



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, MAY 12, 2008
7:00P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Nicolas Camacho, Centre Park United Methodist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendation:

- In recognition of National Police Week
- In recognition of the Weed and Seed Steering Committee
- In recognition of Gabriela Raful for her outstanding performance at the Harvard World Model United Nations

Mayoral Proclamation:

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the 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 who shall become 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 an 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 at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

Tab 2. AGENDA: Council Meeting of May 12, 2008

Tab 3. MINUTES: Council Meeting of April 28, 2008

Tab 4. Consent Agenda Legislation

Resolution – requesting that the streets surrounding the 1300 block of College Avenue to added to the City's Permanent Street Sweeping Schedule. (Councilor Marmarou)

Resolution – scheduling a public hearing on Tuesday, June 3rd, authorizing the advertisement of the public hearing and requesting comment from the City and County Planning Commissions on the proposed amendment to the zoning ordinance that would change the zoning designation of parcels 530653140352 and 530654145536, in City Council District 1, to R-2 and amend the zoning ordinance and map by changing the zoning designation from Residential Outlet to Commercial Neighborhood in City Council District 6 (Council Staff)

Award of Contact – for the purchase of five (5) new patrol vehicles and three (3) new K-9 SUVs to Manderbach Ford, Temple, PA, who is the low bidder at a total bid price of \$388,937 plus \$10,320 for extended warranties, totaling \$399,257. (Purchasing)

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

Parking Authority, Larry Lee Executive Director

Tab 5. ORDINANCES FOR FINAL PASSAGE

Bill No. 36 – authorizing the execution of a document granting a thirty-five foot (35') wide easement and right of way from the City of Reading to Metropolitan Edison Company, located over a portion of property known as Berks County Alternate APN 18530616947572, near Millmont. **(Solicitor)Introduced at the 4/28/08 Regular meeting**

Bill No 37 – amending the City's Codified Ordinances Chapter 24 Taxation, Special, by creating a new Part 10 Residential Rental Tax which levies a tax of \$50 on all Lease Transactions which authorize a person to be an Occupant of a Residential Rental Unit, regardless of when such person or persons commenced occupancy of the Residential Rental Unit **(Solicitor)Introduced at the 4/28/08 Regular meeting**

Pending
Advertisement and Public Hearing Required by MPC
Notice of Pending Ordinance Doctrine

Ordinance – amending the Zoning Ordinance by prohibiting rental uses in the R-1, R-1A and R-2 Zoning Districts **(Councilor Marmarou & Council Staff) Introduced at the March 24 regular meeting of Council**

Pending – Further Review Required

Bill No. 26 - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund **(Council Pres. Spencer- Council Staff) Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting**

Bill No. 21- amending the City of Reading Codified Ordinances, Chapter 6 – Conduct, by creating a new Part 8- Solicitation, requiring a permit for solicitation and canvassing to protect the safety, health and welfare of those who live and visit the City of Reading. **(Chief of Police-Council Staff) Introduced at the 02/11/08 Regular**

Meeting; tabled at the 02/25/08 Regular Meeting; Discussed at 4-7 Pub Safety Committee; Tabled at the 4/14/08 Regular Meeting; Discussed & amended at the 5-5 Public Safety Mtg

Tab 6. INTRODUCTION OF NEW ORDINANCES

Ordinance- amending the Zoning Ordinance and Zoning Map by changing the R-3 zoning designation to an R-1 zoning designation in Council District 1 to include parcels with the personal identification numbers (PIN) 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975. **(Councilor Fuhs) Introduced at the March 10 regular meeting**

Ordinance- amending the Zoning Ordinance and Map by changing the Residential Outlet zoning designation to Commercial Neighborhood designation in City Council District 6. (Councilor Waltman)

Ordinance- empowering the Parking Authority to issue abandoned vehicle reports for all vehicles towed due to parking violations (Parking Authority, Police Chief, Council Staff)

Ordinance- authorizing the refunding of the outstanding City of York General Authority Adjustable Rate Pooled Financing Revenue Bonds (City of Reading, PA Project) Subseries 96-1996 (Finance Dir)

Ordinance- creating the Reading Local Redevelopment Authority who shall serve in an advisory capacity to the City's governing body regarding the development of a reuse plan for the Naval Marine Reserve Center, located on Kenhorst Boulevard Avenue, in Council District 1 (City Council) **TO BE DISTRIBUTED ON MONDAY**

Ordinance – authorizing the execution of a deed, and any other required documents, to convey the premises situate at 400 S. 6th Street from the City of Reading to the Reading Redevelopment Authority. (Solicitor)

Ordinance- authorizing the execution of a deed, and any other required documents, to convey the premises situate at 401-403 S. 6th Street from the City of Reading to the Reading Redevelopment Authority. (Solicitor)

Ordinance- authorizing the execution of a deed, and any other required documents, to convey the premises situate at 422 S. 6th Street, Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority. (Solicitor)

Ordinance- amending the Housing Permit Ordinance by reducing the number of Disruptive Conduct Reports needed for the eviction of the tenant(s) and increasing the appeal fee from \$50 to \$75 (Council Public Safety Committee)

Tab 7. RESOLUTIONS

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, May 12th

*Meeting with the Mayor – Mayor’s Office at 4:00 p.m.
Committee of the Whole – Council Office at 5:00 p.m.
Regular Meeting – Council Chambers at 7:00 p.m.*

Friday, May 16th

Meeting regarding Bernhart’s Park Clean-Up – Council Chambers at 10:30 am

Saturday, May 17th

Armed Forces Day Parade

Monday, May 19th

*Meeting with the Mayor – Mayor’s Office at 4:00 p.m.
Public Works Committee – Council Office at 5:00 p.m.
Administrative Oversight and Land Use Committee – Council Office at 5:00 p.m.
Work Session – Penn Room at 7:00 p.m.*

Monday, May 26th

Memorial Day - City Hall Closed

****Tuesday, May 27th**

*Meeting with the Mayor – Mayor’s Office at 4:00 p.m.
Committee of the Whole – Council Office at 5:00 p.m.
Regular Meeting – Council Chambers at 7:00 p.m.*

Thursday, May 29th

Southwest Firehouse Public Hearing – Council Chambers at 5 p.m.

Saturday, May 31st

Budget Summit- Penn Room at 9 a.m.

Tuesday, June 3rd

Public Hearing on Amendment to the Zoning Maps – RO to CN in Council District 4 and R3 to R2 in Council District 1

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, May 12

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Field House – 6:30 pm

Charter Board – Penn Room – 7 pm

Tuesday, May 13

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

15-1 – 928 Pearl St – 6:30 pm

Planning Commission – Penn Room – 7 pm

Bethany Area Neighborhood Organization – Bethany Baptist Church – 7 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, May 14

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Greenwich Seed – Hope Lutheran Church – 6:30 pm

Thursday, May 15

Convention Center Authority – Sovereign Center Lounge – 7 am

Southeast People's Voice – St. John's UCC – 6 pm

Mulberry & Green Citizens Committee – St. Luke's Lutheran Church – 6:30 pm

Friday, May 16

Fire Pension Board – Penn Room – 10 am

Monday, May 19

Library Board – 113 S. 4th Street – 4 pm

Tuesday, May 20

Council of Neighborhoods – Goggle Works – 7:30 pm

HARB – Planning Conference Room – 7:30 pm

Wednesday, May 21

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

Redevelopment Authority – Planning Conference Room – 5:30 pm

Community Hope of the 6th Ward – Lauer’s Park Elementary – 6:30 pm

UNO – Mennonite Church – 7 pm

Centre Park Historic District – Member’s Home – 7:30 pm

Thursday, May 22

Water Authority Meeting – Penn Room – 4 pm

Tuesday, May 27

Housing Authority Workshop – WC Building – 4 pm

Housing Authority Meeting – WC Building – 5 pm

Human Relations Commission – Penn Room – 5 pm

Dare 2 Care – Bethel AME Church – 5:30 pm

Library Area Neighborhood Assn – Unitarian Church – 6:30 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

City of Reading City Council

Regular Meeting Monday, April 28, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Father Thomas Ursulak, from St. Peter's Roman Catholic Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman-Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor M. Baez, District 5

Mayor T. McMahon
Acting Managing Director R. Hottenstein
City Solicitor C. Younger
City Auditor D. Cituk
City Clerk L. Kelleher
Public Works Director C. Jones
Chief of Police W. Heim
Sergeant at Arms Capt. R. Shafer

PROCLAMATIONS AND PRESENTATIONS

City Council issued commendations to:

- In recognition of AFSCME Week, accepted by Ron Lyons, President Local 2763
- In recognition of the 125th Anniversary of St. Matthew's United Methodist Church, accepted by Rev. Mandy Stanley Miller

The Mayor issued proclamations to:

- In recognition of National Bike Month, accepted by Emily Weidner
- Jordan Jensen Eagle Scout Troop 183

The Greater Reading Young Professionals presented the City and Reading Police Department with a \$20,000 donation to assist with the surveillance camera project.

PUBLIC COMMENT

Council President Spencer announced that there were two citizens registered to address Council on agenda matters and four registered to address Council on non-agenda matters. He asked Council if they would object to allowing all six citizens to address Council at this time. As no one objected, the speaking rule requiring citizens addressing Council on non-agenda matters was suspended.

Council President Spencer reminded the citizens registered to address Council about the remaining public speaking rules.

Ed Ott, of Muhlenberg St, expressed the belief that the majority of people living in rental units are good citizens and good neighbors. He stated his agreement with the proposed Residential Rental Tax as rental properties require a great demand on public services from police and EMS to codes. He encouraged Council to adopt the Residential Rental Tax as it would assist the City in covering some of the cost to provide those services to rental properties.

Stefan Kosikowski, of S. 17th St, expressed concern with some of the passages in the Canvassing and Solicitation Ordinance. He suggested that the exemption for political candidates needs to be clarified as the current version would not allow those running a write-in campaign to canvas.

Ron Lyons, of Moss St and representing AFSCME, explained that several AFSCME employees have donated their unused sick and vacation time to assist a new employee stricken with a serious illness. He described AFSCME's unsuccessful efforts to get buy-in from the FOP.

Ruth Sassaman, representing AFSCME, described the problem with the managers at the waste water treatment plant and sanitary sewer division in regard to disciplining employees. She stated that when this issue is discussed at labor/management meetings, counseling of the involved management employees is the suggested discipline. She questioned why management employees are always offered minimal discipline as that greatly differs from the disciplinary technique used with AFSCME employees.

Patricia Mierzejewski, of Perry St, described the problems caused by garishly painted homes in her neighborhood. She explained that quality of life

problems begin at properties like this. She also explained that neighborhoods with quality of life problems are often plagued with a decrease in property values.

Jennaro Pullano, of Blair Ave, noted the severe deterioration of City roads such as Spring St, Walnut St, and Court St. He stated that the great increase in truck traffic has caused greater stress on the City's roadways.

APPROVAL OF AGENDA

Council President Spencer called Council's attention to the agenda for this meeting, including the legislation listed under the consent agenda heading and minutes from the April 14, 2008 regular meeting of Council. He stated that the award of contract listed under the consent agenda heading for site land development engineering will be withdrawn.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to adopt the agenda for this meeting including the consent agenda legislation as amended and the minutes from the April 14, 2008 regular meeting of Council. The motion was approved unanimously.

CONSENT AGENDA

Resolution - granting the request by the Commonwealth of Pennsylvania, Governor's Office of Administration, Office of Public Safety Radio Services (OPRS), to locate a buried conduit for fiber connection between two OPRS sites, shown in Exhibit B. **(Solicitor)**

Resolution - requesting an approval for a revision to the "Official Sewage Facilities Plan" to provide a Sewage Facilities Planning Module for the proposed the development and construction of their Berks Community Foundation headquarters and community conference center. **(Public Works Dept)**

Resolution - requesting an approval for a revision to the "Official Sewage Facilities Plan" to provide a Sewage Facilities Planning Module to allow the construction on 4 single family homes at 1449 Monroe Street for Habitat for Humanity **(Public Works Dept)**

Resolution - requesting an approval for a revision to the "Official Sewage Facilities Plan" to provide a Sewage Facilities Planning Module to allow the construction on 4 semi-detached dwellings at 1131-1135 Luzerne Street for Habitat for Humanity **(Public Works Dept)**

Resolution – requesting an approval for a revision to the “Official Sewage Facilities Plan” to provide a Sewage Facilities Planning Module to allow the construction on 4 two semi-detached dwellings at 1415 Montgomery Street for Habitat for Humanity (**Public Works Dept**)

Resolution – requesting Met Ed install additional street lights, provide energy, and total maintenance on pole 51143-36869 in front of 240 Wunder St and on pole 51138-37857 in front of 1119 Spruce St (**Engineering**)

ADMINISTRATIVE REPORT

Mayor McMahon highlighted the report distributed to Council at the meeting covering the following:

- RFP for the first phase of the surveillance camera project
- Start of the K-9 training program at the airport kennel
- Review of resumes for Managing Director’s position, interviewing of candidates for the Community Development Director position beginning May 5, 2008
- Presentation of the financial comprehensive plan including amendments to the current budget at the Budget Summit scheduled for Saturday, May 31

Councilor Goodman-Hinnershitz thanked the Mayor for sharing the article recently in the Washington Post describing the author’s perception of the City. She stated that it is important to recognize when the City of Reading is covered by national media.

Councilor Fuhs recalled a statement made by the Administration to have the K-9 corp. funded through private contribution. He inquired if donations through private contribution have yielded enough funding to cover the program.

Councilor Fuhs expressed concern with the delay in searching for a Managing Director. He noted the difficulties of having one individual serve as the Acting Managing Director, the Finance Director and the Acting Community Development Director.

Mr. Hottenstein agreed that filling the three positions is a challenge but noted his appreciation to have the opportunity to assist the greater good.

AUDITOR’S REPORT

City Auditor Dave Cituk read the report provided to Council at the meeting covering the following:

- Update on the collection of the 2008 Admission Tax

- A comparison of the Property Tax collected versus the general fund budget totals between 1988 and 2008
- Collection of Real Estate Transfer Tax for 2008

The City Auditor also noted the recent receipt of the Reading Parking Authority's audit report and their \$550,000 payment to the City. He explained that this payment will be used to reduce the Parking Authority's debt service covered by the City. This payment will reduce that debt service to under \$1 million.

Councilor Fuhs inquired if the general fund balances shown in the Auditor's report are adjusted for inflation. City Auditor Cituk stated that the report contains raw figures.

Councilor Fuhs noted that between 1988 and 2003 the general fund budget increases were minimal. He questioned the \$25 million increase between 2003 and 2008. City Auditor Cituk noted the need for a long-term game plan along with the reassessment of City properties. He noted the need for all elected officials to work together to solve this major problem.

Mayor McMahon stated that the long-term plan will be discussed at the May 31st budget summit.

Council President Spencer noted the many construction and maintenance projects undertaken by the Reading Parking Authority at their own expense. He stated that the Parking Authority has overcome many financial challenges and become self-sufficient.

Councilor Goodman-Hinnershitz suggested that the Administration consider a downward adjustment in the amount budgeted for the Real Estate Transfer Tax, as the figure currently in the 2008 budget is not attainable.

Council President Spencer suggested that the Administration and Council meet to discuss the City's financial problems earlier than May 31st as the Administration is to present the annual budget to Council one month earlier due to the Charter amendment.

Acting Managing Director Hottenstein stated that the Administration will be suggesting revisions to 2008 budgeted revenues and expenditures and presenting a projection of the 2009 revenue and expenditures at the May 31st budget summit.

Councilor Baez noted the Administration's prior commitment to present this plan at the May 5th Finance Committee meeting. Acting Managing Director Hottenstein stated that when the Administration began to review this issue they found additional time was necessary.

ORDINANCES FOR FINAL PASSAGE

Bill No. 21-2008 - amending the City of Reading Codified Ordinances, Chapter 6 - Conduct, by creating a new Part 8- Solicitation, requiring a permit for solicitation and canvassing to protect the safety, health and welfare of those who live and visit the City of Reading. **(Chief of Police-Council Staff)**
Introduced at the 02/11/08 Regular Meeting; tabled at the 02/25/08 Regular Meeting; Scheduled for discussion at the 4-7 Public Safety Meeting; Discussed at 4-7 Pub Safety Committee; Tabled at the 4/14/08 Regular Meeting

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 21-2008.

Bill 21-2008 was tabled by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President - 6.**

Nay: None - 0.

Council President Spencer stated that the Solicitation and Canvassing Ordinance was tabled to allow further review as suggested during public comment this evening.

Bill No. 26-2008 - amending the Codified Ordinances of the City of Reading, Chapter 1 - Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund **(Council Pres. Spencer- Council Staff)** *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to table Bill 26-2008.

Bill 26-2008 was tabled by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President - 6.**

Nay: None - 0.

Council President Spencer asked that Bill 26-2008 be placed in a pending mode until further review is obtained.

Bill No. 31-2008 – authorizing the widening of the public right of way in the 200 block of Grape Street (**Planning**) *Introduced at the March 24 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill 31-2008.

Bill 31-2008 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer President – 6.

Nay: None – 0.

Bill No. 32-2008 – providing a cost of living increase to the Fire Pensioners retiring before January 2000 and their beneficiaries (**Fire Pension Board & Council Staff**) *Introduced at the 4/14/08 Regular Meeting*

Councilor Baez moved, seconded by Councilor Fuhs, to enact Bill 32-2008.

City Auditor Cituk explained the need to provide fire pensioners a cost of living increase.

Councilor Goodman-Hinnershitz noted that cost of living increase will also create an additional cost to the City's general fund.

Bill 32-2008 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer President – 6.

Nay: None – 0.

Bill No. 33-2008 – amending the Officers and Employees Pension Ordinance by striking all references to beneficiaries (**Pension Administrator and Council Staff**) *Introduced at the 4/14/08 Regular Meeting*

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 33-2008.

Bill 33-2008 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.**

Nay: None – 0.

Bill No 34 -2008 – amending the Police Pension Ordinance by adding language regarding beneficiaries to provide clarification (Pension Administrator and Council Staff) *Introduced at the 4/14/08 Regular Meeting*

Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill 34-2008.

Bill 34-2008 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.**

Nay: None – 0.

Bill No. 35-2008 – amending the City of Reading Codified Ordinances Chapter 21 – Streets and Sidewalks by increasing fees and making corrections as noted herein. (Public Works Engineering and Council Staff) *Introduced at the 4/14/08 Regular Meeting*

Councilor Baez moved, seconded by Councilor Fuhs, to enact Bill 35-2008.

Council President Spencer stated that the enactment of this ordinance will allow several corrections to the ordinance text and a slight increase in fees.

Bill 35-2008 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.**

Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – authorizing the execution of a document granting a thirty-five foot (35') wide easement and right of way from the City of Reading to Metropolitan Edison Company, located over a portion of property known as Berks County Alternate APN 18530616947572, near Millmont. (Solicitor)

Ordinance – amending the City’s Codified Ordinances Chapter 24 Taxation, Special, by creating a new Part 10 Residential Rental Tax which levies a tax of \$50 on all Lease Transactions which authorize a person to be an Occupant of a Residential Rental Unit, regardless of when such person or persons commenced occupancy of the Residential Rental Unit **(Solicitor)**

RESOLUTIONS

Resolution 58-2008– reappointing James Reber to an alternate position on the Board of Health **(Administrative Oversight and Land Use Committee)**

Resolution 59-2008– reappointing Brian Sands to the Plumbing Board of Examiners **(Administrative Oversight and Land Use Committee)**

Resolution 60-2008 – appointing Charles Wanyo III to the DID Authority **(Administrative Oversight and Land Use Committee)**

The Administrative Oversight and Land Use Committee moved to adopt Resolution 58-2008, 59-2008 and 60-2008, appointments to the City’s Boards and Authorities.

Councilor Marmarou noted the depth of experience those being reappointed will bring to the Board of Health and the Plumbing Board of Examiners. He also noted the intelligence of the nominee to the DID Authority and the benefit this appointment will bring to that board.

Resolutions 58-2008, 59-2008 and 60-2008 were adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.**

Nay: None – 0.

COUNCIL COMMENT

Councilor Fuhs thanked the Public Works Department and Recreation Division for the rehabilitation of the District 1 playgrounds.

Councilor Fuhs thanked those citizens commenting at tonight’s meeting and reminded elected officials to preserve the Constitutional rights of Reading citizens and to take care of basic needs such as potholes and paving.

Councilor Sterner congratulated those receiving proclamations and commendations this evening. He announced the upcoming District 3 community meetings.

Councilor Sterner thanked the speaker supporting the Residential Rental Tax and the citizen suggesting amendment to the Solicitation and Canvassing Ordinance. He agreed with the need to take care of little problems that disrupt basic quality of life needs.

Councilor Marmarou stressed the need for citizens to report quality of life problems to the police and other City departments. He also noted the benefits of police ride-a-longs. He stated that riding along with an on-duty police officer affords one with the advantage to see the other side of complaint response.

Councilor Marmarou noted the upcoming meeting of the College Heights Community Council.

Councilor Baez congratulated those accepting proclamations and commendations this evening. She also thanked those who take the time to attend Council meetings and provide their opinion.

Councilor Baez encouraged all citizens to get involved in neighborhood groups. She noted the positive two way conversation that is afforded through neighborhood group meetings. She next announced the town meeting for District 5 residents on graffiti education in mid-May.

Councilor Goodman-Hinnershitz noted that many quality of life problems can be corrected by conversing with those residing in problem properties.

Councilor Goodman-Hinnershitz noted the opening of a teahouse at Clymer St and Perkiomen Ave. She encouraged all to visit this business and to enjoy the beautiful rehabilitation of this prominent property.

Council President Spencer agreed that residents need to address quality of life problems in their neighborhoods. He also agreed with the need for the City to attend to basic issues such as potholes, street paving, and street lighting.

Council President Spencer extended his and Council's sympathy to the family of police officer James Cooper IV who recently passed away.

Council President Spencer reviewed the meeting schedule.

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

Linda A. Kelleher, City Clerk

RESOLUTION NO. _____-2008

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

Requesting that the streets surrounding the 1300 block of College Avenue – Kelchner Field – be added to the City’s Permanent Street Sweeping Program

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk

Councilor Strat Marmarou

RESOLUTION NO. _____ 2008

AUTHORIZING THE SCHEDULING OF A HEARING ON TUESDAY, JUNE 3, 2008 FOR, ADVERTISEMENT OF, AND FORWARDING FOR COMMENT TO THE CITY AND COUNTY PLANNING COMMISSIONS THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE AND MAP CHANGING THE ZONING DESIGNATION OF PARCELS 530653140352 AND 530654145536 FROM R-3 TO R-2 IN CITY COUNCIL DISTRICT 1.

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

That the City Clerk is hereby authorized to perform the following actions as required by the Pennsylvania Municipalities Planning Code (MPC), 53 PS § 609, for consideration of an Ordinance amending the City of Reading Zoning Ordinance and Map to change the current R-3 zoning of Parcels numbered 530653140352 and 530654145536, in City Council District 1, to R-2:

1. Schedule a hearing on Tuesday, June 3, 2008 at 5 p.m. in Council Chambers, City Hall;
2. Advertise and provide public notice of the scheduled hearing; and
3. Forward a copy of the proposed Ordinance for the aforesaid Amendment of the City of Reading Zoning Ordinance and Map for comment to the Berks County Planning Commission and City of Reading Planning Commission requesting their comment.

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk

(Council Staff)

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: May 12, 2008
AGENDA MEMO DATE: May 7, 2008
RECOMMENDED ACTION: Awarding of Contract for Patrol Vehicles and K-9 Units for the Police Department.

RECOMMENDATION

The recommendation is to award each contract to Manderbach Ford, 4450 Fifth Street Highway, Temple, PA 19560, who is the low bidder at a total bid price of \$399,257.

BACKGROUND

Bids for five (5) new patrol vehicles and three (3) new K-9 SUVs were received on May 6, 2008. Manderbach Ford's total base bid was \$388,937 plus \$10,320 for extended warranties.

The patrol vehicles will be leased. The bids for the bank lease of these police vehicles will be issued the week of May 12th. The bid for the lease of these vehicles could not be issued until prices were received. The Police Department cannot wait to award both the vehicles and the lease bids at the same time, because the cutoff date to order 2008 vehicles is May 16, 2008.

A copy of each Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The first lease payment for 2008 for the patrol vehicles is unknown at this point since the bids for the lease were not received. The Police Department and Accounting have confirmed there will be sufficient funds in budget account code 01-08-30-4803 to cover the first lease payment in 2008. The City is being reimbursed by the Community Foundation for the K-9 units.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the May 12, 2008 meeting.

RECOMMENDED BY

The Mayor, Managing Director, Finance Director, Chief of Police and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of five (5) new patrol vehicles and three (3) new K-9 SUVs as specified for the Police Department in order that each contract may be awarded to Manderbach Ford.

cc: File

May 6, 2008

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 5002-08 FOR TWO (2) TO FIVE (5) NEW 2008 FOUR (4)-DOOR POST SEDANS WITH THE "POLICE PACKAGE" FOR THE POLICE DEPARTMENT, CITY OF READING, PENNSYLVANIA, AND ONE (1) NEW 2008 FOUR (4)-DOOR POST SEDAN WITH THE "POLICE PACKAGE" FOR THE CITY OF READING, ON BEHALF OF THE SHILLINGTON POLICE DEPARTMENT.

READING POLICE DEPARTMENT

<u>BIDDER</u>	<u>UNIT PRICE</u>
<i><u>Manderbach Ford</u></i>	<i><u>\$42,697.00</u></i>
<i><u>P.O. Box 70</u></i>	
4450 5 th Street Highway Temple, PA 19560	
Major Police Supply	\$46,870.00
47 N. Dell Avenue Kenvil, NJ 07847	

SHILLINGTON POLICE DEPARTMENT

<i><u>Manderbach Ford</u></i>	<i><u>\$34,587.00</u></i>
Major Police Supply	\$37,269.00

HEATHER L. DUNKLE
Purchasing Coordinator

May 6, 2008

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 5003-08 FOR THREE (3) 2008 MID-SIZED FOUR (4)-DOOR, FOUR (4)-WHEEL DRIVE UTILITY VEHICLE WITH THE "POLICE PACKAGE" TO BE USED AS K-9 VEHICLES FOR THE POLICE DEPARTMENT, CITY OF READING, PENNSYLVANIA

<u>BIDDER PRICE</u>	<u>UNIT PRICE</u>	<u>TOTAL BID</u>
<i>Manderbach Ford</i> <i>P.O. Box 70</i> 4450 5 th Street Highway Temple, PA 19560	<i>\$43,863.00</i>	<i>\$131,589.00</i>
Major Police Supply 47 N. Dell Aveue Kenvil, NJ 07847	\$52,312.00	\$156,936.00

HEATHER DUNKLE
Purchasing Coordinator

BILL NO. _____-2008
A N O R D I N A N C E

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CITY OF READING CODE OF ORDINANCES BY CREATING AND ADOPTING PART 10 RESIDENTIAL RENTAL TAX OF CHAPTER 24 TAXATION, SPECIAL, OF THE CITY OF READING CODE OF ORDINANCES, TO BE FOUND AT SECTIONS 24-1001 TO 24-1010, ENTITLED "RESIDENTIAL RENTAL TAX" WHICH SHALL IMPOSE A TAX ON THE TRANSACTION OF ENTERING INTO A LEASE FOR RESIDENTIAL PROPERTY; ESTABLISHING THE RATE OF SUCH TAX; PROVIDING PROCEDURES FOR THE ADMINISTRATION AND COLLECTION OF THE TAX; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, 53 P.S. § 6901, et .seq., otherwise known as the Local Tax Enabling Act, authorizes the City of Reading to create a tax known as the Residential Rental Tax; and

WHEREAS, the City of Reading desires to enact such a tax under the authority of the Local Tax Enabling Act.

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

SECTION 1. The City of Reading Code of Ordinances is hereby amended by creating Chapter 24 Taxation, Special, Part 10 Residential Rental Tax, Sections 24-1001 to 24-1010 to read as follows:

PART 10
RESIDENTIAL RENTAL TAX

§24-1001. SHORT TITLE.

This Part shall be known and may be cited as the City of Reading Residential Rental Tax.

§24-1002. AUTHORITY FOR TAX.

This tax is levied under the authority granted to the City of Reading by the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, No. 511, as amended, 53 P.S. §6901 et seq.

§24-1003. DEFINITIONS AND WORD USAGE.

A. Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the meanings indicated as follows:

1. CITY- the City of Reading, Berks County, Pennsylvania.
2. DWELLING UNIT - A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other within the building. The term "dwelling unit" shall not be deemed to include a hotel unit.
3. HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.
4. HOUSING LICENSE - a document issued by the Codes Division to the Owner of a Residential Rental Unit.
5. LEASE TRANSACTION - a transaction under which an Owner, either directly or through an agent of such Owner, and any other person or persons enter into an agreement under which such person or persons is/are allowed to become Occupant(s) of a Residential Rental Unit for a period equal to or less than one year. Each year of a multi-year lease or other agreement allowing occupancy of a Residential Rental Unit shall be considered a separate lease transaction.
6. OCCUPANT - any person over eighteen (18) years of age living and sleeping in a Residential Rental Unit or having actual possession of said Residential Rental Unit.
7. OWNER - Any person who, individually, jointly or severally with others, shall have legal or equitable title to or have any other legal or beneficial interest in any Residential Rental Unit, whether or not such person occupies the Unit or any part thereof. If more than one person owns the property as joint tenants, tenants in common, tenants by the entireties, or tenants in co-partnership, each such person shall be considered an owner and shall have all of the duties of an Owner under this Part.
8. PERSON - Includes any individual, firm, corporation, company, association, partnership, trusts, agent or other entity.
9. PERSONAL CARE HOME - a premises in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication

prescribed for self-administration which meets all regulations of the Pennsylvania Department of Public Welfare.

10. RESIDENTIAL RENTAL UNIT - (i) a Rooming Unit or (ii) a dwelling unit let for rent. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, and each rooming unit shall be considered a separate Residential Rental Unit. If a structure contains a Rooming Unit or if any portion of the structure is let for rent, it shall be considered a Residential Rental Unit whether or not the Owner or a relative of the Owner also resides in the structure. A Residential Rental Unit shall not include a Hotel Unit or a Personal Care Home. A Residential Rental Unit includes dwelling units under lease-purchase agreements, or long-term [greater than six (6) months] agreements of sale.

11. ROOMING UNIT - a portion of a dwelling unit including any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit. .

B. Word Usage.

1. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

2. Whenever the words "Residential Rental Unit," "Rooming Unit," and "Dwelling Unit" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

§24-1004. IMPOSITION OF TAX.

A tax is hereby levied and imposed, for general City purposes, on every Lease Transaction, at the rate of thirty (\$50.00) dollars.

1. The foregoing tax shall be levied upon all Lease Transactions which authorize a person to be an Occupant of a Residential Rental Unit, regardless of when such person or persons commenced occupancy of the Residential Rental Unit.

2. No tax shall be imposed more than once each calendar year on Lease Transactions involving the same individual Residential Rental Unit.

§24-1005. PAYMENT DATES.

The tax imposed under this Part shall be payable to the City by the Owner of each Residential Rental Unit which is the subject of a Lease Transaction. The tax shall be payable on January 1, 2009, or pursuant to the collection procedures as established by

the City of Reading and annually thereafter so long as the Residential Rental Unit is the subject of a Lease Transaction. In the case of any Residential Rental Unit which is first the subject of a lease transaction after January 1, 2009, such tax shall be payable at the time of issuance of a Housing License and thereafter on January 1 of each year, or pursuant to the collection procedures as established by the City as long as the Residential Rental Unit is the subject of a Lease Transaction.

§24-1006. COLLECTION AND DISPOSITION.

1. The City Tax Division Manager or his/her designee shall be and hereby is appointed the collecting agent for the collection of the tax.

2. The payment of the tax imposed by this Part shall be evidenced by a receipt setting forth the date and amount of payment, the name of the payee, and the identification of the Residential Rental Unit which is the subject of the Lease Transaction for which the tax is paid.

3. The City Tax Division Manager is authorized and empowered to prescribe, adopt and promulgate rules, regulations and forms relating to any matter or thing pertaining to the administration and enforcement of this Part and the collection of the tax, interest and penalties hereby imposed and may appoint assistants to collect the tax and administer this Part, subject to the approval of City Council.

§24-1007. INTEREST AND PENALTIES.

1. Any tax imposed under this Part which is unpaid more than 30 days after the date such tax is due and payable shall be subject to interest at the rate of 1 % per month or fractional part of a month until paid in full.

2. A penalty of 10% is hereby imposed upon all taxes which are unpaid more than 30 days after they are due and payable in accordance with the provisions of this Part. Any penalties imposed pursuant to the terms of this Section shall be a penalty upon the entire unpaid balance which shall include the tax plus any accumulated interest to date.

§24-1008. RECOVERING OF TAXES AND PENALTIES.

All taxes imposed by this Part, together with interest from the due date and the penalty thereon, may be recovered as other debts of like character are now by law recoverable.

§24-1009. VIOLATIONS AND PENALTIES.

1. It shall be unlawful for any Owner of a Residential Rental Unit to:

A. Enter into a lease transaction without having paying the tax imposed by this Part.

- B. Fail, neglect or refuse to comply with or violate the rules and regulations prescribed, adopted and promulgated under the provisions of this Part.

2. Any person convicted before a District Justice of violating any of the provisions of this Part shall be liable to a fine not exceeding \$600.00 for each and every offense, together with the cost of prosecution thereof and in default of payment of the fine, may be imprisoned for a period not to exceed 30 days. The payment of such fine or the serving of such imprisonment shall not relieve the person liable for such tax to pay such tax, interest, and penalties. Each day that an offense continues shall constitute a separate violation of this Part.

SECTION 2. All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.

SECTION 3. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221. The tax established hereunder shall begin to be administered on January 1, 2009 and collected on January 1, 2009, or pursuant to the collection procedures as established by the City of Reading.

Enacted _____, 2008.

President of Council

Attest: _____
City Clerk

(Law Dept.)

BILL NO. _____-2008

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AND RIGHT OF WAY INSTRUMENT BETWEEN THE CITY OF READING TO METROPOLITAN EDISON COMPANY AND LOCATED OVER A PORTION OF PREMISES KNOWN AS BERKS COUNTY ALTERNATE APN 18530616947572.

WHEREAS, the City of Reading is the legal owner of certain property known as Berks County Alternate APN 18530616947572; and

WHEREAS, Metropolitan Edison Company has requested that the City of Reading grant a thirty-five foot (35') wide corridor easement and right of way located over a portion of aforesaid premises and adjacent to an existing sixty foot (60') wide easement as set forth in attachment; and

WHEREAS, the City of Reading intends to grant said easement and right of way.

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

1. **SECTION 1.** The Mayor is authorized to execute a document titled Easement (as described in attachment) thereby granting a thirty-five foot (35') wide easement and right of way from the City of Reading to Metropolitan Edison Company and located over a portion of property known as Berks County Alternate APN 18530616947572.
2. **SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____-2008

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AND RIGHT OF WAY INSTRUMENT BETWEEN THE CITY OF READING TO METROPOLITAN EDISON COMPANY AND LOCATED OVER A PORTION OF PREMISES KNOWN AS BERKS COUNTY ALTERNATE APN 18530616947572.

WHEREAS, the City of Reading is the legal owner of certain property known as Berks County Alternate APN 18530616947572; and

WHEREAS, Metropolitan Edison Company has requested that the City of Reading grant a thirty-five foot (35') wide corridor easement and right of way located over a portion of aforesaid premises and adjacent to an existing sixty foot (60') wide easement as set forth in attachment; and

WHEREAS, the City of Reading intends to grant said easement and right of way.

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

2. **SECTION 1.** The Mayor is authorized to execute a document titled Easement (as described in attachment) thereby granting a thirty-five foot (35') wide easement and right of way from the City of Reading to Metropolitan Edison Company and located over a portion of property known as Berks County Alternate APN 18530616947572.
2. **SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(LAW DEPT.)

BILL NO. _____-2008
AN ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF READING ZONING
ORDINANCE AND MAP BY CHANGING THE R-3 ZONING
DESIGNATION OF PARCELS 530653140352 AND 530654145536
LOCATED IN COUNCIL DISTRICT 1 TO AN R-2 ZONING
DESIGNATION.**

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

SECTION 1. The Zoning Ordinance and Map of the City of Reading are amended by changing the R-3 zoning designation of parcels identified with Parcel Identification Numbers (PIN) 530653140352 and 530654145536 in Council District 1 to an R-2 zoning designation.

SECTION 2. All other provisions of the City of Reading Zoning Ordinance of the City of Reading shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____-2008
AN ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF READING ZONING
ORDINANCE AND MAP BY CHANGING THE RESIDENTIAL
OUTLET ZONING DISTRICT TO A COMMERCIAL
NEIGHBORHOOD ZONING DISTRICT IN CITY COUNCIL
DISTRICT 6.**

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

SECTION 1. The Zoning Ordinance and Map of the City of Reading are amended by changing the Residential Outlet Zoning District to a Commercial Neighborhood Zoning District in Council District 6.

SECTION 2. All other provisions of the City of Reading Zoning Ordinance of the City of Reading shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Councilor Waltman & Council Staff)

Reading Parking Authority Memo

To: Reading City Council
From: Lawrence Lee
Executive Director, Reading Parking Authority
Date: Monday April 7, 2008.
Re: Abandoned Vehicles

Background

75 Pa. C.S. 7303.1 states that the abandoned vehicle reports that must be completed - can be completed by a police officer or personnel designated by ordinance.

This section from the PA Vehicle Code allows for personnel designated by ordinance to be empowered to complete the abandoned vehicle reports.

Previous Action Required / Completed

The abandoned vehicle report was completed by the RPD when the Parking Authority utilized Vince's Towing. This was done in compliance with the towing contract between the City and Vince's Towing. The Parking Authority now utilizes KJ Towing for all of our towing needs. The RPD is reluctant to fill out the abandoned vehicle reports for KJ Towing because of the contractual obligations with Vince's Towing.

Review and Recommendation

The Parking Authority recognizes and understands the RPD's reluctance to fill out the abandoned vehicles report. In an effort to ensure no legal conflict, the Parking Authority requests that city council enact an ordinance empowering a badged officer from the Parking Authority to fill out the abandoned vehicles report. This will allow the RPD to complete the abandoned vehicle report in conjunction with their actions with Vince and still allow the Parking Authority to do the same in conjunction with its contracted tower; thus avoiding any legal conflict. The Parking Authority would also become a more active player in removing abandon vehicles from the streets of Reading.

Recommended Motion

Approve an ordinance to empower a badged officer from the Parking Authority to fill out the abandoned vehicle reports.

**BILL NO. _____ 2008
AN ORDINANCE**

AN ORDINANCE EMPOWERING THE READING PARKING AUTHORITY ENFORCEMENT OFFICERS TO ISSUE ABANDONED VEHICLE REPORTS FOR ALL VEHICLES TOWED BY THE READING PARKING AUTHORITY DUE TO PARKING VIOLATIONS, IN ACCORDANCE WITH THE PENNSYLVANIA VEHICLE CODE 75 Pa. C.S. 7303.1.

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

SECTION 1. Empowering Reading Parking Authority Enforcement Officers to issue abandoned vehicle reports for all vehicles towed by the Reading Parking Authority due to parking violations, in accordance with the Pennsylvania Vehicle Code 75 Pa. C.S. 7303.1.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage 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 _____, 2008

President of Council

Attest:

City Clerk

(Reading Parking Authority & Council Staff)

To: Reading City Council

From: Financial S&Lutions LLC

Date: May 5, 2008

Re: Opportunity for the City to currently refund the outstanding City of York General Authority Adjustable Rate Pooled Financing Revenue Bonds (City of Reading, PA Project) Subseries 96-A with a traditional fixed rate bank loan

Current Situation

City of York General Authority Adjustable Rate Pooled Financing Revenue Bonds

- The City of Reading entered into a Loan Agreement with the City of York General Authority in July of 1996 in connection with \$30,100,000 of variable rate bonds (the "1996 Bonds").
- There is \$6,630,000 of 1996 Bonds currently outstanding. The 1996 Bonds mature on March 1, 2010.
- The 1996 Bonds were used by the City to finance planning, designing, constructing and expanding the City's Sewer system as well as other general fund projects of the City.
- The 1996 Bonds are insured by AMBAC and the liquidity facility is provided by Wachovia Bank. The liquidity facility fees are 35 basis points per annum and the remarketing fees are 7 basis points per annum.
- In late 2007 several monoline bond insurance companies have lost capital and subsequently had their credit ratings downgraded due to subprime mortgage investments (including AMBAC).

	Moody's	S&P	Fitch
FSA	Aaa/Stable	AAA/Stable	AAA/Stable
ASSURED	Aaa/Stable	AAA/Stable	Not Rated
AMBAC	Aaa/Negative Outlook	AAA/Negative Outlook	AA/ Negative Outlook
MBIA	Aaa/Negative Outlook	AAA/Negative Outlook	AA/Negative Outlook
FGIC	Baa3/Possible Downgrade	BB/Negative Outlook	BBB/Negative Outlook

- Since AMBAC was downgraded and put on negative outlook by the rating agencies, many investors (money market funds) are not buying AMBAC insured paper which has driven the rate the City pays on its 1996 Bonds to very expensive levels.
- In “normal” market conditions AAA rated City paper would trade about 3 basis points above the SIFMA Index (tax-exempt variable rate index).
- However, since January 31, 2008 the 1996 Bonds have traded, on average, at a rate equal to 6.00%. – The SIFMA average over that same period has been equal to 2.51%

Potential Opportunity

General Obligation Notes, Series B of 2008

- The City could currently refund the 1996 Authority Bonds with a City General Obligation Note, Series B of 2008 from a local bank.
- The City would be able to convert the existing variable rate 1996 Bonds into traditional fixed rate debt by issuing a General Obligation Note through a loan from a bank.
- The City would also eliminate the credit facility fees (35 basis points annually) and the remarketing fees (7 basis points annually).
- Assuming current market rates, the City would be able to lock in a fixed rate of approx. 2.85%.
- Assuming a rate of 2.85% the City would save approximately \$300,000 through the final maturity of the 1996 Bonds (March 1, 2010) which equates to an PV savings of approx. \$296,250 (savings net of all costs associated with issuing the 2008 B Note)

Note: Actual benefit to the City can only be established at the time the refunding note’s rate is “locked in”. The cost of issuance would be approx. \$18,500 – this would include financial advisory fees, bond counsel fees, bank fees and trustee fees.

CITY OF READING
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. ____
ENACTED: _____, 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE A GENERAL OBLIGATION NOTE, SERIES B OF 2008 OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED _____ DOLLARS (\$_____) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT, 53 PA. C.S. CHAPTERS 80-82, AS AMENDED AND SUPPLEMENTED (THE "ACT"); FINDING THAT A PRIVATE SALE BY NEGOTIATION IS IN THE BEST FINANCIAL INTERESTS OF THE CITY; DETERMINING THAT SUCH NOTE SHALL EVIDENCE NONELECTORAL DEBT OF THE CITY; SPECIFYING THAT SUCH INDEBTEDNESS IS TO BE INCURRED TO PROVIDE FUNDS TO FINANCE A PROJECT OF THE CITY WHICH CONSISTS OF, AMONG OTHER THINGS: (1) THE CURRENT REFUNDING OF THE OBLIGATIONS OF THE CITY RELATED TO THE CITY OF YORK GENERAL AUTHORITY'S OUTSTANDING ADJUSTABLE RATE POOLED FINANCING REVENUE BONDS SUB-SERIES 96-A (CITY OF READING, PA PROJECT) ; AND (2) PAYING THE COSTS AND EXPENSES OF ISSUING THE NOTE; SETTING FORTH A REASONABLE ESTIMATE OF THE REMAINING USEFUL LIVES OF THE PROJECTS TO BE REFINANCED; ACCEPTING A COMMITMENT FOR THE PURCHASE OF SUCH NOTE AT PRIVATE SALE BY NEGOTIATION; PROVIDING THAT SUCH NOTE, WHEN ISSUED, SHALL CONSTITUTE A GENERAL OBLIGATION OF THE CITY; FIXING THE FORM, NUMBER, DATE, INTEREST AND MATURITY THEREOF AND PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH NOTE; AUTHORIZING SPECIFIED OFFICERS OF THE CITY TO CONTRACT WITH THE PAYING AGENT FOR ITS SERVICES IN CONNECTION WITH THE NOTE, IF NECESSARY; SETTING FORTH THE SUBSTANTIAL FORM OF THE NOTE EVIDENCING THE DEBT; AUTHORIZING EXECUTION AND ATTESTATION OF SUCH NOTE; PROVIDING COVENANTS RELATED TO DEBT SERVICE APPLICABLE TO SUCH NOTE TO THE EXTENT REQUIRED BY THE ACT AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY IN SUPPORT THEREOF; CREATING A SINKING FUND IN CONNECTION WITH SUCH NOTE, TO THE EXTENT REQUIRED BY THE ACT; DESIGNATING THE PAYING AGENT TO BE THE SINKING FUND DEPOSITARY; AUTHORIZING THE EXECUTION OF ONE OR MORE INVESTMENT AGREEMENTS BY SPECIFIED OFFICERS OF THE CITY (IF APPLICABLE) AND THE PURCHASE OF CERTAIN U.S. TREASURY OBLIGATIONS OR ANY OTHER SECURITIES OR INVESTMENTS IN CONNECTION WITH THE PROJECT AND THE REFUNDING OF SUCH 96-A BONDS, IF NECESSARY; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE CITY TO DO, TO TAKE AND TO PERFORM CERTAIN SPECIFIED, REQUIRED, NECESSARY OR APPROPRIATE ACTS TO EFFECT THE ISSUANCE OF THE

NOTE, INCLUDING, WITHOUT LIMITATION, THE PREPARATION OF A DEBT STATEMENT AND BORROWING BASE CERTIFICATE, AND THE FILING OF SPECIFIED DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, ALL AS REQUIRED BY THE ACT; DECLARING THAT THE DEBT TO BE EVIDENCED BY SUCH NOTE, TOGETHER WITH ALL OTHER INDEBTEDNESS OF THE CITY, WILL NOT BE IN EXCESS OF ANY APPLICABLE LIMITATION IMPOSED BY THE ACT; AUTHORIZING PROPER OFFICERS OF THE CITY TO DELIVER THE NOTE UPON THE APPROVAL OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; SETTING FORTH CERTAIN COVENANTS PRECLUDING THE CITY FROM TAKING ACTIONS WHICH WOULD CAUSE THE NOTE TO BECOME AN "ARBITRAGE BOND," OR "PRIVATE ACTIVITY BOND" AS THOSE TERMS ARE USED IN THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), AND APPLICABLE REGULATIONS PROMULGATED THEREUNDER; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INSOFAR AS THE SAME SHALL BE INCONSISTENT HEREWITH.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the "City"), was incorporated under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, it is necessary that the indebtedness of the City be increased for the purposes of providing funds to fund a project which consists of, among other things, (1) the current refunding of the obligations of the City related to the City of York General Authority's Outstanding Adjustable Rate Pooled Financing Revenue Bonds Sub-Series 96-A (City of Reading, PA Project) (the "96-A Bonds"); and (2) paying the costs of issuance of the Note (hereinafter defined) (the "Project"); and

WHEREAS, the City, in contemplation of the issuance and sale its General Obligation Note in an aggregate principal amount not to exceed _____ Dollars (\$ _____), to provide funds for and towards the Project, has determined that the Note shall be offered for sale at a private sale by negotiation pursuant to the provisions of the Local Government Unit Debt Act of the Commonwealth, as re-enacted and amended (the "Act") and has determined that a private sale by negotiation is in the best financial interests of the City; and

WHEREAS, the Council of the City (the "Council") has determined that such Note will be issued in one series and designated generally as "City of Reading, Berks County, Pennsylvania, General Obligation Note, Series B of 2008" (the "Note"); and

WHEREAS, the Note shall be issued in the aggregate principal amount not to exceed _____ Dollars (\$ _____); and

WHEREAS, it is necessary that the indebtedness of the City be increased for the purpose of funding the Project; and

WHEREAS, the proposed increase of debt, together with its nonelectoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of the City, pursuant to constitutional and statutory authority, to be exceeded; and

WHEREAS, the City has determined to currently refund the obligations of the City related to the 96-A Bonds; and

WHEREAS, the City desires to authorize the current refunding of the 96-A Bonds for the purpose of reducing the total debt service over the life of the 96-A Bonds; and

WHEREAS, the Note which is being issued to currently refund the 96-A Bonds will not be outstanding through a maturity date that could not have been included in the issue of the 96-A Bonds; and

WHEREAS, the City received a commitment letter for the financing of the Project [dated _____, 2008] (the "Commitment Letter") from Wachovia Bank, National Association, Reading, Pennsylvania (the "Purchaser"); and

WHEREAS, the City desires to formally approve the Project, to accept the Commitment Letter and the execution and delivery thereof, and to authorize the incurrence of nonelectoral debt under the Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City of Reading, Berks County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

The aggregate principal amount of the City of Reading, Berks County, Pennsylvania, General Obligation Note, Series B of 2008" (the "Note"), proposed to be issued shall not exceed \$ _____. The Note shall be incurred as nonelectoral debt.

The City hereby approves the Project to be undertaken consisting of, among other things, (1) the current refunding of the obligations of the City related to the 96-A Bonds; and (2) paying the costs of issuance of the Note.

The remaining realistic estimated useful lives of the capital projects originally financed by the 96-A Bonds and to be refinanced by the Note are at least __ years. It is hereby certified that an aggregate principal amount of the Note at least equal to the realistic estimated cost of each such capital project shall mature prior to the end of the useful life of such project.

Stated installments or maturities of principal of the Note will not be deferred beyond the later of one year after the estimated date for the completion of the construction portion of the Project, if any, or two years from the date of issue of the Note.

Said indebtedness shall be evidenced by the Note, dated and bearing interest from the earliest date of possible issue of said Note under the statutory time requirements as set forth in the Act. In accordance with the provisions of the Commitment Letter, the Note shall bear interest at a rate not to exceed the rate per annum as set forth on the form of Note. Interest is payable on the unpaid balance of said Note during its term until paid. The Note shall mature in installments of principal and interest as shown on the attached Schedule hereinafter referred to as "Exhibit A."

The City reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or penalty, as more fully provided in the form of Note.

The principal and interest of said Note shall be payable at the office of the sinking fund depository selected for the Note as hereinafter provided.

In connection with the issuance and sale of the Note, the Council, as required by the provisions of the Act, hereby finds, determines and states (a) that the purpose of the current refunding of the 96-A Bonds is to reduce total debt service over the life of the 96-A Bonds; and (b) that the current refunding of the 96-A Bonds is authorized and permitted under and pursuant to the provisions of Section 8241 of the Act. The Council further finds and determines that the final maturity date of the Note issued to effect the current refunding of the 96-A Bonds does not extend to a date that could not have been included in the 96-A Bonds.

The Council hereby authorizes and directs its proper officers, agents and employees to execute all documents and take all actions necessary in connection with accomplishing the refunding of the 96-A Bonds, including, but not limited to providing notice to the Trustee for the 96-A Bonds, and to call the 96-A Bonds for optional redemption in full on July 1, 2008. In accordance with Section 8246 of the Act, it is the intent of the Council that the obligations of the City related to the 96-A Bonds shall no longer be outstanding from and after the date of the issuance of the Note.

The Note is hereby declared to be a general obligation of the City. The City hereby covenants that it shall include the amount of debt service on the Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts from its general revenues for the payment of such debt service; and shall duly and punctually pay or cause to be paid from its general revenues the principal of the Note and the interest thereon at the dates and places and in the manner stated in the Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the City are hereby irrevocably pledged.

The City covenants to and with the registered owner of the Note that it will make no use of the proceeds of such issue or do or suffer any other action which, if such use or action had been reasonably expected on the date of issue of such Note, would cause such Note to be an "arbitrage bond" or "private activity bond" as those terms are defined in Section 148 and Section 141 of the Code and the applicable regulations thereunder. The City further covenants that it will comply with the requirements of such Section 148 and Section 141 and with the regulations thereunder throughout the term of this issue. In addition, the Mayor, being the official(s) responsible for issuing the Note, attested by the City Clerk or Assistant City Clerk of the City, is hereby authorized and directed to execute and deliver, in the name and on behalf of the City, any and all documents or other instruments which Bond Counsel may reasonably request in connection with the providing of its opinion that the Note is not an "arbitrage bond" or "private activity bond" within the meaning of Section 148 and Section 141 of the Code and the regulations promulgated thereunder, including, without limitation, a certificate dated the date of issuance and delivery of the Note, which certificate shall set forth the reasonable expectations of the City as to the amount and use of the proceeds of the Note.

The form of said Note shall be substantially as shown on the attached Exhibit B.

The Note shall be executed in the name and under the corporate seal of the City by the Mayor

and attested to by the City Clerk or Assistant City Clerk of the City. The City Clerk is hereby authorized and directed to deliver said Note to the Purchaser, and receive payment therefor on behalf of the City. The City Clerk or Assistant City Clerk is authorized and directed to prepare, verify and file the debt statement required by Section 8110 of the Act, and to take other necessary action, including, if necessary or desirable, the filing, either before or after the issuance of the Note, of additional debt statements or any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

Wachovia Bank, National Association, Reading, Pennsylvania, is hereby designated as the Sinking Fund Depository for the obligation herein authorized, and there is hereby created and established a Sinking Fund, to be known as "City of Reading, Berks County, Pennsylvania, Sinking Fund - General Obligation Note, Series B of 2008", for the payment of the principal and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The City shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by the City withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the obligation.

The City is hereby authorized to contract with Wachovia Bank, National Association for its services as Sinking Fund Depository for the Note and Paying Agent for the same (the "Paying Agent").

In compliance with Section 8161 of the Act, Council has determined that a private sale by negotiation, rather than public sale, is in the best financial interest of the City. The Commitment Letter is hereby accepted and the Note is hereby awarded and sold to the Purchaser in accordance with its commitment to purchase the said Note at par; provided the Note is dated the date of delivery thereof to the Purchaser and is in substantially the form set forth in Exhibit B to this Ordinance with such changes as may be approved by the officers of the City executing such Note; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act. A copy of said Commitment Letter shall be attached hereto as Exhibit C and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. The Mayor of the City is hereby authorized and directed to accept and to execute the Commitment Letter in the name and on behalf of the City, and the City Clerk of the City is hereby authorized and directed to attest to such acceptance and execution.

Upon final pricing of the Note, the Purchaser will present to the City an Addendum to the Commitment Letter setting forth the final terms and conditions of the Note, including the final principal amount, interest rates, redemption provisions and purchase price for the Note (the "Addendum"). As long as the terms and conditions set forth in the Addendum satisfy the parameters set forth in this Ordinance, the Mayor of the City is hereby authorized and directed to accept and to execute the Addendum in the name and on behalf of the City, and the City Clerk of the City is hereby authorized and directed to attest to such acceptance and execution.

If necessary, the City hereby approves the execution of one or more investment agreements, the purchase of certain U.S. Treasury obligations or any other securities or investments (the "Investments") for investment of the proceeds of the Note in connection with the Project and the current refunding of the 96-A Bonds. The City hereby authorizes and directs the Mayor to

execute and the City Clerk or Assistant City Clerk of the City to attest any investment agreement on behalf of the City, in the form approved by the Solicitor and Bond Counsel of the City. The Investments shall be limited to those authorized under law for proceeds of the Note.

The action of the proper officers and the advertising of a summary of this Ordinance as required by law in a newspaper of general circulation in the City, is ratified and confirmed. The advertisement of enactment in said newspaper is hereby directed within fifteen (15) days following the day of final enactment.

The proper officers of the City are hereby authorized to execute and deliver such other documents, including and to take such other action as may be necessary or proper to effect the completion of the financing or the intent and purposes of this Ordinance.

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

All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

This Ordinance shall be effective in accordance with Section 8003 of the Act.

ORDAINED AND ENACTED THIS __ DAY OF _____, 2008.

Attest:

CITY OF READING
Berks County, Pennsylvania

City Clerk

By: _____
Mayor

(SEAL)

EXHIBIT A

Amortization Schedule
Series B of 2008 Note

EXHIBIT B

Form of Note

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF BERKS
CITY OF READING

GENERAL OBLIGATION NOTE
SERIES B OF 2008

Dated: \$ _____, 2008

The CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA (the "City"), a local government unit existing by and under the laws of said Commonwealth of Pennsylvania (the "Commonwealth"), for value received, hereby acknowledges itself indebted and promises to pay to WACHOVIA BANK, NATIONAL ASSOCIATION (the "Purchaser"), or registered assigns, the sum of _____ Dollars (\$ _____) or such lesser particular sum as shall represent the unpaid balance of such principal sum, on the terms and conditions set forth below.

Interest shall be due and payable on this Note at a fixed rate of ___% per annum [computed in accordance with the terms of the Commitment Letter (as defined in the hereinafter-mentioned Ordinance, a copy of such Commitment Letter is attached hereto as Exhibit A)]. Interest shall be payable semi-annually during the term of the Note on [May 15] and [November 15] of each year, commencing [November 15], 2008. [Payments of principal and interest are payable as shown on the attached Schedule B.]

Principal of this Note shall be due and payable annually on [November] 15 of each year, commencing [November 15], [2008], in the amounts set forth on Exhibit "A" attached hereto and made a part hereof]. On November 15, ____, all principal, accrued, unpaid interest and other amounts evidenced by this Note shall be due and payable in full, without notice or demand.

If the due date for payment of interest on or principal of this Note shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized by law or executive order to remain closed, then payment of such interest, principal or redemption price need not be made on such date, but may be made on the next succeeding day which is not a Saturday, Sunday, legal holiday or a day upon which banking institutions in the Commonwealth are authorized by law or executive order to remain closed with the same force and effect as if made on the due date for payment of principal or interest and no interest shall accrue thereon for any period after such due date.

[The City has the option to anticipate any installment of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or penalty.]

Both principal and interest are payable in such coin or currency as on the respective date of payment thereof and shall be legal tender for the payment of public and private debts, at the office of Wachovia Bank, National Association, the paying agent, located at Reading, Pennsylvania.

This General Obligation Note, Series B of 2008 (the "Note") is issued under and pursuant to provisions of the Ordinance enacted by the Council on _____, 2008 (the "Ordinance"), in the aggregate principal amount of _____ Dollars (\$_____). This Note is authorized to be issued under the Local Government Unit Debt Act of the Commonwealth, as reenacted and amended (the "Act"), without the assent of electors, and pursuant to the Ordinance. This Note is subject to provisions and is entitled to the benefit of provisions of the Ordinance. The terms and provisions of the Ordinance are hereby incorporated by reference as if set forth fully herein.

The City has covenanted in the Ordinance, to and with the registered owner(s) hereof, that it (i) shall include the amount of the debt service for this Note, for each fiscal year of the City in which such amounts are payable, in its budget for that fiscal year, (ii) that it shall appropriate such amounts from its general revenues for the payment of such debt service in each such fiscal year, and (iii) that it shall duly and punctually pay or cause to be paid from the sinking fund established under the Ordinance or any other of its revenues or funds the principal amount of this Note and the interest due thereon at the dates and places and in the manner stated therein, according to the true intent and meaning thereof and for such budgeting, appropriation and payment the City has pledged, irrevocably, its full-faith, credit and taxing power.

In the Ordinance, the City has covenanted to and with registered owners of this Note that it will make no use of the proceeds of this Note, or do or suffer any other action, which, if such use or action had been reasonably expected on the date of issuance of the Note, would cause this Note to be an "arbitrage bond" or a "private activity bond" as such terms are defined in Section 148 and 141 of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder. The City has further covenanted that it will comply with the requirements of such Section 148 and 141 and with the regulations thereunder throughout the term of this Note.

The Note does not pledge the credit or taxing power of the Commonwealth; nor shall this Note be deemed an obligation of the Commonwealth; nor shall the Commonwealth be liable for payment of the principal of or interest on this Note.

The Purchaser shall have the right to exercise the remedies set forth in the Act. Any failure by the Purchaser to exercise any right or privilege hereunder shall not be construed as a waiver of the right or privilege to exercise such right or privilege, or to exercise any other right or privilege, at any other time, and from time to time, thereafter.

No recourse shall be had for the payment of the principal of or interest on this Note, or for any claim based hereon or on the Ordinance, against any member, officer or employee, past, present, or future, of the City or of any successor body, as such, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or

otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the issuance of the Note.

It is hereby certified that the approval of the Department of Community and Economic Development of the Commonwealth for the City to issue and deliver this Note has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth to exist, to have happened or to have been performed, precedent to or in connection with the issuance of this Note or in the creation of the debt of which this Note is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Note, together with all other indebtedness of the City are within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth; that the City has established with the Paying Agent, as sinking fund depository, a sinking fund for this Note and shall deposit therein amounts sufficient to pay the principal of and interest on this Note as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Note, the full faith, credit and taxing power of the City are hereby irrevocably pledged.

IN WITNESS WHEREOF, the City of Reading, Berks County, Pennsylvania, has caused this Note to be properly executed by its Mayor and its corporate seal to be hereto affixed, attested to by its City Clerk of the City as of the ____ day of _____, 2008.

CITY OF READING
Berks County, Pennsylvania

By: _____
Mayor

Attest: _____
City Clerk

(SEAL)

REGISTRATION FORM

This Note can be validly negotiated only upon proper execution of the form set forth below, and upon notation of the same upon the books of Wachovia Bank, National Association, Reading, Pennsylvania, as Paying Agent and Registrar for this Note, maintained for such purpose. The City and the Registrar shall treat the registered owner of this Note, as noted on this Note and on said books, as the absolute owner hereof, and shall not be affected by any changed circumstances, nor by any notice to the contrary.

Original Registered Owner: Wachovia Bank, National Association

<u>Date</u>	<u>Transferor</u>	<u>Subsequent Purchaser</u>	<u>Registrar</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

For value received, the last-named Transferor, by its due execution above, hereby, on the above-stated date, sells, transfers and negotiates this Note to the last-named subsequent purchaser, warranting that this transfer is effective and rightful; that, this Note is genuine and has not been materially altered; and that it has no knowledge of any fact which might impair the validity of this Note, and further irrevocably authorizes and directs Wachovia Bank, National Association, Reading, Pennsylvania, as Registrar, to make this transfer on its books maintained for such purposes.

Wachovia Bank, National Association, Reading, Pennsylvania, as Registrar, by its due execution above, on the above-stated date, acknowledges the transfer of this Note to the subsequent purchaser, who shall now be recognized as registered owner, and has noted such transfer on its books.

ASSIGNMENT

FOR VALUE RECEIVED, _____
hereby sells, assigns and transfers unto

_____ (the "Transferee")
Name

Address

Social Security or Federal
Employer Identification No.

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

NOTICE: No transfer will be issued in the name of the Transferee unless the signature(s) to this assignment correspond(s) with the name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied. If the Transferee is a trust, the names and Social Security or Federal Employer Identification Numbers of the settlor and beneficiaries of the trust, the Federal Employer Identification Number and date of the trust, and the name of the trustee should be supplied.

EXHIBIT C

Commitment Letter

BILL NO. _____-2008

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A DEED FROM THE CITY OF READING TO THE READING REDEVELOPMENT AUTHORITY THEREBY CONVEYING PREMISES SITUATE AT 400 S. 6TH ST., READING, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the legal owner of property situate at 400 S. 6th Street, Reading, Berks County, Pennsylvania; and

WHEREAS, conveyance of said premises will facilitate reduction of City owned real property; and

WHEREAS, the City of Reading intends to convey said premises.

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

3. **SECTION 1.** The Mayor is authorized to execute a deed, and any other required documents, to convey the premises situate at 400 S. 6th Street, Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority.
2. **SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(LAW DEPT.)

BILL NO. _____-2008

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A DEED FROM THE CITY OF READING TO THE READING REDEVELOPMENT AUTHORITY THEREBY CONVEYING PREMISES SITUATE AT 401-403 S. 6TH ST., READING, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the legal owner of property situate at 401-403 S. 6th Street, Reading, Berks County, Pennsylvania; and

WHEREAS, conveyance of said premises will facilitate reduction of City owned real property; and

WHEREAS, the City of Reading intends to convey said premises.

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

4. **SECTION 1.** The Mayor is authorized to execute a deed, and any other required documents, to convey the premises situate at 401-403 S. 6th Street, Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority.
2. **SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(LAW DEPT.)

BILL NO. _____-2008

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A DEED FROM THE CITY OF READING TO THE READING REDEVELOPMENT AUTHORITY THEREBY CONVEYING PREMISES SITUATE AT 422 S. 6TH ST., READING, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the legal owner of property situate at 422 S. 6th Street, Reading, Berks County, Pennsylvania; and

WHEREAS, conveyance of said premises will facilitate reduction of City owned real property; and

WHEREAS, the City of Reading intends to convey said premises.

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

5. **SECTION 1.** The Mayor is authorized to execute a deed, and any other required documents, to convey the premises situate at 422 S. 6th Street, Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority.
2. **SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(LAW DEPT.)

BILL NO. _____-2008

A N O R D I N A N C E

AMENDING CHAPTER 11 HOUSING - RENTAL OF
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11 entitled Housing - Rental is amended as follows:

Section 104 Application for Permit Subsection 14 (§11-104(14)) of the Codified Ordinances is hereby deleted. The remaining subsections of Section 104 are renumbered accordingly, 11-104(15) is now 11-104(14), 11-104(16) is now 11-104(15) and 11-104(17) is now 11-104(16).

Section 124 Disruptive Conduct Subsection C Eviction (§11-124(C)) is amended to read in its entirety as follows:

After two (2) disruptive conduct incidents in any 12-month period by the occupant documented by disruptive conduct reports, the owner or local responsible agent shall have ten (10) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. *The owner or local responsible agent shall pursue the eviction of the occupants as required herein. Pursuit of the eviction of said occupants shall include but not be limited to prosecution of the eviction proceedings and participation with follow through of any appeal.* This paragraph is not intended to limit or inhibit the owner or local responsible agent's right to initiate eviction actions prior to the second disruptive conduct incident.

Section 124 Disruptive Conduct Subsection G Report Against All Occupants (§11-124(G)) shall be amended to read in its entirety as follows:

The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. *More than one disruptive conduct report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding paragraph.*

Section 124 Disruptive Conduct Subsection H Maintenance of List of Evicted Occupants (§11-124(H)) shall be renamed and amended to read in its entirety as follows:

H. MAINTENANCE OF LIST OF DISRUPTIVE CONDUCT REPORT TENANTS AND OCCUPANTS AND EVICTED OCCUPANTS

The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Ordinance. The Codes Enforcement Division shall also maintain a list of all occupants and tenants evicted as a result of this Ordinance. The names shall remain on the list for a period of five (5) years.

Section 125 Disruptive Conduct Review Board of Appeals Subsection (A) Appeals (§11-125(A)) shall be amended to read in its entirety as follows:

Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, non-renewal, denial or revocation of a Rental Permit, may appeal to the Disruptive Conduct Review Board of Appeals. Such appeal must be filed, in writing *with the Manager of the Codes Enforcement Division*, with the appropriate filing fee within ten (10) working days from the date of receipt of the disruptive conduct report or notice of revocation.

Section 125 Disruptive Conduct Review Board Subsection (C) Powers (§11-125(C)) is hereby amended to add a new paragraph 6 to read as follows and renumber the existing paragraph 6 to paragraph 7:

6. OATHS AND SUBPOENAS.

The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

Section 125 Disruptive Conduct Review Board of Appeals Subsection (G) Fee (§11-125(G)) shall be renamed and amended to read in its entirety as follows:

G. FEE AND COSTS

The fee for filing of an Appeal to the Disruptive Conduct Review Board of Appeals shall be \$75. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. *In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.*

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 11 Housing - Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

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

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2008

Council President

Attest:

City Clerk

(LAW)