



CITY COUNCIL

Committee of the Whole

Monday, June 8, 2009

Council Office

5:00 pm

Agenda

- I. **Municipal Performance Bond –Rdg Parking Auth (J. Lillis)** 5:00 pm
Request to waive bond requirement

- II. **Sidewalk Vendor Ordinance/Vending Machines (W. Bealer)** 5:15 pm

- III. **Agenda Review** 5:45 pm

**MINUTES
May 26, 2009
5:00 P.M.**

COUNCIL MEMBERS PRESENT:

V. Spencer, D. Sterner, M. Goodman-Hinnershitz, M. Baez, S. Marmarou, S. Fuhs, J. Waltman

OTHERS IN ATTENDANCE:

L. Kelleher, S. Katzenmoyer, T. Butler, M. Mayes, C. Cooper, J. Zabala, C. Heminitz, C. Kanezo

Mr. Spencer, President of Council, called the Committee of the Whole meeting to order at 5:07 p.m.

I. Keystone Opportunity Zone (KOZ) Extension/Addition

Mr. Mayes stated that Council was briefed on this issue at their meeting on May 18. He stated that this program has been successful in the past and has brought positive redevelopment to the City. There are four separate resolutions which need to be adopted to extend the timeframe on properties already in the program and to add new properties to the program.

The resolution to extend the time to January 1, 2020 to properties already in the program was reviewed.

Mr. Marmarou questioned what revenue would be lost per year on these properties. Mr. Mayes stated that nothing is lost as these properties are not developed at this time. He stated that more will be gained if the properties are redeveloped and the KOZ will help induce new development.

Mr. Waltman noted his hope that the additions of Buttonwood Gateway properties would not create a holding bank for the Buttonwood Gateway project and questioned if 201 Washington St qualified for the extension since this is the Goggleworks building. Mr. Mayes stated that there is an undeveloped portion of this property that would qualify.

The resolution that decertifies KOZ acreage at the waste water treatment plant was reviewed. This decertification allows 88 acres in other areas of the City to be

added.

Mr. Fuhs questioned if this expansion is not completed now if the City would lose this opportunity. Mr. Mayes stated that it would. He also stated that the County and School District have approved the KOZ resolutions.

Mr. Fuhs questioned if this expansion could occur at another time. Mr. Mayes stated that it could not as there has been a recent change in state law that requires applications to be filed by the end of May. Future legislation would be needed for future KOZ issues.

Mr. Spencer stated his belief that pressure needs to be put on the owners of these properties to remove these eye sores. Mr. Mayes stated that the properties currently in the KOZ areas have seen an increase of \$48 million in development. He stated his belief that this would not have occurred without the KOZ.

Mr. Fuhs questioned the likelihood of development without the KOZ. Mr. Mayes stated that with economic conditions, these properties would remain undeveloped.

Mr. Marmarou questioned whether these businesses would remain after the KOZ has expired. Mr. Mayes stated that Mr. Boscov believes they will stay.

Mr. Sterner questioned why the Double Tree Hotel parcel was being added as this property already has development plans. Mr. Cooper stated that the incentive is better with the extension.

Ms. Goodman-Hinnershitz stated that Council is being asked to take a calculated risk by adding these properties. She requested a list of the specific properties prior to taking action this evening.

Mr. Marmarou requested Mr. Mayes' opinion on this issue. Mr. Mayes stated that without the KOZ, these areas will remain undeveloped. He stated that further incentives are also needed for development. He stated his belief that redevelopment is feasible with the KOZ.

The resolution adding the new properties to the KOZ was reviewed. Mr. Mayes stated that the additional properties must be located within a five mile radius of

the waste water treatment plant.

The resolution containing the decertification agreement was reviewed.

Mr. Spencer questioned why properties with private owners were being added to the KOZ. Mr. Mayes stated that it was decided that these properties had the best opportunity for redevelopment.

Mr. Spencer reminded Council that there was to be a housing project at the outlet buildings. He questioned if these projects qualify for KOZ. Mr. Mayes stated that the housing project is currently on hold.

Mr. Spencer again stated that some properties being added have private owners. He stated the problems with the Berkshire Bottling project. Mr. Mayes stated that the designation stands regardless of the owner.

Mr. Marmarou questioned why the Glidden property was not being added. Mr. Mayes stated his belief that this property has feasible redevelopment options without KOZ. He stated that he is relying on the judgment of Mr. Boscov as he has no experience with KOZ.

Mr. Spencer stated his position that he is comfortable with the time extension but not the property additions.

Ms. Kelleher questioned if developers could be approached for payments in lieu of taxes. Mr. Mayes stated that was a possibility but believes that the time frame has been missed.

Mr. Waltman stated he would support the resolutions but noted his hope that these properties do not become parking lots. He stated that the buildings currently on these properties are dangerous.

Mr. Spencer stated that these properties are not up to code standards and if they are added to the KOZ, the City will also not receive property taxes.

Mr. Sterner again questioned the addition of the hotel project property. He stated that the City is in dire need of revenue. Mr. Waltman responded that Mr. Boscov indicated that the project cannot work unless the KOZ is in place.

Mr. Waltman stated his belief that the City has had success with KOZ but that it is not yet receiving any benefits. He stated that private ownership of some of the properties troubles him but that he will support the resolutions.

Mr. Fuhs questioned how job creation played into the KOZ. Mr. Spencer stated that job creation is important in KOZ areas. Mr. Mayes concurred with Mr. Spencer.

II. Bernhart Park – Comments re Pa DOH Report

Council entered executive session at 5:52 pm to discuss the report as it may result in litigation. They exited executive session at 6:13 pm.

III. Review Rental Spread Sheet

Mr. Jones joined the meeting at this time.

Ms. Goodman-Hinnershitz questioned if this information was available in Hansen and could be obtained through a report. Ms. Kelleher stated that there is currently no zoning information in Hansen.

Mr. Fuhs questioned if the “Number of Applications Received” column would contain properties or units. Ms. Kelleher stated that one application is received per property and the application would contain the number of units.

Mr. Marmarou questioned if the ordinance was amended to allow applications to be processed more quickly. Ms. Kelleher stated that it was but that those applications must have all the necessary information in the future.

Ms. Goodman-Hinnershitz questioned if the “Number of Properties Identified by Council Staff” was necessary. She questioned why there was a duplication of service if Codes was to find illegal rentals. Ms. Kelleher stated that at this time, Codes is not collecting this data.

Mr. Sterner questioned if the spread sheet has been reviewed by the Administration. Ms. Kelleher stated that it had not. She noted the confusing reports received from Codes and Zoning on this issue. She stated that the

numbers do not seem to correlate.

Mr. Marmarou, Mr. Sterner, and Ms. Goodman-Hinnershitz suggested this spread sheet be given to the Administration for review.

Ms. Goodman-Hinnershitz stated her belief that it is important to track data and report it in a way that it is useful information.

Ms. Baez questioned the “Number of Properties waiting for Zoning Payment” column. Mr. Spencer stated that the Administration has stated that there are properties waiting for payments at this time. Ms. Kelleher explained that the application is submitted to the Codes office. Once their review is complete, the application is given to Zoning for their review. The zoning needs are unknown at that time and payment is not made until zoning has completed its review.

Mr. Fuhs stated that key indicators are important to operations. He questioned if these key indicators are currently available.

Mr. Sterner stated that the data is not valuable as submitted in the past.

Mr. Fuhs questioned if Council wanted to have staff spend time processing applications or tracking information. Mr. Sterner stated that this is for information gathering only.

Ms. Goodman-Hinnershitz stated her belief that this information should be easy to gather.

Mr. Fuhs agreed that Council needs to see progress on this project.

Ms. Baez requested that the data contained in their monthly reports be added to this spreadsheet.

Mr. Fuhs questioned what Council hoped the outcome of this tracking would be. Mr. Spencer stated that Council has given Codes many resources for this project. He stated that basic information is needed to evaluate the project.

Mr. Fuhs stated his belief that Council cannot oversee the project in this form of government. He stated that Codes should be able to prove their progress at

budget time.

Mr. Spencer stated that this spread sheet is in response to Mr. Hottenstein's request for information that Council needs to track the progress of the process.

Mr. Fuhs stated that all departments should be collecting performance indicators on a monthly basis. Mr. Kanezo stated that departments compile work plans to support their budget requests.

Mr. Fuhs requested updates on all work plans on a quarterly basis.

Mr. Waltman stated that this issue has much history and that Council and the Administration worked closely on the process. He stated that he would like to see the number of properties that have been shut down added to the spread sheet.

Mr. Spencer stated that all of Council has been present when updates are given. He stated his belief that these categories reflect questions that Council asks. He stated that this spread sheet should be given to the Administration for their review.

Mr. Waltman requested that the amount of fines and the number of convictions due to unpermitted rental housing be added to the spread sheet.

Ms. Goodman-Hinnershitz stated her belief that Council has analysis paralysis. She stated that data is received without meaning and that a logical way of tracking progress is needed.

Council staff will update the spread sheet and present it to Mr. Hottenstein for review.

IV. Liaisons to Boards, Authorities, and Commissions

Mr. Fuhs stated that Mr. Spencer attends many board, authority and commission meetings. He stated his willingness to attend Zoning Hearing Board meetings.

Mr. Spencer reminded Council that they are all welcome to attend any meetings their schedules allow. Much information is learned at these meetings.

Mr. Fuhs stated his belief that the Zoning Hearing Board was not getting guidance from Council in the past and need new understanding and a new perspective.

Mr. Spencer stated that personal testimony at Zoning Hearings is better than sending letters. He stated that Councilors should attend when an agenda item is important in their district.

V. Agenda Review

Council reviewed the agenda for this evening's meeting.

Mr. Fuhs stated that the ordinance regarding fraud does not include a definition of fraud. He requested a more in-depth discussion with the solicitor before action is taken on this ordinance. Ms. Katzenmoyer explained that this issue was brought forward by the independent auditors and that this has been reviewed by the Board of Ethics solicitor. The Board of Ethics supports this amendment. Mr. Kanezo explained that this was not a separate finding by the auditor but it was suggested that the City have a consistent policy regarding fraud.

Ms. Kelleher noted that a resolution in regard to the KOZ would need to be added to the agenda. She explained that all four resolutions were sent to Council staff in one document and three of the four items were included on the agenda.

Mr. Spencer stated his belief that Council is being asked to rush the KOZ resolutions.

Mr. Waltman requested to add an ordinance for introduction regarding parking regulations.

The meeting adjourned at 6:58 pm.

Respectfully Submitted
Linda A. Kelleher, CMC
City Clerk

PART 17

SIDEWALK VENDORS

§10-1701. Purpose.

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect public facilities. Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

(Ord. 63-2007, 8/13/2007, §1)

§10-1702. Title.

This Part shall be known as the "Sidewalk Vendor Ordinance."

(Ord. 63-2007, 8/13/2007, §1)

§10-1703. Interpretation.

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

(Ord. 63-2007, 8/13/2007, §1)

§10-1704. Definitions.

For the purpose of this Part, certain terms shall be defined as follows:

COMMERCIAL CORE ZONING DISTRICT - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

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COMMERCIAL CORE ZONING DISTRICT - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

STAND - any structure, device or object erected, installed, or placed within any portion of the public right-of-way or chained, bolted or otherwise attached to a building or structure in such a manner that any portion of said structure, device or object projects over or into the public right-of-way used to exhibit, display or sell food or goods. Stands shall include, but are not limited to, kiosks, newsracks, newsstands, outdoor pay telephones, sandwich boards, stands, street furniture and vending machines. The terms "tables," "carts," "stands" and "trailers" shall be used interchangeably throughout this Part and should be construed to the same meaning.

TRAILER - vehicle designed to be towed by a motor vehicle.

VENDING CART - small, light vehicle moved by hand for the purpose of conducting food sales.

VENDING LICENSE BOARD - Board authorized to approve permits and the location of sidewalk vendors, pursuant to §10-1710.

VENDING MACHINE - any self-service device that provides for the sale or distribution of food, beverage or goods, newspapers, other printed materials either in bulk or in package, without the necessity of replenishing the device between each vending operation.

(Ord. 63-2007, 8/13/2007, §1)

§10-1705. License Required.

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Code Zoning District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of 8th Street and the eastern border of 11th Street.
2. The restrictions of this Section shall not apply to itinerant food operations associated with

the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located.

HEALTH AND SAFETY

10-134 Page Added 12/10/2007

Ten sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48-hour notice.

B. More than Two Licenses Prohibited. A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.

C. License Nontransferable. A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

(Ord. 63-2007, 8/13/2007, §1)

§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area.

Applications for sidewalk cafes outside the Commercial Core Zoning District shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. Such applications shall be forwarded to City Council for approval.

(Ord. 63-2007, 8/13/2007, §1)

§10-1707. License Application.

1. **Notice of License Availability.** Applications for sidewalk vending licenses will be available between November 1 and November 15 in the City of Reading Codes Office. Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to November 1.

2. **Application.** Any person interested in applying for a sidewalk vendor's license may, after public notice listed above, make application by filing such forms containing the required information with the City of Reading Codes Office with a nonrefundable application fee of \$50 no later than 4 p.m. on November 15. The application shall at a minimum set forth:

A. True name and address of the applicant. P.O. boxes will not be permitted.