



# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING  
COUNCIL CHAMBERS**

**MONDAY, MARCH 26, 2012  
7:00P.M.**

*The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at [www.ReadingPa.gov](http://www.ReadingPa.gov), under Info and Downloads/Meetings and Agenda.*

*All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 7-2012*

### **1. OPENING MATTERS**

#### **A. CALL TO ORDER**

**B. INVOCATION:** Rev. Efrain Ortiz, St. Paul's Church of God

#### **C. PLEDGE OF ALLEGIANCE**

#### **D. ROLL CALL**

### **2. PROCLAMATIONS AND PRESENTATIONS**

- Mayoral Proclamation recognizing the 35<sup>th</sup> Anniversary of Prospectus Berco, accepted by Executive Director Jody Wagner

### **3. PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the end of business on the day of the scheduled Council 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:** Regular Meeting of March 12, 2012

**B. AGENDA:** Council meeting of March 26, 2012

#### **5. Consent Agenda Legislation**

**A. Resolution** - authorizing the Mayor to execute a FFY2012 (38th CD year - January 1, 2012 to December 31, 2012) CDBG Action Plan Amendment to program \$91,000 in CDBG funds for the Lance Place Playground Improvements activity **(CD)**

**B. Resolution** - authorizing the Mayor to execute a FFY2012 (38th CD year - January 1, 2012 to December 31, 2012) CDBG Action Plan Amendment to program \$50,000 in CDBG funds for the Microenterprise Technical Assistance activity **(CD)**

**C. Resolution** – approving a TEFRA project between Alvernia University and the Reading Redevelopment Authority **(Stevens & Lee)**

**D. Resolution** - designating Ralph Johnson, as Manager of the City of Reading Wastewater Treatment Plant, to execute and sign all certifications and documentation required in connection with the PENNVEST Financial Assistance Application **(Man Dir)**

**E. Award of Contract** - for the Sewer Evaluation and Inspection to Woolpert, Inc., 4454 Idea Center Blvd., Dayton, OH 45430, for a total submitted price of approximately \$82,122.87 (Purchasing)

#### **6. ADMINISTRATIVE REPORT**

#### **7. REPORT FROM OFFICE OF THE AUDITOR**

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

### **9. ORDINANCES FOR FINAL PASSAGE**

**A. Bill No. 31-2012** - amending the 2012 City of Reading general fund budget by authorizing the transfer of funds from the mailroom division to the citizens service center (CSC) **(Controller)** *Introduced at the March 12 regular meeting*

**B. Bill No. 32-2012** - amending the Lease Agreement between the City of Reading and the Reading Area Water Authority **(RAWA/Law)** *Introduced at the March 12 regular meeting*

**C. Bill No. 33-2012** – amending the City of Reading Codified Ordinances Chapter 3 Bicycles Part 1 Bicycle Regulations Section 3-106 Operation and Parking **(Police/Council Staff)** *Introduced at the March 12 regular meeting*

**D. Bill No. 34-2012** - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 10 Regulation of Pedalcycles and Non-Motorized Vehicles Section 15-1001 Riding and Parking of Pedalcycles on Sidewalks along Certain Streets Prohibited as attached **(Police/Council Staff)** *Introduced at the March 12 regular meeting*

**E. Bill No. 35-2012** - amending Chapter 10, Health and Safety, of the Codified Ordinances of the City of Reading by eliminating Dry Cleaning Establishments from the regular inspection of the premises of Commercial and Residential Common Laundries under the Health Code of the City of Reading **(Law)** *Introduced at the March 12 regular meeting*

**F. Bill No. 36-2012** - authorizing the Mayor to execute the third addendum to the lease and operating agreement between the City of Reading, Pennsylvania and the Reading Area Water Authority, in the form attached hereto as Exhibit “A”, and such other documents necessitated thereby, including, without limitation, (1) a deed conveying to the Reading Area Water Authority an approximately one hundred twenty (120) acre parcel of land located in Ontelaunee Township owned by the City and (2) a deed conveying to the Reading Area Water Authority an approximately two and thirty-nine one hundredths (2.39) acre parcel of land owned by the City and located at 1801 Moss Street in the City of Reading **(Man Dir)** *Introduced at the March 12 regular meeting*

**G. Bill No. 37-2012** - amending the 2012 City of Reading general fund budget by authorizing the transfer of debt service savings produced by refinancing 2005 notes and 2008 bonds to spending contingency **(Controller)** *Introduced at the March 12 regular meeting*

**H. Bill No. 38-2012** - amending Chapter 5, Code Enforcement of the Codified Ordinances of the City of Reading by adding Alleys and Recycling Storage to existing Quality of Life Violations and amending language in the current Fines and Penalties Section (**Law/Codes**) *Introduced at the March 12 regular meeting*

**I. Bill No. 39-2012** - rescinding Ordinance 59-2010 in its entirety (**Council Staff/Law**) *Introduced at the March 12 regular meeting*

**J. Bill No. 40-2012** – amending the City of Reading Fee Schedule in relation to Commercial Laundry Fees (**Law**) *Introduced at the March 12 regular meeting*

**K. Bill No. 41-2012** – amending Chapter 4 Buildings Part 3 Certificate of Transfer by changing the effective date to May 1, 2012 (**Bus Analyst**) *Introduced at the March 12 regular meeting*

## **10. INTRODUCTION OF NEW ORDINANCES**

**A. Ordinance** - amending the City of Reading Codified Ordinances §1-122. Ordinances, Part 5 Recording (**Council Staff/Law**)

**B. Ordinance** - amending §1-119 of the Administrative Code, Public Participation (**Council Staff/Law**)

**C. Ordinance** - amending the 2012 Property Maintenance Division Budget, allocating \$45,000 to the General Fund for vehicle purchases (**Bus Analyst**)

**D. Ordinance** - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 G Fiscal Provisions by reducing the amount of expenditures and allocations requiring Council's approval from \$25,000 to \$10,000 (**Council Staff**)

## **11. RESOLUTIONS**

**A. Resolution** - approving a Conditional Use permit for Mary's Shelter for a group home at the Navy Marine Center located at 615 Kenhorst Blvd, as attached in the decision attached herein (**Council Staff/Law**)

## **12. PUBLIC COMMENT – GENERAL MATTERS**

## **13. COUNCIL BUSINESS / COMMENTS**

## **14. COUNCIL MEETING SCHEDULE**

*Monday, March 26*

*Executive Session – Council Office – 4 pm*  
*Committee of the Whole – Council Office – 5 pm*  
*Regular Meeting – Council Chambers – 7 pm*

**Monday, April 2**

*Nominations and Appointments Committee – Council Office – 3:30 pm*  
*Open Government, Rules and Intergovernmental Relations Committee – Council Office – 5 pm*  
*Housing and Economic Development Committee – Council Office – 5 pm*

**Monday, April 9**

*Committee of the Whole – Council Office – 5 pm*  
*Regular Meeting – Council Chambers – 7 pm*

## **15. BAC AND COMMUNITY GROUP MEETING SCHEDULE**

### **Monday, March 26**

DID Authority – DID Office – 645 Penn St 5<sup>th</sup> Floor – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

### **Tuesday, March 27**

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

Penns Commons Neighborhood Group – Penn Commons meeting room – 7 pm

### **Wednesday, March 28**

Human Relations Commission – Penn Room – 5:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

Environmental Advisory Council – Council Office – 5:30 pm

Outlet Area Neighborhood – St Marks Lutheran Church – 6:30 pm

18<sup>th</sup> & Cotton Community Crime Watch – St Matthews UM Church – 7 pm

Stadium Commission – Stadium RBI Room – 7:30 pm

### **Monday, April 2**

Shade Tree Commission – Planning Conference Room – 6 pm

### **Tuesday, April 3**

Charter Board – Penn Room – 7 pm

### **Wednesday, April 4**

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

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St Pauls Lutheran Church – 6:30 pm

### **Thursday, April 5**

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, April 8**

College Heights Community Council – Nativity Lutheran Church – 7 pm

### **Monday, April 9**

Fire Civil Service Board – Penn Room – 4 pm

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm

**City of Reading City Council  
Regular Business Meeting  
Monday, March 12, 2012**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Managing Director Carl Geffken.

All present pledged to the flag.

**ATTENDANCE**

Council President Acosta

Councilor Corcoran, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Mayor V. Spencer

Managing Director C. Geffken

City Auditor D. Cituk

City Legal Specialist T. Butler, Esquire

City Clerk L. Kelleher

Sgt at Arms Police Chief W. Heim

**PROCLAMATIONS AND PRESENTATIONS**

The City Council issued the following:

- Council Commendation recognizing the 20<sup>th</sup> Anniversary of L & H Signs Inc, accepted by Christopher Heinly, President and Chief Executive Officer
- Council Commendation recognizing the 80<sup>th</sup> Anniversary of WEEU Radio, accepted by Jo Painter, General Manager

**PUBLIC COMMENT**

Council President Acosta announced that three (3) citizens were registered to address Council on agenda matters. He advised those registered to speak about the public speaking rules. He announced those registered to address Council on non-agenda matters will be asked to comment after the legislative business is concluded.

**Heath Crandle, of Meade Street**, noted various difficulties with residential life in Reading. He noted the inadequate manning of Police and Fire which makes it difficult for residents to get responses to calls for service. He questioned how knowing this the Mayor could request five (5) additional positions in his office. He suggested that the

Mayor do more with less, like everyone else. He also suggested that if additional funding is available, the Mayor should instead add Police and/or Fire personnel. He stated that although there has been comment from those who support the additional positions in the Mayor's Office, the average taxpayer does not support the proposed positions.

**Lourdes Torres, of South 5th Street**, suggested Council consider having a change of heart and approve the positions requested in the Mayor's office.

**Ernie Schlegel, of Pear Street**, stated that he supports the positions proposed; however he voiced concern with the remarks made about Council members being racist and bigots at the last two (2) meetings of Council. He also noted his surprise that those remarks came right after Council presented a commendation to the NAACP in celebration of Black History Month. He expressed the belief that City Council does not make decisions on appointments based on race.

## **APPROVAL OF THE AGENDA & MINUTES**

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the February 27<sup>th</sup> regular meeting of Council.

Councilor Waltman arrived at this time.

Council President Acosta noted the need to make the following agenda amendments:

- Add an Award of Contract to the Consent Agenda for the Police surveillance cameras
- Add an introduction of new ordinance setting the salary of the Managing Director
- Add an introduction of new ordinance amending the Certificate of Transfer ordinance

City Clerk Kelleher administered the Oath of Office to Lt. Michael Lessar Jr. promoting him to 2<sup>nd</sup> Deputy Chief, promoting 2<sup>nd</sup> Deputy Chief William Stoudt Jr. to 1<sup>st</sup> Deputy Chief, 2<sup>nd</sup> Deputy Chief Stephen Serba to 1<sup>st</sup> Deputy Chief, and promoting 1<sup>st</sup> Deputy Chief Jeffrey Squibb to Acting Fire Chief.

**Councilor Marmarou moved, seconded by Councilor Sterner, to approve the agenda as amended, including the legislation under the Consent Agenda heading and the minutes from the February 27<sup>th</sup>, 2012 Regular Meeting of Council. The motion was approved unanimously.**

## **Consent Agenda**

**Resolution 26-2012** authorizing the Public Works Director and Wastewater Treatment Plant Manager to submit of the forms and documents to obtain financial assistance for the costs associated with Wastewater Treatment Plant Mitigation as required by the Commonwealth of Pennsylvania **(Fire)**

**Resolution 27-2012** authorizing the Public Works Director and Wastewater Treatment Plant Manager to submit of the forms and documents to obtain financial assistance for the costs associated with Force Main Mitigation as required by the Commonwealth of Pennsylvania **(Fire)**

**Resolution 28-2012** authorizing the hearing process that will address the zoning backlog, by authorizing a hearing officer to hear properties with 1-3 units in high density residential zones, authorizing individual District Councilors to hold hearings for properties with 4-6 units in high density residential zones and authorizing the full body of Council to hold hearings for properties with 7 and more units and all properties in R1 and R2 zoning districts **(Council Staff)**

**Resolution 29-2012** authorizing the Mayor to execute the Federal-Aid Reimbursement Agreement for the Penn Street Crosswalk Project, PennDOT MPMS No. 76614 **(Law)**

**Resolution 30-2012** authorizing the Mayor to execute the Federal-Aid Reimbursement Agreement for the Penn Street Lighting Project, PennDOT MPMS No. 81360 **(Law)**

**Resolution 31-2012** promoting Police Officer Brian Rogers to the rank of Sergeant in the Reading Police Department, effective March 16, 2012 **(Police)**

**Resolution 32-2012** authorizing the Mayor to sign and submit an application for a PA DCNR Community Conservation Partnerships Program Grant for a rehabilitation project at the Keffer Park Playground **(Man Dir)**

**Resolution 33-2012** promoting Lieutenant Kent Born to 2<sup>nd</sup> Deputy Chief **(Fire)**

**Resolution 34-2012** promoting Lieutenant Michael Lessar Jr to 2<sup>nd</sup> Deputy Chief **(Fire)**

**Resolution 35-2012** promoting 2<sup>nd</sup> Deputy Chief William Stoudt Jr to 1<sup>st</sup> Deputy

Chief (Fire)

**Resolution 36–2012** promoting 2<sup>nd</sup> Deputy Chief Stephen Serba to 1<sup>st</sup> Deputy Chief (Fire)

**Resolution 37–2012** promoting 1<sup>st</sup> Deputy Chief Jeffrey Squibb to Acting Fire Chief

**Award of Contract** – for surveillance cameras to Let's Think Wireless

**City Clerk Kelleher administered the oath of office to the following firefighters:**

- promoting Lieutenant Michael Lessar Jr to 2<sup>nd</sup> Deputy Chief
- promoting 2<sup>nd</sup> Deputy Chief William Stoudt Jr to 1<sup>st</sup> Deputy Chief
- promoting 2<sup>nd</sup> Deputy Chief Stephen Serba to 1<sup>st</sup> Deputy Chief
- promoting 1<sup>st</sup> Deputy Chief Jeffrey Squibb to Acting Fire Chief

## **ADMINISTRATIVE REPORT**

Mayor Spencer read the report distributed to Council with the agenda highlighting the following:

- His completion of the three (3) day NIMS Training
- Two (2) ribbon cuttings at recent Micro-Loan recipients
- Roll out of the iPads by the Property Maintenance Division
- Congratulations to the promoted firefighters
- Thanks to Managing Director Geffken for his dedicated service to the City
- Asking Council to reconsider overriding his veto of Bill 14-2012

Councilor Waltman inquired about the repair of Walnut Street where the sewer break occurred. He noted the long disruption for area residents. He stated that originally the repairs were projected to be made in two (2) months. He stated the street has been closed for an extended period of time. Public Works Director Jones described the utility work that has been completed and the current work to repair the paving curb and sidewalks. He described the coordination with the utility companies.

Councilor Waltman suggested strong communication with residents regarding the projection.

Councilor Sterner inquired why the reduction from \$50K to \$25K is such a large detriment to the Administration's when other cities require Council approval for spending at either \$25K or \$10K. Mayor Spencer stated that this is detrimental to the Administration's ability to handle day-to-day business.

## **AUDITOR'S REPORT**

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

- Collection of Magisterial District Justice summary offenses

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 22-2012** - amending the 2012 solid waste budget, reallocating certain advertising, contracted services and postage funds to the 2012 vehicles budget (**Bus Analyst**) *Introduced at the February 27 regular meeting*

**Councilor moved Marmarou, seconded by Councilor Reed, to enact Bill No. 22-2012.**

**Bill No. 22-2012 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President – 7**

**Nays: None- 0**

**Bill No. 23-2012** - authorizing the Mayor to acquire, by condemnation or otherwise, a fee or easement interest, as deemed necessary or prudent by the mayor, in the parcels of land indentified as property identification numbers 18530651852796 and 18530616947572 (the “properties”) located along the west shore of the Schuylkill River between the Sixth and Canal Pump Station and Fritz Island Wastewater Treatment Plant (“WWTP”) for the purpose of constructing and maintaining such sanitary sewer facilities required for the efficient transportation of sewage to the WWTP (**Man Dir**) *Introduced at the February 27 regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 23-2012.**

**Bill No. 23-2012 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None- 0**

**Bill No. 24-2012** - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 2, §1-221. Categories of Employment by including compensated interns as temporary employees (**Law**) *Introduced at the February 27*

*regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 24-2012.**

**Bill No. 24-2012 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Acosta, President - 5**

**Nays: Reed, Waltman - 2**

**Bill No. 25-2012 - establishing a four-way stop intersection at St. Bernardine Street and Greenway Terrace in the City of Reading, Pennsylvania (Law) *Introduced at the February 27 regular meeting***

**Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 25-2012.**

Council President Acosta and Councilor Corcoran agreed that this stop sign is quite necessary at this intersection.

**Bill No. 25-2012 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None- 0**

**Bill No. 26-2012 - authorizing the Mayor to acquire the properties from the Berks County Tax Claim Bureau's current repository list as attached as Exhibit "A" (Law) *Introduced at the February 27 regular meeting***

**Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 26-2012.**

**Bill No. 26-2012 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None- 0**

**Bill No. 27-2012 - amending Bill No. 7-2012 and Codified Ordinances §1-115 - Meetings to be Public providing additional language relating to the use of electronic recording devices at meetings (Council Staff/Law) *Introduced at the February 27***

*regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 27-2012.**

**Bill No. 27-2012 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta**

**President - 6**

**Nays: Waltman- 1**

**Bill No. 28-2012** – refinancing the 2005 Bonds with a General Obligation Note, Series of 2012, in an aggregate principal amount not to exceed two million six hundred fifty five thousand dollars (\$2,655,000) **(Financial Solutions)** *Introduced at the February 27 regular meeting*

**Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 28-2012.**

Managing Director Geffken stated that this refinancing will yield the City a net savings of \$104K or 5% over the three (3) to four (4) year term of the bond.

Councilor Goodman-Hinnershitz noted the need for accurate documentation of finance transactions and obligations.

**Bill No. 28-2012 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None- 0**

**Bill No. 29-2012** - authorizing the Mayor to attempt to acquire ownership of the premises known as 405A South 7th Street, Reading, Berks County, Pennsylvania, from the Berks County Sheriff's Judicial Sale **(Law)** *Introduced at the February 27 regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Corcoran, to enact Bill No. 29-2012.**

**Bill No. 29-2012 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,**

**Acosta, President - 7**  
**Nays: None- 0**

**Bill No. 30-2012** – amending Bill No. 66-2011 the Position Ordinance by adding all Part Time, Temporary, and Seasonal employee positions **(Law)** *Introduced at the February 27 regular meeting*

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 30-2012.**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to amend Bill No. 30-2012 by eliminating the Communications Specialist.**

Councilor Goodman-Hinnershitz expressed the belief that the communications function can be handled by other staff members. Councilor Sterner agreed.

Councilor Waltman expressed his belief in the need for the Communications Specialist to sell the City's story properly.

Councilor Corcoran stated that he would support the amendment and the remaining positions due to the Mayor's statement that he would hold these employee's accountable.

Mayor Spencer noted the need for all four (4) positions to support the Mayor's office and his vision. He believed that the old approach of staffing in the Mayor's office is not sufficient to get his transition plan implemented.

Councilor Goodman-Hinnershitz expressed the belief that existing City staff can undertake the required communication tasks.

Councilor Waltman expressed his belief in the need to allow the Mayor to project the City's story to the world. He expressed the belief that this is a good investment.

**The amendment to Bill No. 30-2012 was adopted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta,**  
**President - 6**  
**Nays: Reed - 1**

**Council President Acosta stated that Council now needs to consider Bill No. 30-2012,**

**as amended.**

Councilor Goodman-Hinnershitz noted the addition of other positions in other areas. She also noted the need for the Mayor's positions to work within their job descriptions and not move into inappropriate areas. She stated that she hesitates in approving these positions as some in the Mayor's office, in the past took on tasks that went beyond the scope of their position.

Councilor Goodman-Hinnershitz inquired who would be performing the duties of the Managing Director after Managing Director Geffken resigns on March 15<sup>th</sup>. Mayor Spencer stated that he will be taking on the duties of the Managing Director.

Mayor Spencer stated that he takes exception to Councilor Goodman-Hinnershitz's remarks and promise to handle the positions properly. He noted that Council needs to trust him as he makes his own personal decisions.

Councilor Corcoran questioned the status of Controller Chris Zale. Mayor Spencer stated that Mr. Zale is the Acting Administrative Services Director as recommended by Managing Director Geffken.

Councilor Reed stated that she fails to see how supporting these positions will benefit the City's core services. She suggested that the Police, Fire and Public Works Department each request for additional positions. She promised as Finance Chair to increase the size of the Police, Fire and Public Works Department.

Mayor Spencer noted that these specific positions for his office were funded with money realized through unfilled positions. He stated that there is no guarantee that they will continue in 2013.

Councilor Waltman stated that Council should not prevent the Mayor from hiring staff to achieve his goals.

Councilor Goodman-Hinnershitz noted the need to revisit the Transition Plan as many of the suggestions made by the Transition Committees never made it into the plan. She also noted that Council's job is to monitor the Administration.

Council President Acosta noted the need for all to move on with this compromise.

**Bill No. 30-2012, as amended, was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta,**

**President - 6**  
**Nays: Reed - 1**

**Councilor Reed moved, seconded by Councilor Corcoran, to override the veto of Bill No. 14-2012.**

Mayor Spencer expressed the belief that the override of this veto will be disruptive to the day-to-day Administrative Services.

**The override of the veto of Bill No. 14-2012, was adopted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner - 5**  
**Nays: Waltman, Acosta, President - 2**

**Councilor Corcoran moved, seconded by Councilor Marmarou, to reconsider the vote on Bill No. 18-2012.**

**The motion to reconsider the vote on Bill No. 18-2012, was adopted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta, President - 6**  
**Nays: Reed- 1**

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to amend Bill No. 18-2012 by removing the allocation for the Communication Specialist and moving the \$45K allocation for that position into the Contingency fund.**

**The amendment to Bill No. 18-2012, was adopted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**  
**Nays: None- 0**

**Councilor Corcoran moved, seconded by Councilor Sterner, to enact Bill No. 18-2012, as amended.**

Councilor Goodman-Hinnershitz stated that while this ordinance funds the Mayor's

positions, there are other positions that may need budget amendments. Managing Director Geffken stated that the other amendments should be sufficiently funded by Departmental budgets.

City Auditor Cituk noted that two (2) members of Council staff will be receiving increases. He inquired if these increases will be effective as of the next pay period or retroactive to January 1<sup>st</sup>. Managing Director Geffken stated that the increases will be retroactive to January 1<sup>st</sup>.

## **INTRODUCTION OF NEW ORDINANCES**

Council President Acosta read the following ordinances into the record:

**Ordinance** - amending the 2012 City of Reading general fund budget by authorizing the transfer of funds from the mailroom division to the Citizens Service Center (CSC) **(Controller)**

**Ordinance** - amending the Lease Agreement between the City of Reading and the Reading Area Water Authority **(RAWA/Law)**

**Ordinance** – amending the City of Reading Codified Ordinances Chapter 3 Bicycles Part 1 Bicycle Regulations Section 3-106 Operation and Parking **(Police/Council Staff)**

**Ordinance** - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 10 Regulation of Pedalcycles and Non-Motorized Vehicles Section 15-1001 Riding and Parking of Pedalcycles on Sidewalks along Certain Streets Prohibited as attached **(Police/Council Staff)**

**Ordinance** - amending Chapter 10, Health and Safety, of the Codified Ordinances of the City of Reading by eliminating Dry Cleaning Establishments from the regular inspection of the premises of Commercial and Residential Common Laundries under the Health Code of the City of Reading **(Law)**

**Ordinance** - authorizing the Mayor to execute the third addendum to the lease and operating agreement between the City of Reading, Pennsylvania and the Reading Area Water Authority, in the form attached hereto as Exhibit "A", and such other documents necessitated thereby, including, without limitation, (1) a deed conveying to the Reading Area Water Authority an approximately one hundred twenty (120) acre parcel of land located in Ontelaunee Township owned by the City and (2) a deed conveying to the Reading Area Water Authority an approximately two and thirty-nine one hundredths (2.39) acre parcel of land owned by the City and located at 1801 Moss Street in the City

of Reading (**Man Dir**)

**Ordinance** - amending the 2012 City of Reading general fund budget by authorizing the transfer of debt service savings produced by refinancing 2005 notes and 2008 bonds to spending contingency (**Controller**)

**Ordinance** - amending Chapter 5, Code Enforcement of the Codified Ordinances of the City of Reading by adding Alleys and Recycling Storage to existing Quality of Life Violations and amending language in the current Fines and Penalties Section (**Law/Codes**)

**Ordinance** - rescinding Ordinance 59-2010 in its entirety (**Council Staff/Law**)

**Ordinance** – amending the City of Reading Fee Schedule in relation to Commercial Laundry Fees (**Law**)

**Ordinance** – amending Chapter 4 Buildings Part 3 Certificate of Transfer as attached in Exhibit A (**Bus Analyst**)

**Ordinance** – setting the salary of the Managing Director at \$95,550

## **RESOLUTIONS**

**Resolution 38–2012** - reappointing Chad Spohn to the Plumbing Board (**Nom & Appts**)

**Resolution 39-2012** - appointing Melvyn Jacobson to the Citizens Advisory Board (**Nom & Appts**)

**Resolution 40–2012** – reappointing Jeff George to the HVAC Board (**Nom & Appts**)

**Resolution 41–2012** - reappointing James Wong to the Board of Health (**Nom & Appts**)

**Resolution 42–2012** - appointing Kent Wrobel to the Citizens Advisory Board (**Nom & Appts**)

**Resolution 43–2012** - appointing Timothy Pelter to the Electricians Examining Board (**Nom & Appts**)

**Resolution 44–2012** - reappointing Aaron Booth to the Historical Architectural Review Board (Nom & Appts)

**Resolution 45–2012** - appointing David Hollinger to the Building and Fire Code Board of Appeals (Nom & Appts)

**Councilor Corcoran moved, seconded by Marmarou, to adopt Resolutions 38-2012 – 45-2012.**

Councilor Marmarou noted the quality and qualifications of those applying of those applying and reapplying to fill these Board positions.

**Resolution 38-2012 – 45-2012 was adopted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**  
**Nays: None- 0**

**Resolution 46-2012** - authorizing the Mayor to execute a FFY 2012 (38th CD year - January 1, 2012 to December 31, 2012) Action Plan amendment to revise 2010 activities and to allocate unassigned Home Funds totaling \$278,000 to Habitat for Humanity for the conduct of homeowner rehabilitation and/or acquisition and rehabilitation in the City of Reading. These activities will be eligible under Home Program regulations and final rule at 24 cfr 92 (CD)

**Councilor Marmarou moved, seconded by Corcoran, to adopt Resolutions 46-2012.**

City Clerk Kelleher stated that with these funds Habitat for Humanity will be rehabilitating a minimum of four (4) blighted properties on North 4<sup>th</sup> Street.

**Resolution 46-2012 was adopted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**  
**Nays: None- 0**

**Resolution 47-2012** - authorizing the Bank Accounts for the City of Reading for the 2012 Calendar Year as attached in Exhibit A (Controller)

**Councilor Corcoran moved, seconded by Goodman-Hinnershitz to adopt Resolutions 47-2012.**

Councilor Waltman suggested that the Finance Committee review the top five (5) bank statements as a good check and balance. Councilor Reed requested the assistance of City Auditor Cituk.

**Resolution 47-2012 was adopted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**  
**Nays: None- 0**

### **PUBLIC COMMENT – GENERAL MATTERS**

Council President Acosta stated that citizens registered to address Council under General Matters will be given three (3) minutes to comment.

**Anthony Johnson, of North 9th Street**, expressed his belief that the discontinuation of the Merchant Parking Permit on North 9<sup>th</sup> Street is unfair for merchants and their customers. He expressed the belief that the parking meter rates are too high and discourage customers from coming to visit businesses.

Council President Acosta stated that fourteen (14) business owners associated with the Merchant's Association of 9<sup>th</sup> Street submitted a note that states:

With great respect and consideration to all members of this honorable Council, the Merchant's Associations asks that you honor our request to continue the Parking Permit Program. We thank you in advance for your help and support in helping us renew our Parking permits.

**Cresnac Ducheine, of Wyomissing**, was not present.

**Victor Cabrera, of North 9<sup>th</sup> Street**, was not present.

**Victoria Morasco, of Penn Street**, was not present.

**Carlos Zayas, of South 11<sup>th</sup> Street**, was not present.

**Al Dunn, of South 3<sup>rd</sup> Street**, was not present.

**Alvin Booth, of North 5<sup>th</sup> Street**, stated that voters put Council members on the team but the voters selected the Mayor as the coach. He expressed the belief that at the next election the players on the team will be replaced.

**Gary Joseph, of North 13<sup>th</sup> Street,** was not present.

**Al Carranza, of North 9<sup>th</sup> Street,** asked Council to reconsider the Merchant Parking Permit.

**Paul Prince, of East High Street, Pottstown, representing John Palumbo,** distributed a handout that tells Mr. Palumbo's story regarding his application to become the City's Mechanical Inspector. He noted his three (3) unsuccessful application attempts although he is a qualified candidate. He asked Council to reconsider this situation.

**Natasha Peguero, of North 9<sup>th</sup> Street,** requested that Council reconsider the continuation of the Merchant Parking Permits as those who use the permits are willing to pay a larger annual fee.

**Latasha Peguro, of North 9<sup>th</sup> Street,** was not present.

## **COUNCIL COMMENT**

Councilor Goodman-Hinnershitz thanked the volunteers for their activity to clean up Mount Penn over the past weekend.

Councilor Reed thanked Managing Director Geffken for all he brought to the City. She noted his dedication and experience have served the City well.

Councilor Sterner thanked the merchants for expressing their opinions about the Merchant Parking Permit. He stated that this issue will be discussed further by Council.

Councilor Waltman also expressed his thanks to Managing Director Geffken.

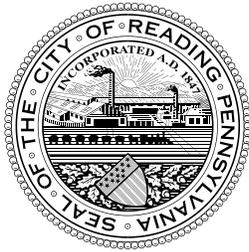
Council President Acosta thanked Managing Director Geffken for his leadership and dedication. He also thanked those who commented at the Council meeting tonight.

Council President Acosta reviewed the Council meeting schedule.

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

*Respectfully submitted by Linda A. Kelleher CMC, City*

*Clerk*



**AGENDA MEMO**  
**COMMUNITY DEVELOPMENT**

**TO:** CITY COUNCIL  
**FROM:** CARL GEFFKEN, ACTING C. D. DEPARTMENT DIRECTOR  
**MEETING DATE:** **MARCH 26, 2012**  
**AGENDA MEMO DATE:** FEBRUARY 10, 2012  
**REQUESTED ACTION:** TO APPROVE AN AMENDMENT TO THE FFY2012  
(38TH YEAR - JANUARY 1, 2012 TO DECEMBER 31, 2012)  
CDBG ACTION PLAN

CD is asking City Council to pass the resolution at the **March 26, 2012** City Council meeting.

**BACKGROUND:** The administration wishes to execute a 2012 CDBG Action Plan amendment by programming \$91,000 in CDBG funds for the Lance Place Playground Improvements activity.

**BUDGETARY IMPACT:** CDBG funded activities assist in relieving general fund pressures.

**PREVIOUS ACTION:** None.

**SUBSEQUENT ACTION:** None.

**RECOMMENDED BY:** Department of Public Works Director, Managing Director and Mayor.

**RECOMMENDED MOTION:** To approve/deny a Council Resolution authorizing the Mayor to execute a FFY2012 (38th CD year - January 1, 2012 to December 31, 2012) CDBG Action Plan Amendment to program \$91,000 in CDBG funds for the Lance Place Playground Improvements activity.

Cc: Michael Dee  
Cindy DeGroot  
Charlie Jones  
Neil Nemeth  
Alex Palacios  
Dan Wright

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING  
AUTHORIZING THE MAYOR TO EXECUTE A  
FFY2012 CDBG ACTION PLAN AMENDMENT**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for community planning and development programs which will serve as: (1) a planning document for the City that builds on a participatory process at the grass roots level, (2) an application for federal funds under HUD's formula grant program, (3) a strategy to be followed in carrying out HUD programs, and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2012 (38th CD year January 1, 2012 to December 31, 2012) CDBG Action Plan has been prepared meeting HUD's requirements and providing guidance for addressing the housing and community development needs of the City;

WHEREAS, \$91,000 in CDBG funding is currently available to fund the new activity.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The Mayor is authorized to execute a FFY2012 (38th CD year - January 1, 2012 to December 31, 2012) CDBG Action Plan Amendment to program \$91,000 in CDBG funds for the Lance Place Playground Improvements activity.

The activity's eligibility / fundability is low mod area 24CFR570.208(a)(1) / public facilities and improvements 24CFR570.201(c). The service area contains 69.6% low mod persons.

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

PASSED COUNCIL \_\_\_\_\_, 2012

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_



**AGENDA MEMO**  
**COMMUNITY DEVELOPMENT**

**TO:** CITY COUNCIL  
**FROM:** CARL GEFFKEN, ACTING C. D. DEPARTMENT DIRECTOR  
**MEETING DATE:** **MARCH 26, 2012**  
**AGENDA MEMO DATE:** FEBRUARY 15, 2012  
**REQUESTED ACTION:** TO APPROVE AN AMENDMENT TO THE FFY2012  
(38TH YEAR - JANUARY 1, 2012 TO DECEMBER 31, 2012)  
CDBG ACTION PLAN

CD is asking City Council to pass the resolution at the **March 26, 2012** City Council meeting.

**BACKGROUND:** The administration wishes to execute a 2012 CDBG Action Plan amendment by programming \$50,000 in CDBG funds for the Microenterprise Technical Assistance activity (see attachment).

**BUDGETARY IMPACT:** None.

**PREVIOUS ACTION:** None.

**SUBSEQUENT ACTION:** None.

**RECOMMENDED BY:** Managing Director and Mayor.

**RECOMMENDED MOTION:** To approve/deny a Council Resolution authorizing the Mayor to execute a FFY2012 (38th CD year - January 1, 2012 to December 31, 2012) CDBG Action Plan Amendment to program \$50,000 in CDBG funds for the Microenterprise Technical Assistance activity.

Cc: Michael Dee  
Steve Haver  
David Kersley  
Neil Nemeth  
Alex Palacios  
Dan Wright

## City of Reading Microenterprise Technical Assistance Program Fact Sheet

**Rationale:** By creating a Microenterprise Technical Assistance Program using CDBG funds, any qualified City employee who provides advice or technical assistance to an eligible microenterprise in Reading can have their salary expense reimbursed from CDBG program funds.

This will facilitate City staff's encouragement and assistance in the growth of businesses in Reading, while potentially reducing General Fund expenses and alleviating CDBG Administrative Funds cap pressure.

The program could be implemented by designated CD staff, or be expanded to include any City employee who has specific skills applicable to a microenterprise and who has completed simple training. It is hoped that the program can be propagated throughout City Hall, creating an atmosphere where encouraging and assisting local businesses becomes ingrained into our organizational culture.

**Purpose:** To provide low- and moderate- income Reading residents and entrepreneurs with technical assistance, counseling and guidance in starting or expanding an eligible microenterprise, and to increase City employment, tax collections and regulatory compliance.

**Potential Partners:** SCORE, Community First Fund, Kutztown SBDC and Jump-start Incubator, and the Chamber of Commerce and Latino Business Resource Center.

### Eligibility:

- Any commercial enterprise in Reading with five or fewer employees, one or more of whom owns the business. All owners must have incomes at or below 80% of area median income. Any party having an ownership interest including shareholders, partners, etc. must meet all income and other eligibility criteria.
- OR:**
- Any commercial enterprise with five or fewer owners and/or employees that serves a predominantly low- and moderate- income area within the City.

**Services:** A wide variety of services can be provided including consultation and referral services, general business management, marketing strategy development, planning, and execution, financing and budgeting advice, regulatory, permitting and compliance assistance, internet marketing and social media recommendations and human resources advice.

The Microenterprise Technical Assistance Program can also serve as a gateway to our current Micro-loan Program and Family Business Loan Program, as well as providing a mechanism to monitor and assist loan recipients. Services and program materials will be available in both English and Spanish.

**Next Steps:** An action plan amendment would need to be passed by Council to allocate available CDBG funds, and program guidelines and materials would need to be developed. There are a number of similar programs nationwide than could provide

model forms and serve as an example in the design and administration of such a program.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING  
AUTHORIZING THE MAYOR TO EXECUTE A  
FFY2012 CDBG ACTION PLAN AMENDMENT**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for community planning and development programs which will serve as: (1) a planning document for the City that builds on a participatory process at the grass roots level, (2) an application for federal funds under HUD's formula grant program, (3) a strategy to be followed in carrying out HUD programs, and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2012 (38th CD year January 1, 2012 to December 31, 2012) CDBG Action Plan has been prepared meeting HUD's requirements and providing guidance for addressing the housing and community development needs of the City;

WHEREAS, \$50,000 in CDBG funding is currently available to fund the new activity.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The Mayor is authorized to execute a FFY2012 (38th CD year - January 1, 2012 to December 31, 2012) CDBG Action Plan Amendment to program \$50,000 in CDBG funds for the Microenterprise Technical Assistance activity.

The activity's eligibility / fundability is Microenterprise Assistance 24CFR570.201(o) / Low mod limited clientele 24CFR570.208(a)(2) or Low mod area 24CFR570.208(a)(1) - Each activity's service area will contain at least 51% low- and moderate- income level persons.

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

PASSED COUNCIL \_\_\_\_\_, 2012

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_

RESOLUTION OF THE COUNCIL OF  
THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA

WHEREAS, the Redevelopment Authority of the City of Reading (the “Authority”) is a public instrumentality of the Commonwealth of Pennsylvania and a public body corporate and politic organized and existing under the Urban Redevelopment Law, Act of May 24, 1945, P.L. 991, No. 385, as amended and supplemented (the “Act”), of the Commonwealth of Pennsylvania; and

WHEREAS, Alvernia University, a Pennsylvania not-for-profit corporation (the “University”), has requested the assistance of the Authority in connection with the financing of a project (the “Project”) consisting of, among other things, (i) the design, acquisition, construction and installation of new student housing and the construction of related roadways, paths and parking lots and facilities; (ii) the design, acquisition, construction and installation of an approximately 85,000 square foot field house; (iii) the design, construction, renovation and improvement of various capital improvements to the University’s existing buildings and facilities; and (iv) the payment of the costs of issuance of the Note (hereinafter defined); and

WHEREAS, in order to finance the Project, the University has requested the Authority to issue its Revenue Note (Alvernia University Project) Series of 2012 in an aggregate principal amount of not to exceed \$10,000,000 (the “Note”); and

WHEREAS, the Council of the City of Reading, Berks County, Pennsylvania (the “City”) approves the financing of the Project for the benefit of the University and has determined that it is in the best interests of the people in the City to have the Project provided and undertaken by the Authority; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the “applicable elected representative” of the governmental unit on behalf of which the Note is issued must approve the issuance of the debt after a public hearing following reasonable public notice; and

WHEREAS, pursuant to the Code, the term “applicable elected representative” means, among other things, the elected legislative body of the governmental unit on behalf of which the Note is issued; and

WHEREAS, the Council is the “applicable elected representative” of the City within the meaning of the Code; and

WHEREAS, the Council desires to authorize and direct the Mayor of the City to act on its behalf as such “applicable elected representative.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Reading, as follows:

In connection with the financing of the Project by the Authority, this Council hereby declares it to be desirable to have the Project provided by, and financed through, the Authority.

The Council hereby empowers, authorizes and directs the Mayor of the City to execute and deliver an “approval of applicable representative” in the form attached hereto; provided, that, such approval shall be delivered only following a public hearing, which has followed reasonable public notice, with respect to the Project. The Council intends that this Resolution and the subsequent execution and delivery of the approval of “applicable elected representative” by the Mayor of the City shall constitute the “approval by a government unit” required by Section 147(f) of the Code.

The approval granted hereby shall not, in any way, pledge or obligate the credit or taxing power of the City, nor shall the City be liable for the payment of the principal of, or interest on, any obligations issued by the Authority.

This Resolution shall become effective immediately.

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

All resolutions or parts of resolutions inconsistent herewith are repealed.

ADOPTED this \_\_\_\_ day of March, 2012 by the Council of the City of Reading, in lawful session duly assembled.

CITY OF READING,  
Berks County, Pennsylvania

By \_\_\_\_\_  
Francis Acosta, President of Council

(SEAL)

Attest: \_\_\_\_\_  
Linda A. Kelleher CMC, City Clerk

EXHIBIT "A"

**APPROVAL OF APPLICABLE ELECTED REPRESENTATIVE**

I, the undersigned Mayor of the City of Reading, Berks County, Pennsylvania (the "City"), having been designated and empowered to approve the issuance of tax-exempt bonds or notes by the Redevelopment Authority of the City of Reading, hereby approves the following Project of the Redevelopment Authority of the City of Reading:

NAME OF APPLICANT:	Alvernia University 400 St. Bernadine Street Reading, Pennsylvania 19607
ADDRESS OF PROJECT:	400 St. Bernadine Street Reading, Pennsylvania 19607
TOTAL COST OF PROJECT:	Approximately \$20,000,000
MAXIMUM AGGREGATE FACE AMOUNT OF DEBT TO BE ISSUED:	Not to exceed \$10,000,000
PROJECT DESCRIPTION:	The proceeds of the debt to be issued will be used to finance a project on behalf of the Applicant consisting of, among other things, (i) the design, acquisition, construction and installation of new student housing and the construction of related roadways, paths and parking lots and facilities; (ii) the design, acquisition, construction and installation of an approximately 85,000 square foot field house; (iii) the design, construction, renovation and improvement of various capital improvements to the Applicant's existing buildings and facilities; and (iv) the payment of the costs of issuance of the debt.

The approval hereby granted is limited in operation and effect to the Internal Revenue Code of 1986, as amended, and the regulations promulgated with respect thereto, and shall not create any liability or obligation on the part of the City.

Date: March \_\_, 2012

By \_\_\_\_\_  
Vaughan D. Spencer, Mayor

REDEVELOPMENT AUTHORITY OF THE CITY OF READING

Resolution No. \_\_\_\_\_

WHEREAS, the Redevelopment Authority of the City of Reading (the “Authority”) is a public instrumentality of the Commonwealth of Pennsylvania and a public body corporate and politic organized and existing under the Urban Redevelopment Law, Act of May 24, 1945, P.L. 991, No. 385, as amended (the “Act”); and

WHEREAS, Alvernia University, a Pennsylvania not-for-profit corporation (the “University”) and a charitable organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), has requested the assistance of the Authority in connection with the financing of a project (the “Project”) that consists of, among other things, (i) the design, acquisition, construction and installation of new student housing and the construction of related roadways, paths and parking lots and facilities; (ii) the design, acquisition, construction and installation of an approximately 85,000 square foot field house; (iii) the design, construction, renovation and improvement of various capital improvements to the University’s existing buildings and facilities; and (iv) the payment of the costs of issuance of the Note (hereinafter defined); and

WHEREAS, this Authority desires to finance the Project through the sale of its Revenue Note (Alvernia University Project), Series of 2012 (the “Note”), in an original principal amount of not to exceed \$10,000,000; and

WHEREAS, the Note will be purchased by a financial institution to be selected by the University (the “Bank”); and

WHEREAS, the Authority will enter into a Loan Agreement with the University (the “Loan Agreement”) wherein the Authority will, among other things, lend the proceeds of the Note to the University, and wherein the University will agree, among other things, to repay to the Authority the amount of such loan in installment amounts equal to the interest and principal payments coming due under the Note, all as set forth in the Loan Agreement; and

WHEREAS, as security for its obligations under the Note, the Authority has determined to assign, transfer and pledge unto the Bank all right, title and interest of the Authority in and to the Loan Agreement and sums payable thereunder

(except for its rights to indemnification and to the payment of its costs, fees and expenses as provided in the Loan Agreement); and

WHEREAS, certain action is required to be taken by the Authority as a prerequisite to the issuance and sale of the Note; and

NOW, THEREFORE, BE IT RESOLVED by the Board of this Authority, as follows:

This Board hereby (i) approves the request of the University and agrees to undertake the financing of the Project and (ii) authorizes the issuance of the Note.

For the purpose of financing the Project through the issuance of the Note, this Authority hereby approves the issuance and sale of its Redevelopment Authority of the City of Reading Revenue Note (Alvernia University Project) Series of 2012, in an original principal amount of not to exceed \$10,000,000 to be substantially on such terms and conditions as may be acceptable to the University and this Authority.

This Authority shall enter into the Loan Agreement with the University, such Loan Agreement to be substantially on such terms and conditions as may be acceptable to counsel to this Authority. Pursuant to the Loan Agreement, the Authority will loan the proceeds of the Note to the University and the University will agree, among other things, to make certain loan repayments in amounts and at times equal to the principal of, premium, if any, and interest on the Note.

This Authority shall enter into an Assignment of Loan Agreement (the "Assignment") pursuant to which the Authority shall assign all of its right, title and interest (except for its right to indemnification and payment of its fees and expenses) in and to the Loan Agreement and the loan payments to be paid by the University thereunder to the Bank.

The Chair or Vice Chair are hereby authorized, empowered and directed to execute, attest, acknowledge and deliver, as applicable, the Loan Agreement and the Assignment, all substantially in the forms of such instruments as may be acceptable to counsel to this Authority, with such terms and conditions therein or modifications thereto as such counsel may approve, their execution and delivery thereof to constitute conclusive evidence of such approval.

This Authority hereby authorizes the issuance, delivery and sale of the Note, in fully registered form, in an original principal amount not to exceed \$10,000,000. The terms and conditions of the Note (including, without limiting the generality of the foregoing, the interest rates, interest payment dates, maturity dates and redemption provisions thereof) and the form of the Note shall be as approved by the University and Bond Counsel and shall be acceptable to the officers of this Authority who execute and deliver the Note, its execution and delivery thereof to constitute conclusive evidence of such approval.

The Chair or Vice Chair of this Authority are hereby authorized, empowered and directed to execute, by true or facsimile signature, the Note, and to cause to be affixed thereto the

facsimile of or the true corporate seal of the Authority, and the Secretary or Assistant Secretary of this Authority is authorized, empowered and directed to attest, by true or facsimile signature, the execution of the Note and the affixing of the corporate seal; and such officers of this Authority are authorized and directed to deliver the Note to the Bank.

The Chair or Vice Chair of the Authority is authorized and directed to execute and deliver appropriate closing certificates and other certificates, instruments, elections, letters, financing statements, documents and agreements in connection with the issuance and sale of the Note and the use, deposit and disposition of the proceeds of the Note as may be required by Bond Counsel and counsel to this Authority.

The Chair or Vice Chair are authorized and directed to proceed promptly with the undertakings herein contemplated. Such officers are authorized, empowered and directed to do any and all acts and things and to execute and deliver any and all documents, agreements, instruments or certificates that may be necessary, proper or desirable to effect the transactions contemplated by this Resolution, including, but not limited to, the execution and delivery of such documents, instruments, certificates, agreements, financing statements, letters, etc. as may be reasonably requested by Bond Counsel and as may be approved by counsel for the Authority. The execution and delivery, by the Chair or Vice Chair of the Authority, of any and all such documents, instruments or certificates that may be necessary, proper or desirable to effect the transactions contemplated by this Resolution shall constitute conclusive evidence of approval of any such document, instrument or certificate, as applicable, by the Authority.

In accordance with the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), this Authority hereby finds, determines and designates the Note as a "qualified tax-exempt obligation," as defined in Section 265(b)(3)(B) of the Code, for the purposes of Section 265(b) of the Code, and shall have authority to issue a declaration to effectuate such election.

The Chair or Vice Chair are each authorized to execute and cause to be filed the Form 8038 and any other letters, elections, statements, certificates, documents or instruments that may be necessary in the opinion of Bond Counsel and counsel to the Authority to assure and maintain the tax-exempt status of the Note as required by the Code and the regulations promulgated thereunder. The execution and delivery by any officer of the Authority, of the Form 8038 and any and all such other letters, elections, statements, certificates, documents or instruments, shall constitute conclusive evidence of approval of any and all such other letters, elections, statements, certificates, documents or instruments.

The liability of the Authority under any and all of the documents, instruments, agreements and certificates executed in connection with the issuance of the Note shall not constitute its general obligation and recourse against the Authority on the Note or under any and all of the documents, instruments, agreements and certificates executed and delivered in connection with the issuance of the Note, shall be had only against the revenues and collateral pledged pursuant to the Loan Agreement, the Note and any other documents, instruments or agreements executed and delivered in connection with the Note. It is expressly understood that the Authority shall not otherwise be obligated and that none of its members, officers or employees shall be obligated in any way for any costs, expenses, fees, or other obligations or liabilities incurred or imposed in connection with the Note, whether incurred prior to, on, or after

the date of issuance. It is expressly understood that the Authority will receive indemnification and be held harmless by the University, from liability arising out of the Project or the offer and sale of the Note under the terms of the Loan Agreement.

This Authority approves, ratifies and confirms all action heretofore taken by officers and other persons in the name or on behalf of this Authority in connection with the undertakings herein contemplated, including, but not limited to, the publication of the TEFRA notice for the public hearing to be conducted by the Authority.

All attorney fees, commitment fees, and all other professional and advisory fees incurred in connection with the Project shall be paid by the University. The Authority shall have no liability with respect to such costs.

This Resolution shall become effective immediately.

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

All resolutions or parts of resolutions inconsistent herewith are repealed.

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DULY ADOPTED this 21st day of March, 2012, by the Board of the Redevelopment Authority of the City of Reading, in lawful session duly assembled.

By \_\_\_\_\_  
Chairman

(SEAL)

Attest: \_\_\_\_\_  
(Assistant) Secretary

REDEVELOPMENT AUTHORITY OF THE CITY OF READING

NOTICE OF PUBLIC MEETING AND PUBLIC HEARING

Notice is hereby given that the Redevelopment Authority of the City of Reading has scheduled a public meeting and will hold a public hearing on March 21, 2012, at 5 p.m. in the Authority's Conference Room located in Reading City Hall, Suite 2-53, 815 Washington Street, Reading, Pennsylvania to discuss, and take comment with respect to, the financing of the following project:

Redevelopment Authority of the City of Reading -  
Alvernia University Project

NAME OF APPLICANT:	Alvernia University 400 St. Bernadine Street Reading, Pennsylvania 19607
ADDRESS OF PROJECT:	400 St. Bernadine Street Reading, Pennsylvania 19607
TOTAL COST OF PROJECT:	Approximately \$20,000,000
MAXIMUM AGGREGATE FACE AMOUNT OF DEBT TO BE ISSUED:	Not to exceed \$10,000,000
PROJECT DESCRIPTION:	The proceeds of the debt to be issued will be used to finance a project on behalf of the Applicant consisting of, among other things, (i) the design, acquisition, construction and installation of new student housing and the construction of related roadways, paths and parking lots and facilities; (ii) the design, acquisition, construction and installation of an approximately 85,000 square foot field house; (iii) the design, construction, renovation and improvement of various capital improvements to the Applicant's existing buildings and facilities; and (iv) the payment of the costs of issuance of the debt.

Members of the public are invited to attend the aforesaid public hearing and meeting. The attending public, on their own behalf or by attorney, are urged to provide information and make statements concerning the aforesaid project.

BOND FINANCINGS OF THE REDEVELOPMENT AUTHORITY OF THE CITY OF READING ARE NOT OBLIGATIONS OF THE CITY OF READING, THE COMMONWEALTH OF PENNSYLVANIA, NOR OF ANY CITY, BOROUGH, TOWNSHIP OR OTHER POLITICAL SUBDIVISION OF THE COMMONWEALTH OF PENNSYLVANIA.

This Notice is published in accordance with the requirements of Section 147(f) of the Internal Revenue Code, as amended.

REDEVELOPMENT AUTHORITY OF THE CITY OF  
READING

CITY OF READING  
RESOLUTION NO. \_\_\_\_\_ 2012

RESOLUTION FOR PENNVEST APPLICATION

WHEREAS, on October 10, 2011, by and through Resolution Number 172 2011, the Council for the City of Reading designated Carl Geffken, Managing Director of the City of Reading, to execute and sign all certifications and documentation required in connection with the PENNVEST Financial Assistance Application for a low-interest loan to finance various capital improvements to the City’s Wastewater Treatment Plant and Sewer Conveyance System;

WHEREAS, Mr. Geffken has tendered his resignation of the Managing Director position;

WHEREAS, this Council desires to designate and authorize Ralph Johnson, the Manager of the City of Reading Wastewater Treatment Plant, to execute and sign all certifications and documentation required in connection with the PENNVEST Financial Assistance Application on behalf of the City;

WHEREAS, this Council desires to amend Resolution Number 172 2011 to reflect such designation.

The undersigned, an authorized representative of the City of Reading, hereby certifies that at a Regular Meeting held on 12th day of March, 2012, after due notice, at which a quorum was present, the Reading City Council adopted the following resolution that hereby amends Resolution Number 172 2011 as follows:

“RESOLVED, after the date hereto, Carl Geffken, Managing Director of the City of Reading, shall not be the City’s designee to execute and sign certifications and documentation required in connection with the PENNVEST Financial Assistance Application.

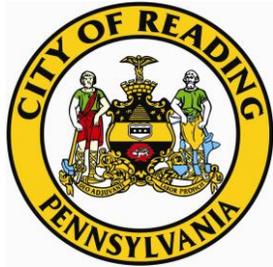
“FURTHER RESOLVED, that the Council for the City of Reading does hereby designate Ralph Johnson, as Manager of the City of Reading Wastewater Treatment Plant, to execute and sign all certifications and documentation required in connection with the PENNVEST Financial Assistance Application.

Adopted by Council on \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk



# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** March 26, 2012  
**AGENDA MEMO DATE:** March 20, 2012  
**RECOMMENDED ACTION:** Awarding of Contract for the Sewer Evaluation and Inspection

## RECOMMENDATION

The recommendation is to award the contract to Woolpert, Inc., 4454 Idea Center Blvd., Dayton, OH 45430, for a total submitted price of approximately \$82,122.87

## BACKGROUND

The City employed a three-member evaluation team that considered criteria including, but not limited to, responsiveness, experience, stability, MWE/MBE, and price. The responses to the requests for proposals were evaluated independently by the members of the RFP selection review committee. All three evaluators of the proposals recommend Wolpert, Inc.

## BUDGETARY IMPACT

The services will be \$82,122.87 and will be charged to Project 54-07-43-101, Account Code 54-07-43-4830.

## PREVIOUS ACTIONS

None.

## SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the March 26, 2012 meeting.

## RECOMMENDATION

The recommendation is that City Council approves the recommendation of the Administration to employ Woolpert, Inc. for the Sewer Evaluation and Inspection RFP for the Wastewater Treatment Plant.

**RECOMMENDED BY**

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

**RECOMMENDED MOTION**

To approve/deny Administration's recommendation that Woolpert, Inc. be retained for the Sewer Evaluation and Inspection RFP on behalf of the City of Reading.

cc: File

BILL NO. \_\_\_\_\_ - 2012

AN ORDINANCE

AN ORDINANCE AMENDING THE 2012 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF FUNDS FROM THE MAILROOM DIVISION TO THE CITIZENS SERVICE CENTER (CSC).

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading 2012 Budget by authorizing the transfer of a total of \$124,966 from the Mailroom Division to the Citizens Service Center. (See attached affected line items)

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

Enacted \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Budget Modification Proposal

Move all Mailroom lines from Human Resources (01-11-22-xxxx) to CSC (01-06-19-xxxx)

		2012 Budget	Expended as of 2/23/12	Funds Remaining as of 2/23/12
<b>22</b>	<b>Mailroom</b>			
01-11-22-4000	Salaries	35,315	-	<b>35,315</b>
01-11-22-4402	Maintenance/Repair Equipment	5,000	-	<b>5,000</b>
01-11-22-4509	Postage	55,000	1,254	<b>53,746</b>
01-11-22-4900	Fringe Benefits	16,080	1,631	<b>14,449</b>
01-11-22-4901	Pension	13,754	-	<b>13,754</b>
01-11-22-4913	Social Security	2,702	-	<b>2,702</b>
<b>22</b>	<b>Mailroom</b>	127,851	2,885	<b>124,966</b>
Move From:	<b>Amount</b>		Move To:	
01-11-22-4000	Salaries	35,315	01-06-19-4000	Salaries
01-11-22-4402	Maintenance/Repair Equipment	5,000	01-06-19-4402	Maintenance/Repair Equipment
01-11-22-4509	Postage	53,746	01-06-19-4509	Postage

01-11-22-4900	Fringe Benefits	14,449	01-06-19-4900	Fringe Benefits
01-11-22-4901	Pension	13,754	01-06-19-4901	Pension
01-11-22-4913	Social Security	<u>2,702</u>	01-06-19-4913	Social Security
		124,966		

This proposal changes the current Mailroom Clerk position to that of a Municipal Aide II. The position will perform mailroom duties as well as CSC duties, each a portion of the day.

**BILL No. \_\_\_\_\_-2012**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE LEASE AGREEMENT  
BETWEEN THE CITY OF READING AND THE READING AREA  
WATER AUTHORITY**

**The City of Reading City Council hereby ordains as follows:**

**Section 1.** Authorizing the Mayor of the City of Reading to execute the attached addendum to the Lease Operating Agreement between the Reading Area Water Authority (RAWA) and the City of Reading.

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

Enacted:

\_\_\_\_\_, 2012

\_\_\_\_\_

President of Council

Attest:

\_\_\_\_\_

City Clerk

(Council Staff)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

February 23, 2012

The Honorable Mayor and City Council of  
The City of Reading  
815 Washington Street  
Reading, PA 19601

RE: Letter of Intent to establish Water and Sewer Hardship Fund

Ladies and Gentlemen:

On a preliminary basis, the City and RAWA agree to evaluate the effectiveness and financial and administrative requirements for the development of an independently administered fund, jointly funded by RAWA and City, to be used to subsidize the joint cost of providing water (by the Authority) and sewer services (by the City) to residential consumers residing in the City and temporarily unable to pay such costs (the "Hardship Fund"). Such preliminary evaluation will include, among other things, exploration of the administrative costs and burdens in the event of the establishment of the Hardship Fund, identification of potential eligibility criteria for customers to receive a subsidy through the Hardship Fund, and development of parameters for the administration, investment, management, dispersing and dissolution of the Hardship Fund. The City and RAWA agree that such preliminary evaluation of the Hardship Fund does not obligate either party to actually establish or contribute to any such Hardship Fund

This letter is not a legally binding agreement.

Neither RAWA nor the City shall have an obligation to close the transactions described herein until such time as they, in their sole and absolute discretion, enter into appropriate formal legal documentation.

Please note that the terms of this letter will expire at 5:00 PM (Eastern Time) on March \_\_\_, 2012, unless RAWA shall have received on or prior to such time notice of the City's acceptance of this letter.

We look forward to having the opportunity to discuss our offer with you

Sincerely,

**Reading Area Water Authority**

By: \_\_\_\_\_  
Chairman

**AGREED TO AND ACCEPTED BY THE CITY:**

---

**Name: Vaughn Spencer**

**Title: Mayor**

**Date: \_\_\_\_\_**

**THIRD ADDENDUM TO THE TO LEASE AND OPERATING AGREEMENT  
BETWEEN THE CITY OF READING, PENNSYLVANIA AND  
THE READING AREA WATER AUTHORITY**

---

**THIS THIRD ADDENDUM**, dated this 23rd day of February, 2012 (“Addendum Date”) (the “Third Addendum”), is hereby agreed upon by the City of Reading, Berks County, Pennsylvania (“City”), and the Reading Area Water Authority (“Authority”), and hereby amends the Lease and Operating Agreement between the City and the Authority dated May 20, 1994, effective June 1, 1994, as supplemented in January 1995 and amended in October 1997 and December 2010.

**RECITALS**

A. WHEREAS, the Authority has been incorporated pursuant to an ordinance of the Council of the City and is existing under the provisions of the Act of Assembly approved May 22, 1945, P.L. 382, as amended and supplemented, known as the “Municipality Authorities Act of 1945” (the “Act”);

B. WHEREAS, the City leases its Water System to the Authority pursuant to the terms of the Original Amended Lease (hereinafter defined);

C. WHEREAS, the parties mutually desire to enter into this Third Addendum to facilitate certain additional payments to the City by the Authority to assist in the Act 47 recovery program of the City.

NOW, THEREFORE, the Authority and the City, in consideration of the agreements, conditions and covenants herein contained, each intending to be legally bound, hereby, covenant and agree as follows:

(1) Definitions. Unless otherwise defined herein, all capitalized terms used in this Third Addendum shall have the meanings ascribed to them in the Original Amended Lease.

(a) All references in this Third Addendum or the Original Amended Lease to the “Lease” or “herein” or “hereunder” or other similar terms shall mean the Original Amended Lease, as amended by this Third Addendum.

(b) “Original Amended Lease” shall mean the collective agreement by and between the City and the Authority as evidenced by the Lease and Operating Agreement between the City and the Authority dated May 20, 1994, effective June 1, 1994, as supplemented in January 1995 and amended in October 1997 and December 2010.

(2) Lease Payments.

(a) 2012 Lease Payment. The Authority agrees that the Financing Fee component of the Original Amended Lease for calendar year 2012 shall be FIVE MILLION NINE HUNDRED TWENTY THOUSAND DOLLARS (\$5,920,000). The FIVE MILLION NINE HUNDRED TWENTY THOUSAND DOLLARS (\$5,920,000)

Financing Fee shall be used when calculating any reconciliation of the 2012 Lease payments.

(b) 2013 Lease Payment. The Authority agrees that the Financing Fee component of the Original Amended Lease for calendar year 2013 shall be SIX MILLION FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$6,470,000). The SIX MILLION FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$6,470,000) Financing Fee shall be used when calculating any reconciliation of the 2013 Lease payments.

(c) 2014 Lease Payment. The Authority agrees that the Financing Fee component of the Original Amended Lease for calendar year 2014 shall be SIX MILLION SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$6,670,000). The SIX MILLION SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$6,670,000) Financing Fee shall be used when calculating any reconciliation of the 2014 Lease payments.

(d) Subsequent Lease Payments. All lease payments due after the 2014 calendar year shall be calculated and paid in accordance with the terms of the Original Amended Lease.

(e) Meter Surcharge Payments to Continue. The Authority shall continue to pay to the City ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) annually, which shall be due and payable to the City each calendar year in equal monthly installments in accordance with Article VI of the Original Amended Lease.

(3) Conveyance of Ontelaunee Property. The City hereby agrees to convey to the Authority the approximately one hundred twenty (120) acre parcel of land located in Ontelaunee Township, Berks County, Pennsylvania owned by the City in which the Authority's raw water conveyance mains are located (the "Ontelaunee Property") as soon as practicable after the execution hereof. If subdivision planning is required to allow the Ontelaunee Property to be conveyed, the City hereby appoints the Authority as its agent to prosecute a subdivision plan with Ontelaunee Township. Notwithstanding the foregoing, the City shall not bear any responsibility for the Authority's actions while prosecuting such subdivision nor shall the City be responsible for contributing to any fees, costs or resources required for the prosecution of such subdivision. In furtherance of the foregoing, the Authority hereby waives all restrictions associated with the Ontelaunee Property resulting from the Second Addendum to the Original Amended Lease and will execute a document evidencing such waiver to be recorded by the City with the Berks County Recorder of Deeds Office at the Authority's expense. In connection with the conveyance of the Ontelaunee Property to the Authority, the Authority agrees that such conveyance shall be subject to a grant of a right of first refusal to the City prior to any conveyance from the Authority to a third party. Such right of first refusal in favor of the City shall be recorded against the Ontelaunee Property. In addition, prior to any transfer of interest of the Ontelaunee Property to a third party by the Authority, the Authority shall reserve and record easements in favor of the City

associated with all above and underground improvements on the Ontelaunee Property associated with the extraction, treatment or conveyance of potable water. In furtherance of the foregoing, the Authority shall consult with the City prior to executing any form of agreement conveying an interest in the Ontelaunee Property (including, without limitation, a purchase sale agreement, leasehold interest, mortgage, easement or right-of-way).

(4) Conveyance of Store Yard Property. The City hereby agrees to convey to the Authority the City-owned land accessible from Kutztown Road in the City of Reading and commonly known as the “store yard” property as soon as practicable after the execution hereof, subject to all encumbrances on such “store yard” property.

(5) Vacation of Moss Street (unopened) between Exeter Street and Hiester’s Lane. The City shall take such actions as are necessary to vacate the unopened portion of Moss Street located north of Bern Street and south of Rockland Street in the City of Reading, which will cause the land on which such unopened street is located to become vested in the adjacent property owners unless otherwise provided by applicable laws.

(6) Authority Billing for Sewer Service and Other Services. The Authority agrees to assume responsibility for billing of sewer service accounts and such other accounts as the City requests the Authority to provide billing services, all of which will be in conjunction with the Authority’s billing of water service accounts. The City shall pay to the Authority the Authority’s actual cost of providing such sewer and other City requested billing services. Absent an agreement to the contrary entered into subsequent to the date of execution hereof, the costs to be paid by the City to the Authority for such billing services shall be half of the actual, commercially reasonable costs directly incurred by the Authority to maintain the billing system and generate and mail the joint Authority and City bills. The Authority will invoice the City for the same. The City shall pay such invoice within forty-five days of the City’s receipt of the invoice unless the amount calculated by the Authority is reasonably disputed by the City. The Authority shall make available to the City upon request the records used in the calculation. The Authority shall maintain such records for no less than five (5) years. Unless otherwise terminated, modified or extended by a separate written agreement signed by the Authority and City, this Section 6 of the Third Addendum shall terminate and be of no effect on and after January 1, 2014, except that the City shall pay for any costs incurred by the Authority in accordance with this Section 6 of the Third Addendum prior to January 1, 2014, upon the City’s receipt of an invoice for such costs after the termination of this Section 6 of the Third Addendum.

(7) Allocation of Revenues. The Authority shall equitably and ratably allocate and distribute payments received by the Authority on the behalf of joint customers. The Authority and City agree to cooperate in good faith to establish a formal administrative policy governing such allocation and distribution.

(8) Sewer Multiplier. In connection with its agreement to make the additional payments required hereby, the Authority anticipates instituting a water rate increase applicable beginning January 1, 2012 of approximately 10.50%. The City agrees that the

water rate increase proposed by the Authority will not be applied in a manner as to compound sewer rates solely by application of the sewer rate multiplier. Notwithstanding the foregoing, the City reserves the right to increase or modify sewer rates as it deems necessary or convenient in its sole discretion.

(9) Indemnification. The Authority shall indemnify, defend and hold harmless (with counsel selected by the City in its sole discretion) the City and its officers, Council members, employees, agents, successors and assigns (the "Indemnified Parties"), from and against any and all injuries, losses, claims, damages, costs, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), liabilities, fines, penalties or settlement amounts, threatened, incurred, or imposed on or against the Indemnified Parties arising from or related to the conveyance or subdivision of any right, title or interest in the real property subject to this Third Addendum. This Section 8 shall survive the expiration or termination of the Lease.

(10) Take-Back Powers. The City shall retain all rights and powers by operation of law, including, but not limited to, the Municipalities Authorities Act, 53 Pa. C.S.A. 5622, to require the Authority to convey the water system to the City upon assumption by the City of the obligations incurred by the Authority with respect to the water system (the "Take-Back Powers"). Except as provided below, the Authority shall not take any actions which will hinder, limit or interfere with the City's Take-Back Powers, including, but not limited to, entering into any agreement, contract, loss obligation, bond, trust indenture or pledge that contains terms that limit, directly or indirectly, or attempt to limit the City's Take-Back Powers. Notwithstanding the foregoing, the City acknowledges that in the exercise of its responsibilities to operate and maintain the Water System, of necessity the Authority will routinely enter into transactions, including the issuance of debt, the employment of personnel pursuant to collective bargaining agreements and other transactions that may have the effect of increasing the obligations of the Authority with respect to the Water System that the City will need to assume to exercise its Take Back Powers. There is no intent to restrict the Authority's ability to operate and maintain the water system by entering into such transactions so long as such transactions are entered on commercially reasonable terms, are necessary for the efficient operation of the Water Systems, and were entered with no intent to hinder, limit or interfere with the City's exercise of its Take Back Powers.

IN WITNESS WHEREOF, the City of Reading, Berks County, Pennsylvania has caused this Third Addendum to be executed in its name and on its behalf by its Mayor and its official seal to be affixed hereunder and attested by its City Clerk, and the Reading Area Water Authority has caused this Agreement to be executed in its name and on its behalf by its Chairperson or Vice Chairperson and its corporate seal to be affixed hereto and attested by its Secretary or Assistant Secretary, all as of the day and year first above written.

City of Reading

Reading Area Water Authority

By: \_\_\_\_\_

By: \_\_\_\_\_

Mayor

Chairperson

Attest: \_\_\_\_\_  
City Clerk

Attest: \_\_\_\_\_  
Secretary

ORDINANCE \_\_\_\_\_ - 2012

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED  
ORDINANCES CHAPTER 3 BICYCLES PART 1 BICYCLE REGULATIONS  
SECTION 3-106 OPERATION AND PARKING

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 3  
Bicycles Part 1 Bicycle Regulations Section 3-106 Operation and Parking as  
follows:

**§3-106. Operation and Parking.**

Persons operating or parking a bicycle on any street in the City  
shall comply with all provisions relating to pedalcycles as  
specified in the Pennsylvania Vehicle Code.

*No person shall ride a bicycle on the sidewalk except for members  
of the Police Department, while on duty, and except for  
employees of the Reading Downtown Improvement District,  
while on duty, when required for emergency action, who have  
been duly trained.*

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This Ordinance, advertised on Monday, March 19, 2012 in the  
Reading Eagle, shall be effective in ten (10) days, in accordance with Charter  
Section 219.

Passed Council \_\_\_\_\_, 2012

\_\_\_\_\_  
Council President

Attest:

---

City Clerk

(Police Department/DID)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT A

PART 1

**BICYCLE REGISTRATION**

Operation - see Vehicle Code, 75 Pa.C.S.A. §3501 et seq.

Lighting Requirements; Exemption - see Vehicle Code, 75 Pa.C.S.A. §4303

**§3-101. Definitions.**

As used in this Part, certain terms are defined as follows:

**BICYCLE** - a device having two tandem wheels of a diameter not less than 10 inches and propelled by human power. The term "bicycle" as used herein is synonymous with the term "pedalcycle" as used in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. 102. [Ord.30-1983]

**STREET** - includes all public highways, boulevards, streets, lanes, alleys and all public places within the City. (Ord. 5-1961, 5/24/1961, §1; as amended by Ord. 30-1983, 8/24/1983, §1)

**§3-102. Registration, Fee and Term; Tag Attachment; Sale, Transfer or Dismantling.**

No person shall ride or operate a bicycle upon any public street within the City unless such bicycle has been properly registered, tagged and licensed as hereinafter provided.

A. Every owner of a bicycle residing within the City shall list and register such bicycle with the Police Department at Police Headquarters and shall make application for such registration to the Chief of Police on a form provided for that purpose. If the owner is a minor under the age of 18 years, then his parents, or one of them, or if such minor does not reside with his parents, or either of them, then the adult person having care of such minor, or the adult person with whom such minor resides, shall make such listing and registration, and the application therefore, on behalf of such minor owner. [Ord. 14-2001]

B. Registration of bicycles shall be serially numbered and kept on file by the Chief of Police in his office as a public record. [Ord. 14-2001]

C. The Chief of Police upon receiving proper registration of a bicycle, shall affix, or cause to be affixed, to the rear mud guard, frame or other rear portion of the bicycle an identification tag or plate serially numbered to correspond to the bicycle registration in such position as to be plainly visible from the rear. A registration card shall be issued to the owner of each properly registered bicycle. [Ord. 14-2001]

D. A charge of \$1 shall be made for the registration and tagging of bicycles, and an additional charge of \$1 shall be made for the issuance of duplicate registration cards or plates.

E. It shall be the duty of the owner to see that such tag or plate is attached to the bicycle for which it is issued and that it remains attached thereto during the existence of such license.

F. The Chief of Police shall keep a record of the following: [Ord. 14-2001]

- (1) The number of each registration.
- (2) The date issued.
- (3) The name and address of the person to whom issued.
- (4) The make and number of each bicycle frame.
- (5) A record of all bicycle registration fees collected.

G. Bicycles registered under the provisions of this Part shall be registered prior to operation on City streets. The Chief of Police shall affix, or cause to be affixed, a new identification tag or plate to each bicycle at the time of such registration. [Ord.30-1983]

H. Within 10 days after the sale, transfer or dismantling of any registered bicycle, such information shall be reported to the Chief of Police by the person in whose name the bicycle was registered. Such person may have the identification tag or plate of his former bicycle transferred to another bicycle owned by him without payment of an additional fee upon proper registration of such bicycle with the Chief of Police. [Ord. 14-2001]

I. It shall be the duty of any purchaser or transferee of any registered bicycle to make application for new registration of such bicycle and for a new tag or plate.

J. Every person engaged in the business of buying or selling, new or second-hand bicycles shall make a report within 5 days to the Chief of Police as follows:  
[Ord.14-2001]

- (1) Of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold.
- (2) A description of such bicycle by name or make.
- (3) The frame number thereof.
- (4) The number of the identification plate, if any, found thereon.

K. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is properly registered and tagged and unless such bicycle is provided with the equipment required under the terms of this Part.

L. No person shall willfully or maliciously remove, destroy, mutilate or alter the identification tag or plate, frame number of the bicycle, or the registration card issued to the owner thereof.

M. All license cards and registration cards heretofore issued under the provisions of this Part shall remain effective until otherwise provided by Council. [Ord.30-1983]

(Ord. 5-1961, 5/24/1961, §2; as amended by Ord. 14-1964, 4/8/1964, §§1, 2; by Ord. 19-1981, 5/7/1981, §1; by Ord. 30-1983, 8/24/1983, §1; and by Ord. 14-2001, 5/29/2001)

**§3-103. Examination of Applicant.**

1. Before issuing a bicycle registration the applicant shall be required to demonstrate personally, in such manner as the Chief of Police shall direct, that he or she is the proper person and is capable of riding a bicycle; further such applicant shall satisfactorily pass an examination to determine his knowledge of safe riding rules and practices as this Part and the Chief of Police may from time to time prescribe. [Ord. 14-2001]

2. If the owner of a bicycle is a minor for whom an application is made by an adult, as hereinbefore provided, the minor shall be deemed the applicant for the purpose of this Section. (Ord. 5-1961, 5/24/1961, §3; as amended by Ord. 14-1964, 4/8/1964, §1; and by Ord. 14-2001, 5/29/2001)

**§3-104. Bicycle Inspection.**

The Chief of Police, or his duly authorized representative, shall inspect each bicycle presented for registration, and shall refuse to license any bicycle found to be in an unsafe condition mechanically or lacking the equipment specified as necessary under the terms of this Part. (Ord. 5-1961, 5/24/1961, §4; as amended by Ord. 14-1964, 4/8/1964, §1; and by Ord. 14-2001, 5/29/2001)

**§3-105. Lights, Brakes, Horn and Equipment.**

Bicycle lights, brakes and other equipment shall comply with pedalcycle requirements as specified in the Pennsylvania Vehicle Code, 75 Pa. C.S.A. §3507. (Ord. 5-1961, 5/24/1961, §5; as amended by Ord. 30-1983, 8/24/1983, §1)

**§3-106. Operation and Parking.**

Persons operating or parking a bicycle on any street in the City shall comply with all provisions relating to pedalcycles as specified in the Pennsylvania Vehicle Code. (Ord. 5-1961, 5/24/1961, §6; as amended by Ord. 30-1983, 8/24/1983, §1)

***No person shall ride a bicycle on the sidewalk except for members of the Police Department, while on duty, and except for employees of the Reading Downtown Improvement District, while on duty, when required for emergency action, who have been duly trained.***

**§3-107. Compliance with Law.**

No operator of a bicycle shall violate any traffic rules or ordinances of the City or laws of the Commonwealth of Pennsylvania, that are applicable to pedalcycles or vehicles, except those provisions which by their nature are inapplicable. (Ord. 5-1961, 5/24/1961, §6)

**§3-108. Child's Ability for Safe Operation.**

1. No owner of a bicycle shall permit any child to operate his bicycle upon a public street of the City unless such child or person is capable of operating a bicycle with safety to himself and the public generally.

2. If a child has satisfactorily passed an examination by the Police Department or a duly authorized representative to determine his ability to ride a bicycle, and to determine his knowledge of safe riding rules and practices prescribed under this Part, the passing of such examination shall be prima facie evidence under this Part of the ability of such child to operate a bicycle with safety. [*Ord. 14-2001*]  
(*Ord. 5-1961, 5/24/1961, §8; and amended by Ord. 14-2001, 5/29/2001*)

**§3-109. Nonresident Ownership and Operation.**

Any bicycle owned and operated by a nonresident of the City shall not be required to be registered under the provisions of this Part, but shall be subject to all other provisions of this Part.

(*Ord. 5-1961, 5/24/1961, §8*)

**§3-110. Penalty.**

1. If the owner or operator violates any of the provisions of this Part, such bicycle shall be taken and impounded by the Police Department and so held for a period not exceeding 15 days upon the first offense, to be determined by the Chief of Police, and for the second offense for a period not exceeding 30 days.

2. Whoever violates §§3-102(I), (J), (K) or (L) or 3-108 shall be, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not exceed 30 days.

3. Whoever violates any other provision of this Part shall be, upon conviction thereof, be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(*Ord. 5-1961, 5/24/1961, §10; as amended by Ord. 30-1983, 8/24/1983, §1; and by Ord. 14-2001, 5/29/2001*)

ORDINANCE \_\_\_\_\_ - 2012

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 15 MOTOR VEHICLES AND TRAFFIC PART 10 REGULATION OF PEDALCYCLES AND NON-MOTORIZED VEHICLES SECTION 15-1001 RIDING AND PARKING OF PEDALCYCLES ON SIDEWALKS ALONG CERTAIN STREETS PROHIBITED AS ATTACHED

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 10 Regulation of Pedalcycles and Non-motorized Vehicles Section 15-1001 Riding and Parking of Pedalcycles on Sidewalks along Certain Streets Prohibited as follows:

**§15-1001. Riding and Parking of Pedalcycles on Sidewalks Along Certain Streets Prohibited.**

1. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk ~~along the following portions of the streets in the City~~ *unless authorized by City Ordinance or provided herein:*

**Street** \_\_\_\_\_ **Side** \_\_\_\_\_ **Between**  
\_\_\_\_\_ [Reserved]

2. *No person shall ride a bicycle on the sidewalk except for members of the Police Department, while on duty, and except for employees of the Reading Downtown Improvement District, while on duty, when required for emergency action, who have been duly trained.*

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

SECTION 2. All other parts of the Ordinance remain unchanged.

**SECTION 3.** This Ordinance, advertised on Monday, March 19, 2012, in the Reading Eagle shall be effective in ten (10) days, in accordance with Charter Section 219.

Enacted by Council \_\_\_\_\_  
2012

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

(Police Department/DID)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT A

PART 10

REGULATION OF PEDALCYCLES AND NONMOTORIZED VEHICLES

**§15-1001. Riding and Parking of Pedalcycles on Sidewalks Along Certain Streets Prohibited.**

1. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk ~~along the following portions of the streets in the City~~ unless authorized by City Ordinance or provided herein:

<b>Street</b>	_____	<b>Side</b>	_____	<b>Between</b>
_____				
		[Reserved]		

***2. No person shall ride a bicycle on the sidewalk except for members of the Police Department, while on duty, and except for employees of the Reading Downtown Improvement District, while on duty, when required for emergency action, who have been duly trained.***

~~2.~~ **3.** Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.  
(Ord. 14-2001, 5/29/2001)

**§15-1002. Restrictions on Use of Pushcarts.**

1. The word "pushcart," as used in this Section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.

2. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from the City Council as provided in subsection (3) of this Section.

3. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from the City Council. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the City set by the City Council by resolution. The permit shall be granted to the applicant, upon payment of the fee, and upon the applicant signing an agreement with the City Council that he shall be bound by the conditions imposed by City Council and made a part of the permit, dealing with the following matters:

A. Restricting or limiting the parking of the pushcart to one or more stated locations upon the \_\_\_\_\_ sidewalk and to stated days and hours at each location.

B. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on.

C. Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.

4. Any person who violates any provision of this Section, or any condition of any permit granted under this Section, upon conviction, shall be sentenced to pay a fine of \$25 and costs.  
(Ord. 14-2001, 5/29/2001)

**§15-1003. Skates, Skateboards, Coasters, Sleds and Other Toy Vehicles.**

1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the City, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of §15-105 or §15-216. Provided, nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.

2. It shall be unlawful for any person to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:

A. Any street except in order to cross the roadway.

B. Any sidewalk located in a business district, except that nothing in this subsection shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.  
(Ord. 14-2001, 5/29/2001)

ORDINANCE NO. \_\_\_\_\_ - 2012

**AMENDING CHAPTER 10, HEALTH AND SAFETY, OF THE CODIFIED ORDINANCES OF THE CITY OF READING BY ELIMINATING DRY CLEANING ESTABLISHMENTS FROM THE REGULAR INSPECTION OF THE PREMISES OF COMMERCIAL AND RESIDENTIAL COMMON LAUNDRIES UNDER THE HEALTH CODE OF THE CITY OF READING.**

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

SECTION 1. Chapter 10, Health and Safety, of the Codified Ordinances is hereby amended to delete dry cleaning establishments from the regular inspection of the premises of commercial and residential common laundries under the Health Code of the City of Reading as attached as Exhibit A.

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 after passage.

Enacted \_\_\_\_\_, 2012

\_\_\_\_\_  
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

## PART 10

### COMMERCIAL LAUNDRY CODE

#### Section 10-1001. Definitions.

As used in this part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

LAUNDRY - Laundry facilities, washerettes and laundromats including coin-operated businesses. ~~dry-cleaning establishments~~

PERSON – A natural person, firm, partnership, association, corporation or other legal entity.

RESIDENTIAL COMMON LAUNDRIES – Those rental apartments that provide washing machines and or dryers for the use of the residents of the property and for which compensation is received.

In this part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

#### Section 10-1002. Adoption.

There is hereby established a Health Permit by the City of Reading for the purpose of prescribing regulations governing the sanitary and safety conditions of commercial laundry facilities within the limits of the City of Reading.

#### Section 10-1003. Title.

These regulations shall be known as the Commercial Laundry Code of the City of Reading.

#### Section 10-1004. Scope.

The premises and operating equipment of commercial laundry facilities, washerettes and laundromats including coin-operated businesses ~~dry-cleaning establishments~~ and similar public facilities including laundry facilities provided for tenants in apartment buildings for the purpose of laundering and cleaning clothing shall be in accordance with this code.

#### Section 10-1005. License.

All facilities providing means for laundering clothing shall be required to hold a license issued by the ~~Bureau of Code Enforcement~~, City of Reading, **Property Maintenance Department**. Said license shall be issued annually and shall expire December 31<sup>st</sup>.

#### Section 10-1006. Fee.

All permits secured under the Health Code shall be paid to the Treasurer of the City of Reading within the calendar month issued. Fees for a permit covered under this Code shall be as per **the** fee schedule enacted by the City of Reading, ~~Bureau of Code Enforcement~~. The fee established is \$50.00 for every commercial laundry establishment. In addition there is a per unit charge of \$5.00 for each washer and or dryer. Residential common laundries shall be required to pay the per unit fee only.

#### Section 10-1007. Permit Required.

- A. Plumbing - The installation of any traps, fixture replacements, disposals, relief valves, hot water heaters, automatic washer wastes, water fountains, specialty piping, such as, factory equipment, industrial waste equipment, back-flow preventers, rain conductors, water service, water piping, building sewer connections (sanitary and storm), and repairs to same shall be in conformity with the provisions of the City Plumbing Code
- B. Electric - The installation of any electrical system used for the transmission of electric current for electric lights heat, power, signs electrical materials, electrical equipment or electrical fixtures shall be in conformity with the provisions of the City Plumbing Code

#### Section 10-1008. Standards.

- A. All floors, walls, and ceilings of laundries shall be kept in and acceptable sanitary condition at all times
- B. An adequate number of approved waste receptacles with fitted covers shall be provided as required by the Health Officer

- C. Persons owning or operating establishments open on a 24-hour a day basis shall be required to sweep down the floors at least two times in each 24-hour period. Where establishments are closed for a minimum of 8 hours each day, floors shall be swept down at least one time daily.
- D. Persons owning or operating establishments open to the general public shall be required at least one time in every 7-day period, to run each washing machine through a cleaning cycle with water and a cleaning compound to cleanse each machine thoroughly and maintain a record thereof kept for inspection by the Health Officer.
- E. All laundry dryers shall be adequately connected by a means of duct to an out- side vent that is baffled in such a manner that the dryer effluent does not create a nuisance or hazard to the health of an individual or neighboring property. The ductwork shall also be provided with filters, or a system of trapping the lint as approved by the Health Officer.
- F. The premises shall be adequately lighted while open to the public.
- G. All washing machines shall be properly connected to the water and sewer systems in accordance with the city plumbing code.
- H. All electrical connections to washers and dryers shall be made in accordance with the city electrical code.

#### Section 10-1009. Penalties.

Any person who shall violate a provision of this Ordinance or Code, or any other order, rule, or regulations made thereunder, shall be liable to the issuance of a citation, summons, complaint or warrant against him, and upon conviction thereof, shall be sentenced to paying a fine not exceeding Three Hundred Dollars (\$300.00) for each offense, together with costs, and in default payment thereof, to be sentenced to a term of imprisonment in the Berks County Prison not to exceed ninety (90) days. Each day that said violation shall continue shall constitute a separate offense for which a prosecution may be instituted as hereinabove set forth.

# CITY OF READING

---

**TO:** Council of the City of Reading

**FROM:** Carl E. Geffken, Managing Director

**RE:** Request for Ordinance authorizing the execution of the Third Addendum to the Lease and Operating Agreement with the Reading Area Water Authority.

**DATE:** February 22, 2012

---

As Council may recall, in November 2011, the Managing Director's office began negotiating an addendum to the Lease and Operating Agreement with the Reading Area Water Authority ("Authority") that would increase the annual financing fee paid to the City from the Authority in order to address City budgetary issues.

The Authority has requested that the City (1) convey to it the two and thirty-nine one hundredths (2.39) acre parcel of land located at 1801 Moss Street, Reading, PA, commonly referred to as the "Store Yard Property" and (2) vacate the unopened portion of Moss Street located north of Bern Street and south of Rockland Street adjacent to the Store Yard Property. It is our understanding that the Authority intends to construct improvements on the Store Yard Property for the efficient administration of its services.

The Authority has also requested that the City convey to it the one hundred twenty (120) acre parcel of land adjacent to Lake Ontelaunee where the Authority's raw water conveyance mains are located. In 2010, the City contemplated conveying the Ontelaunee Property to Ontelaunee Township. However, the Reading Area Water Authority opposed the City's attempt to convey the Ontelaunee Property to Ontelaunee Township because of concerns with the Authority's conveyance mains.

As a compromise, the Authority agreed to pay an increased financing fee to the City if the City (1) conveyed the Store Yard Property to the Authority, (2) vacated the unopened portion of Moss Street and (3) conveyed the Ontelaunee Property to the Authority.

It is the opinion of this office that the terms of the Third Addendum to the Lease and Operating Agreement attached to the proposed ordinance are equitable and help to address some City budgetary issues. The prior concerns with earlier version of the Third Addendum have been addressed by this draft of the Third Addendum (e.g., the establishment of the Hardship Fund is no longer addressed in the agreement).

Therefore, this office respectfully requests that the Council for the City of Reading introduce and approve the proposed ordinance to authorize the Mayor to execute the Third Addendum to the Lease and Operating Agreement with the Authority and convey

the Store Yard Property and Ontelaunee Property to the Authority. This office will work with the Public Works Department to initiate the process of vacating the unopened portion of Moss Street so that a separate ordinance can be introduced to City Council for its consideration.

AN ORDINANCE

**AUTHORIZING THE MAYOR TO EXECUTE THE THIRD ADDENDUM TO THE LEASE AND OPERATING AGREEMENT BETWEEN THE CITY OF READING, PENNSYLVANIA AND THE READING AREA WATER AUTHORITY, IN THE FORM ATTACHED HERETO AS EXHIBIT "A", AND SUCH OTHER DOCUMENTS NECESSITATED THEREBY, INCLUDING, WITHOUT LIMITATION, (1) A DEED CONVEYING TO THE READING AREA WATER AUTHORITY AN APPROXIMATELY ONE HUNDRED TWENTY (120) ACRE PARCEL OF LAND LOCATED IN ONTELANUEE TOWNSHIP OWNED BY THE CITY AND (2) A DEED CONVEYING TO THE READING AREA WATER AUTHORITY AN APPROXIMATELY TWO AND THIRTY-NINE ONE HUNDREDTHS (2.39) ACRE PARCEL OF LAND OWNED BY THE CITY AND LOCATED AT 1801 MOSS STREET IN THE CITY OF READING.**

**WHEREAS**, the City of Reading (the "City") is the titled owner of the premises adjacent to Lake Ontelaunee consisting of approximately one thousand twenty (1,020) acres in Ontelaunee Township, Berks County, Pennsylvania, also known as Parcel Identification Number 68540100609178;

**WHEREAS**, a portion of such premises is used in connection with the drinking water services provided by the Reading Area Water Authority (the "Authority") and the Authority desires to acquire a fee simple interest in such portion of the premises, consisting of approximately one hundred twenty (120) acres in total (the "Ontelaunee Property"), in order for the Authority to continue to provide drinking water services; and

**WHEREAS**, the City is the titled owner of the premises consisting of approximately two and thirty-nine one hundredths (2.39) acres located at 1801 Moss Street in the City of Reading, Berks County, Pennsylvania, also known as Parcel Identification Number 17531877004325 (the Store Yard Property");

**WHEREAS**, the Authority plans to make certain improvements in the vicinity of and/or on the Store Yard Property; and

**WHEREAS**, in exchange for the aforesaid conveyances, and other good and valuable consideration, the Authority has agreed to pay the City such consideration set forth in Exhibit "A" as the financing fee under the Third Addendum to the Lease and Operating Agreement.

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

SECTION 1: The Mayor is authorized to execute the Third Addendum to the Lease and Operating Agreement between the City of Reading, Pennsylvania and the Reading Area Water Authority, in the form attached hereto as Exhibit "A", and other such documents necessitated thereby, including, without limitation a deed conveying to the Reading Area Water Authority the Ontelaunee Property and Store Yard Property.

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 \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(LAW DEPT.)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit "A"

Third Addendum to the Lease and Operating Agreement between the City of Reading,  
Pennsylvania and the Reading Area Water Authority

**THIRD ADDENDUM TO THE TO LEASE AND OPERATING AGREEMENT  
BETWEEN THE CITY OF READING, PENNSYLVANIA AND  
THE READING AREA WATER AUTHORITY**

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**THIS THIRD ADDENDUM**, dated this \_\_\_ day of \_\_\_\_\_, 2012 (“Addendum Date”) (the “Third Addendum”), is hereby agreed upon by the City of Reading, Berks County, Pennsylvania (“City”), and the Reading Area Water Authority (“Authority”), and hereby amends the Lease and Operating Agreement between the City and the Authority dated May 20, 1994, effective June 1, 1994, as supplemented in January 1995 and amended in October 1997 and December 2010.

**R E C I T A L S**

D. WHEREAS, the Authority has been incorporated pursuant to an ordinance of the Council of the City and is existing under the provisions of the Act of Assembly approved May 22, 1945, P.L. 382, as amended and supplemented, known as the “Municipality Authorities Act of 1945” (the “Act”);

E. WHEREAS, the City leases its Water System to the Authority pursuant to the terms of the Original Amended Lease (hereinafter defined);

F. WHEREAS, the parties mutually desire to enter into this Third Addendum to facilitate certain additional payments to the City by the Authority to assist in the Act 47 recovery program of the City.

NOW, THEREFORE, the Authority and the City, in consideration of the agreements, conditions and covenants herein contained, each intending to be legally bound, hereby, covenant and agree as follows:

(11) Definitions. Unless otherwise defined herein, all capitalized terms used in this Third Addendum shall have the meanings ascribed to them in the Original Amended Lease.

(a) All references in this Third Addendum or the Original Amended Lease to the “Lease” or “herein” or “hereunder” or other similar terms shall mean the Original Amended Lease, as amended by this Third Addendum.

(b) “Original Amended Lease” shall mean the collective agreement by and between the City and the Authority as evidenced by the Lease and Operating Agreement between the City and the Authority dated May 20, 1994, effective June 1, 1994, as supplemented in January 1995 and amended in October 1997 and December 2010.

(12) Lease Payments.

(a) 2012 Lease Payment. The Authority agrees that the Financing Fee component of the Original Amended Lease for calendar year 2012 shall be FIVE MILLION NINE HUNDRED TWENTY THOUSAND DOLLARS (\$5,920,000). The FIVE MILLION NINE HUNDRED TWENTY THOUSAND DOLLARS (\$5,920,000) Financing Fee shall be used when calculating any reconciliation of the 2012 Lease payments.

(b) 2013 Lease Payment. The Authority agrees that the Financing Fee component of the Original Amended Lease for calendar year 2013 shall be SIX MILLION FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$6,470,000). The SIX MILLION FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$6,470,000) Financing Fee shall be used when calculating any reconciliation of the 2013 Lease payments.

(c) 2014 Lease Payment. The Authority agrees that the Financing Fee component of the Original Amended Lease for calendar year 2014 shall be SIX MILLION SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$6,670,000). The SIX MILLION SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$6,670,000) Financing Fee shall be used when calculating any reconciliation of the 2014 Lease payments.

(d) Subsequent Lease Payments. All lease payments due after the 2014 calendar year shall be calculated and paid in accordance with the terms of the Original Amended Lease.

(e) Meter Surcharge Payments to Continue. The Authority shall continue to pay to the City ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) annually, which shall be due and payable to the City each calendar year in equal monthly installments in accordance with Article VI of the Original Amended Lease.

(13) Conveyance of Ontelaunee Property. The City hereby agrees to convey to the Authority the approximately one hundred twenty (120) acre parcel of land located in Ontelaunee Township, Berks County, Pennsylvania owned by the City in which the Authority's raw water conveyance mains are located (the "Ontelaunee Property") as soon as practicable after the execution hereof. If subdivision planning is required to allow the Ontelaunee Property to be conveyed, the City hereby appoints the Authority as its agent to prosecute a subdivision plan with Ontelaunee Township. Notwithstanding the foregoing, the City shall not bear any responsibility for the Authority's actions while prosecuting such subdivision nor shall the City be responsible for contributing to any fees, costs or resources required for the prosecution of such subdivision. In furtherance of the foregoing, the Authority hereby waives all restrictions associated with the Ontelaunee Property resulting from the Second Addendum to the Original Amended Lease and will execute a document evidencing such waiver to be recorded by the City with the Berks County Recorder of Deeds Office at the Authority's expense. In connection with the conveyance of the Ontelaunee Property to the Authority, the Authority agrees that such conveyance shall be subject to a grant of a right of first refusal to the City prior to any conveyance from the Authority to a third party. Such right of first refusal in favor of the City shall be recorded against the Ontelaunee Property. In addition, prior to any transfer of interest of the Ontelaunee Property to a third party by the Authority, the Authority shall reserve and record easements in favor of the City associated with all above and underground improvements on the Ontelaunee Property associated with the extraction, treatment or conveyance of potable water. In furtherance of the foregoing, the Authority shall consult with the City prior to executing any form of agreement conveying an interest in the Ontelaunee Property (including, without limitation, a purchase sale agreement, leasehold interest, mortgage, easement or right-of-way).

(14) Conveyance of Store Yard Property. The City hereby agrees to convey to the Authority the City-owned land accessible from Kutztown Road in the City of Reading and commonly known as the “store yard” property as soon as practicable after the execution hereof, subject to all encumbrances on such “store yard” property.

(15) Vacation of Moss Street (unopened) between Exeter Street and Hiester’s Lane. The City shall take such actions as are necessary to vacate the unopened portion of Moss Street located north of Bern Street and south of Rockland Street in the City of Reading, which will cause the land on which such unopened street is located to become vested in the adjacent property owners unless otherwise provided by applicable laws.

(16) Authority Billing for Sewer Service and Other Services. The Authority agrees to assume responsibility for billing of sewer service accounts and such other accounts as the City requests the Authority to provide billing services, all of which will be in conjunction with the Authority’s billing of water service accounts. The City shall pay to the Authority the Authority’s actual cost of providing such sewer and other City requested billing services. Absent an agreement to the contrary entered into subsequent to the date of execution hereof, the costs to be paid by the City to the Authority for such billing services shall be half of the actual, commercially reasonable costs directly incurred by the Authority to maintain the billing system and generate and mail the joint Authority and City bills. The Authority will invoice the City for the same. The City shall pay such invoice within forty-five days of the City’s receipt of the invoice unless the amount calculated by the Authority is reasonably disputed by the City. The Authority shall make available to the City upon request the records used in the calculation. The Authority shall maintain such records for no less than five (5) years. Unless otherwise terminated, modified or extended by a separate written agreement signed by the Authority and City, this Section 6 of the Third Addendum shall terminate and be of no effect on and after January 1, 2014, except that the City shall pay for any costs incurred by the Authority in accordance with this Section 6 of the Third Addendum prior to January 1, 2014, upon the City’s receipt of an invoice for such costs after the termination of this Section 6 of the Third Addendum.

(17) Allocation of Revenues. The Authority shall equitably and ratably allocate and distribute payments received by the Authority on the behalf of joint customers. The Authority and City agree to cooperate in good faith to establish a formal administrative policy governing such allocation and distribution.

(18) Sewer Multiplier. In connection with its agreement to make the additional payments required hereby, the Authority anticipates instituting a water rate increase applicable beginning January 1, 2012 of approximately 10.50%. The City agrees that the water rate increase proposed by the Authority will not be applied in a manner as to compound sewer rates solely by application of the sewer rate multiplier. Notwithstanding the foregoing, the City reserves the right to increase or modify sewer rates as it deems necessary or convenient in its sole discretion.

(19) Indemnification. The Authority shall indemnify, defend and hold harmless (with counsel selected by the City is its sole discretion) the City and its officers, Council members, employees, agents, successors and assigns (the “Indemnified Parties”), from and against any and all injuries, losses, claims, damages, costs, expenses (including, without limitation, reasonable attorneys’ fees and experts’ fees), liabilities, fines, penalties or settlement amounts, threatened, incurred, or imposed on or against the

Indemnified Parties arising from or related to the conveyance or subdivision of any right, title or interest in the real property subject to this Third Addendum. This Section 8 shall survive the expiration or termination of the Lease.

(20) Take-Back Powers. The City shall retain all rights and powers by operation of law, including, but not limited to, the Municipalities Authorities Act, 53 Pa. C.S.A. 5622 , to require the Authority to convey the water system to the City upon assumption by the City of the obligations incurred by the Authority with respect to the water system(the “Take-Back Powers”). Except as provided below, the Authority shall not take any actions which will hinder, limit or interfere with the City’s Take-Back Powers, including, but not limited to, entering into any agreement, contract, loss obligation, bond, trust indenture or pledge that contains terms that limit, directly or indirectly, or attempt to limit the City’s Take-Back Powers. Notwithstanding the foregoing, the City acknowledges that in the exercise of its responsibilities to operate and maintain the Water System, of necessity the Authority will routinely enter into transactions, including the issuance of debt, the employment of personnel pursuant to collective bargaining agreements and other transactions that may have the affect of increasing the obligations of the Authority with respect to the Water System that the City will need to assume to exercise its Take Back Powers. There is no intent to restrict the Authority’s ability to operate and maintain the water system by entering into such transactions so long as such transactions are entered on commercially reasonable terms, are necessary for the efficient operation of the Water Systems, and were entered with no intent to hinder, limit or interfere with the City’s exercise of its Take Back Powers.

IN WITNESS WHEREOF, the City of Reading, Berks County, Pennsylvania has caused this Third Addendum to be executed in its name and on its behalf by its Mayor and its official seal to be affixed hereunder and attested by its City Clerk, and the Reading Area Water Authority has caused this Agreement to be executed in its name and on its behalf by its Chairperson or Vice Chairperson and its corporate seal to be affixed hereto and attested by its Secretary or Assistant Secretary, all as of the day and year first above written.

City of Reading

Reading Area Water Authority

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
City Clerk

Attest: \_\_\_\_\_  
Secretary



# DEBT SERVICE AGENDA MEMO

**TO:** Members of City Council

**FROM:** Christian F. Zale, City Controller

**PREPARED BY:** Christian F. Zale, City Controller

**MEETING DATE:** March 12, 2012

**AGENDA MEMO DATE:** March 5, 2012

**RECOMMENDED ACTION:** Service Debt Budget Modifications

**BACKGROUND:**

The 2005 Notes and 2008 Bonds refunding with PNC will reduce 2012 debt service expense by \$275,267.

**BUDGETARY IMPACT:**

Reduce debt service expense and transfer savings to the contingency line item

**PREVIOUS ACTION:**

None

**RECOMMENDED BY:**

Managing Director and Controller

**RECOMMENDED MOTION:**

Approve the request.

**BILL NO. \_\_\_\_\_ - 2012**

AN ORDINANCE

AN ORDINANCE AMENDING THE 2012 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF DEBT SERVICE SAVINGS PRODUCED BY REFINANCING 2005 NOTES AND 2008 BONDS TO SPENDING CONTINGENCY.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading 2012 Budget by authorizing the transfer of \$275,267 from 2005 Notes and 2008 Bonds debt service expense to contingency expense. (See Exhibit A)

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

Enacted \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A

### City of Reading, Pennsylvania

#### 2012 Refunding Analysis

<u>Fiscal Year</u>	<u>2005 Notes Savings</u>	<u>2008 Bonds Savings</u>	<u>Total Annual Savings</u>
2012	28,367.98	246,898.92	275,266.90
2013	75,303.76	1,181.50	76,485.26
2014	193.76	258.50	452.26
2015	131.26	(1,479.50)	(1,348.24)
2016	800.00	1,090.50	1,890.50
2017	0.00	(2,254.50)	(2,254.50)
2018	0.00	(1,414.50)	(1,414.50)
	<u>104,796.76</u>	<u>244,280.92</u>	<u>349,077.68</u>

BILL NO. \_\_\_\_\_-2011

A N O R D I N A N C E

AMENDING CHAPTER 5, CODE ENFORCEMENT OF THE CODIFIED ORDINANCES OF THE CITY OF READING BY ADDING ALLEYS AND RECYCLING STORAGE TO EXISTING QUALITY OF LIFE VIOLATIONS AND AMENDING LANGUAGE IN THE CURRENT FINES AND PENALTIES SECTION

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

**Part 1:** Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances is hereby amended to add alleys and recycling storage to §14-103, Quality of Life Violations and amending language in §14-110, Fines and Penalties per Exhibit A as attached hereto.

**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 5:** 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 6:** This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2011

\_\_\_\_\_  
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

**§14-101 Purpose** – Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable /non registered vehicles, vendor operations without permits and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the City which reduced business and tax revenue inhibiting economic development. The quality of life and community pride of the citizens of Reading are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this ordinance is to promote the health, safety and general welfare of the City by helping to create a clean environment for the citizens of Reading.

**§14-102 – Definitions** The following words, terms and phrases when used in this Part shall be defined as follows, unless context clearly indicates otherwise:

**Authorized Litter Receptacle** is a litter collection receptacle which is placed on the public right-of-way or on public property by the City for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste

**Debris** - any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents

**Dumping** includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by Part 1131, Solid Waste Storage, Collection and Disposal.

**Garbage.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Hazardous Waste** means any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

**Household Hazardous Waste (HHW)** is waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: Toxic; Flammable; Reactive; or Corrosive. HHW consists of numerous products that are common to the average household such as: Pesticides and herbicides, cleaners, automotive products, paints, and acids. (14262 §1 3/3/05)

**Indoor Furniture** - any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

**Junked Vehicle** means any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle;
- (2) Broken glass or windows on or in the vehicle;
- (3) Leaking of any fluids from the vehicle or deflated or flat tire(s);
- (4) Unsecured and/or unlocked doors, hood or trunk;
- (5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus;
- (6) Harboring of rodents, insects or other pests.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also Motor Vehicle Nuisance.

**Litter** includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

**Local Responsible Agent** means any person residing or working within the County of Berks designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

**Mobile Vendor** - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the City that does not typically remain stationary for more than approximately 10 minutes each hour.

**Motor Vehicle** - any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

**Motor Vehicle Nuisance** – a motor vehicle with one or more of the following defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. Broken headlamps, tail lamps, bumpers or grills with sharp edges.
- C. Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.
- D. Protruding sharp objects from the chassis.
- E. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.
- F. One or more open tires or tubes which could permit animal harborage.
- G. Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public property owners visitors or residents of the property on which said vehicle is found.
- H. Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- I. Disassembled body or chassis parts stored in on or about the vehicle.
- J. Vehicles that do not display a current valid license and registration.
- K. Such other defects which the Fire Department determines to be a danger to the general public or property.
- L. Motor vehicles parked, drifted or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

**Municipal waste** means any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials

or organic waste.

**Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

**Nuisance** - any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the City or causes a blighting effect in City neighborhoods. See also Public Nuisance.

**Person** means every natural person, firm, corporation, partnership, association, or institution. (13008 §1 11/7/90)

**Planter Strip** is the non-concrete space in the sidewalk area filled with dirt and/or grass.

**Private Property** means any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

**Public Officer** means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances.

**Public Nuisance** means any condition or premises which is unsafe or unsanitary.

**Public Right-of-Way** means the total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

**Recyclable Material** means material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. These materials are designated by the regulations promulgated under Chapter 20 Solid Waste Part 1 Solid Waste. Such materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.

**Residual Waste** means any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations excluding municipal water and sewer operations.

**Rubbish.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree

branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**Shade Tree**, unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

**Sidewalk Area** means the public right-of-way between the property line and the curbline or the established edge of the roadway.

**Solid Waste** - any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

**Storage** - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of 3 months constitutes disposal.

**Tree Well** is the non-concrete area surrounding a shade tree planted in a sidewalk area.

**Vegetation** is any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

**Violation Ticket** is a form issued by a police officer or public officer to a person who violates a provision of this Part. The violation ticket is an offer by the City of Reading extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

**Weeds** shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:

- a. exceed six (6) inches in height,
- b. exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush,
- c. may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin,
- d. may cause a public nuisance.

Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

**Yard.** An open space on the same lot with a structure

## §14-103 – Quality of Life Violations

**QOL.001 Accumulation of rubbish or garbage** – All exterior property and premises *and exterior property, including the sidewalk and rear alley*, and the interior of every structure, shall be free from any accumulation of waste, trash, rubbish or garbage.

**QOL.002 Animal maintenance and waste/feces clean-up** – People owning, harboring or keeping an animal within the City of Reading shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.

**QOL.003 Disposal of Rubbish or Garbage / Dumping** – improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property

**QOL.004 High weeds, grass or plant growth** – All premises and exterior property, *including the sidewalk and rear alley*, shall be maintained free from weeds or plant growth in excess of 6 inches (152.4 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this ordinance.

**QOL.005 Littering or scattering rubbish** – No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area or on any public property.

**QOL.006 Motor Vehicles** – It shall be unlawful to store, park or place any unregistered, un-inspected, inoperative, unlicensed or nuisance motor vehicle on any premises. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**QOL.007 Operating a food cart illegally** – It shall be unlawful to operate any food cart without the proper permits and/or inspections. It shall also be unlawful to operate any food cart while any portion of the cart is inoperable.

**QOL.008 Operating or vending without the proper permit/license** – It shall be unlawful for any person, business, partnership or entity to operate, including but not limited too any business, vending cart, store or establishment without the proper permits

**QOL.009 Outside placement of indoor appliances/furniture** – It is prohibited to store or place any/all appliances or furniture including but not limited to ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason except for the temporary purpose to perform maintenance in said property.

**QOL.010 Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling** – It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of any waste, trash or recyclables, will be in violation of this ordinance. Should any person or business use an unlicensed hauler to dispose of their waste, trash or recyclables, said person or

business shall be in violation of this ordinance. Upon request of the Property Maintenance/Codes Administrator or his/her designee, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any Parts found within a municipal waste container, recycling container, garbage bag or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership or entity to remove or haul waste, trash or recyclables without the proper approval or license. Any waste, trash or recyclables found not to be disposed of in accordance with this ordinance, will be a violation of this ordinance.

**QOL.011 Placement or littering by private advertising matter** – No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area or any public property. No person, group, organization or entity will hang, place or advertise on any public property in any manner. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights without written approval of said owner.

**QOL.012 Snow and ice removal from sidewalks** – Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the City of Reading, is required to remove any snow or ice from their sidewalk. Any property located along Penn Street, Washington Street and/or Court Street or along Second (2<sup>nd</sup>) Street, Third (3<sup>rd</sup>) Street, Fourth (4<sup>th</sup>) Street, Fifth (5<sup>th</sup>) Street, Sixth (6<sup>th</sup>) Street, Seventh (7<sup>th</sup>) Street, Eighth (8<sup>th</sup>) Street and Ninth (9<sup>th</sup>) Street, between Penn Street and Washington Street, shall have all snow or ice removed within two (2) hours of the cessation of said snow and ice falling. Furthermore, the entire sidewalk must be free of all snow and ice in these areas. Any other property within the City of Reading shall have all snow and ice removed within four (4) hours of the cessation of said snow and ice falling and must create a path, free from any snow or ice, of three (3) feet on said sidewalk. Should any property be a place of business within the City of Reading, all snow and ice must be removed within two (2) hours of the cessation of said snow and ice falling. Any property deemed a business; the entire sidewalk must be free from any snow and ice. If/when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak.

**QOL.013 Storage containers for waste ~~or~~, trash and/or recyclables**– The owner of every premise shall supply approved containers for waste ~~or~~, trash **and/or recyclables** as well as be responsible for the removal of rubbish. All containers that store waste ~~or~~, trash **and/or recyclables** shall be durable, water tight and made of metal or plastic. Containers must have tight fitting covers and must be kept clean and odor free at all times. All containers must be stored in the rear of every property so said containers are not visible from the public right-of-way. Waste ~~or~~, trash **and/or recycling** containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled pick-up day. Once the licensed hauler removes the waste/trash from any property, all containers must be returned to the rear of any property before daybreak on the day following pick-up. (Example – Jim Smith’s trash collection day is Wednesday. Jim Smith may place his trash/**recycling** containers out front of his property on Tuesday night, once night falls. Jim Smith must place his trash/**recycling** containers in the rear of his yard before daybreak, on Thursday morning.)

**QOL.014 Storing or discarding of appliances** – Refrigerators and similar equipment including but not limited too washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.

**QOL.015 Storing of hazardous material** – It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including but not limited too paints, volatile oils and cleaning fluids or combustible rubbish including but not limited too wastepaper, boxes or rags unless the storage of said materials is stored in compliance with the applicable Building Codes.

**QOL.016 Storing of recyclables** – It shall be the responsibility of the owner of all residential, commercial and industrial property to ensure storage, collection and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only ~~prohibited~~ *allowed* in approved containers which must be kept clean and sanitary at all times.

**QOL.017 Storing or serving of potentially hazardous food** – No person, business, partnership or entity shall store or serve potentially hazardous food. Including but not limited too out of date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, infestation problems at the location or serving food that had previously been open are considered a violation of this ordinance.

**QOL.018 Swimming pools** – Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered and sanitary as well.

**QOL.019 Violating the terms of any vending license** – It shall be unlawful to violate any term, part, portion or in total, any vending license. Any person, business, partnership or entity violating their vending license, shall be in violation of this ordinance.

**§14-104 Authority for Issuance of Violation Ticket** – Upon finding a Quality of Life Violation any City of Reading Property Maintenance Inspector appointed by the Property Maintenance/Codes Administrator of the City of Reading, may issue Quality of Life Violation Tickets to the owner and/or occupant of the property at issue or to the individual known to have violated this ordinance.

#### **§14-105 Enforcement**

A. The provisions of this Part shall be enforced by police officers, or any other public officer authorized to enforce ordinances.

B. Any violation of the provisions of this Part may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

**§14-106 Service** A violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or

usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

**§14-107 Separate Offense** – Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

**§14-108 Regulations** – The Property Maintenance/Codes Administrator is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance.

**§14-109 Abatement of Violation** – Any person or business violating this ordinance is hereby directed to satisfy the City of Reading and its citizens, upon issuance of a Quality of Life Ticket, by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Administrator of the Property Maintenance Division or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

The City of Reading and/or their contractor, per the direction of the city, reserves the right to abate the violation in question at the expense of the owner. . If the City has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the Quality of Life Ticket which will also be paid separately.

In all instances where the City abates the violation, in addition to the fine set forth in the Quality of Life Ticket, the City is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by the Property Maintenance/Codes Administrator in the rules and regulations.

**City of Reading Cleanup** – The city reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours passes from the date of issuance of the Quality of Life Ticket. Should the violation at the discretion of the Property Maintenance/Codes Administrator and/or his or her designee present imminent danger and/or pose a health hazard and/or risk, the city reserves the right to perform the abatement immediately. The city will perform this work at a rate of \$60.00 per hour per man and forward the cost of any material necessary for the abatement. The city reserves the right to charge an additional twenty percent (20%) on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

**Contractor Cleanup** – The city reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours passes from the date of issuance of the Quality of Life Ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the city reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the City of Reading and the city will forward these costs to the violator. The city reserves the right to add a thirty percent (30%) processing fee in addition to the cost of the contractor.

## §14-110 FINES AND PENALTIES

### A. Violation Ticket Fines

1. For the first of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of Twenty-Five Dollars (\$25) or Fifty Dollars (\$50) as set forth on the chart below.

2. For the second offense of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50) or One Hundred Dollars (\$100) ~~Dollars~~ as set forth on the chart below.

3. For the third *and subsequent* offense of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of One Hundred *and Fifty* Dollars (\$150) ~~Dollars~~ or Two Hundred and Fifty Dollars (\$250) as set forth on the chart below.

4. ~~For each offense subsequent to three offenses of this Part within a twelve (12) month period, amounts of violation tickets shall increase in the amount of One Hundred Fifty Dollars (\$150) or Two Hundred Fifty Dollars (\$250) accumulative for each subsequent offense.~~ **Any person who receives a violation ticket for any violation of this Part may within fifteen (15) days, admit the violation, waive a hearing and pay the fine in full satisfaction.**

5. ~~Any persons who receives a violation ticket for any violation of this Part, except, may within fifteen (15) days, admit the violation, waive a hearing and pay the fine in full satisfaction.~~ ***Any person violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation.***

~~6. Any person who violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation.~~

Violation number for Quality of Life Ticket Ordinance	Brief description of violations for Quality of Life Ticket Ordinance	Fine 1	Fine 2	Fine for every instance over 2 third and subsequent instance
QOL – 001	Accumulation of rubbish or garbage	\$25.00	\$50.00	\$100.00
QOL – 002	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
QOL – 003	Disposal of rubbish or garbage / Dumping	\$25.00	\$50.00	\$100.00
QOL – 004	High weeds, grass or plant growth	\$25.00	\$50.00	\$100.00
QOL – 005	Littering or scattering rubbish	\$25.00	\$50.00	\$100.00
QOL – 006	Motor vehicles	\$25.00	\$50.00	\$100.00
QOL – 007	Operating a food cart illegally	\$25.00	\$50.00	\$100.00
QOL – 008	Operating or vending without the proper permit/license	\$25.00	\$50.00	\$100.00
QOL – 009	Outside placement of indoor appliances/furniture	\$25.00	\$50.00	\$100.00
QOL – 010	<u>Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling</u>	\$50.00	\$100.00	\$250.00
QOL – 011	Placement or littering by private advertising matter	\$25.00	\$50.00	\$100.00
QOL – 012	Snow and ice removal from sidewalks	\$25.00	\$50.00	\$100.00
QOL – 013	Storing containers for waste or trash	\$25.00	\$50.00	\$100.00
QOL – 014	Storing or discarding of appliances	\$25.00	\$50.00	\$100.00
QOL – 015	Storing of hazardous material	\$50.00	\$100.00	\$250.00
QOL – 016	Storing of recyclables	\$25.00	\$50.00	\$100.00
QOL – 017	Storing or serving of potentially hazardous food	\$50.00	\$100.00	\$250.00
QOL – 018	Swimming pools	\$25.00	\$50.00	\$100.00
QOL – 019	Violating the terms of any vending license	\$25.00	\$50.00	\$100.00

## B. Violation Ticket Penalties

1. If the person in receipt of a Twenty-Five Dollar (\$25) ~~dollar~~-violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a ten (\$10) dollar penalty for days sixteen (16) through thirty (30).

2. If the person in receipt of a ~~One Hundred Dollar (\$100) dollar~~- **Fifty Dollar (\$50.00)** violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Twenty-Five (\$25) dollar penalty for days sixteen (16) through thirty (30)..

3. If the person in receipt of a One Hundred **and Fifty** Dollar (\$150) ~~Dollar~~ or Two Hundred and Fifty Dollar (\$250) or higher violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a **Fifty Dollar (\$50) Dollar** penalty for days sixteen (16) through thirty (30).-

4. Failure of the person to make payment or request a hearing within thirty (30) days of a violation ticket shall make the person subject to a citation for failure to pay.

5. If violations continuous or egregious, code official has right to issue citation without first issuing ticket provided notice has been given. Upon issuance of

four (4) tickets for same violation, right is reserved for code official to issue citation for fifth and subsequent offenses.

### C. Citation Fines

Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than One Hundred (\$100) Dollars, not more than One Thousand (\$1,000) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

### D. Restitution

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

## §14-111 APPEAL –

### A. *Administrative Appeal*

1. A person in receipt of a violation ticket may appeal to the Property Maintenance / Codes Administrator by filing a request with *the Property Maintenance Division* in writing within fifteen (15) calendar days of date of the violation ticket.

2. In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) calendar days *of the date that the Quality of Life Ticket was issued*:

- A. All paperwork, including the appropriate appeal form, for the appeal must be submitted and complete ~~within fifteen (15) calendar days that the Quality of Life Ticket was issued.~~
- B. Payment of the fine must be *paid* in full which will be refunded within thirty (30) calendar days should the alleged violator win their appeal.

3. The appeal hearing will be *held* before the Property Maintenance/Codes Administrator or his/her designee. The Administrator or his/her designee may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she sees appropriate.

### B. *Subsequent Appeals*

*Any subsequent appeal shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S. §751 and §752.*

**§14-112 Nonexclusive Remedies.** The penalty and collection provisions of this Section 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 Part. The remedies and procedures provided in this Part 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 Part 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.

**§14-113 Severability** If any provision, paragraph, word, section or subsection of this Part is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect.

\_\_\_\_\_

BILL NO. \_\_\_\_\_-2012

**AN ORDINANCE  
RESCINDING ORDINANCE 59-2010**

**WHEREAS**, during 2010, City Council worked to add consistency to enabling legislation of all the City's Boards and Commissions regarding the removal of members, and

**WHEREAS**, Ordinance 59-2010 amended the removal process for the Charter Board, and

**WHEREAS**, this language is contrary to the City of Reading Home Rule Charter Amendment 1 Section 2 (a) Composition, and

**WHEREAS**, City Council rescinds Ordinance 59-2010 to conform to the City of Reading Home Rule Charter Amendment 1.

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

**SECTION 1.** Ordinance 59-2010 is hereby repealed, rescinded and revoked to the maximum extent permitted under the law and declared to be invalid for being contrary to the City of Reading Home Rule Charter Amendment 1.

**SECTION 2.** This Ordinance shall take effect within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Enacted \_\_\_\_\_, 2012

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

**BILL NO. \_\_\_\_\_ 2012**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, TO REFLECT A NEW RATE FOR COMMERCIAL COIN OPERATED LAUNDRY FACILITIES.**

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

**SECTION 1:** The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Health Code shall be and is hereby amended to include Commercial Coin Operated Laundry Facilities and shall read as follows:

**Other Fee**

Commercial Coin Operated Laundry Facility     \$50

**SECTION 2:** All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

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

Enacted \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_-2012**

**AN ORDINANCE AMENDING ORDINANCE 75-2011 OF THE CITY OF READING, PENNSYLVANIA BY CHANGING THE EFFECTIVE DATE TO MAY 1, 2012**

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

**SECTION ONE.** Ordinance 75-2011 established the Certificate of Transfer program for the City of Reading, effective April 1, 2012.

**SECTION TWO.** Due to the need to further clarify certain provisions of the ordinance, the effective date is hereby changed to May 1, 2012.

**SECTION THREE.** No other sections of Ordinance 75-2011 will be amended at this time.

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

Enacted by Council \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**BILL NO. \_\_\_\_-2012**  
**AN ORDINANCE**

**AMENDING THE CITY OF READING CODIFIED ORDINANCES §1-122.  
ORDINANCES, PART 5 RECORDING.**

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

**Section 1.** Amending the Codified Ordinances §1-122. Ordinances, Part 5 Recording as follows:

**§1-122. Ordinances, Part 5. Recording.**

- A. ~~Within 7 days after enactment of an ordinance,~~ *Within two (2) weeks of the enactment of an ordinance the City Clerk shall send an electronic copy of the enacted ordinance to the IT Division, who shall post the ordinance on the City's website and link it to the applicable section of the Codified Ordinance book posted on the website. By May 31<sup>st</sup> annually,* the City Clerk shall cause to be recorded in the Municipal Ordinance Book a verbatim copy of ~~such~~ *each enacted* ordinance, which shall contain a notation of the date of enactment and the name of the newspaper and date, if any, on which publication was made (see Charter, §222.11).
- B. It shall not be necessary to record in the Ordinance Book the full text of any ordinance where there is a specific provision in the laws of Pennsylvania permitting adoption and recording by reference or in the case of an ordinance adopting, with or without amendment or modification, any standard building, plumbing, electrical, housing, or other technical code complete in itself, for the regulation of trade, occupation or line of activity or undertaking, but in the latter cases it shall be necessary only to record the ordinance adopting the same by reference and indicating the municipal office where the complete code or ordinances shall be available.
- C. Whenever an ordinance shall be specifically amended or repealed, the City Clerk shall cause a notation to that effect to be made in the Ordinance Book at the location where the recording of such ordinance shall commence.
- D. Whenever an ordinance shall prescribe a condition to its becoming effective, in the nature of an acceptance by a party thereto, the meeting of such condition or the failure to meet the same shall likewise be noted by the appropriate place in the Ordinance Book.

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

Enacted: \_\_\_\_\_, 2012

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President of Council

Attest:

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City Clerk

(Council Staff)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**BILL No. \_\_\_\_\_-2012**  
**AN ORDINANCE**

**AMENDING §1-119 OF THE ADMINISTRATIVE CODE, PUBLIC PARTICIPATION**

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

**Section 1.** Amending §1-119 of the Administrative Code, Public Participation as follows:

**§1-119. Public Participation.**

These rules are intended to promote an orderly system of public comment, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his right of free speech. Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month. Public comment is not permitted at the City Council work sessions, *committee meetings or Committee of the Whole meetings.*

A. Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing their name, address and the subject matter to be discussed to the City Clerk any time before *5 pm on the day of the scheduled meeting.* ~~City Hall closes on the day of the scheduled Council meeting before the meeting is called to order by the President of Council or the presiding officer.~~

B. Citizens desiring to address the Council at its special meeting may do so by providing notice verbally or in writing the subject matter to be discussed to the City Clerk *any time before 5 pm on the day of the scheduled meeting.* ~~½ hour before the special meeting before the meeting is called to order by the President of Council or the presiding officer.~~

C. A citizen shall be provided the opportunity to address the Council on any agenda item without written notice (see Charter, §2135). The presiding officer or by action of Council shall limit the time each person shall speak giving equal time to all. Such discussion shall occur prior to the vote of the agenda item.

D. All remarks must be directed to Council as a body and not to any Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by a majority vote of Council.

E. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing the Council may be called to order by the Presiding Officer, and may be barred from speaking before the Council unless permission to continue to speak is granted by a majority vote of the Council.

F. All comments by the public shall be made from the speaker's podium. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. ~~The time limits placed on the public's ability to address Council by this subsection shall terminate on February 23, 2008. [Ord. 6-2006]~~

G. Citizens may not ask questions of Council member or other elected or public official in attendance. However, Council members, elected or public officials may make a statement in response to comments made by citizens at the conclusion of the public comment period.

H. **Public Hearings.** Any person who fails to sign in with the City Clerk shall not be permitted to speak until all those who signed in have done so. Those testifying must limit their comments to 3 minutes. No person who has previously spoken during the public hearing on a particular item may speak again unless all other persons desiring to give testimony at the public hearing have spoken. A person speaking for a second time shall limit his comments to not more than 1 minute.

**Section 2.** This ordinance, Advertised in the Reading Eagle on Monday, April 2, 2012, shall become effective ten (10) days after it adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: \_\_\_\_\_

2012

\_\_\_\_\_

President of Council

Attest:

\_\_\_\_\_

City Clerk

(Council Staff)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**BILL NO. \_\_ -2012**

**AN ORDINANCE AMENDING THE 2012 PROPERTY MAINTENANCE DIVISION  
BUDGET, ALLOCATING \$45,000 TO THE GENERAL FUND FOR VEHICLE PURCHASES**

WHEREAS improved codes enforcement is a major strategic objective of the City of Reading;

AND WHEREAS the City is adding additional inspectors to the Property Maintenance Division in 2012, necessitating the purchase of additional vehicles;

NOW, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF READING that the 2012 General Fund Budget be amended to increase the budgeted revenue in account 01-00-00-3322 of the Property Maintenance Division by \$45,000 (to a total of \$220,000), and that the 2012 Property Maintenance Division vehicle acquisition budget be increased by a further \$45,000.

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

Adopted by Council \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_

City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_-2012

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION AND GOVERNMENT, SECTION 186 G FISCAL PROVISIONS BY REDUCING THE AMOUNT OF EXPENDITURES AND ALLOCATIONS REQUIRING COUNCIL'S APPROVAL FROM \$25,000 TO \$10,000.**

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

**SECTION ONE.** Amending The City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 Fiscal Provisions, Part G by reducing the amount of expenditures and allocations requiring council's approval from \$25,000 to \$10,000 as follows:

**Fund Accounts. §1-186. Fiscal Provisions.**

**3. Regulations Concerning Appropriations and Transfers.**

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a financial procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the managing director, and Council. This monthly report shall include all Expenditures, borrowing, or any use for each City Department and each City Fund account, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer, borrowing, or any use of funds within departments, between departments and within or between City Funds account.

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

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

- (1) Expenditure procedures.

- (2) Justification procedures for transferring money between line items.
- (3) Justification procedures for transferring money between departments.
- (4) Administration of petty cash funds.
- (5) Justification procedures for transferring, borrowing, or any use of money between City Fund accounts.

E. Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer, borrowing, or any use of all monies including, but not limited to, transfers, borrowing, or any use of funds between departments, and transfers, borrowing, or any use of funds in and out of any City Fund account, account or line item either attached in part or unattached to a departmental budget. The City Funds include all general, operating, capital and enterprise funds. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer, borrowing, or any use of funds and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [Ord. 36-2000]

F. Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$10,000. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, borrowed or used at least 2 weeks before the transfer is required. [Ord.54-2009]

G. Requiring City Council approval, via ordinance, for the following:

- (1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
- (2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year prior to those expenditures occurring. [Ord. 36-2000]
- (3) All expenditures and allocations of ~~\$25,000~~ to \$10,000 or more from and to any and all agency funds and any and all line-items falling in the Departmental and Non Departmental area of the General Fund. [Ord 14-2012]

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

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

Enacted by Council \_\_\_\_\_, 2012

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President of Council

Attest:

\_\_\_\_\_  
City Clerk

(Council Staff)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**R E S O L U T I O N N O.**\_\_\_\_\_

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

Approving a Conditional Use permit for Mary's Shelter for a group home at the Navy Marine Center located at 615 Kenhorst Blvd, as attached in the decision attached herein.

Adopted by Council\_\_\_\_\_, 2012

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Francis Acosta  
President of Council

Attest:

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Linda A. Kelleher  
City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY OUNCIL  
MARY'S SHELTER : OF THE CITY OF READING,  
FOR A CONDITIONAL USE : PENNSYLVANIA  
PERMIT FOR A GROUP :  
HOME AT THE NAVY MARINE :  
CENTER 615 KENHORST :  
BLVD. :

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

**AND NOW**, this 26<sup>th</sup> day of March, 2012, hearings have been held on March 6, 2012, upon the application of Mary's Shelter for a group home at 615 Kenhorst Blvd., notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

**FINDINGS OF FACT**

City Council finds the following facts:

1. The Applicant is Mary's Shelter, "Applicant" with a registered address of 736 Upland Avenue, Reading, PA 19607.
2. Applicant applied to the Reading Local Redevelopment Authority (LRA) to use the main facility at 615 Kenhorst Blvd as a group home for homeless pregnant young women. The application was approved and included in the amended Reuse Plan for this facility. The amended plan allows the Applicant to locate in the main facility on this site and authorizes the Reading Redevelopment Authority to purchase the remaining four acres.

3. The Subject Property is located in the R-2 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance"), where group homes are permitted as a conditional use.
4. Applicant stated that the LRA conducted public meetings and that the surrounding community supports Mary's Shelter's relocation to this site.
5. The Applicant stated that moving to this large facility will enable Mary's Shelter to serve additional young women and young women with children,
6. The Applicant stated that the facility has all the necessary components to provide living space along with classrooms and administrative space.
7. The Applicant stated that they will begin by locating in the left wing of the facility and opening 10 bedrooms for immediate use and phasing in an additional six to ten bedrooms in the future.
8. The Applicant stated that the facility has 29 off-street parking spaces.
9. The Applicant stated that Mary's Shelter has served approximately 350 young pregnant women over the past 15 years and that the programs educational and career components provide clients with the tools they need to build a successful life for themselves.
10. The Planning Commission adopted Resolution 7-2012 recommending the approval of this Conditional Use permit at their February 28, 2012 meeting.
11. The City Planner testified that the Applicant is currently working on a subdivision plan that will carve out approximately two acres at the Kenhorst and Pershing Blvd area where the main facility is located.
12. The Zoning Administrator testified that the application submitted by the Applicant meets the requirements as listed for Group Homes in the Zoning Ordinance.

## DISCUSSION

The Applicant is seeking a Conditional Use Permit to convert the Navy Marine main facility located at 615 Kenhorst Blvd. to a group home. The parcel is located in an R2 zoning district. The City of Reading Zoning Ordinance §27-1203.9 provides that the following standards are met:

**9. Residential Care Facility, Including Group Care Facilities and Group Care Institutions.**

See the zoning district regulations concerning which types are allowed in various districts.

A. The following standards shall be for all residential care facilities:

- (1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- (2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.
- (3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.
- (4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.
- (5) The sponsoring entity shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.
- (6) See also §27-1201(2).

B. The following standards are for all group care facilities:

- (1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.
- (2) No group care facility shall have more than 10 residents at any given time, not including live-in supervisors.
- (3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.
- (4) No more than two live-in supervisors shall reside in the group care facility.
- (5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.
- (6) The following standards are for all group care institutions.
- (7) The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.
- (8) A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.
- (9) At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

(10) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group instituti

## CONCLUSIONS OF LAW

1. The Subject Property is located in the R-2 Zoning District.
2. Applicant requests a Conditional Use permit for a group home to serve homeless pregnant young women.
  2. The burden of proof in an application for a Conditional Use is upon the Applicant.
  3. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
  4. In order to grant the relief, Applicant must show that it has satisfied §27-1203.9 of the City of Reading Zoning Ordinance and met the conditions applied by City Council.
  5. Applicant provided sufficient proof that the existing facility conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners. Applicant also provided the required site plan of the units and the off-street parking spaces and documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use.

## DECISION

After reviewing the Applicant's request in detail at the hearing held on March 6, 2012, City Council enters the following decision:

The application of Mary's Shelter for a Conditional Use permit for a group home at 615 Kenhorst Blvd. in the main facility is hereby approved. As per §27-1203.9 the Applicant is permitted to have no more than 20 live-in residents at any one time, including supervisors and staff.

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

CITY OF READING CITY COUNCIL

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President of Council

Attest:

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City Clerk