

STATED MEETING - CITY COUNCIL – JUNE 28, 2016

A meeting of the Lancaster City Council was held on Tuesday, June 28, 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, Mr. Soto, Ms. Wilson, Ms. Williams and President Graupera – 6

Excused – Ms. Sorace - 1

The minutes of the meeting of Council for June 14, 2016 were approved by a unanimous roll-call vote.

REPORTS REQUESTED BY COUNCIL

Randy Patterson, director of the City's Department of Economic Development & Neighborhood Revitalization, reported on housing programs offered or funded by Lancaster City. Those are: the Homeowner Rehabilitation Program, Lead Hazard Abatement Program, Critical Repair Program and the Downpayment and Closing Cost Assistance Program. The first three programs are administered by the City. The fourth is administered by the Lancaster Housing Opportunities Partnership, with initial funds from the City. Those programs are funded by the HOME Partnership Grant and Community Development Block Grant which the City receives annually from the federal Housing and Urban Development department. Some of the programs also generate income from repayment of loans. Those funds are recycled back into the program.

The Homeowner Rehabilitation Program provides financial assistance to bring a home up to City code and HUD standards. Deferred loans or forgivable grants are offered to owner-occupants of as much as \$25,000 for income-qualified individuals. The homeowner selects City-approved contractors to do improvements or repairs of heating, plumbing and electrical systems, roofing and structural repairs. Since 2006, 144 homes have been repaired, with a total investment of nearly \$3.2 million and an average per-home investment of nearly \$22,200.

The Lead Hazard Abatement Program requirements are geared toward families with a child in the house younger than 6 who has been found to have an elevated blood-lead level. Assistance is intended to control the lead problem in the home, not necessarily to make the home lead free. Since 2006, that program has been used to address lead in 121 homes, at a total cost of nearly \$1.02 million, with an average per-home cost of about \$8,400.

The Critical Repair Program is used to address critical systems within a home which have failed, such as a roof, plumbing, heating or electrical issue. Repairs made through this program must be deemed an emergency by a City inspector. Applicants must meet income eligibility requirements. Since 2006, 221 homes have been repaired through this program, at a total cost of \$800,401. The average cost per property is \$3,622.

Mr. Patterson said often the programs are layered, with the Critical Repair Program being tapped for an emergency repairs, the Homeowner Rehabilitation Program used for more

extensive repairs and the Lead Hazard Abatement Program used if lead hazards are found in the home inspection. In providing funding, City officials attempt to keep the total value of loans at less than the homeowner's equity in the property, to ensure City payback if the home is sold.

Mr. Patterson showed a map in which properties provided funding through the programs were concentrated in the southeast and southwest areas of the City.

The Downpayment and Closing Cost Assistance Program was originally funded by HOME grant funds provided to the City. The program provides as much as \$5,000 in assistance to help people buy homes. A lien is placed on the property and that funding is returned to LHOP when a home is sold. LHOP reuses those funds to make additional loans. The program is limited to first-time homebuyers who meet income eligibility requirements and have completed the LHOP home maintenance program. Since 2006, that program has assisted 373 homebuyers, with financial assistance totaling \$2.01 million. The average amount provided per property has been \$3,622. All but two of the home purchases assisted have been in the southern part of the City, with those almost evenly divided between the southeast and southwest.

LEGISLATIVE AGENDA

ORDINANCES FOR FIRST READING

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

An ordinance of City Council of the City of Lancaster, Lancaster County, Pennsylvania rewriting 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. Patterson said the primary emphasis of this revision of the ordinance is to include daycare centers, particularly home-based daycare centers. They believe it is important to provide this protection for children under age 6. Other changes bring the ordinance into compliance with current federal Environmental Protection Agency and state standards. The solicitor has made changes to the current draft ordinance, from the one presented to Council members in the last two committee meetings. Those changes were technical in nature and did not change the provisions of the draft. The solicitor is still preparing four definitions to be included in the body of the ordinance. Those will be presented as amendments before the second reading of the bill on July 12.

At Mayor Gray's prompting, Mr. Patterson explained changes in the lead testing program locally and statewide. The state of Pennsylvania previously received a lead program grant through the federal Department of Housing and Urban Development. Under that grant, the state contracted with third parties to administer lead testing, risk assessment and clearance testing on properties. That program shifted about two years ago from a local provider for the county to a regional provider. This year, the City learned that the regional provider would no longer provide that service. SouthEast Lancaster Health Services, Community Action Program of Lancaster County and Lancaster General Hospital can do testing, but doctors are unaware of the referral process, he said. The challenge is having the resources to fund the testing and address the problem, he said. The City has twice applied directly to HUD for funding and been denied. The City is now sharing a grant with Lawrence County, in western Pennsylvania.

Administration Resolution No. 31-2016, (the title) was read by the City Clerk as follows:

A resolution of Council of the City of Lancaster authorizing the administration to submit a grant application to the Pennsylvania Department of Community and Economic Development on behalf of the SACA Development Corporation seeking an Elm Street Program designation by the Commonwealth of Pennsylvania.

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

Marisol Torres, of the Economic Development & Neighborhood Revitalization department, said the Elm Street program will be administered by the Spanish American Civic Association. The City will provide oversight and administration for the five-year life of the designation. The program will allow SACA to use the state funds to provide resources needed in the southeast area of the City.

Carlos Graupera, executive director of the Spanish American Civic Association, said this request was prompted by the Department of Community and Economic Development. DCED representatives were impressed by the number and quality of SACA's initiatives in the southeast. They proposed the Elm Street designation as a means to supply the necessary funds to solidify the advances which have occurred in the areas of housing, homeownership, business development and workforce training. The designation will allow all stakeholders to focus on a single strategy of development for the southeast. The subsequent program will coordinate with the recommendations of the Mayor's Commission to Combat Poverty and the Lancaster City Alliance's Building on Strength economic development plan. It will also be coordinated with the efforts of the Lancaster Housing Opportunities Partnership and administered in conjunction with the Crispus Attucks Community Center and the Mix at Arbor Place.

Mr. Soto asked whether Mr. Graupera foresees and increase in housing rental rates for properties in the southeast after redevelopment through this program occurs. Mr. Graupera responded that the rental housing market is very tight. He anticipates rental rates will increase regardless of redevelopment. Now, people are paying high rents for substandard housing. He prefers to promote homeownership to stabilize the neighborhoods, and hopes the program will foster nice neighborhoods which provide a good quality of life for renters and homebuyers.

Mr. Reichenbach thanked Mr. Graupera for reaching out to Crispus Attucks and Arbor Place to build collaboration.

Ms. Williams thanked for Mr. Graupera for his leadership at SACA in providing homeownership. The development of quality, owner-occupied homes has benefitted the southeast area, she said.

Mr. Wilson thanked him for the development of Tec Centro, SACA's bi-lingual, job-skills training center. She believes it will benefit for the economic health of the community.

Mr. Patterson noted that Ms. Torres is preparing a designation request for the state DCED's Keystone Communities Program. The designation, if received, would further give Lancaster priority for grants. The Elm Street Program now falls under the Keystone Communities Program. That application will be presented to City Council within the next few months, he said.

President Graupera said he doesn't usually comment on SACA-related legislation, yet he said he is excited about this initiative. He believes it is needed in the southeast and he is encouraged by the collaboration of the partners in the southeast. He has faith in SACA as a proven provider of services to the community.

Council approved Administration Resolution No. 31-2016 by a unanimous roll-call vote.

REPORT OF THE MAYOR

Mayor Gray read the following prepared statement:

As previously reported, later this summer, we intend to present City Council with an ordinance that would establish a Land Bank for the City. The General Assembly adopted legislation that would allow cities to form Land Banks as a tool for acquiring and developing vacant, blighted, or underutilized properties. Both the Lancaster City Alliance Economic Development Plan and the City's current Strategic Plan include establishment of a Land Bank as a Strategic Priority. I am pleased to report that we have secured a funding commitment from the developers of the Belmont project which will allow our Land Bank to become a reality.

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 impacts of Red Rose Commons on Fruitville Pike. The Township's legal actions put at risk what was then the most significant economic development project in the City in well over a decade. 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. These were funds previously allocated to economic development in the City.

It has been our position that Fruitville Pike improvements -- funded in part by the City -- have contributed significantly to on-going development along Fruitville Pike to the north of Red Rose Commons over the past twenty years. The benefits of that development have inured almost exclusively to Manheim Township in the form of impact fees and ongoing real estate taxes paid by various project developers.

As you will recall, in February I communicated with Manheim Township Commissioners to express the City's concerns about the impact of the Belmont development on traffic flow along Fruitville Pike. Belmont is located across Fruitville Pike from Red Rose Commons. We asked the Township to resolve our concerns by adding a second means of egress away from Fruitville Pike. If unable or unwilling to do so, I asked the Manheim Township Commissioners to pay the City back its 1997 contribution to the Fruitville Pike improvements. Accounting for inflation, this would be \$1.1 million in today's dollars.

The Commissioners did not respond to our request. We then approached the developers of the Belmont Project. We negotiated some traffic signal issues, and any possible increase in stormwater runoff from the Belmont development. Manbel Devco, developers of the Belmont project offered to pay an impact fee to the City in the amount of \$1 million dollars. Our agreement with Manbel provides that \$500,000 will be paid to the City upon final approval of the Belmont project by the various government entities involved; and an additional \$250,000 shall be paid each year for two years thereafter totaling \$1 million dollars.

Our Director of Economic Development, Randy Patterson, assures me that this amount will be adequate to initially capitalize a vibrant and realistic Land Bank program in the City. I would personally like to express my personal thanks to Phil Frey, of Manbel Devco, for his willingness to secure these funds specifically for purposes of establishing our Land Bank. Phil Frey is uniquely positioned to fully appreciate the positive impact a funded Land Bank will have on the City's future. Thank you, Phil, for making it possible for us to pursue this very important strategic priority.

REPORT OF THE PRESIDENT OF COUNCIL

President Graupera read the following prepared statement:

Last month we unanimously approved Council Resolution No. 22-2016, which called on members of the U.S. Senate to take action on the nomination of Judge Merrick Garland to the Supreme Court. Copies of that resolution were sent to Pennsylvania's two U.S. Senators.

Last week, we received a response from Sen. Pat Toomey. What we received was apparently a form letter. Sen. Toomey did not address the Council resolution in his response.

I found Sen. Toomey's letter both inaccurate and disingenuous. The senator states that it is very rare for a Supreme Court nominee to be approved in a presidential election year. In fact it as occurred more than a dozen times, including five in the last 100 years.

The senator states that the last time a Supreme Court vacancy was filed in the final year of a presidency was in 1932. That is untrue. Justice Anthony Kennedy was appointed in 1988, in President Ronald Reagan's last months in office, and his nomination was approved by a bipartisan vote in a Democrat-majority Senate.

That information should not have been difficult for Sen. Toomey to find. It was included in the resolution that was sent to him.

Sen. Toomey further states that he places "objective qualifications, character and adherence to the rule of law" above ideology in evaluating judicial nominees. So does the American Bar Association, which gave Merrick Garland its highest possible rating.

The Bar Association's Standings Committee interviewed hundreds of people who had worked with – and against - Judge Garland. They found no one that said a negative thing about him.

The committee concluded Garland is "a pre-eminent member of the legal profession with outstanding legal ability and exceptional breadth of experience." Legal professionals interviewed said Judge Garland was brilliant without being arrogant. Many said he was hard-working.

That praise is in sharp contrast to Sen. Toomey and his fellow senators who have ignored their constitutional duty to act on his nomination.

COUNCIL COMMENTS

Mr. Reichenbach thanked the mayor and Mr. Patterson for arranging funding for the land bank. He predicted it will have a huge impact on economic development in years to come. The hard part of establishing a land bank is funding the program. Having a \$1 million endowment to establish such a program is exceptional.

He also noted that Mayor Gray has supported the Lancaster Intermunicipal Committee for many years. He said the LIMC should be the venue for discussion of projects which cross municipal boundaries. He said the City should not have to go directly to private developers to resolve such issues. And, he stated, it is sad that the Manheim Township commissioners did not even have the decency to respond to the mayor's request for discussion or funding regarding Fruitville Pike.

He also thanked the administration for listening to residents' concerns regarding preliminary plans for a park at the former Shell's Recycling Center, on South Franklin Street. Mr. Reichenbach and other Council members attended a recent neighborhood meeting in which the proposal was discussed. Residents expressed concerns about the park and other ideas for the reuse of the former recycling center site. The administration listened to those concerns and is now moving to improve and rename another park after former Council President Nelson M. Polite Sr. He praised the mayor and his administration for their responsiveness to the community and their flexibility to adapt plans.

President Graupera adjourned the meeting at 8:13 p.m.

Barbara J. Wilson, Vice President

Attest:

Bernard W. Harris Jr., City Clerk