



CITY COUNCIL

Public Safety Committee

Monday, June 6, 2011

Agenda

5:00 p.m.

COW: Economic Development Strategy – J. Kromer

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. Amend Special Events Permit – T. Butler

II. Review Certificate of Transfer Ordinance

III. Update Services Center Implementation Report

IV. Quality of Life Ticketing Implementation Report

V. Update re Search for Deputy CD Director

VI. Housing and Zoning (CE01 & CD01)

- a. Review Draft Ordinance from External Legal Counsel
- b. Housing Registration & Inspection – draft ordinance allowing billing for inspection as per Maximus
- c. Update on redraft of Property Maintenance Code

VII. PS Goal 10: Support Public Safety at City Schools

1. Update – meeting held January 19

VIII. Memorandum of Understanding – I-Lead/11th & Pike Fieldhouse

COW: Sewer Fund Investigation

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*

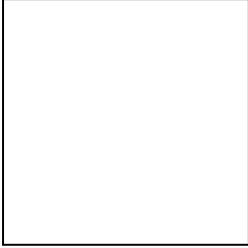
Goal 6: Support Health and Safety Review Ordinances

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

Monday, May 2, 2011
Council Office
5 p.m.

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

Others Attending: V. Spencer, L. Kelleher, W. Heim, C. Younger, T. McMahon, D. Kersley, K. Kulp, C. Geffken, R. Natale

Ms. Goodman-Hinnershitz called the Committee meeting to order and announced that Mr. Sterner had a conflicting appointment.

Police Implementation Action Team

Chief Heim stated that this action team, composed of representatives from the Police Department, the DA's office, PFM, and Councilor Sterner explored various personnel issues and the transfer of some Police units to the County. He stated that the group did an in depth exploration of court over-time and the regionalization of some Police units. He stated that he was very pleased with the outcome.

Chief Heim stated that while discussing Police over-time for court-related issues the group suggested eliminating the need for all involved Police Officers to attend preliminary hearings. He stated that currently all Officers involved in an incident must attend the preliminary hearing. He stated that the group suggests that only the lead Officer attend the preliminary hearing which will greatly reduce the City's exposure to Police overtime. He stated that court over-time costs are one of the largest overtime expense areas in the Department.

Review Housing Strategy

Councilor Waltman stated that after reviewing the second draft of the Housing Strategy, he is left with the belief that the new inspection cycle will assist; however the City's larger battle will be with consistent enforcement.

Mr. Kersley expressed the belief that the strategy touches critical housing issues in an achievable method. He noted that most initiatives in the strategy are currently under way.

Mr. Waltman inquired if the initiatives in the strategy are measurable. Mr. Kersley expressed the belief that the goals found in the strategy are measurable. He stated that the strategy seeks compliance with Codes and land use. He also expressed the belief that metrics can also be built out after various initiatives are in progress.

Ms. Goodman-Hinnershitz noted the need for accountability as public funds will be used to implement the Housing Strategy. She suggested a quarterly report on the progress made by the Administration on implementing the strategy. She explained that programs funded by grants require quarterly reports so the grantor can see the impact the grant dollars are achieving. She again suggested releasing a quarterly report on implementation on the Housing Strategy to Council and the public.

Mr. Natale noted Codes ability to generate reports on various Code related areas.

Services Center Implementation Report

Mr. Geffken stated that Ms. Weidel is not present due to a conflicting appointment.

Mr. Geffken stated that the bid to reconfigure the current tax office to combine all areas of the Citizen Service Center is nearly complete. He stated that the Department Directors have been instructed to have their employees update the SR's. He stated that an S.O.P. has been prepared for training purposes.

Mr. Geffken stated that at last week's Quality of Life ticketing meeting Ms. Kelleher expressed concern that currently SRs are closed out before the issue is totally resolved. He stated that that issue is being corrected.

Ms. Goodman-Hinnershitz inquired about the list of follow-up complaint items generated by the Deputy City Clerk monthly. Mr. Geffken stated that the Deputy City Clerk will have the ability to generate a report showing the status of all complaints issued by the Council office. Ms. Kelleher noted that before the report can be generated; all complaints issued by the Council office must have SR numbers. Currently a great percentage of the complaints do not have assigned SR numbers.

Mr. Waltman noted the need to have the SR information analyzed regularly so larger issues can be identified. Mr. Kersley agreed.

Quality of Life Ticketing Report

Mr. Kersley distributed a report showing the year-to-date tickets totaling 2525 and April totals coming in at 1,066. He stated that the Property Maintenance Aides started combining enforcement with education.

Mr. Natale stated that the Codes Office is developing a door hanger as an additional education tool.

Ms. Goodman-Hinnershitz agreed with the educational approach and also noted the misconception some have that a quota on the number of tickets issued exists.

Mr. Spencer explained that at the start of the program the Administration told Council that Property Maintenance Aides would need to issue a certain number of tickets to cover the cost of the program. He also noted the need for the City to consider the condition of City-owned properties, as many City-owned properties are in violation of the City regulations.

Ms. Goodman-Hinnershitz agreed, noting that the City does violate their own Snow Removal and High Grass/Weeds ordinances. She noted the need for the City to rectify their maintenance practices.

Mr. Kersley described the Administration's work with the Buttonwood Street Gateway area with a Codes sweep April 28th in conjunction with education and the Great American Clean-up that occurred on April 30th.

Updated: CD Deputy Director

Mr. Geffken stated that the resumes obtained through Nehr HR Consultant were more planning-based. He stated that the City is seeking a CD Deputy Director who has Housing experience. He also stated that the salaries of those who apply are higher than the City can handle. He stressed the need for the CD Deputy Director to have complete focus on Housing and Codes.

Housing & Zoning

Mr. Kersley stated that he is currently working with Ms. Kelleher to finalize the draft Housing Permit ordinance. He stated that he is waiting for Ms. Mayfield's input. He stated that Ms. Kelleher and he are currently developing a process map to make sure the City can implement the ordinance properly.

Ms. Kelleher reminded Mr. Younger to ask Ms. Mayfield to provide her comments on the Housing Permit ordinance and the Certificate of Transfer prior to the end of this week.

Transiency

Ms. Kelleher reminded the Committee that this topic was a budget follow-up item. She stated that the issue was referred to the Public Safety Committee. She reminded the group that Mr. Geffken was to contact the Reading School District regarding information sharing.

Mr. Geffken reported that the Reading School District is unable to take on Per Capita tax billing at this time. However, information sharing was discussed, which will increase the City's capacity to bill.

Update: Redraft of Property Maintenance Code

Mr. Natale stated that he and Ms. Mayfield are currently wrapping up the new Property Maintenance Code. He stated that training for various employees will occur on June 2nd and June 9th.

Public Safety at City School

Chief Heim reported that the two (2) issues under consideration are school corridors and traffic issues. The Reading School District was unable to fund additional surveillance cameras and no additional meetings have occurred.

Ms. Kelleher reminded Mr. Geffken about Mr. Spencer's memo regarding the surveillance monies available in the Reading Beautification account. Mr. Geffken reported that those monies were transferred over to the Police Department and used for the surveillance program. Chief Heim explained that this account was created so people and organization could make donations through a non-profit organization.

Other Matters

Mr. Geffken stated that the City has identified approximately city-owned 75 vehicles that are slated to go for public sale through Muncibid.

The Public Safety Committee adjourned at approximately 6:30 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

CITY OF READING, PA
OFFICE OF THE MANAGING DIRECTOR

David B. Kersley, MBA

Business Analyst &

Director of Continuous Improvement

MEMORANDUM

To: Thomas M. McMahon, Mayor

Carl E. Geffken, Managing Director

Daniel S. Robinson, Director of Community Development

Members of Reading City Council

Date: Monday, February 28, 2011

Re: Zoning Backlog for Multifamily Rental Housing

In August, 2010, this office issued a report regarding the status of 1,419 multifamily housing Zoning permit applications then pending before the City of Reading, along with a series of recommendations for clearing this backlog.

Subsequently, members of Council requested the Administration to engage independent legal counsel to evaluate the situation and submit recommendations for dealing with these pending Zoning applications and provide guidance for moving forward. To that end, the City issued a request for proposals for professional legal services, pursuant to which we engaged the Law Offices of Stephen G. Welz, P.C. Today, Mr. Welz will be present before City Council to present a series of findings and recommendations, which I briefly summarize here.

1. Ordinance 61-2007, which laid out the process by which owners of rental housing were to obtain Zoning and Housing Permits, should be repealed for multiple reasons, chief among them being a lack of conformance with the Commonwealth's Municipalities Planning Code because the criteria for the issuance of Zoning permits were linked to issues not related to land use policy. While the City has several remedies for property owners who violate the Property Maintenance Code, fail to obtain a Business Privilege License, or fail to meet other requirements, such matters are distinct from the land-use considerations which must prevail in decisions regarding Zoning.
2. Changes should be made to the City's Codified Ordinances, Chapter 11, Housing, to clarify that payment of an annual rental housing registration fee is different than receiving a Housing Permit to operate multifamily rental housing.
3. Changes should be made to the City's Codified Ordinances, Chapter 11, to provide the Zoning Administrator the explicit authority to approve Zoning applications for all multifamily rental properties for which the City had issued a valid Housing Permit (i.e. were current with Rental Housing Registration fees) in August, 2007 as having demonstrated a prior non-conforming use sanctioned by the City, so long as the number of units on the application matches the number of dwelling units for which each applicant had been issued a Housing Permit.
4. Changes should be made to the City's Codified Ordinances, Chapter 11, to provide the Zoning Administrator the explicit authority to approve multifamily rental Zoning applications which pertain to previously sanctioned uses, and to deny all applications which do not

City of Reading Zoning Ordinance

DEFINITION:

AUTO SERVICE STATION – a place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles are offered for sale at retail to the public. An auto service station may also include supplying services generally required for the operation and maintenance of vehicles, including the sale or dispensing of gasoline or fuel, and/or sale and installation of tires, batteries, automotive accessories and replacement items; providing washing and lubrication services; and performing minor automotive maintenance. Auto service stations shall not be used for painting or repair of vehicle body parts, unless the requirements for Auto Repair are also met.

Permitted by Special Exception in Commercial Highway zoning district
By Variance or pre-existing non-conforming use in other zoning districts

F. Stop Work Orders.

1. Upon notice from the Zoning Administrator that work on or use or occupancy of any structure, sign, land or premises is conducted contrary to the provisions of this Chapter, the Zoning Administrator may require that such work shall be stopped immediately. The stop work order shall be served to the owner of record of the property, or to the designated owner's agent, by certified mail and be posted on the property.
2. Any person who authorizes or continues any work, use or occupancy in or about any structure, sign, land or premises after having been served with a stop work order, except such work as is directed by the City to be performed, shall be in violation of this Chapter and subject to the penalties as set forth in §27-206 hereof.
3. Any person who has been served with a stop work order or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall thereafter be abated as permitted by statute or ordinance.

§27-204. Enforcement Notice.

A. If it appears to the Zoning Administrator that a violation of any provision of this Chapter has occurred, an investigation shall occur. The Zoning Administrator shall then initiate enforcement proceedings against a violation by sending an enforcement notice as provided in this Section. Prior to sending a formal Enforcement Notice, the Zoning Administrator may seek compliance in a less formal manner.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to a known occupant involved in a violation (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding that property.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person known by the Zoning Administrator to be involved in the violation.
2. The location of the property in violation.
3. The specific violation(s), with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal in writing to the Zoning Hearing Board within 30 days of receipt of the notice.

D. Any person who authorizes or continues any work, use or occupancy in any structure, sign, land or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this Chapter and subject to the remedies set forth in §27-205 and §27-206 hereof. *City of Reading Zoning Ordinance – As Adopted July 26, 2010*

E. Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, building, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall, thereafter, be abated as permitted by statute, ordinance or law.

F. In any appeal of an enforcement notice to the Zoning Hearing Board, the City shall have the responsibility of presenting its evidence first.

G. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the City if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

§27-205. Causes of Action.

In the event any structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this Chapter, the City, through its designated staff, or any aggrieved owner or tenant of real property who can show that his or her property or person will be substantially affected by the alleged violation, may institute any appropriate legal, equitable or otherwise, action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Zoning Administrator with a copy of the complaint thereon. No such action may be maintained until such notice has been given.

§27-206. Enforcement Remedies.

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not less than \$100, and not more than \$500, plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the City of Reading. This Article does not authorize imprisonment.

Memorandum of Understanding

Between
City of Reading
815 Washington St.
Reading, PA 19601-3615
And
ILEAD
Angel Figueroa

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the City of Reading, hereinafter referred to as Party A, and ILEAD hereinafter referred as Party B.

A. PURPOSE:

The purpose of this MOU is to establish mutually acceptable guidelines for the terms of use for the 11th and Pike Recreation Park for the month of June for the sum of \$300.00.

A agrees to provide the necessary authorization, information, and access to the City of Party B for the purposes of allowing ILEAD to operate ILEAD Empowerment Camp. Please refer to appendix A for entire description of program services.

PARTY A

- Provide rooms with office furniture, telephone, for ILEAD to operate during office hours and access to kitchen to serve meals. Oven is not available to use.
- No part of this memorandum and appendix A will conflict with any existing agreements.
- Failure to be in compliance will result in termination of the understanding.

PARTY B

- Supervise volunteers and staff to assist in maintaining the building in a cleanliness manner.
- ILEAD's use of the building during the evening and or weekend's will be subject to prior approval by the Mayor's office.
- ILEAD will provide a certificate of insurance of \$1 million naming the "City of Reading" as a co-insured.
- Failure to be in compliance will result in termination of the Understanding.

E. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts Party B or Party A from participating in similar activities with other public or private agencies, organizations, and individuals.

2. COMMENCEMENT/ EXPIRATION/ TERMINATION. This MOU takes effect upon the signature of the Party B and Party A and shall remain in effect until a formal lease agreement takes effect. This MOU may be extended or amended upon written request of either the Party B or Party A and the subsequent written concurrence of the other.

3. RESPONSIBILITIES OF PARTIES. Party B and Party A and their respective agencies and office will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

4. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

Party B Project Contact

Angel Figueroa

Party A Project Contact

Thomas McMahon

Mayor

Phone: 610-655-6234

5. NON-FUND OBLIGATING DOCUMENT. Nothing in the MOU shall obligate either the Party B or Party A to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Party B and Party A will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statues and regulations.

6. AUTHORIZED REPRESENTATIVES. By signature below, Party A and Party B certifies that the individuals listed in this document as representative of the Parties are authorized to act in their respective areas for matters related to this agreement.