



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, OCTOBER 11, 2010
7:00P.M.**

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Eileen Levan, Nativity Lutheran Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Fire Prevention Week, accepted by Fire Marshal Todd Jaeger
- Council Commendation recognizing Columbus Day, accepted by the Knights of Columbus

3. 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 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 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. AGENDA: Council Meeting of October 11, 2010

B. MINUTES: Council meetings of September 13, September 20
September 27, and October 4

5. Consent Agenda Legislation

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 69-2010 - amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council approval **(Council Staff) Introduced at the August 23 regular meeting; Tabled at the September 13 regular meeting; Administration to provide information on the impact this change would have; Tie vote September 27**

B. Bill No. 76-2010 – amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-416 increasing the violation for various parking regulations as required by the Act 47 Recovery Plan (RE03 & PA02) **(Bus Analyst) Introduced at the September 13 regular meeting; Advertised 9-20-10; Amended and re-advertised 10-4-10**

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - An ordinance of the City of Reading Codified Ordinances, Chapter 4, Part 1 Historical Districts by extending enforcement authority to Property Maintenance Inspectors and Supervisors and Zoning Enforcement Officers (**Council Staff**)

B. Ordinance - amending the 2010 City of Reading Full Time Position Ordinance by adding the position of Controller in the Department of Finance (**Business Analyst**)

C. Ordinance - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-678 Disability Benefits (**Law**)

D. Ordinance - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-682 Refund of Contribution (**Law**)

E. Ordinance - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees (**Council Staff**)

F. Ordinance – Amending the 2010 Full Time Position Ordinance by adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department.(Business Analyst)

G. Ordinance - Amending the 2010 Full Time Position Ordinance by adding one (1) Program Managers under Community Development .(Business Analyst)

Pending Legislation

Bill No. 30 - 2010 - authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of certain premises situate in Ontelaunee Township, Berks County, PA from the City of Reading to Ontelaunee Township (**Law**) *Introduced at the June 15 regular meeting; Tabled at the July 12 and July 26 regular meetings*

Bill No. 34-2010 – establishing a four-way stop intersection at N. 13th St and Richmond St in the City of Reading, Pennsylvania (**Public Works**) *Introduced at the July 12 regular meeting; Tabled at the July 26 regular meeting; Second Traffic Study Requested*

Bill No. 55-2010 – authorizing the execution of the memorandum of understanding for the City Fire Training Center ***Introduced at the July 26 regular meeting; Tabled at the August 9 regular meeting; Discussed at the August 16 Public Works meeting; Tabled at the August 23 regular meeting***

Ordinance - approving the enactment of the Ordinance authorizing (1) the issuance of a series of General Obligation Bonds in the maximum aggregate principal amount of not to exceed \$20,000,000, to finance the funding of certain unfunded debt of the City and to pay the costs of issuance of the Bonds; (2) the execution and delivery of (a) a Bond Purchase Proposal from Wells Fargo Bank, National Association for the purchase of the Bonds on the terms and conditions established in the Ordinance and (b) an Addendum to such Bond Purchase Proposal which will be delivered by Wells Fargo Bank, National Association upon the final pricing of the Bonds and (3) the execution and delivery of such other agreements, certificates, instruments and documents necessary in connection with the issuance of the Bonds subject to the review and approval of such agreements, certificates, instruments and documents by bond counsel to the City **(Finance) *Introduced at the September 27 regular meeting***

Ordinance – levying the Real Estate taxes at a rate of tax of fourteen and five hundred and seventy three thousandths mills (0.014573) on the dollar, or fourteen dollars and fifty seven point three cents (\$14.573) on each one thousand dollars for the fiscal year beginning the first day of January 2011 and ending the thirty-first day of December 2011 **(Finance) *Introduced at the October 4 special meeting***

Ordinance – amending Chapter 24 Park 2B Home Rule Earned Income Tax section 24-221 through section 24-235 of the City of Reading Codified Ordinances. Section 24-221 through section 24-235 shall provide for a tax of one and six tenths percent (1.6%) on all earned income and net profits generated by residents of the City of Reading. This tax of one and six tenths percent (1.6%) on all earned income and net profits generated by residents of the City of Reading shall be in addition to the tax collected under 24-201 Et Seq. of the City of Reading Codified Ordinances **(Finance) *Introduced at the October 4 special meeting***

Ordinance – establishing the Full Time Employee Positions for the City of Reading for the fiscal year 2011 **(Finance) *Introduced at the October 4 special meeting***

Ordinance – establishing the budget for the funds of the City of Reading including revenues and expenses for the fiscal year beginning January 1, 2011 and ending December 31, 2011 **(Finance) *Introduced at the October 4 special meeting***

Ordinance – establishing the Capital Improvement Plan budget for the city of Reading including capital expenditures and revenues for the fiscal year beginning January 1, 2011 and ending December 31, 2011 **(Finance) *Introduced at the October 4 special meeting***

Ordinance – providing for a tax of up to a maximum of one and three tenths percent (1.3%) on all earned income and net profits generated in the City of Reading by non-residents of the City of Reading **(Finance)** *Introduced at the October 4 special meeting*

11. RESOLUTIONS

A. Resolution - That the Mayor of the City of Reading is authorized to file an application for DCED funds in the amount of four hundred thousand dollars (\$400,000.00) for the “Entertainment Square Restaurant at Second & Washington Streets” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania. In addition, the City of Reading will: (1) assume the provision of the full local share of the project costs; and (2) reimburse the Commonwealth for the DCED’s share of any expenditures found by DCED to be ineligible. The City Clerk is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy to the DCED **(Law)**

B. Resolution – reappointing Phillip Dougherty to the Fire Civil Service Board **(Admin Oversight)**

C. Resolution – reappointing William Vitale as an alternate to the Fire/Building Code Board of Appeals **(Admin Oversight)**

D. Resolution – reappointing Burlee Adams to the Berks County Convention Center Authority **(Admin Oversight)**

E. Resolution – appointing Tori DiPiazza to the Animal Control Board as a representative of the Animal Rescue League **(Admin Oversight)**

F. Resolution – reappointing Steven Belinski to the Housing Authority **(Admin Oversight)**

G. Resolution – appointing Jose Molina to the City-wide Diversity Board as a representative of the PSLC **(Admin Oversight)**

H. Resolution – appointing Lourdes Torres to the City-wide Diversity Board **(Admin Oversight)**

I. Resolution - authorizing the Mayor, on behalf of the City, to sign and enter into an agreement titled Winter Traffic Services five-year contract with the Pennsylvania Department of Transportation for the City to perform snow and ice clearance for State highways and bridges **(Public Works)**

J. Resolution - Approving the Conditional Use application submitted by William Nunez, as amended, for three (3) rental units at 117 South 3rd Street, with conditions as expressed in the attached decision (**Council Staff/Law**)

K. Resolution - That the Mayor of the City of Reading is authorized to file an application for "RACP" funds in the amount of \$ 12.250 million dollars (\$12,250,000.00) for the Double Tree Hotel Project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania (**Law**)

L. Resolution - authorizing the exoneration of outstanding City property tax, penalties and interest for the year 2010 for 1054 Benner's Court, Reading, Berks County, Pennsylvania (**Finance**)

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, October 11

Budget Review – Council Office – 4:30 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday, October 14

District 5 Town Meeting – Muhlenberg Rec Center – 6 pm

Saturday, October 16

Budget Review (Revenue & Mayor, Man Dir, Council, Dir of Admin Services Expenditures) – Council Office – 9 am

Monday, October 18

Budget Review (Services Center, Treasury, Tax, Call Center, Purchasing and Accounting Expenditures) – Council Office – 4:30 pm

Finance Committee – Council Office – immediately following Budget Review

Work Session – Penn Room – 7 pm

Wednesday, October 20

Budget Review (IT and Public Works including WWTP & Recycling Expenditures) – Council Office – 4:30 pm

Saturday, October 23

Budget Review (Police and Community Development including Codes Expenditures) – Council Office – 9 am

Monday, October 25

Budget Review (Fire and HR Expenditure Budgets) – Council Office – 4:30 pm
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm

Wednesday, October 27

Budget Review (Library & Non-Departmental Expenditures) – Council Office – 4:30 pm

Saturday, October 30

Budget Review (Leftovers and Follow-up) – Council Office – 9 am

Monday, November 1

General Fund Budget Public Hearing – Council Chambers – 5 pm
Administrative Oversight Committee – Council Office – 5:30 pm
Public Safety Committee – Council Office – 5:30 pm

****Tuesday, November 2****

City Hall Closed

Wednesday, November 3

Capital Improvement Fund Budget Public Hearing – Council Chambers – 5 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, October 11

Fire Civil Service Board – Penn Room – noon

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, October 12

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, October 13

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, October 14

Police Pension Board – Penn Room – 10 am

Legislative Aide Committee – Penn Room – 7:30 pm

Friday, October 15

Fire Pension Board – Penn Room – 10 am

Saturday, October 16

Minority Business Procurement Board – Penn Room – 2 pm

Monday, October 18

Library Board – 113 S 4th St – 4 pm

Tuesday, October 19

Park and Recreation Advisory Committee – Pendora Fieldhouse – 5:30 pm

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Wednesday, October 20

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

Diversity Board – Penn Room – 4:30 pm

Redevelopment Authority – 5:30 pm

Centre Park Historic District – Member's home – 7:30 pm

Thursday, October 21

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

Blighted Property Review Committee – Council Office – 6 pm

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

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

Monday, October 25

DID Authority – Reading Eagle 3rd Floor Conference Room – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – 7 pm

CITY COUNCIL MEETING MONDAY, SEPTEMBER 13, 2010

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 Pastor Lee Ritz, of the Destiny Christian Ministry.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Interim Managing Director C. Geffken
City Auditor D. Cituk
City Clerk L. Kelleher
City Solicitor C. Younger
Mayor T. McMahon
Sergeant at Arms Capt. R. Shafer
Public Works Director C. Jones
Mayor's Assistant F. Denbowski

PROCLAMATIONS AND PRESENTATIONS

City Council issued a proclamation recognizing the 125th anniversary of the Reading Leiderkranz , accepted by Joseph Marnell, President.

Councilor Marmarou excused himself due to a family emergency.

PUBLIC COMMENT

Council President Spencer announced that four (4) citizen were 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 requiring non-agenda comment at the end meeting was suspended. Council President Spencer reminded those registered to speak of the remaining public speaking rules.

William Frymoyer, VP of AFSCME 2763, expressed his belief that the tax functions should not be outsourced. He stated that Tax staff was informed recently that six (6) positions will be eliminated at the end of the year. He also expressed the belief that it would be better to add two (2) property maintenance inspectors, rather than adding

three (3) property maintenance aides. He also expressed disagreement with the need to cut a rank-and-file CD Specialist to add two (2) management positions in Community Development. He noted that the first position cuts usually come from the AFSCME rank-and-file unit first.

Chuck Liedike, Government Affairs Director from Reading-Berks Association of Realtors (R-BAR), noted the need for the City to either make negative or positive decisions on the Zoning and Housing permit applications that are currently pending. He also noted the need for the City to improve the burdensome permit process.

Stefan Kosikowski, of South 17th Street, thanked those elected officials who opposed selling the water asset to a third party. He also noted the troublesome opinions and statements made by some Reading Area Water Authority board members. He also described the problem with paying for monthly water meter reading when the water meters are only read every quarter at most.

Hector Rodriguez, of North 9th Street, requested the assistance of a translator. City Council asked Mr. Rodriguez to address the body in Spanish. City staff can translate the statement and add it to the record.

Mr. Rodriguez stated that he has been a grocery store owner for 15 years and expressed his concern for the Zoning approval for a grocery store in his area. He believes that during these tough economic times, and the area being a low income area, the approval of this new grocery store will be detrimental to the three (3) existing stores. He supports new business but also expressed the belief that a traffic study should be done before considering the approval of any store opening so that it is not harmful to other stores in the area. He asked for Council's support in this matter and thanked them for their time.

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda, including the legislation listed under the Consent Agenda heading and minutes from the August 26th meeting of Council. He noted the need to make the following legislative adjustments.

- Add a resolution under the Consent Agenda heading intervening on the Zoning appeal for 1202 Douglas Street.
- Ordinance introduction to increase the parking meter fines.
- Ordinance introduction increasing the non moving violation fines
- Withdrawing the ordinance for final passage adding a parking surcharge of \$12.50
- Resolution authorizing the City's participation in the Storm Water Coalition

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to adopt the agenda as amended, including the legislation listed under the Consent Agenda heading and the minutes from the August 26th regular meeting of Council. The motion was approved unanimously.

CONSENT AGENDA LEGISLATION

Award of Contract - for a Video Safety Consulting Services Phase 2 for the Police Department to Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, for a total submitted price of approximately \$52,400.00 **(Purchasing)**

Resolution – authorizing intervention in the zoning appeal for 1202 Douglass Street

ADMINISTRATIVE REPORT

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

- Congratulating Chuck Domino on his induction into the Baseballtown Hall of Fame
- Update on the Core Communities in Crisis
- Pagoda's receipt of a preservation award from the Pennsylvania Historic Museum Commission
- Announcing the September 28th Mayor's Prayer Breakfast

Councilor Sterner noted the amount of crime in District 3, which is the smallest but the densest Council District. He stressed the need for residents to step up to supply information to the Police.

Councilor Reed inquired about the City's enforcement of the existing curfew ordinance. Mayor McMahon noted the City's difficulty in enforcing the curfew ordinance due to decreased manpower. He also noted the difficulties enforcing the curfew due to the problems with providing after-care for those individuals detained.

Councilor Reed noted her surprise when reading that the perpetrators in the most recent homicide were illegally drinking at a city bar. She suggested applying stiff penalties to the owner of the bar.

Councilor Goodman-Hinnershitz stated that the Mayor's task force on youth violence has been meeting for the past year and exploring various issues including lack of proper parenting. She stated that the task force is currently reviewing its strategies and options.

Councilor Sterner congratulated the Police Department for their quick and successful response to the latest homicide.

AUDITOR'S REPORT

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

- 2010 Unemployment Compensation expense
- 2010 Real Estate Transfer Tax collection

- 2010 Schlegel Park Pool revenue

ORDINANCES FOR FINAL PASSAGE

Bill No. 53-2010 - amending the fee schedule of the City of Reading Codified Ordinances by adding a fee of \$100.00 under Codes Department Codes Enforcement Electrical Re-Introduction of Power Inspection Program (Law)

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 53-2010.

Councilor Goodman-Hinnershitz explained that the fee will cover the cost of the program.

Bill 53-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman- 5
Nay: Spencer, President - 1.

Bill No. 63-2010 - amending the 2010 City of Reading Full Time Position Ordinance by eliminating one (1) Development Inspection Clerk position, creating three (3) Property Maintenance Aides, adding one (1) Deputy Director of Community Development, adding one (1) Community Development Program Manager, and eliminating one (1) Community Development Specialist (*Act 47 Recovery Plan CE 03 and CE 06*) (Bus Analyst)

Councilor Reed moved, seconded by Councilor Sterner, to enact Bill 63-2010.

Interim Managing Director Geffken explained that the three (3) property maintenance aides will be funded by quality of life ticketing. He also stated that the housing coordinator is required by the Act 47 plan.

Councilor Sterner questioned if all positions added will be self funded. Councilor Acosta expressed concern that the added positions may not be able to be funded in the coming year.

Councilor Goodman-Hinnershitz requested information on the impact to the bargaining unit.

Councilor Waltman expressed his long standing belief for the need for smart, aggressive, strategic Codes enforcement. He also noted his past statements regarding the need for the City to develop a broad strategy that involves multiple departments and approaches.

Councilor Reed stated that she will support the addition of the property maintenance aide positions, due to the need for stronger Codes enforcement. She noted her dissatisfaction with regard to several recent District 5 Codes issues.

Councilor Acosta suggested amending the ordinance and considering the additions to each department separately. He also noted the need to balance the creation of fees to cover salaries. He also suggested working to hold property owners responsible for the condition of the properties.

Councilor Acosta moved, seconded by Councilor Reed, to amend Bill 63-2010, by adding only the Community Development Deputy Director.

Councilor Goodman-Hinnershitz expressed her belief with bringing the Deputy Director position in first, as this party will develop the strategic housing plan.

Councilor Reed agreed, but suggested not waiting too long to upgrade Codes enforcement.

Councilor Waltman expressed the belief that the City needs to begin working smarter, more efficiently and more effectively.

Councilor Goodman-Hinnershitz expressed the belief that the City's lack of success in the past is in the past. She noted the need to add a good leader who can develop a viable plan. She noted that the City cannot stay with the status quo. She called for the question.

Council President Spencer explained the motion covers only adding the Community Development Deputy Director.

The motion to amend Bill 63-2010 was not enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, - 3.

Nay: Sterner, Waltman, Spencer, President - 3.

Council President Spencer stated that was the failure of the amendment places the main motion on the table.

Councilor Waltman stated that the City cannot have a Deputy Director for everything. He stated that basic programs such as a housing strategy should be handled from within by existing staff.

Councilor Acosta expressed the belief that the City should at a minimum add the Community Development Deputy Director as that qualified candidate has already been selected and scheduled to start on September 27th.

City Auditor Cituk warned about the need for legislation to be approved before staff is brought on board.

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 63-2010.

Bill 63-2010 was tabled by the following vote:

**Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President - 6.
Nay: None - 0.**

Bill No. 64-2010 - amending the City of Reading Codified Ordinances Chapter 11 Housing, Part 1 Rental, Section 11-124 (2) Housing Board of Appeals by adding letter H the removal process for members of the Housing Board of Appeals **(Council Staff)**

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 64-2010.

Council President Spencer read the removal procedure.

Bill 64-2010 was enacted by the following vote:

**Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President - 6.
Nay: None - 0.**

Bill No. 65-2010 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 6 Property Maintenance Code, Section PM 111.2 Membership of the Board by adding PM 111.2.6 the removal process for members of the Property Maintenance Code Board of Appeals **(Council Staff)**

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 65-2010.

Bill 65-2010 was enacted by the following vote:

**Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President - 6.
Nay: None - 0.**

Bill No. 66-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter M Minority Business Procurement Board, Section 1-599.34 Minority Business Procurement Board by adding Letter Number Nine (9) Removal Process for Members of the Minority Business Procurement Board **(Council Staff)**

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 66-2010.

Bill 66-2010 was enacted by the following vote:

**Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President - 6.
Nay: None- 0.**

Bill No. 67-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter N Environmental Advisory Council, by amending Section 1-599.42 Membership Removal Process for members of the Environmental Advisory Council **(Council Staff)**

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 67-2010.

Bill 67-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President - 6.

Nay: None - 0.

Bill No. 68-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter O Diversity Board, by amending Section 1-599.53 Membership for members of the Diversity Board by adding a membership removal process **(Council Staff)**

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 68-2010.

Bill 68-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President - 6.

Nay: None - 0.

Bill No. 69-2010 - amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council approval **(Council Staff)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill 69-2010.

Bill 69-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President - 6.

Nay: None - 0.

Bill No. 70-2010 - amending Section 15-416 by adding a new Part 5 to require a \$12.50 surcharge on each parking violation issued by the Reading Parking Authority and City of Reading Police Department **(Law)**

City Solicitor Younger explained that this ordinance is being withdrawn and replaced by two (2) additional ordinances being introduced this evening that will increase parking violation fines.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 1 Building Code Letter B International Building Code Article 1 International Building/Fire Prevention Code Board of Appeals Rules of Procedure Article 2 Membership by adding 2.6 Removal of Members (**Council Staff**)

Ordinance - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 3 International Fire Code Article 1 International Building/Fire Prevention Code Board of Appeals Rules of Procedure Article 2 Membership by adding 2.6 Removal of Members (**Council Staff**)

Ordinance - amending the City of Reading Codified Ordinances Chapter 2 Animals Section 2-111 Animal Control Board Powers and Duties by adding #4 Removal of Members (**Council Staff**)

Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 1 Administrative Code Letter J Code of Ethics Section 1-199.12 Board of Ethics Letter A Composition and Structure of Board by adding # 9 Removal for members of the Board of Ethics (**Council Staff**)

Ordinance – increasing the parking meter fine.

Ordinance – increasing the non-moving violation fines.

RESOLUTIONS

Resolution 83-2010 - approving the Conditional Use application submitted by Pennsylvania American Water for a public utility at 501 South 19th Street with conditions as expressed in the attached decision (**Council Staff/Law**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution 83-2010.

Council President Spencer read the conditions that are applied to the decision and must be met before the Conditional Use permit is issued.

Councilor Goodman-Hinnershitz expressed her agreement with the conditions as delineated and noted the need for the property to have ongoing Trades and Maintenance inspections to protect the surrounding residential properties.

Resolution 83-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President- 6.
Nay: None - 0.

Resolution 84-2010 - that Steven Symons is appointed to the Plumbing Board (Admin Oversight)

The Administrative Oversight Committee moved to adopt Resolution 84-2010.

Councilor Acosta and Councilor Reed noted the skill and experience Mr. Simmons will bring to the Plumbing Board.

Resolution 84-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President- 6.
Nay: None - 0.

Resolution 85-2010 - authorizing the mayor and other appropriate officials of the City of Reading to execute and enter into a contract for loan guarantee assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, (42u.s.c. 5308) for Phase 2 of the Goggleworks Center for the Arts Project in the amount of Five Hundred Fifty Thousand (\$550,000.00) Dollars and a Brownfields Economic Development Grant in the amount of Five Hundred Thousand (\$500,000.00) Dollars (the "BEDI") **(Solicitor)**

Councilor Reed moved, seconded by Councilor Acosta, to adopt Resolution 85-2010.

Resolution 85-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President- 6.
Nay: None - 0.

Resolution 86-2010 – Authorizing the City’s participation in the Storm Water Coalition.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution 86-2010.

Councilor Goodman-Hinnershitz explained the purpose of the Coalition is to seek assistance for multiple municipalities in funding and upgrading their storm water programs.

Council President Spencer explained that the coalition will provide the City with legal and legislative assistance.

Resolution 86-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President- 6.

Nay: None - 0.

Resolution 87-2010 – Authorizing the proper officers of the City to petition the Court of Common Pleas of Berks County, Pennsylvania, for permission to fund unfunded debt in an amount not to exceed \$16,500,000; authorizing incidental action; and repealing inconsistent resolutions **(Finance)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to adopt Resolution 87-2010.

Interim Managing Director Geffken explained that the loan of \$16.5M will assist the City in repaying the money borrowed from the sewer fund, the tran, etc. He stated that the approval of the loan will result in a \$1.9M debt service payment per year for ten (10) years. He explained that unfunded debt loans must be repayed within ten (10) years.

Councilor Waltman expressed the belief that Council should have more information on Earned Income Tax collection and relief from the Department of Justice consent decree. He noted the need to explore all options before considering one, possibly short sighted, proposal. He questioned the wisdom in paying interest on a loan to repay yourself. He expressed the belief that the City should explore all options.

Councilor Goodman-Hinnershitz agreed that City Council has been presented with inconsistent information by the Administration; however the information provided about this proposal by the Act 47 coordinator was very complete and covered somewhat improper accounting practices used by the City. She expressed the belief that without this transaction the City may lie near bankruptcy.

Councilor Reed expressed the belief that this difficult decision is not taken lightly. She questioned if the Governor could assist the City, as he did to help bail out Harrisburg.

Councilor Acosta agreed that the cost of the loan repayment is harsh and difficult but questioned the availability of other avenues. He noted that his experience in banking exposes him to applicants who are unfit for loans. He questioned the ability of the City to manage its finances.

Councilor Sterner agreed that this is a difficult decision and a difficult situation. He noted his hope that this loan will assist the City long-term.

Councilor Waltman stated that while he realizes there is not much time to consider other options; however, he asked the Mayor and Interim Managing Director to provide additional information on EIT collection and to seek leniency from the Department of Justice. He also agreed that the City should be seeking assistance from the Governor, as the Governor as the Governor has assisted Harrisburg.

Councilor Goodman-Hinnershitz suggested tabling the Resolution as the entire body is not present at this time.

Council President Spencer noted his repeated requests for a legal opinion on the liability of Council if they approve this transaction.

Councilor Acosta stated that he fears tabling the Resolution would interfere with the budget to be presented on October 1st. He suggested voting on the legislation this evening.

Council President Spencer noted the potential delay in getting a decision from the Court of Common Pleas.

Councilor Reed agreed with the need to vote on this legislation this evening.

Councilor Acosta called for the question.

Resolution 87-2010 was not adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Sterner - 3.

Nay: Reed, Waltman, Spencer, President None - 3.

City Clerk Kelleher inquired if Council would like her to advertise for a Special Meeting to be held at the start of the Work Session scheduled for Monday, September 20th. After a brief discussion, Council agreed to hold a Special Meeting to reconsider this legislation.

COUNCIL COMMENT

Councilor Goodman-Hinnershitz noted the upcoming Recovery Walk scheduled for Saturday, September 18th.

Councilor Acosta questioned the wisdom of delaying the vote on the unfunded debt loan. He also noted the 24th annual celebration of the Latino Association held over the past weekend. He thanked the Police Department for their support.

Council President Spencer reminded Mr. Kosikowski that the Reading Area Water Authority is a public authority and the land remains under the City's control, under the current lease agreement.

Council President Spencer noted the need for the City to provide recreational activities for young men and woman, ages 17-23.

Councilor Sterner thanked those providing public comment at this evening's meeting.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Reed moved, seconded by Councilor Waltman, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk

**CITY COUNCIL
SPECIAL MEETING
MONDAY, SEPTEMBER 20, 2010**

A special meeting of City Council was held on the above date for the purpose of considering the adoption of a resolution that would allow the administration to petition the Berks County Court of Common Pleas to seek permission to obtain an unfunded debt loan in an amount not to exceed \$20,000,000; authorizing incidental action; and repealing inconsistent resolutions for permission to fund unfunded debt in an amount not to exceed \$20,000,000; authorizing incidental action; and repealing inconsistent resolutions

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

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
City Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Mayor McMahon
Interim Managing Director Geffken
Mayor's Assistant Denbowski
G. Mann, PFM
M. Vind, Financial S&Lutions
P. Edelman, Stevens and Lee

PUBLIC COMMENT

Council President Spencer announced that one (1) citizen was registered to address Council. He reminded the citizen about the speaking rules listed on the agenda.

Ernie Schlegel, of Pear Street, encouraged Council to approve the unfunded debt resolution. He expressed concern that delaying the approval of the resolution would result in broader problems. He questioned what the City will do if it falls into the same situation in subsequent years. He noted the problem with the communication policy issued by the Interim Managing Director. He expressed the belief that those working for the City should be encouraged to communicate rather than work with a "gag order".

APPROVAL OF AGENDA

Council President Spencer asked Council to consider the agenda for this special meeting.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to approve the agenda for this special meeting. The motion was approved unanimously.

RESOLUTIONS

Resolution No. 87-2010 – authorizing the submission of a petition to the Berks County Court of Common Pleas seeking permission to fund unfunded debt in an amount not to exceed \$16,500,000; authorizing incidental action; and repealing inconsistent resolutions for permission to fund unfunded debt in an amount not to exceed \$16,500,000; authorizing incidental action; and repealing inconsistent resolutions. *Tabled on Monday Sept 13, 2010*

Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution 87-2010.

President of Council Spencer stated that the resolution sets the figure as \$16.5M. City Clerk Kelleher stated that the resolution was corrected by Stevens and Lee after the agenda was prepared. The copy for execution has been corrected.

Interim Managing Director Geffken explained the need to repay the money borrowed from the Sewer Fund in 2009, repay the 2010 TRAN and make the pension contribution as required by the State. He explained that unfunded loans must be initially approved by the Court and if permission is granted the regular ordinance procedure follows.

Councilor Goodman-Hinnershitz stated that the final figure could be reduced if alternative measures are identified.

Councilor Waltman expressed the belief that this loan will finance the overtime overage in the 2010 budget. He expressed the belief that the City should not loan money to pay approximately \$3M in interest just to repay itself.

Councilor Waltman suggested amending the resolution to reduce the maximum amount to \$10M.

Councilor Sterner inquired how the Administration will guard against a shortfall in subsequent years. Interim Managing Director Geffken stated that the Act 47 Recovery Plan provides various initiatives to prevent shortfalls such as labor contract changes to minimize overtime. He stated that the unfunded loan will eliminate the City's liabilities.

Councilor Sterner stated that Council could reduce the amount when the ordinance is being considered.

Councilor Marmarou reminded the Interim Managing Director of his statements during the 2010 budget process regarding the improper projection of overtime expenses in the Fire Department. The Interim Managing Director acknowledged that the remark was made during the 2010 budget discussions.

Councilor Waltman moved to amend the resolution by reducing the amount to \$10M. The motion failed due to the lack of a second.

Council President Spencer stated that Council could consider reducing the amount when the ordinance is being considered.

Councilor Reed agreed with some of the points made by Councilor Waltman but stated that she would support the adoption of the resolution now and consider reducing the amount of the loan after considering additional information.

Council President Spencer noted the need for the Administration to explore all options before taking the unfunded loan.

Councilor Acosta agreed and suggested introducing the ordinance while seeking the Court's approval. He stated that he will support the adoption of the resolution as it is a first step; however, he urged the Administration to continue to explore all options to reduce the amount of the loan.

Council President Spencer noted his receipt of the Solicitor's written legal opinion concerning Council's liability for the use of the Sewer Fund money. He stated that the Solicitor believes that Council is not liable. A copy of the opinion was distributed to the members of Council.

Councilor Reed inquired if the Solicitor has any case law to support the opinion. The Solicitor stated that to date he has not found any case law on this topic but promised to continue to research the issue.

The motion to adopt Resolution 87-2010 was approved by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer, President - 6.

Nays: Waltman - 1.

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to adjourn the Special Meeting.

Linda Kelleher, CMC
City Clerk

CITY COUNCIL MEETING MONDAY, SEPTEMBER 27, 2010

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 Reverend Caroline Burdine, of the Total Christian Family Center.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Interim Managing Director C. Geffken
City Auditor D. Cituk
City Clerk L. Kelleher
City Solicitor C. Younger
Mayor T. McMahon
Mayor's Assistant F. Denbowski

PROCLAMATIONS AND PRESENTATIONS

The Mayor issued a proclamation announcing Let's Move Day.

- Presentation by Katrina Lerch, MDA and Jason Batz, Co-Chairman of the MDA Committee for Local 1803 IAFF
- Presentation by Michael Reese and William Frymoyer, members of the City of Reading United Way of Berks County Committee

PUBLIC COMMENT

There were no citizens registered to address Council on agenda or non-agenda matters.

CONSENT AGENDA LEGISLATION

A. Award of Contract - for Sodium Silicofluoride for the City of Reading, on behalf of the Reading Area Water Authority, to Thatcher Company of New York, P.O. Box 27407, Salt Lake City, Utah 84127-0407, who is the low bidder, at a price of

\$0.44/pound for approximately 80,000 pounds, for a total bid price of \$35,200.00
(Purchasing)

B. Award of Contract - for Zinc Orthophosphate for the City of Reading, on behalf of the Reading Area Water Authority, to Carus Phosphates, Inc., 315 Fifth Street, Peru, IL 61354, who is the low bidder, at a price of \$4.51/gallon for approximately 10,000 gallons, for a total bid of \$41,500 **(Purchasing)**

C. Award of Contract - for Aluminum Sulfate for the City of Reading, on behalf of the Reading Area Water Authority, to Delta Chemical Corp., 2601 Cannery Avenue, Baltimore, MD 21226-1595, who is the low bidder, at a price of \$246.10/dry ton for approximately 1,500 dry tons, for a total bid of \$369,150.00 **(Purchasing)**

D. Award of Contract - for Cationic Polymer Flocculant for the City of Reading, on behalf of the Reading Area Water Authority, to Atlantic Coast Polymers, Inc., 6207 Bee Caves Road, Suite 180, Austin, Texas, who is the low bidder, at a price of \$1.549/pound for approximately 60,000 pounds, for a total bid of \$92,940.00 **(Purchasing)**

E. Award of Contract - for Liquid Chlorine for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority, for approximately 606,000 pounds of liquid chlorine to Univar USA Inc., 532 East Emaus Street, Middletown PA 17057, who is not the low bidder for the 150 pound cylinders but not for the one ton cylinders, for an approximate total bid price of \$153,300.00. The low bid for the one ton cylinders was rejected due to past poor performance and safety concerns and issues **(Purchasing)**

F. Award of Contract - for Sodium Phosphate for the City of Reading, on behalf of the Reading Area Water Authority, to Shannon Chemical Corp., P.O. Box 376, Malvern, PA 19355 who is the low bidder, at a price of \$4.04 gallon for approximately 20,000 gallons, for a total bid of \$80,800.00 **(Purchasing)**

G. Award of Contract - for Sodium Hydroxide for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority, for the 25% NaOH diaphragm grade delivered in bulk, the 50% NaOH diaphragm grade delivered in bulk and the emergency 20% NaOH diaphragm grade to Basic Chemical Solutions, who is the low bidder for the 25% NaOH delivered in bulk and the emergency 20% NaOH, at the submitted unit prices of \$0.63/gallon, \$1.31/gallon and \$0.51/gallon respectively. It is also the recommendation to award the 25% NaOH diaphragm grade delivered in totes to Univar USA, who is the low bidder, at the submitted unit price of \$297.00/tote. These awards bring the estimated total bid price to \$213,750 **(Purchasing)**

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for tonight's meeting including the Consent Agenda legislation.

Councilor Acosta moved, seconded by Councilor Marmarou, to approve the agenda for this meeting, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Interim Managing Director Geffken read the report distributed to Council at the meeting covering the following:

- Requesting Council's support for the increase of the parking meter fine violation
- Requesting a further amendment of the other ordinance to increase the parking violations
- Updating Council on the presentation of the budget on October 1st

AUDITOR'S REPORT

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

- Admissions Tax collection
- 2005, 2009 Property Ownership change
- Notification of the 2011 and 2012 sewage rate for the outlying municipalities

ORDINANCES FOR FINAL PASSAGE

Bill No. 63-2010 - amending the 2010 City of Reading Full Time Position Ordinance by eliminating one (1) Development Inspection Clerk position, creating three (3) Property Maintenance Aides, adding one (1) Deputy Director of Community Development, adding one (1) Community Development Program Manager, and eliminating one (1) Community Development Specialist (**Act 47 Recovery Plan CE 03 and CE 06**) (**Bus Analyst**)

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 63-2010.

Bill 63-2010 was tabled by the following vote:

**Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer,
President- 5
Nay: None - 0.**

Bill No. 69-2010 - amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council approval (**Council Staff**)

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 69-2010.

Councilor President Spencer provided background on the Finance Committee's work to prepare and discuss this amendment that would decrease the contract value requiring

Council's approval. He stated that the Administration has provided information on the number of contracts impacted. He stated that between 2009-2010 an average of 6-9 contracts (annually) would be added to the Council agenda.

Councilor Goodman-Hinnershitz expressed the belief that this change steps away from the Charter's requirements. She expressed the belief that this ordinance steps into micromanagement of the Administration's activities. She suggested that Council instead become more involved in broad oversight of financial issues.

Councilors Reed and Acosta stated that they will not support this amendment. Councilor Sterner stated that he will support the amendment due to his knowledge and past history. He also noted that many surrounding municipalities set a lower value than that proposed in this amendment. He explained that the ordinance is not meant to interfere with the Administration's efforts but to provide improved financial oversight.

Bill 69-2010 was not adopted by the following vote:

Yea: Marmarou, Sterner, Spencer, President - 3.

Nay: Acosta, Goodman-Hinnershitz, Reed - 3.

Bill No. 71-2010 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 1 Building Code Letter B International Building Code Article 1 International Building/Fire Prevention Code Board of Appeals Rules of Procedure Article 2 Membership by adding 2.6 Removal of Members **(Council Staff)**

Councilor Marmarou moved, seconded by Councilor Acosta, to enact Bill 71-2010.

Council President Spencer explained that the next four (4) ordinances all amend various boards, authorities, and commissions legislation to add removal procedures.

Bill 71-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer, President - 6.

Nay: None - 0.

Bill No. 72-2010 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 3 International Fire Code Article 1 International Building/Fire Prevention Code Board of Appeals Rules of Procedure Article 2 Membership by adding 2.6 Removal of Members **(Council Staff)**

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 72-2010.

Bill 72-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer, President - 6.

Nay: None - 0.

Bill No. 73-2010 - amending the City of Reading Codified Ordinances Chapter 2 Animals Section 2-111 Animal Control Board Powers and Duties by adding #4 Removal of Members (**Council Staff**)

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 73-2010.

Bill 73-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer, President - 6.
Nay: None- 0.

Bill No. 74-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 1 Administrative Code Letter J Code of Ethics Section 1-199.12 Board of Ethics Letter A Composition and Structure of Board by adding # 9 Removal for members of the Board of Ethics (**Council Staff**)

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 74-2010.

Bill 74-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer, President - 6.
Nay: None - 0.

Bill No. 75-2010 - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-517 increasing the violation for parking overtime at parking meters as required by the Act 47 Recovery Plan (RE03 & PA02) (**Parking Authority/Mayor**)

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 75-2010.

Interim Managing Director Geffken explained that this increase will help offset the additional cash contribution to be made by the Reading Parking Authority.

Councilor Reed expressed the belief that this increase is appropriate as it is easily avoidable by parking in the parking garages and following the City's laws.

Bill 75-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer, President - 6.
Nay: None - 0.

Bill No. 76-2010 - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-416 increasing the violation for various parking regulations as required by the Act 47 Recovery Plan (RE03 & PA02)

Interim Managing Director Geffken stated that the Administration would like to withdraw this ordinance for further amendment.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - approving the enactment of the Ordinance authorizing (1) the issuance of a series of General Obligation Bonds in the maximum aggregate principal amount of not to exceed \$20,000,000, to finance the funding of certain unfunded debt of the City and to pay the costs of issuance of the Bonds; (2) the execution and delivery of (a) a Bond Purchase Proposal from Wells Fargo Bank, National Association for the purchase of the Bonds on the terms and conditions established in the Ordinance and (b) an Addendum to such Bond Purchase Proposal which will be delivered by Wells Fargo Bank, National Association upon the final pricing of the Bonds and (3) the execution and delivery of such other agreements, certificates, instruments and documents necessary in connection with the issuance of the Bonds subject to the review and approval of such agreements, certificates, instruments and documents by bond counsel to the City **(Finance)**

RESOLUTIONS

Resolution 88-2010 - Authorizing the Zoning Enforcement Officer and all Property Maintenance Inspectors and Supervisors as authorized assistants of the City's Preservation Officer who shall exercise all the powers, including citation, of the Preservation Officer and in place of the Preservation Officer at the time violations are identified in accordance with the enforcement regulations and requirements set forth in the City of Reading Codified Ordinances relative to Historic Districts **(Law)**

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution 88-2010.

Council President Spencer explained that this resolution was requested by representatives from the City and the City's four (4) historic districts to provide improved enforcement.

Councilor Reed noted her belief in the value and integrity of the City's historic districts and the need to properly enforce the historic district ordinance.

Resolution 88-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer, President- 6.

Nay: None - 0.

Resolution 89-2010 - authorizing the issuance of a Tax and Revenue Anticipation Note, Series a of 2010 in a principal amount of three million two hundred thousand dollars (\$3,200,000); providing for the dated date, interest rate, maturity date, payment and place of payment in respect of the note; accepting the proposal attached hereto as

Exhibit "B" from the financial institution or entity named therein for the purchase of the note; naming a sinking fund depository/paying agent; authorizing the proper officers of the city to execute and deliver the note and certain other documents and certificates in connection therewith; authorizing and directing the preparation, certification and filing of the necessary documents with the department of community and economic development of the commonwealth of Pennsylvania; setting forth a form of the note
(Finance)

Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution 89-2010.

Interim Managing Director Geffken explained the need for the City to extend their repayment of the 2010 TRAN until December 31, 2010. He explained that the loan will be repaid through the City's regular cash flow and funds obtained through the unfunded debt loan.

Resolution 89-2010 was adopted by the following vote:

**Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer,
President- 6.
Nay: None - 0.**

COUNCIL COMMENT

Councilor Marmarou expressed his appreciation for the great work done by the residents of the 1500 block of Linden Street to paint parking stalls and curbs. He also thanked Public Works Director Jones for supplying the paint and equipment to make this project possible. He suggested that other neighbors plan similar projects.

Councilor Goodman-Hinnershitz noted the event held over the past weekend by Years of Tears in Mineral Spring Park. She also noted other activities in District 1.

Councilor Goodman-Hinnershitz noted her appreciation for the City employee's support of the United Way and the Muscular Dystrophy Association.

Councilor Reed noted the horrific accident which injured a baby last evening. She expressed her sympathy to the family and wished the infant well.

Councilor Reed announced a District 5 Community Meeting on October 14th pertaining to the modular homes in the Riverdale Community.

Councilor Reed also noted the industry awards presented to employees of Channel 69 News, Berks Edition.

Councilor Sterner thanked City employees for supporting the United Way and Muscular Dystrophy Association.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Acosta moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk

**CITY COUNCIL
SPECIAL MEETING
MONDAY, OCTOBER 4, 2010**

A special meeting of City Council was held on the above date for the purpose of introducing the 2011 General Fund Budget, 2011 Capital Plan, along with the supporting EIT, Real Estate Tax, Commuter Tax and Full Time Position Ordinances.

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

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
City Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Interim Managing Director Geffken
Deputy City Clerk M. Katzenmoyer

Council President Spencer stated that Councilor Reed was on vacation and unable to attend this special meeting.

PUBLIC COMMENT

Council President Spencer stated that no one was registered to address Council. He opened the floor for public comment; however, no one came forward. Therefore, the public comment period was closed.

APPROVAL OF AGENDA

Council President Spencer asked Council to consider the agenda for this special meeting. He noted the need to amend the agenda to add the Commuter Tax Ordinance for introduction.

Councilor Marmarou moved, seconded by Councilor Acosta, to approve the agenda, as amended, for this special meeting. The motion was approved unanimously.

INTRODUCTION OF NEW ORDINANCES

A. **Ordinance** – Property Tax

- B. **Ordinance** – EIT
- C. **Ordinance** – Commuter Earned Income Tax
- D. **Ordinance** – Full Time Position Ordinance
- E. **Ordinance** – 2011 General Fund Budget
- F. **Ordinance** – 2011 Capital Budget

COUNCIL COMMENT

Council President Spencer inquired if any member of Councilor wished to comment on the ordinances introduced this evening. As no member of Council expressed the wish to comment, the Council Comment period was closed.

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to adjourn the Special Meeting.

Linda Kelleher, CMC
City Clerk

BILL NO. _____ 2010
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, SECTION 1-186 FINANCIAL PROVISIONS, PART 14 A APPROVAL OF CONTRACTS BY DECREASING THE CONTRACT VALUE REQUIRING COUNCIL APPROVAL.

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council Approval.

1. 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 all contracts ~~in excess of \$50,000~~ ***having a value of or in excess of \$25,000***, and all collective bargaining agreements. Any contracts for less than ~~\$50,000~~ ***\$25,000*** shall be entered into by the executive branch as it shall determine without requirement of approval by Council. All contracts or purchase not in excess of \$10,000 shall be by note or memorandum signed by the managing director.

15. Requiring that as of March 13, 2001, City Council must, by resolution, approve any salary increase that has not been approved in or included in the budget for the fiscal year and falls outside the labor contract for union employees. [*Ord. 11-2001*]

16. That during the course of each fiscal year, the transfer of all monies including, but not limited to, transfers between departments and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget, causing a modification of \$10,000, must be approved by Council resolution. The resolution must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, within the time framed defined in the Agenda Packet Policy. [*Ord. 54-2009*]

17. All expenditures not approved and listed in the operating or capital budgets for the fiscal year that exceed \$25,000. [*Ord. 16-2001*]

SECTION 3. All other provisions of Chapter 1 of the City of Reading Codified Ordinance shall remain effective.

SECTION 4. 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 5. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 6. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2010

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, SECTION 15-416 INCREASING THE VIOLATION FOR VARIOUS PARKING REGULATIONS AS REQUIRED BY THE ACT 47 RECOVERY PLAN (RE03 & PA02)

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-416 as follows:

§15-416. Notice of Violation; Waiver.

1. Any police officer or duly authorized Parking Authority employee shall place on motor vehicles/conveyances parked in violation of the provisions of this Part, a notice for the owner or operator.
2. Whenever any vehicle is caused, allowed or permitted by any person to be parked in an area in violation of any parking restriction or parking regulation either in this Part or as otherwise provided by law, notification of the violation may be given by the placing of a parking violation notice or copy thereof upon or within such vehicle, indicating: the dollar amount of the penalty charged and that such penalty charge shall be paid to the Reading Parking Authority within 240 hours from the time of the violation; and the place where the penalty charge shall be paid and the manner of payment. All unlawful parking penalties shall be paid no later than 30 days after the date of the violation. If the owner or operator fails to make payment as aforesaid, a citation shall be issued pursuant to Rule of Criminal Procedure 401.
3. Unlawful parking penalty charges for violations of the herein enumerated Sections of this Part prior to issuance of a citation or other legal process are as follows:

Code	Penalty	After 240 Hours
§15-401 Parking in Prohibited Areas	\$25 \$30	\$40 \$45
§15-402 Parking Limited in Designated Areas	\$25 \$30	\$40 \$45
§15-403 Parking Prohibited in Specific Areas	\$25 \$30	\$40 \$45

Stop, stand or park a vehicle:

Code	Penalty	After 240 Hours
On the roadway side of any vehicle or parked (double parked)	\$75 <u>\$80</u>	\$85 <u>\$90</u>
On a sidewalk	\$50 <u>\$55</u>	\$70 <u>\$75</u>
Within an intersection	\$25 <u>\$30</u>	\$40 <u>\$45</u>
On a crosswalk	\$25 <u>\$30</u>	\$40 <u>\$45</u>
Between a safety zone and the adjacent Curb	\$25 <u>\$30</u>	\$40 <u>\$45</u>
Alongside or opposite any street excavation	\$25 <u>\$30</u>	\$40 <u>\$45</u>
Upon any bridge or other elevated Structure	\$25 <u>\$30</u>	\$40 <u>\$45</u>
On any railroad tracks	\$25 <u>\$30</u>	\$40 <u>\$45</u>
In the area between roadways of a divided highway	\$25 <u>\$30</u>	\$40 <u>\$45</u>
At any place where official signs prohibiting Stopping	\$25 <u>\$30</u>	\$40 <u>\$45</u>
Stand or park a vehicle		
In front of a public driveway or private driveway upon complaint received	\$50 <u>\$55</u>	\$70 <u>\$75</u>
Within 15 feet of a fire hydrant [<i>Ord. 60-2006</i>]	\$75 <u>\$80</u>	\$85 <u>\$90</u>
Within 20 feet of a crosswalk at an intersection	\$25 <u>\$30</u>	\$40 <u>\$45</u>
Within 30 feet upon the approach to any flashing signal, stop, yield or signal	\$25 <u>\$30</u>	\$40 <u>\$45</u>
Within 20 feet of the driveway entrance to a fire station	\$25 <u>\$30</u>	\$40 <u>\$45</u>
Preventing the free movement, streetcar, municipal bus or public transportation	\$25 <u>\$30</u>	\$40 <u>\$45</u>
On limited access highways unless authorized by official traffic control devices	\$25 <u>\$30</u>	\$40 <u>\$45</u>
At any place where official signs prohibit Standing	\$25 <u>\$30</u>	\$40 <u>\$45</u>
At a yellow curb	\$25 <u>\$30</u>	\$40 <u>\$45</u>
Park a vehicle within 50 feet of the nearest rail or railroad crossing	\$25 <u>\$30</u>	\$40 <u>\$45</u>
At any place where official signs prohibit Parking	\$25 <u>\$30</u>	\$40 <u>\$45</u>
In an alley less than 18 feet wide	\$25 <u>\$30</u>	\$40 <u>\$45</u>
§15-404 Blocked Garages	\$25 <u>\$30</u>	\$40 <u>\$45</u>
§15-405 Greasing or Repair Work	\$70 <u>\$75</u>	\$125 <u>\$130</u>

§15-407 Storage of Vehicles on Streets	\$50 \$55	\$100- \$105
Code	Penalty	After 240 Hours
§15-408 Illegally Registered, Uninspected or Inoperable Vehicles	\$50 \$55	\$100- \$105
§15-409 Parking Prohibited on Private Property	\$50 \$55	\$70- \$75

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

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

(Parking Authority & Mayor)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

ORDINANCE NO. _____-2010

AN ORDINANCE THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 4, PART 1 HISTORICAL DISTRICTS BY EXTENDING ENFORCEMENT AUTHORITY TO PROPERTY MAINTENANCE INSPECTORS AND SUPERVISORS AND ZONING ENFORCEMENT OFFICERS.

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

SECTION ONE. Amending the City of Reading Codified Ordinances Chapter 4, Part 1 Historical Buildings Sections 106 and 122 by extending enforcement authority to Property Maintenance Inspectors and Supervisors and Zoning Enforcement Officers as set forth in Exhibit A attached.

SECTION TWO. All other parts of the Ordinance remain unchanged.

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

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

Enacted by Council _____, 2010

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

§4-106. Enforcement and Administration.

6. Enforcement Notice.

A. Following an inspection of a building or structure located in a designated historic district, if it appears to the Preservation Officer, *Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer* that a violation of any provision of this Part has occurred, enforcement proceedings shall be initiated by sending a notice of violation as provided in this Section. *Copies of the notice of violation shall be filed in the Zoning Office, Property Maintenance Division and Historic Preservation Office.*

B. Enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any known occupant (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding the property.

C. An enforcement notice shall state at a minimum the following:

- (1) The name of the owner of record and any other person against whom the Preservation Officer, *Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer* intends to take action.
- (2) Location of the property in violation.
- (3) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has a right to appeal to the Reading Board of Historical Architectural Review within 14 days of the receipt of the notice by completing a COA application and submitting it to the Preservation Officer for review by the Board at the next regularly scheduled meeting.
- (6) Any person who authorizes or continues any work on any structure, building, sign or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this Part and subject to remedies set forth in §4-122 hereof.
- (7) Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, building, sign or premises in such condition as to be hazardous to the public health, safety and welfare.

D. Stop Work Orders.

(1) Upon notice from the Preservation Officer, *Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer* that the work on any building, structure, or premises is conducted contrary to the provisions of this Part, such work shall be stopped immediately. The stop work order shall be posted by the Building Inspector, *Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer* on the property involved and shall state the conditions under which work may be resumed.

(2) Any person who authorizes or continues any work on any building, structure, or premises after the posting of a stop work order thereon shall be in violation of this Part and subject to the penalties as set forth in §4-123.

(3) Following the posting of a stop work order any person who discontinues or abandons work shall not leave any building, structure, or premises in such condition as to be hazardous to the public health, safety and welfare. In the event that any building, structure, or premises is abandoned or left in a condition which, in the opinion of the Building Inspector, constitutes a hazard to the public health, safety and welfare, the Preservation Officer may declare the same to be a nuisance. Such hazard shall, thereafter, be abated as permitted by statute or ordinance.

(*Ord. 35A-2005, 5/23/2005, §1; as amended by Ord. 16-2009, 6/8/2009, §2; and by Ord. 43-2009, 8/10/2009, §1*)

§4-122. Violations.

1. **Notice.** The Preservation Officer, *Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer* shall serve a notice of violation on the person in violation of this Part or of a plan approved under the provisions of this Part or in violation of a permit or certificate of appropriateness issued under the provisions of this Part. Such notice shall direct the restraint, correction or abatement of such violation.

2. **Prosecution.** If the violation is not abated within the time specified in the notice of violation, the Preservation Officer, *Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

(*Ord. 35A-2005, 5/23/2005, §1*)

§4-123. Penalty.

Whoever violates the provisions of this Part or fails to comply with any of the requirements thereof or conducts activities in violation of a permit issued under the provisions of this Part or who, without having applied for and received an approved permit, conducts activities for which a permit is required under the terms of this Part

shall be guilty of a summary offense and fined not more than \$300 for each offense with costs. Each day that a violation continues shall be deemed a separate offense. (*Ord. 35A-2005, 5/23/2005, §1*)

BILL NO. ____-2010

AN ORDINANCE

AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION ORDINANCE BY ADDING THE POSITION OF CONTROLLER IN THE DEPARTMENT OF FINANCE.

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

Section 1. Amending the City of Reading 2010 Full-time Position Ordinance as follows:

- 1) Adding the Position of Controller in the Department of Finance.

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

Enacted _____, 2010

President of Council

Attest:

City Clerk
(Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____

AN ORDINANCE

AMENDING CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 6 PENSIONS, D. OFFICERS & EMPLOYEES PENSION FUND, SECTION 1-678 DISABILITY BENEFITS.

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

SECTION 1. Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government Part 6 Pensions, D. New Officers & Employees Pension Fund, Section 1-678 is hereby amended and shall read as follows:

Section 1-678. Disability Benefits.

If a participant becomes disabled, he/she shall be entitled to a monthly disability benefit. The monthly disability benefit shall be equal to the benefit accrued as of the date of disability. The minimum disability benefit shall be equal to 20% of average monthly compensation for the highest consecutive 5 years out of the last 10 years preceding the date of disability. In the event a participant becomes disabled prior to being employed by the City for a period of 10 years, the benefits shall be calculated as follows: average monthly compensation for the highest consecutive 5 years out of a total period of employment will be used. If a participant has completed less than 5 years of service as of the date of disability, average monthly compensation for the entire period of employment will be used. In the event the participant works less than a month prior to his disability, the average monthly compensation shall be determined by annualizing the compensation that the employee received on a daily basis so as to establish an average “monthly compensation”.

SECTION 2. All remaining sections of Part 6 Pensions shall remain in effect as before.

SECTION 3. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 4. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted _____, 200__

Council President

Attest:

City Clerk

BILL NO. _____

AN ORDINANCE

AMENDING CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 6 PENSIONS, D. OFFICERS & EMPLOYEES PENSION FUND, SECTION 1-682 REFUND OF CONTRIBUTION.

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

SECTION 1. Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government Part 6 Pensions, D. New Officers & Employees Pension Fund, Section 1-682 is hereby amended and shall read as follows:

Section 1-682. Refund of Contribution or Rollover.

Provided a participant has not filed an election to vest under Section 1-689, and ninety (90) days has passed since participant's employment was terminated, on termination of full-time employment, before a participant has met the eligibility requirements for early retirement, a refund or a direct rollover, if elected, shall be made of all contributions paid into the fund by such participant with interest compounded at the rate of 5% per annum. The participant shall have ninety (90) days from the date of termination of full-time employment to elect a direct rollover or a distribution by providing to the pension administrator the appropriate form evidencing such election. The form shall be prepared by the pension administrator and approved by the Board. Direct rollovers shall be administered in accordance with the following inset section, parts (a) to (f). In the case of death, such refund shall be paid to the participant's designated beneficiary, or, in the absence of such designation, to the participant's estate. Any participant who leaves employment subject to the provisions of this Part and is re-appointed, shall in order to receive credit for prior years of service repay to the fund the amount refunded by the fund with interest compounded at the rate of 5% per annum from the date of refund by the fund to the date of payment which shall be made within one (1) year from the date of re-appointment. In the event the payment is not made within the specified time limit, the right to obtain credit for prior years of service shall be lost for the applicable prior years' period.

- (a) A Distributee who receives a distribution from the Plan which is an Eligible Rollover Distribution may elect to transfer said**

distribution to an Eligible Rollover Plan specified by the Distributee in a Direct Rollover.

(b) Notwithstanding any contrary provisions of this Section (except as otherwise required by Internal Revenue Code (IRC) Section 401 (a)(31), (i) a Direct Rollover can be elected for part of an Eligible Rollover Distribution only if the amount so elected is at least five hundred dollars (\$500), (ii) only one Eligible Rollover Plan may be designated for a Direct Rollover, (iii) a Direct Rollover election made with respect to one payment in a series of payments shall apply to all subsequent payments until another election is made by the Distributee, and (iv) no Direct Rollover election is required to be provided for an Eligible Rollover Distribution of less than two hundred dollars (\$200) (when aggregated with all other Eligible Rollover Distributions for the taxable year).

(c) For purposes of this Section, the following terms shall have the meaning given to them in this subsection:

(1) “Direct Rollover” shall mean a payment by the Plan to the eligible retirement plan specified by the Distributee.

(2) “Distributee” shall mean (i) an employee or former employee and (ii) the employee’s or former employee’s surviving spouse and the employee’s or former employee’s spouse or former spouse who is an alternative payee under a qualified domestic relations order, as defined in IRC sect. 414(p), with respect to the interest of the spouse Or former spouse.

(3) “Eligible Retirement Plan” shall mean an individual retirement account described in IRC sect. 408 (a), an individual retirement annuity described in IRC sect. 408 (b), a qualified trust described in IRC sect. 401 (a), an annuity plan described in IRC sect. 403 (a), an eligible deferred compensation plan described in IRC sect. 457 (b) maintained by a state or political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state that will separately account for a Direct Rollover (from this Plan), and an annuity contract described in IRC sect. 403 (b).

(4) “Eligible Rollover Distribution” shall mean any distribution of all or any portion of the balance to the credit of the Distributee under the Plan, but excluding (as applicable) (i)

any distribution which is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee and the Distributee's designated beneficiary or for a specified period of ten years or more, (ii) any distribution to the extent such distribution is required under IRC sect. 401 (a)(9), (iii) the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities.

(d) Effective January 1, 2008 and in conformance with IRC sect. 408A (c), Eligible Retirement Plan shall include a Roth IRA described in IRC sect. 408A (b).

(e) Effective January 1, 2010 and in conformance with IRC sect. 402 (c) (11), a Beneficiary eligible to receive a distribution from the Plan on account of a Participant's death may elect to transfer said distribution to an individual retirement plan (described in clause (i) or (ii) of IRC sect. 402 (c)(8) established by the Beneficiary for this purpose, provided that (i) the Beneficiary is not otherwise a Distributee, (ii) the Beneficiary is a designated beneficiary as defined in IRC sect. 401 (a)(9)(E), and (iii) the distribution would otherwise be an Eligible Rollover Distribution but for the requirement that the distribution be made to a Distributee.

(f) Elections and Direct Rollovers under this Section shall be made in accordance with procedures prescribed by the Plan Administrator in conformance with IRC sect. 401 (a)(31).

SECTION 2. All remaining sections of Part 6 Pensions shall remain in effect as before.

SECTION 3. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 4. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted _____, 200__

Council President

Attest:

City Clerk

**BILL NO. _____ 2010
AN ORDINANCE**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE,
ADMINISTRATIVE FEES, POLICE DEPARTMENT, DIVISION OF CODES FEES.**

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part here.

Police	Codes	Vending Machine Enclosed	Annual Registration	\$12	Year of Inspection	\$45
Police		Vending Machine Public Right of Way	Annual Registration	\$20	Year of Inspection	\$40
Police		Enclosed Vending Machine Bank	Annual Registration	\$12 per unit	Year of Inspection	\$40 1-5 Machines \$60 6-10 Machines \$80 11-15 machines \$100 over 16 Machines

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

BILL NO. ____-2010

AN ORDINANCE

AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION ORDINANCE BY CREATING THREE (3) PROPERTY MAINTENANCE AIDES. THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

Section 1. Amending the City of Reading 2010 Full-time Position Ordinance as follows:

Adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department.

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

Enacted _____, 2010

President of Council

Attest:

City Clerk
(Business Analyst)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. ____-2010
AN ORDINANCE

**AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION
ORDINANCE BY CREATING COMMUNITY DEVELOPMENT PROGRAM
MANAGER.**

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

Section 1. Amending the City of Reading 2010 Full-time Position Ordinance as follows:

Adding one (1) Program Managers under Community Development.

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

Enacted _____, 2010

President of Council

Attest:

City Clerk
(Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE NO. _____-2010

AN ORDINANCE ESTABLISHING A FOUR-WAY STOP INTERSECTION AT N. 13TH ST AND RICHMOND ST IN THE CITY OF READING, PENNSYLVANIA

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

SECTION ONE. Intersection of North 13th Street and Richmond Street is hereby established as a four-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

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

Enacted by Council _____, 2010

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: _____

BILL NO. _____-2010

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF PREMISES KNOWN AS “THE FIRE TRAINING CENTER”, READING, BERKS COUNTY, PA FROM THE CITY OF READING TO THE COUNTY OF BERKS.

WHEREAS, the City of Reading is interested in transferring ownership of property known as “the Fire Training Center”, Reading, Berks County, Pennsylvania; and

WHEREAS, the County of Berks is willing to obtain ownership of said premises under certain conditions; and

WHEREAS, the City of Reading finds that said conditions are acceptable.

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

SECTION 1. The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as “the Fire Training Center” , Reading, Berks County, Pennsylvania, (pursuant to the attached agreement’s conditions) from the City of Reading to the County of Berks.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted _____, 2010

President of Council

Attest:

City Clerk

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this _____ day of _____, 2010, between the County of Berks, with its principal place of business at 633 Court Street, 13th Floor, Reading, Pennsylvania 19601 (hereinafter the "County") and the City of Reading (hereinafter the "City"), with its principal place of business at 815 Washington Street, Reading, Pennsylvania 19601.

WHEREAS, the City of Reading is the current fee simple owner of land and various improvements including the Berks County Fire Training Center which was constructed and is maintained by the County.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound, the parties agree as follows:

1. The City shall transfer within three (3) months of subdivision approval by the City Planning Commission, for the consideration of one dollar (\$1.00) and without restriction, fee simple title to the Fire Training Center land and all buildings. The land and building transfer shall include all land currently enclosed within the chain link fence of the Fire Training Center and the parking lot area adjacent to the Fire Training Center Administration Building as will be more specifically defined upon completion of the survey referenced in paragraph three (3). In addition, the County shall be given a six (6) foot right-of-way along the property line to be maintained by the County and access to the property's storm water and oil/water separator outfalls into the Angelica Creek for clearing and testing purposes.

2. This Agreement is contingent on the subdivision plan being approved by the City Planning Commission. The City shall prepare and submit to the Planning Commission all necessary paperwork. The City shall have its contractor bill the County directly for all costs associated with the preparation of the subdivision plan.

3. The County of Berks shall, at its expense, conduct a survey of the property to prepare an appropriate legal description of the property to be transferred. Upon completion of the survey, the parties agree to execute a formal agreement of sale and easement specifically outlining the legal description of the property.

4. The Lease Agreement between the County and City dated December 11, 2000 respecting this property shall be terminated. The City shall have the right to continue to use the Fire Training Center and property for a period of at least twenty (20) years consistent with the current uses of the City of Reading Fire Department, Police Department and other City departments. The specific details of the terms of this usage are identified in attachment A to this Lease Agreement. The City or the County may request to review the terms of use outlined in Attachment A after a ten (10) year period. The City shall be governed by the same rules and regulations as any municipal fire department in Berks County, with the County having the right to approve and/or modify proposed training depending on costs or operational issues.

5. In the event the County decides to sell the Fire Training Center the City shall be given the right of first refusal to purchase the land for one dollar (\$1.00). The City shall be given the right of first refusal to purchase all buildings and improvements located on the property for fair market value. The fair market value of the buildings shall be determined by the average of two appraisals by certified appraisers.

6. The County shall grant to the City of Reading utility easements for all sewer and water lines crossing the land. The County shall grant additional easements as necessary for future construction projects at the waste water treatment plant.

7. The County shall be responsible for the utility costs of electric, gas, phone and trash removal for such time as it continues to own the Fire Training Center.

8. The City shall provide, at no cost to the County, water and sewer service to the Fire Training Center.

9. The City shall be permitted, at its cost, to install communication equipment on the existing water tower in connection with the operation of the Waste Water Treatment Plant provided said equipment is in compliance with the lease agreement currently in place between the County of Berks and Sprint-Nextel. The City shall be responsible for the cost of all improvements or modifications necessary to accommodate the installation of said communications equipment. Additionally, all utility costs associated with the equipment shall be the responsibility of the City. The City shall permit periodic interruptions in the operation of the communication equipment as may be necessary for the County or its contractors to maintain the water tower, and as may be necessary for Sprint-Nextel, or their successor, to maintain their existing equipment. The City shall be provided reasonable notice of any planned interruptions to ensure impact to the operations of the wastewater treatment plant is minimized. In the event the water tower ceases to exist or is no longer maintained at the option of the County, the City shall have the right, at its expense, to erect a new communications tower on the land provided the tower does not interfere with the operation of the facility for its intended purpose. The County shall have the right, at its expense, to erect and maintain communications equipment on any such City constructed communications tower for County communications purposes.

10. This Agreement, the subsequent Agreement of Sale and the Easement contain the entire agreement of the parties with respect to the matters covered by these Agreements, and no other agreement, statement or promise made by any party, or to any employee, officer, or agent of any party, which is not contained in these Agreements shall be binding or valid. All modifications to these Agreements shall be in writing signed by both parties.

11. This Agreement shall be interpreted under the substantive law of the Commonwealth of Pennsylvania, without giving effect to any choice of law.

12. In the event that any provision of this Agreement shall be found to be void or unenforceable, such findings shall not be construed to render any other provision of this Agreement either void or unenforceable, and all other provisions shall remain in full force and effect unless the provisions which are void or unenforceable shall substantially affect the rights or obligations granted to or undertaken by either party.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals the day and year first above written.

CITY OF READING

COUNTY OF BERKS

Mayor

Mark C. Scott, Esquire
Chair Board of Commissioners

City Council President

ATTEST:

ATTEST:

Terry L. Styer, Chief Clerk

ATTACHMENT A

For a period of at least twenty (20) years the County shall provide, at no cost, to the City:

1. Access to and use of the Fire Training Center and land on a reservation basis. The cost of consumables shall be billed to the City. The County will make its best effort to accommodate the current and future training needs for the City of Reading departments in scheduling without cancelling previously scheduled events.
2. An office in the Fire Training Center Administration Building for use by the Reading Fire Department Training Lieutenant.
3. A gear locker, a personal use locker, and classroom storage space.
4. Classroom space in the Administration Building for use by the City and City Departments, including the Reading Police Department Bomb Squad, provided these City Departments follow the procedures outlined in the Fire Training Center Standard Operating Procedure Manual for reservation of the classroom space. If possible, priority will be given to the City for use of Classroom "B." However, reservations will be accepted on a first come first served basis.
5. Controllers for City Apparatus and Chiefs to open the gate to the property.
6. The Reading Police Department Bomb Squad shall have use of the Berks County Department of Emergency Services Special Operations Group workshop and storage space in the mezzanine section of the garage area. The Reading Police Department Bomb Squad shall have access to their equipment, the garage and workshop for repair or maintenance of their equipment. Use of the air room to refill self-contained breathing apparatus under County staff supervision as available.
7. Telephone, fax machine and copier usage for office and administrative use. The copier shall not be used for mass production of student or training materials.

The City agrees that:

1. All usage and training activities at the Fire Training Center shall be conducted in accordance with the procedures outlined in the Fire Training Center Standard Operating Procedures.
2. It shall defend, indemnify and hold harmless the County, its elected officials, employees and agents, from and against any and all liability, damages, claims, suits liens and judgments (including reasonable attorney's fees) of whatever nature, for injuries to or death of any person or persons or damage to the property, to the extent attributable to the negligence of the City or the City's failure to perform in accordance with the provisions of this Agreement.

RESOLUTION NO. _____

WHEREAS, the City of Reading is desirous of obtaining funds from the Department of Community and Economic Development (DCED) in the amount of four hundred thousand dollars (\$400,000.00) for prevention and elimination of blight under Section 4 (c) of the Housing and Redevelopment Assistance Law, as amended; and

WHEREAS, the City of Reading has identified the Entertainment Square Restaurant at Second & Washington Streets project as a project for prevention and elimination of blight.

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

That the Mayor of the City of Reading is authorized to file an application for DCED funds in the amount of four hundred thousand dollars (\$400,000.00) for the "Entertainment Square Restaurant at Second & Washington Streets" project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania. In addition, the City of Reading will: (1) assume the provision of the full local share of the project costs; and (2) reimburse the Commonwealth for the DCED's share of any expenditures found by DCED to be ineligible. The City Clerk is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy to the DCED.

Adopted by Council _____, 2010

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

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

That Phillip Dougherty is reappointed to the Fire Civil Service Board with a term ending October 11, 2014.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That William Vitale is reappointed as an alternate to the Fire/ Building Code Board of Appeals with a term ending December 31, 2014.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Burlee Adams is reappointed to the Berks County Convention Center Authority with a term ending August 29, 2014.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Tori DiPiazza is appointed to the Animal Control Board with a term ending October 11, 2013.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Steve Belinski is reappointed to the Housing Authority with a term ending October 11, 2015.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Jose Molina is appointed to the City-wide Diversity Board with a term ending October 11, 2013.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Lourdes Torres is appointed to the City-wide Diversity Board with a term ending October 11, 2013.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO SIGN AND ENTER INTO AN AGREEMENT TITLED WINTER TRAFFIC SERVICES FIVE-YEAR CONTRACT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE CITY TO PERFORM SNOW AND ICE CLEARANCE FOR STATE HIGHWAYS AND BRIDGES.

WHEREAS, the Pennsylvania Department of Transportation contracts with municipalities to perform snow and ice clearance for State Highways and bridges and reimburse the municipality for labor and materials for these activities; and

WHEREAS, the City has the equipment, materials and personnel available and ready to perform snow and ice clearance together with the application of anti-skid and/or de-icing materials for State Highways and bridges; and

WHEREAS, the City of Reading desires to contract with the Pennsylvania Department of Transportation so that the City may provide these services for State Highways and bridges located within the City; and

WHEREAS, the City of Reading acknowledges the responsibility to perform the snow and ice clearance shall be in a manner satisfactory to the Commonwealth in order to facilitate the safe and unimpeded flow of vehicular traffic over said State Highways.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING, Berks County, and it is hereby resolved by authority of the same, that the Mayor of the City of Reading be authorized and directed to sign the Winter Traffic Services Five-Year Contract on its behalf.

PASSED COUNCIL _____ 2010

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

(Public Works)

RESOLUTION NO. _____

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

Approving the Conditional Use application submitted by William Nunez, as amended, for three (3) rental units at 117 South 3rd Street, with conditions as expressed in the attached decision

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
WILLIAM NUNEZ : OF THE CITY OF READING,
FOR A CONDITIONAL USE PERMIT : PENNSYLVANIA
FOR THE PROPERTY :
LOCATED AT 117 SOUTH 3rd :
STREET, READING, BERKS COUNTY :
PENNSYLVANIA : CONDITIONAL USE
: CONVERSION TO
: A THREE UNIT RENTAL
:

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

AND NOW, this 11th day of October, 2010, hearing have been held on September 22, 2010, upon the application for a Conditional Use for a three (3) unit property in the R-3 Zoning District, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as adopted on July 26, 2010, the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The Applicant is William Nunez, “Applicant” with a registered address of 107—35 124th Street, South Richmond, NY 11419.
2. Applicant is the fee simple owner of the property of 117 South 3rd Street at the time of application and at the time of the hearing.
3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as adopted July 26, 2010, (hereinafter referred to as “Zoning Ordinance”).

4. Applicant originally applied for a Conditional Use for a four (4) unit property as per City of Reading Zoning Ordinance per §27-1203.D. However, he withdrew the original plan and submitted a new plan requesting a three (3) unit property at the hearing.

5. The Applicant and his Architect William Vitale, of Design Works, testified at the hearing that the subject property was already converted into a five unit rental property when the applicant became the owner of the subject property in March 2010. They stated that the owner and realtor informed the Applicant that the property was a legally registered rental property.

6. Mr. Vitale stated that the originally submitted parking lease agreement was replaced with a new lease agreement for parking spaces at 121 South 4th Street.

7. The Applicant stated that as a part of the lease agreement tenants will be required to park only in the parking lot at 121 South 4th Street and that he will monitor the tenants use of the lot by obtaining registration of tenants vehicles and performing spot checks. He stated that failure to use the lot would be grounds for terminating the lease with the tenant.

8. The City Zoning Administrator advised Mr. Nunez of the need to send updated parking agreements upon their expiration and that failure to do so could allow the revocation of a zoning permit

9. Mr. Vitale testified that the building was vacant when purchased and was used by the owner of Foster's Plumbing Supply for storage purposes, when he became tired of dealing with tenant issues. He stated that the building was divided into approximately five (5) units and that Mr. Nunez retained him to design a four (4) unit rental property; a one bedroom apartment on the 1st floor, two studio apartments on the 2nd floor and a one bedroom apartment on the 3rd floor. Mr. Vitale stated that all units comply with the square footage required by the City's zoning ordinance but the 3rd floor unit, which is short by 10 square feet.

10. The Legal Specialist advised Mr. Nunez and Mr. Vitale that the application was submitted after the new City Zoning Ordinance was approved by Council. She also stated that the new ordinance prohibits studio apartments and the conversion of single family units into multi-family units in the R-3 Zoning District.

11. Mr. Vitale, after conferring with his client, withdrew the original plan for a four unit rental and presented an alternative, showing the property as a three (3) unit

building with two (2) one bedroom units on the 1st and 3rd floors and a two bedroom unit with 852 square feet on the 2nd floor. He added that there is also a general maintenance area on the 1st floor. The 3rd Floor unit, however, continued to meet the minimum square footage by 10 feet.

12. Applicant stated that the 100 block of South 3rd Street is predominately rental in nature. He distributed photographs of the neighborhood. He stated that there are only four (4) single family properties on the block. He stated that Codes and Trades employees have already inspected the building. He stated his intent to improve the neighborhood and provide quality rental housing.

13. Applicant testified that the basement will not be used for residential purposes but will be used only for mechanical access. 14. Applicant agreed to condition of compliance with all applicable Building, Trades and Fire Codes, security lighting and cameras, adding a parking requirement to the lease agreements with tenants, and other conditions.

15. The City of Reading Planning Commission recommended approval of the Conditional Use application with conditions as the project will cure the building's blighted condition.

16. The City of Reading Zoning Administrator recommended denying the application as the use is too intense for the existing neighborhood. However, she asked that conditions be applied if the conversion is approved.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to convert 117 South 3rd Street to a three (3) unit rental. His original application for a four (4) unit rental was withdrawn. The building is located in a R3 zoning district. The City of Reading Zoning Ordinance §27-1203.D Conversions provides that the following standards are met:

1. A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as, architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.
2. The conversion shall have the minimum floor area as designated by the following schedule:

Apartment Square Feet

Efficiency or Studio Not Allowed
One Bedroom 550

Two Bedroom 700
Three or More Bedroom 850

3. For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit.
4. Documents indicating to the City Codes Staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.
2. Hearing was held on September 22, 2010.
3. Applicant withdrew his original application for a four (4) unit rental and replaced it with a request for a Conditional Use permit for a three (3) unit rental property at 117 South 3rd Street.
4. The burden of proof in an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. The requirements for a conversion as a Conditional Use in an R-3 Zoning District are set forth in §27-1203.D of the City of Reading Zoning Ordinance, adopted July 26, 2010.
7. In order to grant the relief, Applicant must show that it has satisfied the provisions as stated in §27-1203.6 of the City of Reading Zoning Ordinance and met the conditions applied by City Council.
8. Applicant did not file an application for other relief from the Zoning Hearing Board for the City of Reading.

9. Applicant did provide sufficient proof that the building was converted to a pre-existing multi-unit property and that the building conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners. Applicant also provides off-street parking in accordance with the Zoning Ordinance requirements for occupants residing at 117 South 3rd Street.

10. The proposed design of the 3rd Floor Unit of the property fails to meet the minimum square footage for a conversion under the City of Reading Zoning Ordinance by a de-minimus 10 feet.

11. Applicant agreed to comply with the City Building, Trades and Fire Codes and comply with the conditions applied by City Council including providing of an update parking lease upon expiration thereof and to utilize all best efforts to reduce or eliminate the failure to meet by 10 feet the square footage for a unit on the 3rd Floor

DECISION

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

The application for a conditional use permit at 117 South 3rd Street is hereby approved for William Nunez with the following conditions:

1. On or before the expiration of the parking lease for off street, , the Applicant and/or Owner of the property will provide the City of Reading Zoning Office with a copy of the off-street parking lease agreement and a copy of the lease agreement containing the requirement for the tenant to park in the leased off-street parking spaces.
2. Applicant will at all times comply with the City Building, Trades, Fire and Property Maintenance Codes.
3. Applicant will open the subject property for a full inspection by the City Building and Trades Division and Fire Department, will make all the required corrections and repairs mandated by the inspections, and will open the subject property for regular inspections as deemed necessary by the City of Reading.
4. Applicant will attempt through the assistance of his Design Professional to comply with the minimum square footage requirements for all units including but not limited to the 3rd Floor unit which is presently 10 feet short.
5. Applicant will install security lighting and cameras to the exterior of the property and to the interior common spaces.

6. Applicant will inform his tenants about the City's Disruptive Conduct Ordinance. If at any time during the year, two (2) Disruptive Conduct Reports are issued the zoning permit for the three (3) unit property shall be revoked.

The City of Reading City Council orders that if the Applicant fails to meet the requirements listed herein, the zoning permit shall be immediately revoked.

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

CITY OF READING CITY COUNCIL

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program (“RACP”); and

WHEREAS, the City of Reading has identified the acquisition and construction of the 700 Penn Street site for the Double Tree Hotel Project (the “Project”) as eligible for such “RACP” assistance; and

WHEREAS, the Project will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact through the enhancement of the city’s downtown.

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

That the Mayor of the City of Reading is authorized to file an application for “RACP” funds in the amount of \$ 12.250 million dollars (\$12,250,000.00) for the Double Tree Hotel Project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania.

Adopted by Council _____, 2010

President of Council

Attest:

City Clerk

RESOLUTION NO. _____ 2010

AUTHORIZING THE EXONERATION OF OUTSTANDING CITY PROPERTY TAX, PENALTIES AND INTEREST FOR THE YEAR 2010 FOR 1054 BENNER'S COURT, READING, BERKS COUNTY, PENNSYLVANIA.

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

That the City of Reading, City Council does hereby authorize the exoneration of all outstanding City Property Tax, Penalties and Interest for the year 2010, for 1054 Benner's Court, Reading, Berks County, Pennsylvania, owned by the Reading School District, in the amount of \$189.21, as set forth in Exhibit A (attached).

Adopted by Council _____,

2010

President of Council

Attest:

City Clerk