STATED MEETING - CITY COUNCIL - FEBRUARY 23, 2016

A meeting of the Lancaster City Council was held on Tuesday, February 23, 2016 in Council Chambers, 120 North Duke Street, (Rear Annex) Lancaster, PA, at 7:30 p.m., with President Graupera presiding.

The Council led the assembly in the Pledge of Allegiance.

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

A moment of silence was held to mark the passing of Nelson M. Polite, Sr., former City Council President.

The minutes of the meeting of Council for February 9, 2016 were approved by a roll-call vote. Mr. Soto abstained.

PROCLAMATIONS, HONORS, AWARDS AND RESOLUTIONS OF RECOGNITION

Council Resolution No. 5-2016, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster designating February 2016 as Black History Month in the City and urging all citizens of Lancaster to participate in this celebration.

Mr. Reichenbach made a motion to approve the resolution. Mr. Soto seconded the motion.

Ms. Wilson noted that February 2016 marks the 90th anniversary of what was initially known as Negro History Week, and then, after 1976, as Black History Month. She introduced Dr. Leroy Hopkins, former Millersville University professor and historian of Lancaster County's black history.

Dr. Hopkins said it is important to recognize what African Americans have done in more than 200 years in Lancaster. He said the celebration is needed to combat the image of a leaderless mass of people who are impoverished. He noted that Nelson Polite, who died on Monday, was a great leader of the African American community. So too was his father Abraham Polite. He noted that Lancaster may be the only City with streets named for members of the same family. He said leaders in Lancaster's African American community have come from its churches.

Dr. Hopkins said he is president of the African American Historical Society of Southcentral Pennsylvania. Beginning in May, the society will hold walking tours of downtown Lancaster, in cooperation with the Lancaster Office of Promotions, Crispus Attucks Community Center, LancasterHistory.org and the Shriner Cemetery organization. The tours will introduce visitors to Lancaster's black history. Additionally, the society is working on a project to reintroduce black history into schools. If young people do not feel they have a stake in the City, then you will have the hopelessness and violence that fills the daily newspaper, he said.

Pastor Kevin Brown, of Kingdom Life International Assembly and the Ecclesial Center of Lancaster, then led the assembly in prayer, thanking God for the individuals who have led the African American community forward over the years.

Ms. Williams thanked Dr. Hopkins for his research, which was the basis of the resolution.

City Council approved Council Resolution No. 5-2016 by a unanimous roll-call vote.

Bryana Byrd, of the Crispus Attucks Community Center, then sang the Black National Anthem, "Lift every voice and sing."

Ms. Williams then read Resolution No. 5-2016 and presented a copy to Blanding Watson, president of the Lancaster Branch of the NAACP.

Mr. Watson said he is often asked why Black History Month is held on the shortest month of the year. He explained February was chosen by Carter G. Woodson, the initiator of the celebration, because it included the birthdays of both Abraham Lincoln and Frederick Douglas. African Americans first arrived as slaves in the Jamestown Colony in 1619. For most of the last 400 years, they have been at the back of the bus or in the freight car. Now, they are bus drivers, engineers who designed the bus or the bus owners. Black History Month is a chance to honor those that helped to bring about that progress. He urged all in attendance to participate in Black History Month programs being held throughout the county.

PUBLIC COMMENT

Deb Guy, executive director of the Lancaster Chapter of NORML, noted that this is the third time she has appeared before City Council to ask for their support. In the last year and a half, Pittsburgh, Philadelphia and Harrisburg have either passed ordinances decriminalizing possession of small amounts of marijuana or are in the process of doing so. Those ordinances establish fines of \$25-\$100 for possession of a small amount of marijuana without imprisonment. She stated the ordinances are saving the arrest of many victimless criminals and saving the governments money by eliminating imprisonment for the offenses.

Ms. Guy asked Council members to convene a meeting with Mayor Gray, Police Chief Sadler, attorney Richard McDonald, District Attorney Craig Stedman, herself and Les Stark and Erica McBride of the Keystone Cannabis Coalition at which they could begin the process of drafting an ordinance to decriminalize marijuana possession in Lancaster.

Suzy Hoover, 204 East King Street, related that she had submitted a records request to the Lancaster Parking Authority. The authority responded by answering her questions that it does not have a feasibility study to demonstrate the need for another parking structure in Lancaster or that the only viable location for a parking structure is an extension of the East King Street Parking Garage. Also, the authority has no engineering analysis that demonstrates that another story cannot be added to any downtown parking structures. She asked that if any private or public entity had done these studies, that they be made available for public review. If not, she recommended that a feasibility study be done.

Additionally, Ms. Hoover recalled Nelson M. Polite Sr., and how he was kind to her when she had been criticized for her work to improve the southeast area of the City.

INTERIM REPORTS OF COMMITTEES OF COUNCIL

FINANCE COMMITTEE - Ms. Sorace reported that the Finance Committee had met at a special meeting earlier in the evening to discuss Bill No. 2-2016, which would refinance 2007 general obligation bonds with a new bond issue. The refinancing of as much as \$125,800,000 at lower interest rates is estimated to save the City as much as \$6,706,117 over the life of the 30 year bonds. The savings represents 5.78 percent of principal. The threshold for refinancing is typically 3 percent savings.

Ms. Sorace made a motion to add Bill No. 2-2016 to the meeting agenda for a first reading. Mr. Roschel seconded the motion.

City Council approved adding Bill No. 2-2016 to the agenda by a unanimous roll-call vote.

Additionally, Ms. Sorace stated that the Finance Committee was informed of an administration proposal to use some of the savings from the refinancing to pay for the advance refunding of a SWAP liability of \$1,117,000, which the City incurred in 2004. It is estimated that it would cost the City \$154,000 to terminate the SWAP and remove the variable-interest liability from the City's balance sheet.

A resolution to terminate the SWAP will be discussed at City Council's March 7 committee meeting and likely be placed on the regular meeting agenda for action on March 8.

Further, Ms. Sorace asked for a motion to approve quarterly budget transfers in the amount of \$39,160.45. The transfers fund workers compensation costs for the fourth quarter of 2015.

Mr. Reichenbach made the motion. Mr. Soto seconded the motion.

City Council approved the legislative budget transfers by a unanimous roll-call vote.

PUBLIC SAFETY COMMITTEE - Ms. Williams moved to add to the meeting agenda: Resolution No. 7-2016, amended rules and regulations of the Lancaster City Civil Service Board for applicants to the Fire Bureau; Resolution No. 8-2016, amended rules and regulations of the Lancaster City Civil Service Board for applicants to the Bureau of Police; and Resolution No. 9-2016, to authorize the conditional appointment of six firefighters.

Mr. Reichenbach seconded the motion.

Council approved the motion to add Resolutions No. 7-2016, No. 8-2016 and No. 9-2016 to the agenda by a unanimous roll-call vote.

LEGISLATIVE AGENDA

City Council considered the following applications and Historical Commission recommendations for improvements to properties with the Heritage Conservation District:

1. King Street Properties LLC/Penn Square Partners, owner of 14-16-18 East King Street, proposes demolition of three commercial buildings and proposes construction of a new 12-tier hotel structure. (Both applications were recommended for approval by the Historical Commission.)

Ms. Sorace made a motion to accept the Historical Commission recommendations of approval. Mr. Reichenbach seconded the motion.

Ms. Wilson said she and Ms. Williams toured the site yesterday with a concerned citizen. Although the facades of the buildings have been altered and they do not appear to have historical value, she was told that parts of the buildings do retain historical value. One of them may be the oldest pharmacy in the United States. She expressed concern the City was not doing its proper due diligence to ensure structures with historical value were not being destroyed.

Randy Patterson, director of the City Economic Development & Neighborhood Revitalization department, said the applicants had a conceptual review for the project by the Historical Commission in November. They returned to the commission for the formal review in January. The Historical Commission asked for an architectural analysis of the potential reuse of the buildings and tabled the application. The developer returned to the Historical Commission in February with that analysis, which recommended the buildings not be reused. The developer has offered to record the history of the old structures in some fashion in the newly constructed building.

Tom Smithgall, of the High Real Estate Group, representing Penn Square Partners, said the reports by Hammel & Associates Architects determined the buildings were not significant enough to qualify individual listing on the National Register of Historic Places.

Ms. Wilson said the City's older buildings contribute to the character and uniqueness of the downtown area. She fears loss of additional buildings will detract from that character.

Randy Harris, 314 West Chestnut Street and a historic preservation consultant, said there has been little discussion of saving and reusing the buildings. Rather, he asked whether there is enough being done to document the history of the buildings before they are demolished and whether the stories of the people who inhabited the structures are being recorded. Some important things could have happened there and once the buildings are gone, then they are gone. He was heartened to hear that there is an offer to do what is called historical interpretation for the buildings. He asked for a comprehensive plan to require such historic interpretation for future projects.

Mr. Patterson responded that the Historical Commission would be the proper venue to recommend an ordinance amendment that would require historical interpretation and salvaging of architectural elements for future projects.

Mr. Reichenbach said this conversation should have occurred months or years before it reaches the point of a vote on demolition.

Ms. Sorace said it would be helpful for Council to be aware of such plans further in advance.

Mayor Gray commented that when he became mayor, he required that demolition permits be brought to him for review. His intent was to prevent historic structures from being razed without proper examination. Further, he said he has seen historic photographs of these particular buildings. They were beautiful Victorian-era structures, but were horribly altered. The City administration is now very attuned to building preservation, however, they are dealing with mistakes made four decades ago. Now, it is uneconomical to attempt to restore them.

Mr. Smithgall said the developers thoroughly studied ways to reuse the buildings but could not find a feasible means to do so. Further, he maintained the additional hotel rooms being proposed will enhance the Lancaster County Convention Center's ability to attract larger events. That will help the economy throughout the downtown area.

Mr. Soto asked about the condition of the buildings. Mr. Smithgall responded that 14 and 16 East King Street are significantly blighted. The third building, 18 East King Street, was used as an office until about two years ago and is in better shape. Architectural features of that building have been offered to historic preservationists for salvage.

Ms. Wilson commented that she hoped the developers will creatively use original artifacts from the buildings in a display about the history of the site. Mr. Smithgall responded they had done that when developing the Convention Center and could do so again.

City Council voted to accept the Historical Commission recommendations by a unanimous roll-call vote.

ORDINANCES FOR FINAL PASSAGE

Administration Bill No. 1-2016, (the title) was read by the City Clerk as follows:

An ordinance of the City Council of the City of Lancaster amending the Codified Ordinances of the City of Lancaster at Chapter 55, Officers and Employees, by fixing the salary of the Mayor of the City of Lancaster for the four year term beginning January 1, 2018.

Ms. Wilson made a motion to approve the bill. Mr. Reichenbach seconded the motion.

Ms. Wilson said a salary study was done in the fall of 2015 by Ms. Sorace and the City Clerk. Council members are now paid \$8,000 annually and the Council president \$8,500 annually. The mayor is paid \$77,932 annually. Council has not acted to increase those salaries since 2005. The last increase in the mayor's salary was in 2009.

The bill would increase the mayor's salary to \$85,000 in 2018; \$86,275 in 2019; \$87,569 in 2020; and \$88,883 in 2021. The increases would bring the mayor's salary to an average salary for the mayors of mid-sized Pennsylvania cities, while still remaining low for the salaries of

mayors in the mid-Atlantic region, thereby reflecting the lower cost of living in Lancaster compared to elsewhere in the region.

Going forward, Ms. Wilson said Council will establish a policy of reviewing the salaries every four years, beginning in early 2021.

Council approved Bill No. 1-2016 by a unanimous roll-call vote.

ORDINANCES FOR FIRST READING

Administration Bill No. 2-2016, (the title) was read by the City Clerk as follows:

An ordinance authorizing the incurrence of non-electoral debt of the City of Lancaster, Lancaster County, Pennsylvania, by the issuance of general obligation bonds, series of 2016, of an amount to be determined on March 8, 2016; issued for the purpose of providing funds for the advance refunding of a portion of the City of Lancaster General Obligation Bonds, Series of 2007 and paying the costs of issuing and insuring the bonds; determining to sell the Series of 2016 bonds (the "2016 bonds") at a private sale by invitation; approving the form of the Series of 2016 bonds; fixing the number, date, interest and maturities of the 2016 bonds; making a covenant for the payment of the debt service on the 2016 bonds; pledging the full faith, credit and taxing power of this City in support of such bonds; providing for the filing of required documents; providing for the appointment of a sinking fund depositary for the 2016 bonds; and authorizing execution, sale and delivery thereof, and other necessary actions.

Ms. Sorace explained this is the first reading of the bill. On the evening of March 8, 2016 there will be a second reading, at which time the bill will include numbers based on the bond auction held earlier that day.

RESOLUTIONS

Administration Resolution No. 7-2016, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster approving the rules and regulations of the City of Lancaster Civil Service Board for the examination and appointment of applicants in the Bureau of Fire for the City of Lancaster.

Mr. Reichenbach made a motion to approve the resolution. Mr. Roschel seconded the motion.

Ms. Williams said the resolution approves the rules and regulations for appointments to the Bureau of Fire, according to the Civil Service Commission.

Council approved Administration Resolution No. 7-2016 by a unanimous roll-call vote.

Administration Resolution No. 8-2016, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster approving the rules and regulations of the City of Lancaster Civil Service Board for the examination and appointment of applicants in the Bureau of Police for the City of Lancaster.

Mr. Reichenbach made a motion to approve the resolution. Mr. Soto seconded the motion.

Ms. Williams said this resolution approves regulations for appointment to the Bureau of Police.

Council approved Administration Resolution No. 8-2016 by a unanimous roll-call vote.

Administration Resolution No. 9-2016, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster authorizing the conditional appointment of Sean Glass, Kenneth Zimmerman, Michael Nixon, Matthew Guisbert, Joseph Shapiro and Christopher Henriquez as firefighters with the Bureau of Fire of the City of Lancaster.

Mr. Reichenbach made a motion to approve the resolution. Mr. Soto seconded the motion.

Ms. Williams said the resolution presents those persons who have passed their examinations and are ready to be hired to the Bureau of Fire.

Mr. Reichenbach commended the administration for proactively planning for the retirements of several firefighters this year. He said the preparation was a testament to the leadership shown from the top on down. The infusion of new talent will help sustain the Bureau of Fire.

Ms. Williams said they have been informed that these applicants are very qualified.

Council approved Administration Resolution No. 9-2016 by a unanimous roll-call vote.

PUBLIC COMMENT

Les Stark, of Reading, executive director of the Keystone Cannabis Coalition, said he came before Council last summer and asked for Council members to consider action on a marijuana decriminalization ordinance. Although Lancaster City Council choose not to do so, Harrisburg City Council has moved to implement such an ordinance. Rather than charging offenders with possession of a small amount of marijuana, they will be cited under the proposed Harrisburg City ordinance and fined \$100.

Mr. Stark said he was previously told by Lancaster Council members that they preferred to focus on the medical cannabis bill, because one was pending before the state legislature. A medical cannabis bill is expected to pass in the General Assembly next two months.

Now, he is asking Council members to turn their attention to decriminalization. Since Lancaster City passed a resolution in support of medical cannabis, Lancaster has spent more than

\$200,000 on arrests for marijuana possession. Lancaster has been arresting people for marijuana possession since the 1930s. Mr. Stark said there is no less cannabis around now than there was 50 years ago when he was born. In 2015, 112 adults and 17 juveniles were arrested for simple possession in the City. That translates to \$165,000 per year spent on arrests. Countywide, there were 505 adults and 95 juveniles arrested for cannabis possession in 2015. What are the benefits?

He noted that Nelson Polite had spoken in support of decriminalization in 2014. He asked that Council continue Mr. Polite's work of building a fair and equitable society that gives everyone a fair shot at making it in life. Criminal justice reform is a key component of that work.

Craig Smith, 15 South Lime Street, noted that he had read of the auction of the Bulova building on Lancaster Square. Given the recent discussions regarding downtown parking, he asked if there had been discussion of reusing the Bulova building for retail and parking. He noted the City owns the square. He asked that it be considered for redevelopment to provide parking and retail use.

REPORT OF THE MAYOR

Mayor Gray read the following prepared statement:

Mapping recently provided to the city by Manheim Township led to our discovery that, since 1934, stormwater from areas of Manheim Township have been conveyed through the City's collection system and treated at our Advanced Wastewater Treatment Plant at no cost to Manheim Township.

Based on Manheim Township's mapping and current topographic information, the Township's drainage area to the City's combined sewer system is approximately 315 acres, with 170 acres of impervious area. Thus, in a typical year, an estimated 77 million gallons of stormwater from Manheim Township flows through the City's combined sewer system. This contributes to stormwater overflows that pollute the Conestoga River and eventually the Chesapeake Bay.

Two years ago, in January 2014, City representatives, DEP, and EPA officials began meeting with Township officials to discuss our mutual responsibility to reduce these overflows and resulting pollution. Finally, this past December, we invited the Township to share the cost of measuring these flows into the City's system, to start paying for the usage of the system, and for the cost of treatment. The City believes there are several options that can be pursued to reduce or remove these stormwater flows originating in Manheim Township, thus decreasing or eliminating the fees incurred. We will continue to work with Manheim Township to address this issue in an equitable manner that is in compliance with Federal and State mandates, as well as our own Stormwater Management Ordinance.

We have also been working with Manheim Township to resolve issues related to the Belmont Development along Fruitville Pike at the intersection with Red Rose Commons. Throughout Manheim Township's approval process for the Belmont project, the City has expressed concerns about the traffic impact this project would have on Fruitville Pike and consequently on the City of Lancaster, its taxpayers, residents and visitors. At several different

times during the Township's approval process, City representatives have requested consideration of a second means of egress from the Belmont property that would direct some traffic exiting the project to a road other than Fruitville Pike.

The Belmont project is comparable in many ways to the Red Rose Commons project from the mid-1990s. During the approval process for the Red Rose Commons project, Manheim Township took various legal actions to protect its stated interest in reducing the traffic impact of Red Rose Commons on Fruitville Pike. In order to get Manheim Township to drop its legal objections to the development of Red Rose Commons, the City agreed to provide a \$750,000 contribution to fund road improvements on Fruitville Pike.

At the time, the diversion of \$750,000 from City-based economic development projects to pay for Fruitville Pike traffic improvements, had a significant impact on the City's ability to promote and invest in new economic development initiatives. This loss has had an ongoing impact on the City, its tax-base and ultimately on our residents.

Instead, with the benefit of nearly twenty years of hindsight, it is clear that the Fruitville Pike improvements -- funded in part by the City -- have contributed significantly to on-going economic development along Fruitville Pike in Manheim Township since 1997. The Township has benefited greatly from the impact fees and ongoing real estate taxes paid by the developers of projects along Fruitville Pike. We also see that any traffic improvements funded by the City have long been overwhelmed by the increase in traffic caused by Township approved projects over the last twenty years.

We would prefer that the Township resolve our concerns about the Belmont development by adding second means of egress away from Fruitville Pike. Should the Township be unable or unwilling to address this concern to our satisfaction, I have asked that the Township pay the City back its 1997 contribution to the Fruitville Pike improvements. Accounting for inflation, this amounts to \$1.1 million in today's dollars.

Working with partners from the Lancaster City Alliance, the Convention Center Authority, and Lancaster Newspapers, we have prepared a Request for Proposals for development of Southern Market Center, the Swan Hotel site, and the Lancaster Newspapers site – all in proximity to the corner of South Queen and Vine Streets. The RFP will be issued no later than the first week in March with responses due in mid to late June. Proposals are being solicited for development of the three sites as one, or as stand-alone projects.

The first public meeting of the Mayor's Commission to Combat Poverty was held last week at Reynolds Middle School. More than 200 people attended the three hours meeting. Data presented during testimony and a complete video of the evening is available on the Commission's website at: combatpovertylancaster.org

REPORT OF THE PRESIDENT OF COUNCIL

President Graupera took the opportunity to thank the administration for dealing with the problem of lead in drinking water. Since 1992, Lancaster has used an anti-corrosive coating in its

water pipes to prevent the leaching of lead into drinking water from old water pipes. The City has systematically replaced lead service lines that connect water main to homes. The City invested \$98 million to build micro-filtration water plants on the Susquehanna and Conestoga rivers. Those plants use the same process as used in commercial bottled water. It was a huge investment, but it provides the City with water that is pure and safe and citizens will benefit from it for generations. It was that willingness to look ahead and do what is best for the citizens of Lancaster that we are not in the same situation as Flint, Michigan and other cities.

COUNCIL COMMENTS

Ms. Williams announced that on Saturday, March 12, from 11 a.m.to 1 p.m., there will be a meeting of the newly formed Self-Determination Matters Committee at the Crispus Attucks Community Center, 407 Howard Avenue. The committee will host an information and outreach event. The committee is opposed to a proposal by County President Judge Dennis Reinaker that would eliminate Magisterial District 2-1, in the southeast section of Lancaster City. Judge Reinaker's plan would combine the district with the Magisterial District judgeship in the southwest section of Lancaster City. Ms. Williams said the gerrymandering will weaken self-determination in the southeast area.

The Self-Determination Matters Committee was formed by the Crispus Attucks board of directors and includes County Commissioner Craig Lehman, Councilwoman Williams, Human Relations Commission Chairman David Cruz, Crispus Attucks Executive Director Cheryl Holland-Jones and Aaron Dixon.

She invited the community to come learn more about the issue.

Ms. Wilson spoke of the passing of Nelson Polite Sr., who was her uncle. She said he devoted his life to public service. He served his southeast neighborhood and worked tirelessly for the entire City. He endured discrimination and fought for civil rights, which most people today take for granted. He fought in a war for this Country, which did not even consider him a full man. On his way home from boot camp, he could not even ride in the train. He had to ride in the back with the soot from the engine. He fought all his life to make the unjust world just.

African-Americans continue to face racial inequality in this City, State and Country. She asked that her uncle's hard work not be in vain. If all of us do just one-tenth of what Nelson Polite Sr. has done for this City and the people who live here, what a tribute that would be to his legacy, she said.

Mr. Reichenbach said he supports Ms. Williams' efforts to preserve the judgeship in the southeast part of the City. One of the hallmarks of a vibrant community is local rule. He said it is preposterous that the consolidation is being so flippantly spoken of. He hopes the public will attend the event and recognize the damage that the will be done by the consolidation.

Further, he spoke of the inequality of enforcement of marijuana possession laws. Citing and 2013 study by the American Civil Liberties Union, Mr. Reichenbach said blacks and white are believed to use marijuana at approximately the same rate. Yet, blacks are 10 times more likely to be arrested for marijuana usage. While he does not use marijuana personally, he maintained the inequity in enforcement contributes to poverty in black communities. Two parent

homes are turned into one parent homes when a parent is incarcerated for marijuana use. That family's income is diminished, forcing the family onto public support, which they are often unable to later extract themselves.

Massachusetts decriminalized marijuana possession. The state's possession arrests declined from 9,000 annually to 1,000. This issue is referring to non-violent criminals. That move likely had a positive impact on many families.

Yet, Mr. Reichenbach said he needs to learn more about the impact decriminalization would have on Lancaster City police officers. Would it put undue restrictions on them, place them in conflict with federal and state laws and how would that impact their ability to do their job?

He said it may be an uncomfortable discussion, but the fact remains: the same amount of usage and 10 times the number of arrests. If City leaders are going to talk about poverty and the impact on families, they cannot ignore the issue. He is interested in learning more and finding a way to cure that ill.

He noted that Nelson Polite Sr. was a leader in issues that he was passionate about: keeping families together, working in neighborhoods and ensuring that people had a fair shot in this life.

	John E. Graupera, president
Attest:	
Bernard W. Harris Jr., City Clerk	

President Graupera adjourned the meeting at 9:04 p.m.