

## STATED MEETING - CITY COUNCIL – AUGUST 12, 2014

A meeting of the Lancaster City Council was held on Tuesday, August 12, 2014 in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Graupera presiding.

Boy Scouts led the assembly in the Pledge of Allegiance.

Present – Mr. Reichenbach, Mr. Roschel, Mr. Soto,  
Ms. Wilson, Ms. Williams, President Graupera – 6

Excused – Ms. Sorace – 1

The minutes of the meetings of Council for July 22, 2014 were approved by a unanimous roll call vote.

READING OF PETITIONS, COMMUNICATIONS AND MEMORIALS – Vice-President Louise Williams presented a Proclamation of the Mayor to the YWCA of Lancaster on its 125<sup>th</sup> Anniversary, and a Commendation to its Executive Director Maureen Powers. Ms. Powers accepted the Proclamation and the Commendation and thanked the City for the recognition. President Graupera, Councilwoman Wilson congratulated Maureen Powers for the dedication and good work the YWCA has done under her leadership.

REPORTS REQUESTED BY COUNCIL – Charlotte Katzenmoyer, Director of Public Works introduced Karl Graybill, Environmental Planner for the City who gave a Stormwater Management Report to the City Council. He has been managing the implementation of the Stormwater Fee Appeal Program.

PUBLIC WORKS COMMITTEE – Chairman Roschel stated that the Committee met on August 4, and we discussed Resolution No. 35-2014 and we will cover it when it comes up on the agenda.

ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE – Chairman Reichenbach stated that the Committee met on August 4, and during that meeting we had a briefing from the Mayor's Office of Special Events which has changed its name to Lancaster Office of Promotion. We had a detailed conversation of what that would mean for the City. Visitlancaster.com will be a consolidated information website so visitors can go to one site to find what the City has to offer.

There are some thoughts of opening a visitor's center on Penn Square that would be focused on the City, as it has become a visitor's destination of its own.

Also on the agenda this evening is Council Resolution No. 36-2014 regarding the Natural Gas Pipeline and he will be presenting that in lieu of Ms. Sorace not being here and he will cover that when it comes on the agenda.

FINANCE COMMITTEE – Councilman Roschel stated that the Finance Committee met on August 4 and Patrick Hopkins, Business Administrator, reviewed the historical performance of the City’s Pensions, the changes made to define benefit plans relative to new hires and the current market value of the City’s pension plans in contrast its liabilities. On the plus side, the City of Lancaster is in a better financial position than many other Pennsylvania third class cities. On the other hand, the fact remains that municipal pension reform from Harrisburg is still needed.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Chairman Soto stated that the Committee met on August 4. We discussed Administration Bill No. 13 which is on the agenda this evening.

PERSONNEL COMMITTEE - Chairwoman Williams made the motion to appoint Rosa Graupera, Ted Darcus and Richard Simms to the new Civil Service Board. She stated that the Mayor has appointed Danene Sorace to the Public Arts Advisory Board, Paul J. Fulmer to the Lancaster Industrial Development Authority and Sam Wilsker to the Noise Control Board. Mr. Reichenbach made the motion to approve the appointments and Councilwoman Wilson seconded. The nominations were unanimously approved.

Administration Bill No. 13-2014, (the title) was read by the City Clerk as follows:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER TO ADOPT A NEW HISTORIC DISTRICT ORDINANCE, CHAPTER 155, ARTICLE 1, FOR THE CITY OF LANCASTER, ESTABLISHING A HISTORIC DISTRICT WITHIN THE CITY OF LANCASTER; DESCRIBING THE LEGAL AUTHORIZATION FOR ITS ESTABLISHMENT AND ITS PURPOSE; SETTING FORTH THE SCOPE OF THE ORDINANCE, INCLUDING ACTIVITIES REQUIRING BOARD OF HISTORICAL ARCHITECTURAL REVIEW (HARB) RECOMMENDATION AND CITY COUNCIL APPROVAL, ACTIVITIES REQUIRING ADMINISTRATIVE REVIEW AND APPROVAL, AND ACTIVITIES NOT SUBJECT TO REVIEW AND APPROVAL; ESTABLISHING THE BOUNDARIES OF THE HISTORIC DISTRICT, INCLUDING ADDITIONS TO OR DELETIONS FROM THE DISTRICT; PROVIDING FOR THE APPOINTMENT OF THE HARB, INCLUDING QUALIFICATIONS OF MEMBERS, TERMS OF SERVICE, AND DUTIES AND RESPONSIBILITIES; DESCRIBING THE CONDUCT OF HARB MEETINGS, INCLUDING CONSIDERATIONS FOR HARB RECOMMENDATIONS TO CITY COUNCIL; PROVIDING FOR PROCEDURES AND CONSIDERATIONS BY CITY COUNCIL IN ITS DECISIONS REGARDING ISSUANCE OF CERTIFICATES OF APPROPRIATENESS FOR PROPOSED DEMOLITION, ALTERATIONS, OR NEW CONSTRUCTION; REQUIRING ISSUANCE OF CERTIFICATES OF APPROPRIATENESS PRIOR TO ISSUANCE OF BUILDING PERMITS; SETTING FORTH DESIGN STANDARDS FOR NEW BUILDINGS OR STRUCTURES OR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES; PROVIDING FOR CLAIMS OF UNREASONABLE ECONOMIC HARDSHIP; PROVIDING FOR APPEALS; ESTABLISHING ENFORCEMENT PROCEDURES; AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES.**

Councilman Soto stated that the purpose of this ordinance is to update the current ordinances and to address administrative issues that have arisen over the past several years. The most significant changes are related to the following: revising the procedures for additions or deletions from the Historic District to ensure accurate information is provided to property owners, substantially revise the procedures for HARB and City Council deliberations and the actions in order to be consistent with the procedures set forth in the Heritage Conservation Ordinance, permitting administrative review and approval of certificate of appropriateness, such as flower boxes, thus expanding the list of alterations that may be approved by staff and not required by property owners go through the full HARB review process before proceeding, expanding the notice of violations sections to be consistent with Administration Ordinance No. 1-2013 adopted by the City Council on April 9, 2013 which grants certain enforcement powers to the City's Historic Preservation Specialist as well as the building code officials.

Administration Resolution No. 35-2014,(the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER SUPPORTING PARTICIPATION IN THE SUSTAINABLE PENNSYLVANIA COMMUNITY CERTIFICATION.**

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

Councilman Roschel stated that Sustainable Pennsylvania Community Certification is a program administered by the Pennsylvania Municipal League. The program is free and it uses a certification system to recognize municipalities for their performance in sustainable programs. There are five levels of certification, the bottom being associate, then bronze, silver, gold and then platinum. Participating municipalities are judged on 131 separate policies and procedures. This summer the City of Lancaster was awarded Gold Certification in the program. That distinction is due to our progress in addressing the following items: Community Design and Land Use, Energy Efficiency, Health and Wellness, Mitigating Blight, Intergovernmental Cooperation, Recycling and Waste Reduction, Fiscal Controls and Internal Management and Operations. The executive director of the PML had this to say about Lancaster, "The City of Lancaster has been a leader in innovation and progressive local government practices. It is fitting that they would be the first municipality to achieve Gold Status via this newest initiative Sustainable Pennsylvania.

By adopting this resolution the City Council agrees to focus our attention and efforts on meeting the needs of the present without compromising the ability of the future generations to meet their needs.

City Council approved Administration Resolution No. 35-2014 by a unanimous roll call vote.

Administration Resolution No. 36-2014, (the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER OPPOSING THE ATLANTIC SUNRISE (PF14-8-000) AND ROCK SPRINGS (PF14-3-000) PIPELINES AND THE ISSUANCE OF CERTIFICATES OF PUBLIC**

## **CONVENIENCE AND NECESSITY BY THE FEDERAL ENERGY REGULATORY COMMISSION (FERC).**

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

Councilman Reichenbach stated that he is introducing this resolution on behalf of Councilwoman Sorace who couldn't be here tonight, but who is the leading force in putting this resolution together with the help of Council. The most important thing to remember as we look at this resolution is the fact that the pipeline is proposed to go through southern Lancaster County. The reason Lancaster County is such an amazing place to live, is that we have something that nobody else has. Some of the best farmland in the entire world is something unique that we have. It would be a disappointing decision to start to make judgements that would hurt that one valuable commodity that we have. To think that it does not impact the citizens of Lancaster City is a falsehood. This is an issue that is impacting our residents directly. There is a very real chance that the work that all of you will make a difference in this situation. It is beautiful to see that people stepped up to the place. The fact is that if you hurt something that is unique, it can't be undone. So once it is decided that the pipeline is going through, you can't undo it. He stated that he is strongly in support of this resolution, he is proud of the fact that people have rallied around it and he is cautiously optimistic.

Ms. Wilson stated that she has lived in the City for about 35 years, but she was raised in the County so she is in full support of this resolution. She read some words from the Mayor:

"I will be out of town and unable to attend your meeting, but for what it is worth, I would support Council taking a position against this pipeline. There are three things that make Lancaster County special; a unique, diverse and historic city; villages and towns that are lovely and robust; and the beautiful farmland that abounds in our County. Lose any of these and you lose our sense of place.

Though the proposed pipeline route does not go through the City, we still have an interest in the wellbeing and preservation of our entire community. The proposed pipeline endangers this. We have worked, in our urban and rural areas through financing and planning on preservation of the world's most fertile farmland. The loss of any of this diminishes our culture and is damaging to us all as residents of Lancaster County. Therefore, it is only appropriate that we express our concerns as the largest municipality in Lancaster County.

Just my thoughts, Rick"

Tim Spiece, Martic Township, emotionally thanked City Council for proposing this Resolution. He hopes that the County Commissioners and the Township Supervisors follow suit. He represents a group that have worked very hard and it is a humbling experience to know that the people in the City get it and are supportive.

Steve Murray, Lancaster, stated that the Federal Energy Regulatory Commission has a list of criteria that they consider when approving this pipeline. One is historic preservation. We as a community are very concerned with historic preservation, not only of our buildings but of our

farmland as well. As has been said, we lead the nation with the most productive farm land that is not irrigated. We also lead the nation with preserving farmland with over 100,000 acres that have been preserved. The Nation depends on us for that food, not only the City but the Nation. Just as we depend on gas, oil, coal we depend on food because this is what we eat. This is what this community is all about, farmland preservation and producing food. You can go any place on this planet and say "Lancaster, Pennsylvania" and it will conjure up an image in people's minds. You can't say that with Duluth, or Phoenix or Waukegan. And with the Amish and Mennonite community here, just how beautiful this place really is. We as a community are dependent on all of that. We have 79 million people who visit here annually and spend in excess of 2 to 3 billion dollars. If anything happens, both the agriculture and tourism would be compromised immediately. He commended Council for taking a stand. We are indebted to Council for this. This is the first governmental entity to come out and take a stand.

Mike Jennings, owner of a preserved farm along the Conestoga River, not too far away from where the pipeline is proposed. He made the point of raising the price of fracked gas after promising the Country 100 years of energy independence. When the market responds to the oversupply, because of the sacrifice Pennsylvania families in allowing their land to be fracked, then you export it. The intent of this pipeline is high volume to go to a liquification plant which is planned to be built at Cove Point and then be exported to South Korea and India. The Williams people are duplicitous and will not address this issue directly. They can get significant profits in overseas markets that it will actually raise domestic energy prices in every sector of the American economy. This speaks to the heart of them attempting to become a public utility and use eminent domain to take land. How can they use eminent domain as a tactic when there is no benefit to the public?

He further stated that the Supreme Court recently found to recognize corporations as people. So if we take that absurd notion, Williams is a corporation. What kind of person is Williams. Well, Williams is a spendthrift and a fraud. In 2002, they had a class action lawsuit that they settled for \$290 million for lying to investors about their financial situation. They are lazy and incompetent. They were fined almost a million dollars for failure to monitor corrosion in one of their pipelines, that resulted in an explosion with a 1200 ft. fireball in 2008 in Virginia. They have criminal contempt, they were fined \$235,000 for failing to implement and maintain stormwater measures to prevent potential pollutants from entering the watershed.

One cautionary note for Lancaster County is the history. Williams has had one disaster after another. They have proved their willful neglect for public safety which has resulted in ground water source contamination. 130,000 tons of contaminated soil being removed for benzene pollutants that came from a pipeline leak that they did not realize had happened for about six weeks. It took them 3 and a half months to notify the public. This is a company with one of the worst safety records of any pipeline company. Some of their actions have actually killed and injured people.

Mr. Bruce Clark, New Holland and Linda Light, Conestoga Township spoke encouragingly to the opposition to the pipeline.

Charlotte Katzenmoyer, stated that as a private citizen and as an environmental engineer,

the County and the municipalities that the pipeline is going through, she can't believe that they are not standing up as Council is for the purposes of the requirement they have to meet for the Chesapeake Bay Cleanup. They have a pollution load reduction that they have to meet and meeting those target dates. The County as a whole is going to be held responsible for not meeting those targets. All the construction for that pipeline, all the trees that they are removing are stormwater impacts that the County as a whole is responsible for. So all of those impacts will be borne by all of us, and if those reductions aren't met we will have to pay for those reductions in some other way. So all the ENS the erosion sediment during construction, and all of the trees that they will remove will have to be mitigated in some other way to meet those reductions. So we are all paying in some way.

Jennifer Ziegler, Mountville, expressed her gratitude to all those who are here tonight and noted that the room should be overflowing if more people were aware on the harm that could be done to our way of life.

President Graupera stated that it is always an uphill struggle when citizens of conscience go up against big corporations. Companies involved in the fracking industry say that when you oppose their projects or their industry, you are opposing jobs and economic growth. That is not the case at all. He believes this pipeline and the fracking industry, in general, could cause more long range damage to the economy in the form of land, water and air environmental clean-up. The expansion of this pipeline could cause tens of thousands of Pennsylvanians to lock into natural gas for generations rather than switching to another renewable alternative, causing that sector to fail or stall. This huge investment in the pipeline infrastructure takes us in the wrong direction. He will be supporting this resolution.

City Council approved Council Resolution No. 36-2014 by a unanimous roll call vote.

President Graupera stated that the Resolution to oppose Atlantic Sunrise and Rock Springs passed unanimously. This resolution will be forwarded to the Federal Energy Regulatory Commission by the City Clerk at her earliest opportunity.

**PUBLIC COMMENT** – Tim Spiese, Martic Township, addressed the Council explaining all that is being done to present their case to FERC, including historic Indian artifacts and remains which lie in the path of the proposed pipeline extension. He thanked the Council again for what they have done tonight saying it will go a long way.

**REPORT OF THE PRESIDENT** – President Graupera talked about something Mr. Clark brought up earlier and that is the New Community Center at Reynolds Middle School. It is a transitional center for migrants and refugees. The Lancaster County Refugee Coalition along with community organizations such as the Rotary Club of Lancaster who's raising \$100,000, the Lancaster Health Services, who is providing a Nurse-practitioner, IU 13 providing academic enrichment and the School District of Lancaster for providing the space, have partnered to provide humanitarian service. It is a stark difference how our community is coming together to help and at the same time we are seeing the bigotry in our southwestern border states who are demanding that this country turn away children and send them back into harm's way. A large percentage of these refugees and immigrants will remain in the City to live, work and pay taxes, and be productive

members of our society. We in city government should stand at the ready to provide assistance in any feasible way.

COUNCIL COMMENTS – Councilman Reichenbach stated that the Lancaster City Alliance is hosting their Economic Development Public Meeting right here in City Council Chambers this Thursday night from 6 p.m. to 8 p.m. The concept of the meeting is to get the Public’s input on our next economic development plan for the City.

President Graupera adjourned the meeting at 8:45 p.m.

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John E. Graupera, President

Attest:

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City Clerk