

**STATED MEETING - CITY COUNCIL – DECEMBER 17, 2013**

A meeting of the Lancaster City Council was held on Tuesday, December 17, 2013 in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Williams presiding.

Council led the assembly in the Pledge of Allegiance.

Present – Mr. Graupera, Mr. Reichenbach, Mr. Roschel, Mr. Smith,  
Mr. Urdaneta, Ms. Wilson, President Williams – 7

The minutes of the meetings of Council for December 10, 2013 were approved by a unanimous roll call vote.

FINANCE COMMITTEE – Chairman Smith stated that Bills No. 14 & 15 are on the agenda tonight and he will speak to them when they come up.

PERSONNEL COMMITTEE – Chairman Graupera made the motion to re-appoint Mimi Shapiro to the Shade Tree Commission and Councilman Reichenbach seconded. The re-appointment was approved by a unanimous roll call vote.

Administration Bill No. 14-2013, (the title) was read by the City Clerk as follows:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER, COUNTY OF LANCASTER, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING THE SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE CITY GOVERNMENT, HEREINAFTER SET FORTH DURING THE YEAR 2014; ALLOWING FOR A SEVERANCE PROVISION; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilman Smith made the motion to approve and Councilman Urdaneta seconded. Councilman Smith stated that Bill No. 14 and Bill No. 15 are the ordinances which enable the Council to appropriate the specific sums required for the City budget and to allow for the taxes which will be required to enact the budget.

City Council approved Administration Bill No. 14-2013 by a unanimous roll call vote and shall hereinafter be known as Administration Ordinance No. 14-2013.

Administration Bill No. 15-2013, (the title) was read by the City Clerk as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF LANCASTER, CHAPTER 270 - TAXATION, ARTICLE IV - PROPERTY AND RESIDENCE TAX, SECTION 270-26 – LEVY AND RATE, BY FIXING THE TAX RATE AT 13.04 MILLS ON PROPERTY IN THE CITY OF LANCASTER FOR GENERAL REVENUE**

**PURPOSES; ALLOWING FOR A SEVERANCE PROVISION; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilman Smith made the motion to approve and Councilman Urdaneta seconded. Councilman Smith stated that this Bill sets the tax rate which has not changed from last year. He commended the Administration for the good decisions that have been made over the last 8 years. City Council approved Administration Bill No. 15-2013 by a unanimous roll call vote and shall hereinafter be known as Administration Ordinance No. 15-2013.

Admission 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 made the motion to approve and Councilman Urdaneta seconded. Councilman Roschel stated that earlier this year City Council passed an ordinance which added Chapter 263 to the City Code. That addition explains the City's maintenance and management of the City's right-of-ways. It includes the sidewalks and streets where utilities are located. The ordinance also highlighted the need for the City to recoup the costs of managing and maintaining those right-of-ways. The City did a comprehensive cost analysis study and assigned cost to third-party facilities that use the right-of-ways through franchise agreements and a fee schedule. Since we adopted that ordinance PPL and UGI have challenged that ordinance at the Commonwealth Court citing grounds for repeal, first that the fees were unreasonable and the second that it was pre-empted by Pennsylvania Utility Commission regulations. The State court challenge listed City of Lancaster and the PUC. The City then met with the PUC to listen to any comments and suggestions that they would like to offer. The Ordinance we are voting on 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 are already included in the ordinance. The ordinance also removed the PUC standing from any further challenges, thus moving any challenges from the State to the County level court. This ordinance has full support of the Pennsylvania Municipal League.

Mayor Gray explained how this will work and that the utilities cannot raise the rates just for the City of Lancaster to recoup their costs. This is also being considered by other municipalities in the State who have the same problems when a street excavation happens by the utilities and the repairs leave the street and right-of-way worse than it was before. So Lancaster is being watched by other municipalities who are considering similar legislation.

Mr. Urdaneta commended the Administration for venturing this new legislation and stated that he is fortunate that he can vote on this now before he leaves Council.

City Council approved Administration Bill No. 16-2013 by a unanimous roll call vote and it shall hereinafter be known as Administration Ordinance No. 16-2013.

Council Resolution No. 51-2013, (the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER RE-APPOINTING RUDY DELAURENTIS, 430 NORTH DUKE STREET, TO THE CITY OF LANCASTER ZONING HEARING BOARD, FOR A THREE (3) YEAR TERM EFFECTIVE JANUARY 1, 2014.**

Councilman Urdaneta made the motion to approve and Councilman Smith seconded. City Council approved Council Resolution No. 51-2013 by a unanimous roll call vote.

REPORT OF THE MAYOR – Mayor Gray announced that consultants from CH2M Hill will present bicycles and helmets to City children selected by the Lancaster Rec Commission. About 45 children and their families will participate in the give-away program on December 19 at 5:30 p.m. He invited Council to attend. He also announced that he advised everyone to keep January 11<sup>th</sup> open. Councilman Reichenbach and former Councilwoman Collier are arranging a

celebration of the election at the Marriott.

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

---

Louise B. Williams, President

Attest:

---

City Clerk