

CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, APRIL 26, 2010
7:00P.M.***

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Fr David Kozak, St. Peter's Roman Catholic Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

A. Council Commendation recognizing AFSCME Week, accepted by Ron Lyons Local #2763 and George Fultz Jr Local #3799

B. Council Commendation recognizing Sexual Assault Awareness Month, accepted by Mary Kay Bernosky, Executive Director of Berks Women in Crisis

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. MINUTES: Council Meeting of April 12, 2010

B. AGENDA: Council Meeting of April 26, 2010

5. Consent Agenda Legislation

A. Resolution – authorizing the disposition of public records from the City Auditor's Office (**Auditor**)

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

Stadium Commission – Steve Harrity

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 15-2010 - authorizing the issuance of the 2010 Notes to refund the 2002 Capital Appreciation Bonds (**Man Dir**) *Introduced at the April 12 regular meeting*

B. Bill No. 16-2010 - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades by renaming Part 12 Parades, Special Events and Public Gatherings and amending to create regulations for Special Events (**Police Dept/Council Staff**) *Introduced at the April 12 regular meeting*

C. Bill No. 17-2010 - providing for the Business Privilege License Ordinance under Chapter 13 Licenses, Permits & General Business Regulations, Part 4 Business

Privilege License of the Code of Codified Ordinances and creating revocation procedures(Law/Council Staff) ***Introduced at the April 12 regular meeting***

D. Bill No. 18-2010 – amending the Codified Ordinances Chapter 5 Code Enforcement to add the \$750 fee for filing an appeal to the building – Fire Board of Appeals, Plumbing Board of Appeals, Electrical Board of Appeals and Mechanical Board of Appeals and make consistent timing for filing of appeals and hearing of appeals before all boards (Law) ***Introduced at the April 12 regular meeting***

E. Bill No. 19-2010 –amending the Codified Ordinances Chapter 11 Housing Part 1 Rental Section 11-124 Housing Board of Appeals Subsection 7 Fees and Costs to increase the fee for filing an appeal to the housing board of appeals from \$75 to \$275 (Law) ***Introduced at the April 12 regular meeting***

F. Bill No. 20-2010 - amending the Codified Ordinances chapter 5 Code Enforcement Part 6 Property Maintenance Code Section PM 111 Means of Appeals Subsection 111.1 Application for Appeal to increase the fee for filing an appeal to the Board of Appeals from \$100 to \$275 (Law) ***Introduced at the April 12 regular meeting***

G. Bill No. 21-2010 – amending the Codified Ordinances Chapter 1 Administration and Government, Part 6 Pensions, A. Police Pension Fund, Section 1-607 to provide for application of previous time to a pension account upon being re-hired (Law) ***Introduced at the April 12 regular meeting***

H. Bill No. 22-2010 – authorizing the City to enter into an Intergovernmental Agreement for the purpose of providing mutual aid among the County of Berks, the Friendship Hook and Ladder Company No. 1 of Boyertown, PA, the City of Reading and the Township of Spring to assist first responders in the mitigation of emergencies related to trench and structural collapse (Law) ***Introduced at the April 12 regular meeting***

I. Bill No. 23-2010 - authorizing the Mayor to execute a deed from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale & settlement statement), thereby conveying premises situate at Route 61, Ontelaunee Township, Berks County, Pennsylvania (Law) ***Introduced at the April 12 regular meeting***

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - amending Chapter 10 – Health Code of the City of Reading Codified Ordinances Section 1212.03.1, required, by requiring a food employee certificate for all food restaurants or facilities in the City of Reading (Law)

B. Ordinance – amending the Vending License Board of the Sidewalk Vendor Ordinance (**Law**) *To be distributed on Monday*

11. RESOLUTIONS

A. Resolution - approving or denying the Conditional Use application to add two rental units to 226 West Oley Street (**Council Staff**) *Tabled at the April 12 regular meeting*

B. Resolution - approving or denying the Conditional Use application to add four (4) rental units and expand the existing restaurant space at 549-555 N 10th Street (**Council Staff**) *Tabled at the April 12 regular meeting*

C. Resolution – adopting the 2009 Year-End Monitoring and Impact Ratio Analysis and the 2010 Affirmative Action Plan (**Human Resources/Law**)

D. Resolution - authorizing the unwinding of an interest rate management agreement previously executed with respect to its General Obligation Bonds, Series of 2002 (capital appreciation bonds); authorizing the proper officers of the City to execute and deliver any necessary documents and authorizing the taking of other necessary action in connection with the foregoing (**Finance**)

E. Resolution – amending the Handicap Parking Regulations as attached (**Law**)

12. PUBLIC COMMENT - GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, April 26

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Wednesday, April 28

Conditional Use Hearings – Council Chambers starting at 5 pm

315 N 6th St & 430 Elm St – Group Home Application

335 N 11th St – application to add an additional rental unit

Monday, May 3

Meeting with the Mayor – Mayor’s Office – 4 pm

Administrative Oversight Committee – Council Office – 5 pm
Public Safety Committee – Council Office – 5 pm

Monday, May 10

Meeting with the Mayor – Mayor’s Office – 4 pm
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, April 26

DID Authority – Reading Eagle 3rd Floor Conference Room – noon
BARTA – BARTA Office – 3 pm
District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, April 27

Vending License Review Board – Council Chambers – 1 pm
Housing Authority Workshop – WC Building – 4 pm
Housing Authority – WC Building – 5 pm
Environmental Advisory Council – Council Office – 5:30 pm
Planning Commission – Penn Room – 7 pm
Penn’s Commons Neighborhood Group – Penn’s Commons Meeting Room – 7 pm

Wednesday, April 28

Human Relations Commission – Penn Room – 5:30 pm
Parking Authority – Parking Authority Office – 5:30 pm
Outlet Area Neighborhood – St. Mark’s Lutheran Church – 6:30 pm
Animal Control Board – Council Chambers – 7 pm
18th & Cotton Community Crime Watch – St. Matthew’s Church 7 pm
Stadium Commission – Stadium RBI Room – 7:30 pm

Monday, May 3

Centre Park Artifacts Bank – 705 N 5th St – noon
Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, May 4

Charter Board – Penn Room – 7 pm

Wednesday, May 5

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm
District 2 Crime Watch – St. Paul’s Lutheran Church – 6:30 pm

Thursday, May 6

Police Civil Service Board – Penn Room – noon
Glenside Community Council – Christ Lutheran Church – 6:30 pm
District 3 Crime Watch – Calvary Baptist Church – 7 pm

Sunday, May 9

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, May 10

Fire Civil Service Board – Penn Room – 4 pm
6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

CITY COUNCIL MEETING MONDAY, APRIL 12, 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 Fred Opalinski, Trinity Lutheran Church.

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

PROCLAMATIONS AND PRESENTATIONS

The following Council Commendations were issued:

- Honoring Fair Housing Month, accepted by Kim Talbot, executive director of the Reading Human Relations Commission and Gus Giddens, chair of the Reading Human Relations Commission.
- In recognition of the 125 anniversary of Reading Stamp and Stationary, accepted by Judy Martin, president.

PUBLIC COMMENT

Council President Spencer announced that one (1) citizen was registered to address Council on agenda matters and three (3) citizens 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 that rule was suspended. Council President Spencer reminded those registered to speak of the remaining public speaking rules.

Ernie Schlegel, of Pear Street, encouraged Council to adopt the airport resolution due to the need for decentralization rather than regionalization. He expressed the belief that

the Commissioners request is reasonable as they assisted the City with funding of BARTA. He stated that he sees this as an equitable approach that will benefit all citizens.

Lorraine Mengel, of Mulberry Street, described the problems caused by a nuisance store in her neighborhood. The store is located at Perry and Mulberry Street and she displayed photographs of the issues described. She stated that the owners of the business have completed major renovations to the property over the weekend without proper City permits displayed in the window. She stated that the business owner had a loading zone installed on Mulberry Street; however it is unusable due to the large size of the delivery trucks. Instead the business owner uses the loading zone as a personal parking space. She also described the problems caused by trash falling from overloaded trash trucks and stated that she regularly collects trash in 30 lbs. bags weekly. She also described the problems caused by lack of enforcement of the City's curfew regulations.

Patricia Mierzejewski, of Perry Street, described the various neighborhood problems on Perry Street, such as littering and illegal dumping. She described the various amounts of debris deposited in the alley way. She also described a problem with trash containers being stored in improper locations. She noted the need for a proper welfare to work program. She described the repeated problems with graffiti that her neighborhood experiences and suggested placing the mobile surveillance cameras in neighborhoods. She lastly described the problems with noise from neighboring properties.

June Edinger, of Lackawanna Street, described the problem with the sound system used in Council Chambers and noted that it is very difficult for citizens to hear the business transacted at the Council table due to the poor acoustics in the room. She inquired if Council voted on the decision to rezone Lehigh Street. Councilor Reed and Ms. Kelleher stated that City Council voted to deny the zoning request several weeks ago.

Maricelys Cerritos, of District 5, stated that the recent accident whereby a child was struck by car on Schuylkill Avenue stimulated the circulation of petition seeking a speed reduction on Schuylkill Avenue.

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the minutes from the March 22th regular meeting of Council and the agenda, including the items listed under the Consent Agenda heading. He noted the need to add two (2) pieces of legislations as follows:

- Resolution urging the state to adopt a cell phone ban for those operating motor vehicles.
- Ordinance introduction to convey land located on Route 61 to PennDOT.

Councilor Marmarou moved, seconded by Councilor Acosta, to approve the minutes from the March 22nd regular meeting of Council and the agenda as amended including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

CONSENT AGENDA LEGISLATION

A. Award of Contract - for general construction and site construction to Gateway Project Management, 2040 Lucon Road, Schwenksville, PA, 19473, at a total bid price of \$1,080,750.00, the contract for mechanical/plumbing construction to Vision Mechanical, 135 Juniata Street, West Reading, PA, 19611, at a total bid price of \$49,130.00, and for the electrical construction to Pagoda Electrical, 2003 Friedensburg Road, Reading, PA, 19606, at a total bid price of \$158,850.00 for the construction of a new firing range and support building for the Police Department. The grand total bid price is \$1,288,730.00 **(Purchasing)**

B. Resolution No. 33-2010 – that the Mayor is authorized to file an application for RACP funds in the amount of \$5,000,000.00 for the First Energy Stadium Project. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania **(Mayor)**

C. Resolution No. 34-2010 - authorizing the Mayor to sign and submit an application for a PA DCNR Community Conservation Partnerships Program Grant for a renovation project at the 11th & Pike Playground **(Man Dir)**

ADMINISTRATIVE REPORT

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

1. Processing of the EIT returns by the Tax Division
2. Upgrade of the Human Resources information management system
3. Creation of a quality of life ticketing solution in the Hampden Database System
4. Update on Act 47
5. Completion of the Business Privilege License Revocation ordinance

Councilor Marmarou inquired about the FOP grievance. Council President Spencer and City Solicitor Younger stated that grievances are executive session matters and should not be discussed publicly.

Councilor Waltman stated that upcoming business privilege license revocation ordinance will assist the City in handling businesses like the one described during the public comment period.

Councilor Acosta noted the growing frustration of residents in various neighborhoods. He expressed his hope that the business privilege license revocation ordinance will be applied to all negligent businesses, not just businesses owned by a specific community.

Councilor Goodman-Hinnershitz noted the general public misunderstanding of various City regulations. She stated that she is working with Council staff to complete flyers explaining, frequently used regulations.

Councilor Waltman stated that the goal of the Business Privilege License Revocation ordinance is not to shut down business but for the City to use as a tool to encourage compliance by the business owners.

AUDITOR'S REPORT

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

1. 2009 DCED Report
2. 2010 Gun Grant
3. 2009 External Audit Update
4. 2007-2008 Liquid Fuels Audit

Councilor Marmarou inquired about the rationale behind the audit of the 2007-2008 Liquid Fuels funds. City Auditor Cituk replied that it is general practice for the auditors to look at a two (2) year period.

Councilor Marmarou described the problem with the delay in the audit of the State pension program and the impact it will have on local pension programs.

ORDINANCES FOR FINAL PASSAGE

A. Bill 12-2010 - authorizing the amendment of the 2010 budget – revenues and expenditures in Traffic Engineering and Liquid Fuels in the Public Works Department **(Finance) Introduced at the March 22 regular meeting**

Councilor Waltman moved, seconded by Councilor Acosta, to enact Bill No. 12-2010.

Bill No. 12-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

B. Bill 13-2010 - authorizing the amendment of the 2010 budget – revenues and expenditures in trash and recycling **(Finance) Introduced at the March 22 regular meeting**

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 13-2010.

Interim Managing Director Geffken explained that the review of the enacted budget identified various adjustments that are required.

Councilor Waltman noted the need for the City to improve it's handling of overall expenditures and revenues.

Bill No. 13-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.
Nay: None- 0.

C. Bill No. 14-2010 - authorizing the Mayor to execute the Intergovernmental Cooperation Agreement between the City of Reading and the Reading School District for recycling collection service **(Law) Introduced at the March 22 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 14-2010.

Council President Spencer explained this highly beneficial arrangement made with the Reading School District to begin a comprehensive recycling program.

Councilor Goodman-Hinnershitz stated that this is an excellent example of an intergovernmental program that will collectively begin a comprehensive recycling program.

Bill No. 14-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.
Nay: None- 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance – authorizing the conveyance of land on Route 61 to PennDOT **(Law)**

B. Ordinance - authorizing the issuance of the 2010 Notes to refund the 2002 Capital Appreciation Bonds **(Man Dir)**

C. Ordinance - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades by renaming Part 12 Parades, Special Events and Public Gatherings and amending as attached (**Police Dept/Council Staff**)

D. Ordinance - providing for the Business Privilege License Ordinance under Chapter 13 Licenses, Permits & General Business Regulations, Part 4 Business Privilege License of the Code of Codified Ordinances for the City of Reading (**Law/Council Staff**)

E. Ordinance – amending the Codified Ordinances Chapter 5 Code Enforcement to add the \$750 fee for filing an appeal to the building – Fire Board of Appeals, Plumbing Board of Appeals, Electrical Board of Appeals and Mechanical Board of Appeals and make consistent timing for filing of appeals and hearing of appeals before all boards (**Law**)

F. Ordinance –amending the Codified Ordinances, Chapter 11 Housing, Part 1, Rental Section 11-124, Housing Board of Appeals, Subsection 7, Fees and Costs to increase the fee for filing an appeal to the housing board of appeals from \$75 to \$275 (**Law**)

G. Ordinance - amending the Codified Ordinances chapter 5 Code Enforcement Part 6 Property Maintenance Code Section PM 111 Means of Appeals Subsection 111.1 Application for Appeal to increase the fee for filing an appeal to the board of appeals from \$100 to \$275 (**Law**)

H. Ordinance – amending the Codified Ordinances Chapter 1 Administration and Government, Part 6 Pensions, A. Police Pension Fund, Section 1-607 to provide for application of previous time to a pension account upon being re-hired (**Law**)

I. Ordinance – authorizing the City to enter into an Intergovernmental Agreement for the purpose of providing mutual aid among the County of Berks, the Friendship Hook and Ladder Company No. 1 of Boyertown, Pa, the City of Reading and the Township of Spring to assist first responders in the mitigation of emergencies related to trench and structural collapse (**Law**)

RESOLUTIONS

A. Resolution 35-2010 – supporting a State prohibition of mobile phone use while driving motor vehicles.

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 35-2010.

Councilor Reed explained the need to encourage the state legislators to enact responsible legislation that will protect Pennsylvania citizens from distractions created by cell phone use while driving motor vehicles. She noted Senator O’Pake’s support for

the two (2) bills that have been introduced at the State level. She thanked City Clerk Kelleher and Deputy Clerk Katzenmoyer for their work on this issue.

Councilor Reed clarified that although she at one time said she would not vote on issues that should be handled by the State, she will advocate this legislation as it is a public safety issue.

Councilor Waltman agreed with the need for responsible State legislation to address this public safety problem.

Councilor Goodman-Hinnershitz agreed with the need for State legislation that will protect citizen's across Pennsylvania. She agreed that cell phones create a distraction during the use of motor vehicles that creates public hazards for pedestrians and motor vehicles. She encouraged the State legislators to enact this legislation quickly.

Resolution No. 35-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.
Nay: None- 0.

B. Resolution 36-2010 - approving the City of Reading's withdrawal from the Reading Municipal Airport Authority **(Mayor)** *Tabled at the March 22 regular meeting*

Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution No. 36-2010.

Councilor Waltman expressed the belief that the adoption of this ordinance will improve the fusion between the City and the County. He noted that this issue is completely separate from the BARTA issue. He stated that the City, for a long period of time, fully funded BARTA operations without assistance by the County. He noted the importance of the reversionary clauses included in the original legal documents stating that upon dissolution of the authority the airport property will revert back to City ownership.

Councilor Goodman-Hinnershitz expressed her belief in the need for this issue to move forward to set the ground work for further discussions with the County Commissioners. She noted the many County programs that serve City residents.

Resolution No. 36-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.
Nay: None- 0.

B. Resolution 37-2010 - reappointing Steven Fisher to the Plumbing Board **(Admin Oversight)**

C. Resolution 38-2010 - reappointing Denton Buckley Sr. to the Downtown Improvement District Authority (**Admin Oversight**)

D. Resolution 39-2010 - appointing Brian Jennings to the Environmental Advisory Council (**Admin Oversight**)

E. Resolution 40-2010 - appointing David Beane to the Environmental Advisory Council (**Admin Oversight**)

The Administrative Oversight Committee moved to adopt Resolutions No. 37-2010 – 40-2010.

Councilor Marmarou expressed his belief in the skill and qualifications of those being appointed and reappointed this evening. He noted the knowledge and experience these individuals bring to the table.

Councilor Reed stated that the strong skill sets of those being appointed and reappointed this evening will assist the City greatly.

Councilor Acosta agreed with the outstanding skill-sets of the candidates listed on tonight's agenda.

Resolutions No. 37-2010 – 40-2010 were adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

F. Resolution 41-2010 - approving or denying the Conditional Use application to add two rental units to 226 West Oley Street (**Council Staff**)

Councilor Acosta moved, seconded by Councilor Reed, to table Resolution No. 41-2010.

Resolution No. 41-2010 was tabled by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

G. Resolution 42-2010 - approving or denying the Conditional Use application to add four (4) rental units and expand the existing restaurant space at 549-555 N 10th Street (**Council Staff**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to table Resolution No. 42-2010.

Resolution No. 42-2010 was tabled by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

COUNCIL COMMENT

Councilor Marmarou agreed with the problems with the Council Chambers sound system. Council President Spencer expressed the belief that the problem was to be corrected with the technology improvement made to Council Chambers. Ms. Kelleher noted that the improvement to the Council Chambers sound system was eliminated from the project to cut the cost.

Councilor Marmarou announced that District 4 residents will be participating in the Great American Cleanup on Saturday, April 17th by meeting at 9am in the Heister's Lane/Kutztown Road area to collect trash and litter.

Councilor Reed noted that Thursday is the Managing Director's Hottenstein's last day of employ with the City. She wished him well as he moves on with his professional career.

Councilor Reed agreed with the need to improve safety on all District 5 roadways. Councilor Reed wished community member, Frank Gilyard, a happy birthday and thanked him for his work as a City historian.

Councilor Reed announced the meeting on April 13th at 5pm at Bethel A.M.E. Church to discuss a play area behind the church.

Councilor Acosta noted the need for the City to address the illegal construction projects that occur over weekends. He stated that citizens believe that City government goes to sleep over weekends and they can do whatever projects they wish without obtaining the required permits. He also agreed with the problematic issues created by some neighborhood businesses.

Councilor Acosta noted the need for parents to be responsible for their children. He described some issues in his neighborhood and stressed the need for citizens to call the police when need be.

Councilor Waltman agreed that City taxes continue to rise; however he asked all to remember that taxes collected don't cover the cost of Public Safety personnel and programs. He stressed the need for the City to improve the delivery of services while providing balance with the community assistance.

Councilor Goodman-Hinnershitz noted that many societal problems are responsible for many quality of life issues in the City. She described a recent problem with improper trash set out and used that as an example of how deterioration in neighborhoods begins. She thanked Public Works personnel for their assistance at Neversink playground and described the problems caused by some mother of nature issues.

Various Councilors expressed their support for the upcoming Farmer's Market located in front of the Dispensary on Penn Street.

Council President Spencer noted the various methods of cooperation between the City and County. He asked everyone to remember that the Fire Training Center and Airport were placed on the table by the County Commissioners when the City requested assistance with the Library. He noted his hope that the Commissioners identify this goodwill effort and step up the County's assistance for the Library.

Council President Spencer revealed his personal experience as his own child was killed in a car accident in the late 1980's. He asked all to step up caution while driving City streets, as many City streets contain children at play.

Council President Spencer announced the upcoming Council meeting schedule.

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

Linda Kelleher CMC, City Clerk

RESOLUTION NO. _____

Resolved by the Council of the City of Reading, Berks County, Pennsylvania, that:

Whereas, by the virtue of Resolution 134-2009, adopted 12/14/2009, the City of Reading declared its intent to follow the procedures for the disposition of records set forth in the Retention & Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009; and

Whereas, in accordance with Act 428 of 1968 (as amended) each individual act of disposition shall be approved by resolution of the governing body of the municipality:

Now therefore, the Council of the City of Reading hereby resolves as follows:

In accordance with the above cited schedule, Council hereby authorizes the disposition of the following public records:

City Auditor's Office

Bank Reconciliations	1996-1997
Cash Statements	1995-2000
Cash Statements	2002-2006
District Justice Reports	1996-2000
Investment Statements	1998-2000
Payroll Registers	1996-2001

Passed Council _____

President of Council

Attest:

City Clerk

CITY OF READING
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. _____
ENACTED: APRIL _____, 2010

AN ORDINANCE OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE TWO SERIES OF GENERAL OBLIGATION NOTES OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED _____ DOLLARS (\$_____) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, 53 PA.C.S. CHAPTERS 80-82, AS AMENDED, REENACTED AND SUPPLEMENTED, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT (THE "ACT"); FINDING THAT A PRIVATE SALE BY NEGOTIATION IS IN THE BEST FINANCIAL INTERESTS OF THE CITY; DETERMINING THAT SUCH NOTES SHALL EVIDENCE NONELECTORAL DEBT OF THE CITY; SPECIFYING THAT SUCH INDEBTEDNESS IS TO BE INCURRED TO PROVIDE FUNDS FOR CERTAIN PROJECTS OF THE CITY WHICH INCLUDE THE FOLLOWING: (1) THE ADVANCE REFUNDING OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS (CAPITAL APPRECIATION BONDS), SERIES OF 2002; (2) THE PAYMENT OF THE COSTS OF TERMINATING AN INTEREST RATE MANAGEMENT AGREEMENT RELATED TO THE SERIES OF 2002 BONDS AND (3) PAYING THE COSTS AND EXPENSES OF ISSUANCE OF THE NOTES; SETTING FORTH THE REASONABLE ESTIMATED USEFUL LIVES OF THE CAPITAL PROJECTS THAT ARE TO BE REFINANCED BY THE NOTES; ACCEPTING A PROPOSAL FOR THE PURCHASE OF SUCH NOTES AT PRIVATE SALE BY NEGOTIATION; PROVIDING THAT SUCH NOTES, WHEN ISSUED, SHALL CONSTITUTE A GENERAL OBLIGATION OF THE CITY; FIXING THE DENOMINATIONS, DATED DATE, INTEREST PAYMENT DATES, MATURITY DATES, INTEREST RATES, REDEMPTION PROVISIONS, MANDATORY REDEMPTION PROVISIONS (IF APPLICABLE) AND PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH NOTES; AUTHORIZING SPECIFIED OFFICERS OF THE CITY TO CONTRACT WITH THE PAYING AGENT FOR ITS SERVICES IN CONNECTION WITH THE NOTES; SETTING FORTH THE SUBSTANTIAL FORM OF THE NOTES EVIDENCING THE DEBT; AUTHORIZING EXECUTION AND ATTESTATION OF SUCH NOTES; PROVIDING COVENANTS RELATED TO DEBT SERVICE APPLICABLE TO SUCH NOTES TO THE EXTENT REQUIRED BY THE ACT AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY IN SUPPORT THEREOF; CREATING A SINKING FUND IN CONNECTION WITH SUCH NOTES, TO THE EXTENT REQUIRED BY THE ACT; DESIGNATING THE PAYING AGENT TO BE THE SINKING FUND DEPOSITARY; AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT BY AND BETWEEN THE CITY

AND THE ESCROW AGENT NAMED THEREIN IN CONNECTION WITH THE REFUNDING OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS (CAPITAL APPRECIATION BONDS), SERIES OF 2002; PROVIDING A COVENANT TO INSURE PROMPT AND FULL PAYMENT FOR SUCH NOTES WHEN DUE; SETTING FORTH REGISTRATION AND TRANSFER PROVISIONS WITH RESPECT TO SUCH NOTES; AUTHORIZING THE EXECUTION OF ONE OR MORE INVESTMENT AGREEMENTS BY SPECIFIED OFFICERS OF THE CITY (IF APPLICABLE) AND THE PURCHASE OF CERTAIN U.S. TREASURY OBLIGATIONS OR ANY OTHER SECURITIES OR INVESTMENTS IN CONNECTION WITH THE PROJECT AND THE REFUNDING OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS (CAPITAL APPRECIATION BONDS), SERIES OF 2002; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE CITY TO DO, TO TAKE AND TO PERFORM CERTAIN SPECIFIED, REQUIRED, NECESSARY OR APPROPRIATE ACTS TO EFFECT THE ISSUANCE OF THE NOTES, INCLUDING, WITHOUT LIMITATION, THE PREPARATION OF A DEBT STATEMENT AND BORROWING BASE CERTIFICATE, AND THE FILING OF SPECIFIED DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, ALL AS REQUIRED BY THE ACT; DECLARING THAT THE DEBT TO BE EVIDENCED BY SUCH NOTES, TOGETHER WITH ALL OTHER INDEBTEDNESS OF THE CITY, WILL NOT BE IN EXCESS OF ANY APPLICABLE LIMITATION IMPOSED BY THE ACT; AUTHORIZING PROPER OFFICERS OF THE CITY TO DELIVER THE NOTES UPON THE APPROVAL OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; SETTING FORTH CERTAIN COVENANTS PRECLUDING THE CITY FROM TAKING ACTIONS WHICH WOULD CAUSE THE NOTES TO BECOME "ARBITRAGE BONDS" OR "PRIVATE ACTIVITY BONDS," AS THOSE TERMS ARE USED IN THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), AND APPLICABLE REGULATIONS PROMULGATED THEREUNDER; DESIGNATING THE NOTES AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" UNDER SECTION 265(B) OF THE CODE, IF NECESSARY OR DESIRABLE; AUTHORIZING THE PURCHASE OF BOND INSURANCE (IF APPLICABLE); SETTING FORTH THE PROVISIONS, IF ANY, REQUIRED TO BE INCLUDED BY THE BOND INSURER; AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE AND COVENANTING TO COMPLY WITH THE PROVISIONS THEREOF; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INSOFAR AS THE SAME SHALL BE INCONSISTENT HERewith.

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

WHEREAS, the City, in contemplation of the issuance and sale its General Obligation Notes in an aggregate principal amount not to exceed _____ Dollars (\$ _____), to provide funds for and towards certain projects of the City, has determined that the Notes (hereinafter defined) shall be offered

for sale at a private sale by negotiation pursuant to the provisions of the Local Government Unit Debt Act of the Commonwealth, as re-enacted and amended (the "Act") and has determined that a private sale by negotiation is in the best financial interests of the City; and

WHEREAS, the Council of the City of Reading (the "Council") has determined that such Notes will be issued in two series and designated generally as "City of Reading, Berks County, Pennsylvania, General Obligation Notes, Series A of 2010" (the "Series A Notes") and "City of Reading, Berks County, Pennsylvania, Federally-Taxable General Obligation Notes, Series B of 2010" (the "Series B Notes" and together with the Series A Notes, the "Notes") or such other name or designations as shall be selected by the Mayor of the City upon delivery of the Notes in accordance with Section 7 hereof; and

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

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

WHEREAS, the Council has determined to accept the proposals of RBC Capital Markets Corporation and Wells Fargo Bank, National Association (collectively, the "Purchaser"), for the purchase of the Notes, such sale to be conditioned upon, among other things, the receipt of approval from the Department of Community and Economic Development of the Commonwealth (the "Department") relating to the issuance of the indebtedness to be evidenced by the Notes; and

WHEREAS, the City has heretofore issued its General Obligation Bonds (Capital Appreciation Bonds), Series of 2002 in the original present value principal amount of \$12,613,296 (the "2002 Bonds"); and

WHEREAS, the City desires to authorize the refunding of the 2002 Bonds for the purpose of substituting bonds for notes; and

WHEREAS, a portion of the proceeds of the Notes shall be deposited in escrow pursuant to the terms of an escrow agreement (the "Escrow Agreement"), to be executed by and between the City and an escrow agent named therein (the "Escrow Agent"), such that the proceeds of the Notes, together with interest to be earned thereon (if any), will be held by the Escrow Agent in a separate escrow account and irrevocably pledged for the redemption of the 2002 Bonds, all as shall be set forth more fully in the Escrow Agreement; and

WHEREAS, the Notes which are being issued to refund the 2002 Bonds will not be outstanding through a maturity date that could not have been included in the issue of the 2002 Bonds; and

WHEREAS, the Council has determined to and desires to accept the proposals of the Purchaser and to incur nonelectoral debt in the aggregate principal amount not to exceed _____ Dollars (\$_____) to be issued from time to time to fund certain projects (hereinafter described) of the City pursuant to the provisions of the Act.

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

Pursuant to the provisions of this Ordinance, the Council hereby authorizes and directs the issuance of a series of Notes in the aggregate principal amount not to exceed Dollars (\$) to be designated generally as “City of Reading, Berks County, Pennsylvania, General Obligation Notes, Series A of 2010” and a series of Notes in the aggregate principal amount not to exceed Dollars (\$) to be designated generally as “City of Reading, Berks County, Pennsylvania, Federally-Taxable General Obligation Notes, Series B of 2010” or such other name or designation as shall be selected by the Mayor of the City upon delivery of the Notes in accordance with the requirements of Section 7 hereof. The Notes shall be issued and sold in accordance with the provisions of the Act by private sale by negotiation. In connection therewith, the Council hereby finds and determines that a private sale by negotiation is in the best financial interests of the City.

The Council determines that the debt to be incurred pursuant to this Ordinance, and which will be evidenced by the Notes, shall be nonelectoral debt of the City.

A brief description of the project (the “Project”) to be funded with, among other things, the proceeds of the Notes to be issued from time to time pursuant to this Ordinance is as follows: (1) the advance refunding of the 2002 Bonds; (2) the payment of the costs of terminating an interest rate management agreement related to the 2002 Bonds; and (3) paying the costs and expenses of issuance of the Notes.

The remaining realistic estimated useful lives of the capital projects originally financed by the 2002 Bonds and to be refinanced by the Notes are at least 20 years.

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

The City hereby finds and certifies that realistic cost estimates have been obtained for the costs of the Project from financial analysts, registered architects, professional engineers or other persons qualified by experience to provide such estimates.

In connection with the issuance and sale of the Notes, the Council, as required by the provisions of the Act, hereby finds, determines and states (a) that the purpose of the refunding of the 2002 Bonds is to substitute bonds for notes; and (b) that the refunding of the 2002 Bonds is authorized and permitted under and pursuant to the provisions of Section 8241 of the Act. The Council further finds and determines that the final maturity date of the Notes issued to effect the refunding of the 2002 Bonds does not extend to a date that could not have been included in the 2002 Bond issue.

The Council of the City hereby authorizes and directs its proper officers, agents and employees to execute all documents and take all actions necessary in connection with accomplishing the refunding of the 2002 Bonds, including, but not limited to providing notice to the Paying Agent for the 2002 Bonds, and to call the 2002 Bonds for optional redemption in full

on the first date the 2002 Bonds are eligible to be called for optional redemption. In accordance with Section 8246 of the Act, it is the intent of the Council that the 2002 Bonds shall no longer be outstanding from and after the date of the issuance of the Notes.

Subject to the approval of the Department, as required by the provisions of the Act, the Council shall and does hereby accept the proposals of the Purchaser, for the purchase of the Notes in accordance with the terms and conditions of this Ordinance and the Purchaser's proposals, dated April _____, 2010 (collectively, the "Proposal"). The sale of the Notes shall be for an aggregate purchase price of not less than 95.0% nor more than 115.0% of the par amount of the Notes issued by the City, exclusive of any original issue discount and any original issue premium, plus accrued interest, if any, from the date of the Notes to the date of delivery thereof. The Mayor is hereby authorized and directed to accept and to execute the Proposal in the name and on behalf of the City, and the City Clerk is hereby authorized and directed to attest to such acceptance and execution. A copy of the Proposal, as presented to the Council and accepted by this Ordinance, is incorporated herein by reference and shall be attached to this Ordinance and maintained with the minutes of this meeting. The bid security, if any, accompanying the Proposal shall be held and shall be applied as provided by the Act; provided, however, that no allowance for interest shall be made by the City with respect to such bid security, except as provided by the Act.

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

The Notes, when issued, will be a general obligation of the City and the final aggregate principal amount of the Notes to be issued will be less than \$30,000,000. In accordance with the provisions of Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), the City hereby finds, determines and designates the Series A Notes as "qualified tax-exempt obligations" as defined in Section 265(b)(3)(B) of the Code, for the purposes of such Section 265(b) of the Code. The City determines that it and all entities with which it is aggregated under Section 265(b)(3)(E) of the Code have not issued, and do not reasonably expect to issue, tax-exempt obligations which, in the aggregate, exceed or will exceed Thirty Million Dollars (\$30,000,000) during the calendar year 2010. The City also determines that it will not engage in any action or inaction which will or may cause the Series A Notes to fail or cease to constitute "qualified tax-exempt obligations" under Section 265(b)(3) of the Code.

The Notes shall be fully registered, without coupons, in denominations of \$5,000 or any integral multiple thereof, in substantially the form hereinafter set forth in Section 10. The Notes shall be dated as set forth in the definitive Notes as delivered to the Purchaser in accordance with the provisions hereof, and shall bear interest from that date at the applicable rates per annum as set forth in Section 8, payable in accordance with the provisions of the Notes and this Ordinance, semiannually on May 15 and November 15 (each

an “Interest Payment Date”) in each year, commencing with the May 15 or November 15 following the delivery of the Notes, until maturity or prior redemption.

The Notes shall bear interest at rates not to exceed the maximum rates of interest and shall mature, whether by maturity or mandatory sinking fund redemption on the dates and in the amounts not to exceed the maximum amounts as set forth on Exhibit A attached hereto.

The Notes shall be subject to optional and mandatory sinking fund redemption as set forth in the definitive Notes as delivered to the Purchaser in accordance with the provisions hereof.

In lieu of such mandatory redemption, the Paying Agent, on behalf of the City, may purchase, from money in the Sinking Fund, or the City may tender to the Paying Agent, all or part of the Notes subject to mandatory redemption in any such year.

If a Note is of a denomination larger than \$5,000, a portion of such Note may be redeemed. For the purposes of redemption, such Note shall be treated as representing that number of Notes which is obtained by dividing the principal amount thereof by \$5,000, each \$5,000 portion of such Note being subject to redemption. In the event of a partial redemption of a Note, payment of the redemption price shall be made only upon surrender of such Note in exchange for Notes of the same series and of authorized denominations in an aggregate principal amount equal to the unredeemed portion of the principal amount thereof.

Any redemption of Notes shall be upon notice effected by mailing a copy of the redemption notice by first-class mail, postage prepaid, such notice to be sent not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption, addressed to the registered owners of Notes to be redeemed at their addresses shown on the registration books kept by the Paying Agent (hereinafter defined) as of the date the Notes are selected for redemption; provided, however, that failure to give such notice by mailing, or any defect therein or in the mailing thereof, shall not affect the validity of any proceeding for redemption of other Notes called for redemption as to which proper notice has been given.

If at the time of mailing of the notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Notes called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent no later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

On the date designated for redemption, notice having been provided as aforesaid, and money for payment of the principal and accrued interest being held by such Paying Agent, interest on the Notes or portions thereof so called for redemption shall cease to accrue and such Notes or portions thereof shall cease to be entitled to any benefit or security under this Ordinance, and registered owners of such Notes shall have no rights with respect to such Notes, except to receive payment of the principal of and accrued interest on such Notes to the date fixed for redemption.

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

The proper officers of the City are hereby authorized, empowered and directed to contract with a bank or bank and trust company authorized to do business in the Commonwealth of Pennsylvania and who has an office in the Commonwealth of Pennsylvania (the "Paying Agent"), for its services as paying agent and sinking fund depositary in accordance with the terms and conditions of the Proposal, this Ordinance and the Act. Payment of the principal of and interest on the Notes shall be made, when due, in accordance with the provisions of the Notes, at the corporate trust office of the Paying Agent in lawful money of the United States of America.

The Notes shall be in substantially the form set forth in Exhibit "B". The form of the Notes as submitted to the City is hereby approved in substantially such form, with such changes, insertions and variations as are necessary or appropriate to reflect the final terms, including, but not limited to, the name or designation and the final redemption provisions, of the Notes as specified to the City in the delivery instructions of the Purchaser and such other changes as the Mayor may approve upon advice of counsel to the City, such approval to be evidenced by such officer's execution and delivery of the Notes.

The Notes shall be executed in the name and on behalf of the City by the true or facsimile signature of the Mayor of the City and the true or facsimile official seal of the City shall be affixed thereunto, duly attested by the true or facsimile signature of the City Clerk. Said officers are authorized and directed to execute and attest the Notes. The execution and delivery of the Notes shall constitute conclusive proof of the approval of the final terms and provisions of the Notes by the City.

No Note constituting one of the Notes shall be entitled to any benefit under this Ordinance nor shall it be valid, obligatory or enforceable for any purpose until such Note shall have been registered and authenticated by the Certificate of Authentication endorsed thereon duly signed by the Paying Agent; and the Paying Agent is authorized to register and authenticate the Notes in accordance with the provisions hereof.

The Notes shall initially be issued in the form of one fully-registered Note for the aggregate principal amount of the Notes of each maturity, which Notes shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). The Notes issued in the name of Cede & Co. in accordance with the provisions of this Section may be issued in typewritten form satisfactory to DTC. Except as provided below all of the Notes shall be registered in the registration books kept by the Paying Agent in the name of Cede & Co., as nominee of DTC; provided that if DTC shall request that the Notes be registered in the name of a different nominee, the Paying Agent shall exchange all or any portion of the Notes for an equal aggregate principal amount of Notes registered in the name of such nominee or nominees of

DTC. No person other than DTC or its nominee shall be entitled to receive from the City or the Paying Agent either a Note or any other evidence of ownership of the Notes, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all or any portion of the Notes on the registration books maintained by the Paying Agent, in connection with discontinuing the book-entry system as below or otherwise.

So long as the Notes or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or redemption price, if any, of or interest on such Notes shall be made to DTC or its nominee. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of the City or the Paying Agent with respect to the principal or redemption price of or interest on the Notes to the extent of the sum or sums so paid.

The City and the Paying Agent shall treat DTC (or its nominee) as the sole and exclusive registered owner of the Notes registered in its name for the purposes of payment of the principal or redemption price of or interest on the Notes, selecting the Notes or portions thereof to be redeemed, giving any notice permitted or required to be given to registered owners of the Notes, registering the transfer of the Notes, obtaining any consent or other action to be taken by registered owners of the Notes and for all other purposes whatsoever; and neither the City nor the Paying Agent shall be affected by any notice to the contrary. Neither the City nor the Paying Agent shall have any responsibility or obligation to any participant in DTC, any person claiming a beneficial ownership interest in the Notes under or through DTC or any such participant, or any other person which is not shown on the registration books of the Paying Agent as being a registered owner, with respect to: (1) the Notes; (2) the accuracy of any records maintained by DTC or any such participant; (3) the payment by DTC or any such participant of any amount in respect of the principal or redemption price of or interest on the Notes; (4) any notice which is permitted or required to be given to registered owners of the Notes; (5) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the Notes; or (6) any consent given or other action taken by DTC as the registered owner of the Notes.

So long as the Notes or any portion thereof are registered in the name of DTC or any nominee thereof, all notices required or permitted to be given to the registered owners of the Notes under this Ordinance shall be given to DTC.

In connection with any notice or other communication to be provided to registered owners of the Notes pursuant to this Ordinance by the City or the Paying Agent with respect to any consent or other action to be taken by registered owners of the Notes, DTC shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action, provided that the City or the Paying Agent may establish a special record date for such consent or other action. The City or the Paying Agent shall give DTC notice of such special record date not less than 10 calendar days in advance of such special record date to the extent possible.

The book-entry system for registration of the ownership of the Notes may be discontinued at any time if: (1) after notice to the City and the Paying Agent, DTC determines to resign as securities depository for the Notes; (2) after notice to DTC and the Paying Agent, the

City determines that continuation of the system of book-entry transfers through DTC (or through a successor securities depository) is not in the best interests of the City or the beneficial owners of the Notes. In any such event, unless the City appoints a successor securities depository, the Notes shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated in writing by DTC, but without any liability on the part of the City or the Paying Agent for the accuracy of such designation. Whenever DTC requests the City and the Paying Agent to do so, the City and the Paying Agent shall cooperate with DTC in taking appropriate action after reasonable written notice to arrange for another securities depository to maintain custody of certificates evidencing the Notes.

The City covenants to and with the registered owners from time to time of the Notes that the City (i) shall include in its budget in each fiscal year the amount of the debt service for each fiscal year of the City in which such sums are payable, (ii) shall appropriate from its general revenues in each such fiscal year the amount required to pay debt service on the Notes for such year, and (iii) shall duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the principal amount of the Notes and the interest due thereon at the dates and place and in the manner stated therein, according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the City shall and does pledge, irrevocably, its full faith, credit and taxing power. As provided in Section 8104 of the Act, the foregoing covenant of the City shall be enforceable specifically.

The City hereby covenants to create and there is hereby created, pursuant to Section 8221 of the Act, a sinking fund for the Notes, to be known as "Sinking Fund - City of Reading, Berks County, Pennsylvania, General Obligation Notes, Series A and B of 2010" (the "Sinking Fund") or such other name or designation as selected by the proper officers of the City from time to time shall be established with the Paying Agent and administered in accordance with applicable provisions of the Act and this Ordinance.

The Paying Agent shall be the "sinking fund depository" with respect to the Sinking Fund created pursuant to Section 13. The City covenants and agrees to deposit in the Sinking Fund, on or before each Interest Payment Date, an amount which shall be sufficient to permit the Paying Agent to pay on such Interest Payment Date all principal and accrued interest becoming due with respect to the Notes. After such deposit, the Paying Agent shall, without further authorization or direction from the City or any of its officials, upon proper and timely presentation, execution and surrender of the Notes, with respect to the payment of principal of the Notes, or at the Interest Payment Date, with respect to the payment of interest on the Notes, withdraw moneys from the Sinking Fund and apply such moneys to the prompt and full payment of such obligations in accordance with the terms thereof, the terms and conditions of this Ordinance and the provisions of the Act.

Each Note shall bear interest from the Interest Payment Date next preceding the date of registration and authentication of such Notes, unless (a) such Notes are registered and authenticated as of an Interest Payment Date, in which event such Notes shall bear interest from said Interest Payment Date; or (b) the Notes are registered and authenticated after a Record Date (hereinafter defined) and before the next succeeding Interest Payment Date, in which event such Notes shall bear interest from such Interest Payment Date, or (c) the Notes are registered and authenticated on or prior to the Record Date preceding the

first Interest Payment Date, in which event such Notes shall bear interest from the dated date thereof, or (d) as shown by the records of the Paying Agent, interest on such Notes shall be in default, in which event such Notes shall bear interest from the date on which interest was last paid on such Notes. Interest shall be paid semiannually on May 15 and November 15 of each year, commencing with the May 15 or November 15 following the delivery of the Notes, until the principal sum is paid. Interest on the Notes is payable by check drawn on the Paying Agent, which shall be mailed to the registered owner whose name and address shall appear, at the close of business on the fifteenth (15th) day next preceding each Interest Payment Date (the "Record Date"), on the registration books maintained by the Paying Agent, irrespective of any transfer or exchange of the Notes subsequent to such Record Date and prior to such Interest Payment Date, unless the City shall be in default in payment of interest due on such Interest Payment Date. In the event of any such default, such defaulted interest shall be payable to the person in whose name the Notes are registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owners of the Notes not less than ten (10) days preceding such special record date. Such notice shall be mailed to the persons in whose names the Notes are registered at the close of business on the fifth (5th) day preceding the date of mailing.

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

The City and the Paying Agent shall not be required: (i) to issue or to register the transfer of or exchange any Notes then considered for redemption during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Notes to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given, or (ii) to register the transfer of or exchange any portion of any Note selected for redemption, in whole or in part until after the date fixed for redemption. Notes may be exchanged for a like aggregate principal amount of Notes of other authorized denominations of the same maturity and interest rate.

The Notes shall be transferable or exchangeable by the registered owner thereof upon surrender thereof to the Paying Agent, at its principal corporate trust office, accompanied by a written instrument or instruments in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner thereof or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of the Notes in the registration books of the City maintained by the Paying Agent and shall authenticate and deliver in the name of the transferee or transferees new fully registered Notes of authorized denominations of the same series and maturity for the aggregate amount which the transferee or transferees are entitled to receive at the earliest practicable time.

The City and the Paying Agent may deem and treat the persons in whose names the Notes shall be registered on the registration books of the City maintained by the Paying

Agent as the absolute owners thereof for all purposes, whether such Notes shall be overdue or not, and payment of the principal of and/or interest on the Notes shall be made only to or upon the order of the registered owners thereof or their legal representatives, but such registration may be changed, as herein and in the Notes provided. All such payments shall be valid and effectual to satisfy in full and discharge the liability of the City upon the Notes so paid, to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

The City shall cause to be kept, and the Paying Agent shall keep, at the principal corporate trust office of the Paying Agent, books for the registration, exchange and transfer of Notes in the manner provided herein and therein so long as the Notes shall remain outstanding. Such registrations, exchanges and transfers shall be made without charge to noteholders, except for actual costs, including postage, insurance and any taxes or other governmental charges required to be paid with respect to the same.

If necessary, the City hereby approves the execution of one or more investment agreements, the purchase of certain U.S. Treasury obligations or any other securities or investments (the "Investments") for investment of the proceeds of the Notes in connection with the Project and the refunding of the 2002 Bonds. The City hereby authorizes and directs the Mayor to execute and the City Clerk to attest any investment agreement on behalf of the City, in the form approved by the Solicitor and Bond Counsel of the City. The Investments shall be limited to those authorized under law for proceeds of the Notes.

The Mayor is hereby authorized and directed, in the name and on behalf of the City: (a) to prepare, execute and certify the debt statement and borrowing base certificate required by the Act; (b) to prepare, execute and file with the Department, as required by Section 8111 of the Act, a duly attested copy of this Ordinance, with proofs of proper publication, the accepted Proposal of the Purchaser and a complete and accurate transcript of the proceedings relating to the incurring of the debt to be evidenced by the Notes, including the debt statement and borrowing base certificate; (c) to pay or to cause to be paid to the Department all proper filing fees required by the Act in connection with the foregoing; (d) to pay or cause to be paid from proceeds of the Notes or otherwise, all costs and expenses incurred by the City in connection with the issuance of the Notes; (e) to advertise the enactment of this Ordinance, as required by the Act; and (f) to take any and all other action, and to execute and deliver any and all documents and other instruments, required or permitted by the Act or by the Proposal of the Purchaser, or which they, in their sole discretion, may deem necessary, proper or desirable to effect the issuance of the Notes, to the extent not inconsistent with this Ordinance or applicable law.

It is hereby declared that the debt to be evidenced by the Notes, together with all other indebtedness of the City, is not in excess of any applicable limitation imposed by the Act upon the incurring of debt by the City.

The proper officers of the City are hereby authorized and directed to deliver the Notes as and when issued to the Purchaser, upon due registration and authentication thereof as provided for herein, upon receipt of full and proper payment of the purchase price therefor,

provided, however, that such delivery shall be effected only after the Department has certified its approval pursuant to Section 8204 of the Act.

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

The Council hereby authorizes and directs the purchase of a municipal bond insurance policy or policies (the “Municipal Bond Insurance Policy”) to be issued by a municipal bond insurer acceptable to the Purchaser and the Mayor insuring the payment when due of the principal of and interest on the Notes as provided therein. Proper officers of the City are authorized and directed to take all required, necessary and/or appropriate action with respect to such insurance, including the payment of the premium thereof. Proper officers of the City are also authorized and directed to execute any and all documents or agreements with respect to such insurance, as may be required by the insurer.

On the date of delivery of the Notes, to the extent required for a lawful defeasance of the 2002 Bonds, the proper officers of the City are hereby authorized, empowered and directed to execute, attest and deliver the Escrow Agreement in the form approved by such officers with the advice of the Solicitor to the City. The Escrow Agreement shall provide for, among other things, the following: (i) a certification to the Escrow Agent of the amount required to pay the principal of, premium, if any, and interest on, the 2002 Bonds, (ii) the deposit with the Escrow Agent of an amount which, when taken together with the interest to be earned thereon, will be in the amount necessary to pay the principal of, premium, if any, and interest on the 2002 Bonds to and including May 15, 2012, and to pay the principal amount of the 2002 Bonds maturing after May 15, 2012, the date fixed for the redemption thereof, (iii) the investment of the amounts deposited with and held by the Escrow Agent, (iv) a direction to the Escrow Agent to cause notice of redemption to be given to the holders of the 2002 Bonds, and (v) the irrevocable pledge and escrow of, and grant of a security interest in favor of the Escrow Agent of all investments held by it pursuant to the Escrow Agreement.

The City hereby authorizes and directs the proper officers, agents and employees to execute any and all other documents and to take any and all action necessary in connection

with the Project to cause the 2002 Bonds to “no longer be deemed to be outstanding” as of the date of delivery of the Notes, within the meaning and for the purposes of Section 8250 of the Act and to cause the redemption of the 2002 Bonds on May 15, 2012.

With regard to the Notes, the proper officers of the City are hereby authorized to execute a Continuing Disclosure Certificate (hereinafter defined) on behalf of the City and the City hereby covenants and agrees that it will comply with and carry out all of the provisions of such Continuing Disclosure Certificate as required by applicable law. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Noteholder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

As used herein, the term “Continuing Disclosure Certificate” shall mean one or more Continuing Disclosure Certificates to be executed by the City in order to comply with Securities and Exchange Commission Rule 15c2-12, and dated the date of issuance and delivery of the Notes from time to time, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

As used herein, the term “Beneficial Owner” shall mean any person which has or shares the power, directly or indirectly, to make investment decisions concerning ownership of any Notes (including persons holding Notes through nominees, depositories, or other intermediaries).

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

All ordinances or parts of ordinances, insofar as the same shall be inconsistent herewith, shall be and the same expressly hereby are repealed.

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

[Remainder of Page Intentionally Left Blank]

DULY ENACTED, THIS ____ DAY OF APRIL, 2010, BY THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL SESSION DULY ASSEMBLED.

Attest:

CITY OF READING
Berks County, Pennsylvania

By: _____
Linda A. Kelleher CMC, City Clerk
Council

Vaughn D. Spencer, President of

(SEAL)

MAXIMUM DEBT SERVICE SCHEDULE

NOTE FORM

REGISTERED

REGISTERED

Number ____

\$_____

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”) to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

CITY OF READING, BERKS COUNTY,
PENNSYLVANIA

[FEDERALLY-TAXABLE]
GENERAL OBLIGATION NOTE, SERIES [A][B] OF 2010

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE OF</u> <u>SERIES</u>	<u>CUSIP</u>
	November 15, _____	_____, 2009	

REGISTERED OWNER CEDE & CO.

PRINCIPAL AMOUNT \$ _____

The City of Reading, Berks County, Pennsylvania (the “City”), a City existing under the laws of the Commonwealth of Pennsylvania (the “Commonwealth”), for value received, hereby acknowledges itself to be indebted and promises to pay to the order of the Registered Owner hereof, or registered assigns, on the maturity date stated hereon (or upon prior redemption, as hereinafter provided), upon presentation and surrender hereof, the Principal Amount shown above and to pay semiannually on May 15 and November 15 of each year prior to maturity or redemption (each an “Interest Payment Date”), beginning _____, 20__, to the registered owner hereof, interest on such principal sum, at the rate per annum stated hereon, from the Interest Payment Date next preceding the date of registration and authentication of this City of Reading, Berks County, Pennsylvania, General Obligation Note, Series [A][B] of 2010 (the “Note”), unless (a) this Note is registered and authenticated as of an Interest Payment Date, in which event this Note shall bear interest from such Interest Payment Date, or (b) this Note is registered and authenticated after a Record Date (hereinafter defined) and before the next succeeding Interest Payment Date, in which event such Note shall bear interest from such

Interest Payment Date, or (c) this Note is registered and authenticated on or prior to the Record Date preceding _____, 2010, in which event such Note shall bear interest from _____, 2010, or (d) as shown by the records of _____, as paying agent, at its offices located in _____, Pennsylvania, or its successor (the "Paying Agent"), interest on such Note shall be in default, in which event such Note shall bear interest from the date on which interest was last paid on such Note. Interest on each Note is payable by check drawn on the Paying Agent, which shall be mailed to the registered owner whose name and address shall appear, at the close of business on the fifteenth (15th) day next preceding each Interest Payment Date (the "Record Date"), on the registration books maintained by the Paying Agent, irrespective of any transfer or exchange of the Note subsequent to such Record Date and prior to such Interest Payment Date, unless the City shall be in default in payment of interest due on such Interest Payment Date. In the event of any such default, such defaulted interest shall be payable to the person in whose name the Note is registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owners of Notes (hereinafter defined) not less than ten (10) days preceding such special record date. Such notice shall be mailed to the persons in whose names the Notes are registered at the close of business on the fifth (5th) day preceding the date of mailing.

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

This Note is one of a series of notes of the City known generally as "City of Reading, Berks County, Pennsylvania, [Federally-Taxable] General Obligation Notes, Series [A][B] of 2010," dated as of _____, 2010 (the "Notes"), issued by the City in the aggregate principal amount of _____ Dollars (\$_____).

The Notes are in fully registered form, without coupons, and have been authorized and issued in accordance with the Local Government Unit Debt Act of the Commonwealth (the "Act"), without the assent of the electors, pursuant to an ordinance (the "Ordinance") of the Council duly enacted on April __, 2010. The terms and provisions of the Ordinance are hereby incorporated by reference as if set forth fully herein.

The City has covenanted in the Ordinance that it shall include in its budget the amount of the debt service for each fiscal year of the City in which principal and/or interest on the Notes is payable, that it shall appropriate from its general revenues any such sums for the payment of such debt service and that it shall duly and punctually cause to be paid when due principal and interest on the Notes.

[FOR SERIES A NOTES ONLY: In the Ordinance, the City has covenanted to and with registered owners of the Notes that it will make no use of the proceeds of the Notes, or do or suffer any other action, which, if such use or action had been reasonably expected on the date of issuance of the Notes, would cause the Notes to be "arbitrage bonds" or "private activity

bonds” as those terms are defined in Section 148 and Section 141 of the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder.]

[FOR SERIES A NOTES ONLY: This Note has been designated by the City as a “qualified tax-exempt obligation,” within the meaning of Section 265(b)(3)(B) of the Code.]

This Note shall not be entitled to any benefit under the Ordinance nor shall it be valid, obligatory or enforceable for any purpose until this Note shall have been authenticated by the Paying Agent.

The Notes maturing on or after _____, shall be subject to redemption, prior to maturity, at the option of the City, in whole or in part, in any order of maturities, at any time on or after _____, at a price equal to 100% of the principal amount of the Notes to be redeemed and accrued interest thereon to the date fixed for such optional redemption. In the event that less than all Notes of a particular maturity are to be redeemed, the Notes of such maturity to be redeemed shall be drawn by lot by the Paying Agent.

The Notes stated to mature on _____, are subject to mandatory redemption prior to maturity on _____ of the years (at a price equal to the principal amount of the Notes called for mandatory redemption plus accrued interest thereon to the date fixed for such mandatory redemption) and in the principal amounts as set forth in the following schedule, as drawn by lot by the Paying Agent:

<u>Year</u>	<u>Principal Amount</u>
-------------	-------------------------

*

* at maturity

In lieu of such mandatory redemption, the Paying Agent, on behalf of the City, may purchase, from money in the Sinking Fund, or the City may tender to the Paying Agent, all or part of the Notes subject to mandatory redemption in any such year.

If a Note is of a denomination larger than \$5,000, a portion of such Note may be redeemed. For the purposes of redemption, such Note shall be treated as representing that number of Notes which is obtained by dividing the principal amount thereof by \$5,000, each \$5,000 portion of such Note being subject to redemption. In the event of a partial redemption of a Note, payment of the redemption price shall be made only upon surrender of such Note in exchange for Notes of the same series and of authorized denominations in an aggregate principal amount equal to the unredeemed portion of the principal amount thereof.

Any redemption of Notes shall be upon notice effected by mailing a copy of the redemption notice by first-class mail, postage prepaid, such notice to be sent not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption, addressed to the registered owners of Notes to be redeemed at their addresses shown on the registration books kept by the Paying Agent (hereinafter defined) as of the date the Notes are selected for

redemption; provided, however, that failure to give such notice by mailing, or any defect therein or in the mailing thereof, shall not affect the validity of any proceeding for redemption of other Notes called for redemption as to which proper notice has been given.

If at the time of mailing of the notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Notes called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent no later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

On the date designated for redemption, notice having been provided as aforesaid, and money for payment of the principal and accrued interest being held by such Paying Agent, interest on the Notes or portions thereof so called for redemption shall cease to accrue and such Notes or portions thereof shall cease to be entitled to any benefit or security under this Ordinance, and registered owners of such Notes shall have no rights with respect to such Notes, except to receive payment of the principal of and accrued interest on such Notes to the date fixed for redemption.

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

This Note may be transferred or exchanged by the registered owner hereof only upon surrender of this Note to the Paying Agent at its principal corporate trust office, accompanied by a written instrument or instruments of transfer in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner of this Note or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of this Note in the registration books maintained by the Paying Agent and shall authenticate and deliver in the name of the transferee or transferees a new fully registered note or notes of the same series and of authorized denominations of the same maturity and form for the aggregate amount which the transferee is entitled to receive at the earliest practicable time. The City and the Paying Agent may deem and treat the registered owner hereof as the absolute owner hereof (whether or not this Note shall be overdue) for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the City and the Paying Agent shall not be affected by any notice to the contrary. All payments made to the registered owner of a Note, as herein provided, shall be valid and effectual to satisfy in full and discharge the liability of the City upon the Note as paid.

The City and the Paying Agent shall not be required: (i) to issue or to register the transfer of or exchange any Notes then considered for redemption during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Notes to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given, or (ii) to register the transfer of or exchange any portion of any Note selected for redemption, in whole or in part until after the date fixed for redemption. Notes may

be exchanged for a like aggregate principal amount of Notes of other authorized denominations of the same maturity and interest rate.

The City has caused CUSIP numbers to be printed on the Notes as a convenience to noteholders. No representation is made as to the accuracy of such numbers as printed on the Notes.

No recourse shall be had for the payment of the principal of or interest on this Note, or for any claim based hereon or on the Ordinance, against any member, officer or employee, past, present, or future, of the City or of any successor body, as such, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the issuance of this Note.

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

IN WITNESS WHEREOF, the City of Reading, Berks County, Pennsylvania, has caused this Note to be signed in its name and on its behalf by the signature of the Mayor and its corporate seal to be hereunder affixed, duly attested by the signature of the City Clerk, as of the ____ day of _____, 2010.

CITY OF READING
Berks County, Pennsylvania

By: _____
Thomas McMahon, Mayor

Attest: _____
Linda A. Kelleher CMC, City Clerk

(SEAL)

STATEMENT OF INSURANCE

TO BE PROVIDED UPON SELECTION OF BOND INSURER

(FORM OF PAYING AGENT'S CERTIFICATE)

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

It is certified that this Note is a Note issued under the provisions of the within-mentioned Ordinance.

_____, as Pay

By _____
Authorized Officer

(FORM OF ASSIGNMENT)

ASSIGNMENT

FOR VALUE RECEIVED, _____ (the "Transferror"), the undersigned, hereby sells, assigns and transfers unto

Name (the "Transferee")

Address

Social Security or
Federal Employer Identification
No.

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

Date: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an approved eligible guarantor institution, an institution which is a participant in a Securities Transfer Association recognized signature guarantee program.

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

(END OF NOTE FORM)

BILL NO. _____-2009
A N O R D I N A N C E

Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades by renaming Part 12 Parades, Special Events and Public Gatherings and amending as attached

SECTION 1. City Council wishes to establish a standard process for permitting Special Events by the public and private sector using City Streets, facilities, or services. It is recognized that Special Events provide benefits to the City of Reading through the creation of unique venues for expression and entertainment. However, certain Special Events, due to their size and special requirements, may place unique demands on public resources or pose a danger to public health, safety, and welfare. In order to plan for these demands on public resources and to ensure that the public health and safety of its citizens is protected, the City of Reading must receive advance notice of any Special Events that are to occur within its boundaries. The provisions of this Ordinance are intended to address those concerns and are not intended to place an unreasonable burden on individuals' rights of association or freedom of expression. It is the intent of the Reading City Council to protect the rights of its citizens to engage in free speech activities, yet allow for the least restrictive and reasonable regulation of time, place, and manner of those activities within the overall context of rationally regulating Special Events that have an impact on public facilities and services.

SECTION 2. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 as attached

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Police Chief/Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PART 12

PARADES, SPECIAL EVENTS, AND PUBLIC GATHERINGS

§15-1201. Short Title.

This Part shall be known and cited as the "Parade *and Special Events*" Ordinance of the City of Reading, Pennsylvania."

§15-1202. Definitions.

APPLICANT - *a person who has filed a written Application for a Special Event Permit*

CHIEF OF POLICE - the Chief of Police of the City of Reading, Pennsylvania

CITY - the City of Reading, *Pennsylvania*

COMMUNITY EVENT SITE RESERVATION - means a temporary event, gathering, or organized activity on any City Street, public property, or in any City park, building, or other facility, when use of a site is desired by a community or group of citizens but no disruption of other citizen's passage occurs or any use of city services is needed.

Neighborhood groups requesting block parties may request the use of city barricades for a fee. Site Reservation Permit must be filed within 30 days of the planned event.

Examples of Site Reservation activities are small gathering of person distributing information and/or literature on advocacy, political, religious, or other topics while exercising the rights of free speech and peaceful assembly.

COMMUNITY EVENT SITE RESERVATION PERMIT - written, signed authorization to hold a site reservation shall be on an abbreviated application form and issued by the Reading Police Department and approved by Reading's Risk and Safety Coordinator, and the City Solicitor.

PARADE - any parade, march or procession of any kind in or upon any street or public park within the City

PERSON - any person, firm, partnership, association, corporation, company or organization of any kind

SIDEWALK - that portion of a Street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians

SPECIAL EVENT - means a temporary event, gathering, or organized activity on any City Street, public property, or private property, or in any City park, building, or other facility, when an organized activity is conducted involving one (1) or more of the following factors:

1. Closing of a public Street, Sidewalk, or alleyway;
2. Blocking or restricting public property;
3. Blocking or restricting access to private property of others;
4. Use of pyrotechnics or special effects;
5. Use of open flame, explosions, or other potentially dangerous displays or actions;
6. Use or display of animals, aircraft, or watercraft **only when such use or display could create a disturbance or affect the public safety of persons attending or in the immediate area of the event;**
7. Sale or service of merchandise, food, or non-alcoholic and alcoholic beverages on public and private property where otherwise prohibited by Ordinance;
8. Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public property; or on private property where otherwise prohibited by Ordinance;
9. Placement of portable toilets on public property; or on private property where otherwise prohibited by Ordinance;
10. Placement of "No Parking" signs or barricades in a public right-of-way;
11. Amplification of music, voices, sounds, or activities that require a noise permit;

12. The Public Works, Fire or Police Departments reasonably determine that the event will result in substantial impact on City resources, facilities, or public safety services in response thereto;
13. Examples of Special Events include but are not limited to: Concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, block parties, community events, marathons and other running events, bicycle races and tours, football games, basketball games, baseball games, golf tournaments, boat races, and other organized activity conducted for the purpose of fundraising for profit, non-profit fundraising, community promotion, or charity.
14. The Police Department Traffic Unit shall determine if a Special Event Permit is required.

SPECIAL EVENT PERMIT - written, signed authorization to hold a Special Event issued by the Reading Police Department and approved by Reading's Risk and Safety Coordinator, the City Solicitor, the Public Works Director, and the Fire and Police Chief

SPECIAL EVENT VENUE - that area for which a Special Event Permit has been issued

STREET - the entire width between the boundary lines of every publicly-maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic

§15-1203. Permit Required.

1. Except as provided in this Ordinance, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a Special Event or Community Event Site Reservation activity until an applicable permit has been issued by the City of Reading

Exceptions. This Part shall not apply to:

- A. Funeral processions by a licensed mortuary.
- B. House moving and construction activities
- C. Activities of a governmental agency acting within the scope of its authority

D. Lawful exercise of free speech and right to assemble on sidewalks or other public property where such demonstration does not impede the passage of others and all laws, ordinances, and regulations are obeyed.

E. A governmental agency acting within the scope of its functions.

F. Students traveling to and from classes or participating in school district sanctioned educational activities provided such conduct is under the immediate direction and supervision of the proper school authorities.

§15-1204. Application.

An individual requiring a Special Event Permit shall pick up and submit a completed Application for a Special Event Permit at the City's Police Department Traffic Office. Each Applicant shall be required to pay a Processing Fee and a Security Deposit Fee, neither of which will be waived, as specified in Exhibit B: Fee Schedule. A copy of the receipt from the city's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

A Special Event Permit shall be submitted to the City at least sixty (60) days (two [2] months) but no more than one hundred eighty (180) days (six [6] months) prior to the date proposed for the Special Event. The Mayor, where good cause is shown, may, but is not required to, consider an Application filed less than sixty (60) days prior to the proposed date of said event or activity only if all requirements for the permit can be met.

A Community Event Site Reservation Permit is an abbreviated application and is free of charge and without need for a security deposit, except for a fee for Block Parties and the use of city barricades, and must be filed within 30 days of the planned event.

Filing Period. An application for a special event permit shall be filed with the Chief of Police not less than 60 days before the date on which it is proposed to conduct the parade or special event. A Community Event Site Reservation Permit must be filed within 30 days of the planned event. The application shall be signed by the applicant or its authorized agent.

Contents. The application for a special event permit shall set forth the following information:

A. The name, address and daytime telephone number, fax, cell phone number, and email address of the person seeking to conduct such event.

the B. If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of organization and of the authorized and responsible heads of such organization.

C. The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct.

D. The location of the event.

E. The purpose of the event.

F. The date, days, and times when the event is to be conducted.

G. The setup, tear-down, and cleanup dates and times.

H. The route to be traveled, the starting point and the termination point for parades.

will I. The approximate number of persons who, and animals and vehicles which, constitute the parade; the type of animals and description of vehicles.

J. The hours, when such event will start and terminate.

K. A statement as to whether the event will occupy all or only a portion of the width of the streets proposed.

L. The location by streets of any assembly areas for such event.

M. Maps detailing proposed site locations and/or routes along with written descriptions of the following:

- a. Amplification Devices: Types used and for what purposes.
- b. Electrical Requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.

- c. Emergency Medical Stations: First aid or emergency medical services based on Special Event risk factors, as determined by the City Manager or City Manager's designee.
- d. Equipment: Types of equipment used to service Special Event and/or to be showcased in the event.
- e. Fire Lanes: Contingency plan for access by fire-fighting and emergency medical vehicles, equipment, and personnel.
- f. Fireworks or Pyrotechnic Displays: Amount, type, and fire safety plans, including proof of application for state permit. All pyrotechnic/fireworks/flame display plans must be reviewed by the Fire Marshal's office and a member of the Fire Marshal's staff must be present at the time of the display.
- g. Litter Control: Number, size, and location of trash receptacles, as well as trash removal and disposal.
- h. Parade, Race, Other Similar Activities: Including but not limited to marathons, "fun-runs," "walk-a-thons," trail rides, cycle and motorbike tours, watercraft events, scavenger hunts, etc. Show start and finish locations.
- i. Portable Toilets: The number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy, City policies, and City codes, including quantity that will be ADA accessible.
- j. Signage: Type of proposed on-site and off-site signage, including quantity, dimensions, and materials.

- k. Street Closures and Detours: A statement as to whether the Special Event will occupy all or only a portion of the width of the Streets, Sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control.
- l. Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies.
 - (a) If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by Applicant.
- m. Vendors: List each vendor, including products and services offered. Pennsylvania law requires valid tax ID number for each vendor.
- n. Vehicles: Types of vehicles used to support services to the Special Event and/or to be showcased in the event.

N. Admission Fees: The cost of admission, if any, and whether the event is a public or private event.

O. Alcoholic Beverages:

- a. Conditions and restrictions on the use of alcoholic beverages.
- b. Submit a list all vendors who will be providing alcohol, along with copies of their TABC certificates.

Note: Alcoholic Beverages are prohibited in all City parks, playgrounds and facilities except as specifically authorized by the city and in compliance with the PLCB .

P. Animals: A description of the types of animals anticipated to be part of the Special Event, if any. Refer to the Animal Control Ordinance for requirements

for proper control and handling of animals and animal waste during Special Events.

Special Events applications including the use of animals will be reviewed by the Animal Control Agency.

Q. Attendance:

- a. The approximate number of persons who will be attending the Special Event each day for the duration of the Special Event Permit.
- b. The approximate number of persons who will participate in the event as volunteers or workers.

Note: The PA Department of Health requires an ambulance on standby at the event for all events expecting 5,000 or more people.

R. Insurance: Proof of comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00), naming the City of Reading as additional insured. Also, include additional affected entities, i.e., BEDC.

S. Miscellaneous: Any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed Special Event activity, as well as any other information required by the Police Traffic Office.

T. Water/Wastewater: If applicable, a plan for the disposal of waste water, including capture and containment, which plan shall be approved by the Public Works Department. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law.

U. Liability insurance covering the City for any claim or claims by any persons or entities arising out of the conducting of said parades or special events shall be required as a condition to granting the applications with respect to those parades or special events which considering the nature thereof, and the activities involved, in the discretion of Chief of Police, on the recommendation of the Safety and Risk Manager of the City, require insurance in such amounts as the Chief of Police shall determine on the advice of the Safety and Risk Manager of the City.

V. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

Late Applications. The Chief of Police, where good cause is shown therefore, shall have the authority to consider any application hereunder which s filed less than 60 days before the date of such special event is proposed to be conducted.

§15-1205. Fees, Time Limit, and Cost

Fees. Due and payable at the time of filing Application. A copy of the receipt from the city's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

1. Processing Fee will NOT be waived:

- a) With proof of non-profit status (i.e., document of incorporation or, 501-C status): One hundred dollars (\$100.00).
- b) All others: Three hundred dollars (\$300.00).
- c) For Community Special Event Site Registration – Block Parties requiring barricades: Fifty dollars (\$50.00).
- d) If the event is cancelled or not held after the permit has been issued by the city, the processing fee will be refunded, minus a \$50 administrative processing fee.

2. Security Deposit will NOT be waived:

- a. Five hundred dollars (\$500.00).
- b. Refundable if the location of the Special Event is clean and free of litter and damage and city services costs are paid.
- c. The Security Deposit must be paid with a separate check so that it can be placed in escrow for easy return if applicable.

3. Use of City Personnel Resources for Event:

a. Fire and EMS, Police, and Public Works will determine the number of and duration of personnel needed to provide services for the event based on the nature, the location, and the number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular city operations.

b. Costs for needed services shall be paid according to the current City hourly rate for the personnel involved in the event and in adherence to conditions set forth in bargaining agreements, such as the minimum number of hours to be paid for such employee service. The overtime rate for employees will most likely be applicable.

c. Cost estimates will be provided to the Applicant at least 14 days prior to the event. Estimated city services that will cost above \$500 require one-half payment seven days before the event. Failure of the permit holder to reimburse the city for services will result in the costs being taken from the security deposit and undertake collection procedures.

d Any complaints concerning the amount and cost of personnel needed to provide a clean and safe event will be heard and decided by the director of Finance or the City Managing Director.

§15-1206. Time Limit for Filing and Changes.

A timely Application for Special Event Permit shall be filed no less than sixty (60) days and no more than one hundred and eighty (180) days prior to the date on which the proposed Special Event shall occur.

The Mayor, where good cause is shown, may, but is not required to, consider an Application filed less than sixty (60) days (two [2] months) prior to the proposed date of said event or activity.

Any proposed changes to the Application prior to the date of the event must be approved by the Police Department with possible consultation with Public Works, Fire, Risk and Safety and the City Solicitor.

§15-1207. Date of Special Event Not Confirmed Until Permit Issued

Notwithstanding the Police Traffic Unit's acceptance of a completed Application, no date for a Special Event shall be considered confirmed until an Applicant has fully complied with all necessary requirements and the Special Event Permit has been

approved and issued by the City of Reading. If an Application for a Special Event has been submitted for a specific date but is waiting for approval, no other Application can be accepted for that same date until a decision on the first Special Event Application has been made.

Certain annual Special Events have a “standing tentative reserved date,” such as the Holiday Parade and the Labor Day Parade. These dates will be honored providing the Applicant submits the Special Event Permit Application in accordance with this Ordinance.

To avoid double-booking a City facility, the person responsible for City facilities should be notified immediately of the proposed date and event so that the venue can be tentatively reserved for said date.

§15-1208. Conditions for Issuance of a Special Event Permit

The City of Reading Police Traffic Office may issue a Special Event Permit when:

1. An Application is successfully completed and filed in accordance with this ordinance; and
2. All of the following conditions are satisfied:
 - a. The Special Event will not substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic.
 - b. The Special Event will not require the diversion of police officers, fire department personnel or other department employees so as to significantly impact the City department’s ability to respond appropriately to regular City duty throughout the remainder of the community.
 - c. The concentration of persons, animals, vehicles, or things at the staging and disbanding areas, as well as along the event or street activity route, will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.
 - d. The Special Event is not being conducted for an unlawful purpose, nor will it violate any Ordinance of the City or any other applicable law.

e. The Special Event will not substantially interfere with any other Special Event for which a Special Event Permit has already been issued; nor shall it substantially interfere with the provision of City services in support of other scheduled events or unscheduled government functions.

f. The Special Event will not have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.

g. All sponsor(s), participants, and attendees at special events are subject to all laws, ordinances, and regulations not specifically exempted by the special event permit, including but not limited to noise volume, disorderly conduct, and intoxication. Police, fire and code officers may order the shutdown of a special event that becomes disorderly or hazardous.

§15-1209. Denial or Revocation of a Special Event Permit

The Police Department Traffic Office, in consultation with the City Mayor or Managing Director, may deny or revoke a Special Event Permit Application if the Applicant fails to satisfy or violates any of the requirements set forth in this ordinance; or

1. The Applicant has made or permitted the making of a false or misleading statement or omission of material fact on the Special Event Permit Application; or
2. The Applicant has violated this Ordinance or has had a Special Event Permit revoked within the preceding twelve (12) months.
3. The Applicant violates or has violated within the past twelve (12) months another City Ordinance or State law

§15-1210. Notice of Decision

If the Application is rejected, the Police Department Traffic Office shall provide by facsimile transmission, e-mail, telephone, and/or U.S. mail directed to the Applicant within ten (10) business days after the date upon which the Application was filed, a notice of its action, stating the facts and conclusions which are the basis for the denial of the Permit.

§15-1211. Street Activity and Route Restrictions

Special Events shall comply with the following restrictions. The Police Department and/or City Managing Director may alter the time restrictions stated herein upon review of the Special Event's location, time, type, safety concerns, the City's capabilities, and proximity to residential properties.

1. Special Events held on public property within the City limits or on a publicly maintained right-of-way may begin staging (setting up) at 6:00 a.m. and shall disband (shut down) at 10:00 p.m. Cleanup must be completed by midnight.
2. Special Events held primarily in a residential area may begin staging (setting up) at 10:00 a.m. and shall disband (shut down) by 8:00 p.m. Cleanup must be completed by 10:00 p.m.
3. Special Events held primarily in a residential area and requiring street closures, the appropriate safety/security measures must be approved by the Chief of Police and/or the Managing Director for the duration of the Special Event and at the expense of the Applicant.
4. Noise levels for such Special Events shall not exceed maximum permissible sound levels in accordance with City noise Ordinance. This includes but is not limited to air horns and other horn blowing apparatus, whistles, and amplified music, speech, and other sounds.
5. Throwing any items, including but not limited to candy, gum, food, beads, confetti, balloons, and toys, from any and all kinds of moving vehicles, equipment, trailers, bicycles, motorcycles, animals, etc. during Special Event parades is strictly prohibited. However, such items may be handed to individuals curbside.
6. Only licensed drivers may operate motorized vehicles and equipment during parades. This includes but is not limited to automobiles, tractors, trucks of all makes, all-terrain vehicles (ATV), and go-carts.

§15-1212. Temporary Signs for Special Events

It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign, banner, lighting, or advertising without the prior written approval of the Public Works Department. In case of conflict with the City's sign regulations in the Code of Ordinances, the City's sign Ordinance shall control.

All Special Event signs, banners, flyers, or advertisements of any kind shall be contained within the boundaries of the event location and shall be removed within twenty-four (24) hours of the completion of the Special Event. A Special Event sign not removed in compliance with this section may be removed by the City at the expense of the Applicant to include costs incurred by the City for removal of same. If a Special Event sign, banner, flyer, or advertisement becomes a hazard to the public's safety or welfare due to inclement weather, inadequate maintenance, accidental damage, or other cause, the City shall remove the sign immediately at the sole cost of the Applicant. After removal by the City, the City may store, dispose, destroy, or otherwise handle the sign as it deems appropriate and shall have no liability to the Applicant or sign owner related to same. All banners not picked up by the Applicant or designee within one (1) week after completion of said Special Event, may be disposed, destroyed, or otherwise handled as deemed appropriate with no liability on the part of the City.

§15-1213. Appeal Procedure.

Any person aggrieved by the action of the Chief of Police shall have the right to have the action of the Chief of Police reviewed by the Mayor of the City upon written request to the Mayor delivered by registered mail at the Mayor's office. The Mayor shall thereupon review the action of the Chief of Police and the reasons for his action and notify the aggrieved party by mail within 10 days of the receipt of the appeal of his action thereon.

Where a late application has been denied by the Chief of Police, the action of the Chief of Police may be reviewed by the Mayor, upon receipt of a written request for review by the aggrieved party. Failure to issue a permit within 3 days of the receipt of the appeal shall be deemed notice of dismissal of the appeal.

§15-1214. Alternative Permit.

The Chief of Police in denying an application for a special event permit shall be empowered to authorize the conduct of the special event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 5 days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate special event permit shall conform to the requirements of, and shall have the effect of a special event permit under this Part.

§15-1215. Notice to City and Other Officials.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- A. The Mayor.
- B. The City Solicitor.
- C. The Fire Chief.

§15-1216. Duties of Permittee.

A permittee hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances.

Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

§15-1217. Public Conduct During Special Event.

Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any special event or with any person, vehicle or animal participating or used in a special event.

Driving Through Events. No driver of any vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as a special event.

Parking on Special Event Routes. The Chief of Police, Police Traffic Supervisor, City Managing Director or designated representative shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event.

§15-1218. Inspections

Amusement rides and/or attractions associated with Special Events shall conform to statutory rules and regulations set forth in the Commonwealth of Pennsylvania. Copies of inspection or approval reports shall be required prior to use in the City limits and verified by authorized City personnel. Amusement rides in enclosed areas greater than one thousand (1,000) square feet are required to be “fire-sprinkler-ready” with an external Fire Department connection (FDC) and be inspected by the Fire Marshal’s office.

All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by Applicant. And shall be inspected by the Fire Marshal's office.

Special electrical and water/wastewater needs must be inspected prior to the event.

§15-1219. Animal Waste

Refer to the Animal Control Ordinance for requirements related to Special Event activities involving animals. Applicants are responsible for properly controlling and handling all animals and animal waste.

§15-1220. Insurance Required to Conduct Special Event

An Applicant for a Special Event must provide proof of comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) to protect the City against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect of the Special Event. Such insurance shall name the City of Reading, its officers, employees, agents, and, if required, any other public entity involved in the Special Event, as additional insured on a separate endorsement maintained for the duration of the Special Event. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the City of Reading by the carrier and the Applicant.

The insurance required shall encompass all liability insurance requirements imposed for other permits required under other sections of this Ordinance and is to be provided for the benefit of the City and not as a duty, expressed or implied, to provide insurance protection for spectators or participants.

The insurance required must be submitted to the Police Traffic Office no later than two (2) weeks prior to the event. Before this time, a letter of intent to insure from the event's insurance agency must be on file with the Application that states the City of Reading will be additionally insured. Failure to provide the insurance or the letter of intent for insurance could result in the denial/revocation of the Special Event Permit.

§15-1221. Indemnification

The Applicant for a Special Event Permit shall indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes

of action resulting from injury or damage to persons or property arising out of the Special Event.

§15-1222. Conditions for Premises After the Special Event

The Applicant is required to bring the premises back to the same or better condition; and failure to comply, will result in no future events to be held by the Applicant or organization.

§15-1223. Revocation of Permit.

The Chief of Police shall have the authority to revoke a special event permit issued hereunder upon violation of the standards for issuance as herein set forth.

§15-1224. Penalties.

1. It shall be unlawful for any person to stage, present, or conduct or attempting to stage, present or conduct an event without first having obtained a permit therefore as herein provided or who shall otherwise violate any of the provisions of this Part.

§15-1225. Penalty for Violations of Ordinance

A person commits a summary offense if he/she:

1. Knowingly commences or holds a Special Event without a Special Event Permit or with a permit that has expired or has been revoked; or
2. Knowingly violates any terms or provisions of this Ordinance; or
3. Violations of this Ordinance shall be treated as strict liability offenses regardless of intent.
4. This Ordinance governs fire safety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty as provided for in the City of Reading Code of Ordinances.
5. The penalty upon conviction of any violation of this section is \$500.00

§15-1226. Fee Schedule

Fees for All Special Events	
Processing Fee with proof of non-profit status	\$100.00
Processing Fee for all others	\$300.00
<p>This fee will <u>not</u> be waived. Due at time of filing Application. Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.</p>	
Fee for cancelled events	\$50.00
Security Deposit for damages/cleanup	\$500.00
<p>This fee will <u>not</u> be waived. Due at time of filing Application. Pay at Treasurer's Office Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.</p>	
Inspection Fee required for amusement rides, temporary structures, and special electrical and water/wastewater needs	\$50.00
<p>Applicant is responsible for fee. This fee will <u>not</u> be waived. Due at time of filing Application. Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.</p>	
Re-inspection Fee required for above-described items	\$75.00
<p>This fee will <u>not</u> be waived. Due at time of filing Application. Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.</p>	

Fees Include the Following Services Where Applicable	
Administrative time	
Ant and mosquito spraying as needed	
Banner Permit	
Bathrooms cleaned and stocked with paper products	
Mowing and other preparations	
Street closures with placement of cones and barricades	

Traffic, Crowd, and/or parking control	
Trash receptacles and disposal of contents	
Other:	

NOTE: *If damages or cleanup fees exceed the \$500.00 Security Deposit Fee, the Applicant is responsible for procuring payment of said incurred costs. The applicant is responsible for payment of said incurred costs.*

If additional costs are incurred during the production of a Special Event, such as the rental of rugs, equipment, etc., the Applicant is responsible for payment of said incurred costs. Invoice(s) will be sent to Applicant upon receipt of same.

BILL NO. -2010

A N O R D I N A N C E

PROVIDING FOR THE BUSINESS PRIVILEGE LICENSE ORDINANCE UNDERCHAPTER 13 LICENSES, PERMITS & GENERAL BUSINESS REGULATIONS, PART 4 BUSINESS PRIVILEGE LICENSE OF THE CODE OF CODIFIED ORDINANCES FOR THE CITY OF READING

WHEREAS, the City of Reading intends to provide for a separate ordinance to be known as the Business Privilege License Ordinance; and

WHEREAS, the City of Reading intends to provide for a comprehensive Business Privilege License Ordinance.

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

SECTION 1. Chapter 13 Licenses, Permits & General Business Regulations, Part 4 Business Privilege License of the Code of Codified Ordinances for the City of Reading shall read as set forth in attached Exhibit "A".

SECTION 2. All other parts or provisions of the Code of Codified Ordinances for the City of Reading shall remain in effect EXCEPT for those parts or provisions which conflict with this ordinance.

SECTION 3. The provisions of this article are severable. If any sentence, clause or section of this article is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this article. It is hereby declared to be the intent of Council that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

SECTION 43. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2010

President of Council

Attest:

City Clerk

(LAW DEPT.)

EXHIBIT "A"

PART 4

BUSINESS PRIVILEGE LICENSE

13-401. Short Title

This Part shall be known as the "Business Privilege License Ordinance".

13-402. Definitions

As used in this Part, certain terms are defined as follows except where the context clearly indicates a different meaning:

BUSINESS – any activity carried on or exercised for gain or profit in the City, including, but not limited to, the sale of merchandise or other tangible personalty or the performance of services and the rental of personalty and/or realty.

CALENDAR YEAR – the period January 1 to December 31, inclusive.

CITY – the City of Reading.

LICENSE YEAR – the period from January 1 to December 31, inclusive.

PERSON – any individual, partnership, limited partnership, association, firm or corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

REVOCACTION - to annul or cancel an act, particularly a statement, document, or promise, as if it no longer exists.

13-403. LICENSE REQUIRED.

Any person desiring to conduct, transact, or engage in any business, trade, profession or other activity within the City shall obtain a Business Privilege License annually.

13-404. APPLICATION.

Applicants for license under this Part shall file an initial annual application for a Business Privilege License with the Tax Administration Manager on a form provided by him/her. To be considered completed, a license fee shall accompany the application, which shall be renewed on an annual basis.

13-405. FEE.

The license fee, which shall be collected by the Tax Administration of the City, shall be set by ordinance as provided by law and set forth in the City of Reading Fee Schedule.

13-406. POSTING LICENSE.

The license issued shall be conspicuously posted in the place of business for which the license is issued, and shall remain posted for the license year or fraction of year for which such license was issued or until the indicated activity or business changes ownership or goes out of business. In cases where more than one place of business is conducted, a separate license shall be issued annually for each place of business.

13-407. LICENSE REFUSAL.

(a) The issuance of a Business Privilege License is may be predicated upon the applicant first receiving the approval of the Zoning Administrator and/or Health Officer, or other City official as applicable, for the operation of his/her business.

(b) Any person who is in default in payment of any tax due to the City shall be refused a license until tax is paid in full or a payment plan is executed with the appropriate City office.

13-408. REQUIRED REPORTING OF BUSINESS CESSATION.

Upon cessation of business activity within the City, the person who had been conducting said business activity shall report said cessation to Tax Administration in writing within ten (10) days.

13-409. LICENSE REVOCATION.

1. BASIS FOR REVOCATION: Any Business Privilege License issued by the City pursuant to the provisions of this Part may be revoked for good cause by the issuing authority upon a finding that the following conditions exist:

- a. The existence of chronic unsanitary conditions, noise, disturbances or other conditions at, near or in the premises of the licensee which causes or tends to create a public nuisance, which may injuriously affect the public health, safety or welfare of others, or which unnecessarily affects the adequate allocation of public safety resources;
- b. Repeatedly or purposefully permitting or causing the commission of, any act in the operation of the business which is prohibited by any ordinance, rule or law of the city, state or federal government;
- c. Fraudulent practices and misrepresentation in the operation of the business;
- d. Concealment or misrepresentation in procuring the Business Privilege License;

- e. The business for which the license obtained has been is unlawful or is prohibited by any code, ordinance, rule or law of the city, state or federal government;
- f. The license was issued by mistake or is in violation of any of the provisions of this article; or
- g. The premises used to conduct said business has been condemned, declared a fire hazard or declared unsafe for business occupancy pursuant to applicable building, trades, property maintenance or fire codes.

2. PROCEDURES & HEARING PROCESS TO REVOKE BUSINESS PRIVILEGE LICENSE.

- a. Requests for revocation of Business Privilege License may submitted in the form of a written complaint by city staff to the Managing Director.
- b. Upon a determination by the Managing Director pursuant to the policies and regulations established in accordance herewith that the complaint is founded, the Managing Director shall schedule a hearing before the Business Privilege License Appeals Board within twenty (20) days.
- c. Notice of hearing shall be served by certified mail, return receipt requested and first class mail to the person holding the Business Privilege License at the address shown on the Business Privilege License application. A copy of the notice of the hearing shall also be hand delivered at the address shown on the Business Privilege License application, if the licensee is present. A copy of the notice of the hearing shall also be posted in a conspicuous place on the property.
- d. The notice shall inform the licensee of the allegations which constitute the basis for the hearing, and shall provide that the licensee will be given the opportunity to appear and be heard at the hearing.
- e. The hearing shall be conducted in accordance with procedures established by the Business Privilege License Appeals Board as authorized herein.
- f. At the conclusion of the hearing following all evidence, the Business Privilege License Appeals Board shall make a determination as to whether basis exists revoke the Business Privilege License within ten (10) days of the hearing.
- g. In the event the Business Privilege License Appeals Board determines that the Business Privilege License shall be revoked, the revocation will be effective immediately shall be delivered to the applicant in accordance with the requirements of the notice of the hearing as set forth herein. The

Board shall instruct the Manager of Tax Administration to notify the licensee of the revocation of the Business Privilege License and to direct the licensee to immediately cease all business activity at the business location.

- h. Any person conducting business activity in violation of revocation of a Business Privilege License shall be punishable by those penalties set forth herein.
- i. No business having a Business Privilege License revoked pursuant to this Part shall be eligible for another license to operate a similar business at that or any location in the City of Reading until approval is received by the Business Privilege License Appeals Board.

13-410 CEASE OPERATIONS ORDER

1. Whenever business is being conducted in or on any premises without a required Business Privilege License or if a licensed business has violated one or more provisions of the Codified Ordinances of the City which relate to the conduct of the business, the Department of Finance or any city official authorized to issue citations may issue a Cease Operations Order directing that business activity to cease immediately until the required Business Privilege License is obtained.

2. The Cease Operations Order shall describe the business that is being conducted without the required Business Privilege License and shall state that such business activity and any other business activity that requires a Business Privilege License must cease until the required license is obtained.3. The Cease Operations Order shall be posted at every entrance to the premises in conspicuous place clearly visible to the public and shall remain posted until removed by the Department of Finance following compliance with its terms.

4. The Department of Finance shall promptly notify the Department of Police of the issuance of every Cease Operations Order. The Police Department may upon the request of the Department of Finance render assistance in the enforcement of any Cease Operations Order and shall have the right to enter the premises for such purpose.

5. Prohibited Conduct. No person with knowledge of a Cease Operations Order shall:

- a. Continue to conduct any business for which a Business Privilege License is required in or on any premises for which a Cease Operations Order has been issued.
- b. Remove, damage or deface any Cease Operations Order.
- c. Resist or interfere with any inspection or other official in the performance of their duties or the enforcement of any provision of this Section.

6. Fees

a. Business Privilege License in Response to Cease Operations Order. If a Cease Operations Order is issued and a Business Privilege License obtained the fee for said Business Privilege License may be subject to an additional penalty fee equal to the cost of the normal Business Privilege License fee.

b. Removal of Cease Operations Order. Upon compliance with a Cease Operations Order by obtaining of a Business Privilege License and any other terms set forth thereon, prior to removal of a Cease Operations Order a fee in the amount established by the Fee Ordinance of the City of Reading.

13-411. BUSINESS LICENSE APPEALS BOARD ADMINISTRATIVE HEARING/APPEAL

1. ORGANIZATION

a. MEMBERSHIP

The Business Privilege License Appeals Board shall be a body of five (5) members consisting of: the Finance Director or his/her designee who shall serve as Chairperson; a Councilperson from the District the business is located in or the designee of the President of Council if the District Councilor is unavailable, a member of the business community; a resident at large; and member of a recognized City of Reading community group.

b. ALTERNATES

There shall be three alternate members one each from the following groups: a member of the business community, a resident at large and a member of a community group recognized by the City of Reading.

c. APPOINTMENT

All members of the Board shall be appointed by the Mayor with the approval of the Council of the City of Reading,

d. TERM

A member or alternate member shall serve a term of three (3) years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.

e. **POWERS OF DESIGNEES AND ALTERNATES**

Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

a. **QUORUM AND MAJORITY VOTE**

Three (3) members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

2. POWERS

The Board shall have the following powers:

a. **PROMULGATE RULES AND REGULATIONS**

To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

b. **HEAR AND DECIDE MATTERS**

To hear and decide matters regarding the revocation of a Business Privilege License where it is alleged that one of the criteria set forth herein has been violated. The Board is also authorized to hear appeals of refusals of Business Privilege License or Cease Operations Order.

c. **TIMELINESS**

In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall hold a hearing on any founded complaint within twenty (20) days and shall file its decision within ten (10) days after the appeal hearing.

d. **AUTHORITY**

The Board is empowered to find no cause for the revocation of a Business Privilege License or cause to revoke a Business Privilege License. The Board shall be bound by this Chapter and shall not ignore the clear provisions and intent of this Chapter.

3 FEES

If the board determines that a Business Privilege License is to be revoked, the licensee shall be responsible for all fees, costs and expenses related to the hearing before the Business Privilege License Appeals Board. In appeals from refusals of Business Privilege License or Cease Operations Order, the applicant shall pay a fee to appeal in an amount established by Fee Ordinance of the City of Reading.

4. APPEALS REFUSALS OF BUSINESS PRIVILEGE LICENSE OR CEASE OPERATIONS ORDER.

Applicants who are refused a Business Privilege License or receive a Cease Operations Order may appeal said determination to the Business Privilege License Appeals Board within ten (10) days of receipt of notification of refusal of a Business Privilege License or Cease Operations Order. Notice of such decisions shall be in accordance with the requirements set forth herein. A hearing and decision by the Board of said appeal shall be per timeliness requirements herein.

5. APPEALS TO THE COURT OF COMMON PLEAS.

Appeals of any decision of the Business Privilege License Appeals Board shall be in accordance with the Local Agency Law of the Commonwealth of Pennsylvania. Such an appeal shall not serve as a stay in the case of revocation of a Business Privilege License. The licensee must petition the court for a stay to continue operation of the business during any appeal.

13-412. INJUNCTIVE RELIEF.

In case of violation of this Part, or section thereof, the City through its Director of Finance or a designee duly appointed by the Mayor may cause to be instituted an appropriate proceeding at law or in equity to obtain penalties or to restrain, correct, or abate such violation, including, but not limited to, the closure of any business which is not in compliance with this Part, or section thereof.

13-413. PENALTY.

Any person operating a business within the City without obtaining a Business Privilege License as provided herein or failing to comply with any and all provisions of this Part, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$5600.00 but no more than \$1000.00 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day on which such person violated this Part may be considered as a separate offense and punishable as such as provided above and by law.

13-414 COLLECTIONS

Nothing in this Part shall preclude the City of Reading Director of Finance from directing all bills or accounts and Business Privilege Licenses not paid or not renewed by March 31 of each year to be turned over to a collection agency for receipt.

13-415 NON EXCLUSIVE REMEDIES

The penalty, injunctive relief and collection provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Chapter shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Chapter. The remedies and procedures provided in this Chapter for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the city in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Chapter and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

13-416 REGULATIONS

The Administration for the City of Reading by and through the Managing Director is hereby authorized to promulgate rules, regulations and policies to implement this Ordinance.

AN ORDINANCE AMENDING CODIFIED ORDINANCES OF THE CITY OF READING, CHAPTER 5 CODE ENFORCEMENT TO ADD THE FEE FOR FILING AN APPEAL TO THE BUILDING – FIRE BOARD OF APPEALS, PLUMBING BOARD OF APPEALS, ELECTRICAL BOARD OF APPEALS AND MECHANICAL BOARD OF APPEALS AND MAKE CONSISTENT TIMING FOR FILING OF APPEALS AND HEARING OF APPEALS BEFORE ALL BOARDS

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

SECTION 1. Chapter 5 Code Enforcement of the City of Reading Codified Ordinances is amended as follows:

Part 1 Subpart B Building Code

§5-112. Amendments

J. **Chapter 1, Section 112**, is amended by deleting the same and inserting in place thereof: Chapter 1 , Section 112.0:

**INTERNATIONAL BUILDING/FIRE PREVENTION CODE
BOARD OF APPEALS RULES OF PROCEDURES**

ARTICLE 6. HEARINGS

6.1 INITIATING ACTION BEFORE THE BOARD. All action before the Board shall be initiated by a written application for hearing *accompanied with a fee of \$750* which shall be filed with the Building Official within 20 days of the receipt of an order from the Building/Fire Official.

6.2 HEARING SCHEDULE. The Board will conduct hearings and make decisions. In no instance will a hearing be scheduled later than ~~30~~ 20 days from the date of the applicant's request for a hearing, unless the applicant has agreed to an extension of time in writing.

Part 2 Plumbing Code

§5-202. Amendments.

(7) Section 109, Means of Appeal.

(a) **ADM 109.1A, Appeal**, to read as follows:

Any person aggrieved by the decision of the Plumbing Inspector may appeal in writing within ~~40~~ 20 days to the Plumbing Board for a review of said hearing *decision. A fee in the amount of \$750 shall be payable for each appeal and is due at the time of submission of application for appeal.* The Board chairman shall afford the person a hearing within ~~45~~ 20 days and shall give written notice of the time and place of said hearing.

Part 3 Fire Code

§5-307. Amendments

B. **Chapter 1, Section 108, Board of Appeals**, is amended by deleting same and substituting in place thereof Chapter 1, §108.0.

**INTERNATIONAL BUILDING/FIRE PREVENTION CODE
BOARD OF APPEALS RULES OF PROCEDURE**

ARTICLE 6. HEARINGS

6.1 INITIATING ACTION BEFORE THE BOARD. All action before the Board shall be initiated by a written application for hearing accompanied with a fee of \$750 which shall be filed with the Building Official within 20 days of the receipt of an order from the Building/Fire Official.

6.2 HEARING SCHEDULE. The Board will conduct hearings and make decisions. In no instance will a hearing be scheduled later than ~~30~~ 20 days from the date of the applicant's request for a hearing, unless the applicant has agreed to an extension of time in writing.

Part 4 Electrical Code

§5-402. Amendments.

15. Section 1103, Procedures.

A. **Amend 1103.1. Method of Appeal.** All appeals must be made in writing within ~~40~~ 20 days of the decision or receipt of the order and accompanied by a fee in the amount of \$750.

B. **Amend 1103.2. Hearings.**

~~1. Any aggrieved by any order or directive of the Code Official may appeal to the Codes Services Building/Trades Division Manager who shall schedule a hearing within 15 days of receipt of the request. Said hearing will take place in the presence of the Code Official and the Codes Services Building/Trades Division Manager.~~

~~2. Any person aggrieved by the decision of the Codes Services Building/Trades Division Manager Code Official may appeal to the Electrical Board which shall schedule a hearing within ~~15~~ 20 days of receipt of the request. Said hearing will take place in the presence of the Codes Services Building/Trades Division Manager.~~

Part 5 Mechanical Code

§5-502. Amendments

H. Section 109, Means of Appeal.

(1) **109.1, Application for Appeal.** Amended to read as follows:
Any person aggrieved by the decision of the Mechanical Inspector may appeal in writing within ~~40~~ 20 days to the Mechanical Board for a review of said hearing decision. A fee in the amount of \$750 shall be payable for each appeal and is due at the time of submission of application for appeal. The Board Chairman shall afford the person a hearing within ~~15~~ 20 days and shall give written notice of the time and place of said hearing

SECTION 2. The Fee Schedule of the City of Reading is also amended in accordance herewith.

SECTION 3. All other provisions of Chapter 5 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. This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____

**AN ORDINANCE AMENDING CODIFIED ORDINANCES
OF THE CITY OF READING, CHAPTER 11 HOUSING PART 1 RENTAL SECTION
11-124 HOUSING BOARD OF APPEALS SUBSECTION 7 FEES AND COSTS TO
INCREASE THE FEE FOR FILING AN APPEAL TO THE HOUSING BOARD OF
APPEALS**

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

SECTION 1. Chapter 11 Housing Part 1 Rental of the City of Reading Codified Ordinances is amended as follows:

§11-124. Housing Board of Appeals

7. **Fee and Costs.** The fee for filing of an appeal to the Housing Board of Appeals shall be ~~\$75~~ \$275. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

SECTION 2. The Fee Schedule of the City of Reading is also amended in accordance herewith.

SECTION 3. All other provisions of Chapter 11 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. This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____

**AN ORDINANCE AMENDING CODIFIED ORDINANCES
OF THE CITY OF READING, CHAPTER 5 CODE ENFORCMENT PART 6
PROPERTY MAINTENANCE CODE SECTION PM 111 MEANS OF APPEALS
SUBSECTION 111.1 APPLICATION FOR APPEAL TO INCREASE THE FEE FOR
FILING AN APPEAL TO THE
BOARD OF APPEALS**

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

SECTION 1. Chapter 5 Part 6 of the City of Reading Codified Ordinances is amended as follows:

SECTION PM 111 MEANS OF APPEAL

PM 111.1 Application for Appeal. Any person directly affected by a decision of the Code Official or a notice or order issued under this code following an inspection shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules, legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirement of this code are adequately satisfied by other means. An administrative fee of \$100 ~~275~~ shall be charged for each appeal.

SECTION 2. The Fee Schedule of the City of Reading is also amended in accordance herewith.

SECTION 3. All other provisions of Chapter 5 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. This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____

A N O R D I N A N C E

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 6 PENSIONS, A. POLICE PENSION FUND, SECTION 1-607 TO PROVIDE FOR APPLICATION OF PREVIOUS TIME TO A PENSION ACCOUNT UPON BEING RE-HIRED.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, A. Police Pension Fund, Section 1-607 shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part hereof.

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, 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, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

EXHIBIT A

SECTION 1-607. Termination of Employment of Members Prior to Being Entitled to Pension Benefits.

Any member who has been in the service of the City for a period of less than 20 years and whose service shall terminate prior to he or his spouse or children becoming eligible for a pension shall be paid the total amount of the contributions paid into the fund by him and without interest.

If the member's employment is terminated by the City of Reading and as a result of said termination, the member withdraws all or any part of his pension contributions and, thereafter, the member is re-hired to service as a police officer, said member shall repay one-hundred percent (100%) of the total amount of the pension contributions which were withdrawn by said member, within one year of the date member is re-hired, for previous time to be applied to his pension account.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PURPOSE OF PROVIDING MUTUAL AID AMONG THE COUNTY OF BERKS, THE FRIENDSHIP HOOK AND LADDER COMPANY NO. 1 OF BOYERTOWN, PA, THE CITY OF READING AND THE TOWNSHIP OF SPRING TO ASSIST FIRST RESPONDERS IN THE MITIGATION OF EMERGENCIES RELATED TO TRENCH AND STRUCTURAL COLLAPSE

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

Section 1. Purpose. A mutual aid agreement between the County of Berks ("County"), The Friendship Hook and Ladder Company No. 1 of Boyertown, PA ("Fire Company"), the City of Reading ("City") and the Township of Spring ("Township") (collectively, the "Partners") to assist first responders in the mitigation of emergencies related to trench and structural collapse consistent with the requirements of the Pennsylvania Emergency Management Services Code and with the objectives of protecting the health, safety and welfare of municipal residents and landowners.

Section 2. Grant of Power. This Ordinance is adopted pursuant to authority granted in:

(A) The Pennsylvania Emergency Management Services Code, Act 323 of November 26, 1978 (35 Pa.C.S.A §7101, et seq.) as amended, or as it may be amended from time to time;

(B) The Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (53 Pa.C.S.A., Section 2301, et seq.) as amended, or as it may be amended from time to time.

Section 3. Definitions. The following words or phrases, when used in this Ordinance, shall have the meanings indicated:

Code - the Pennsylvania Emergency Management Services Code, Act 323 of 1978 (35 Pa.C.S.A. §7101, et seq.) as amended, or as it may be amended from time to time.

DES – the Berks County Department of Emergency Services, Berks County, Pennsylvania.

Section 4. Participation. Pursuant to and in accord with the above-referenced authority, City is hereby authorized to participate with the County, Fire Company and Township in a mutual aid agreement for reciprocal emergency assistance regarding the ownership, possession, use and training for use of emergency equipment in accordance with the authority granted in the above-referenced laws and this Ordinance.

Section 5. Authority to Enter Agreement. Pursuant to and in accordance with the above-referenced authority, City is hereby authorized and directed to enter into the Reciprocal Agreement which governs the ownership, possession, use and training for use of emergency equipment, a copy of which is attached to this Ordinance and incorporated herein by reference (the “Agreement”). The Mayor is authorized to execute the Agreement on behalf of the City of Reading.

Section 6. Organization. The Agreement authorized under and by virtue of the authority of the Code and this Ordinance shall be between the County, Fire Company, Township and City. The participation by City in the Agreement shall be governed and controlled by the terms and conditions of the Agreement, as duly amended, the provisions of applicable Pennsylvania laws and regulations, and such other policies as may be duly adopted in accordance with the Agreement.

Section 7. Finances. Security and maintenance of the equipment shall be provided with funds provided by the Partners in accordance with the provisions of the Agreement referred to above, and such other grants or funding as may be available. The manner and extent of financing the Agreement shall be as follows: (i) no borrowing will be required by the City to fund its obligations under the Agreement; (ii) funds to implement the City’s obligations under the Agreement shall come from usual budgeted amounts for such matters; and (iii) other provisions governing the manner and extent of financing joint projects and purchases shall be as set forth in the Agreement.

Section 8. Administration. The administration of the Agreement shall be undertaken in accordance with the terms of the Agreement.

Section 9. Term. The Agreement shall be for an indefinite term and dependent upon the continued participation of the Partners. The Partners can withdraw from the Agreement upon thirty (30) days prior written notice as provided for in the Agreement.

Section 10. Property. All property shall be acquired, managed, or disposed of pursuant to the Agreement in accordance with the terms of the Agreement and ownership of the Property shall remain with the County through DES. No acquisition of real property or real estate is authorized.

Section 11. Repealer. Any and all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

Section 12. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The City Council of the City of Reading, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

Section 13. Code of Ordinances. The Code of Ordinances, as amended, of the City of Reading, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of this Code of Ordinances upon adoption.

Section 14. Effective Date. This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT "A"

RECIPROCAL AGREEMENT

BILL NO. _____-2010

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A DEED FROM THE CITY OF READING TO THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, AND OTHER DOCUMENTS (AGREEMENT OF SALE & SETTLEMENT STATEMENT), THEREBY CONVEYING PREMISES SITUATE AT ROUTE 61, ONTELAUNEE TOWN-SHIP, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the titled owner of premises situate along a certain portion of S.R. 61, Ontelaunee Township, Berks County, Pennsylvania (see attached exhibits); and

WHEREAS, the Commonwealth of Pennsylvania, Department of Transportation plans to make certain improvements in the vicinity of and/or on land owned by the City of Reading and has offered compensation to the City of Reading for the conveyance of certain land owned by the City of Reading (see attached exhibits); and

WHEREAS, the City of Reading intends to convey said subject premises for said offered consideration,

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

SECTION 1. The Mayor is authorized to execute a deed from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale and settlement statement) for premises situate at S.R. 61, Ontelaunee Township, Berks County, Pennsylvania, as well as any other required documents to complete the conveyance of subject premises in accordance with attached documents/exhibits for the consideration in the amount of \$2,800.00.

SECTION 2. This Ordinance shall be effective ten (10) days after City Council's passage and approval by the Mayor, or as otherwise provided by the City of Reading's Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

(LAW DEPT.)

136 South 8th Street
1ST Floor
Lebanon, PA 17042-5216
Phone: (717) 274-9781 Fax: (717) 274-9785
Toll Free: 866-718-3430

October 9, 2009

Berks County
Ontelaunee Township
SR 0061 Section 15S
Claim Number 0600455000, Parcel 42
Owner – City of Reading

Mr. Dean Miller
City of Reading Water Bureau
815 Washington Street
Reading, PA 19601

Dear Mr. Miller,

As a result of our telephone conversation on October 9th I am sending you Penn DOT plan sheets 44 and 84 showing the extent of the required right of way from City property.

I am also enclosing PennDOT's offer letter for the 2,755.78 SF of required right of way in the amount of \$2,800.00.

Please review this information and contact me at your earliest convenience. I can be reached at the phone number and address on this letter or the address and phone number at the bottom of the offer letter. I am also available by email at bkametz@iasrw.com

Thank you for your time.

Sincerely,

Bernard J. Kametz
Interstate Acquisition Services

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

RW-356WV (7/07)



ROW OFFICE PROJ. NO.	050108
COUNTY	Berks
S.R. - SECTION	SR 0061-15S
MUNICIPALITY	Ontelaunee Township
PARCEL NO.	42
CLAIM NO.	0600455000
CLAIMANT	City of Reading

OFFER TO PURCHASE
AND STATEMENT
OF JUST COMPENSATION

Date: **OCT 09 2009**

City of Reading
8th & Washinton Streets
Reading, PA 19601

Dear Claimant:

We are pleased to offer you the sum of \$2,800.00 for the right-of-way required from your property for the transportation improvement and for the effects on your remaining property, if any. This offer is intended to provide just compensation for all interests in your property, including tenants, if any.

The areas required are as follows:

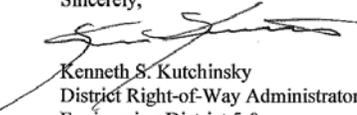
2,755.78 SF of Required Right-of-Way

The amount offered is summarized as follows:

1. Direct Damages	\$2,800
2. Temporary Easement	\$
3. Cost To Cure	\$
TOTAL DAMAGES OFFERED (items 1, 2 and 3 above)	<u>\$2,800</u>

We hope that you will indicate your acceptance of our offer to the Right-of-Way Representative who delivers this letter so that we can process your payment as soon as possible. If you are undecided about accepting the offer, the Right-of-Way Representative will be glad to visit you again for further discussion of your claim.

Sincerely,


Kenneth S. Kutchinsky
District Right-of-Way Administrator
Engineering District 5-0

Attachment: Plan of Property to be Acquired

Your Right-of-Way Representative is: Bernard J. Kametz
1253 Centre Turnpike, Suite 1
Orwigburg, PA 17961-9059
Telephone Number: 1-866-718-3430

BILL NO. _____-2010

A N O R D I N A N C E

**AMENDING CHAPTER 10 – HEALTH CODE OF
THE CITY OF READING CODIFIED ORDINANCES
SECTION 1212.03.1, REQUIRED, BY REQUIRING A FOOD EMPLOYEE
CERTIFICATE FOR ALL FOOD RESTAURANTS OR FACILITIES IN THE CITY OF
READING**

WHEREAS, By Bill No 33- 2005 on May 9, 2005 the City of Reading through action of City Council adopted Chapter 46 of the Charter of the Pennsylvania Department of Agriculture as published by the Bureau of Food Safety and Laboratory Services, Division of Food Safety, December 13, 2003, commonly known as the Food Code.

WHEREAS, said ordinance provides for inspections of any sale of food, certification of inspectors, licensing fees and penalties for non-compliance.

WHEREAS, the City of Reading desires to remain consistent with the requirements under the Pennsylvania Food Code.

WHEREAS, the City of Reading wishes to require a Food Employee Certification similar to that imposed by the Pennsylvania Department of Agriculture.

NOW THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Amending the City of Reading Codified Ordinances Section 10-1212.03.1 as follows:

§10-1212.03.1. Required

No person shall operate a restaurant or facility as set forth below in the City of Reading without a valid, ~~an~~ non-suspended / unrevoked, permit from the Health Officer **and a Food Employee Certification from the Department of Agriculture. New establishments will have 90 days to comply with said requirement; existing establishments which are not in compliance due to lack of current certification, employee turnover or other loss of certified person shall have 90 days from the effective date of this ordinance or the date of loss to comply.** The facilities and restaurants governed by and required to comply with this Ordinance including obtaining of a permit from the City of Reading Health Officer prior to and to continue operation thereof **as** well as obtaining a Food Employee Certification include but are not limited to:

SMALL RESTAURANT
LARGE RESTAURANT
ITINERANT RESTAURANT
ANCILLARY RESTAURANT
SMALL GROCERY

LARGE GROCERY
SUPERMARKET
ONE ITEM WHOLESALE
MULTI-ITEM WHOLESALE
SMALL PROCESSING
LARGE PROCESSING
VENDING MACHINE (enclosed)
VENDING MACHINE (public right of way)
MOBILE VENDING UNIT
CATERING/COMMISARY
BAKERY
DELICATESSEN

Several types of food facilities are exempt from complying with the Food Employee Certification under this chapter. Exempt facilities include:

- Food establishments where only commercially prepackaged food is handled and sold.
- Food establishments that do not handle potentially hazardous foods.
- Food manufacturing facilities engaged in the manufacture of pre-packaged non-potentially hazardous food.
- An organization classified as tax-exempt under Section 501(c) (3) of the Internal Revenue Code of 1986.
- Food establishments managed on a not-for-profit basis by a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agriculture fair or agricultural association or any separately chartered auxiliary of any of the above.
- A food establishment managed on a not-for-profit basis by organizations supporting extra-curricular recreational activities for youth of all public, private and parochial school systems. Examples: school booster clubs, Little League or Midget Football Associations.

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

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

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

Enacted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

RESOLUTION No. _____

Whereas, the City of Reading worked with People Click to develop an Affirmative Action Plan for the City of Reading; and

Whereas, the City of Reading desires to make public the 2009 Year-End Monitoring and Impact Ratio Analysis and the 2010 Affirmative Action Plan; now therefore,

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

The attached 2009 Year-End Monitoring and Impact Ratio Analysis and the 2010 Affirmative Action Plan are hereby adopted by the City of Reading.

Passed Council _____, 2010

President of Council

Attest:

City Clerk



CITY OF READING,
PENNSYLVANIA

MEMORANDUM

TO: City Council
FROM: Joe Ayala, Diversity Officer
DATE: March 17, 2010
SUBJECT: 2010 Affirmative Action Plan

EXECUTIVE SUMMARY

The 2010 Affirmative Action Plan (based on 2009 year-end monitoring and impact ratio analysis) describes the deficiencies inherent within the racial and gender makeup of the City of Reading's workforce. This Plan was developed by Peopleclick Authoria, a national corporation that helps integrate diversity goals and compliance into the hiring process. Placement goals were ascertained based on the identified deficiencies and solutions were devised to help the City reach those placement goals. This report provided data based on 47 Departments (as grouped together by Peopleclick Authoria) and 811 City of Reading employees. In addition, the Affirmative Action Plan includes several summaries and supporting reports that show detailed information used for this Plan. What follows is the process used to identify current deficiencies and established placement goals as well as solutions for reaching these goals.

DEFICIENCIES/PLACEMENT GOALS

In an effort to identify any deficiencies within the racial and gender makeup of employees in the City of Reading, Peopleclick Authoria conducted a work force analysis in which they looked at the current job groupings and the employees who fill those positions. This analysis was based on the following information: roster of names,

gender, ethnicity and job title¹. Using this information, Peopleclick Authoria was able to develop a Job Groupings Summary which identified the number of females and minorities for each job grouping. Peopleclick Authoria then performed an analysis of incumbency versus availability to determine if there are any job groups where underutilization existed for females and minorities. Placement Goals were set for those areas where a significant shortfall was identified. Using this methodology, the City of Reading was found to be deficient in three categories as listed below. Peopleclick Authoria has suggested that the City increase the corresponding Class by the Goal Placement Rate percentage as enumerated below.

Job Group	Class	Goal Placement Rate %
Officials & Administrators – First/Mid	Female	26.95
Skilled Craft Workers	Female	14.99
	Minority	23.46
Service Maintenance	Female	40.04
	Minority	36.96

SOLUTIONS

Peopleclick Authoria identified the following solutions to achieve the desired Goal Placement Rates. For job groups that have Placement Goals, the following steps will be taken to encourage and increase the percentage of qualified females and/or minorities applying for positions both externally and internally:

- Recruiting at colleges and universities with a significant percentage of minority and female students;
- Publishing job advertisements in newspapers and/or magazines that target females and/or minorities;
- Offering mentorship programs for female and minority employees;
- Offering job training to females and minorities currently employed by City of Reading in order to increase their chances of advancing within City of Reading;
- Offering tuition reimbursement to employees to obtain training that will increase their chances of advancing within City of Reading;
- Using recruitment companies that specifically target females and minorities; and

¹ The information for the Affirmative Action Plan was provided to People Click by the City of Reading Department of Human Resources & IT. This information was supplied as of December 31, 2009. Very few discrepancies exist within the reported data.

- Continuing to use the services of their State Employment Service.

RECRUITMENT DEVICES

What devices the Human Resources Department currently make use of:

1. Job Fairs at local universities and colleges promoting internships
 - Albright College
 - Alvernia University
 - Kutztown University
 - Penn State University, Berks County Campus
 - Reading Area Community College (internship by appointment only)
2. Advertisements in local and nationally distributed newspapers and periodicals.
 - The Reading Eagle
 - The Morning Call
 - The Wall Street Journal
3. Local and State-wide governmental advertising
 - Pennsylvania League of Cities and Municipalities (PLCM)
4. Positions appointed by and through the City of Reading
 - Positions filled internally through promotions
 - Positions filled through bidding
5. How can The City of Reading elaborate on Peopleclick Authoria's advisement?
 - Advertise in more publications aimed towards ethnicities such as El Hispano, and periodicals aimed towards minorities.
 - Utilize the internet more by using such websites as PACareerLink.com, Berks Works or even the general career oriented websites like Monster.com, Jobster.com, Yahoo! Hot Jobs, Pennsylvaniajobs.com or CareerBuilder.com
 - Solicit Minority Agencies such as Spanish American Civic Association (SACA), Crispus Attucks, Brightside, Urban League, etc.
 - Utilize certain Community Centers and YMCA's posting boards which are high traffic areas for the immediate community.
 - Conduct Job Fairs at Reading High School for upper classmen for degree level and non degree level positions.
 - Offer tuition reimbursement for current employees still attending colleges or universities while working for the city concurrently.
 - Contract with a staffing agency that can target, find, and hire qualified ethnic and female employees for the City of Reading, such as New Beginnings Recruiting and Staffing, America at Work, Tempstar Staffing, etc. (all examples given are local agencies).
 - Offer mentorship programs for the female and minority employees

to give them insight into their chosen field and show them what advancement opportunities are available.

CITY OF READING
BERKS COUNTY, PENNSYLVANIA

RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE UNWIND OF AN INTEREST RATE MANAGEMENT AGREEMENT PREVIOUSLY EXECUTED WITH RESPECT TO ITS GENERAL OBLIGATION BONDS, SERIES OF 2002 (CAPITAL APPRECIATION BONDS); AUTHORIZING THE PROPER OFFICERS OF THE CITY TO EXECUTE AND DELIVER ANY NECESSARY DOCUMENTS AND AUTHORIZING THE TAKING OF OTHER NECESSARY ACTION IN CONNECTION WITH THE FOREGOING.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the "City"), previously entered into an interest rate swap agreement with Wachovia Bank, National Association ("Wachovia") pursuant to a Master Agreement and Schedule to Master Agreement, each dated April 15, 2003 (collectively, the "Master Agreement"), as supplemented by an Amended and Restated Swap Transaction Confirmation thereto dated March 18, 2005 (the "Transaction Confirmation"), in order to manage interest rate costs of the City with respect to the City's General Obligation Bonds, Series of 2002 (Capital Appreciation Bonds); and

WHEREAS, the City has heretofore appointed Financial S&Lutions LLC as its financial advisor (the "Financial Advisor"); and

WHEREAS, the City desires to terminate the Transaction Confirmation; and

WHEREAS, under current market conditions, the City would be required to pay a fee to Wachovia in connection with the termination of the Transaction Confirmation; and

WHEREAS, the City desires to authorize (i) the termination of the Transaction Confirmation; (ii) the payment of the termination fee to Wachovia and (iii) the execution of any documents as shall be necessary or appropriate in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

Termination of the Transaction Confirmation. The City hereby authorizes the termination of the Transaction Confirmation and the payment by the City of any required fee to Wachovia at the time of such termination. The Council of the City hereby authorizes the Managing Director of the City to (i) determine the date of such termination of the Transaction Confirmation and (ii) approve the amount of any required fee due to Wachovia upon the verification of the Financial Advisor.

Execution and Delivery of Documents. The Mayor of the City, as approved by counsel to the City, is hereby authorized to execute and deliver, in the name of the City and on its behalf, any and all documents that may be necessary to effect the termination of the Transaction Confirmation.

Further Action. The Mayor of the City is hereby authorized and directed to execute such

further documents and do such further things as may be necessary or proper to carry out the intent and purpose of this Resolution or any document herein authorized.

Repeal of Inconsistent Resolutions. All prior resolutions or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Effective Date. This Resolution shall take effect immediately.

Adopted: April 26, 2010

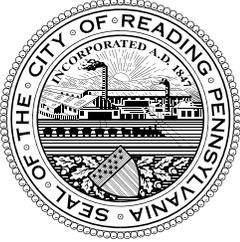
CERTIFICATE OF CITY CLERK

The undersigned, City Clerk of the City of Reading, Berks County, Pennsylvania (the "City"), hereby certifies that the foregoing is a true and correct copy of the Resolution which was adopted by a majority vote of the Council, at a meeting thereof held after due public notice as required by law, on April 26, 2010.

(SEAL)

By: _____
City Clerk

AGENDA MEMO



TO: Public Safety
PREPARED BY: Tonya Butler
MEETING DATE:
AGENDA MEMO DATE: April 19, 2010
REQUESTED ACTION: Council approve a Resolution amending Resolution #39-2009 (Handicap Parking).

RECOMMENDATION:

Council approve a resolution amending Resolution #39-2009 (Handicap Parking).

BACKGROUND:

This amendment would put the City's handicap parking laws in concert with existing State requirements.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

None

SUBSEQUENT ACTION:

None

RECOMMENDED BY:

RECOMMENDED MOTION:

Approve the resolution amending Resolution #39-2009 (Handicap Parking).

RESOLUTION NO. _____

AMENDING RESOLUTION #39-2009:

WHEREAS, by Resolution No. 473-86, the Council of the City of Reading enacted a handicapped parking policy procedure; and

WHEREAS, ~~it has become necessary to modify that parking policy procedure as a result of the overwhelming requests received for handicapped parking spaces~~ ***the population of the City of Reading consists of citizens with numerous handicaps or disabilities, some of whom by reason of their handicap or disability, require reasonable accommodations in order to have equality of opportunity relating to their public accommodations;*** and

WHEREAS, ~~there are currently issues in excess of five hundred (500) handicapped parking spaces;~~ and ***discrimination because of a person's handicap or disability is contrary to the laws and policies of the City;*** and

WHEREAS, the handicapped parking space designation may be established by the City of Reading; and

WHEREAS, the use of such designated handicapped parking space is not permitted to be exclusive to the applicant; and

WHEREAS, there is a need to monitor the applications for and continued use of handicapped parking spaces; and

~~WHEREAS, it has been determined that the criteria for granting requests for handicapped parking spaces should be made more stringent.~~

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

SECTION 1. Any resident of the City of Reading, ~~after acquiring a handicapped or disabled veterans license plate or placard from the State, may make application to the City for a handicapped parking space.~~ ***who has a qualified disability status as defined in the Application for Residential Parking for People with Disabilities and who has been issued by the Commonwealth of Pennsylvania a handicapped license plate or disabled veterans license plate or placard from the State or on whose behalf said license plate has been issued pursuant to Section 1338 of the Vehicle Code because of a handicap or disability, shall be eligible for the installation of a sign indicating that parking in such space is restricted to those vehicles bearing handicapped license plates or placards in front of or as reasonably close thereto said person's residence.*** All applications for original status will be reviewed by the City Health Officer, who will be the individual responsible for making the final determination on whether or not an individual claiming handicapped status should be granted a restricted handicapped parking space.

All applications for renewal will be reviewed by the Department of Public Works, Traffic Engineering Office.

SECTION 1.1. A restricted handicapped parking space in front of a residence, or reasonably close to a residence, is a special privilege granted by the City of Reading only to people who have severe physical disabilities as evidenced on their application by their physician's certification of their current disability status. Such a space will be granted only to those who are mobility impaired to the extent that they cannot manage without it.

SECTION 1.2. Parking at a restricted handicapped parking space is permitted by anyone who has been issued a handicapped license plate or disabled veterans license plate or placard from the State or on whose behalf said license plate has been issued pursuant to Section 1338 of the Vehicle Code because of a handicap or disability. The restricted handicapped parking space does not belong to the applicant.

~~SECTION 2. In making the final determination, the City Health Officer shall be limited to granting no more than two (2) handicapped parking spaces per block where there is parking permitted on both sides of the street, and one (1) handicapped parking space per block where parking is permitted on only one (1) side of the street. Any such handicapped parking space permits having previously been granted prior to the effective date of this resolution where there is an excess of two (2) per block where applicable, or one (1) per block where applicable shall be permitted to remain in effect. In the event handicapped parking permits exceed the two (2) per block or the one (1) per block limit set forth above, the City Health Officer shall refrain from granting handicapped parking spaces for such block or blocks until such time as handicapped parking spaces as a result of failure to renew or cancellations fall below the per block limit set forth above. The application for a restricted handicapped parking space shall be made on a form provided by the Department of Public Works, Traffic Engineering Office. The application information shall include the identity of the handicapped person and said person's place of residence. It shall be accompanied by a Driver's License and documentation evidencing issuance of a handicapped plate or placard by the Commonwealth of Pennsylvania as well as a physician's certification of disability.~~

SECTION 3. In making the final determination for renewal of **restricted** handicapped parking spaces, the Department of Public Works, Traffic Engineering Office, shall apply the criteria existing prior to date of passage of this resolution for the renewal of all parking spaces currently granted, **with the exception of any numerical space limitations**. Once a permit is not renewed for any reason, any new application by the same applicant for such parking permit shall be considered a new application and shall be governed by the criteria set forth in Section 4 of this **Resolution**.

SECTION 4. In making such final determination **for an original application**, the applicant or someone residing in the applicant's residence shall meet the following criteria:

- a) There is legal parking in the street in front of **or reasonably close to** the applicant's residence.
- b) The **disabled person** applicant:
 - 1. ~~Must be wheelchair confined, and/or,~~
 - 2. ~~Must have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class IV according to the standards set by the American Heart Association, and/or,~~
 - 3. ~~Caring for a minor child with a severe physical or mental disability, and/or,~~
 - 1. ~~Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest. **shall have a disability as defined in the Application for Residential Parking for People with Disabilities.**~~
 - 2. ~~**shall have an address on his or her Driver's License that matches the address where the handicapped parking sign is requested.**~~
- c) ~~**There is at least twenty-five (25') feet of parking space directly in front of the property. If not, signatures of the persons who own the adjacent properties must be obtained indicating that they have no objections to the installation of the Handicap zone.**~~
 - 3. ~~**must be eligible for, and have in his or her possession, a HCP, PD or DVHP license plate or placard from the PA Department of Transportation for his or her vehicle.**~~

SECTION 5. **ANNUAL CERTIFICATION** ~~Approved applicants will be required to pay a fee of Seventy Dollars (\$70.00) for the materials and labor involved in the installation of the sign. Each permit granting a handicapped parking space may be renewed on an annual basis by filing an application for renewal together with a Five Dollar (\$5.00) renewal fee. Each application whether for an original permit for a handicapped parking space or for a renewal permit for a handicapped parking space shall contain the information required by the application form and the renewal application form. An incomplete application form or renewal application form shall be grounds for denial of the request for a permit. Applications for renewal permits shall be submitted to the City Health Officer not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term.~~

- (a) ~~**Each renewal period shall be twelve (12) months.**~~
- (b) ~~**Application for renewal must be filed with the Department of Public Works, Traffic Engineering Office not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term.**~~

- (c) **The Department of Public Works, ~~Traffic Engineering Office~~ will not accept the application for renewal unless it is also accompanied by a sworn document containing the following averments:**
- (1) The applicant continues to be disabled.**
 - (2) The applicant continues to drive the identified automobile or is being driven by another identified individual because of applicant's disability.**
 - (3) The applicant resides at the same address.**

SECTION 5.1 FAILURE TO FILE COMPLETED APPLICATION

Failure to file a completed initial application or a timely application for renewal shall result in such application being denied. In the event an individual fails to file a completed application for recertification within the times allowed, that is, on an annual basis prior to expiration of the individual's eligibility, the right to such sign shall be forfeited, and the sign shall be removed by the Department of Public Works.

~~SECTION 6. The criteria set forth for final determination as set forth in Section 4 and the fee for the original application and any renewal application may be changed from time to time by written directive of the executive branch provided that at least prior thirty (30) days notice thereof shall be published in a newspaper of general circulation in and for Berks County. An incomplete application form or renewal application form shall be grounds for denial of the request for a permit. Applications for renewal permits shall be submitted to the City Health Officer not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term.~~ **REMOVAL OF SIGN**

In addition to the removal of the sign for failure to properly apply for renewal, a handicapped parking restriction sign may be removed after notice to the applicant if, upon investigation, the City determines that the applicant is not, in fact, handicapped, that the applicant has moved or that the privilege is being abused in a manner inconsistent with its intent. The notice to the individual shall state the reason(s) for the anticipated removal of the sign and shall give the handicapped individual twenty (20) days in which to request a hearing before the Director of Public Works or his designee.

Any change of address or change of circumstance shall be reported to the Department of Public Works, ~~Traffic Engineering Office~~ within thirty (30) days of such occurrence so that the restricted handicapped sign can be removed from said location.

SECTION 6.1 INSTALLATION OF SIGNS

Upon determination that the application for handicapped restricted parking meets the requirements of this chapter, the City Health Officer shall refer the same to the Department of Public Works, ~~Traffic Engineering Office~~ for installation of a restricted handicap parking sign.

~~SECTION 7. This resolution shall take effect immediately upon enactment.~~
Residents who obtain restricted handicapped parking spaces must comply with all provisions under the City of Reading Codified Ordinances, Chapter 15, Motor Vehicles and Traffic; including, but not limited to: Part 4, Stopping and Parking; Part 5, Parking Meters; Part 6, Short Term Daytime Parking Requirements and Part 9, Snow and Ice Emergency.

SECTION 8. Penalties. An individual who submits a false application to the City of Reading shall, upon conviction thereof, be fined five hundred dollars (\$500.00) and costs, or imprisonment for not more than ninety (90) days, or both. Each false application submitted to the City of Reading shall constitute a separate offense.

Section 9. The criteria set forth for final determination as set forth in this Resolution may be changed from time to time by written directive of the City of Reading City Council provided that at least thirty (30) days prior notice thereof shall be published in a newspaper of general circulation in and for Berks County.

SECTION 10. This resolution shall take effect immediately upon enactment.

PASSED COUNCIL _____ 2010

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK