CITY COUNCIL

Public Safety Committee

Tuesday, July 6, 2010
Council Office
5 p.m.

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

Others Attending: C. Geffken, W. Heim, C. Younger, S. Katzenmoyer, F. Denbowski, D. Kersley, J. Haney

Mr. Sterner called the Public Safety Committee meeting to order at 5:01 p.m.

Review Double Parking Ordinance Amendment

Mr. Haney reviewed the problem with the ordinance as written. He stated that since all MDJs are now hearing traffic cases, the MDJs have been reviewing the legislation. He circulated photos of vehicles which were parked in the lane of traffic but would not be considered double parked as the ordinance stands. He stated that MDJs have noted that if this type of violation is appealed that it would not be upheld. He noted the proposed new language. Mr. Younger agreed with the MDJs interpretation of the language.

The Administrative Oversight Committee joined the meeting at this time.

Mr. Younger questioned if the Parking Authority solicitor reviewed the amendment. Mr. Sterner agreed that the Parking Authority solicitor should review the amendment before it moves forward.

Ms. Goodman-Hinnershitz suggested not using the term double parking on the ticket and replacing it with prohibited parking.

Mr. Marmarou questioned the State law on this issue. Chief Heim expressed his belief that this violation is covered in the State Motor Vehicle Code. He suggested that the State language be added to the amendment for consistency. He stated that he would research this issue and suggested that this is a loophole in the local ordinance.

Mr. Haney stated that the Parking Authority would like the amendment so that they can properly enforce this violation. He noted that this is a particular problem with ATMs in the downtown area. Mr. Younger agreed that these types of violations should be enforced.

Ms. Reed expressed her belief that this issue is a problem across the City. She questioned how many tickets were issued for standard double parking and how many were issued for those stopping in the lane of traffic next to parking spaces. Mr. Haney stated that the Parking Authority does not differentiate between these two types of violations.

Ms. Reed questioned if double parking is more prevalent in certain areas of the City. Mr. Haney stated that it was.

Mr. Waltman joined the meeting at this time.

Ms. Reed suggested that the fine for double parking be increased in addition to cleaning up the language. Chief Heim warned that the higher the fine, the more likely the MDJ is to dismiss the ticket.

Mr. Acosta noted his concern with safety at downtown ATMs. He noted the need to communicate these safety issues with downtown banks. Ms. Goodman-Hinnershitz agreed stating that downtown ATMs are made for walk up service, not drive up.

Mr. Denbowski noted the number of complaints received about double parking at City schools. Mr. Sterner suggested that this topic be discussed separately at a future meeting. He suggested that this amendment wait for introduction until the Parking Authority solicitor has reviewed the language and Chief Heim can add the language from the State Motor Vehicle Code.

Mr. Sterner cautioned Council on increasing the fine too high as it may cause more violations to be dismissed by MDJs. Mr. Haney stated that the current fine is $75 and rises to $85 if not paid within 10 days.

Mr. Sterner questioned if a sliding scale fine would be appropriate. Ms. Reed and Ms. Goodman-Hinnershitz agreed with this concept. Mr. Geffken stated that the MDJ may not have access to the number of violations a person receives and several MDJs may see the same person depending upon where the violation takes place.

Mr. Acosta noted his disbelief that the MDJs do not enforce the City's ordinances. Ms. Goodman-Hinnershitz stated that MDJs are judicial and the separation of power applies.

Mr. Waltman noted that the sliding scale is used on codes issues to allow the MDJ more options.

Ms. Reed questioned if the Parking Authority could determine the number of infractions issued of this nature. She noted that this is a large public safety issue.

Mr. Sterner questioned if the number of infractions dropped when the fine was increased to $75. Mr. Haney stated that they did not. Chief Heim stated that there was an initial dip but that it is back up.

Mr. Sterner questioned the position of the Administration on the amount of the fine. Mr. Geffken recommended doubling the fine to $150.

Ms. Reed questioned the amount of this fine in other similar sized cities. Chief Heim stated that most other cities would probably have an amount comparable to the $75 fine.

The Committee requested Council staff research the amount of this fine in other cities in PA.

Ms. Goodman-Hinnershitz suggested that the language amendment move forward and the increase in fine be addressed at a later date after the research is complete.

Mr. Geffken stated that the MDJs dismiss many more violations than they uphold. Mr. Haney stated that 30% of tickets that are appealed are upheld.

Mr. Marmarou stated that meetings with the President Judge were held on this issue in the past. He noted that there has been little improvement.

Fireworks

Ms. Goodman-Hinnershitz noted her concern with the amount of fireworks in the City this year. She noted that there were two fires near the Pagoda. She noted that the type of explosives used and the fact that they were being set off in City streets are major issues. She questioned how the City's fireworks ban could be enforced and the public protected.

Mr. Sterner agreed noting that the Public Safety Committee has discussed this many times.

Chief Heim stated that no officer may take vacation during this holiday to maximize the number of officers on duty on the 4th of July holiday. He stated that they do try to intercept the fireworks before they are exploded but there were no arrests this year.

Ms. Reed noted that that 1000 block of Penn St became out of control and the residents expressed their thanks to the Police Department for their quick response.

Chief Heim noted the poor fireworks legislation in the State Code.

Ms. Katzenmoyer suggested that this issue be discussed at the July 12 Committee of the Whole

meeting.

Ms. Goodman-Hinnershitz left the meeting at this time.

Graffiti Abatement Fee

Mr. Kersley stated that this fee would allow the City to recover costs of graffiti removal. He stated that currently there is a crew that works two days per week removing graffiti. This fee would apply to commercial and rental properties only. If the graffiti is not removed within five days the City will remove it and levy the fee. The information would be entered into Hansen and a bill generated. The fee would be $70 but would rise to $140 if not paid within 60 days.

Mr. Waltman noted his agreement with this fee. He questioned the recovery rate. Mr. Kersley stated that approximately 60 properties are abated per week.

Mr. Sterner questioned how this would affect the County removal program. Mr. Kersley stated that the County works in the City two days per week and concentrates on removing graffiti in high traffic corridors. He stated that this practice would continue in a cooperative effort with the City concentrating on neighborhoods.

Mr. Sterner stated that the County would offer free removal and the City would charge a fee. Mr. Kersley stated that it would be affecting different properties.

Jim Washington arrived at this time.

Mr. Kersley stated that this ordinance was developed in consultation with the County graffiti removal task force.

Mr. Denbowski explained that the City removal is complaint-based but the County targets high traffic areas. He noted that the County gets a large amount of free labor as many of their workers are performing court mandated community service.

Mr. Sterner questioned if the fee could be viewed as discriminatory since it targets commercial properties only. Mr. Kersley noted the philosophy that these properties are purchased for profit purposes. Mr. Younger noted his opinion that this would not be considered discriminatory.

Mr. Marmarou left the meeting at this time.

Mr. Waltman expressed the belief that the City is constantly chasing graffiti. He noted the need for a larger strategy.

Mr. Acosta questioned how graffiti removal assisted with fighting gangs. Chief Heim stated that much of the City's graffiti is by taggers and not by gang members. He also noted that gangs are

changing and are not as territorial as they once were. He noted his support of this ordinance.

Mr. Kersley noted his hope that this will encourage the property owners to remove the graffiti within the five days and the City will be cleaner.

Mr. Acosta noted that the mural program assists with graffiti but that murals can't be everywhere.

Mr. Denbowski stated that the anti-graffiti trust fund currently exists but is unfunded. He noted that this fee would allow the funding which would be used for education and removal costs.

Mr. Sterner questioned if the fee revenue would be transferred out of the general fund and into this trust fund. Mr. Geffken stated that the intention is to fund the trust.

Mr. Sterner stated his belief that this ordinance is ready to be moved forward.

Ms. Reed noted her support of the ordinance and stated that large, vacant buildings are often tagged. She noted that the owners rely on the City's free removal and noted her hope that this would spur them to remove the graffiti more quickly. She noted that graffiti affects an entire neighborhood and that owners need to be responsible for their properties.

Mr. Kersley requested review of the ordinance by the Law Department and that it be introduced at the July 12 meeting.

Fire Alarm and Burglar Alarm Fees

Mr. Kersley stated that these are two separate ordinances – one for fire alarms and one for burglar alarms. He noted that the Recovery Plan calls for these fees to recoup costs for repeat false alarms. He noted that the fee escalates with each occurrence. He stated that the fire alarm fee was taken directly from the Recovery Plan. This same fee scale was also used for burglar alarms to keep the fees consistent.

Mr. Acosta left the meeting at this time.

Mr. Waltman agreed with the need for these fees.

Chief Heim stated that monitoring systems call the owner before personnel are dispatched. He expressed his belief that there is no need for false alarms.

Mr. Sterner stated that these ordinances will be introduced at the July 12 meeting.

Housing and Zoning Permit Backlog

Mr. Kersley stated that a brief was sent to Council on June 15. He noted that inspections are

being migrated into Hansen including the need for re-inspections, inspection appointments, notices of violations, etc.

Mr. Waltman questioned rental properties which are not in the system. He noted the need for a large penalty for those who continue to operate without permits. Mr. Kersley stated that he is overseeing an inventory of all applications received and stated that most do not qualify for an expedited process. He stated that the inventory will help set the policy needed to address the applications.

Mr. Kersley stated that he underestimated the time needed to complete the inventory and stated that he will present these results to Council in late September.

Mr. Sterner noted his belief that Mr. Kersley is working in the right direction to correct this problem.

Chief Heim noted his agreement with Mr. Kersley's approach and also suggested that the City work with real estate agents.

Mr. Waltman again noted the need for a fine when rentals operating without permits are located. He noted that the City will be held liable for problems and that every issue the City is facing ultimately goes back to housing.

Mr. Kersley stated that the inventory will cover approximately 1200 properties. He stated that the implosion of the City process is not the fault of the applicants.

Mr. Sterner questioned if there is follow up on the properties located by the Council staff. Mr. Geffken stated that the properties are investigated and sent to Property Maintenance for action as necessary.

Mr. Sterner questioned how long it would take to get the information into the Hansen system. Mr. Kersley stated that it would be completed in two years as the rental inspections will return to being inspected every two years.

Mr. Waltman questioned when the 2010 permit fees would be billed. Mr. Geffken stated that the bills have been delayed while the Administration investigates raising the permit fee. He stated that once the fee has been established the 2010 bills will be mailed.

Comprehensive Housing Policy

Mr. Waltman noted that the false advertising ordinance was drafted to make it illegal to advertise the conversions of single family properties into multi-units.

Mr. Geffken stated that the ordinance needed work as Section 5 is unclear about who would be

fined and how the process would be implemented.

Mr. Waltman requested that the ordinance be reviewed by the Law Department. Mr. Younger stated that the ordinance does not state who would enforce it.

Mr. Sterner stated that meetings were held with realtors in the past about this issue. He noted that they were uncooperative.

Mr. Waltman noted that the ordinance should not move forward if it is not enforceable.

Mr. Sterner suggested fining the realtor who places these ads. Ms. Reed suggested that the City run a standing ad recommending that buyers check with the City before improvements are made.

Mr. Waltman stated that properties which have been converted without permits should be shut down.

Mr. Younger stated that realtors must work by a Code of Ethics. He suggested reporting those who do not.

Mr. Waltman requested a recommendation from the Administration to be discussed at the next meeting.

Ms. Reed suggested a tip line to report conversions resulting in rewards for those who are successful. She requested that the legality of this option be reviewed.

Mr. Geffken noted the need to determine the process to allow the ordinance to be enforced.

Property Insurance Requirement

Mr. Younger distributed an exhibit modeled on the sample provided from Hazelton. He stated that it is incomplete at this time but would require all property owners to provide a copy of their insurance certificate. He noted that some owners may not be able to obtain insurance due to the condition of the property and he reiterated that this would include owner occupied properties.

Mr. Waltman questioned why the amount was stated at $50,000. Mr. Younger replied that it was based on the sample ordinance provided.

Mr. Waltman stated that the goal of this requirement would be to protect the City from covering the entire costs to abate hazards.

Ms. Reed noted her agreement with this requirement noting that many properties are sold via cash sales.

Mr. Waltman requested that this issue remain on the agenda and requested that the Administration review the issue. He also requested that the Fire Escrow ordinance be reviewed for the need of possible amendments.

The Public Safety Committee adjourned at 6:45 pm.

Respectfully submitted by
Shelly Katzenmoyer,
Deputy City Clerk

Issues for Follow-Up:

- Review - Ord requiring Property Insurance for Residential and Commercial properties - Solicitor
- Audit of Housing Permit/Zoning Applications Currently in the Backlog – D. Kersley
- Review – Ordinance creating new expedited zoning approval process – D. Kersley
- Review – recommendation on expansion of Codes service hours
- Double Parking Amendment – Law/Police Chief/Parking Authority
- Double Parking at/near City schools