

STATED MEETING - CITY COUNCIL – DECEMBER 10, 2013

A meeting of the Lancaster City Council was held on Tuesday, December 10, 2013 in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Williams presiding.

Council lead the assembly in the Pledge of Allegiance.

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

Absent – Mr. Smith - 1

The minutes of the meetings of Council for November 12 & 26, 2013 were approved by a unanimous roll call vote.

PUBLIC WORKS COMMITTEE – Chairman Roschel stated that the Committee met on December 2 and we discussed Ordinance No. 16, which is on the agenda this evening.

FINANCE COMMITTEE – Councilman Roschel stated that he will report on Resolution No. 50 when it comes up on the agenda.

PERSONNEL COMMITTEE – Chairman Graupera made the motion to re-appoint Patrick S. Hopkins to the Higher Education Authority, and Councilman Urdaneta seconded. The re-appointment was approved by a unanimous roll call vote.

City Council considered the following application & (HARB recommendation) for improvements to property within the Historic District:

1. Jay Stoltzfus, to alter existing one-story brick garage to accommodate construction of two new upper residential stories, and construction of new three-story townhouse, 443 West Marion Street.

Councilman Reichenbach made the motion to approve and Councilman Urdaneta seconded. The recommendation of the HARB was approved by a unanimous roll call vote.

Administration Bill No. 16-2013,(the title) was read by the City Clerk as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA
ADOPTING A NEW CHAPTER TO THE CODE OF THE CITY OF
LANCASTER, CHAPTER 263-RIGHT OF WAY MANAGEMENT**

TO IMPLEMENT A COMPREHENSIVE PROGRAM FOR MANAGEMENT OF THE RIGHTS OF WAYS OF THE CITY, CONTAINING PROVISIONS INCLUDING, BUT NOT LIMITED TO: RIGHT OF WAY USE AUTHORIZATIONS, RIGHT OF WAY USE AGREEMENTS, THE ESTABLISHMENT OF A RIGHT OF WAY USE PERMIT PROCEDURE, PROVISIONS REGARDING TRANSITION FROM EXISTING CITY ORDINANCES TO THE RIGHT OF MANAGEMENT ORDINANCE, PROVISIONS REGARDING EXISTING CABLE FRANCHISES OR OPEN VIDEO SYSTEM FRANCHISES, RENEWAL AND TRANSFER OF RIGHT OF WAY USE PERMITS, REGULATIONS FOR CONSTRUCTION IN THE RIGHTS OF WAY, THE ESTABLISHMENT OF A RIGHT OF WAY MAINTENANCE FEE, ESTABLISHMENT OF PENALTIES AND REMEDIES, AND PROVISIONS REGARDING PROPRIETARY INFORMATION, LEASED FACILITIES, DUTIES TO PROVIDE INFORMATION, THE CITY'S RIGHT TO INSPECT RECORDS, WAIVERS, THE ABILITY OF THE DIRECTOR OF PUBLIC WORKS TO ESTABLISH FURTHER REGULATIONS, POLICE POWERS OF THE CITY, SEVERABILITY OF THE ORDINANCE AND THE EFFECTIVE DATE OF THE CODE PROVISIONS. THE ORDINANCE FURTHER PROVIDES FOR THE REPEAL OF INCONSISTENT ORDINANCES, THE SEVERABILITY OF THE ORDINANCE AND THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

Councilman Roschel stated that this ordinance is an amended version of the Right-of-Way Ordinance that was adopted by Council earlier this year and that ordinance added Chapter 263 to the City Code which explains the City's maintenance and management to the City's Rights-of-Way. The ordinance also highlighted the need for the City to recoup the costs of managing and maintaining these rights-of-way. After a comprehensive cost analysis study, the City assigned costs to third-party facilities that use the rights-of way through franchise agreements and a fee schedule. Since the adoption of that ordinance PPL & UGI have challenged the ordinance at the State Court Level on two grounds. First they feel the fees are unreasonable and second they feel that the ordinance is pre-empted by PA Utility Commission regulations. The Commonwealth Court challenge listed the City of Lancaster and the PUC. The City then met with the PUC to listen to any suggested any changes they would like to offer. The new ordinance tonight highlights those changes by breaking down the utility sections of Chapter 263 into PUC and non-PUC categories. The other substantive change is the elimination of agreements between the City and Utilities as the substance of those agreements is already included in the ordinance. This ordinance should remove PUC standing from any further challenges, thus moving any challenges from the State to the County Level. One final note, this ordinance has the full support of the Pennsylvania Municipal League.

Administration Resolution No. 50-2013 (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER APPOINTING MAHER DUESSEL TO PROVIDE PROFESSIONAL SERVICES IN CONJUNCTION WITH THE CITY'S INDEPENDENT FINANCIAL AUDIT FOR THE YEARS ENDING DECEMBER 31, 2013, 2014 AND 2015.

Councilman Urdaneta made the motion to approve and Councilman Reichenbach seconded. Councilman Roschel stated that due to the complexity and increasing regulations of Government Auditing Standards, the number of firms doing this work at the price level we are used to is dwindling. The Administration sought a proposal from Maher Duessel for another three year term with the idea that if the pricing was reasonable we would recommend staying with them. We've been very pleased with their work, they are always available throughout the year to provide guidance on a variety of financial issues. The City received their proposal and find it is very reasonable. City Council approved Administration Resolution No. 50-2013 by a unanimous roll call vote.

A discussion ensued about an item under the HARB portion of tonight's agenda was not on the agenda. Mr. Patterson, who was not at tonight's meeting had requested that the action of Council would take place in January. All parties agreed that the item will be deferred and will be discussed at the January 7, 2014 Committee meeting and then brought to the full Council for a vote on the first regularly scheduled meeting of the Council on January 14, 2014.

REPORT OF THE MAYOR – Mayor Gray gave his report on the Budget Ordinance and it can be viewed on the City's website www.cityoflancasterpa.com

President Williams adjourned the meeting at 8:00 p.m.

Louise B. Williams, President

Attest:

City Clerk