



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, DECEMBER 7, 2015
7:00 P.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.

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.
3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
4. Citizens may not approach the Council tables at any time during the meeting.
5. Any person making threats of any type, 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, removed from Council Chambers and/or cited.
6. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

1. OPENING MATTERS

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

The purpose of the Executive Session on Monday, December 7 was related to _____.

2. PROCLAMATIONS AND PRESENTATIONS

- Council recognition of the creation of the bench made from the 2014 Christmas tree
- Mayoral recognition of students from I-Lead Charter School for their design and painting of murals

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled 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, including applause or cheering, 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 November 23, 2015

B. AGENDA: Regular Meeting of December 14, 2015

5. Consent Agenda Legislation

A. Resolution – authorizing the transfer of \$3,161,000.00 from Metro Bank to Wells Fargo Bank to increase the interest earnings for the Sewer Fund and reducing the number of bank account reconciliations

B. Resolution – promoting Fire Marshal Larry Moyer Jr to 2nd Deputy Fire Chief

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. 74 - 2015 – creating a Land Bank Board in accordance with the provisions of Act 153, enacted by the PA General Assembly on October 24, 2012, to return vacant property to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the City’s tax base. ***Introduced at the 11-9-15 regular meeting; Advertised 11-16-15; Tabled at the November 23 regular meeting***

B. Bill No. 75 -2015 – approving the 5th addendum to the water system lease with RAWA ***Introduced at the November 9 regular meeting; Tabled at the November 23 regular meeting***

C. Bill No. 76 -2015 – approving the amendment to the lease agreement with the Parking Authority ***Introduced at the November 9 regular meeting; Tabled at the November 23 regular meeting***

D. Bill No. 83-2015 - designating 0.1% of the earned income and net profits tax imposed on City of Reading residents and on non-residents of the City of Reading for the calendar year 2016 for capital improvements ***Introduced at the November 23 regular meeting***

E. Bill No. 84-2015 - authorizing the transfer of \$30,000 from the 2015 General Fund Contingency to the 2015 Abatement Account in the Property Maintenance Division ***Introduced at the November 23 regular meeting***

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – authorizing an appropriations transfer within the Department of Public Works, Division of Utilities in the amount of \$30,000.00 for budget year 2015

B. Ordinance - authorizing a loan and the transfer of funds from the general fund to the Department of Community Development in the amount of \$500,000

11. RESOLUTIONS

None

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, December 7

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

*****Monday, December 14**

No meetings

Monday, December 21

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

*****Friday, December 25**

City Hall Closed for Christmas Holiday

*****Monday, December 28**

No meetings

*****Friday, January 1**

City Hall Closed for New Year's Holiday

*****Monday, January 4**

Inauguration Ceremonies

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, December 14

Fire Civil Service Board – Penn Room – 4 pm

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

Tuesday, December 15

Charter Board – Penn Room – 7 pm

HARB – 3rd floor conference room – 7 pm

Wednesday, December 16

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Monday, December 21

Library Board – 113 S 4th St – 4 pm

Tuesday, December 22

Environmental Advisory Council – Public Works Building – noon

Housing Authority Workshop – WC Building

Housing Authority – WC Building

Planning Commission – Penn Room – 7 pm

Penn’s Commons Neighborhood Group – Penn Commons Meeting Room – 7 pm

Wednesday, December 23

Parking Authority – Parking Authority Office – 5:30 pm

Stadium Commission – Stadium RBI Room – 7:30 pm

Monday, December 28

DID Authority – 645 Penn St 5th floor – noon

District 7 Crime Watch – Holy Spirit Church – 7 pm

City of Reading City Council

Regular Meeting November 23, 2015

Council Vice President Reed called the meeting to order.

The invocation was given by Councilor Daubert.

All present pledged to the flag.

The Committee of the Whole meeting included an executive session on the contracts for the Penn Street properties.

ATTENDANCE

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Slifko, District 6

City Auditor D. Cituk

Solicitor C. Younger

City Clerk L. Kelleher

Managing Director Snyder

Mayor Spencer

PROCLAMATIONS AND PRESENTATIONS

The City Clerk administered the oath of office to

1st Deputy Fire Chief Kent A Born

2nd Deputy Fire Chief Brian L Thorpe

Fire Supression Lieutenant Andrew F Getka

PUBLIC COMMENT

Council Vice President Reed stated that there are four (4) citizens registered to address Council on non-agenda matters. She asked if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended.

Councilor Daubert read the public participation regulations adopted by Council to

those present.

Alan Shuman, of Reading, stated that two and one half years ago the City spent approximately \$3M to purchase the five (5) Penn Street properties and subsequently entered into a partnership with Our City Reading (OCR) to rehabilitate and seek tenants for the properties. When the City purchased the properties, they became exempt from property taxes and the DID assessment eliminating approximately \$300K in revenue. He expressed the belief that the properties are not being rehabilitated and are wasting away like the Elk's Club (aka Trexler Mansion) at 5th and Franklin and the properties in the vicinity of 2nd and Washington.

Christopher DiAnna, of Bingaman Street, submitted a petition containing approximately 95 signatures of citizens who reside in this 6th and Bingaman neighborhood in opposition to the Dollar General. He questioned the effectiveness of the process used to inform area residents about the proposed use of this site. He stated that having a Dollar General at this location would take business away from the existing businesses already in this neighborhood. He also expressed the belief that having this business in this neighborhood would cause public safety, traffic and congestion in an already problematic area. He asked Council to investigate the process used by the zoning administrator and the Zoning Hearing Board. He also questioned why the Zoning Hearing Board approved the project so quickly.

Shelia Perez, of Weiser Street, stated that she was told that the group opposing the reauthorization of DID cannot use a form letter to obtain "NO" votes. She asked the City to provide her with the proper format for a letter that will be accepted. She stated that she has requested assistance from several parties at City Hall but she has not received a response. She noted that the Neighborhood Improvement District (NID) Act legislation does not define the format for the required opposition letter. She described the format of the letter the opposition group is using. She requested clarification.

Maryann Ciarlone, of North 5th Street, described the ethical problems associated with anonymous complaints. She stated that former Managing Director Steve Bonczek eliminated the City's ability to take anonymous complaints shortly after the new form of government began; however, that practice has stopped. She stated that an anonymous complaint was made about one of her properties that was invalid and incorrect. She stated that current staff members refused to identify the person who filed the complaint. However, she stated that through further investigation, she learned that the complaint was filed by a female who does not fill an elected position and is in this room this evening.

APPROVAL OF THE AGENDA & MINUTES

Council Vice President Reed called Council's attention to the minutes of the November 9th meeting and to the agenda for this meeting. She noted the need to withdraw Resolution A under the Consent Agenda heading regarding the transfer of funds to Wells Fargo Bank.

Councilor Daubert moved, seconded by Councilor Slifko, to approve the agenda including the legislation listed under the Consent Agenda heading, as amended, and the minutes as listed. The motion was approved unanimously.

Consent Agenda

A. Resolution No. 90-2015 - allowing the property at 247 Washington Street to be converted to rental housing and to be transferred to Reading Housing Authority as a rental property for low and moderate income level households

ADMINISTRATIVE REPORT

The mayor issued a proclamation to supporters of the Bike Hub and noted the City's receipt of Bronze level recognition as a Bike Friendly Community. He stated that his administration applied for this recognition three times over the past four (4) years.

AUDITOR'S REPORT

The auditor's report was distributed at the meeting; in summary:

- Update on the collection of the Admissions Fee/Tax
- Update on the collection of the Real Estate Tax
- Issuance of the Auditor's comments on the 2016 Budget, as required by the Charter

Councilor Goodman-Hinnershitz thanked the Auditor for participating in the budget review meetings.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 66 - 2015 – providing for a commuter tax of up to a maximum of 1.3% on all earned income and net profits generated in the City of Reading for 2016 ***Introduced at the October 12 regular meeting; Advertised October 6th***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 66-2015.

The Managing Director stated that the commuter tax is permitted only while the City is an Act 47 City. She stated that the amount is unchanged. However, she noted that this year 0.1% of the commuter and resident EIT is allocated for capital repairs to the City's neglected infrastructure.

Bill No. 66-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

B. Bill No. 67 - 2015 – setting the property tax rate at .017689 on the dollar, or \$17.689 on each one thousand dollars for 2016 ***Introduced at the October 12 regular meeting; Advertised October 6th***

Councilor Slifko moved, seconded by Councilor Marmarou, to enact Bill No. 67-2015.

The Managing Director stated that the property tax will increase in 2016 by 2 mils with 0.2 mils dedicated to the Shade Tree Commission and 0.2 mils to the Library.

Councilor Goodman-Hinnershitz noted her belief in the process Council used to determine the need for a property tax increase; however, she stated that she will not support the increase as it will offer support to non-core services.

Councilor Sterner agreed with the dedicated millage to the Library due to the services the Library provides to the greater community. He stated that while no one likes to see property taxes increase, this increase was required due to the rising cost of the pension and health care legacy costs. He encouraged all residents to contact their State legislators about the need for broad pension reform.

Councilor Daubert agreed that no one is enthusiastic about increasing tax rates, especially those required to meet the growing cost of legacy costs.

Councilor Slifko echoed the remarks thus far and stated that he will reluctantly support this tax increase as it is needed to meet the financial obligations of the City. He noted that over the last four (4) years, the pension costs grew by \$8M. He stated that these costs required a tax increase and use of the Reserve. He also encouraged all residents to contact their State legislators about the need for broad pension reform.

Councilor Marmarou stated that he will vote in favor of the increase in taxes and he reminded everyone that the growing police pension costs are the fault of the last

administration. He stated that the former administration awarded a contract that allowed 70% pensions, which is illegal in Pennsylvania. He noted that pension reform will not correct this problem.

Councilor Goodman-Hinnershitz expressed the belief that the budget review process used this year helped Council make sound decisions. She thanked the Managing Director and her staff for their preparedness and help. She expressed the belief that a dedicated millage for library services should be approved by referendum.

Councilor Marmarou noted that in addition to the rising pension costs, police retirees also use \$1.1M in health coverage, although the majority of the retirees have become re-employed and they refuse to take the healthcare coverage offered by their current employer.

Councilor Reed expressed the belief that the City's core service needs should be funded before the City makes contributions to other organizations. She expressed her belief in the open process used to make budget related decisions.

Bill No. 67-2015 was enacted by the following vote:

Yeas: Daubert, Marmarou, Slifko, Sterner - 4

Nays: – Goodman-Hinnershitz, Reed - 2

C. Bill No. 68 - 2015 – approving the 2016 General Fund Budget *Introduced at the October 12 regular meeting; Advertised October 6th*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to enact Bill No. 68-2015.

The Administrative Services Director reviewed the major changes made to the originally proposed budget in open meetings. He stated that the originally proposed property tax rate was not changed; however, the review process did reduce the use of the Reserve. He thanked all who participated in the review process.

Councilor Goodman-Hinnershitz gave an overview of the work that went into the budget review process over 13 meetings. She expressed the belief that the City is still on shaky financial ground so outside agencies should not receive City funding. She noted that the budget is in compliance with the Amended Act 47 Recovery Plan.

Councilor Sterner thanked all who participated in the budget review process. He

stressed the need for the administration to focus their efforts on the actual collection of all delinquent taxes and fees.

Councilor Reed concurred with the stance of Councilor Goodman-Hinnershitz.

The Auditor thanked everyone who participated in the budget review meetings.

Bill No. 68-2015 was enacted by the following vote:

Yeas: Daubert, Marmarou, Slifko, Sterner - 4

Nays: – Goodman-Hinnershitz, Reed - 2

D. Bill No. 69 - 2015 – approving the 2016 Capital Improvement Plan ***Introduced at the October 12 regular meeting; Advertised October 6th***

Councilor Daubert moved, seconded by Councilor Slifko, to enact Bill No. 69-2015.

The Managing Director stated that this is the first Capital Plan that included City infrastructure projects for some time. She noted that the City's infrastructure was neglected for years. She stated that this five (5) year plan will allocate capital funds to Public Works, Fire and technology.

Councilor Goodman-Hinnershitz noted that the amount of deferred maintenance will be uncovered by the preparation of an assessment report bring prepared by PFM.

Bill No. 69-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner – 6

Nays: – None - 0

E. Bill No. 70 - 2015 – approving the 2016 Position Ordinance ***Introduced at the October 12 regular meeting;***

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 70-2015.

The Managing Director stated that the Position Ordinance authorizes 575 fulltime and 135 part-time positions for 2016. She explained that the Amended Recovery Plan has a cap that limits salary increases and new hires. She noted that there are many unfilled positions and that cuts over the past years have left a skeletal staff.

Councilor Sterner questioned the number of jobs cut over the past 13 years. Ms. Kelleher expressed the belief that well over 100 positions were eliminated.

Councilor Sterner noted that his first year on Council the annual budget was valued at \$44M.

In response to a question from Councilor Goodman-Hinnershitz, the Managing Director stated that no positions are eliminated for 2016; however, some are shuffled into different areas. She stated that the non-emergency wheelchair transportation program was eliminated earlier this year, which eliminated approximately five (5) positions in the Fire workgroup.

Councilor Sterner commended City staff for keeping up with the work flow despite the reduction in jobs.

Bill No. 70-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

F. Bill No. 71 - 2015 – Establishing the annual salary of the City Solicitor at \$72,000, effective July 1, 2015.

Councilor Daubert moved, seconded by Councilor Sterner, to enact Bill No. 71-2015.

The Managing Director explained that this increase is less than 3% and should have moved forward with the other adjustments that were made over the summer. She noted that this increase is needed due to the market value of the position and equity within the office

Councilor Daubert expressed the belief that this salary is well under that paid to other municipal solicitors.

Bill No. 71-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

G. Bill No. 72 -2015 – amending the Fee Schedule by increasing the curbside collection fee with and without municipal trash service as follows:

Curbside waste collection with municipal trash service ~~\$303.10~~ \$315.00

Curbside waste collection without municipal trash service ~~\$91.83~~ \$95.04

Penalty: Any unpaid curbside waste collection fee not paid by ~~December 31 of the year it was~~ ***the date*** due shall incur a 10% penalty, and may be subject to additional collection costs and fees.

Introduced at the 11-9-15 regular meeting; Advertised 11-16-15

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 72-2015.

Councilor Daubert stated that this increase is less than \$1 per month per household. He questioned the application of the 10% penalty.

Councilor Goodman-Hinnershitz agreed with the need to reconsider the penalty.

Councilor Slifko moved, seconded by Councilor Daubert to strike the penalty paragraph in the ordinance and reconsider new language before the end of the year.

The Solicitor noted that if the amendment is approved the existing language will remain in place.

Councilor Sterner suggested revisiting the penalty issue at a later time.

The amendment to Bill No. 72-2015 was NOT adopted by the following vote:

Yeas: Daubert, Reed, Sterner, - 3

Nays: – Goodman-Hinnershitz, Marmarou, Slifko - 3

Bill No. 72-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

H. Bill No. 73 -2015 – authorizing the transfer of funds from General Fund Debt Service Accounts to General Fund Accounts – Rental/Lease and Contingency to pay loan balance to First Columbia Bank & Trust for the Honeywell loan.

Councilor Daubert moved, seconded by Councilor Slifko, to enact Bill No. 73-2015.

The Managing Director stated the savings from the refinance of another debt allowed the early repayment of this loan. She noted that a savings will be realized.

Bill No. 73-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

I. Bill No. 74 - 2015 – creating a Land Bank Board in accordance with the provisions of Act 153, enacted by the PA General Assembly on October 24, 2012, to return vacant property to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the City’s tax base. ***Introduced at the 11-9-15 regular meeting; Advertised 11-16-15***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to table Bill No. 74-2015.

Bill No. 74-2015 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

J. Bill No. 75 -2015 – approving the 5th addendum to the water system lease with RAWA

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to table Bill No. 75-2015.

Bill No. 75-2015 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

K. Bill No. 76 -2015 – approving the amendment to the lease agreement with the Parking Authority

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to table Bill No. 76-2015.

Bill No. 76-2015 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

L. Bill No. 77 - 2015 – amending the City Code Chapter 508 Streets and Sidewalks, Part 7 Street Cut Permits regarding gas meters ***Introduced at the 11-9-15 regular meeting; Advertised 11-16-15***

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 77-2015.

Councilor Slifko explained that this amendment makes minor changes and clarifications to the original ordinance. He noted that the amendment also provides flexibility to the decision making ability of the Public Works Director. He stated that the amendment does not weaken the terms of the ordinance.

The Managing Director noted that these regulations do not apply to roads controlled by PennDOT.

Bill No. 77-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

M. Bill No. 78 - 2015 - amending the City Code Chapter 308 Housing Ordinance by retitling Part I and Part III, deleting non-applicable definitions, changing all references to housing permits to housing registration, further defining the registration and inspection requirements as well as renaming the applicable appeals board to the Code and License Appeals Board ***Introduced at the 11-9-15 regular meeting; Advertised 11-16-15***

Councilor Daubert moved, seconded by Councilor Sterner, to enact Bill No. 78-2015.

The Managing Director stated that the Bill No. 78 and 79 make changes to the cumbersome process used for housing registration. She stated that this ordinance also allows the City to revoke permits if the owner has delinquent fees. She described the work to ensure that the process used is fair.

Bill No. 78-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

N. Bill No. 79 - 2015 - amending the City Code Chapter 212 Fee Schedule Part 116 Rental Housing Inspection ***Introduced at the 11-9-15 regular meeting; Advertised 11-16-15***

Councilor Marmarou moved, seconded by Councilor Slifko, to enact Bill No. 79-2015.

Bill No. 79-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

O. Bill No. 80 - 2015 – amending the City Code Chapter 212 Fee Schedule Part 128 Rental Housing Inspection *Introduced at the 11-9-15 regular meeting; Advertised 11-16-15*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 80-2015.

Bill No. 80-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

P. Bill No. 81 - 2015 – amending the City Code Chapter 5 Administrative Code, Section 5-212 Ordinances regarding the sale of City owned property

Councilor Slifko moved, seconded by Councilor Daubert, to enact Bill No. 81-2015.

Bill No. 81-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 7

Nays: – None - 0

Q. Bill No. 82 - 2015 – amending the City's Purchasing Policy by adding provisions for the sale and lease of City owned property

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 82-2015.

Bill No. 82-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

INTRODUCTION OF NEW ORDINANCES

Councilor Goodman-Hinnershitz read the following ordinances into the record:

A. Ordinance - designating 0.1% of the earned income and net profits tax imposed on City of Reading residents and on non-residents of the City of Reading for the calendar year 2016 for capital improvements

B. Ordinance - authorizing the transfer of \$30,000 from the 2015 General Fund Contingency to the 2015 Abatement Account in the Property Maintenance Division

RESOLUTIONS

A. Resolution 101-2015 – appointing Lorena Keely to the Reading Housing Authority

B. Resolution 102-2015 – appointing Ralph Johnson to the Reading Area Water Authority

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to adopt Resolution Nos. 101-102-2015.

Councilors Marmarou, Goodman-Hinnershitz and Daubert spoke in support of these highly qualified candidates.

Councilor Goodman-Hinnershitz noted the need for those serving on boards to become acquainted with the conflict of interest section of the Municipalities Authorities Act.

Resolution Nos. 101-102-2015 were adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

C. Resolution 103-2015 – approving the Conditional Use Application for 922A Franklin Street with conditions

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to adopt Resolution No. 103-2015.

Councilor Goodman-Hinnershitz explained that it was good to see this property owner reapply after consulting with the proper professionals. She stated that the project is now in compliance with the zoning regulations.

Councilor Slifko noted that this project also puts a neighboring vacant lot into productive reuse.

Resolution No. 103-2015 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner - 6

Nays: – None - 0

COUNCIL COMMENT

Councilor Daubert agreed that a Dollar General store is not a good fit in this First Ward neighborhood. He expressed the belief that it will take business away from existing corner stores.

Councilor Sterner agreed with the concerns expressed about the Dollar General store. He noted that the Hillside Light Display opens next Sunday evening.

Councilor Marmarou announced the CHCC Holiday Party scheduled for Sunday, December 13th at 6 pm.

Councilor Goodman-Hinnershitz expressed concern that the 6th and Bingaman lot was not properly posted. She noted that Council may be able to appeal the decision on this project. She noted the success of the Holiday Planning Committee and how that planning process will be improved going into next year.

Councilor Slifko announced the Centre Park Holiday House Tour on December 12th and 13th.

Councilor Reed noted the tree lighting ceremony in Centre Park from 4:30-6:30 on December 5th.

Councilor Reed reviewed the upcoming Council meeting schedule.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to adjourn the meeting.

Respectfully submitted by Linda A. Kelleher CMC, City

Clerk

RESOLUTION NO. ____ 2015

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

Authorizing the transfer of money in the amount of \$3,161,000.00 from Metro Bank to Wells Fargo Bank. This will increase, at minimum, \$18,328.00 interest earnings for the Sewer Fund. Upon transfer, the Metro Bank account will be closed, reducing the number of bank account reconciliations.

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher

City Clerk



AGENDA MEMO

FIRE DEPARTMENT

TO: City Council
FROM: Fire Chief William Stoudt, Jr.
PREPARED BY: Fire Chief William Stoudt, Jr.
MEETING DATE: December 7, 2015
AGENDA MEMO DATE: December 2, 2015
REQUESTED ACTION: Authorize promotion

RECOMMENDATION

The Mayor and the Fire Chief request approval of the following promotion be approved within the Fire Suppression Division of the Department of Fire and Rescue Services:

BACKGROUND

Scot L. Landis, 2nd Deputy Fire Chief will be retiring effective December 17, 2015. We are requesting the promotion of Fire Marshal Larry B. Moyer, Jr. to this position effective December 20, 2015.

BUDGETARY IMPACT

None

SUBSEQUENT ACTION

Council to take action to approve this promotion within The Department of Fire and Rescue Services

RECOMMENDED BY

The Fire Chief recommends approval.

Drafted by
Sponsored by/Referred by
Introduced on
Advertised on

Fire
Chief Stoudt
December 2, 2015
N/A

(2) RESOLUTION NO. _____ 2015

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

Authorizing the following promotion within the Department of Fire and Rescue Services, effective December 20, 2015:

Fire Marshal Larry B. Moyer Jr. to 2nd Deputy Fire Chief

(3) Adopted by Council _____, 2015

Jeffrey Waltman
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____ 2015

CONFIRMING JEREMY L. SEARFOSS AS FIRE MARSHAL OF FIRE AND RESCUE SERVICES FOR THE CITY OF READING IN ACCORDANCE WITH ARTICLE VI, SECTION 603 OF THE CITY OF READING HOME RULE CHARTER, AS AMENDED.

WHEREAS, City of Reading Mayor Vaughn D. Spencer has recommended the hiring of Jeremy L. Searfoss as Fire Marshal of Fire and Rescue Services; and

WHEREAS, Mayor Vaughn D. Spencer is confident in the capabilities of Jeremy L. Searfoss and his ability to perform the duties and responsibilities of the Fire Marshal of Fire and Rescue Services.

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

That Mayor Vaughn D Spencer’s recommendation to appoint Jeremy L. Searfoss as the City’s Fire Marshal of Fire and Rescue Services, effective December 20, 2015, is hereby confirmed in accordance with Article VI, Section 603 of the City of Reading Home Rule Charter, as amended.

Adopted Council _____, 2015

President of
Council

Attest:

City Clerk

Drafted by Legal Specialist/City Clerk
Sponsored by/Referred by City Council
Introduced on Nov 9, 2015
Advertised on Nov 16, 2015

**BILL NO. _____ - 2015
AN ORDINANCE**

**AMENDING THE CITY CODE, CHAPTER 23, BOARDS, COMMISSIONS,
COMMITTEES AND COUNCILS, BY CREATING A NEW PART 15, CITY OF
READING LAND BANK.**

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

SECTION 1. Amending the City Code, Chapter 23, Boards, Commissions, Committees and Councils, by creating a New Part 15 – City of Reading Land Bank, as attached in 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 _____, 2015

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
CHAPTER 5

PART 15 City of Reading Land Bank

WHEREAS, This Chapter is in accordance with the provisions of Act 153, enacted by the PA General Assembly and signed into law by the Governor on October 24, 2012, and

WHEREAS, The City of Reading Land Bank, hereinafter the "land bank", shall possess all powers and duties permitted to it under state law, except where expressly limited in this Chapter, and

WHEREAS, Council finds and declares that there is a need for a land bank to function within the territorial limits of the City of Reading, within the County of Berks, and

WHEREAS, The mission of the land bank is to return vacant property to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the City's tax base.

§ 23-1501. Creation and Purpose.

- 1) The purpose of this Ordinance is to create the City of Reading Land Bank that will use available resources to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use thereby combating community deterioration, creating economic growth and stabilizing the housing and job market.

The land bank will acquire, hold, and transfer interest in real property throughout Reading as approved by the Board of Directors for the following purposes: to promote redevelopment and reuse of vacant, abandoned, and tax-delinquent properties; support targeted efforts to stabilize neighborhoods and stimulate residential, commercial and industrial development all in ways that are consistent

with goals and priorities established by this Ordinance, local government partners and other community stakeholders.

- 2) The City of Reading, the Reading Redevelopment Authority, and the Reading Housing Authority shall identify all surplus vacant property owned by these entities and property these entities wish the land bank to acquire within six (6) months following the effective date of this legislation.
- 3) All personnel, facilities, equipment and supplies within the land bank shall be governed by a Board of Directors as provided herein.

§ 23-1502. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Board – The board of directors of the land bank.

City – The City of Reading.

Financial Institution – A bank, savings association, operating subsidiary of a bank or savings association, credit union, or an association licensed to originate mortgage loans or an assignee of a mortgage or note originated by such an institution.

Land Bank – A public body and a body corporate and politic established under this chapter.

Land Bank Jurisdiction – As defined in the Land Bank Act, (1) a county, a city, a borough, a township and an incorporated town with a population of more than 10,000; or (2) two or more municipalities with populations less than 10,000 that enter into an intergovernmental cooperation agreement to establish and maintain a land bank.

Municipal Tax – any tax imposed and billed by the City, School District and County governments.

Owner-occupant - A natural person with a legal or equitable ownership interest in property which was the primary residence of the person for at least three consecutive months at any point in the year preceding the date of initial delinquency.

Real Property - all land and the buildings thereon, all things permanently attached to land or to the buildings thereon and any interest existing in, issuing out of or dependent upon land or the buildings thereon.

§23-1503. Enabling Provisions.

- 1) The City of Reading hereby authorizes the creation of a public body corporate and politic, to be named the “City of Reading Land Bank.”
- 2) A municipal land bank is hereby established for the purposes of acting as a land bank under the Land Bank Act and implementing and administering this Ordinance. The land bank shall have duration until terminated and dissolved under §23-1513 of this Chapter.
- 3) Title to land bank assets. Except as otherwise provided in this Ordinance, the land bank shall have and hold title to all of its real property and the City shall not have an ownership interest in real property owned by the land bank.
- 4) Tax exemption – In accordance with Section 2109 (b) of the Land Bank Act, the Real Property of the land bank and its income and operations are exempt from State and local tax, except where specifically enumerated in the Land Bank Act. This tax exemption does not apply to real property of the land bank after the fifth consecutive year in which the real property is continuously leased to a private third party. However, real property shall continue to be exempt from State and local taxes if it is leased to a nonprofit or governmental agency at substantially less than fair market value.
- 5) Compliance with law. The land bank shall comply with all federal and state laws, rules, regulations and orders applicable to this Ordinance.
- 6) Obligations of the land bank. The land bank shall not obligate the City nor shall any obligation of the land bank constitute an obligation of the City.
- 7) No third-party beneficiaries. Except as otherwise specifically provided, this Ordinance does not create in any person, other than the City, and is not intended to create by implication or otherwise, any direct or indirect benefit, obligation, duty, promise, right to be indemnified (such as contractually, legally, equitably or by implication), right to be subrogated to the City’s rights under this Ordinance, or any other right or benefit.

8) Immunity. The City and any municipality or taxing jurisdiction that combines, or participates in the land bank after the effective date shall not be liable personally on the bonds or other obligations of the land bank. Rights of creditors of the land bank shall be solely against the land bank pursuant to Section 2105 (i) of the Land Bank Act.

§23-1504. Board of Directors.

1) Board Responsibilities.

The Board shall have all powers necessary to carry out and effectuate the purposes and provisions of this Ordinance, this Chapter and the Land Bank Act, including, but not limited to, the powers set forth in Sections 2107 and 2117(a) of the Land Bank Act.

2) Appointments.

The land bank shall be governed by a Board of Directors comprised of seven (7) members that reflect the diversity and range of interests affected by the land bank's activities.

The Board of Directors shall be comprised of: 1. City Clerk, 2. one individual recommended by City Council (who might or might not be a Council member), 3. one individual recommended by the Reading Redevelopment Authority's Board of Directors, 4. one individual recommended jointly by City Council and the Redevelopment Authority Board, 5. one individual recommended by the Reading School District, 6. one representative of the Berks County Redevelopment Authority and 7. one representative of the Reading Berks Association of Realtors. All Board Members must be properly appointed by City Council.

At least one (1) appointee shall be held by a citizen who is a resident of the land bank jurisdiction, is not a public official or municipal employee and maintains membership with a recognized civic organization within the land bank jurisdiction.

The members will serve five (5) year staggered terms.

a) Members may be appointed for consecutive terms.

- b) Members shall continue to serve until their successors have been appointed and confirmed by Council.
 - c) Members shall serve without compensation but may seek reimbursement for expenses associated with duties relating to Land Bank activities.
- 3) The land bank members shall elect officers to serve as Chair, Vice Chair, Secretary, and Treasurer to serve two (2) year terms. Officers may be re-elected to serve successive terms.
- 4) Vacancies.

Any vacancy shall be filled by appointment by the organization responsible for making the appointment within thirty (30) days of the creation of the vacancy.

5) Meetings.

The board shall hold monthly public meetings, shall make each meeting's agenda available on the City's website at least seven (7) days in advance of such meeting and shall allow for public comment on matters under deliberation at each such public meeting. The place, date, and time of the land bank meetings shall be determined at the discretion of the Board of Directors. A list of the regularly scheduled monthly meetings for the upcoming year will be published in the newspaper in December. All meetings of the Board of Directors shall comply with the Pennsylvania Sunshine Act. The land bank shall have independent legal counsel at all regular and special meetings.

A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the Members of the Board of Directors on the Board shall constitute a quorum. The Board of Directors shall act by a majority vote of the Members at a meeting at which a quorum is present, except as otherwise provided in this Ordinance.

Minutes of all meetings of the Board of Directors and its Committees shall be made public and maintained with copies provided to the City Clerk on a monthly basis, at a minimum.

6) Fiduciary Duty.

The Board of Directors shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

The members of the board are under a fiduciary duty to conduct the activities and affairs of the board in the best interests of the residents of the City of Reading, including the safekeeping and use of all Board monies and assets.

§23-1505. Land Bank Powers.

The land bank board shall have the following powers and duties as defined within the policies adopted by the Board and City Council:

- 1) To file the required incorporation documents with the Commonwealth of Pennsylvania within one year of the effective date of this legislation;
- 2) To draft bylaws and operating procedures that must be approved by City Council and to develop the criteria to qualify for profit and non-profit developers;
- 3) To develop stewardship and management plans for each acquired property interest not inconsistent with or detrimental to the purpose/rationale which justifies its acquisition;
- 4) To supervise the management of the property interests acquired;
- 5) To develop annual reports of the board's activity;
- 6) To conduct real property appraisals;
- 7) To negotiate real property purchases or trades;
- 8) To provide for a system of accounting;

- 9) To adopt, amend and/or repeal policies and procedures for contracting and procurement which must be consistent with the provisions set forth in the Reading City Code;

- 10) To borrow money from private lenders, from cities or counties, from the state or from federal government funds to further or carry out the board's public purpose by executing leases, trust indentures, trust agreements, agreements for the sale of notes, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements,

assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the board, to evidence and to provide security for such borrowing;

- 11) To make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, gifts, guarantees, labor, or other aid or financial assistance in furtherance of the board's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

- 12) The City hereby assents to real estate tax payment allocation to the land bank for properties returned to the tax rolls after land bank ownership with regard to City real estate taxes to the extent allowed by state law and the land bank is authorized to see allocation of real estate taxes on return of land to the tax rolls after land bank ownership by agreement with other applicable taxing authorities; and

- 13) All other powers and duties provided for, authorized or allocated under Section 2107 of Act 153 of 2012, 68 Pa.C.S.A. §2107.

§ 23-1506. Land Bank Staff.

- 1) Employees.--A land bank may employ or enter into a contract for staff, technical experts and other individuals, including legal support, and may determine the qualifications and fix the compensation and benefits of those employees.

- 2) Contracts.--A land bank may enter into a contract with a municipality for:
 - a) The municipality to provide staffing services to the land bank; or

 - b) The land bank to provide staffing services to the municipality.

§ 23-1507. Acquisition of Property.

- 1) The land bank is authorized to acquire real property or interests in property through donation, gift, purchase, transfer, or any other legal means, provided that, with

respect to the acquisition of tax delinquent properties, the land bank shall follow the procedures set forth in subsection (2).

2) Acquisition of tax delinquent properties.

- a) The land bank is authorized to enter into agreements with the County Treasurer to purchase tax delinquent properties from the Upset Sale list, the Judicial Sale list, the Repository Sale list or through Private Sale individually or in bundles and to then file for quiet title to clear title to the property to assign and transfer a tax or municipal claim to the land bank, and to exercise the rights, privileges, and remedies of an assignee as stated in 53 P.S. § 7101 et seq.
- b) If the land bank acquires a tax delinquent property that is not vacant, the land bank shall:
 1. Negotiate with the property owner to pay the lien;
 3. Make arrangements to avoid the displacement of lower income owner occupants, as specified in Act 153; and
 4. Discharge a tax lien, with the approval of land bank jurisdiction members and other taxing authorities, including the school district.

§ 23-1508. Inventory.

- 1) The land bank shall maintain and make publicly accessible on the City's website and at its offices during normal business hours, the following information:
 - a) An up-to-date inventory of property owned by the land bank;
 - b) A map showing the properties in the land bank's inventory, as well as all additional properties reasonably known to be vacant within the City of Reading; and
 - c) A record of all property conveyed by the land bank to other parties, including, but not limited to: the sale price for which the property was conveyed; the party to whom the property was conveyed; a summary of any terms or conditions of the conveyance, including the intended use of the property; and the approximate income of the households that will benefit

from the intended use, if the sale price was nominal or reduced.

- 2) The land bank shall provide a mechanism through which individuals so requesting shall receive ongoing notifications as to changes in the status of any property until that point at which the property is conveyed by the land bank.

§23-1509. Discharge and Abatement of Real Estate Taxes, Water and Sewer Charges, and Other Municipal Claims.

- 1) The land bank is authorized to discharge liens and other municipal claims, charges, or fines against the properties it acquires.

Within sixty (60) days of written notification by the land bank, the Department of Revenue shall remove any and all municipal liens and other municipal claims, charges or fines discharged by the land bank from the records of any property held by the land bank.

- 2) For the duration of the time a property is held by the land bank, the land bank is authorized to abate all real estate taxes, water and sewer charges, and other municipal charges.

§23-1510. Disposition of Property.

- 1) The land bank is authorized to convey, exchange, sell, transfer, lease, grant, or mortgage interests in real property of the land bank in the form and by the method determined to be in the best interests of the land bank, except where expressly limited in this Section.
- 2) The Board of Directors may delegate this disposition of authority to the staff of the land bank except in the following circumstances in which the board itself must review and approve transfers of property at a public meeting:
 - a) The proposed terms of the transaction conflict with the land bank's published policies or procedures;
 - b) The transferee has a significant history of tax or water delinquencies; and/or owns property in a condition that violates the Reading Code of Ordinances; or fails to redevelop properties previously acquired from the City of Reading or other local public agencies;

- c) When requested by the District Council person representing the district in the property is located; or
 - d) When otherwise required by state law.
- 3) Public Notice. Before the execution of an agreement to use or transfer property in the land bank's inventory, the land bank shall provide notice and an opportunity for public comment as follows:

The land bank shall provide public notice of proposed transactions as early as practicable and at least thirty (30) days before any final action will be taken.

§23-1511. Certification of Compliance.

- 1) Applicants for properties must provide the land bank with certification from the City of Reading Administrative Services Department that the applicant has no tax or utility delinquencies and an affidavit from the Property Maintenance Division showing that on the date of the affidavit that all other properties owned by the applicant are in compliance with the provisions of the Property Maintenance Code or under agreement to come into compliance.
- 2) The certification and affidavit shall additionally record if the applicant has a significant history of tax or water delinquencies, or of owning property maintained in a condition that violates The City of Reading Code of Ordinances.
- 3) Certification shall not be denied when a property with tax or utility delinquency was acquired by the applicant from the City of Reading and the delinquency predates the transfer of title to the applicant.

§23-1512. Pricing.

- 1) Market value shall be determined by up-to-date data, and by using the valuation method that the land bank or its staff has determined is most appropriate given the particular conditions of the property and surrounding market.
- 2) Nominal or reduced price disposition shall be an option for any property owned by the land bank.

- 3) In calculating a reduced sales price, the discount shall take into account the benefit provided by the proposed use and the amount of discount needed to make the project both initially financially feasible and continually sustainable.
- 4) For housing projects serving households at a mix of income levels, the land bank may count the number of very low and moderate-income households served and provide proportionate discounting.
- 5) The land bank shall make available an appeals process wherein an applicant may submit evidence relevant to the value of a property.
- 6) The land bank shall enforce any provisions agreed upon as conditions of sale between the transferee and the land bank through legally binding mechanisms, including but not limited to deed restrictions, covenants, and mortgages.

§ 23-1513. Policies.

- 1) Policies of the land bank shall be initially adopted and thereafter reviewed biannually by the Board of Directors of the land bank, with opportunity for public input and comment, and must be approved by resolution of City Council. Policies shall be published on the land bank's website. The following goals shall guide the activities and policies of the land bank, in addition to its mission:
 - a) Encouraging the revitalization of neighborhoods by extending nominal or reduced-price disposition to projects that demonstrate beneficial community impact, including but not limited to: affordable or mixed-income housing that is accessible; economic development that creates jobs for community residents; community facilities that provide needed services and enrichment opportunities; side- and rear-yards; urban agriculture; and community open space.
 - b) Using up-to-date data and analysis to identify different neighborhood inventory and market conditions.
 - c) Acting consistently with Reading's Comprehensive Plan and the goals of community plans accepted by the Reading City Planning Commission in

acquisition and disposition decisions, and providing justification for any deviation.

d) Advancing socioeconomic diversity within communities throughout the City, and encouraging development that ensures the long-term affordability of housing.

e) Making land accessible to those who cannot afford immediate payment in full, including start-up businesses and low-income people seeking housing, through mechanisms including leases, seller-financed mortgages, and entry authorizations.

f) Seeking to promote housing preservation as an essential element of redevelopment.

g) Promoting high ethical standards and protecting against conflicts of interest, supplementing applicable state and local laws by adopting the City of Reading Code of Ethics for land bank board members and employees, and promulgating rules addressing potential conflicts of interest.

2) The land bank shall develop performance standards or metrics with respect to achievement of the above goals and any additional goals adopted by the land bank board through regulation, and shall publish an Annual Report by December 31st of each year detailing its performance, reporting on its yearly progress in fulfilling each of the goals set forth in this Ordinance, and including a listing of properties that went before the land bank board for approval, the reason for board review, and the outcome for each. The Annual Report shall include a financial statement and recommendations for legislation which can help the board perform its mission. This Annual Report may be included in any annual audit and report otherwise required by state law.

a) The Annual Report must be delivered to City Council through the City Clerk's office by the first week in January annually.

b) If the land bank is unable to deliver an Annual Report showing that its goals are being achieved, the land bank shall include with the statement a remedial plan to be executed during the following year.

§23-1514. Financial Provisions.

The land bank shall retain proceeds from the sale of any properties to cover operating costs, maintenance of inventory and to support additional strategic property acquisition, up to whatever amount shall be specified in the land bank's policies as approved by Council, provided that is consistent with local law.

§ 23-1515. Dissolution; Distribution of Assets in Case of Dissolution.

The land bank may be dissolved according to the requirements of state law upon a finding adopted by the Board of Directors and approved by City Council that there is no longer any need for a land bank to function within the territorial limits of the City of Reading.

§ 23-1516. Insurance and Indemnification.

(a) The City shall obtain insurance to defend and indemnify the land bank and the members of the Board of Directors with respect to all claims or judgments arising out of their activities as members with respect to all negligence claims and claims or judgments arising out of land bank activities performed on behalf of the land bank or City.

(b) The City shall not be obligated to indemnify the board or member for:

- 1) Punitive damages or liability arising out of conduct which is based upon willful or wanton conduct.
- 2) Conduct which is outside of the scope of the board.
- 3) Any settlement or judgment in which the City did not participate.
- 4) The defense of any criminal or disciplinary proceeding.

(c) To be eligible for defense and indemnification, the board or member shall be obligated to:

- 1) Notify, within five days of receipt, the City of Reading Human Resources Division of any claim made against the member or board and deliver all

written demands, complaints and other legal papers, received by the practitioner with respect to such claim to the Office of Risk Management and City of Reading law Department.

- 2) Cooperate during the investigation and defense of any claim against the City or any member, including, but not limited to, preparing for and attending depositions, hearings and trials and otherwise assisting in securing and giving evidence.

- 3) Promptly notify the City Clerk of any change in the member's address or telephone number.

§23-1517. Non-Discrimination.

The land bank shall comply with all applicable law prohibiting discrimination. The land bank shall be committed to assure that the public body, its board members, its staff and those under its direction and control shall provide services in a manner that does not discriminate against an individual because of religion, race, color, national origin, age, sex, sexual orientation, marital status, partisan considerations, disability or genetic information. The land bank shall not fail or refuse to hire, recruit, promote, demote, discharge or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition or privilege of employment because of religion, race, color, national origin, age, sex, sexual orientation, marital status, partisan considerations, disability or genetic information.

Drafted by City Clerk
Referred by Man. Dir/City Council
Introduced on November 9, 2015
Advertised on N/A

BILL NO. ____-2015

AN ORDINANCE

DIRECTING THE MAYOR TO EXECUTE THE LEASE AGREEMENT WITH THE READING PARKING AUTHORITY AS ATTACHED IN EXHIBIT A.

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

Section 1. Directing the mayor to execute the Lease Agreement with the Reading Parking Authority as attached in Exhibit A.

Section 2. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

Section 3. 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: _____, 2015

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

PARKING AUTHORITY LEASE AGREEMENT

THIS AGREEMENT made this ____ day of _____ 2015, by and between the CITY OF READING, a municipal corporation of the Commonwealth of Pennsylvania, hereinafter referred to as "City" and the READING PARKING AUTHORITY, an authority organized under laws of the Commonwealth of Pennsylvania, with its principal office located at 613 Franklin Street, Reading, Berks County, Pennsylvania, hereinafter referred to as "Authority". ("City" and "Authority" hereinafter collectively referred to as "Parties")

WHEREAS, the City by the enactment of Ordinance 8-97 as signed by the Mayor of the City of Reading on April 15, 1997 *and Resolution 31-2001 as adopted by Council on April 9, 2001* directed the Authority in accordance with the Pennsylvania Parking Authorities Act, 53 Pa. C.S. § 345, as amended to develop, administer and enforce a system of on-street parking regulations; and

WHEREAS, the Authority has developed, administered, and enforced such systems to the mutual benefit of the City and the Authority; and

WHEREAS, the Authority was created by the City pursuant to the aforementioned Parking Authorities Act, as amended, and as such act is presently enabled and implemented in accordance with the City of Reading Charter; and

WHEREAS, the parties hereto intend to, by the execution of this Agreement, facilitate and sustain the direction and control of parking operations from the City of Reading to the Reading Parking Authority pursuant to and consistent with the powers and limitations found in the aforementioned Parking Authorities Act; and

WHEREAS, the parties hereto intend by the execution of this Agreement

to enter into and formalize a spirit of cooperation between them designed to promote and advance the smooth and orderly circulation of motor vehicle traffic throughout the streets and thoroughfares of the City of Reading and to enhance the availability of parking for those vehicles necessary for the health, safety and welfare of the community.

NOW, THEREFORE, both parties, intending to be legally bound, do hereby covenant and agree as follows:

- (4) **CONFIRMATION.** Except as the same is amended or supplemented hereby, the terms, provisions and conditions of the Original Lease, as amended, are confirmed in all respects.

TERM. The authority and grant of power is heretofore transferred to the Parking Authority pursuant to Ordinance 8-97 *and Resolution No. 31-2001* is hereby enacted and confirmed to be in effect for the duration of the Parking Authority Charter as *adopted and* amended by the Council of the City of Reading. The term of this Lease is five (5) years commencing on _____, 2015, and terminating on _____, 2020. Either party shall have the right and option to renew this Lease pursuant to these conditions and terms, provided that the Authority is not in default of the terms and conditions of this Lease and further provided that no notice of non-renewal has been timely given pursuant to the Section below. This lease shall automatically renew for a second five (5) year term unless either party elects not to renew.

NON-RENEWAL. Either party may elect not to renew this Lease upon sixty (60) days written notice indicating the same.

RENTAL PAYMENT. The Authority shall pay to City the sum of Two and One Half Million Dollars (\$2,500,000.00) as rent each year of the Lease term. The rent shall be payable quarterly during the Lease term in the amount of Six Hundred Fifty Thousand Dollars (\$650,000.00) per quarter to the Administrative Services Director without prior

demand by the City. Beginning January 1, 2017, the amount of the combined Lease payment for each calendar year shall be increased on January 1 of each year by an amount equal to the positive change in the Consumer Price Index for the most recently completed twelve (12) month period for which such index is reported (expressed as a percentage) multiplied by the amount of the Lease Payment for the immediately preceding January 1 or 2.5% per annum, whichever amount is greater.

CARE AND MAINTENANCE OF THE PROPERTY. The Authority shall use due care in the use of the Property.

BINDING EFFECT. This Lease shall be binding upon the heirs, executors, personal representatives, successors and assigns of the parties hereto. The Authority shall not have the right to assign this Lease or sublet the Property without the prior written consent of City.

INDEMNIFICATION. The Authority hereby agrees by the execution of this Agreement that it will indemnify and hold harmless the City of Reading, its agents, officers, and employees from any and all claims, actions, judgments and proceedings against the City, its agents, officers, and employees as a direct or indirect result of its compliance with the provisions and terms of this Agreement. This indemnity and hold harmless shall not apply to any actions or losses which occur as a result of the direct or indirect negligence or willful conduct of the City, its agents, officers, and employees.

AUTHORITY AUDIT. The Authority shall provide the City Clerk and City Auditor with a correct and complete final draft copy of the Authority's audited financial statements no later than May 30 of each year and a copy of the Authority's final audited financial statement by June 15 of each year.

ANNUAL PARKING SYSTEM REVIEW. No later than June 30 of each year, the Authority shall present an annual plan including a statement and current status of goals and objectives and a detailed management discussion and analysis of operations and finances, to the City Clerk for agreement or disagreement by City Council by September 1 of each year.

AUTHORITY FINANCIAL REPORTS AND DEBT CLOSING BINDERS. The Authority shall provide the City Clerk and City Auditor with correct and complete copies of current quarterly financial reports of the Authority no later than 45 days after the end of each fiscal quarter of the Authority. The Authority shall provide the City Clerk and City Auditor with any other financial or operational information in its possession or readily obtainable that is requested by Council within ten (10) days of such request. The Authority shall provide the City Clerk and City Auditor correct and complete executed copies of all existing Authority debt closing transcripts, bibles and documents within forty-five (45) days from the date of this Agreement. Going forward, the Authority shall provide the City Clerk and City Auditor correct and complete executed copies of all Authority debt closing transcripts, bibles and documents within ten (10) days from the date of the closing of any debt incurred by the Authority.

AUTHORITY MEETING MINUTES. The Authority shall provide the City Clerk with correct copies of the Authority Board meeting minutes within 30 days of all public meetings held by the Authority Board.

USE OF PARKING FACILITIES. *The Authority shall not charge the City to park City owned vehicles in any parking facility or lot unless an agreement is reached with the Managing Director.*

- ~~2. The Mayor is hereby authorized to enter into and execute all documents or other instruments of conveyance necessary and related to the transfer of all right, title, interest and ownership, and all items of personal property presently under the control of the City of Reading related to and necessary to the efficient operation and enforcement of on-street parking regulations and ordinances throughout the City of Reading. This includes without limitations items such as parking meters, office equipment, tools, spare parts, manufacturers warranties and all other appurtenances and items related directly or indirectly to the efficient operation of the on-street parking system and enforcement of violations of the applicable regulations and ordinances.~~

RESPONSIBILITIES OF THE AUTHORITY AND THE CITY.

1. Department of Public Works

~~Commencing on May 1" 2001,~~ The Authority is hereby delegated as an agent of the City to perform the following functions with respect to on-street parking which were heretofore the responsibility of the Department of Public Works.

- a. Propose to the Administration and promulgate regulations regarding on-street parking, including the following:
 - i. Analysis of the existing conditions;
 - ii. Preparation of all documentation to modify existing or implement new parking regulations;
 - ~~iii. Regulations designating limited time parking, loading zones and any other temporary non-emergency or special parking program; e.g. bus zones and taxi stands.~~
 - iv. Regulations designating residential parking zones and regulations in the implementing and administration of the residential parking program.
 - v. Notify the ~~City Engineer~~ **Public Works Director** of any insufficient, defective or deteriorated signage.
- (vi) Enforce parking **vehicle non-moving** regulations and provide guidance for the City's maintenance program. This includes authorizing and arranging for the removal of vehicles **when warranted in consultation with the Police Department by the City's towing contractor.** ~~in accordance with the Temporary Parking Restriction ordinance.~~
- (vii) Provide professional guidance to the Administration on parking related matters that involve proposed development, infrastructure improvements and customer needs.

The above power to promulgate regulations shall be strictly limited, controlled and in complete conformity with all ordinances of the Council of the City of Reading enacted or to be enacted in the future with respect to on-street parking

requirements.

- b. Propose to the ~~City Engineer~~ **Public Works Director** the contents and signs required pursuant to regulations established under section (a) above. The Department of Public Works shall fabricate, install and maintain all signs regulating on-street parking. Public Works and the Authority may modify this procedure to respond to unusual or extraordinary signage requirements.
- c. All modifications to any traffic related parking restriction shall be approved by the ~~City Engineer~~ **Public Works Director**. The Authority will submit such modifications to the ~~City Engineer~~ **Public Works Director** for prior written approval.
- d. The Authority will submit work orders to the Department of Public Works, for signs required pursuant to section (a). The ~~City Engineer~~ **Public Works Director**, directly or through outside contractors, shall provide sufficient resources to fabricate, install and maintain such signs in a timely and efficient manner, and shall provide the Authority on a regular basis with a schedule for the performance of work orders issued by the Authority.
- e. The Authority shall consult with the ~~City Engineer~~ **Public Works Director** on comprehensive parking plans developed for areas of the City, in order to ensure adequate and safe traffic movement as well as parking opportunities.
- f. The Authority shall administer and receive the revenue from temporary, loading zone and short-term parking restriction permits.
- g. The Authority will assume the responsibility for installing, removing, repairing and replacing parking meters, ~~and~~ poles, **and kiosks** as needed.
- h. The Department of Public Works will notify the Authority, whenever possible, of any temporary short term parking restrictions it must initiate. Such notification will be made as much in advance as possible ~~via telephone or fax~~ to minimize any confusion to the public as well as enforcement on the streets.
- i. The Reading Parking Authority shall consult with the **Public Works** Department from time to time as appropriate under the circumstances.

3. Department of Police

The Authority is hereby delegated as an agent of the City to perform the following functions with respect to on-street parking which was heretofore the responsibility of the Department of Police.

- a. The distribution, retrieval and issuance of parking tickets by Parking Enforcement Officers of the Authority.
- b. The payment processing of all parking tickets issued by Police Officers and Authority Personnel.
- c. The issuance of any on-street parking permits with the exception of short-term or emergency parking restrictions necessary for police operations.

The power herein granted to the Authority shall be exercised concurrently with all powers given to the Department of Police in the enforcement of Standing, Stopping and Parking restrictions by applicable State and City law, with the understanding that the Department of Police is fully empowered, authorized, and directed to continue to issue parking tickets and enforce all other laws, ordinances and statutes related to parking of the Commonwealth of Pennsylvania in the City of Reading. ~~In addition, the Authority and the Department of Police shall bear concurrent responsibility for booting and towing of vehicles for on-street parking violations pursuant to applicable sections of the Codified Ordinances of the City of Reading.~~ ***The Authority shall have the power to boot and tow scofflaws using the City's towing contractor. The Authority may tow other vehicles in violation of the City's non-moving violations in consultation with the Police Department with the City's towing contractor.***

- d. The Authority and the Department of Police shall jointly develop and have printed parking tickets for use by both organizations, the cost of which shall be equally shared.

- e. The Department of Police shall retain the responsibility for responding to public inquiries or complaints regarding tickets issued by Police Officers.
- f. The Authority shall consult with the *Police* Department from time to time as appropriate under the circumstances.

~~4. Department of Finance~~ ***Administrative Services Department***

~~Commencing on May 1"2001,~~ The Authority is hereby delegated as an agent of the City to perform the following functions with respect to on street parking which were heretofore the responsibility of the ~~Department of Finance~~ *Administrative Services Department*.

- a. The collection and banking of coins from parking meters.
- b. The collection and banking of monies for fines and penalties from parking tickets issued by the ~~Bureau of Police~~ *Department of Police*.
- e. All funds collected from parking meters *and kiosks* and all fines or penalties collected directly by the Authority ***shall be remitted to the City on a quarterly basis.*** ~~and~~ Such fines or penalties as are collected by prosecution through a *Magisterial* District Justice Court, the Court of Common Pleas, or appellate Courts ***shall be retained or remitted to the organization that issued the original citation.*** ~~and which shall be paid directly by the administration of such counts to the Authority, shall be retained by the Authority subject to its obligation under paragraph 6.~~
- ~~d. Until such time as the Authority receives direct payments from the courts or collect for herein, any such amounts received by the City from the Courts will be apportioned so that the City retains Thirty percent (30%) of such amounts and Seventy percent (70%) of such amounts will be paid to the Authority within 30 days of the City's receipt thereof.~~

IN WITNESS WHEREOF, the City of Reading, Berks County, Pennsylvania, has caused this Agreement 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 Parking 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 Parking Authority

Mayor

Chair

ATTEST:

ATTEST:

City Clerk

Secretary to the Board

Drafted by RAWA Solicitor/City Clerk
Sponsored by/Referred by Council Pres/Managing Director
Introduced on November 9, 2015
Advertised on N/A

BILL NO. ____-2015
AN ORDINANCE

DIRECTING THE MAYOR TO EXECUTE THE 5th ADDENDUM TO THE LEASE AGREEMENT WITH THE READING AREA WATER AUTHORITY (RAWA) AS ATTACHED IN EXHIBIT A.

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

Section 1. Directing the mayor to execute the 5th Addendum to the Lease Agreement with the Reading Area Water Authority (RAWA) as attached in Exhibit A.

Section 2. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

Section 3. 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: _____, 2015

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: _____

EXHIBIT A

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

THIS FIFTH ADDENDUM, (the “Fifth Addendum”) by and between the City of Reading, Berks County, Pennsylvania (“City”) and the Reading Area Water Authority (“Authority”), is hereby entered into this ____ day of November 2015 (“Addendum Date”), 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, in December, 2010, in 2012 and as of November 2014 (the “Original Lease, as amended”).

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 Lease, as amended;

C. WHEREAS, under the Original Lease, as amended, RAWA operates the regional Water System of the City, and provides certain other services under the oversight of, and with the assistance and cooperation of the City;

D. WHEREAS, the parties mutually desire to enter into this Fifth Addendum in order to, among other things, amend and clarify certain matters addressed in the Original Lease, as amended and to supplement the Original Lease, as amended; and

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:

(5) Definitions. Unless otherwise defined herein, all capitalized terms used in this Fifth Addendum shall have the meanings ascribed to them in the Original Lease, as amended.

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

(6) Confirmation. Except as the same is amended or supplemented hereby, the terms, provisions and conditions of the Original Lease, as amended, are confirmed in all respects.

(7) Curbside Waste Services Billing by RAWA.

(a) Commencing January 1, 2016, RAWA shall serve as the City’s billing agent for purposes of billing and collecting fees for City Curbside Waste Services delivered to residents by the City on and after January 1, 2016 (“Curbside Fees”). RAWA will no longer purchase Curbside Fees from the City after December 31, 2015; provided that it shall continue to own receivables for fees billed by RAWA for City Curbside Waste Services delivered to residents by the City on and before December 31, 2015, heretofore purchased from the City.

(b) To the extent that they exceed the Guaranteed Collection Payments (hereafter defined) theretofore paid by RAWA to the City, on a cumulative basis through the end of any month, RAWA shall transfer to the City by electronic means any and all receipts for Curbside Fees on a daily business day basis not later than the end of the business day after such receipts are received by RAWA.

(c) By previous agreements, which are hereby confirmed, RAWA bills and collects its own water fees and charges, as well as the City’s sewer fees and charges, as the City’s agent. RAWA and the City agree, in order to keep the cost of billing services to City residents as low as possible, that RAWA will bill for City Curbside Fees on the same bill as that delivered to residents and customers for Water and Sewer services. RAWA will apply all payments made to it in respect of such billings on a pro-rata, across the board basis, such that the amount of any payment credited to any service shall bear the same relationship to the entire payment made as the billed amount for such service bears to the total amount billed.

(d) RAWA shall make guaranteed collection payments (the “Guaranteed Collection Payments”) to the City, in the amounts and at the times, set forth on Exhibit “A” hereto.

(f) Annually, as soon as practicable after the end of each calendar year, RAWA and the City shall reconcile receipts from the prior year and shall make such necessary transfers as are necessary to assure that payments for each year conform to the amounts required by this agreement.

(g) The agreement set forth above with respect to curbside waste billing shall continue in force until December 31, 2017 and may be extended indefinitely by agreement between the parties hereto. The parties hereto shall meet to discuss any desired modifications or amendments to the agreement set forth above with respect to curbside waste billing on a mutually selected date between August 15, 2017 and September 15, 2017. If no agreement can be reached by September 15, 2017 to extend in accordance with the agreement set forth above or to modify or amend the agreement, then either party may terminate the agreement with respect to curbside waste billing.

~~(8) Authority Solicitor. The Authority shall appoint annually such person or firm licensed to practice law in the Commonwealth of Pennsylvania to serve as RAWA Solicitor as it so chooses, without restriction.~~

IN WITNESS WHEREOF, the City of Reading, Berks County, Pennsylvania, has caused this Fifth 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

Asst. Secretary

Drafted by _____ Solicitor
Sponsored by/Referred by _____ Managing Director
Introduced on _____ November 23, 2015
Advertised on _____ N/A

BILL NO. _____

A N O R D I N A N C E

AN ORDINANCE DESIGNATING ONE TENTH OF ONE PERCENT (.1%) OF THE EARNED INCOME AND NET PROFITS TAX IMPOSED ON CITY OF READING RESIDENTS AND ONE TENTH OF ONE PERCENT (.1%) OF THE EARNED INCOME AND NET PROFITS TAX IMPOSED ON NON-RESIDENTS OF THE CITY OF READING FOR 2016 FOR CAPITAL IMPROVEMENTS.

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

SECTION 1. The City of Reading hereby designates one tenth of one percent (.1%) of the earned income and net profits tax imposed on City of Reading residents and one tenth of one percent (.1%) of the earned income and net profits tax imposed on non-residents of the City of Reading for the calendar year 2016 for capital improvements.

SECTION 2. This Ordinance shall become effective January 1, 2016 and shall continue in effect until it may be repealed or modified by ordinance enacted by the City of Reading Council in accordance with the applicable Home Rule Charter provisions.

Enacted on _____ 2015

Jeffrey S. Waltman
President of Council

Attest:

Linda A. Kelleher
City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Drafted by: Controller & Business Analyst
Sponsored/Referred by: Managing Director
Introduced on: November 23, 2015
Advertised on: N/A

BILL NO. ____ - 2015

AN ORDINANCE

**AUTHORIZING THE TRANSFER OF FUNDS FROM THE 2015 GENERAL FUND
CONTINGENCY TO THE PROPERTY MAINTENANCE DIVISION OF THE DEPARTMENT
OF COMMUNITY DEVELOPMENT**

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

Section 1: Authorizing the transfer of \$30,000 from the 2015 General Fund Contingency (Account No. 01-14-91-739) to the 2015 Abatement Account (Account No. 01-10-36-4210) in the Property Maintenance Division of the Department of Community Development.

Section 2: This ordinance shall be effective ten (10) days after its adoption in accordance with sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted _____, 2015

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

**Dept of Public Works,
Division of Utilities**

TO: Members of City Council
FROM: Amy Morriss
PREPARED BY: Ann Burkert
MEETING DATE: 12/7/2015
AGENDA MEMO DATE: 11/30/2015
RECOMMENDED ACTION: Approve Appropriation Transfers

BACKGROUND:

This transfer is to cover current and future overtime due to staff shortage.

BUDGETARY IMPACT:

There is no impact to the overall WWTP budget; however, there is a transfer of \$30,000 between the following line items in the budget.

From: \$15,000 from Contracted Services, 54-07-44-4216; \$15,000 from Fees, 54-07-44-4235

To: Overtime, 54-07-44-4006

PREVIOUS ACTION:

None

RECOMMENDED BY:

Amy Morriss, Wastewater Manager
Ralph Johnson, Public Works Director

RECOMMENDED MOTION:

Approve the request.

Drafted by: Wastewater Manager
Sponsored/Referred by: Managing Director
Introduced on: December 7, 2015
Advertised on: N/A

BILL NO. ____2015

AN ORDINANCE

AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF UTILITIES IN THE AMOUNT OF \$30,000.00 FOR BUDGET YEAR 2015

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

Section One: Council hereby authorizes the transfer within the 2015 Department of Public Works, Division of Utilities budget a total of \$30,000.00: \$15,000 from Contracted Services (54-07-44-4216), and \$15,000 from Fees (54-07-44-4235) to Overtime (54-07-44-4006) for the purpose of covering funds for current and future overtime due to staff shortage for the Wastewater Treatment Plant.

Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED _____, 2015

President of Council

ATTEST:

City Clerk

Submitted to Mayor by: _____

Date Submitted: _____

Received in Mayor's Office by: _____

Date Received: _____

Approved by Mayor: _____

Date Approved: _____

Vetoed by Mayor: _____

Date Vetoed: _____



CITY OF READING, PENNSYLVANIA

Lenin Agudo, MBA
Director, Community Development

MEMORANDUM

TO: Carole Snyder, MD, City of Reading
FROM: Lenin Agudo
DATE: December 2, 2015
SUBJECT: CD Loan from the General Fund

Dear Ms. Snyder:

I am writing to request to borrow \$500,000 in funds from the general fund in order to cover costs incurred by Community Development programs until we receive our annual (2016) entitlement from HUD. In support of this request, first, I would like to reiterate HUD's process for approving entitlement funds and depositing funds into our (CD Checking) account and explain why this has become an issue for the Community Development Department. Secondly, I would like to present a tentative timeline for when to expect the deposit from HUD based on our experience in prior years.

As you may be aware, the Annual Action Plan, approved by City Council serves as a preliminary budgeting tool. In order to prepare the Action Plan to be submitted annually by November 15th, the CD Department must make an educated guess as to what next year's entitlement will be, and create a budget based on it. The budget is then adjusted once we are notified of what our actual entitlement for the year will be. However, this notification generally does not come until mid-way into the program year.

While we await notification regarding our actual award amount, we must begin spending our funds, particularly CDBG funds, to meet HUD timeliness requirements. Furthermore we generally have to wait weeks or even months after the original award notification to actually receive HUD funds into our account. Adhering to requirements regarding timeliness of expenditure, while awaiting receipt of our funds from HUD, has created a problem for Community Development.

We anticipate that we will receive funds from HUD by no later than the end of August, 2016 based on the dates on which we have received the funds in prior years. In prior years, we received funds into our account as follows:

2012 – August, 20th
2013 – August, 27th
2014 – August, 15th
2015 – August, 17th

Sincerely,

Lenin Agudo
Director, City of Reading Community Development Department

Cc: Vaughn D. Spencer, Mayor
Donald Pottiger, Acting Director of Administrative Services

Drafted by
Sponsored by/Referred by
Introduced on
Advertised on

Community Development Director
Managing Director
December 7, 2015

BILL No. _____ 2015

AN ORDINANCE
AUTHORIZING A LOAN AND THE TRANSFER OF FUNDS FROM THE
GENERAL FUND TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT

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

SECTION 1. The Administration of the City of Reading is authorized to transfer up to \$500,000 from the General Fund (Fund 01) to the Department of Community Development (Fund 32).

SECTION 2. The amounts transferred pursuant to Section 1 shall be considered a loan, and shall be repaid upon receipt by the Department of Community Development of certain Federal funds for the year 2016

SECTION 3. This Ordinance shall be effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher
City Clerk

Submitted to Mayor: _____
Date: _____
Received by the Mayor's Office: _____
Date: _____
Approved by Mayor: _____
Date: _____
Vetoed by Mayor: _____
Date: _____