

## STATED MEETING - CITY COUNCIL – FEBRUARY 11, 2014

A meeting of the Lancaster City Council was held on Tuesday, February 11, 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 January 28, 2014 were approved by a unanimous roll call vote.

**PUBLIC WORKS COMMITTEE** – Chairman Roschel stated that the Public Works Committee met last night and there was one item on the agenda, Administration Bill No. 1-and he will address it when it comes up.

**FINANCE COMMITTEE** – Chairwoman Sorace stated that they met last night and there is one item Administration Resolution No. 8-2014 on the agenda and she will address it when it comes up on the agenda.

**PERSONNEL COMMITTEE** – Chairwoman Williams stated that there are two appointments to the Downtown Investment District Authority: Christine Suarez DiRienzo and Mark T. Stoner. She made the motion that they be appointed and Councilman Reichenbach seconded. The appointments were approved by a unanimous roll call vote.

**COMMUNITY DEVELOPMENT & PLANNING COMMITTEE** – Chairman Soto stated that the Committee met last evening and there is one item on the agenda tonight which we will discuss when it comes up. The Committee also got a report from the Coalition for a Bicycle Friendly Lancaster. Working with the Public Works Department they are working on design and placement of bike racks in the City.

Administration Bill No. 1-2014, (the title) was read by the City Clerk as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, PENNSYLVANIA ESTABLISHING A STORMWATER MANAGEMENT FEE FOR STORMWATER COLLECTION AND MANAGEMENT; TITLING THE ORDINANCE AS THE “CITY OF LANCASTER, PENNSYLVANIA STORMWATER MANAGEMENT FEE ORDINANCE”; PROVIDING A STATEMENT OF FINDINGS; PROVIDING DEFINITIONS FOR TERMS USED HEREIN; IMPOSING THE STORMWATER MANAGEMENT FEE; ESTABLISHING TIERS OF PROPERTIES; ESTABLISHING PROVISIONS FOR BILLING AND PAYMENT; ESTABLISHING PROVISIONS FOR THE CALCULATION OF THE STORMWATER MANAGEMENT FEE; PROVIDING**

**PROVISIONS FOR THE ESTABLISHMENT AND ADMINISTRATION OF A STORMWATER MANAGEMENT FUND; PROVIDING PROVISIONS FOR THE ESTABLISHMENT AND GRANTING OF STORMWATER CREDITS; CREATING A CITY OF LANCASTER STORMWATER APPEAL BOARD; ESTABLISHING PROCEDURES TO REQUEST ADJUSTMENTS AND TO FILE APPEALS; PROVIDING FOR THE COLLECTION OF UNPAID STORMWATER MANAGEMENT FEES; AUTHORIZING THE ESTABLISHMENT OF POLICIES AND PROCEDURES; CREATING AN EFFECTIVE DATE FOR THE ORDINANCE; PROVIDING FOR THE LIMITATION ON THE CITY'S LIABILITY; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.**

Councilman Roschel stated that we discussed this at the meeting last night. There is more information on this on the City's website and also a good article in the newspaper this morning which summarizes it well. This ordinance establishes a Stormwater Management Fee on all City properties with over 300 square feet of impervious surface area. All revenue collected from this fee will go into a Stormwater Management Fund and can be used only for stormwater related programs, facilities, operations, implementation and management. Each year Lancaster City is responsible for around 250 million gallons of polluted water that flows into the Conestoga River and then eventually into the Chesapeake Bay. If the City were to continue to ignore this problem, we could face fines up to \$37,500 per day from the United States Environmental Protection Agency. So, faced with this challenge of reducing the 250,000 million gallons of polluted water, the City hired consultants, CH2mhill, who have an expertise in this field, to work with the newly formed Advisory Committee. The Committee included City residents, government officials, environmental groups, business owners and representatives from non-profit community. The Committee looked at the cost of building tanks to collect the stormwater, versus a "green infrastructure" approach. Building the tanks would be an estimated cost of around \$300 million dollars, whereas the "green infrastructure" approach is estimated to be about \$140 million. The green infrastructure approach uses natural systems to manage the rainwater wherever it falls, allowing the water to soak into the ground, evaporate into the air, or be collected in rain barrels or cisterns. Examples of green infrastructure, are tree canopies, porous pavements and rain barrels. Green infrastructure also has the added benefit of offering cleaner air and water, reducing energy use and increasing property values. Once the Committee decided on the green infrastructure approach, they looked for a fair and equitable way to pay for the plan. A decision was made to establish a fee based on the amount of impervious area the property had. In other words, the less amount of rainwater your property dumps into the overflow, the less you pay. The Committee then made the recommendations to the City Administration. Following these recommendations, this ordinance establishes 5 different property tiers for the related fees. Tier 0 is for properties less than 300 square feet and that would be no fee. Tier 1 is 3001 to 1000 square feet of impervious area and that would be 50% of the base rate. The base rate is set at \$8.00 per 1000 square feet, so if you live in Tier 1, your quarterly rate would be \$4.00. If you live in Tier 2, properties between 1000 and 2000 square feet, then you would be about 150% of the base rate or \$12.00 quarterly. Tier 3 is 2000 -3000 square feet and is 250% of the base rate, and Tier 4 is all other properties that are above 3000 square feet. Their rate is going to be based on a base rate for 1000 square feet. So for example, if you have 10,000 square

feet according to the base rate your quarterly payment would be \$80.00. This ordinance also includes incentives for lowering your fees through credits for lowering your runoff amount. This ordinance also allows for property owners to appeal their fee and there will be an appeals board created to hear those appeals.

Today is the first reading and in two weeks will be the second reading when Council is expected to vote on it. If it passes the notices of assessment will go out shortly thereafter. The first billing would go out to properties along with your regular billing cycle, but will be prorated back to the effective date which will be March 17.

Charlotte Katzenmoyer, Director of Public Works, explained about the question that came up at the Committee meeting concerning the base rate and how that is going to be changed every year if it is so needed. It was actually in the definitions that said the base rate could be changed periodically by City Council with recommendation from the Mayor. We felt that it would be clearer if we added another section in Section 7, so there is now a 7-D, that says that will be changed as part of the annual budget process on recommendation by the Mayor. It would be done by resolution.

Mayor Gray stated that this is an attempt by the Administration to fairly deal with an ongoing problem. The stormwater runoff pollutes the Conestoga, the Susquehanna and then the Chesapeake Bay. The President by executive order in 2009 specifically said that the Chesapeake Bay was to be cleaned up. We looked at doing it through property taxes and found that that would beat up on homeowners and smaller property owners, while the real polluters, the large impervious areas, such as parking lots or industrial buildings, letting them off the hook. We looked at it as possibly raising sewer rates, but again if you think of parking lots which are one of the most obvious causes of stormwater runoff, and a third of all the impervious areas in the City are parking lots. If we raised sewer rates then it would unduly burden people who aren't really causing the problem. So we came to the conclusion that the best way to do this would be to charge those who have large impervious areas, large areas that cause runoff.

He further stated that to do nothing is not an option at this point, we must deal with it, we must confront it and we made great efforts to look at the most inexpensive and effective way of doing it. He cited Brandon Park that takes 4.5 million gallons of water out of the stormwater system a year. The intersection of Plum and Walnut Street that has been redone, takes 2.5 million gallons out of the stormwater system a year. Those are green infrastructures, those are the type of things that we are encouraging and promoting.

He further stated that no one likes to raise taxes, no one likes to impose fees, yet somebody has to pay for what we have to do. It was the Administrations feeling that we concurred completely with the recommendations of the Citizens Advisory Committee.

Administration Resolution No. 7-2014, (the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER  
APPROVING AND AUTHORIZING THE FILING OF A TWENTY-FIFTH YEAR**

**CERTIFIED LOCAL GOVERNMENT (CLG) GRANT APPLICATION WITH THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION, BUREAU FOR HISTORIC PRESERVATION, IN THE AMOUNT OF \$15,000.00, TO BE USED FOR VARIOUS HISTORIC PRESERVATION PURPOSES.**

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

Councilman Soto stated that this resolution authorizes the City to apply for a grant to the PA Historical and Museum Commission, under their Certified Government Program. The City has applied for this grant for the past 24 years. The Grant will cover the costs of special education program to better inform residents of the benefits of residing in the Historic District. The program will include an initial mailing followed by e-mail communication. The grant will also cover Suzanne Stallings time management. The total grant is for \$15,000 and will be matched by City Community Development grant. City Council approved Resolution No. 7-2014 by a unanimous roll call vote.

Administration Resolution No. 8-2014, (the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER APPROVING AN AMENDED CAPITAL PROJECT LIST TO BE FUNDED BY THE PROCEEDS OF THE CITY OF LANCASTER GENERAL OBLIGATION BONDS, SERIES OF 2007.**

Councilwoman Sorace made the motion to approve and Councilman Reichenbach seconded. Ms Sorace stated that this resolution amending the Capital Project list funded by the 2007 General Obligation Bonds provides funding for the construction of the Lancaster City Animal Shelter at 848 South Prince Street, a property that was recently purchased by the City in the amount of \$75,000. It is important to note that the three projects that were removed from the 2007 Capital Improvement Project list are not being defunded. This is just a matter the Shelter project being ready to go to bid in the next two weeks. The projects from '07 will be moved to the 2011 Project list, or will be paid with other funds, including grant funds. The construction of the Shelter is an unanticipated expense with some urgency. The maximum amount that is authorized by this resolution is \$853,325. City Council approved Resolution No. 8-2014 by a unanimous roll call vote.

Council Resolution No. 9-2013, was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER DESIGNATING FEBRUARY 2014 AS BLACK HISTORY MONTH IN THE CITY AND URGING ALL CITIZENS OF LANCASTER TO PARTICIPATE IN THIS CELEBRATION.**

**WHEREAS**, African-Americans have been an important part of this community since the founding of Lancaster in 1741; and

**WHEREAS**, to acknowledge the contributions of African-Americans to the progress of this country, February has been designated nationally as Black History Month each year; and

**WHEREAS**, numerous community events to celebrate Black History Month have been planned throughout the City of Lancaster; and

**WHEREAS**, the City of Lancaster is enriched by the African-American community for its contribution to our culture and to our history.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Lancaster that all citizens have been urged to observe February 2014 as Black History Month.

**BE IT FURTHER RESOLVED** that all citizens have been encouraged to participate in the community events held in Lancaster during Black History Month.

Councilwoman Wilson made the motion to approve and Councilman Soto seconded. Councilwoman Williams stated that this year 2014 celebrates People, Places and Important Occasions that prominently figure in the battle for civil rights and equal treatment under the law in America. As this is the 50<sup>th</sup> anniversary of the Civil Rights Act of 1964. The history of civil rights in the United States is largely the story of free people of color and then African Americans to define and enumerate what rights pertain to citizens in civil society. It has been the history of enlisting political parties to recognize the need for government, state and federal, to codify and protect those rights. The Colored Convention Movement, the African-American League, the Niagara Movement, the National Council of Negro Woman, the Southern Christian Leadership Conference carried the banner of equality when other allies were very few. In the modern era, integrated organizations such as the National Association for the Advancement of Colored People and the National Urban League and the Congress of Racial Equality fought for and protected equal rights. The names of America's greatest advocates of social justice, Frederick Douglas, W.E.B. DuBois, Martin Luther King, Jr. and Fanny Lou Hamer are also associated with the struggle for civil rights. So this year we not only celebrate the accomplishments, but we certainly celebrate those persons who have been in the struggle for Civil Rights in this country.

Councilwoman Wilson recognized Mr. Blanding Watson who is the Executive Director of the local NAACP and also the President of Franklin & Marshall's Black Student Union, Ms. Kayla Young.

City Council approve Council Resolution No. 9-2014 by a unanimous roll call vote.

**PUBLIC COMMENT** – Rachel Gallagher, General Manager of Park City Center, stated that she wanted to address the new Bill that was introduced tonight. She expressed concern with the swiftness with which this is being presented. She stated that the details of the ordinance have not been available and they have evolved over time. Charlotte Katzenmoyer responded to her comments, stating that she has been doing presentations over the last several years on this subject. She also stated that there is nothing in the ordinance that has not been discussed publicly.

Mayor Gray stated that this ordinance has been in the making longer than any ordinance that has been presented in the 8+ years he has been mayor. Information has been on line and discussed in groups. After two, three years to say that a month one way or the other is going to make any difference, he just can't see it. Last year we had 5 public meetings in the quadrants of the City answering any questions citizens might have, and that was after the Committee's report.

He stated that we have an ethical obligation called stewardship and we can't continue to do this. We have to take some steps.

Ms. Katzenmoyer stated that since she has been in the environmental engineering field for thirty years, we have more impaired rivers across the U.S. today than we had 30 years ago. There is only one reason for that and that is our stormwater engineering practices are not working. We have had 40 years since the Clean Water Act to show that we have not done our job of protecting the environment and the natural streams.

REPORT OF THE MAYOR - Mayor Gray made his report to City Council and it can be seen on the City's website. [www.cityoflanasterpa.com](http://www.cityoflanasterpa.com)

REPORT OF THE PRESIDENT - President Graupera stated that he would like to schedule a meeting on the Stormwater Ordinance for Wednesday, February 19<sup>th</sup> at 6:00 p.m. and asked the City Clerk to arrange it. He further stated that he has forms for everyone on City Council to attend the Bicycle classes offered by the Recreation Commission.

COUNCIL COMMENTS – Mr. Reichenbach commended the City for bringing the Stormwater Ordinance to Council and stated that he endorses it wholeheartedly. Ms. Sorace reported on the Newly Elected Officials program that she and Mr. Soto attended at the Pennsylvania Municipal League. She had a great experience, noting that what the City of Lancaster is doing is well known throughout the State.

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

---

John E. Graupera, President

Attest:

---

City Clerk