

Minutes
Workshop meeting of the City of Reading Planning Commission
March 27, 2007 at 7:00 pm

Members present:

Ermete Raffaelli, Chairman
David Reppert, Vice Chairman
Michael Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
Edmund Palka
Frederic dep Rothermel, Jr.

Staff present:

Andrew W. Miller, Planning Office
Michelle R. Mayfield, Department of Law

Others present:

Stephen F. DeLucas, Reading Eagle Company

Chairman Raffaelli called the special meeting to order, scheduled to discuss procedural issues. The Commission briefly reviewed the final form of the 2006 Annual Report.

Review of proposed Commission By-laws:

The Commission discussed the number of its members, their terms of office, and how each are determined. Mr. Miller called it a prerogative of the governing body, referring to procedures defined in the Pennsylvania Municipalities Planning Code. When asked about the establishment and roles of the Commission's officers, Mr. Miller stated that the Commission can create and abandon offices, as needed. He felt the secretarial and administrative functions to be wholly covered at the staff level, questioning the need for any offices but a chair and his back-up. Mr. Rothermel suggested revision of the powers duties conferred on the "secretary", concerned about implied responsibilities. He recalled a prior suggestion from the administration that the Commission keep its own meeting minutes. He also questioned the proposed designation of a "quorum" as four members, suggesting a majority of whatever current membership qualify, so as to cover vacancies/resignations. Ms. Mayfield later indicated that provision in the existing by-laws.

Voting procedures were discussed. Mr. Miller had left blank a space for defining the verbal action preferred for motions. Ms. Mayfield felt the current procedure satisfactory, so long as roll calls are taken in the event of ties and questionable split decisions.

Mr. Bealer questioned the listed employees of the Commission, suggesting the Planning Office staff be included. Mr. Miller intended to address that and clarify the "secretary" duties, consistently. He hoped the Commission might keep a basic record for itself in the temporary absence of available staff, but didn't want to discourage would-be volunteer members with the burden of record keeping, nor complicate other departments' and agencies' mailing/notification procedures. He said it had also been suggested that another City employee keep the Commission's official minutes. He resisted on concerns of quality control, and his own perceived benefit from reviewing the meetings and verifying information presented.

Ms. Mayfield suggested consideration of limitations on public comment. Mr. Raffaelli could only recall a few instances where the public had abused the privilege. Ms. Mayfield said it wouldn't necessarily have to be enforced rigidly. She said she didn't want to discourage public input, but noticed the wide-open opportunity in the draft by-laws. Mr. Rothermel suggested the Chair have some ability to limit or schedule public comment appropriately, thinking some might take advantage of an opportunity to grandstand at a televised meeting. He recognized an expectation at City Council meetings, but felt public input at Commission meetings should be relevant to agenda business.

Mr. Rothermel suspected that other, later forms of the organizational rules existed. Mr. Miller said no others were found.

Mr. Miller said he'd review the revisions with the solicitor, and prepare a new draft for a possible vote at the April meeting. He said he'd also need to determine what, if any, City Council action was required. Mr. Rothermel suggested that other ambiguities in the duties assigned be addressed in the re-write.

Review of subdivision/land development plan submission, approval and recording policies and procedures: [0:45.35]

Ms. Mayfield suggested changing the submission deadline from the current minimum 10-working days to 15 or 20 days, for more review time. She said it would require amendment to the Subdivision and Land Development Ordinance. Mr. Miller said the review by the County Planners would be more likely received in-time. He alluded to a need for more formality in receiving plans, since applicants seem prone to drop-off plan sets when no one is tending the front desk, and also something to compel the timely recording of approved plans with the County Recorder. Mr. Raffaelli recalled plans that were never recorded, although built.

Ms. Mayfield mentioned the state grant providing for revisions of the land use codes, but felt some issues should be addressed sooner.

Mr. Rothermel felt the pattern of plat deficiencies, even when plans are submitted on-time, to be the bigger issue plaguing the Commission and its staff. He felt the Ordinance is clear in its definition of an acceptable plan. Mr. Miller wondered how to 'incentivize' the developer to prepare a plan as the Ordinance requires. He suggested that writing long specific review letters probably encourages careless plan preparation; the developer gets a personal response and the hope that something might be overlooked in their favor. Mr. Rothermel suggested such plans be denied review. Ms. Mayfield cautioned against doing so without specific legal reason. Mr. Miller suggested that a plan not meeting the minimum Ordinance requirements is, by definition, not a plan qualified for review. Ms. Mayfield suggested the Commission table such plans instead, until corrections are provided. Mr. Miller said that practice still wastes Commission and staff time in redundant reviews. Ms. Mayfield intended to check the laws for acceptable reasons for rejecting submissions. Mr. Miller wondered how one determines what level of error will still be accepted for review, and what should count as a "land development" in the Ordinance definitions.

Ms. Mayfield also suggested keeping plans from being recorded until the required improvements securities are posted. She said the building officials have agreed to withhold building permits until land development plans are recorded. Mr. Rothermel wondered why no comprehensive checklist was in-place, recalling a long-running effort to establish one. Mr. Miller suspected that some development doesn't occur to the building officials as "land development" subject to the approval of the Planning Commission. He said good daily communication between the planning and building officials has minimized that problem, at least until future staff turn-over. Ms. Mayfield said the lack of a penalty/enforcement remedy, in the Pennsylvania Municipalities Planning Code or the Ordinance, for failing to record a plan, complicates the matter. Mr. Rothermel said any doubt in the minds of the building officials should be cause for contacting the Planning Office. Mr. Bealer suggested a possible endorsement on the building permit itself.

Ms. Mayfield said she'd research further those policies requiring ordinances, and those allowed by resolution.

Establish the annual nominating committee for Commission offices: [1:09.16]

Mr. Miller said the Commission could wait until their April meeting, as usual, too establish the nominating committee. He said he included it on the agenda as an additional opportunity to discuss the procedure.

Review the status of Planning Office efforts to secure professional planning/consulting services: [1:10.10]

Mr. Miller said he was making revisions to a standing contract with the Department of Community and Economic Development, and would subsequently prepare a "request for proposals". He said committees would be established, for consultant selection and the actual code revisions to the land use controls. He hoped the Planning Commission would take the lead role, but realized other parties also having a stake. He said the Commission's suggestions about that set-up would be helpful, especially regarding positions on those committees. He said he hoped to find an experienced consultant, specializing in the urban context, and hoped a more relevant, more legally-current ordinance would result. He expressed a concern for keeping the committees focused on the task and their roles in it. Mr. Palka asked if City Council members would be included. Mr. Miller expected they'd want to participate, suggesting this would be the most appropriate opportunity for their preferences to be heard and incorporated into policy.

Mr. Rothermel wondered what the committees would be doing. Mr. Miller expected the committees to convey their preferences and 'steer' the direction of the document, the consultants and staff taking the responsibility for the language of the actual code. He expected other agencies would assert themselves along the way. Mr.

Rothermel suggested an outline of the process. He said the consultant should have a vision for the overall structure, and interview stake-holding parties, as necessary and relevant to specific topics. Mr. Miller said the Department of Community and Economic Development requires such an outline in order to demonstrate the project timeline, deliverables, and measure of progress. Mr. Rothermel recalled a “request for qualifications” prepared for the last comprehensive planning and zoning revisions, thinking it somewhere in the Planning Office and a possible help in preparing for the new effort. Mr. Miller shared the concern about the role of committees.

Other business: [1:24.12]

Ms. Mayfield asked if the Commission had given anymore consideration to scheduling a second monthly meeting, or preferred to keep it on an “as needed” basis. Mr. Rothermel preferred the latter, lest superfluous business start creeping in to fill the extra time. Mr. Miller thought extra meetings would become necessary during the ordinance revisions. Mr. Bealer suggested an agenda threshold at 10:00pm. Mr. Miller suggested staff might take a heavier hand on the submission protocol. He agreed that the Commission should spend its time considering the design and neighborhood impact issues, as opposed to a line-by-line discussion of the Planning Office’s technical review. Mr. Raffaelli asked if a cut-off time is proper. Ms. Mayfield suggested continued meetings, with fair warnings to the presenters of their possible postponement. Mr. Miller agreed that a meeting continuance is the best option, legally and for the advertising burden. Mr. Rothermel felt the platting technicalities should be resolved between the developers and Planning Office staff, limiting the Commission review to a presentation of concept and construction technique. Mr. Miller suspected that some developers may be looking for the Commission’s sympathy, when rehashing the Planning Office reviews. He suggested that some applicants wait for the reviews, thinking they might get something past the Planning Office.

Ms. Mayfield said the Commission was one of the few planning agencies in Pennsylvania to be delegated approval authority. Mr. Miller said the cities of Allentown and Lancaster do likewise.

Mr. Miller clarified that he wanted the Commission to have the time and think through and consider proposals thoroughly, even for more compliant plans. He felt it reasonable to delay action on proposals pending answers to germane questions, but questioned the sense of enduring long, narrative presentations on plans not qualified for action. Mr. Rothermel preferred to postpone consideration of deficient plans, altogether, and reserve an appropriate opportunity to review the County Planners’ suggestions, even if technically received on-time.

On Mr. Bealer’s motion, and Mr. Lauter’s second, the Commission agreed unanimously to adjourn the workshop, 6 to 0. – 9:11pm.