e) Sexually oriented business: pursuant to § 600-1203.
 - (f) Temporary shelter.
 - (g) Treatment center.
 - (h) Telecommunications antenna, towers and facilities, including poles, pursuant to Part 21 of this chapter.*

(4) Special exception uses:

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

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

§ 600-816. MU Municipal District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses:

- (a) Wastewater treatment operations.
- (b) Law enforcement operations.
- (c) Firefighting and rescue service operations.
- (d) Recycling operations.
- (e) Multiple principal uses and occupancies on single parcels within the Municipal Use District are expressly authorized; where common (City) ownership makes subdivision otherwise unnecessary; "area and bulk" standards shall apply to the property as a whole. The adequacy of separations between uses shall be established by agreement between the City's representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.
- (f) Governmental offices and public works facilities.
- (g) Public recreation facilities.
- (h) Non-motorized recreation trails.

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

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

(3) *Conditional Permit uses:*

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

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

1. *Antenna*—any system of wires, rods, discs, panels, flat panels, dishes, whips , or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities defined below. .
2. *Co-location*—the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF or utility or light pole.

3. *Distributed Antenna Systems (DAS)*—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
4. *Emergency*--a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
5. *FCC*—Federal Communications Commission.
6. *Monopole*—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.
7. *Non-Tower Wireless Communications Facility (Non-Tower WCF)*—all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.
8. *Persons*—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the City or to any department or agency of the City.
9. *Right-of-Way or ROW*—the surface of and space above and below any real property in the City in which the City or Commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the City or Commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes, but excluding lands other than Streets that are owned by the City or Commonwealth. The phrase “in the Right(s)-of-Way” and means in, on, over, along, above and/or under the Right(s)-of-Way.
10. *Stealth Technology*—camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles.
11. *Substantially Change*—(1) any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.
12. *Tower-Based Wireless Communications Facility (Tower-based WCF)*—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

13. *City*—City of Reading, Berks County, PA
14. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
15. *Wireless Communications Facility (WCF)*—the Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
16. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other City owned land or property.
17. *Wireless Support Structure*—a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the City.

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

§600-2101 Purpose and Scope.

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

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

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

1. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
2. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
3. Height. Any Tower-Based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet, which height shall include all subsequent

additions or alterations. All Tower-Based WCF applicants must submit documentation to the City justifying the total height of the structure.

4. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
5. Maintenance. The following maintenance requirements shall apply:
 - a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
6. Radio Frequency Emissions. No Tower-Based WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
7. Historic Buildings or Districts. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the City, or has been designated by the City as being of historic significance.
8. Identification. All Tower-Based WCF's shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the City.
9. Lighting. Tower-Based WCF shall not be artificially lighted, except as required by law and as may be approved by the City. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
10. Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
11. Noise. Tower-Based WCF's shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
12. Aviation Safety. Tower-Based WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
13. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The

applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of any zoning permit.

14. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCF's shall be acted upon within one hundred-fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the City shall advise the applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
15. Non-Conforming Uses. Non-conforming Tower-Based WCF's which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.
16. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and accessory facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
 - c. Any unused portions of Tower-Based WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations. The City must approve all replacements of portions of a Tower-Based WCF previously removed.
17. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs.

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

- A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:
 1. Development Regulations:
 - a. Prohibited in Residential Zones. No Tower-Based WCF shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF's are permitted only by Conditional Use in such districts as specified in §600- 800 Districts – sections 810, 811, 812, 816.

- b. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of Tower-Based WCF's.
 - c. Sole Use on a Lot. A Tower-Based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district in Section 600-800.
 - d. Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
 - i. The existing use on the property may be any permitted use in the applicable district as per Section 600-800, and need not be affiliated with the communications facility.
 - ii. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - iii. Minimum Setbacks. The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no Tower-Based WCF shall be located within five hundred (500) feet of a lot in residential use or a residential district boundary.
2. Notice. Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
 3. Co-Location. An application for a new Tower-Based WCF shall not be approved unless the City finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
 4. Design Regulations:
 - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
 - b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.

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

5. Surrounding Environs:

- a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- b. The WCF applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

6. Fence/Screen:

- a. A security fence having a maximum height of six (6) feet shall completely surround any Tower-Based WCF, guy wires, or any building housing WCF equipment.
- b. An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.
- c. The WCF applicant shall submit a landscape plan for review and approval by the City Planning Commission for all proposed screening.

7. Accessory Equipment:

- a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the City Engineer, then the ground mounted equipment shall be screened from public view using Stealth Technologies, as described above.
- b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

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

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

10. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond

or other form of security acceptable to the City Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the City.

11. Visual or Land Use Impact. The City reserves the right to deny an application for the construction or placement of any Tower-Based WCF based upon visual and/or land use impact.
12. Inspection. The City reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

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

- A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:
 1. Prohibited in Residential Zones. No Tower-Based WCF shall be located within a residential zone or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF's are only permitted in such districts as specified in §600-800 Districts, sections 810, 811, 812 and 816.
 2. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of Tower-Based WCF's in the ROW.
 3. Notice. Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the property or parcel of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
 4. Co-location. An application for a new Tower-Based WCF in the ROW shall not be approved unless the City finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
 5. Time, Place and Manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF's in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.

6. Equipment Location. Tower-Based WCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
 - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to Tower-Based WCF's shall be reviewed and approved by the City.
7. Design Regulations.
 - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
 - b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City, and shall not increase the overall height of the Tower-Based WCF to more than one hundred fifty (150) feet. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
 - c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.
8. Visual or Land Use Impact. The City reserves the right to deny the construction or placement of any Tower-Based WCF in the ROW based upon visual and/or land use impact.
9. Additional Antennae. As a condition of approval for all Tower-Based WCFs in the ROW, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.
10. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its

police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;
 - b. The operations of the City or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An Emergency as determined by the City.
11. Compensation for ROW Use. In addition to permit fees as described in Section V.15 above, every Tower-Based WCF in the ROW is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Tower-Based WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. The Annual ROW management fee for Tower-Based WCF's shall be determined by the City and authorized by ordinance and shall be based on the City's actual ROW management costs as applied to such Tower-Based WCF.
12. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.

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

- A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that do not substantially change the physical dimensions of the Wireless Support Structure to which they are attached:
1. Permitted in All Zones Subject to Regulations. Non-Tower WCF's are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
 2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
 3. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and

construction personnel, so that the same shall not endanger the life of any person or any property in the City.

4. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
 5. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
 6. Aviation Safety. Non-Tower WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
 7. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
 8. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
 9. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City's ninety (90) day review period.
 10. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.
- B. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:

1. Permitted in All Zones Subject to Regulations. Non-Tower WCF's are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
3. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
4. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
5. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
6. Historic Buildings. Non-Tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts lists maintained by the City or has been designated by the City as being of historic significance.
7. Aviation Safety. Non-Tower WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
8. Maintenance. The following maintenance requirements shall apply:
 - a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
9. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.

10. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
11. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City's ninety (90) day review period.
12. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of the zoning permit.
13. Bond. Prior to the issuance of a permit, the owner of each individual Non-Tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of \$25,000 for each individual Non-Tower WCF, to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.
13. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.

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

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

1. Development Regulations. Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCF's subject to the following conditions:
 - a. Such WCF does not exceed a maximum height of one hundred fifty (150) feet.
 - b. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - c. A six (6) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Design Regulations.
 - a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
 - b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use permit.
 - c. All Non-Tower WCF applicants must submit documentation to the City justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
 - e. Non-Commercial Usage Exemption. The design regulations enumerated in this Section IX.2 shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
3. Removal, Replacement, Modification.
 - a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.
 - b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
4. Visual or Land Use Impact. The City reserves the right to deny an application for the construction or placement of any Non-Tower WCF based upon visual and/or land use impact.
5. Inspection. The City reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

§600-2106 Non-Tower Wireless Facilities in the Rights-of-Way

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

1. Co-location. Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
2. Design Requirements :
 - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Compensation for ROW Use. In addition to permit fees as described above, every Non-Tower WCF in the ROW is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Non-Tower WCF shall pay an annual fee to the City to compensate the City for its costs incurred in connection with the activities described above. The Annual ROW management fee for Non-Tower WCF's shall be determined by the City and authorized by ordinance and shall be based on the City's actual ROW management costs as applied to such Non-Tower WCF.
4. Time, Place and Manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF's in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
5. Equipment Location. Non-Tower WCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
 - b. Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the City Engineer or his designee, that ground-mounted equipment cannot be undergrounded, then all such equipment shall be screened, to the fullest

extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.

- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to Non-Tower WCF's shall be reviewed and approved by the City.
6. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;
 - b. The operations of the City or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An Emergency as determined by the City.
7. Visual or Land Use Impact. The City retains the right to deny an application for the construction or placement of a Non-Tower WCF based upon visual and/or land use impact.

§600-2107 Violations Applicable to All Wireless Facilities

1. Penalties. Any Person violating any provision of this Ordinance shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding five hundred dollars (\$500), for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Ordinance and any other remedy at law or in equity, the City may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Ordinance.
2. Determination of Violation. In the event a determination is made that a Person has violated any provision of this Ordinance, such Person shall be provided written notice of the determination and the reasons therefore. Except in the case of an Emergency, the Person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the City may, in its reasonable judgment, extend the time period to cure, provided the Person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the City may take any and all actions authorized by this Ordinance and/or federal and/or Pennsylvania law and regulations.

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

§600-1203. Conditions for conditional uses.

N. Telecommunications facility, towers and antenna (*Note see §600-800, 2100 and 2206*)

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

SECTION V. Miscellaneous

- 1. Police Powers. The City, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the City under applicable federal, state and local laws and regulations.
- 2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
- 3. Effective Date. This Ordinance shall become effective ten (10) days after enactment by the City Council.

ENACTED AND ORDAINED this ____ day of _____, 2016.

ATTEST:

City Clerk

Council President

Submitted to Mayor by: _____

Date Submitted: _____

Received in Mayor's Office by: _____

Date Received: _____

Approved by Mayor: _____

Date Approved: _____

Vetoed by Mayor: _____

Date Vetoed: _____

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 Robert Fegley is reappointed to the Plumbing Board with a term ending December 31, 2022.

Adopted by Council _____, 2016

President of Council

Attest:

Linda A. Kelleher
City Clerk

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

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

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

Appointing Lucy Cortez to fill the unexpired term of Alan Shuman on the Downtown Improvement District, with a term ending January 1, 2019.

Adopted by Council _____, 2016

President of Council

Attest:

Linda A. Kelleher
City Clerk