

STATED MEETING - CITY COUNCIL – APRIL 22, 2014

A meeting of the Lancaster City Council was held on Tuesday, April 22, 2014 in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Graupera presiding.

Council led the assembly in the Pledge of Allegiance.

Present – Mr. Reichenbach, Mr. Roschel, Ms. Sorace, Mr. Soto
Ms. Williams, Ms. Wilson, President Graupera – 7

The minutes of the meeting of Council for April 8, 2014 were approved by a unanimous roll call vote.

PUBLIC COMMENT – Professor Antonio Callari, Professor Carla Willard, Elizabeth Smoot, resident, and Gerry Greiner, resident, all spoke to City Council about their concerns with the prospect of Franklin & Marshall College arming their security guards. President Graupera thanked them and stated that he has met with the Administration at Franklin & Marshall College and that he was assured that a decision has not been made on the subject. He will keep us posted, although the City has no jurisdiction in the matter.

REPORTS REQUESTED BY COUNCIL – Mr. Ray D’Agostino, Executive Director of LHOP (Lancaster Housing Opportunity Partnership) gave a report to City Council on the state of adequate housing for everyone in the City of Lancaster. Ms. Emma Hamme, Lancaster County Planning Commission assisted.

ECONOMIC DEVELOPMENT AND REVITALIZATION COMMITTEE – Chairman Reichenbach gave a brief report on the CRIZ Authority meeting that was held today. Fred Waller has officially added as a board member. Lancaster General Health requested the removal of 2.13 acres of land. They have some other funding opportunities that they are looking at for that parcel. It was approved and then the State must approve. The decision was 2.13 acres of land added into the CRIZ and it will be in the Southeast, the Fulton Bank on the corner of Chesapeake Street and South Duke. Businesses in the CRIZ are being contacted by City Officials to let them know that there is certain tax data that they will need to supply every year in order for the CRIZ to work.

PERSONNEL COMMITTEE – Chairwoman Williams stated that before this evening’s meeting there was an executive session. Upon recommendation of the Bureau of Police Officer’s Relief, the police pension board, the Personnel Committee met in executive session to review the disability pension application of Officer Michael G. Brault. Based upon the vote of the Personnel Committee, I move to accept the recommendation of the Police Officer’s Relief to approve Officer Brault’s application for disability pension. Councilman Roschel seconded. City Council approved the motion by a unanimous roll call vote.

Administration Bill No. 2-2014, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER AMENDING ORDINANCE NO. 6 – 1999, KNOWN AS THE HERITAGE CONSERVATION DISTRICT ORDINANCE, AS FIRST AMENDED BY ADMINISTRATION ORDINANCE NO. 4- 2005 (CHAPTER 155, ARTICLE II, OF THE CODE OF THE CITY OF LANCASTER) IN ORDER TO AMEND AND ADD CERTAIN DEFINITIONS AND TO CLARIFY THOSE ACTIVITIES REQUIRING CERTIFICATES OF APPROPRIATENESS.

Councilman Reichenbach made the motion to approve and Councilman Soto seconded.

Randy Patterson, Director of Economic Development and Neighborhood Revitalization, stated that the administration has noticed that the covering formerly called Formstone, has been seen being applied to brick façades more frequently lately without the City having standards to regulate what can be applied to brick. In order to preserve the historic flavor of our brick residences we have amended this ordinance to have residents come to the Commission for review in order to receive a certificate of appropriateness.

Jonathan Owens, Millersville Pike, who has been restoring historic buildings for 25 years implored Council to pass this ordinance, noting that the culprit in form stone is Portland Cement. He distributed a booklet that he compiled to demonstrate the reasons to control the application of this material on 19th century buildings.

City Council approved Administration Bill No. 2-2014 by a unanimous roll call vote, and it shall hereinafter be known as Administration Ordinance No. 2-2914.

Administration Bill No. 3-2014 (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY OF LANCASTER TO EXERCISE THE CITY’S POWERS OF EMINENT DOMAIN AS SET FORTH IN SECTION 2801 OF THE THIRD CLASS CITY CODE (53 P.S. §37801) AND SECTION 303 OF THE OPTIONAL THIRD CLASS CITY CHARTER LAW (53 P.S. §41303) TO APPROPRIATE AND TAKE A PORTION OF THAT CERTAIN PROPERTY LOCATED AT 860 SOUTH PRINCE STREET IN LANCASTER CITY, LANCASTER COUNTY, PENNSYLVANIA; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

Councilman Roschel made the motion to approve and Councilwoman Wilson seconded

Mayor Gray stated that this is a small piece of property that was purchased by the current owner's father. It used to be a railroad line. It is a portion of the property that will be used for the new SPCA shelter. In discussions with the property owner, he and I have arrived at a figure is reasonable. The solicitor has stated that if it passed tonight, we can avoid transfer taxes.

City Council approved Administration Bill No. 3-2014 by a unanimous roll call vote and it shall hereinafter be known as Administration Ordinance No. 3-2013.

Administration Bill No. 4-2014, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA REQUIRING THE REGISTRATION OF VACANT BUILDING STRUCTURES AND THE PAYMENT OF REGISTRATION FEES FOR THE SAME, SETTING FORTH DEFINITIONS UTILIZED IN THE ORDINANCE, PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE, REQUIRING OWNERS TO FILE A NOTARIZED REGISTRATION STATEMENT, PROVIDING FOR THE DESIGNATION OF LOCAL AGENTS, IMPLEMENTING A DUTY TO AMEND THE REGISTRATION STATEMENT, ESTABLISHING THE FEES FOR REGISTRATION, PROVIDING PROCEDURES FOR APPEALS, PROVIDING THAT DELINQUENT REGISTRATION FEES SHALL BE A LIEN ON THE PROPERTY, PROVIDING FOR A ONE TIME WAIVER OF THE REGISTRATION FEE, PROVIDING FOR ANNUAL AND COMPLIANCE INSPECTIONS, SETTING FORTH PROVISIONS REGARDING RIGHTS OF ENTRY INTO THE PROPERTY AND REGARDING SEARCH WARRANTS AND NOTICES, PROVIDING PROVISIONS FOR SPECIAL REQUESTED INSPECTIONS AND NOTICES, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE, SETTING FORTH VIOLATIONS AND PENALTIES, PROVIDING FOR COMPLIANCE WITH OTHER CODES, DECLARING THAT THE PROVISIONS OF THIS ORDINANCE ARE NONEXCLUSIVE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

Councilman Reichenbach made the motion to approve and Councilwoman Wilson seconded.

Randy Patterson, Director of Economic Development & Neighborhood Revitalization,

stated that we split this revision out into two different sections from what we had shown Council last year to address the issues of foreclosures versus the issues of just vacant properties. Foreclosures are the real issues. We took out the people who just have the properties up for sale will not have to register. It does allow us to use a third party to do some of this registration. The foreclosure process is likely where we could use a third party firm where they would be paid by the fees that would be generated. It gives a way of keeping track of vacant properties and making sure they don't continue to deteriorate.

City Council approved Administration Bill No 4-2014 by a unanimous roll call vote and it shall hereinafter be known as Administration Ordinance No. 4-2014.

Administration Bill No. 5-2014, (the title) was read by the City Clerk as follows:

AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,500,000 FOR CONSTRUCTION OF VARIOUS STRUCTURES AND FACILITIES TO IMPROVE AND INCREASE THE CAPACITY OF THE NORTH PUMP STATION AND DIVERSION CHAMBER; FIXING THE FORM, DATES, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTATION WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO INCUR AND EXCLUDE ADDITIONAL DEBT OF THE GOVERNMENTAL UNIT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; PROVIDING FOR THE AUTHORIZED SIGNATORIES AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

Councilman Roschel made the motion to approve and Councilwoman Williams seconded.

Councilman Roschel stated that this bill approves a loan from PennVEST in the amount of \$5.5 million for improvements to the North Pump Station, Diversion Chamber and an upstream pre-treatment facility. The North Pump upgrades will increase the capacity from 26 million gallons a day to 43 million gallons a day. The Diversion Chamber's capacity will be up to 160 million gallons per day, and the pre-treatment facility will have a screening and grit removal capacity of 38 million gallons per day. This is a 23 year loan with the first three years of interest only payments of 1%, the next five years of principal payment with the 1% interest and the final 15 years principal payments of 1.75%. The loan will be paid off with Sewer Bill Fund and will not come from the General fund.

City Council approved Administration Bill No. 5-2014 by a unanimous roll call vote and shall hereinafter be known as Administration Ordinance No. 5-2014.

Administration Resolution No. 16-2014, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER URGING THE MEMBERS OF THE PENNSYLVANIA GENERAL ASSEMBLY TO OPPOSE ALL EFFORTS TO LIMIT THE COLLECTIVE BARGAINING RIGHTS OF PUBLIC SECTOR UNION WORKERS THROUGH HOUSE BILL 1507 AND SENATE BILL 1034.

Councilman Roschel made the motion to approve and Councilman Reichenbach seconded.

Councilman Roschel stated that Senate Bill 1034 and House Bill 1507 aim to take away the ability of non-uniform public sector unions to collectively bargain for the employer to make voluntary deductions of union dues and other fees. This doesn't apply to police and firefighters. These payroll deductions have been in place for years and are often one of the first agreements made by the parties in collective bargaining. The City's payroll system is nearly completely automated and with the number of deductions already being made for medical insurance, retirement accounts and other items at the request of the employee and employer, the effort and cost of collecting union dues and other voluntary contributions is minimal. Proponents of this legislation continue to mislead the public and members of the general assembly by not differentiating among union dues, fair share deduction and political deductions. Joining a union and paying dues and/or making political contributions are entirely voluntary, despite what you hear from the other side. Supporters of this legislation falsely claim government money is being used to help fund union political activities. All union political deductions are voluntary and no employee is required to make contributions. In 1982, I graduated from high school and I joined a union. I have never been forced to make any political contributions, although I do voluntarily.

Mayor Gray stated that when the Payroll Protection Act came up, he asked Patrick Hopkins, our business administrator, how many hundreds of thousands of dollars a year we could save in not making these deductions and he said it didn't cost anymore than taking out money for a credit union. You enter it into a computer once and forget about it. It's not about payroll protection. It's about limiting the bargaining rights and the ability of people to organize. The fact that they left certain groups out also indicates that they are being less than up front about the whole thing.

Councilman Reichenbach stated that he strongly supports the resolution and this is one of many, many attacks on unions across this country. It starts at the local level and it works its way up or starts at the top and works its way down. It is a basic issue of fair play. It is a right that has been around for many years and people should be allowed to donate to a union of their choosing.

Mayor Gray noted that he did not get any money for the last election from public employee unions. We are supporting this resolution because it is the right thing to do.

Councilman Soto stated that as a former member of AFSME and paying dues member for 14 years, he knows where his money went. He strongly supports this resolution.

President Graupera stated that one of the groups behind this attack in collective bargaining rights is the Commonwealth Foundation, which bills itself as a free market think tank, but it's really another right-wing group trying to undermine workers rights. The group has been linked to David

and Charles Koch and their foundations. The Koch brothers led the infamous attack on workers' rights in Wisconsin and they are seeing blood here in Pennsylvania as their new battleground. He thanked Mr. Roschel and the AFSME members in the audience

City Council approved Council Resolution No. 16-2014 by a unanimous roll call vote.

REPORT OF THE MAYOR – the Mayor's report to Council may be viewed on the City's website. www.cityoflancaster.com

REPORT OF THE PRESIDENT – President Graupera stated that he has distributed a letter/report from Mr. Samuel Houser, Chief of Staff for President of Franklin & Marshall. He asked the City Clerk to enter it into the minutes for the record.

“On behalf of the Franklin & Marshall College Board of Trustees, I would like to thank you for sharing this statement regarding the College's continuing consideration of whether to arm our campus police force.

As you may be aware, Franklin & Marshall has been engaged since September in a wide-ranging dialogue about this important topic. During these many months, a committee appointed by the Board has conducted both public and campus forums to collect information and opinions about whether it is prudent to arm our sworn officers, who by College policy must complete the same extensive training required for all municipal police officers throughout the Commonwealth. Our Vice President for Finance and Administration and Director of Public Safety also conducted extensive research to learn about how other college and universities nationwide have made the decision either to arm or not to arm. In addition, they explored how the College would continue to interact with Lancaster City police, other local law enforcement agencies, and area residents in the event of either decision.

This very deliberated process has included more than a dozen meetings with our faculty, students and staff, as well as our neighbors in the Northwest Neighborhood district and other concerned residents. Throughout, many constituents have been and continue to be given opportunities to share their thoughts and concerns and to ask questions of Board members so that our trustees are able to make the most informed decision possible.

I wish to emphasize that *no* decision has, as yet, been made on the question of arming our officers, and none is expected until summer, in order to give our Board members the time necessary to carefully and completely evaluate the multitude of perspectives arising from such a complex issue. The Board members remain in the information collection and dialogue stage, and anyone attending today's Council meeting who would like to offer their thoughts may do so by visiting our campus arming website at www.fandm.edu/arming. While providing a form to submit feedback, the site also includes answers to frequently asked questions and other important questions and other important information.

Thank you again for allowing me to share this letter with you. All of us at F&M value

highly the mutually supportive and respectful relationship between the College and Lancaster City.”

COUNCIL COMMENT – Councilman Roschel stated that Charlotte Katzenmoyer, Director of Public Works, is in Harrisburg tonight receiving for the City the Governor’s Environmental Award for the intersection improvements at the corner of Plum and East Walnut Streets

Councilman Reichenbach mentioned the amazing weekend in Downtown Lancaster and stated that there was music on every corner. He also offered kudos to Jen Baker of MOOSE and her team for a job well done.

President Graupera adjourned the meeting at 9:10 p.m.

John E. Graupera, President

Attest:

City Clerk