

STATED MEETING - CITY COUNCIL – JANUARY 10, 2017

A meeting of the Lancaster City Council was held on Tuesday, January 10, 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. Williams, Ms. Wilson and President Graupera – 7

The minutes of the meeting of Council for December 20, 2016 were approved by a roll-call vote. Mr. Roschel abstained.

REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – No report.

PUBLIC WORKS COMMITTEE – Mr. Roschel said the Public Works Committee met on January 3 and discussed Administration Resolution No. 02-2017. It is on the agenda for action later this evening and will be discussed further at that time.

ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION COMMITTEE – Mr. Reichenbach said his committee met on January 3 and discussed a proposal from Mayor Gray to amend the redevelopment ordinance. The amendment would require a request for proposal process for the sale of public property. The proposal is being prompted by criticism of the sale of West King Street properties approved by Council in December.

The proposal will ensure transparency by requiring at least two public notices and a minimum 30-day period to respond to a proposal request issued by the City Redevelopment Authority when City-owned real estate is sold. A draft ordinance amendment will likely be presented to Council in early February.

FINANCE COMMITTEE – Ms. Sorace made a motion to approve fourth quarter 2016 legislative budget transfers for workers compensation costs of \$43,221.39. She noted that Lancaster is self-insured for workers compensation. Because those costs cannot be predicted, transfers from the budgets of departments whose workers claim compensation must be made to the Administrative Services budget to cover costs. Transfers are done on a quarterly basis.

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

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Soto said his committee met on January 3 to discuss three items. Those are on tonight's agenda and will be discussed at the appropriate time.

PERSONNEL COMMITTEE – Ms. Wilson said her committee met January 3 and interviewed Eric Berman for appointment to the Historical Commission. The committee moved Mr. Berman's appointment to full Council for action at the February 14 meeting, conditional on approval of an

amendment to the Heritage Conservation District ordinance. The amendment would alter the residency requirement for commission service and would allow Mr. Berman to serve in that role.

LEGISLATIVE AGENDA

City Council considered the following application and recommendation from the Historical Commission for an improvement to a property within the Heritage Conservation District:

1. Lancaster General Health, owner of 333 Harrisburg Avenue, proposes construction of a new one-story behavioral health facility.

The Historical Commission recommended approval of the application.

Mr. Reichenbach made a motion to accept the recommendation of the Historical Commission. Mr. Roschel seconded the motion.

Steve Lee, Lancaster General Health vice president of facilities planning, said the design of the behavioral health hospital has evolved as a result of working with City planners and through the zoning process. The appearance of the planned building has been altered and the placement of the facility on Liberty Street has changed. The building will now mirror the historic character of other area buildings.

Randy Patterson, Economic Development & Neighborhood Revitalization director, said Historical Commission review and approval is one step in the development process. The project still must receive land development approval. He noted that members of the Historical Commission were pleased by the responsiveness of Lancaster General officials to suggestions that were made.

Mr. Reichenbach thanked Lancaster General officials for providing the badly needed behavioral health hospital. He questioned whether the behavioral health unit in the main hospital would be closed once the new facility is open. Tracey Lavallias, executive director of LGH Behavioral Health Services responded that the existing 36-bed unit would be transferred to the new facility.

Mr. Reichenbach further questioned whether there will be a communication process so that service providers are aware of the capacity of the new facility on an ongoing basis. Mr. Lavallias responded that a process has already been put in place to inform service providers of available resources.

Ms. Wilson questioned where Franklin & Marshall College's planned development will be in relation to the proposed hospital. Mr. Lee responded to her question, showing her on a map where the F&M development will be located.

City Council voted to approve the recommendation by a roll-call vote. Mr. Soto stated that he is a Lancaster General Health employee and abstained from the vote.

ORDINANCES FOR FIRST READING

Administration Bill No. 02-2017, (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 155, Article II, Heritage

Conservation District, Section 155-22 Historical Commission Membership providing for the appointment of the Historical Commission, including qualifications of members; providing for the repeal of conflicting ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect as provided by Pennsylvania law.

Mr. Patterson said the current ordinance requires members of the Historical Commission to live within the Heritage Conservation District or own property in the district. Eric Berman asked about the residency requirement when being interviewed regarding his nomination to serve on the Historical Commission. Mr. Berman's home is within the Historic District, which is within the Heritage Conservation District.

The change being proposed in the ordinance would allow members of the Historical Commission to live in the National Register Historic District, which includes both the Heritage Conservation District and the Historic District.

A vote on the proposed ordinance is scheduled for the January 24 City Council meeting.

RESOLUTIONS

Administration Resolution No. 01-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster approving and authorizing third party agencies to act on behalf of the City of Lancaster regarding the enforcement of the Pennsylvania Construction Code Act (Act 45 of 1999) and the Uniform Construction Code, as permitted by Ordinance No. 12-2004, Section 116-3 B, adopted June 22, 2004.

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

Mr. Soto said the resolution names six firms authorized to conduct building inspections on behalf of the City. Two firms – AFP Inspectors and Remington Vernick & Beach Engineers – are being added to the inspector list with this resolution. The resolution follows a request for proposal process, which is done every two years.

Mr. Patterson said the resolution names six companies which property owners can contract with to do plan review and inspection services. The City then issues building permits at the beginning of a project and the certificate of occupancy at the end. The contracted companies handle the inspections in between.

Responding to a question from President Graupera, Mr. Patterson said the City staff inspectors handle one- and two-unit residential projects. Small business and non-profit organization projects are also usually inspected by City staff. Larger projects are done by the outside firms.

Responding to a question from Tony Dastra, 113 North Plum Street, Mr. Patterson said the City contracts with third-party inspectors due to a lawsuit filed against the City of Pittsburgh. In that case, business owners or property owners filed suit because they were required to use City staff inspectors.

Additionally, Mr. Patterson said the number of specialty certifications required to inspect different aspects of a project make it difficult for the City to find qualified inspectors. Third-party firms have several staff, with different skills and certifications to do inspections.

Council approved Administration Resolution No. 01-2017 by a unanimous roll-call vote.

Administration Resolution No. 02-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster authorizing the administration to submit an application to the Commonwealth of Pennsylvania, Department of Transportation, for traffic signal approval at the intersections of Harrisburg Pike and Bluebird Drive, Harrisburg Pike and Route 30 Eastbound Ramps, and Harrisburg Pike and Post Office Driveway/Donnelley Drive located in the City of Lancaster.

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

Mr. Roschel said the developers of the Crossings at Conestoga Creek project are seeking the traffic signal modifications as part of their plan for the retail and residential development. This resolution authorizes the administration to submit the application for signal changes to PennDOT on behalf of the developer.

At the January 3 committee meeting, Mayor Gray informed Council members that the developer had agreed to provide \$10,000 for the modification of the traffic signals, \$38,000 for a bus stop that will be installed on the north side of the roadway along Long's Park, and \$30,000 per year for 10 years for the support and maintenance of the park.

Council approved Administration Resolution No. 02-2017 by a unanimous roll-call vote.

Administration Resolution No. 03-2017, (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 twenty-eighth year Certified Local Government (CLG) Grant application with the Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, in an amount not to exceed \$18,000, to be used for various historic preservation purposes.

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

Mr. Soto said the grant provides funding for the City's historic preservation initiatives, including paying for a portion of the salary of the City's historic preservation specialist. In recent years, the grant has also required that a project be funded. This year, that project would be to use social media, including facebook, twitter and intagram, to publicize historic preservation issues that arise.

Council approved Administration Resolution No. 03-2017 by a unanimous roll-call vote.

REPORT OF THE MAYOR

Mayor Gray read aloud the following prepared statement:

Today, Governor Wolf announced projects selected for funding through the 2016 Statewide Transportation Alternatives Program (TAP). Lancaster submitted one of 51 projects chosen by the Wolf Administration to receive \$33 million in Federal funds to improve transportation alternatives. The City of Lancaster will receive \$962,378 to install a pedestrian bridge over the Conestoga River,

reconfigure fencing on the existing bridge to accommodate bicyclists, construct ADA accessible trail approaches, and provide a connection between two open space areas. The project will incorporate the former Armstrong pedestrian bridge across the Conestoga River, leading to a trail that continues into Conestoga Pines Park.

Sprint, AT&T, Verizon, and T-Mobile have together drafted a bill for introduction in the Pennsylvania General Assembly that would: 1) strip municipalities of their right to control the construction and location of wireless facilities in the public rights-of-way; and 2) effectively eliminate the right of municipalities to assess fees for such facilities. The “Wireless Infrastructure Deployment Act,” if enacted, would prohibit municipalities from using their zoning authority to control the construction and location of towers and antennas in the rights-of-way. It would also make it nearly impossible for municipalities to assess fees or negotiate rental payments for those facilities. This means that a wireless contractor would be permitted by state law to install 120-foot towers along any roads, including those in residential areas. The only document that we could require would be a building permit. The wireless industry is well financed and has hired numerous lobbyists to secure passage of this bill. Several Pennsylvania municipal associations are working together to oppose this legislation. We will keep City Council and the public advised as this issue moves forward.

The City’s Stormwater Program Manager, Ruth Hocker, was recently elected to serve as Chair of the American Society of Civil Engineers’ Municipal Water Infrastructure Council (MWIC). The Council is part of the Society’s Environmental & Water Resources Institute, and currently has 48 members from across the nation.

As Chair of the Municipal Water Infrastructure Council, Ruth will coordinate the work of four separate committees that are responsible for producing reports and technical manuals, and establishing standards and guidelines for water delivery systems, stormwater management, and environmental sustainability. Ms. Hocker is one of several women with technical, engineering, or science credentials who serve with Lancaster City’s Department of Public Works.

Responding to a question from Ms. Wilson, the mayor said the City broadband internet network will not be affected by passage of the proposed wireless facilities bill.

Pat Brogan, the mayor’s chief of staff, said passage of the state bill would nullify the City ordinance regulating wireless towers in the public right-of-way, which was passed by City Council last year.

Responding to a question from President Graupera, Ms. Brogan said an update on implementation of the broadband project would be presented to Council next month.

COUNCIL COMMENTS

Ms. Sorace announced that Sunday evening, the annual Martin Luther King Jr. NAACP service will be held at Trinity Lutheran Church and, on Monday, the Crispus Attucks Community Center will hold its annual MLK breakfast at the F&M Alumni Sports & Fitness Center.

She also congratulated City employees who were recognized earlier in the day for their service to the City. Recognition was for five-year increments of service. She said the number of

employees recognized – including the mayor and his directors – was a testament to the City and its leadership to have such continuity in the service of its employees.

Mr. Reichenbach noted that Eric Walsh, of Environmental Hazards Control, who had spoken at the City Council meeting a month ago about lead hazard remediation, has continued discussion of the issue with state Health officials. They hope to continue the momentum on the issue. Mr. Reichenbach further cited yesterday’s announcement by York Mayor Kim Bracey that there may be lead contamination in water in that city.

Mr. Reichenbach said he is looking forward to meetings with state Representative Sturla and Senator Martin to discuss lead exposure prevention.

Mayor Gray said discussions about the issue continues within his administration about alternatives and possible proposals to address lead exposure prevention. He said proposals will be presented to Council.

The mayor said the problem has children suffering on one side and the cost of inspection and higher cost of correction on the other. What can be done and who pays the cost are central to the discussion, the mayor said.

Mr. Patterson has estimated the cost of correcting lead found in a home at \$9,000, he said. That does not remove the lead, but simply contains it safely. A \$100,000 fund to subsidize “lead safe” containment will only improve 10 homes, the mayor stated.

Ms. Sorace noted a recent newspaper article that stated three new home-based daycare centers have been stopped from opening due to the lead inspection requirement imposed by the City ordinance approved last year. One of those centers has abandoned plans to open due to the cost of testing and remediation.

The mayor noted that many of the daycares in the City are small operations with six or fewer children. Preventing such businesses from opening is a burden on the operator of the daycare, but also on the parents of the children.

President Graupera stated that a letter inviting Representative Sturla and Senator Martin to a meeting with Council to discuss the issue will be sent tomorrow. He asked Council members to comment on the draft letter, if they choose to do so.

President Graupera adjourned the meeting at 8:08 p.m.

John E. Graupera, President

Attest:

Bernard W. Harris Jr., City Clerk