

## STATED MEETING - CITY COUNCIL – FEBRUARY 14, 2017

A meeting of the Lancaster City Council was held on Tuesday, February 14, 2017 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. Wilson and President Graupera – 6

Excused – Ms. Williams – 1

The minutes of the meeting of Council for January 24, 2017 were approved by a roll-call vote. President Graupera abstained.

### PUBLIC COMMENT

Tony Dastra, 113 North Lime Street, said that he was using his cell phone to live-stream this evening's Council meeting. He is doing so because he believes Council is being less transparent than it could be in conducting public business. He stated his preference for video recordings of Council meetings, rather than limited written meeting minutes.

### REPORTS REQUESTED BY COUNCIL

Pat Brogan, chief of staff for Mayor Gray introduced representatives of MAW Communications, who presented information to City Council regarding LanCity Connect, the City's high-speed broadband internet program.

Brian Kelly, MAW's specialist in human integration, said Phase I of deployment of the broadband system is complete. That involves the installation of more than 3,000 strand-miles of optic fiber cable, with nearly 100 access points throughout the City. Sixty-five percent of the City is within 500 feet of that fiber backbone. Phase II will include an additional 3,000 miles of cable and 80 access points. It is scheduled for 2017-2018.

With fiber cable installed, MAW has turned its attention to immediate needs:

1. Ensuring the data from Lancaster Community Safety Coalition cameras is being properly and efficiently handled.
2. Ensuring that Lancaster Police technology is communicating with the City's other communications systems and the County's emergency system. In the third-quarter of this year, plans call for connection with other municipal emergency systems.
3. Once Phase II is complete, they will focus on "smart traffic control," including beginning the automated water meter-reading initiative and wifi in public spaces.

City officials required from the outset that the broadband system be spread geographically across the City and that low-cost service be available of all. Also required was a commitment to living-wage jobs. Mr. Kelly said MAW has sought to hire people from the City. Seven Lancaster-based firms have been involved in the construction of the system.

Since August, when information about the broadband project was last presented to City Council, MAW has initiated an early-adopter pilot program. The three-month program was intended to identify and correct issues of the installation, operation and customer use of the system. Fifty-nine early adopters were selected from more than 900 applicants. Mindy Wiczowski said 80 percent of participants said they would recommend the service to friends and 95 percent expressed satisfaction with the service.

She said outreach was done in lower-income minority neighborhoods, including a Spanish-language radio program, but that comparatively few residents of those areas have applied for the service.

On February 27, MAW will be announcing its installation schedule for roll-out of the program in coming months. The schedule will include all areas of the City, done in phases. After that, installation will be done in areas with the highest demand.

Responding to a question from Ms. Sorace, Ms. Wiczowski said that if a potential customer does not schedule installation when their area of the City is being installed, they will have to wait at least 18 months, until after the initial citywide installation schedule is complete. That is being done to keep costs for the service low. She said five installation phases are now expected.

Responding to a question from Mr. Reichenbach, Ms. Wiczowski said there are low-cost services options for residents who meet income qualifications, which are based on the federal poverty standards.

Ms. Brogan stated that community education and outreach is a significant component of the roll-out campaign. Unfortunately, areas where the most extensive outreach has been done have yielded the fewest applications. She said door-to-door delivery of program literature is being considered. Further, she said they will be working with Assets Lancaster and the Tec Centro vocational training center to recruit employees for LanCity Connect.

She also stated that Mr. Hopkins, Administrative Services director, will be presenting a funding plan for the program to Council members at a special Finance Committee meeting on February 28, at 6:30 p.m.

Responding to a question from President Graupera, Ms. Wiczowski said the initial outreach is to residential customers. By the middle of the year, LanCity Connect will begin offering service to businesses, non-profit organizations and schools.

Responding to a question from Tony Dastra, Ms. Wiczowski said there will not a low-cost student discounted rate. Yet, she said students would qualify for the low-income discount.

Ismail Smith-Wade-El, 947 Virginia Avenue, questioned whether the federal poverty standard being used for the low-income discount rate was based on the federal poverty line or the federal free school lunch threshold. Ms. Brogan was unsure of the basis, but said it was the standard that included the most City residents.

## REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – Mr. Reichenbach, reporting for Ms. Williams, said the committee met on February 6 to discuss Bill No. 06-2017, which would create a Market District

parking area. He said he would elaborate on that discussion when the Bill is discussed on the agenda.

**PUBLIC WORKS COMMITTEE – No report.**

**ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION COMMITTEE – Mr. Reichenbach** said his committee met on February 6 and discussed Administration Bill No. 03-2017, which is on this evening’s agenda. That bill concerns the sale of public property. The proposal was prompted by criticism of the sale of West King Street properties approved by Council in December.

**FINANCE COMMITTEE – Ms. Sorace** said her committee met on February 6 to discuss two house-keeping items: Administration Resolution No. 05-2017, to dispose of obsolete records, and Administration Resolution No. 06-2017, to exonerate 2016 water and sewer charges for City-owned and City-related properties. Those items are on the agenda and will be discussed later.

**COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Soto** said his committee met on February 6. They discussed Resolution No. 04-2017, which amends the City’s Sewer Facilities Plan; Resolution No. 07-2017, supporting a Keystone Communities Program application for the southwest area of the City; and Bill No. 05-2017, to amend the lead hazard ordinance to provide for inspection of residences and update lead standards. Those items are on this evening’s agenda.

**PERSONNEL COMMITTEE – Ms. Wilson** made a motion to approve the nomination of Eric Berman to the Historical Commission, Lisa Colon to the City Revitalization & Improvement Zone Authority, and Chris Ballentine to the Human Relations Commission Board of Directors.

Mr. Reichenbach seconded the motion and it was unanimously approved by Council by a roll-call vote.

#### LEGISLATIVE AGENDA

City Council considered the following applications and recommendations from the Historical Architectural Review Board for an improvements to properties within the Historic District:

1. Excelsior LLC, owner of 125-131 East King Street, requests installation of new signage and construction of a wooden trellis in a lower level courtyard.
2. Minh Huynh, owner of 170 East King Street, and Mitch Rae, applicant, request installation of three new windows, two new entry doors and commercial signage.

The Historical Architectural Review Board recommended approval of both applications.

Mr. Reichenbach made a motion to accept the recommendations of the Historical Architectural Review Board. Mr. Soto seconded the motion.

City Council voted unanimously to approve the recommendation by a roll-call vote.

#### ORDINANCES FOR FIRST READING

Administration Bill No. 03-2017, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania amending the Code of the City of Lancaster, Chapter 232 – Sale of Real Property, Section 232-2, Applicability, to provide for public notice and a Council resolution when real property is sold to other municipal corporations, municipal authorities or non-profit organizations; and Chapter 232-3- Sale of Property changing the methods the City may use to sell real property; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect as provided by Pennsylvania law.**

Mr. Reichenbach said the purpose of the bill is to bring transparency to the process of selling property which the City owns and chooses to sell. Currently, there are two ways in which the City can choose to sell a property: public auction and competitive sealed bids.

This bill establishes a third way. If a city-owned building would be listed for sale, passage of a Council resolution in a public meeting would be required. The property would then be transferred to the Redevelopment Authority. The authority would then publically advertise the property for sale. There would be a minimum of 30 days after advertising before the Redevelopment Authority could sell the property.

The bill establishes a minimum time for the sale of the property, but not a maximum time. The process for the sale of some properties could be more lengthy.

A vote on the proposed ordinance is scheduled for the February 28 City Council meeting.

Administration Bill No. 05-2017, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania amending Chapter 182 of the Code of the City of Lancaster - Lead Poisoning, to establish definitions, prohibit use and distribution of sources of lead hazards, provide procedures for determinations of lead source health hazards, provide for notification of violations and testing procedures and standards, provide procedures and requirements for monitoring the abatement of lead hazards, providing exemptions from the provisions of the ordinance, providing for the protection of occupants of residences containing lead hazards, providing for the protection of children in home-based child care facilities, providing for fines and remedies for violation of the ordinance, providing for inspection and access to properties and sales of properties; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect as provided by Pennsylvania law.**

Mr. Soto said the bill would require testing for lead hazards as part of the rental housing inspection process and greater disclosure when the home is sold. A section in the bill would require the owners of rental housing to provide the City with certification that the units are lead-safe or lead-free. That would be required every four years or when the housing unit undergoes systematic inspection. Lead-free means that lead has been abated from the home. Lead-safe means that it has been encapsulated and poses no risk to the occupants. Failure to comply with the ordinance could result in a \$1,000 fine, imposed by a magisterial district judge.

Ms. Wilson said she supports the intent of the bill to protect children from lead poisoning. But, she said she has been approached by a landlord who told her the costs for lead certification of housing units would be astronomical.

Randy Patterson, City Economic Development & Neighborhood Revitalization director, said there have been misunderstandings about the intent and extent of the proposed ordinance. With investor-owned rental properties, the City would be requiring a certification that the unit is lead-safe or lead-free. To do that, a clearance test is required. When the property is inspected, if there is chipped and peeling paint, the landlord would be required to address that problem under the existing property maintenance code. Once that is addressed, a clearance examination would be needed. That examination involves a random sampling of swabs throughout the unit. Those swabs are sent to a lab, which would determine whether there is lead on the swab that exceeds the Centers for Disease Control & Prevention standard for lead.

The City is not requiring risk assessments, lead-based paint inspections, replacement of windows or doors. The City is requiring maintenance of properties.

If a property fails the initial clearance testing, the City will require additional cleaning and that the unit be re-tested. That clearance test would cost about \$250 every four years per unit.

The sale of properties seems to be the source of the greatest misunderstanding, Mr. Patterson said. The City would not require testing of every property offered for sale. The only properties addressed under that provision would be those in which the City is already aware of a lead problem due to the elevated blood level of a child in the home. In that case, the City will require that the risk assessment which has been done prior to sale be provided to the potential buyer and that the City is provided with a copy of the disclosure statement. That statement requires the owner to disclose if they are aware of lead hazards. This will ensure a known hazard is being disclosed and a buyer is aware of the hazard.

Mr. Patterson said he intends to meet with the County Board of Realtors to discuss the draft ordinance. He had intended to meet with the landlords' association, but has learned that group is no longer active. The City is preparing an electronic message with information about the proposal to be sent to the landlords whom the City has email addresses. Included with that will be a copy of Dr. Jeffrey Martin's presentation to City Council about the dangers of lead exposure.

Responding to a question from Ms. Sorace, Mr. Patterson said that when a child is found to have an elevated blood lead level, a risk assessment is done of the home in which the child lives to determine if it is that property is the source of the lead poisoning. If that property is tested and found to be lead-safe, the City takes no additional action regarding the property. To his knowledge, that has not occurred, Mr. Patterson said.

Dr. Jeffrey Martin, a family physician, associate director of family and community medicine at Lancaster General Hospital and chairman of the Lancaster Lead Coalition, responded to Ms. Sorace's question regarding how quickly elevated blood lead levels appear in a child and how quickly those levels change. Dr. Martin said lead exposure can be identified within weeks in a child's blood and within weeks it can move from the blood stream into the bones. If a child was living in a location for two-three months and is found to have elevated blood lead levels, it's very likely the lead came from that location, and not a prior location.

Bob Seuffert, 719 Marietta Avenue, a landlord, asked Mr. Patterson who would perform the lead inspection of a property. Mr. Patterson said the lead clearance examination would be performed by a private inspection firm contracted by the landlord or by a certified City staff member.

Ms. Sorace sought to provide context to the discussion. She said Dr. Martin's presentation in November made Council members aware of the extent of the lead poisoning problem. Data presented by Dr. Martin showed 11 percent of tested children in Lancaster have elevated blood lead levels. That compared to 4.9 percent of children in Flint, Michigan, where lead exposure received national attention after lead-contaminated water was found in the municipal water supply.

Ms. Sorace stated that every microgram of lead in a child's body reduces IQ and that neurological damage is irreversible. Children with elevated blood lead levels suffer academically in school, have poor health and lower socio-economic status that follows them throughout their lives.

Council members asked the administration to find ways to address the issue. This proposed bill is a result of that request, she said.

Sheldon Weaver, City resident and a part-time City landlord, said he is an engineer whose company does lead abatement on structures. He said there are lead disclosure pamphlets that need to be signed whenever a property is rented. He stated his concern that additional fees could become a burden on affordable housing because the costs will be passed to the tenant.

Mr. Weaver questioned whether lead testing is necessary. Virtually all housing in the City was constructed prior to the 1978 ban on lead paint and it can be assumed that lead paint is present in these homes, he said. He recommended that efforts focus on control of lead hazards. That can best be accomplished by having painted surfaces free of cracked and peeling paint. That is already required by the City's property maintenance code.

Mr. Patterson responded that unless a property owner can provide a certification that their property is lead-free, there is an assumption that every City property has lead. The City is further assuming that owners have taken the steps to encapsulate or secure that lead. The clearance testing every four years would ensure that lead continues to be encapsulated, and is not deteriorating and causing lead dust to be present in the housing unit. Risk assessments, lead inspections and other actions only come into play if there is a child found to have an elevated blood lead level.

Mr. Seuffert maintained that doing a remediation when it is unknown if there is a problem doesn't make common sense. Even for the clearance testing at \$250, that amounts to \$2.25 million every four years for the 10,000 rental units in the City.

Mr. Patterson stated that the City is already dealing with lead paint in the existing ordinance. He hopes to discuss that process and answer questions about the proposed addition to that process in a meeting with landlords and realtors to be held in the near future.

Mr. Soto said he found it disheartening that owners of rental properties were insinuating that Council members have ulterior motives in proposing fees on property owners. He maintained it is the responsibility of rental property owners to provide safe living conditions for their tenants. He expects his grandchildren to grow to have children and live in this City and they should not suffer the consequences that some of our children are suffering now.

Noah Miller, 423 East Clay Street, a landlord, expressed concern about buildings which become toxic home investments and are abandoned because they are too expensive to remediate and are no longer worthwhile investments.

He was also concerned about evictions which will occur when lead treatment work is being done on a housing unit. Extensive work will likely bring evictions to families living in those units or to entire buildings. If those are the tenants who are most in need of affordable housing, there should be a safety net in place before evictions begin to occur.

Lastly, he was concerned about costs being passed onto tenants. Mr. Miller said he supports this initiative and will bear the costs of testing, but he predicted that other landlords will pass those costs to tenants and rents will increase for those least able to pay.

Mr. Reichenbach said Council is communicating with our representatives at the state level about funding. Council would like the state to provide a funding to address this issue.

Robert Fields, 339 West End Avenue, a real estate broker and member of the Historical Commission, estimated that 80 percent of the rental units in the City were built before 1978. The only way to be sure there is not a lead paint hazard in them is to abate each property. Doing so is extremely expensive, likely in excess of \$9,000 per unit.

Passage of the ordinance would instantly lower the value of every rental unit in the City by \$9,000, Mr. Fields contended. Furthermore, he maintained, there is no connection between the place where a child lives and the lead level in the child's body. The proposal assumes lead in a child necessarily came from the housing in which the child resides.

David Stull, of Investors Choice Realty, said he is not opposed to swab testing of homes. Yet, he said, he believes landlords should be able to test children for lead as a qualification prior to their occupancy of a rental unit. He stated that he believes the painted wooden windows in the City's older homes contribute to the lead problem. Lead paint dust comes from friction of opening and closing from those windows, he said.

Additionally, he noted a newspaper account that stated 10 in-home childcare facilities were prevented from opening due to lead found in those homes. Yet, 75 other in-home childcare facilities exist in the City and Council should address testing in those facilities.

Gary Neff, City Limits Realty, said his company has about 500 rental units in the City. The company has done lead remediation in about 30 occupied homes, mostly in Harrisburg, in the last 30-40 years. He has EPA certified staff members who perform those remediations. He said the cost of remediation will be passed onto the tenants. It's a fact of business. Therefore, it is important to make the process as cost-effective as possible.

He recommended that remediation be done when the property is vacant rather than occupied. Doing so reduces the cost of the remediation by half and is safer for the occupants. Much of the work they do involves replacement of windows. Doing that while the unit is occupied is very difficult.

He asked that the language of the proposed ordinance be clarified to allow clearance testing of a unit every four years, but not necessarily tied to the systematic inspection. That would allow for testing to follow window replacement and painting when there is a change of tenants in a rental unit.

Dave Garpstas, of Younger Realty Group on West King Street, stated that it could not be argued that lead exposure is an issue that should be addressed. Yet, he asked Council to consider the negative implications of the proposed ordinance. He asked that Council be willing to discuss the measure with the City's real estate professionals.

Mr. Reichenbach reiterated that the goal of the proposal is ensure safe housing. If inspection at the time of tenant turnover would help further that goal, he agreed that should be part of the discussion.

Administration Bill No. 06-2017, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania amending Chapter 285 of the Code of the City of Lancaster – Vehicles and Traffic, changing the title of Article V of Chapter 285 of the Code of the City of Lancaster to Residential and General Market Area Parking Permits, amending Article V of Chapter 285 of the Code of the City of Lancaster to add Section 285-51 for the establishment of market area parking permits; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect as provided by Pennsylvania law.**

Mr. Reichenbach said the goal of the bill is to define how and when people could park in the area around Central Market. This bill will define a Market District Parking Area. It will be left to the Traffic Commission to approve regulations for the district. He said the process will be similar to that followed for residential parking areas.

Nelson Rohrer, a standholder at Central Market, expressed concern that standholders will be unable to park near the market on market days. He asked when there would be a public forum in which he could learn about proposed regulations and share his concerns.

President Graupera responded that a second reading and vote on the bill is scheduled for February 28, and that it had been the subject of discussion at several public meetings.

Mr. Patterson advised Mr. Rohrer to contact Public Works Director Charlotte Katzenmoyer. She may be willing to bring his concerns before Council for discussion.

Ms. Sorace responded that the bill has gone through several versions, so confusion about what it would do is understandable. She said that this bill establishes a vehicle for parking regulations around the market. The Traffic Commission will actually decide those detailed regulations.

## RESOLUTIONS

Administration Resolution No. 04-2017, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster approving the adoption of an amendment to the Act 537 Official Sewage Facilities Plan for the City of Lancaster.**

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



Mr. Patterson said this resolution refers to an area served by the North Sewage Treatment Plant. That treatment plant is operating in excess of its capacity, but is being updated. Until that update is completed, whenever there is a major new project, such as the facility being constructed at the stockyards site, there must be an amendment to the plan to include the project. The state DEP will review a sewer module for the project following the passage of this resolution.

Council approved Administration Resolution No. 04-2017 by a unanimous roll-call vote.

Administration Resolution No. 05-2017, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster authorizing the disposal of certain obsolete records (daily cash reports, water billing records, accounting records, cancelled checks, employee time cards, etc.) in conformity with the retention and disposition schedule for records of Pennsylvania municipalities.**

Ms. Sorace made a motion to approve the resolution. Mr. Reichenbach seconded the motion.

Ms. Sorace said this is an annual housekeeping resolution. The disposal of these records is based on the state schedule, which the City follows. Council was provided with a detailed list of the records to be disposed.

Council approved Administration Resolution No. 05-2017 by a unanimous roll-call vote.

Administration Resolution No. 06-2017, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster exonerating 2016 water charges in the amount of \$47,284.15 and sewer charges in the amount of \$31,985.51 for City-owned or related properties at 29 locations.**

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

Ms. Sorace said the City tracks the water and sewer usage for City-owned and related properties, but the City cannot collect fees for that usage from itself. This resolution exonerates those charges for the year.

Mr. Dastra said he is not opposed to the resolution. Yet, he wanted to take the opportunity to ask about the water usage at City-owned properties. He noted that water is a valuable resource which should be conserved. He asked whether the data for City usage is tracked to identify ways in which usage could be reduced.

Council approved Administration Resolution No. 06-2017 by a unanimous roll-call vote.

Administration Resolution No. 07-2017, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster supporting a Keystone Communities Application to the Commonwealth of Pennsylvania Department of Community and Economic Development seeking to designate the southwest Lancaster area of the City of Lancaster as a Commonwealth of Pennsylvania Keystone Community.**

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

Marisol Torres, manager of the program, said this designation will work in tandem with the Southwest neighborhood plan developed last year. The goals of that plan are outlined over five years, with benchmarks to be accomplished. The program initiatives will be led by a Southwest neighborhood board, to which she is the City's representative.

Responding to a question from Ms. Wilson, Ms. Torres said the Keystone Communities designation is for the southwest area of the City, while the Elm Street program designation is for the southeast area. The two state program areas cannot overlap.

Council approved Administration Resolution No. 07-2017 by a unanimous roll-call vote.

Mr. Patterson stated that there are no dollars attached to the Keystone designation. In the proposed state budget, the Keystone Communities program was reduced from a \$12 million program last year to a \$6 million program for the entire state.

#### REPORT OF THE PRESIDENT

President Graupera read the following prepared statement:

*A few days ago, I was delighted to read about the plans to remake the Bulova building. An investment of \$25 million to \$30 million will take that building from center-city eyesore to a downtown showcase.*

*But more important is that is not an isolated case. We are seeing investment all across the City.*

*I recently received investment numbers from building permits from last year. The number of permits wasn't remarkable. Commercial and residential permits in 2016 were almost flat compared to 2015. But what was remarkable was the investment value those permits represent.*

*Building investment more than doubled last year compared to the year before; up 122 percent, for a total of \$247.1 million. The average value of each permit also more than doubled, to \$125,644.*

*People are investing in Lancaster, and they are doing so in every sector.*

*I'm also glad to report that plans are moving forward to install three historical markers in Mayor Janice C. Stork Corridor Park. As you'll recall, Council voted to rename the park in honor of Mayor Stork in 2015. Since then, historian Randy Harris has worked to design and secure funding for signs to enhance the park. The first one, with information about the Philadelphia and Columbia Railroad, is already installed. Signs about the engineering involved in building the railroad and about the use of the rail line as a means for runaway slaves to escape, will be installed later this year. This is being made possible by personal donations, the African American Historical Society, the Lancaster Chapter of the National Railway Historical Society, and private donations from LeRoy Hopkins, Cynthia Lavender and Tom Engler.*

President Graupera adjourned the meeting at 9:22 p.m.

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John E. Graupera, President

Attest:

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Bernard W. Harris Jr., City Clerk