



CITY COUNCIL

Public Safety Committee

Monday, December 6, 2010

Agenda

5:00 p.m.

Committee Members: D. Sterner, Chair; J. Waltman; M. Goodman-Hinnershitz

Although Council committee meetings are open to the public, public comment is not permitted. However, citizens are encouraged to attend and observe the committee meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation from the Committee Chair.

I. Increasing the Fines For Moving Traffic Violations

From Budget Follow-Up List - Currently the City receives approx \$12.50 for moving traffic violations (approx \$100) goes to the State, etc) – check to see if the City can raise the fine it receives for moving traffic violations

II. Discussion re Outsourcing Police Identification Unit to County DA

III. Transition of Codes to CD Department

IV. Housing and Zoning Permits & Approval (CE01 & CD01)

- a. Zoning permit backlog
- b. Review Ordinance re Expedited Zoning Approval

V. Comprehensive Housing Policy (HS02)

1. False advertising resolution & Enforcement (amended ordinance attached)

VI. Review Ordinance re Property Insurance Requirement – referred to HPO

(To include all residential and non-residential properties)

VII. PS Goal 10: Support Public Safety at City Schools (J. Washington)

1. Update – formation of Steering Committee

COMMITTEE OF THE WHOLE re Definition of Core Services

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Public Safety Goals

Goal 1: Coordination of Police, Codes and Zoning Services

Goal 2: Support Problem Oriented Policing

Goal 3: Surveillance Camera Project - *underway*

Goal 4: Support Consolidation of Fire Departments - *underway*

Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel) - *underway*

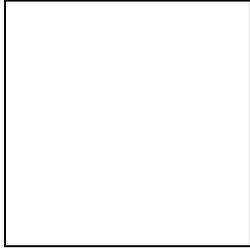
Goal 6: Support Health and Safety Review Ordinances

Goal 7: Support Cops and Codes Sweeps

Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances - *complete*

Goal 9: Support Implementation of Sidewalk Vendor Ordinance -*complete*

Goal 10: Support Public Safety at City Schools



CITY COUNCIL

Public Safety Committee

Tuesday, October 4, 2010

Council Office

7 p.m.

Committee Members Attending: D. Sterner, Chair, M. Goodman-Hinnershitz, J. Waltman

Others Attending: V. Spencer, L. Kelleher, C. Geffken, Lt. Evans

Mr. Sterner called the Public Safety Committee meeting to order at 5:25 p.m.

Increase in Crime

Mr. Waltman introduced the issue brought forward due to the increased in vandalism, robberies, and burglaries in the Centre Park and Albright areas. He noted that overall citizens are reluctant to report vandalism as they are advised when calling the Desk Sergeant that Police no longer respond to low level crime.

Lt. Evans noted his understanding of that perception but urged citizens to call and report vandalism due to the Departments focus on problem solving policing. He stated that city-wide crime is down; however, burglaries have increased in the Albright area. He noted that the department is running three (3) patrol cars less than last year, which reduces manpower by eighteen (18) men. He stated that the City began 2010 with a dramatic reduction in crime; however crime has increased over the summer months. He stated that the department has initiated a strategy to combat the burglaries on the east side of Reading.

Mr. Waltman noted the rise in car thefts city-wide. Lt. Evans stated that the majority of car thefts are caused by juveniles. He stated that more and more juveniles between the ages of 14-20 are seen on the streets during nighttime hours. He explained the problems with enforcing the nighttime curfew regulations. He explained that a curfew violation is a summary offense which goes to the Magisterial District Justice. Juvenile Probation is only involved if the citation issued by the MDJ is ignored. He also noted that the 3pm-11pm shift handles 40% of the Departments caseload.

Mr. Sterner inquired if the Police response depends on the severity of the crime or the specific value of the crime. As an example, he used a broken window versus a burglary where the perpetrator took household electric equipment. Lt. Evans explained that the department prioritizes complaints and that victims are told that there will be no Police response at times so the victim isn't left waiting for the Police to appear at the scene when there is a low chance of that occurring. He explained that low level crimes such as slashed tires or broken windows can be reported using the form located on the City's website.

Lt. Evans described the large problems caused by repeat juvenile offenders. He noted the need for a good intervention program for first and second time juvenile offenders.

Ms. Goodman-Hinnershitz explained that there are currently two (2) initiatives in progress. The first is the Mayor's task force on youth violence and the second is organized by St. Joseph's Hospital, funded by a grant. She suggested that Council invite these groups to make a presentation to the body of Council in early 2011.

Lt. Evans noted that the police officers on staff are doing a great job considering the reduction in personnel. He stated that Reading Police clear robberies two (2) times faster than the national average.

Mr. Waltman expressed his belief that the City is on the verge of a cave in as taxes are being increased without any improvement in City services. He noted the need to find a way to address the problems caused by rising costs like pension so that the City can provide improved services.

Vending Machine Fee

Ms. Reed joined the meeting via conference call.

Ms. Butler arrived at the meeting at this time.

Ms. Kelleher explained that the City recently increased its vending machine inspection fees to \$40 and \$45 a unit. She stated that the vending machine companies are objecting because an inspection is not performed. She explained that Ms. Reed organized a meeting with the vending machine companies to discuss the fee increases and the possibility of creating an improved program that will charge an annual registration fee and then charge an inspection fee to the percentage of the machines that are inspected annually.

Ms. Kelleher called the Committee's attention to the chart attached showing the various fees charged across Pennsylvania. She stated that the fees vary from \$10 to \$100 per unit in Sunberry. She also suggested applying a reduced inspection fee for locations where multiple machines are present in a banked setting.

Ms. Butler suggested introducing an ordinance to amend the fee at the October 13th meeting followed by the introduction of the new program ordinance.

Ms. Reed asked Ms. Kelleher to contact the vending companies and advise them of the City's forward movement. She also stated that a follow-up meeting will be scheduled with the vending companies after the ordinance is prepared.

Public Safety at Schools

As Mr. Washington was not present, the item was deferred to the October Public Safety meeting.

Implementation of Emergency Response Fee

Mr. Geffken stated that he consulted with Chief Rehr, who believes that the emergency response fee is unrealistic as the insurance companies will not pay this fee. PFM has only projected revenue valued at \$5K per year from the emergency response fee. The Committee decided not to move forward with this initiative, as it is not supported by the Administration.

Housing Zoning Permits and Approval

Ms. Kelleher reported that over the past week five (5) citizens were referred down to the Council Office from the Zoning Office to complain about Zoning permits that currently stuck in the pending mode. She stated that these citizens were then referred to the Managing Director's Office. She noted that this issue was discussed in September and she referred to the minutes attached to the agenda. She stated that Mr. Kersley appeared at the September meeting stating that 1,419 pending applications exist and 788 are incomplete applications. She also noted the need for City Council to deny the incomplete applications via resolution and suggested that new criteria for an expedited process be developed so applications could avoid individual hearings.

The Committee agreed that this issue needs to be finalized so the City can improve there enforcement on managing housing. They suggested setting a timeframe to correct this broken process.

Comprehensive Housing Policy – False Advertising

Ms. Kelleher explained that Legal Specialist Michelle Mayfield provided the statute that provides the City with the ability to opt in and begin enforcement on individuals who improperly advertise the zoning or use of a building prior to purchase. The fine is not to exceed \$1K and is a summary offense.

The Committee recommended including this issue in the larger housing strategy.

Review Ordinance Re: Property Insurance Requirement

This issue was deferred to an HPO Committee.

Mr. Geffken inquired if Ms. Kelleher was on this team and if meetings were occurring. Ms. Kelleher reported that, to date, no meetings have occurred. The Committee requested an update in October.

Vacant Outlet Buildings

Alan Shuman arrived at this time.

Mr. Sterner stated that the issue was raised due to complaints from residents and community groups in the outlet area. He inquired if Mr. Shuman has any development plans for the outlet properties. Mr. Shuman produced a plan developed in 2007 for the 8th and Oley and 9th and Windsor properties. He stated that these plans were reviewed with the redevelopment authority and the Mayor. He explained that the Mayor asked Mr. Mukerji to follow up; however, Mr. Mukerji has not returned Mr. Shuman's phone calls.

Mr. Shuman explained that he is currently meeting with the Zoning Administrator regarding the project.

Mr. Shuman stated that at 9th and Windsor, the portion of the building facing 9th Street will be demolished and the rear part on the Moss Street side will be rehabilitated for retail use on the first few floors with residential above. He stated that the Mayor put a hold on the CDBG funding for the demolition unless 100 jobs are guaranteed. Mr. Shuman noted the need to receive variances to reduce the parking requirements for the property. Mr. Shuman stated that the old outlets appeared in this building in the 1970's. Ms. Kelleher stated that at the City was still operating under its original Zoning ordinance enacted in 1957. Mr. Shuman stated that the parking requirements were not existent until sometime after the outlets began operating. He noted the difficulty in achieving redevelopment of the large outlet buildings with the stringent parking requirement.

Mr. Shuman stated that the building inspector and Fire Marshal inspect the property every six (6) months.

Mr. Shuman explained that the plan is moving forward on spec (before an investor is lined up) due to the difficulty in obtaining various City approvals. He also noted the need for the Mayor to free the demolition money. He described his efforts to seek additional assistance from the County and Community Development department.

Mr. Waltman noted the need for the Administration to support this project so it can move forward.

The Committee asked Mr. Geffken to coordinate with the County CD Department and the Mayor to, at a minimum, allow the demolition of the 9th Street portion of the building to occur quickly.

The Public Safety Committee adjourned at 6:55 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Issues for Follow-Up:

- Ordinance to adjust vending machine annual fees
- Ordinance to create a vending machine program

- Set timeframe to finalize the pending zoning applications
- Include the False Advertising Statute in the City's Housing Strategy currently under development
- Report from HPO Team re Vacant Properties & Requirement for Property Insurance
- Demolition of Outlet building facing 9th Street at 9th and Windsor

21 P.S. § 611

PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

* THIS DOCUMENT IS CURRENT THROUGH ACT 17 OF THE 2010 LEGISLATIVE SESSION *
*** APRIL 30, 2010 ANNOTATION SERVICE ***

PENNSYLVANIA STATUTES
TITLE 21. DEEDS AND MORTGAGES
CHAPTER 1. DEEDS AND GENERAL PROVISIONS
USE REGISTRATION PERMITS

21 P.S. § 611 (2010)

§ 611. Legislative findings

(a) The General Assembly finds that in municipalities throughout the Commonwealth many owners of properties are using such properties in violation of the **zoning** ordinances and regulations of such municipalities, and are maintaining such properties in violation of housing, building, safety, and fire ordinances and regulations, and are offering such properties for **sale** without revealing such illegal use or the receipt of notice of the existence of housing, building, safety and fire violations. Many innocent purchasers of such properties are not aware of the illegal use or the existence of the nature of violations until they have entered into agreements of **sale** or have consummated the purchase.

(b) In order to prevent undue hardships and losses imposed on such innocent purchasers by owners who have failed to reveal the illegal use of the property being conveyed or who have made misrepresentations in that regard, the General Assembly finds and declares that in cities of the first class, cities of the second class and in cities of the second class A, cities of the third class, boroughs, towns, townships of the first class and townships of the second class adopting the provisions of this act, all sellers of property shall be required to advise the purchaser of the legal use of such property, and to deliver to the purchaser not later than at the settlement held for such property a use registration permit showing the legal use and **zoning** classification for such property.

(c) In order to prevent undue hardship and losses imposed on an innocent purchaser by an owner who has failed to disclose to a prospective purchaser of property that a notice has been received that such property is in violation of housing, building, safety or fire ordinances or regulations, the General Assembly finds and declares that all sellers of property shall be required to advise purchasers of any notice received by the owners of any violation of any housing, building, safety or fire ordinance or regulation with respect to the property to be sold.

(d) The provisions of this act may apply to cities of the second class A, cities of the third class, boroughs, towns, townships of the first class and townships of the second class only if the governing bodies of such municipalities so elect.

21 P.S. § 612

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21 P.S. § 612 (2010)

§ 612. Definitions

(a) "OWNER" means any person, co-partnership, association, corporation or fiduciary having legal, or equitable title, or any interest in any real property. Whenever used in any clause, prescribing or imposing a penalty, the term owner, as applied to co-partnerships and associations, shall mean the partners, or members thereof, and as applied to corporations, the officers thereof.

(b) "PROPERTY" means any building or structure situate in any city of the first class or situate in any city of the second class, or situate in any other municipality eligible and electing to adopt the provisions of this act, except buildings or structures used, designed or intended to be used, exclusively, for single family or two-family occupancy, churches or other places of religious worship, except that for the purpose of certification or statements regarding notices of housing, building, safety or fire violations, the word "property" shall include all buildings or structures.

(c) "AGREEMENT OF SALE" means any agreement, or written instrument, which provides that title to any property shall thereafter be transferred from one owner to another owner, and shall include inter alia written leases which contain options to purchase the leased property, and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or after a stipulated period of time.

21 P.S. § 613

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21 P.S. § 613 (2010)

§ 613. Certificates

(a) In any city of the first class, any city of the second class or in any city of the second class A, city of the third class, borough, town, township of the first class or township of the second class which has adopted the provisions of this act it shall be unlawful for any owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certification of the District classification, issued by the appropriate municipal officer indicating the zoning classification and the legality of the existing use of the property to be sold.

(b) It shall be unlawful for an owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certificate issued by the appropriate municipal official disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.

21 P.S. § 613.1

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21 P.S. § 613.1 (2010)

§ 613.1. Agreements of sale

(a) Every owner shall insert in every agreement for the sale of property a provision showing the zoning classification of such property, and stating whether the present use of the property is in compliance with or in violation of zoning laws and ordinances, and every owner shall insert in every agreement for the sale of property a provision disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.

(b) If any owner fails to include any provision required by this act in an agreement for the sale of property, then in any action, at law or in equity, instituted by a purchaser against an owner, it shall be conclusively presumed that the owner at the time of the signing of such agreement, represented and warranted to the purchaser that such property was being used in compliance with the then existing zoning laws and ordinances, and that there was no uncorrected violation of the housing, building, safety or fire ordinances.

21 P.S. § 614

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21 P.S. § 614 (2010)

§ 614. Non-conforming uses

A certificate from the appropriate municipal officer certifying that the property has been approved or designated as a non-conforming use shall be deemed compliance with this act.

21 P.S. § 615

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21 P.S. § 615 (2010)

§ 615. Penalties

Any owner who violates the provisions of section 3 of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars, or undergo imprisonment for not more than one year, or both.