

STATED MEETING - CITY COUNCIL – FEBRUARY 28, 2017

A meeting of the Lancaster City Council was held on Tuesday, February 28, 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 February 14, 2017 were unanimously approved by a roll-call vote.

PUBLIC HEARING

Application for the inter-municipal transfer of a restaurant liquor license, filed by Pham Enterprise, LLC, for use at 44 North Queen Street.

City Solicitor Barry Handwerger read into the record a statement from Mayor Gray that the addition of a restaurant liquor license at 44 North Queen Street would not adversely affect the health, welfare, morals and peace of the City and therefore the mayor recommended the transfer of restaurant liquor license R-3249.

Aaron Zeamer, attorney for applicant Andre Pham, said that Mr. Pham had attempted to purchase a license already located within the City. Those efforts occurred for nearly a year, but had been ultimately unsuccessful.

Mr. Pham said he began working in his parent's restaurant as a dishwasher at the age of 12. He has owned the Issei Noodle restaurant at 44 North Queen Street for nearly three years. The restaurant has seating for 86. He said he has no plans for significant renovations or expansion at the restaurant space or to add a bar. The establishment will remain a restaurant in character. The alcohol will complement the food. He does not intend to stay open past midnight.

Tony Dastra, 113 North Plum Street, asked whether anyone under the age of 18 is employed at the restaurant. Mr. Pham responded that he had one, part-time employee under the age of 18. Mr. Dastra then noted the liquor code requires people to be 18 years of age or older to serve alcohol. He asked if that employee would still have a job if the license is approved. Mr. Pham said that yes, that person would continue to work in the kitchen and would not be serving.

Mr. Handwerger then closed the hearing.

Mr. Reichenbach made a motion to amend the agenda to add Resolution No. 08-2017. That resolution would approve the transfer of the liquor license. Mr. Roschel seconded the motion.

City Council approved the motion by a unanimous roll-call vote.

Administration Resolution No. 08-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster, County of Lancaster, Commonwealth of Pennsylvania, approving the transfer of Restaurant Liquor License No. R-3249 into the City of Lancaster.

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

Mr. Reichenbach commented that Mr. Pham currently has a well-run operation and stated his expectation that the addition of a liquor license would enhance the business and the downtown area.

Council approved Administration Resolution No. 08-2017 by a unanimous roll-call vote.

INTERIM REPORTS OF COMMITTEES OF COUNCIL

PERSONNEL COMMITTEE – Ms. Wilson said her committee had meet earlier in the evening and interviewed Amanda Ruiz for the position as an alternate to the Civil Service Board. Ms. Ruiz’s appointment was recommended by Mayor Gray.

Ms. Wilson made a motion to appoint Ms. Ruiz to the Civil Service Board for a term that begins immediately and continues through July 2021. Mr. Reichenbach seconded the motion.

Council members approved the motion to appoint Ms. Ruiz by a unanimous roll-call vote.

FINANCE COMMITTEE – Ms. Sorace reported that her committee also met earlier this evening to discuss a funding proposal for the LanCity Connect broadband program. She said Administrative Services Director Patrick Hopkins presented the proposal. Specific legislation will be reviewed at a Council committee meeting on March 6.

To date, there has been a capital outlay by the City of about \$1.6 million. That has funded the installation of fiber-optic cable underground and on utility poles in much of the City. The additional three actions being proposed are:

1. A supplemental appropriations ordinance that would provide a \$1.5 million loan from the City’s General Fund Reserves to a new LanCity Connect Special Revenue Fund. That will provide an operating capital loan to MAW Communications. That would be repaid over 13 years at 7 percent interest.
2. A second supplemental appropriations ordinance would provide another \$1.5 million loan from the City’s Water Fund to the LanCity Connect Special revenue Fund. That would provide MAW with funds to install cable access in the initial 1,500 homes.
3. A resolution would allow the loan from the LanCity Connect fund to MAW Communications.

Mr. Hopkins presentation will be made available on the City’s website and facebook page, Ms. Sorace said.

LEGISLATIVE AGENDA

ORDINANCES FOR FINAL PASSAGE

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.

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

Mr. Reichenbach read the following amendment: I hereby move to amend the ordinance to provide that in Section 1 in paragraph B, that the following sentence be added to the end of that section:

“City-owned properties in the Keystone Opportunity Zone are exempt from the request for proposal requirement.”

Mr. Roschel seconded the motion to amend the bill.

Randy Patterson, City Economic Development & Neighborhood Revitalization director, explained the amendment concerns properties within the Keystone Opportunity Zone – bounded by South Prince Street, Brandon Park, Hazel and Seymour streets. The City Redevelopment Authority had owned 13 lots in the KOZ after the area was remediated in 2003. Those lots were transferred to the City in 2006. Those properties have been publically listed for sale since that time. Next month, he plans to bring Council a resolution transferring those properties back to the Redevelopment Authority.

The intent of the proposed legislation is to bring transparency and public notice to the sale of City properties. Since these properties have been listed for sale for more than a decade, it is unnecessary to utilize the request for proposal process to publicize their listing for sale.

Council approved the motion to amend the bill by a unanimous roll-call vote.

Mr. Reichenbach commended the administration for swift action in bringing this ordinance amendment to Council. He stated his belief that it will bring greater transparency and clarity to the sales process for public buildings.

City Council approved Administration Bill No. 03-2017 by a unanimous roll-call vote. It will hereafter be known as Administrative Ordinance No. 02-2017.

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 District 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 district 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 made a motion to approve the ordinance. Ms. Sorace seconded the motion.

Ms. Sorace said this bill follows extensive discussion and deliberation since the introduction of the earlier version in December. Business owners, Central Market standholders and residents were part of those discussions. The result is a much simplified version of the bill. This proposal simply establishes a Market District parking area, which will have parking regulations. Those regulations will be determined by the Traffic Commission.

Mayor Gray said the Traffic Commission members are already in agreement to change the direction of traffic on North Market Street, between Grant and King streets. Traffic will flow southbound on that half block. Traffic is presently northbound. Parking will also be prohibited in that half-block, with the exception of short-term loading and unloading. Residents of the Hagar Arcade condominiums and Central Market standholders have been part of those discussions.

Attempts to provide for all circumstances within the text of the proposed ordinance proved to be very difficult. Additionally, needed changes would require that the legislative process be undertaken to amend the ordinances. It was determined that the Traffic Commission could establish and alter regulations more quickly. That was the basis of this streamlined proposal, the mayor said.

Tony Dastra, 113 North Plum Street, expressed concern that residents and visitors will find that their cars have been towed following implementation of the new ordinance. Mayor Gray responded that implementation will be gentle after the new regulations take effect. He expects there to be warning notices initially.

City Council approved Administration Bill No. 06-2017 by a unanimous roll-call vote. It will hereafter be known as Administrative Ordinance No. 03-2017.

PUBLIC COMMENT

Frank Felizzi, 310 North Broad Street, said he attended the Council meeting last year at which an economic development plan was presented that included the Manor Street corridor. The corridor was also the subject of a newspaper article that described efforts to invest millions of dollars in new business development.

Mr. Felizzi stated that an issue not being addressed is crime in the area. He stated there are residents of the area who live in fear in their homes, afraid to go outside. People have seen their neighborhoods taken over by drug dealers, who have no qualms about shooting cab drivers

or others in their way. People have called the police countless times, only to be told they live in a high drug area.

He contended the number one responsibility of elected officials is the safety of the citizens. If people feel safe, they will come out and patronize businesses. If they don't, you can take all the money and all the plans and dump them in the river.

President Graupera directed Mr. Felizzi to provide his contact information to the City Clerk, so they could discuss his concerns at a later time.

REPORT OF THE MAYOR

Mayor Gray said that over the past weekend, he attend the funeral of the two men who were murdered in their home recently. He said it was heart-rending what happened, and the victimization which occurred.

On the other hand, the mayor noted that police officers responded so quickly to the call of a burglary in progress, that the "alleged perpetrators" were found still inside the house. Police respond within four minutes to reports of serious crime. While that level of crime is unacceptable, the police response ensured that two perpetrators will be taken out of circulation, probably for good.

Last night, there was a public meeting regarding the proposed lead ordinance amendments. The meeting filled City Council chambers, with people standing in the back. He said it was the most positive, productive meeting he has attended since becoming mayor. There were valid suggestions and recognition of the problem of lead poisoning of children in the City. Among the 75-90 landlords who attended, there was a consensus that action needed to be taken. Some landlords proposed more significant steps. The mayor said he will likely be suggesting the proposed ordinance be delayed so additional input can be gathered from property owners.

President Graupera responded by thanking the mayor and Mr. Patterson for the manner in which they handled the meeting and their willingness to be flexible and receive suggestions. He agreed that the proposal deserves further discussion.

Ms. Wilson also praised the mayor for his handling of the meeting. She believed that people entered the meeting expecting to take an adversarial position, but the mayor set a different tone by stating the proposal is a starting point and they were there to hear input. That is how government should work, she said.

COUNCIL COMMENTS

Ms. Sorace said she had a request to meet with constituents on Saturday regarding the lead hazard proposal, yet, she found that people had their questions answered at the meeting on Monday. She believes there has been misinformation about what was being proposed and confusion about terms and what would actually be required. She agreed the legislative process for the proposed ordinance should be delayed until more input can be gathered.

Additionally, Ms. Sorace called Council members' attention to the passage of Senate Bill No. 10, which would deny state law enforcement grants to municipalities which do not comply with federal requests to enforce customs and immigration detainers. The bill would also make the municipality legally liable for failing to enforce the federal immigration laws. The bill has already passed the Senate and will soon receive a vote in the state House of Representatives. She urged Council members to speak out against the measure.

Ms. Sorace said the state measure will do nothing to protect the safety of citizens. Rather it will drive some people in our community further into the shadows and make them less safe. The City is already cooperating with federal immigration officials when there is a detainer on an individual considered dangerous. Punitive action on the part of the state is not necessary and would not be helpful.

President Graupera adjourned the meeting at 8:25 p.m.

John E. Graupera, President

Attest:

Bernard W. Harris Jr., City Clerk