CITY COUNCIL

Meeting Agenda

REGULAR MEETING ***MONDAY, APRIL 9, 2012***
COUNCIL CHAMBERS ***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, 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. 27-2012

1. OPENING MATTERS

A. CALL TO ORDER
B. INVOCATION:
C. PLEDGE OF ALLEGIANCE
D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Mayoral Proclamation recognizing Bike Month, accepted by Emily Weidner

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 26, 2012
Special Meeting of April 2, 2012
B. AGENDA: Council meeting of April 9, 2012

5. Consent Agenda Legislation

None

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. 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; Tabled at the March 26 regular meeting; Tabled at the April 2 special meeting***

B. Bill No. 42-2012 - amending the City of Reading Codified Ordinances §1-122. Ordinances, Part 5 Recording **(Council Staff/Law)** ***Introduced at the March 26 regular meeting***

C. Bill No. 43-2012 - amending §1-119 of the Administrative Code, Public Participation **(Council Staff/Law)** ***Introduced at the March 26 regular meeting***

D. Bill No. 44-2012 - 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)** ***Introduced at the March 26 regular meeting***

PENDING LEGISLATION

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; Tabled at the March 26 regular meeting; Scheduled for discussion at April Work Session***

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; Tabled at the March 26 regular meeting***

10. INTRODUCTION OF NEW ORDINANCES

None

11. RESOLUTIONS

A. Resolution - In accordance with Section 1203 of the City of Reading Home Rule Charter, the majority of Council authorizes the formation of a Charter Review Commission to be appointed **(Council Staff)**

B. Resolution – removing William Hall Jr from the Recreation Commission **(Nom & Appts)**

C. Resolution – reappointing Paul Hoh to the Library Board **(Nom & Appts)**

D. Resolution – reappointing Andrew Molteni to the Environmental Advisory Council **(Nom & Appts)**

E. Resolution – appointing Valerie Zelle Phelps to the Human Relations Commission **(Nom & Appts)**

F. Resolution – reappointing Lee Olsen to the Blighted Property Review Committee **(Nom & Appts)**

G. Resolution – appointing James Radwanski to the Redevelopment Authority **(Nom & Appts)**

H. Resolution – appointing Donald Taddei to the Recreation Commission **(Nom & Appts)**

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, April 9
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm
Monday, April 16
Finance, Audit and Budget Committee – Council Office – 5 pm
Public Works, Public Safety, and Neighborhood Services – Council Office – 5 pm
Work Session – Penn Room – 7 pm
Monday, April 23
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, April 9
Fire Civil Service Board – Penn Room – 4 pm
6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, April 10
Airport Authority – Airport Authority Office – 8:15 am
Water Authority Workshop – Penn Room – 4 pm
Citizens Advisory Board – Penn Room – 7 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, April 11
Zoning Hearing Board – Council Chambers – 5:30 pm
Center City Community Organization – Holy Cross Church – 6 pm

Thursday, April 12
Police Pension Board – Penn Room – 10 am
Legislative Aide Committee – Penn Room – 7:30 pm

Monday, April 16
Library Board – 113 S 4th St – 4 pm

Tuesday, April 17
Charter Board – Penn Room – 7 pm
HARB – Planning Conference Room – 7 pm

Wednesday, April 18
Diversity Board – Penn Room – 4 pm
Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Thursday, April 19
Blighted Property Review Committee – Council Chambers – 6 pm

Monday, April 20
DID Authority – DID Office – 645 Penn St 5th Floor – noon
BARTA – BARTA Office – 3 pm

City of Reading City Council
Regular Business Meeting
Monday, March 26, 2012

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

The invocation was given by District 5 City Councilor Donna Reed.

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
Councilor Waltman, District 6
Mayor V. Spencer
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Sgt at Arms Captain S. Powell

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamation recognizing the 35th Anniversary of Prospectus Berco was accepted by Executive Director Jody Wagner.

PUBLIC COMMENT

Council President Acosta announced that three (3) citizens were registered to address Council on agenda matters and four (4) citizens were registered on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment was suspended. Council President Acosta reminded those registered of the remaining public speaking rules.

Judy Vaskorlis, of North 10th Street, noted the importance of the Lance Place Playground to the Outlet Neighborhood Community and the work of the

community to maintain the playground.

John Anderson, Fort Washington, stated that he is not a City resident but an investment property owner. He noted the ongoing maintenance of the Outlet Neighborhood Community at Lance Place playground. He stated that the community group obtained a grant of $4,500 from his employer to assist with the project.

Felice Reed-Anderson, Fort Washington, stated that she has been an investment property owner for ten (10) years. She described her view of the Lance Place Playground as an asset to the community and noted the community's work to keep the playground trash free. She asked Council to support the Award of Contract to rehabilitate the playground.

Benny Ohri, Community Drive, Shillington, described his move to the United States and his start of an investment property business here and in other counties. He noted the unfairness of the Quality of Life ticketing program.

Shanikqua Nelson, Schuylkill Avenue, was not present.

Chris Ferguson, Schuylkill Avenue, was not present.

Mel Jacobson, North 5th Street, stated that campaigns are over and noted that City Council and the Mayor need to work together to lead the City positively. He asked the elected officials not to squander their leadership opportunity. He stated that this is not the time for political patronage or appointing inappropriate people but instead appointing experienced staff who can lead and advise rather than appointing resume builders without municipal experience.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the March 12th regular meeting of Council. He noted the need to amend the agenda as follows:

- Withdrawal of Resolution B. under the Consent Agenda heading regarding the Micro Enterprise Technical Assistance activity
- Add a Resolution to the Consent Agenda authorizing a $5M to the City's unfunded debt loan.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the agenda as amended, including the legislation under the amended Consent Agenda heading and the minutes from the March 12th, 2012 Regular Meeting of Council. The motion was approved unanimously.

Consent Agenda

A. Resolution 50-2012 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 51–2012 approving a TEFRA project between Alvernia University and the Reading Redevelopment Authority **(Stevens & Lee)**

C. Resolution 52-2012- 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)**

D. Resolution 54–2012 authorizing $5M to the City's unfunded debt loan

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)

ADMINISTRATIVE REPORT

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

- CD Director Lenin Agudo began working for the City on March 22, 2012
- Start of the Graffiti Abatement Program
- Sustainability Committee meeting with the Institute for Local Self-Reliance
- Completion of the renovations at the Northmont Playground

Councilor Marmarou stated that citizen's believe that they need to pay for the Graffiti Abatement Program. Mayor Spencer stated that the program is offered at no charge to City residents as the property owners are not responsible for the

crime of graffiti.

Councilor Goodman-Hinnershitz inquired how local businesses currently engaged in sustainability will be involved with the Sustainability Committees efforts. Mayor Spencer stated that the Sustainability Committee's work with Institute for Local Self-Reliance is focused solely on small, non-profits.

AUDITOR'S REPORT

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

- Collection of 2012 Admission Tax fee
- 2007-2011 payment of PILOT
- Collection of Real Estate Transfer Tax
-

ORDINANCES FOR FINAL PASSAGE

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***

Councilor Corcoran moved, seconded by Councilor Marmarou, to enact Bill No. 31-2012.

Bill No. 31-2012 was enacted by the following vote:

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

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*** 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 Reed moved to table Bill No. 32-2012.

Councilor Reed withdrew her motion to table Bill No. 32-2012.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Corcoran, to enact Bill No. 32-2012.

Councilor Goodman-Hinnershitz stated that this lease amendment agrees only to further discussion about the proposed hardship panel with the RAWA Board.

Bill No. 32-2012 was enacted by the following vote:

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

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***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to enact Bill No. 33-2012.

Bill No. 33-2012 was enacted by the following vote:

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

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***

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 34-2012.

Bill No. 34-2012 was enacted by the following vote:

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

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***

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 35-2012.

Bill No. 35-2012 was enacted by the following vote:

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

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***

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to table Bill No. 36-2012.

Bill No. 36-2012 was tabled by the following vote:

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

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

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***

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 37-2012.

Bill No. 37-2012 was enacted by the following vote:

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

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***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 38-2012.

Bill No. 38-2012 was tabled by the following vote:

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

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

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 39-2012.

Bill No. 39-2012 was enacted by the following vote:

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

Bill No. 40-2012 – rescinding Ordinance 59-2010 regarding removal of Charter Board members in its entirety **(Council Staff/Law)** ***Introduced at the March 12 regular meeting***

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 40-2012.

Bill No. 40-2012 was enacted by the following vote:

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

Bill No. 41-2012 – amending the City of Reading Fee Schedule in relation to Commercial Laundry Fees **(Law)** ***Introduced at the March 12 regular meeting***

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 41-2012.

Bill No. 41-2012 was enacted by the following vote:

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

Bill No. 42-2012 – 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***

Councilor Reed moved, seconded by Councilor Corcoran to table Bill No. 42-2012.

Bill No. 42-2012 was tabled by the following vote:

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

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

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

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

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

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

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)**

RESOLUTIONS

Resolution 53-2012- 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)**

Councilor Marmarou moved, seconded by Councilor Sterner, to adopt Resolutions 53-2012.

Council President Acosta noted that he, Councilor Marmarou and Councilor Corcoran met with the community residing around the Navy Marine Center on Wednesday, March 14th at 7pm regarding the use of the parcel.

Councilor Marmarou thanked the City Clerk and the LRA for their diligent work on this complicated issue. He also thanked the group for their work to extensively include the surrounding community.

Councilor Corcoran stated that he originally was concerned with the Mary's Shelter application to move to this site; however after further evaluation he now

believes that this is a good fit for the community.

Councilor Sterner thanked the City Clerk and the LRA for their work over the last four (4) years. He expressed the belief that the group has made a well thought out decision.

Councilor Reed noted that the LRA's work is the best example of finding a compromise that makes the best of the federal regulations and the desire of the affected community. She congratulated the LRA for their success.

Councilor Waltman stated that although this reuse may be best under the federal requirements, he expressed the belief that a better alternative could have been identified.

Councilor Corcoran noted that the remaining 4.35 acres will probably be sold to the Reading Redevelopment Authority for a rate able reuse. He stated that further citizen participation will be provided through the Redevelopment Authority and Zoning Hearing Board meetings.

Council President Acosta expressed the belief that the reuse plan is best under the federal regulations. He stated that although some of the community does not believe that this is the best option for this R-2 parcel, he expressed the belief that this is the best mixed-use alternative for this seven (7) acre site.

Resolution 53-2012 was adopted by the following vote:

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

COUNCIL COMMENT

Councilor Marmarou noted the great support that the Outlet Community Group has with the Lance Place Playground and the community overall.

Councilor Marmarou also noted the work of the Northmont Community Group to unite their community and care for the playground.

Councilor Marmarou expressed the belief in the need for the Mayor and Council to work together.

Councilor Sterner congratulated those receiving commendations and proclamations this evening. He also noted Councilor Marmarou's passionate speech about his ethnicity.

Councilor Sterner noted that at times disagreement between the Administration and Council provides a healthy part of the legislative process.

Councilor Goodman-Hinnershitz agreed that disagreement is often a necessary component of the legislative process. She noted the disagreement of the Country's founding fathers as they drafted the Declaration of Independence.

Councilor Goodman-Hinnershitz noted the need for playground space for inner-City children and noted her excitement to see the efforts of various neighborhood groups to assist the City with the maintenance of playgrounds.

Councilor Goodman-Hinnershitz noted the importance of the City's Jazz Fest.

Councilor Corcoran agreed with the various comments about the Lance Place playground. As a new Councilor, he noted his observation of a variety of volunteers across the City assisting with various initiatives and projects.

Councilor Corcoran invited all District 1 residents and City residents in general, to join the District 1 Facebook page.

Councilor Reed stated that she attended today's DID Board meeting, who requested a meeting with DID, the Reading Parking Authority and Council regarding various downtown parking issues. She also noted the historic tour sponsored by DID.

Councilor Reed described the various volunteer projects to assist the City with the spring beautification of the Penn Street area.

Councilor Reed announced the March 29th ribbon cutting ceremony at a Community Garden near the ATV Bakery building. She also announced the opening of a new recording studio space on Willow Street.

Councilor Goodman-Hinnershitz noted the re-opening of Dino's Sandwich Shop at Mineral Spring Road and Perkiomen Avenue. She described the various new menu items.

Council President Acosta reviewed the Council meeting schedule, noting the Special Meeting scheduled for Monday, April 2nd at 5pm in Council Chambers.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

City of Reading City Council
Special Meeting
Monday, April 2, 2012

Francis Acosta, President of Council, called the special meeting to order. He announced that the purpose of this special meeting is to consider the temporary appointment of a Managing Director until the Mayor nominates a permanent candidate at the conclusion of the PFM search process.

ATTENDANCE
Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2 (speaker phone)
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Solicitor Younger
City Clerk Kelleher
Mayor Spencer

PUBLIC COMMENT
Council President Acosta announced that one person was registered to address Council. He read the public speaking rules.

Ernest Schlegel, of Pear St., stated that he concerned about the appointment of the managing director. He noted the need for open and transparent government. He referred to the editorial in today's Reading Eagle and outlined his perception about the conflict that exists between the Eagle staff and City Council. He expressed the belief that Council's continued opposition and obstruction to Mayor Spencer is causing polarization between Council and the Mayor.

RESOLUTIONS

A. Resolution 55-2012 – appointing Scott Hoh as Managing Director **(**Salary Ordinance to be introduced at the April 9th regular meeting of Council)

Councilor Reed moved, seconded by Councilor Corcoran, to adopt Resolution No. 55-2012

Councilor Waltman stated that while he supports the candidate, he cannot support the appointment, as a temporary or permanent appointment, due to the candidate's background issues. He expressed hope that the candidate can work to resolve these issues before a permanent replacement is nominated. He noted his high regard for the capabilities of the candidate.

Councilor Sterner expressed the belief that the candidate has the right abilities but that he cannot support the appointment of the candidate due to his background issues. He noted that candidates for Boards, Authorities and Commissions cannot be appointed until their background issues are resolved.

Councilor Reed concurred with the abilities of the candidate and her support of him personally but she stated that the candidates background issues will prevent her from supporting the adoption of this resolution.

Councilor Marmarou stated that the situation is difficult and suggested that Council avoid kicking a man while he is down. He stated that he will support this candidate as he disclosed the background information in the interview. He noted that the candidate agreed to work to resolve these issues.

Mayor Spencer noted that the background issues belong to the candidate's LLC not the candidate personally. He stated that the background issues relate to the indebtedness of the corporation not the candidate. He stated that this appointment is viewed as interim until PFM completes their search. He asked Council to avoid thrusting the responsibilities of the Managing Director's office on to the Mayor's Office.

Councilor Goodman-Hinnershitz expressed the belief that the candidate brings the right tools to the table; however, she cannot support this appointment due to the candidate's background issues.

Resolution No. 55-2012 was NOT adopted by the following vote:

> **Yeas: Marmarou, -1.**
> **Nays: Corcoran, Goodman-Hinnershitz, Reed, Sterner, Waltman – 5.**
> **Abstention: Acosta – 1**

Mr. Acosta stated that he needed to abstain from the vote due to his employment. He also stated that Councilor Goodman-Hinnershitz was participating via telephone because she is recovering from surgery

B. 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; Tabled at the March 26th Regular Meeting***

Councilor Marmarou moved, seconded by Councilor Reed to table Bill No. 36-2012.

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta -7.
Nays: – 0.

Councilor Reed moved, seconded by Councilor Marmarou, to adjourn the regular meeting.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

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.

M E M O R A N D U M

TO: Lawrence P. Murin, Special Assistant to the Mayor of Reading

FROM: John J. Miravich and Derald J. Hay

DATE: March 29, 2012

RE: Conveyance of the Ontelaunee Property to the Reading Area Water Authority

It is our understanding that the Council for the City of Reading has raised concerns regarding the conveyance of the Ontelaunee Property to the Reading Area Water Authority ("RAWA") under the terms of the proposed Third Addendum to the Lease Operating Agreement ("Third Addendum"). The primary concern appears to be related to the potential consequences that may result if RAWA conveys all or a portion of the approximately one hundred twenty (120) acre parcel commonly known as the "Ontelaunee Property" without reserving adequate rights for the City to operate the above or underground improvements associated with the extraction, treatment or conveyance of potable water located on the Ontelaunee Property ("Improvements").

Pursuant to the terms of the proposed Third Addendum, the conveyance of the Ontelaunee Property to RAWA will be subject to a recorded right of first refusal in favor of the City (which will also be referenced in the Deed to RAWA) should RAWA attempt to convey the Ontelaunee Property to a third-party. If the City opts not to exercise the right of first refusal, RAWA is then obligated to reserve and record easement(s) in favor of the City for the Improvements prior to transferring the Ontelaunee Property to the third-party.

The City's rights under the Third Addendum adequately protect City if RAWA seeks to transfer all or a portion of the Ontelaunee Property. As an initial matter, the right of first refusal will be recorded against the Ontenlaunee Property, putting third parties on notice that the City may supersede any transaction.

Even if the City is not in a position to match a third-party offer, RAWA is contractually obligated under the Third Addendum to consult with the City prior to conveying the Ontelaunee Property and to record easement(s) in favor of the City as a condition precedent to such conveyance. Therefore, a failure by RAWA to record such easements would be a breach of the Third Addendum.

In order to further protect the City, reference to RAWA's obligation to record easement(s) in favor of the City will be memorialized in the agreements recorded against the Ontelaunee Property, putting third-parties on notice of the City's equitable interest to the Improvements. Therefore, the City would have leverage to work with any such third party to ensure that the appropriate easement(s) are established.

Failing that, the City would have two additional options to obtain the necessary rights to the Ontelaunee Property. First, it could seek injunctive relief from the Court based on the equitable rights memorialized in the agreements recorded against the Ontenlaunee

Property. Second, it could exercise its eminent domain powers and condemn the necessary easements.

Therefore, the City has several avenues that it could pursue in the event RAWA attempts to breach the Third Addendum through a conveyance of all or a portion of the Ontelaunee Property without prior consultation with the City. If you would like further clarification of our analysis, please feel free to call us at any time.

BILL NO. _____ - 2012

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

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

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 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.

(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 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: _____	By: _____
Mayor	Chairperson
Attest: _____	Attest: _____
City Clerk	Secretary

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 31st 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 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 §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: _____

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

_____

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 NO._____2012

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

In accordance with Section 1203 of the City of Reading Home Rule Charter, the majority of Council authorizes the formation of a Charter Review Commission to be appointed. The Commission shall be made up of eleven (11) members, seven (7) members to be appointed by City Council and four (4) members to be appointed by the Mayor, with Council approval. Those appointed shall be current residents and voters of the City of Reading and the majority of the eleven (11) appointed shall not be City officials or employees.

Adopted by Council_____, 2012

_____
Francis G. Acosta
President of Council

Attest:

_____
Linda A. Kelleher CMC
City Clerk

R E S O L U T I O N NO._____

Whereas, the Recreation Commission Agreement of Cooperation allows for the removal of members due to a lack of attendance, and

Whereas, the Recreation Commission Agreement of Cooperation, Section 4 states:

> (i) Attendance. The Commission may request the removal of any member by the City and the School District for a repeated lack of attendance at meetings. Any member missing three (3) consecutive meetings, unexcused, or attending less than 50% of regularly scheduled meetings during one calendar year is subject to the Commission's recommending that the member be removed for cause. The City and the School District have the absolute and final authority to either remove or not remove the member from the Commission.

Whereas, City Council was notified by the Chair of the Recreation Commission that William Hall Jr. has been absent for three (3) consecutive meetings, unexcused, and has requested the removal of this member.

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

As William Hall Jr. has failed to meet the attendance requirement for members of the Recreation Commission as stated in the Recreation Commission Agreement of Cooperation, Section 4 (i), he is hereby removed from the Recreation Commission, effective immediately.

Adopted by Council_____, 2012

_____

Francis G. Acosta
President of Council

Attest:

_____

Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That Paul Hoh is reappointed to Library Board with a term ending December 31, 2016.

Adopted by Council_____, 2012

_____
Francis G. Acosta
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That Andrew Molteni is reappointed to the Environmental Advisory Council with a term ending April 9, 2015.

Adopted by Council_____, 2012

_____
Francis G. Acosta
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That Valerie Zelle Phelps is appointed to the Human Relations Commission with a term ending April 9, 2016.

Adopted by Council_____, 2012

_____
Francis G. Acosta
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That Lee Olsen is reappointed to the Blighted Property Review Committee with a term ending April 9, 2016.

Adopted by Council_____, 2012

_____
Francis G. Acosta
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That James Radwanski is appointed to the Redevelopment Authority with a term ending December 31, 2017.

Adopted by Council_____, 2012

_____
Francis G. Acosta
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That Donald Taddei is appointed to the Recreation Commission with a term expiring on December 31, 2014.

Adopted by Council_____, 2012

_____
Francis G. Acosta
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk