

## **STATED MEETING - CITY COUNCIL – JUNE 9, 2015**

A meeting of the Lancaster City Council was held on Tuesday, June 9, 2015 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, President Graupera – 7

The minutes of the meeting of Council for May 26, 2015 were approved by a roll-call vote.

### **PUBLIC HEARING**

A public hearing was conducted regarding the inter-municipal transfer of Pennsylvania Liquor Control Board restaurant liquor license No. R-18365-LID No. 46829 into the City of Lancaster, from Adamstown Transfer Company, doing business as Schmeck's Tavern, at 26 Willow Street, Reinholds, Pennsylvania, to Luca on James, Inc., for use at 436 West James Street, Lancaster, Pennsylvania.

City Solicitor Barry Handwerger conducted the hearing regarding the application of Luca on James, which was submitted to the City.

Charles Rieck, attorney for the applicant, noted that six properties, at 408-426 West James Street, had been inadvertently omitted from the list of nearby properties contained in the application. He asked that a supplementary list be added at a later date.

Councilwoman Sorace made a motion to accept the application, with the understanding the supplementary information be provided at a later date. Councilman Reichenbach seconded the motion.

Taylor Mason, owner of the Ma(I)son restaurant, on North Prince Street, said that opening Luca on James would be a second, larger restaurant. Ma(I)son, a 30-seat restaurant, does not have a liquor license. Liquor sales will help make Luca on James, with 80-90 seats, more financially sustainable.

Responding to a question from President Graupera, Mr. Mason said outside tables are planned along the sidewalk in a later phase of development. He did not know when that could occur. Responding to a question from Councilman Soto, Mr. Mason said there are 17 parking spaces in the lot on the property and street-side parking.

Councilman Reichenbach asked if there were plans for live music at the restaurant. Mr. Mason responded that there are no plans for live musical performances at the restaurant. Responding to a question from Councilwoman Wilson, Mr. Mason confirmed the restaurant will close each night at 11 p.m.

Anita Pinkerton-Plumb, lives at 426 West James and runs a counseling business from her home. She said neighborhood residents have concerns about traffic, parking and noise generated by the restaurant and it being located in a residential area. She complained that 436 West James Street has not been maintained since Mr. Mason acquired it and there has been a lack of communication between Mr. Mason and the neighbors.

Pastor Kevin Brown, of Kingdom Life International Assembly, asked how close the restaurant will be to Franklin & Marshall College and Lancaster Theological Seminary. He expressed concern about negative influence of alcohol consumption on youth; and alcohol impairment of motorists who have left the restaurant.

Councilman Reichenbach made a motion to amend the agenda and call for a vote on Resolution No. 34-2015, approving the transfer of the liquor license for Luca on James. That motion was seconded by Councilman Roschel.

The motion was approved by a unanimous vote of Council.

Administration Resolution No. 34-2015, (the title) was read by the Acting City Clerk as follows:

**A resolution of the City Council of the City of Lancaster, Lancaster County, Pennsylvania approving the transfer of restaurant liquor license No. R-18365-LID No. 46829 into the City of Lancaster.**

Councilman Roschel made the motion to approve the resolution. Councilwoman Wilson seconded the resolution.

Mr. Reichenbach then thanked Mr. Mason for bringing the information about his restaurant to Council and wished him well. He also strongly advised Mr. Mason to heed the concerns of his neighbors as a means of avoiding future problems.

City Council approved Resolution No. 34-2015 by a unanimous roll-call vote.

#### READING OF PETITIONS, COMMUNICATIONS AND MEMORIALS

Mayor Gray read a proclamation declaring June 15, 2015 as "Ride to Work Day" for motorcyclists and scooter riders in the City of Lancaster.

#### REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – Councilwoman Wilson said her committee met June 1 and discussed Resolution 31-2015, which was introduced by Councilwoman Sorace, in support of the municipal use of radar. The resolution is on this evening's agenda.

**PUBLIC WORKS COMMITTEE** – Councilman Roschel said his committee met June 1 and heard a report from Public Works Director Charlotte Katzenmoyer and Environmental Planner Karl Graybill on the city's stormwater management credit program.

**ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE** – Councilman Reichenbach reported his committee met June 1 and discussed an easement agreement with the Lancaster Press Partners that would allow balconies on the third-through-sixth floor of the Lancaster Press condominiums to overhang the public right-of-way above the sidewalks on North Prince and West Lemon streets. The agreement will be ready for a Council vote on June 23, he said.

Mr. Reichenbach later corrected himself, saying the easement agreement, Resolution No. 33-2015, is on the agenda for a vote at tonight's meeting.

**FINANCE COMMITTEE** – Councilwoman Sorace reported her committee heard an informational presentation from city Administrative Services Director Patrick Hopkins about the opportunity to refinance \$11.3 million outstanding from a 2006 pension obligation bond issue at a lower rate. A refinancing could save nearly \$500,000. If the refinancing moves forward, it would return to Council for a vote in July or August.

Ms. Sorace also reported the city had also recently paid \$290,000 from available funds to close a 2001 loan from the Pennsylvania Infrastructure Investment Authority.

And, she noted that the Byrne Justice Assistance Grant, Resolution No. 32-2015, was also reviewed by her committee.

**COMMUNITY DEVELOPMENT & PLANNING COMMITTEE** – No report.

**PERSONNEL COMMITTEE** – Councilwoman Williams noted that Ordinance No. 6-2015, which revises the City Council meeting agenda, and Council Resolution No. 30-2015, which pertains to public comment at Council meetings, were reviewed by her committee and are on the agenda this evening.

Also on the agenda are three reappointments to the Public Art Advisory Board.

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

1. Randall & Lisa Horst, owners of 214 East Marion Street, request enlargement of a modern garage through construction of an addition to the north façade. (Recommended for approval.)
2. Patricia Shapiro & Paul Engleheart, owners of 239 North Concord Street, request replacement of two existing vinyl windows on the house's attic level with new wooden windows. (Recommended for approval.)

3. North Group Real Estate Partners, owners of 315 East Orange Street, request alterations and new additions to windows, doors, railings, wall shingles and a chimney. (Recommended for approval.)

4. North Group Real Estate Partners, owners of 317 East Orange Street, request alteration to handrails and new construction of a rear stair tower, a new rear entry vestibule and reconstruction of the rear ground-floor entry porch. (Recommended for approval.)

Councilman Soto made the motion to approve the Historical Architectural Review Board recommendations. Councilwoman Wilson seconded the motion.

The recommendations were unanimously approved by a roll-call vote.

#### NEW BUSINESS

Council Ordinance No. 6-2015, (the title) was read by the Acting City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania amending Chapter 55 of the Code of the City of Lancaster – Officers, Employees, Article IV – Council, Section 55-12 – Rules and Regulations, Subpart D. – Agenda of Meeting to revise Council’s internal rules regarding its agenda for regular meetings; providing for repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect in accordance with Pennsylvania law.**

President Graupera noted this is the first reading of the ordinance.

Councilwoman Williams said the ordinance will change the order in which items will be listed on the agenda or regular Council meetings and the listing on the agenda for reports of Committees of Council.

Councilwoman Sorace, who proposed the changes, noted that it has been several decades since the agenda has been altered. This measure is also in recognition of the single monthly committee meeting, which began in 2006.

Council Resolution No. 30-2015, (the title) was read by the Acting City Clerk as follows:

**A resolution of the Council of the City of Lancaster to encourage members of the public to share their views with Council members and foster a civil discourse during Lancaster City Council meetings.**

Councilwoman Sorace made a motion to approve the resolution. Councilman Reichenbach seconded the motion.

President Graupera summarized the resolution and accompanying public comment rules, saying they were an attempt to clearly state expectations. The rules are the same as those which

have been Council practice for nearly a decade, but which had not been formally approved. The resolution is written in legislative format. It encourages the public to share their views with Council members at meetings in a civil manner. The accompanying rules are written in plain-English. They will be posted on the city's website.

Public comment is not a dialogue. It is a chance to tell City Council members about an issue, concern or event. Speakers should not expect to have their questions answered. The Council president, or Council members, with the president's permission, may ask clarifying questions of speakers or city staff to help quickly resolve a problem. If a Council member or city staff are unprepared to answer, they may decline to answer or ask that the issue be forwarded for further review. The Council president may refer an issue to a particular committee for review.

Ms. Sorace said it is a good step forward to put the rules in writing and have clarity for Council operations.

Pastor Kevin Brown, of Kingdom Life International Assembly, thanked Council members for the opportunity provided for public comment.

President Graupera added that Council provides three opportunities for public comment during its meetings: the initial public comment period for those who have called ahead; when items on the agenda are discussed; and during the open public comment period late in the meeting.

City Council approved Resolution No. 30-2015 by a unanimous roll-call vote.

Council Resolution No. 31-2015, (the title) was read by the Acting City Clerk as follows:

**A resolution of the Council of the City of Lancaster supporting Senate Bill 535 and House Bill 71 enabling all municipal police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police.**

Councilman Reichenbach made the motion to approve the resolution. Councilwoman Sorace seconded the motion.

Ms. Sorace said the resolution adds City Council's voice of support to the chorus calling for municipalities to use radar to address speeding vehicles. She called the matter a public safety issue for pedestrians, bicyclists, motorcyclists and other drivers. She said speeding vehicles are usually the first or second item of concern of people she speaks with all across the city.

Ms. Wilson said she hopes state legislators act to approve radar use by municipalities. She also voiced support for use of red-light cameras at traffic signals.

Mayor Gray commented that only one state does not allow local police to use radar. Pennsylvania is once again bringing up the rear, he said.

Mr. Reichenbach said City Council is trying to focus its resolutions on issues that directly affect Lancaster citizens. While the resolution won't compel legislators to act, speeding is an issue that affects all people in the city.

President Graupera said the county's legislators will receive a copy of the resolution.

City Council approved Resolution No. 31-2015 by a unanimous roll-call vote.

Administration Resolution No. 32-2015, (the title) was read by the Acting City Clerk as follows:

**A resolution of the Council of the City of Lancaster authorizing the submission of an application seeking funding from the U.S. Department of Justice (DOJ) for the FY2015 Byrne Justice Assistance Grant (JAG) program.**

Councilman Reichenbach made a motion to approve the resolution. Councilwoman Sorace seconded the motion.

Ms. Sorace said the resolution is an annual measure which allows the city to accept federal grant funding which has been allocated to it. She noted that it is disappointing that the grant amount is lower each year. This year's grant is \$44,000. She said the funds will be used to pay for equipment for the police department and pay some overtime expenses.

City Council approved Resolution No. 32-2015 by a unanimous roll-call vote.

Administration Resolution No. 33-2015, (the title) was read by the Acting City Clerk as follows:

**A resolution of the Council of the City of Lancaster approving an easement agreement between the City of Lancaster ("City") and Lancaster Press Partners, L.P. ("LLP") granting an easement to LLP to erect ground floor entry structures on and private balconies over the public sidewalks of North Prince Street and West Lemon Street within an area located at the northeast corner of North Prince Street and West Lemon Street, as more fully set forth in the easement agreement.**

Councilman Reichenbach made a motion to approve the resolution. Councilwoman Wilson seconded the motion.

Mr. Reichenbach said an air-rights easement is being requested. Balconies will protrude no more than five-feet from the building wall and they will be on the third, fourth, fifth and sixth floors. They will be a minimum of 15 feet above the sidewalk, so they will not interfere with pedestrians passing below.

City Council approved Resolution No. 33-2015 by a unanimous roll-call vote.

Councilwoman Soto made a motion to reappoint Natalie A. Lascek-Speakman, Amy Ruffo and Debbie Stuart to the Public Art Advisory Board. Councilwoman Sorace seconded the motion.

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

## PUBLIC COMMENT

Sonia Santiago, 105 South Queen Street, said she lives in a residential area where many of the residents are handicapped. Street-side parking in the area has a two-hour limit. Ms. Santiago said that following a recent back surgery she had received 10 parking tickets for exceeding the two-hour limit. She was unable to move her car. All those tickets were dismissed after she presented paperwork from the hospital.

She presented petitions signed by neighbors asking for permit parking on the block.

Councilwoman Wilson said she would speak with her after the meeting about filing the petitions before the city Traffic Commission.

Randy Patterson, city Economic Development & Neighborhood Revitalization director, said the two-hour parking is in effect in the block because it is located within the Central Business District.

Kenneth Maybe, 111 South Queen Street, Apartment 3, said he sold his car because of \$400 in parking tickets. He is disabled with a back injury and unable to pay the tickets. He asked for permit parking and for it to be retroactive.

Stacy Springer, 109 South Queen Street, said she is disabled. It is inconvenient for her to move her car every two hours and a burden on her limited disability income to pay for the parking tickets. It is also inconvenient for her daughter, who lives with her.

Nancy Keeler, 119 South Queen Street, said the parking limit is a significant obstacle to economic development in the block. Difficulty parking impedes residents' ability to own cars and their ability to access employment, she said. She asked the city to implement permit parking in the block.

Councilman Reichenbach said his neighborhood experienced a similar situation. He advised the neighbors to request permit parking from the Traffic Commission, but also to keep the daytime two-hour limit for those who do not have permits.

## REPORT OF THE MAYOR

Mayor Gray read the following prepared statement:

*Streetscape work is progressing around Central Market such that the sidewalk is open for pedestrian traffic along Grant and Market Streets. Generally, pedestrians have access from any direction to get to Market. This area remains closed to vehicular traffic. Next week, we expect to see installation of a 4,000 gallon underground cistern at Grant Street - on the north side of Market. The cistern will capture rain water off the roof of Central Market that will be used to water the flower baskets placed and maintained by LEADS around the downtown. Phase I of*

*the streetscape project will continue up until July 3rd when work will be suspended during the US Women's Open Golf Tournament.*

*On July 13th, work will resume as the project will move into Phase 2. This Phase will focus on the area along the east side of Central Market, between Central Market and the Central Market Mall and the Griest Building and will include replacement of the roadway pavers, bollards and lighting around the perimeter of the Central Market building, and stormwater improvements. Phase II will last approximately two months.*

*As pension reform for state employees and teachers dominates the debate in Harrisburg, we continue to call for action to address the impact of state-mandated public safety pension benefits on local municipalities. Today, while lobbying for pension reform with the Pennsylvania Municipal League, I was reminded that our own Democratic friends in the Legislature seem unmoved and un-informed by the realities and challenges facing local government. The exception to this rule can be found in Auditor General Eugene DiPasquale, who Governor Wolf has charged with recommending a strategy for sustaining municipal pensions.*

*Statewide, a growing portion of municipal budgets are consumed by pension costs that continue to rise, year-after-year. While the burden on local taxpayers grows, the proportion of State Pension Aid allocated to help cover these pension costs continues to decline. For example, in 2003, State Pension Aid covered 100% of the Lancaster's Minimum Municipal Obligation. This year, State Pension Aid accounts for only 42 percent of the City's minimum pension benefit obligation.*

*It is not possible to overstate the impact of skyrocketing public safety pension costs on the City budget. During my tenure as Mayor, the City's pension obligation has more than tripled from \$2.1 million in 2006 to \$6.4 million this year. Of this total, Police and Fire pension expenses amount to 92 percent of pension costs, or \$5.9 million in 2015. Also since 2006, rising pension costs have cut into General Fund dollars available for core services; and have been the direct cause of multiple tax increases. Since 2006, City Police and Fire Bureau staffing levels have each been reduced by 10 percent. Yet even with these reductions in police and fire staffing, savings have not been enough to offset mandated increases in public safety salary and benefit expenses.*

*This month, I will begin serving as President of the Pennsylvania Municipal League. In that capacity, municipal finance issues— including pension reform — will be the focus of the League's advocacy agenda. I will continue to work with other Mayors to advance this agenda and will keep City Council and Lancaster residents apprised of those efforts.*

## REPORT OF THE PRESIDENT OF COUNCIL

President Graupera reminded those in attendance at the meeting that the United Way of Lancaster County is seeking volunteers for its Day of Action, which is actually multiple days - June 15, 16, 17 and 20. He said there are nine separate venues in the City and one in the county where people can volunteer.

## COUNCIL COMMENTS

Mr. Reichenbach expressed frustration with state legislators' inaction on municipal pension reform, particularly the response Mayor Gray received recently when testifying in Harrisburg that Lancaster's pensions were not seriously underfunded.

Mr. Reichenbach noted that escalating pension costs affect Lancaster's ability to fund essential services and the city is being penalized for having been fiscally responsible. He called the situation unacceptable.

President Graupera adjourned the meeting at 9:08 p.m.

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John E. Graupera, President

Attest:

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Bernard W. Harris Jr., City Clerk