CITY COUNCIL

Public Safety Committee

Monday, April 5, 2010
5:30 p.m.

Committee Members Attending: D. Sterner, Chair, J. Waltman

Others Attending: D. Kersley, L. Kelleher, C. Younger, C. Geffken, W. Heim

Housing Permit Application Process – Committee of the Whole
This Committee of the Whole Session also included Ms. Reed, Mr. Acosta, and Ms. Katzenmoyer.

Mr. Kersley gave an introduction to the ordinance drafted for the rental registration and zoning permit application process. He stated that this draft ordinance was crafted through the HPO housing permit team process. He stated that this ordinance tightens the criteria, removes anonymity through employee certification for those eligible for the expedited process, and provides an audit of properties slated for the expedited process, etc. Before moving properties into the expedited zoning hearing approval process the City Auditor shall audit 10-15 percent of the properties on the list and shall issue a memorandum of findings that the properties meet the required criteria.

Mr. Sterner stated that 4F requires the applicant to submit a listing of addresses of all rental properties owned in the City. He inquired about those who do not comply with that specific requirement. Mr. Kersley stated that failure to provide a list of all rental property addresses will make individual properties ineligible for the expedited process.

Ms. Reed inquired about the number of properties that could fall into this category and the enforcement. Ms. Kelleher stated that approximately one-third (1/3) of landlords who own multiple rental properties within the City have rental permits for some, but not others. She stated that under current practice Codes notifies the landlord that he must complete housing permit applications for those properties without the proper permits. The landlord is then provided with time to comply. Mr. Waltman noted the need to correct this process, as again the City is providing a reminder service. Mr. Younger stated that if the ordinance allows, the property can go to citation.

Mr. Waltman stated he has an issue with using an expedited process based on the old AHO process. He suggested stepping back and rebuilding some new process using a blank slate.

Mr. Waltman also questioned number three, which requires property maintenance staff to check the Hansen database and physical records. He stated that historically, the City has not had reliable data. He stated that he will not support the use of the AHO process as it has extended too long. He stated that the AHO process was intended to be used for a two (2) year period, as a type of amnesty program to encourage people to come into compliance with City regulations. He stated that he will be more comfortable with the redefined process; however will remain concerned about the existence of gaps.

Mr. Kersley noted the importance of the certification process through the various steps. City employees will need to complete a certification sheet attesting to the fact that the properties are in compliance with the City's regulations. He also stated that this new process corrects one of the initial breaks. In the old process, applications and property files were immediately transferred to Zoning who would have to research property maintenance files. He stated it makes more sense to have the Property Maintenance Division review the files and complete their own certification sheet prior to transferring to the Zoning office. Mr. Waltman stated again that he has no faith in the City's data.

Ms. Reed noted the egregious approval of a specific multiple-unit property located in an R-1 area within District 5. She stated that this property should not have been forwarded through the expedited process; however now there is little that can be done as the zoning permit was approved approximately a year and a half ago. Mr. Kersley explained the steps Property Maintenance will take prior to sending the application to Zoning. He stated that this initial step should correct that break.

Mr. Waltman inquired about the number of properties currently in the backlog that are eligible for expedited approval. He reminded everyone that the results of the audit showed that 45% of the properties that moved through the AHO process did not meet five (5) basic criteria and 100% that went through the AHO process did not meet all the criteria. Mr. Kersley agreed and noted that two (2) of the items listed on the criteria sheet were completely ignored.

Ms. Reed inquired about addressing properties that were improperly approved through the AHO process. Mr. Waltman stated that the subject was discussed before and the committee is waiting for a report back from Mr. Younger. He noted that this issue needs further discussion.

Mr. Waltman also stated that the properties that are not in compliance with the City's regulations are placarded; however currently no follow through is provided after the property is placarded. He noted a home in his block has had a placard for well over one (1) year.

Mr. Kersley stated that an audit for the properties in the backlog is currently underway and will determine how many require zoning permits and are eligible for the new expedited process.

Mr. Waltman noted the need for the process to be reengineered in a way that corrects the various breakdowns so properties can move forward safely and correctly.

Mr. Waltman again stressed the need to have better definition to address those properties who improperly went through the AHO process without complying with the City's criteria. He also noted the City's ability to address those deficient properties through their business privilege license or Codes. He noted that part of the initial AHO battle was lost; however limits and penalties can be applied elsewhere, as needed.

Business Privilege License – Committee of the Whole

Mr. Waltman stated that this ordinance was introduced last year; however the Administration asked for additional time to review the draft and redesign it, along with the implementation process.

Mr. Kersley stated that this ordinance was also drafted through the HPO Business license revocation team. He thanked Ms. Kelleher for her work on both these ordinances.

Mr. Kersley stated that at the beginning of this process several members of the team were resistant to this initiative; however as the ordinance was drafted revisions were made and the Administrative policy was created, people came on board

Mr. Waltman recalled that the original ordinance was drafted using a model from Philadelphia. Ms. Kelleher added that other cities such as Harrisburg and York also have business privilege revocation ordinances. Mr. Kersley stated that this draft was modeled off one currently used in Kansas.

Mr. Waltman questioned Section 13.4.09 License Revocations, 1A which states that the existence of chronic unsanitary conditions occurs. Mr. Kersley stated that the use of *chronic* refers to a business that places a strain on the City's Public Safety resources.

Mr. Kersley stated that the ordinance allows businesses that do not have business privilege licenses to go immediately to the penalty Section 13.4.13, which carries a fine of not less than $600 but no more than $1000 for each day a violation exists and cease operations order under Section 13.4.10, which applies to licensed businesses who have violated one or more the criteria listed under Section 13.4.09 Licensed Revocation, resulting in the business activity being shut down until compliance is achieved.

Mr. Waltman expressed the belief that this ordinance represents a good start; however he noted that some tweaking may be necessary along the way.

Ms. Kelleher inquired if the committee is ready to move the ordinance forward for introduction. Those present agreed that the ordinance should be moved forward to introduction at the April 12th regular meeting of Council.

Email Policy relating to Privacy Investigation and Process – Committee of the Whole

Mr. Waltman inquired who can initiate a review or audit of employee emails. It was noted that the attached policy does not cover that responsibility. Mr. Geffken suggested drafting a policy for Council review and approval. He noted the need for the policy to build in appropriate checks and balances. He suggested that authorization be approved by the Mayor, Managing Director, or Finance Director.

Mr. Acosta suggested that the Mayor be permitted to issue that executive order solely. There was next a discussion on the pros and cons of the Mayor having that sole executive authority. Also noted was the need for the policy to require just cause prior to an audit or review of employee emails.

Mr. Sterner questioned who currently who has the ability to undertake this activity. Mr. Geffken stated that at this time only the IT manager has this ability.

The Committee asked the Ms. Kelleher to research other City policies. This topic will be revisited at the May meeting.

Ban of the Use of Cell Phones While Operating Motor Vehicles Ordinance –Committee of the Whole

Ms. Reed stated that she asked Council staff to research and draft an ordinance that would ban the use of cell phones while operating motor vehicles. She thanked Ms. Katzenmoyer for completing the assignment. She stated that this draft was based on others used in cities such as Allentown and Harrisburg. She noted the dangers of using handheld devices while driving. She distributed some materials that support the ban. She stated that although this is an issue that should be legislated at the state level, there is a need for some definition locally. She noted that the Allentown ordinance excludes specific highways as they crossover into various jurisdictions. She suggested that the Reading ordinance be modeled in the same way.

Mr. Sterner inquired about the ability of the police to enforce this new ordinance.

Chief Heim stated that an officer could stop a vehicle for erratic driving.

Mr. Acosta inquired if this ordinance would be applied in the same manner as the seatbelt requirements. Cars can't be stopped because a passenger is not wearing a seatbelt; however if passengers are not wearing seatbelts when the car is stopped for another reason are eligible for a secondary fine.

Chief Heim stated that he reviewed a case appealing a local ban. The decision noted the need for state rather than local legislation on this issue. He stated that it seems that the state bill covering this ban is making some making progress through the state legislators and suggested waiting for the legislation to be passed at the state level. He inquired if any other states in our area utilize this ban. Mr. Geffken and Ms. Kelleher stated that both New York and New Jersey have adopted the ban. Ms. Reed suggested drafting a resolution encouraging state legislators to enact a law at the state level.

The Committee of Whole setting ended and groups split into the Public Safety and Administrative Oversight Committee settings.

Special Event Permit Ordinance

Chief Heim stated that the draft ordinance reviewed by Council at the March Work Session was revamped based on Council's comments. He stated that he also ratified input made by command staff.

Chief Heim stated that language referring to the lawful right of free speech and assembly was added to Section 15.12.03, Permit Required under Exceptions.

The Chief stated that the Law department has not reviewed this ordinance. The committee asked Chief Heim to work with Ms. Butler to review and finalize this ordinance. The ordinance was referred for introduction at the April 12th meeting.

Codes Ticketing Ordinance

Chief Heim stated that he recently learned that the Hansen database can handle the ticketing process. He stated that the ordinance is being refined. He added that the City will not need to purchase special software or programs, as it can be done internally through the Hansen software. Mr. Geffken noted that handheld computers will need to be purchased. The models will be similar to those used by the Parking Authority. He stated that information contained in the handhelds will be down/up loaded nightly.

Mr. Waltman noted the need for the ordinance to include an implementation plan that will include a media blast and education program that will compliment this program. He suggested a two tier penalty whereby the first citation would be a soft fine but the second citation would be more financially stern.

Chief Heim stated that basic quality of life issues such as snow removal, uncut grass and weeds, dog dirt, etc. would be covered by this program.

Mr. Sterner requested an update at the May meeting.

Property Insurance Requirement at Commercial Buildings

Mr. Waltman noted the variety of catastrophes that have occurred since 1996, whereby properties owned without property insurance have been involved in catastrophic fires or collapse leaving the City on the hook for the demolition cost. He noted the difficulty in obtaining reimbursement for these expenses. He noted that the collapsed warehouse at 216 Buttonwood Street does not have property insurance; therefore the property owner is unable to pay for the required repairs to neighboring properties and to address the collapsed building itself.

There was next a discussion on the need for properties to have property insurance. Mr. Younger stated that so far he has seen nothing that says the City can't require property insurance; however he has also not seen anything that says the City can require property insurance. He explained the need to do further research on the insurance statutes.

There was next a discussion on insurance registration at commercial properties or an escrow payment requirement. The committee asked Ms. Kelleher to research other City policies.

The Public Safety Committee adjourned at approximately 6:45 p.m.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Issues for Follow-Up:

- Policy Email Audit and Review
- Update: Codes Ticketing
- Property Insurance at Commercial Buildings
- Audit of Housing Permit/Zoning Applications Currently in the Backlog