



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, DECEMBER 21, 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 21 was related to _____.

2. PROCLAMATIONS AND PRESENTATIONS

- 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 December 7, 2015

B. AGENDA: Regular Meeting of December 21, 2015

5. Consent Agenda Legislation

A. Resolution – approving the appeal of the HARB COA for the installation of a fence at 1015 Rose Street

B. Resolution – denying the appeal of the HARD COA for the installation of an aluminum awning at 1023 North 5th Street

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 and December 7 regular meetings***

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 and December 7 regular meetings***

C. Bill No. 85-2015 – authorizing an appropriations transfer within the Department of Public Works, Division of Utilities in the amount of \$30,000.00 for budget year 2015 ***Introduced at the December 7 regular meeting***

D. Bill No. 86-2015 - authorizing a loan and the transfer of funds from the general fund to the Department of Community Development in the amount of \$500,000 ***Introduced at the December 7 regular meeting***

10. INTRODUCTION OF NEW ORDINANCES

None

11. RESOLUTIONS

A. Resolution – appointing Amy Crawford to the Animal Control Board

C. Resolution – approving the Land Bank Bylaws which authorizes the Land Bank Board to undertake specific activities identified in the Land Bank Ordinance

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

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

Wednesday, January 6

Conditional Use Hearing – 403 Elm St – 5 pm

HARB Appeal Hearing – 835 Rose St – immediately following

HARB Appeal Hearing – 1028 N 4th St – immediately following

Monday, January 11

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

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

Monday, January 4

Shade Tree Commission – Public Works Building – 6 pm

Tuesday, January 5

Charter Board – Penn Room – 7 pm

Wednesday, January 6

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

District 2 Crime Watch – St Paul’s Lutheran Church – 6:30 pm

Thursday, January 7

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Sunday, January 10

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, January 11

Fire Civil Service Board – Penn Room – 4 pm

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

City of Reading City Council

Regular Meeting

December 7, 2015

Council President Waltman called the meeting to order.

The invocation was given by Councilor Goodman-Hinnershitz.

All present pledged to the flag.

The Committee of the Whole meeting included an executive session to discuss litigation.

ATTENDANCE

Council President Waltman

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

- Council commendation to Public Works Foreman Luke Schultz and recognition certificates to Reading-Muhlenberg Career & Technology Center students and Mr. Steve Weber for the creation of the bench made from the 2014 Christmas tree

PUBLIC COMMENT

Council President Waltman stated that no citizens are registered to address Council this evening.

APPROVAL OF THE AGENDA & MINUTES

Council President Waltman called Council's attention to the minutes of the November 23rd meeting and to the agenda for this meeting, including the legislation listed under

the Consent Agenda heading.

Councilor Sterner moved, seconded by Councilor Marmarou, 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 103-2015 – 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 104-2015 – promoting Fire Marshal Larry Moyer Jr to 2nd Deputy Fire Chief

C. Resolution 105-2015 – requesting a Multimodal Transportation Fund grant of \$969,298.14 from PennDOT for the Joint Skyline Drive Improvement project and designating two officials from Lower Alsace to facilitate and assist in obtaining the grant

D. Resolution 106-2015 – promoting Lt. Jeremy Searfoss to Fire Marshal

ADMINISTRATIVE REPORT

The mayor distributed his report in writing at the start of the meeting and stated that he is open to questions. There were no questions.

AUDITOR'S REPORT

The Auditor did not submit a report to Council at this meeting.

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***

Councilor Slifko moved, seconded by Councilor Daubert, to table Bill No. 74-2015.

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

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

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*

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

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

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

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*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to withdraw Bill No. 76-2015.

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

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

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*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 83-2015.

Bill No. 83-2015 was enacted by the following vote:

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

Nays: – None - 0

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

Councilor Slifko moved, seconded by Councilor Daubert, to enact Bill No. 84-2015.

Bill No. 84-2015 was enacted by the following vote:

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

Nays: – None - 0

INTRODUCTION OF NEW ORDINANCES

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

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

RESOLUTIONS

There were no resolutions requiring Council consideration at this meeting.

COUNCIL COMMENT

Councilor Reed stated that she issued a commendation regarding the 100th anniversary of Christ Lutheran Church yesterday. She noted the many ways the church continues to serve the Reading community.

Councilor Slifko announced the tree lighting ceremony planned at the I LEAD Charter School on Thursday, December 10th. He also noted the upcoming Holiday House Tour in Centre Park. Brunch will be served from 10:30 am to 1:30 pm and the tour will run from 1 pm until 6 pm.

Councilor Daubert thanked the Public Works and Fire Departments for their rapid response to complaints about Sulphur odors this past Sunday.

Councilor Goodman-Hinnershitz thanked the City's first responders when a car struck the front of a home in her East Reading neighborhood. She expressed gratitude that a gas meter was not at the front façade of this property.

Councilor Goodman-Hinnershitz thanked Public Works Foreman Luke Schultz for the contributions he made toward decorating the downtown this holiday season and his tireless work to create the bench and doghouse.

Councilor Goodman-Hinnershitz announced the Lunch with Santa events scheduled for December 19th and 20th at the Pagoda. Details are available on the Pagoda website. She thanked the Reading Eagle for the articles in the Sunday newspaper about the East Reading community.

Councilor Marmarou announced the CHCC holiday party scheduled for Sunday, December 13th at 6 pm at Nativity Lutheran Church.

Councilor Sterner reminded everyone to visit the holiday light display at Hillside Playground organized by Tim Profit, the RHS Jr. ROTC and others.

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

Respectfully submitted by Linda A. Kelleher CMC, City

Clerk

Drafted by City Clerk/City Solicitor
Sponsored by/Referred by City Clerk/City Solicitor
Introduced on N/A
Advertised on N/A

RESOLUTION NO. _____ 2015

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

Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for the aluminum awning at 1023 North 5th Street, Vernon and Helen Thomas, applicants/owners, and ordering the property owners to comply with the proposal issued by HARB at their October meeting.

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher, City Clerk

**Appeal of Historic Architectural Review Board
Certificate of Appropriateness**

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
HELEN & VERNON THOMAS	§	CITY COUNCIL
1023 NORTH 5 th STREET	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Wednesday, December 9, 2015 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) on the Certificate of Appropriateness for the installation of the aluminum awning by Vernon and Helen Thomas (Respondent), at 1023 North 5th Street (Subject Property).

At their October 2015 meeting, HARB unanimously denied:

CERTIFICATE OF APPROPRIATENESS
Resolution No. 78-15

WHEREAS, the Reading Historical Architectural Review Board at its October 20, 2015 meeting reviewed the plans and specifications of Vernon and Helen Thomas, owners of 1023 N. 5th St., Reading, Pennsylvania for

**(b) THE INSTALLATION OF AN ALUMINUM AWNING AT THE FIRST FLOOR
FRONT PORCH (VIOLATION)**

and DENIED a Certificate of Appropriateness for said work as described in the attached report.

Now, therefore, on the 20th day of October, 2015, I, Amy Woldt Johnson, Historic Preservation Specialist, hereby DENY this Certificate of Appropriateness for aforesaid work in the name of the Reading Historical Architectural Review Board.

Amy Woldt Johnson
Historic Preservation Specialist

Findings of Fact

1. The Historic Architectural Review Board (HARB) is part of the City of Reading City Code Chapter 295 Part 1 – Historic and Conservation Districts. The HARB is a board of nine (9) duly qualified members.
2. At the HARB October 24, 2015 meeting the Applicants requested permission to retain the newly installed aluminum awning that was installed without a building permit or a Certificate of Appropriateness (COA). After consideration, the request was denied and the applicants were afforded with one (1) year to provide proof of financial hardship and documentation from a physician regarding a health condition that makes the awning a necessity.
3. At the hearing the Respondent testified that the contractor, Aluminum Associates, told her that a COA was not needed as the historic district boundary line was across the street. Although the Historic Preservation Specialist testified that the Respondents applied for a COA for porch repairs in 2008.
4. The Respondent testified that the decision to install an awning at the property stems from her husband's stroke and his inability to be in direct sunlight. She noted that the roof and the porch sustained damage from the hail storm last year and that she is unable to repair the porch and replace the awning. She stated that at the HARB hearing she requested financial hardship papers, as she and her husband are on fixed incomes.
5. The Respondent stated that HARB ordered the awning to be replaced with a canvas awning. She also noted the difficulties a canvas awning would create as it needs to be retracted in bad weather and taken down during the colder weather months. She stated that her husband is disabled from a stroke and she is unable to manage the awning on her own. She also noted the difficulties associated with removing the awning for the cold weather months then reinstalling it in the spring. She noted that the aluminum awning would provide yearlong protection for the porch.
6. The Respondent asked Council to approve the aluminum awning as she expressed the belief that the neighborhood already has many aluminum awnings that were installed after the creation of the Centre Park Historic District. She stated that she and her husband moved into the neighborhood in 1983. She stated that when she checked with other awning companies, some were unwilling to work within Reading and others said that canvas is no longer available.
7. When reviewing the documentation distributed, a Councilor noted that the contractor included the price of the permit with the estimate for the awning and the Respondent agreed and testified that as the permit was included with the price she believed the contractor would apply for the required permits.
8. A Councilor noted that a relative recently purchased a canvas awning for a property within Berks County.
9. The Respondents expressed the opinion that other properties in the area do not comply with the historic district regulations and they questioned why the regulations are not enforced equally at all properties within the district.
10. The Historic Preservation Specialist testified that canvas awnings are still available and that the other aluminum awnings in the block were installed prior to the creation of the Centre Park historic district.

Conclusions of Law

City Council, after considering all testimony and reviewing all Exhibits, denies the appeal of the Certificate of Appropriateness and that the HARB Board offered a reasonable compromise by providing the Respondents a one (1) year period to provide proof of financial hardship and/or documentation from a physician regarding the Respondent's physical disabilities.

Order and Agreed Resolution

1. The City of Reading City Council hereby denies the appeal of the COA to retain the aluminum awning at 1023 North 5th Street and orders the Respondent to comply with the orders issued in HARB Resolution 78-15 (attached).
2. Council recommends that the property owner:
 - (a) Take legal action against the contractor for damages, for failing to obtain the required City permits that were included in the invoice, in violation of the written contract, and
 - (b) That the owner seek financial assistance for the installation of a cloth awning from either NHS through the Community Home Repair Program (CHRP) 3% 7 year loan and/or the Community Development Facade Improvement Program.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.

READING HISTORICAL ARCHITECTURAL REVIEW BOARD

RESOLUTION #78-15 – It is proposed to install an aluminum awning at the first floor front porch (violation, work has been completed) at 1023 N. 5th St., Reading, PA.

OWNER/APPLICANT: Vernon and Helen Thomas

The Historical Architectural Review Board upon motion by Mr. DeVine and seconded by Ms. Weller adopted the proposal to DENY a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to install an aluminum awning at the first floor front porch (violation, work has been completed) at 1023 N. 5th St. was represented by Vernon and Helen Thomas.
2. The application for the installed aluminum awning was denied based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, Standard #2 ("The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."), Standard #5 ("Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved."), and Standard #9 ("New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the

massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”).

3. The aluminum awning was installed without obtaining a building permit or HARB approval. The aluminum awning is not historically appropriate.
4. Due to extenuating circumstances, the HARB extends the time period for the required correction of the violation from 180 days to one year from October 20, 2015.
5. The HARB requests that the owner provide documentation of financial hardship, to include a cost estimate for the removal of the installed awning and the installation of a historically appropriate canvas awning, and an official note from the owner’s physician documenting the necessity of the awning due to the owner’s medical condition.
6. If the Historic Preservation Specialist determines that financial hardship has not been substantiated, or that the physician’s documentation is unsubstantiated within the one year time period, the awning must be removed upon the above determination. If financial hardship is substantiated and the physician’s documentation is deemed to be legitimate, the HARB will allow the aluminum awning to remain installed on the building.
7. The Board recommends that the owner review the work in violation with the contractor who installed the awning to determine whether they would be amenable to installing an alternative, more historically appropriate awning material due to the fact that the contractor installed the awning without following the City of Reading Historic District Ordinance or the City’s Office of Building and Trades permitting procedures.

The motion to DENY the above work was unanimously approved.

Drafted by City Clerk/City Solicitor
Sponsored by/Referred by City Clerk/City Solicitor
Introduced on N/A
Advertised on N/A

RESOLUTION NO. 2015

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

Approving the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for the installation of a six (6) foot stockade fence at 1015 Rose Street, Reading Storage, Ryan McFadden, 2 Longview Dr., Birdsboro, PA, applicant/owner, as the HARB decision was based on conjecture rather than the Secretary of the Interior Guidelines.

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher, City Clerk

Appeal of Historic Architectural Review Board Certificate of Appropriateness

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
READING STORAGE	§	
RYAN MCFADDEN	§	CITY COUNCIL
	§	
2 LONGVIEW DR., BIRDSBORO, PA	§	

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND AGREED RESOLUTION

On Wednesday, December 9, 2015 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) on the Certificate of Appropriateness for the installation of a solid pine stockade style fence by Ryan McFadden (Respondent), at 1015 Rose Street (Subject Property).

At their October 20, 2015 meeting, HARB unanimously denied:

READING HISTORICAL ARCHITECTURAL REVIEW BOARD

RESOLUTION #73-15 - It is proposed to construct a six foot high solid pine wood stockade fence at the western, southern, and eastern boundary lines at 1015 Rose St., Reading, PA.

OWNER/APPLICANT: Reading Storage 1015 Rose St. LLC

The Historical Architectural Review Board upon motion by Ms. LaSota and seconded by Mr. DeVine adopted the proposal to issue a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to construct a six foot high solid pine wood stockade fence at the western, southern, and eastern boundary lines 1015 Rose St. was represented by Ryan McFadden of Reading Storage 1015 Rose St. LLC.
2. The HARB approves the installation of a six foot high open picket pine wood fence as opposed to a solid pine wood stockade fence that was proposed and presented due to the fact that the Board feels that there may be security and vandalism issues with the installation of a solid wood fence.
3. Wood caps are to be installed at the top of each post.

4. The approved fence is to be installed so that the finished side is to face outward toward the adjacent properties.
5. The fence is to be stained in a color to be approved at Staff level.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is part of the City of Reading City Code Chapter 295 Part 1 – Historic and Conservation Districts. The HARB is a board of nine (9) duly qualified members.
2. At the October 2015 HARB hearing, the Respondent testified that he applied to HARB for a six foot high solid pine stockade style fence at the rear of the property. However, HARB approved a six foot high open picket style fence.
3. The Respondent testified that he prefers a solid fence to help keep pedestrians out, discourage littering and to provide security for those who use the garage units located in the rear area. He stated that he plans to install 8-10 security cameras in the enclosed area to provide additional security measures.
4. The Respondent expressed the belief that an open picket style fence will allow people in the alley to observe the contents of the garages which will create a theft risk. However, HARB expressed the belief that the open fence will prevent attacks on the people using the storage units. He noted that the use of 8-10 security cameras in this area will prevent attacks.
5. In response to a question at the hearing, the Respondent stated that HARB did not object to the height of the fencing he requested. They only objected to the closed slat style of fencing.
6. Council noted that the fence is to be installed in the alleyway, enclosing an area with storage garages and the fence would only be partially visible from the public right of way.
7. The Historic Preservation Specialist testified that the HARB board expressed concern that a stockade style fence would create a safety risk for the tenants. She noted that HARB has approved this style of fencing previously; however, HARB expressed the belief that the solid style fencing presents a security risk in this neighborhood.

Conclusions of Law

City Council, after considering all testimony and reviewing all Exhibits, approves the appeal of the Certificate of Appropriateness to allow the installation of a six (6) foot stockade fence at 1015 Rose Street.

Order and Agreed Resolution

The City of Reading City Council hereby approves the appeal of the COA for the installation of a six (6) foot solid pine stockade fence at 1015 Rose Street, as the HARB decision is based on conjecture rather than the Secretary of the Interior Guidelines. Council orders the Respondent to install the fence with the finished side facing outward toward the adjacent properties with a stain to be approved by the Historic Preservation Specialist.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.



CITY OF READING CITY COUNCIL

Brief

Item: Land Bank
Legislation
Briefing No.: 3 on this draft
legislation

From: Linda A. Kelleher
City Clerk
Date: December 16, 2015

SUBJECT: Draft Land Bank Legislation

BACKGROUND: The provisions of Act 153, enacted by the PA General Assembly and signed into law by the Governor on October 24, 2012 enable PA municipalities to enact local Land Banks to provide municipalities with another tool to take on the Blight Fight. The State legislation provides broad powers to the Land Bank Boards such as the ability to take out debt, purchase, hold and lease property and become more or less the developer of last resort. When Council initially considered the concept in 2012-13, they believed that Reading did not have the capacity to handle something that expansive and many PA municipalities shared that belief.

John Kromer, from the FELS Institute, is currently working with the Housing Alliance to assist municipalities to draft Land Bank ordinances that are modeled to fit the needs of the individual community. Here Mr. Kromer proposed a Land Bank that would take on only the basic task of purchasing properties through tax sale when a qualified developer is ready to immediately take possession of the property and handle any acquisition costs. The Land Bank would have a composition similar to the BPRC that combines various professionals with different skills. All Land Bank policies, procedures, and bylaws will require Council approval.

The only Third Class City that has a Land Bank is Harrisburg; however, Pittston is part of a multi-municipal land bank consortium. Other third-class cities that are actively pursuing the creation of a land bank: Altoona, Erie, Sharon.

In July the Council President authorized Mr. Kromer and Ms. Kelleher to undertake a planning session to obtain input on this type of Land Bank. Two planning sessions were held on Friday, August 14th with various individuals who have an interest in real estate and blighted properties.

A few questions were raised and resolved and the input received was included in the revised policies. Mr. Kromer, Ms. Butler and Ms. Kelleher were asked to prepare draft Land Bank legislation.

PROGRESS REPORT:

Highlights of the draft Land Bank legislation:

1. The ordinance provides the Land Bank Board with the powers provided in Act 153; however, through the bylaws, City Council controls the powers the Board may undertake. All policies and procedures must comply with the City's ordinances.
2. Purpose - to create the Reading Land Bank that will use the 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 Board 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; 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. The Land Bank Board must advertise its desire to purchase properties from the tax sale list in the Reading Eagle and on the Tax Claim website. At the beginning of the sale the Tax Claim Solicitor will announce the Land Banks intent to purchase properties and inquire if any person in attendance is interested in acquiring the properties. If so, the interested party will bid against the Land Bank.

3. Board of Directors: 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: 1. City Clerk, 2. one individual recommended by City Council (who might or might not be a Council member), 3. one individuals recommended by the Reading Redevelopment Authority's Board of Directors, 4. one individual recommended jointly by the mayor and Managing Director, 5. a representative from the Reading School District, 6. one representative of the Berks County Redevelopment Authority and 7. one representative of the Reading Berks Association of Realtors.

At least one (1) appointee shall be held by a citizen who is not a public employee or an elected official and at least one (1) of the appointees must be a representative of nonprofit organizations working in the field of housing or community development, or of civic associations from low- or moderate-income neighborhoods. All Board Members must be properly appointed by City Council.

At least one of the remaining three (3) appointees shall be held by a citizen who is not a public employee or an elected official and at least one (1) of the remaining two (2) appointed members must be a representative of nonprofit organizations working in the field of housing or community development, or of civic associations from low- or moderate-income neighborhoods. The members will serve five (5) year staggered terms.

4. Acquisition of Property: 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. As in #2 above, the Land Bank's interest in properties must be disclosed to the public in advance and at the tax claim sale.
5. The Land Bank shall provide and maintain an up to date inventory of the acquired property.
6. The Land Bank is authorized to discharge liens and other municipal claims, charges, or fines against the properties it acquires. 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.

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 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:

(2) 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.

(3) 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.

(4) 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.

~~(5) 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

**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,

A handwritten signature in black ink, appearing to read "Lenin Agudo", written over a circular stamp or seal.

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: _____

Drafted by Deputy City Clerk
Sponsored by/Referred by Council Nominations and Appointments Committee
Introduced on N/A
Advertised on N/A

RESOLUTION NO. _____

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

That Amy Crawford is appointed to the Animal Control Board with a term ending December 21, 2018.

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. ____ 2015

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

Adopting the Land Bank Bylaws, which authorizes the Land Bank to undertake certain powers afforded in Act 153, enacted by the PA General Assembly and signed into law by the Governor on October 24, 2012

Adopted by Council _____, 2015

President of Council

Attest:

Linda A. Kelleher
City Clerk

EXHIBIT A

BYLAWS OF THE CITY OF READING LAND BANK

(A Pennsylvania Public Body Corporate and Politic established under Chapter 21 of Title 68 of the Pennsylvania Consolidated Statutes)

ARTICLE I

NAME, OFFICE, PURPOSE

Section 1.1 Powers

The affairs and activities of the City of Reading Land Bank (“Land Bank”) shall be managed and controlled and its powers exercised by a Land Bank Board, except as otherwise provided by statute or these Bylaws. The Land Bank Board will acquire, hold, and transfer interest in real property throughout Reading as approved by the Land Bank Board for the following purposes: to promote redevelopment and reuse of vacant, abandoned, and tax-delinquent properties; support targeted efforts to stabilize neighborhoods; stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by Ordinance, local government partners and other community stakeholders.

Section 1.2 Office

The principal office of the Land Bank Board shall initially be at 815 Washington Street, Reading, Pennsylvania. The Land Bank Board may change the principal place from one location to another in the Commonwealth of Pennsylvania with the approval of City Council.

ARTICLE II

MEMBERSHIP

Section 2.1 Membership and Term

Membership shall be limited to members of the Board of Directors as appointed by City Council. All members of the Board of Directors should meet qualifications as set forth by the Land Bank Board as noted in Section 3.3.

All members of the Board of Directors will serve five (5) staggered terms and may be appointed for consecutive terms and shall continue to serve until their successors have been appointed and confirmed by City Council.

ARTICLE III BOARD OF DIRECTORS

Section 3.1 Role of the Board of Directors

The Board of Directors is responsible for the overall policy and direction of the Land Bank Board, however all policies must be approved by Council resolution. The Land Bank Board has a fiduciary responsibility to oversee the business, financial operations, and charitable affairs of the Land Bank.

Section 3.2 Number and Appointment of Directors

The Land Bank Board shall be comprised of seven (7) Directors appointed by City Council. The Land Bank Board shall be comprised of the following individuals: 1. City Clerk; 2. One individual recommended by City Council (who may or may not be a Council member); 3. One individual recommended by the Reading Redevelopment Authority's Board of Directors; 4. One individual recommended jointly the Managing Director and the mayor; 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.

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.

Section 3.3 Qualifications of the Board of Directors

Each Director shall be an individual of full legal age and be held in good standing in the community, as defined in the enabling ordinance.

Section 3.4 Conflict of Interest

Each Land Bank Board Director is bound to discharge his/her duties in good faith and with undivided loyalty to the interests of the Land Bank Board and the City. Therefore, in the course of their duties it is incumbent upon Land Bank Board Director to act solely in the best interests of the Land Bank Board as a whole without consideration to the interests of any other person, agency, organization or association with which they are associated. It is also incumbent upon each Land Bank Board Director to refrain from taking part in any transaction or vote where he/she does not believe in good faith that he/she can act with undivided loyalty to the Land Bank Board.

Section 3.5 Compensation

No compensation shall be paid to any Land Bank Board Director for services as a member of the Board except that reasonable expenses, with supportive documentation, incurred on behalf of the Land Bank Board may be reimbursed by resolution of the Board of Directors.

Section 3.6 Resignation and Removal of Directors

Any Director may resign at any time by giving written notice to the Land Bank Board. Such resignation shall take effect at the time of the receipt of such notice or at any later time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Any Director may be removed from office for cause by a vote of a majority of all other Directors at a regular or special meeting of the Land Bank Board, provided written notice of the Board's intention to remove a Director is included in the notice of the meeting at least five (5) days prior to the meeting. A Director who fails to attend three (3) consecutive meetings of the Land Bank Board, without good cause, may be removed by a majority vote of the entire Board of Directors.

A Director removed under Section 3.6 shall be ineligible for reappointment to the Land Bank Board unless the reappointment is confirmed unanimously by the entire Board of Directors.

No Director shall be removed without the opportunity to be heard at such meeting.

Section 3.7 Vacancies

Should a vacancy occur due to death, resignation, or removal, the Land Bank Board shall notify City Council in writing and the replacement shall be appointed as per 2.1 to serve for the duration of the unexpired term. 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.

ARTICLE IV
OFFICERS

Section 4.1 Officers

The officers of the Land Bank Board shall elect the following positions from the Board membership: Chairperson, Vice Chairperson, Secretary, Treasurer, and such other officers as the Board of Directors may from time to time create. Any two (2) offices may be held by the same person, except the offices of Chairperson and Secretary. All officers shall serve as volunteers.

Section 4.2 Election of Officers and Terms of Office

Officers shall be elected by the affirmative written vote (electronic or otherwise) of a $\frac{3}{4}$ (three-fourths) majority of the Directors present at the annual electoral meeting of the Land Bank Board to the following positions: Chair, Vice Chair, Secretary and Treasurer. No Director shall vote for his/her own election. All officers shall serve two (2) -year terms, but are eligible for re-election.

Section 4.3 Resignation and Removal

Any officer elected or appointed by the Board of Directors may be removed from office without cause, whenever in its judgment the best interests of the Land Bank would be served thereby, by an affirmative vote of a $\frac{3}{4}$ majority of the Directors present at a duly called meeting, provided that not less than five (5) days and not more than thirty (30) days' notice of such meeting, stating that removal of such officer is to be on the agenda, shall be given to each Director.

Section 4.4 Duties of Officers

The Chairperson shall be the principal executive officer of the Land Bank Board and shall offer general advice and oversee the business and affairs of the Land Bank Board. The Chairperson shall preside at all meetings of the Board of Directors. He or she shall serve as liaison between the Land Bank Board, the City, and other agencies and organizations and perform such other duties as determined by the Land Bank Board.

The Vice Chairperson shall perform such duties as determined by the Land Bank Board. The Vice Chairperson shall be vested with all powers of and perform all duties of the Chairperson in the Chairperson's absence or inability to act, but only so long as such absence or inability continues.

The Secretary shall keep the minutes of all Land Bank Board meetings, give notices, assure that corporate records are maintained, and perform other such duties as may be determined by the Land Bank Board. In the Secretary's absence, the Chairperson will designate another to keep the minutes of the meeting.

The Treasurer shall advise and oversee the financial operations of the Land Bank and present financial reports to the Land Bank Board at its regular meetings and perform other such duties as determined by the Land Bank Board.

Section 4.5 Additional Personnel

The Land Bank may employ or enter into a contract for staff, technical experts and other individuals. The Land Bank must employ a Solicitor separate from the City of Reading Solicitor's Office.

ARTICLE V MEETINGS

Section 5.1 Annual Meeting

An annual meeting of the Board of Directors for the purpose of electing officers and Directors, and such other business as may be properly brought before the meeting, shall be held each year at the January Board Meeting. Notice of such meeting shall be given by electronic or regular mail not less than thirty (30) days before the meeting.

Section 5.2 Regular Meetings

The Board of Directors shall hold monthly meetings at least ten (10) times per year at a meeting room within City Hall. Notice shall comply with the PA Sunshine Act. The Land Bank Board shall have legal counsel at all regular meetings.

Section 5.3 Special Meetings

Special meetings of the Board of Directors may be called at any time upon the request of the Chairperson, or any two (2) Directors, provided that any such request shall specify the purpose of the meeting. Notice of special meetings shall comply with the PA Sunshine Act. The Land Bank Board shall have legal counsel at all special meetings.

Section 5.4 Quorum

Four (4) members of the Land Bank Board shall constitute a quorum for the transaction of business.

Section 5.5 Manner of Acting

The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these By-laws.

ARTICLE VI
COMMITTEES

Section 6.1 Executive Committee

The officers of the Land Bank Board shall serve as the members of the Executive Committee. The Executive Committee shall have all the powers and authority of the Board of Directors in the intervals between meetings of the Land Bank Board, subject to the direction and control of the Board of Directors.

Section 6.2 Nominating Committee

Not less than thirty (30) days prior to the date of the annual meeting of the Land Bank Board, the Chairperson shall appoint a Nominating Committee, consisting of two (2) members of the Board of Directors, to prepare a list of nominees for election as Officers

of the Land Bank Board at the annual meeting, and such committee shall submit such list to the Secretary of the Land Bank Board and to each Director not less than twenty (20) days before the date of the annual meeting.

Section 6.3 Finance Committee

The Treasurer is the Chairperson of the Finance Committee. The Finance Committee is responsible for overseeing and reviewing fiscal procedures, fundraising plans and the annual budget. The Land Bank Board will approve the annual budget at the annual meeting. Any major change in the budget must be approved by the Board or Executive Committee. Annual reports should include income and expenditures. The Treasurer shall present year-to-date financial statement/report at each Board meeting.

Section 6.4 Committees of Directors

The Board of Directors may designate one (1) or more additional committees, each of which shall consist of two (2) or more committee members, one of which must be a member of the Board of Directors. The Chairperson of the committee shall be a member of the Board of Directors. The Land Bank Board may delegate the appointment of committees and their Chairpersons to the Board Chairperson. The designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Directors or any individual Director of any responsibility imposed upon it or him or her by law.

Section 6.5 Committee Records

Each committee shall keep written minutes of all committee meetings and present such minutes at the next following scheduled Board of Directors meeting.

ARTICLE VII CONTRACTS, CHECKS, DEPOSITS, FUNDS

Section 7.1 Contracts

The Board of Directors may authorize any officer or agent of the Land Bank Board to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Land Bank Board and such authority may be general or confined to specific instances.

Section 7.2 Checks, Drafts, and Notes

All checks, drafts or order for the payment of money, notes or other evidences of indebtedness issued in the name of the Land Bank Board shall be signed by two (2) such officers or agents of the Land Bank Board and in such manner as shall from time to time be determined by resolution of the Board of Directors. The officers or agents will be decided by the Land Bank Board. The establishment of such accounts must comply with the City of Reading regulations.

Section 7.3 Deposits

All funds of the Land Bank Board shall be deposited from time to time to the credit of the Land Bank Board in such banks, trust companies or other depositories as the Board of Directors may select in compliance with the City's policies and procedures.

Section 7.4 Gifts

The Board of Directors may accept on behalf of the Land Bank Board any contribution, gift, bequest or devise for the general uses and purposes of the Land Bank Board or a designated restricted use or purpose. Receipt of gifts shall be approved by the Board by resolution.

ARTICLE VIII

INDEMNIFICATION OF DIRECTORS, OFFICERS AND OTHER AUTHORIZED REPRESENTATIVES

Section 8.1 Scope of Indemnification

INDEMNIFICATION

General rule. The Corporation shall indemnify any indemnified representative against any liability incurred in connection with any proceeding in which the indemnified representative may be involved as a party or otherwise by reason of the fact that such person is or was serving in an indemnified capacity, including, without limitation, liabilities resulting from any actual or alleged breach or neglect of duty, error, misstatement or misleading statement, negligence, gross negligence or act giving rise to strict or products liability, except:

- (1) where such indemnification is expressly prohibited by applicable law;
- (2) where the conduct of the indemnified representative constituted willful misconduct, recklessness, fraud, or misappropriation of funds.

The Land Bank Board will have in place at all times an insurance policy for Errors and Omissions insurance coverage in the amount to be determined by the City that would cover each individual officer and committee member individually.

ARTICLE IX
LIQUIDATION OR DISSOLUTION

9.1 In the event of the liquidation or dissolution of this corporation, whether voluntary or involuntary, no Director shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the corporation from any source after the payment of all debts and obligation of the corporation shall be distributed by the Board of Directors to the City.

ARTICLE X
AMENDMENT TO BYLAWS

Section 10.1 Amendment to By-Laws

By-Laws may be amended by the affirmative vote of a three fourths ($\frac{3}{4}$) majority of the Directors present at any meeting called for such purpose at which a quorum is present. All proposed amendments must be pre-approved by City Council resolution. A copy of any proposed amendment shall be included in a notice of the meeting and be added to the agenda for discussion and voted on at the following meeting called for such purpose.

ARTICLE XI
MISCELLANEOUS

11.1 Fiscal Year

The Land Bank shall use the calendar year as its fiscal year.

11.2 Rules of Order

Roberts Rules of Order Revised shall be the parliamentary authority for the conduct of all Land Bank board meetings.