



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
March 9, 2015
5:00 P.M.

COUNCIL MEMBERS PRESENT:

S. Marmarou, D. Sterner, C. Daubert, F. Acosta, J. Waltman

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, D. Cituk, M. Vind, C. Younger, C. Snyder, R. Johnson

The Committee of the Whole meeting was called to order at 5:02 pm by Mr. Acosta.

I. 2015 General Obligation Bonds

Mr. Vind explained that there has been a recent sizable increase in interest rates. He stated that this increase only affects the "B" bonds and that there will be approximately \$500,000 less in cost savings.

Mr. Bembenick, Mr. Pottiger, and Ms. Reed arrived at this time.

Mr. Vind suggested that the "A" transaction occur now but that there be a delay with the "B" transaction to see if the interest rates will decrease. He suggested that Council enact the ordinance this evening to authorize the transactions.

Mr. Kersley and Mr. Spencer arrived at this time.

Mr. Marmarou thanked Mr. Vind for the updated information.

Mr. Waltman stated that speculation is that there will be rate increases in mid summer 2015. Mr. Vind stated that the next update from the Federal Reserve is due March 18. He stated that after the update is released that there may be a reduction in interest rates and that the bond flows remain the same. He stated that he will wait until after March 18 for the "B" transaction.

Ms. Goodman-Hinnershitz arrived at this time.

Mr. Vind left the meeting at this time.

II. Zoning Backlog Process

Mr. Kersley reported that 2,086 applications (78%) have been cleared out of the backlog and that it should be completely cleared within 6 months. He stated that the pace has increased as many applications are single family homes becoming single family rentals and are able to be approved by the Zoning Administrator.

Mr. Sterner stated that Mr. Peiffer explained the process he is using to the Standards of Living Committee. He stated that he suggested that Mr. Peiffer make the same presentation to the Committee of the Whole to answer Council's questions and address their concerns. He stated that there were problems in the past using the Administrative Hearing Officer (AHO) and that the process currently being used may cause similar problems.

Mr. Agudo arrived at this time.

Ms. Reed stated that there is a property in her district in an R-1 neighborhood that was erroneously granted zoning by the AHO which continues causing problems. She questioned how many applications were for properties in R-1 zoning districts. Mr. Agudo was not able to provide this information.

Ms. Goodman-Hinnershitz requested a brief history of this issue. Ms. Kelleher stated that during the AHO process, Council should have been receiving lists of the applications under consideration so that they could dispute or remove properties from AHO approval. She stated that the lists were not received. Review of the properties granted zoning during this process showed many that were erroneous.

Ms. Kelleher explained that independent legal counsel assisted to correct the AHO process as it was giving away Council's authority to grant zoning approval on conversions. Council set up a new process using a hearing master in combination with hearings before single members of Council and the full body of Council. She stated that the hearing master would make a recommendation to Council who would then adopt a resolution granting or denying the conditional use.

Mr. Agudo reported that 2,086 properties have been cleared from the backlog and that 260 multi-unit properties remain. He expressed the belief that the backlog would be cleared by the end of June 2015.

Mr. Acosta requested a review of the process being used to clear the backlog. Mr. Agudo stated that the Zoning Administrator is using the Council process. He stated that many applications are single family homes becoming single family rentals. He stated that many other applications are incomplete and the applicant has been sent a letter requesting the necessary information to move the process forward.

Mr. Agudo stated that it is estimated that 671 applications will need Council action. He stated that the Administration made the decision to change the process to decrease costs. He stated that 216 applications have not yet been addressed but that the Council process will be followed. He stated that seven appeals have been filed to date and that the hearings were before the full body of Council.

Mr. Marmarou questioned how long it would take to clear the backlog. Mr. Agudo stated that there are 585 applications to be addressed and that they should be complete by the end of June.

Mr. Waltman stated that 455 multi-unit properties have been reviewed. He questioned how many of those properties received zoning approval. Mr. Agudo was not able to provide this information.

Mr. Waltman questioned the criteria used to process the applications. Mr. Agudo stated that the focus was on the applicant's ability to respond. He stated that an initial letter is sent giving the applicant 30 days to appeal when the number of units on the application does not match the number of units in the City's records. He stated that many of the applicants allowed the time to elapse and then received letters stating that they were denied. He stated that those who do respond move into the hearing process.

Mr. Waltman questioned the number of applications that should have come before Council. Mr. Agudo was not able to provide this information.

Mr. Waltman stated that 2,000 single family rentals were approved. Mr. Agudo agreed. He stated that there are also times when the single family rental reverts to single family owner occupied.

Mr. Waltman noted the need for further information and review of the properties with multi-units.

Ms. Reed questioned if single family applications were closely scrutinized. Mr. Agudo stated that they are not.

Ms. Reed questioned if the number of people per unit is reviewed. She stated that there are single family rental properties in her district which contain a large number of people. She stated that this could be occurring throughout the City. She stated that the issues caused by the property erroneously granted zoning have broken her trust in the process. Mr. Agudo stated that all is being done to ensure that errors are not made. He requested that Council make suggestions.

Ms. Goodman-Hinnershitz noted the need to learn from the past. She stated that processes are only as good as the people working to ensure they are being followed. She noted the need for Council review. She also noted the need for zoning to be administered as contained in the ordinance and that this issue has gone on for too long. She agreed with the June completion date.

Ms. Kelleher questioned follow up on the applications that are unresponsive to the initial letter and the denial letter and also if there is follow up on properties denied zoning by Council to ensure that the property is deconverted. Mr. Agudo stated that Council can set a deadline as part of their decision. He stated that there is follow up. He stated that the Zoning Administrator must follow the Municipal Planning Code (MPC). He stated that Zoning requested a legal opinion on this issue and that the Zoning Administrator can set a time limit.

Mr. Agudo explained that the applicant has three options – to ignore the letter and infer agreement with it; to appeal; or to deconvert the property. He explained that to prove deconversion a kitchen, meter, door, etc must be removed from the property. He stated that this is confirmed during the property's next inspection by Property Maintenance. He stated that Mr. Kersley suggested that all zoning inspections for the backlog be assigned to a specific inspector for follow up. He stated that he is investigating this option. Otherwise, the follow up is at the property's next property maintenance inspection.

Mr. Acosta stated that if the letter is ignored and there is no follow up, the property owner may continue breaking the law. Mr. Agudo agreed that this could occur until there is an inspection to verify the number of units. He stated that if this occurs, the penalties are severe.

Mr. Waltman stated that the number of units on the application and the number of units in the property must match to be granted zoning. He requested a matrix of the 671 multi-units of their status in the process and the results.

Mr. Agudo reminded Council that this Administration inherited the backlog. He stated that when the backlog is cleared, other projects can occur.

Mr. Marmarou stated that people find ways around regulations. He described a situation with a student rental in his district. He stated that there is high turnover in rental properties.

Mr. Sterner suggested that property maintenance inspections be scheduled quickly for properties that seem suspicious.

Mr. Kersley left the meeting at this time.

III. New Ordinance Review – Immigration Assistance Services

Mr. Acosta stated that there are establishments doing immigration work by individuals that are not attorneys. He stated that the main piece of this legislation is the disclosure that the

establishment is not a legal firm and those assisting are not attorneys. He stated that there are many incidents where people are taken advantage of and that the Bar Association is also working to correct this issue.

Mr. Acosta stated that Philadelphia passed similar legislation in December 2014. He explained that this does not add a “notary police” but rather adds a section to the Business License application. He stated that those who are reported who are not disclosing that they are not an attorney will have their business license revoked. He noted the need to protect those seeking out immigration services.

Ms. Snyder stated that this legislation requires disclosure that the notary is not an attorney. She stated that the disclaimer will be posted in multiple languages.

Mr. Acosta explained that in many Latin countries notaries must be attorneys.

Ms. Goodman-Hinnershitz noted her work on social policies. She questioned other consequences if a person is practicing law without being an attorney. Mr. Younger stated that it is a misdemeanor.

Mr. Acosta stated that those seeking services need to keep their paperwork for proof of status and some notaries are not providing copies to them. He stated that this is a bad practice as the paperwork is extremely important.

Mr. Waltman suggested that the disclaimer also point to a legal organization that can assist. Mr. Acosta stated that the Bar Association is providing services. He stated that this legislation is a tool to educate those who need immigration services.

Mr. Younger distributed information about this issue. He stated that there is a complaint process. Those found in violation will lose their license and will be charged with a misdemeanor. Mr. Acosta stated that many who use these services are afraid to file a complaint because of their status.

Mr. Waltman suggested that the disclaimer include the Bar Association information for legal assistance.

Mr. Acosta stated that this legislation is being introduced this evening.

IV. Agenda Review

Council reviewed this evening’s agenda including the following:

- Resolution – granting a sewage plan to the Homes at Riverside project

Mr. Johnson stated that this is part of the planning process. He stated that the project includes 27 units, 6 of which are ADA accessible. He stated that the project will produce 19,200 gallons of flow. He recommended approving the sewage plan.

- Ordinance – authorizing a transfer of \$10,000 for the baler project

Ms. Snyder explained that these funds are needed for the portion of the baler project not covered by grant funding.

- Ordinance – amending the position listing to add two part time seasonal graffiti abatement employees

Ms. Snyder stated that the funding for the positions was included in the budget but that the positions were inadvertently excluded from the Position Ordinance.

- Ordinance – amending the Plumbing Code to allow PVC and PEX

Mr. Sterner stated that there was a presentation on this amendment at the Standards of Living Committee. Ms. Katzenmoyer explained that Mr. Lachat will attend the Committee of the Whole meeting when this is eligible for final passage to make the same presentation. She explained that the exhibit is incomplete at this time but it will be completed before it is ready for final passage.

- Resolution – reappointing Richard McDougall to the DID Authority

Ms. Reed stated that she does not support this candidate. She noted the need to diversify this board.

Ms. Goodman-Hinnershitz expressed the belief that diversity is good but that votes should be based on the candidate brought forward and not on the larger issues.

Mr. Acosta stated that he is currently seeking an applicant for the Zoning Hearing Board to expand its diversity. He noted the need not to replace people for diversity's sake if the person is doing quality work for the City.

Mr. Sterner stated that Mr. McDougall's interview went well.

Mr. Acosta thanked Mr. Bembenick for this service to the City and wished him well in his new position. Mr. Bembenick thanked all present for his experience with Reading.

V. Executive Session

Mr. Acosta announced that Council would be holding an executive session to discuss personnel matters. Council entered executive session at 6:04 pm and exited at 6:36 pm.

The meeting adjourned at 6:36 pm.

*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*