

## STATED MEETING - CITY COUNCIL – MAY 10, 2016

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

The minutes of the meeting of Council for April 26, 2016 were approved by a roll-call vote.

### PROCLAMATIONS, HONORS, AWARDS AND RESOLUTIONS OF RECOGNITION

Councilwoman Sorace, Councilman Soto and Mayor Gray presented awards of academic excellence to the J.P. McCaskey High School students who had earned the best grades in their Small Learning Communities.

Awards were presented to: Eliezer Madera Martinez, Health Careers; Madison Taylor, International Baccalaureate/Honors; Deeja E. Vital, Institute of Technology; Angelica M. Sokra, Arts and Humanities; Lena T. Ly, Media Studies and Communication; and Jonathan D. Millan-Jimenez, Technical and Business Careers. Raul E. Rodriguez, Public Leadership and Service, did not attend.

Ms. Sorace said Council members are honored to recognize the students and send them off into the world with the best wishes of the City.

Mayor Gray said school athletes and sports teams are often honored for their accomplishments, yet life is not a game. Tonight, the City honors those for whom educational institutions were established to serve: scholars. He said that this group gives us hope for the future of our City and the future of our country.

Mr. Soto said that, as a McCaskey alumni, he has seen several generations pass through its halls. Acknowledging the good things that these students have done and thinking of what they will accomplish in the future makes him proud. He wished them the best of luck.

President Graupera then moved Resolution No. 23-2016 forward on the agenda.

Administration Resolution No. 23-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster celebrating National Public Works Week in commemoration of the tens of thousands of men and women in North America and the City of Lancaster who provide and maintain the infrastructure and services collectively known as public works.**

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

Mr. Roschel said this resolution is done annually to recognize the hard work of men and women in our Public Works department here and across the country. In his 32 years working in the construction trades, Mr. Roschel said he was familiar with working in the cold of winter, heat of summer and the rains of spring and fall. Public Works workers maintain our parks, streets, vehicles, buildings, water and sewer systems.

Public Works Director Charlotte Katzenmoyer recognized Public Works employees in the audience: Glen Recknagel, GIS coordinator; Donny Kirchner and Tom Solcum, Water Transmission and Distribution; John Holden, superintendent of the Conestoga Water Treatment Plant; Bob Ludgate, wastewater supervisor.

Ms. Katzenmoyer said the City's infrastructure is very old, and it is often 'out of sight out of mind.' Yet, these are the people who keep the essential services of the City running.

Mr. Reichenbach commented that he had recently returned from a driving trip through the southern states. There the state of infrastructure in cities was much worse than he is accustomed to seeing in Lancaster. He said he and other people don't appreciate the condition of Lancaster's infrastructure until they see the conditions elsewhere.

Mayor Gray said the first obligation of City officials is to maintain public safety. People think of public safety as being police and fire service, yet he believes the definition is broader than that. He asked when the last time that residents had to boil water because City water was unsafe, or where there has been an outbreak of typhoid due to unsanitary disposal. Police officers and firefighters risk their safety for City residents, but so do Public Works workers who repair broken water mains under the street in sub-freezing weather. Usually, Public Works workers efforts go unnoticed because they keep the systems running without interruption or issue. He thanked them for doing so.

Ms. Sorace said she recently read about the efforts of cities to promote economic development. Fundamental to those efforts is providing reliable essential services, such as those done by Public Works. This has been brought into focus recently with the tragedy that occurred with Flint, Michigan's municipal water system. She expressed that she believes Lancaster residents are in good hands and thanked Public Works officials.

City Council approved Resolution No. 23-2016 by a unanimous roll-call vote.

## REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – No report.

PUBLIC WORKS COMMITTEE – Mr. Roschel said he committee met on May 2 and discussed Resolution No. 23-2016, on which they had just voted.

ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION – No report.

FINANCE COMMITTEE – Ms. Sorace reported that her committee met May 2 and discussed five items. Bills No. 5-2016, 6-2016 and Resolution No. 24-2016 are on the agenda this evening. Two other items were informational.

The first was the 2015 year-end unaudited financial report. The City ended the year with an estimated \$318,000 in revenue above budget and \$2.76 million in lower than anticipated spending. The resulting \$3 million in savings will allow the City to forgo drawing \$1.5 million from reserves to balance the budget. The City will end the year with \$11 million in reserves. The annual audit will be presented to Council at a special Finance meeting on July 12.

The second item was regarding the enforcement of parking regulations by the Lancaster Parking Authority. A proposed agreement calls for the Lancaster Parking Authority to receive 10 percent of gross parking revenue, or about \$200,000. Of the \$1 million in net revenue, \$500,000 of that is guaranteed to the City and the remainder also being paid to the City. Parking revenue should continue to be well in excess of those guarantees. There was also discussion of increasing parking ticket fines. Those fines have not increased in at least a decade.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – No report.

PERSONNEL COMMITTEE – Ms. Wilson said that Darcy Pollock had been nominated by the mayor for appointment to the Lancaster County Convention Center Authority board. She said Ms. Pollock had been recommended by the mayor, Randy Patterson, the City’s EDNR director, and Larry Hinnenkamp, whom she is replacing on the Convention Center Authority board. Her term begins immediately and continues through September 2017.

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

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

COMMITTEE OF THE WHOLE – President Graupera said the committee met and discussed Resolution No. 22-2016, which Mr. Reichenbach sponsored. The resolution calls on U.S. senators to act to fill the current Supreme Court vacancy rather than wait until the next president is elected. If adopted by City Council, the resolution will be sent to Pennsylvania’s two U.S. senators.

#### LEGISLATIVE AGENDA

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

1. St. John’s Episcopal Church, owner of 321 West Chestnut Street, requests construction of a new handicapped accessible ramp to run parallel to West Chestnut Street and the replacement of paired wooden entry doors into the nave with new glass doors. (Both applications were recommended for approval by the Historical Architectural Review Board.)

Ms. Sorace moved to accept the recommendations. Ms. Wilson seconded the motion.

City Council voted to approve the applications by a unanimous roll-call vote.

#### ORDINANCES FOR FIRST READING

Administration Bill No. 5-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania establishing appropriations for \$247,500 of FEMA disaster assistance anticipated to be received in 2016; 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. Sorace said the bill appropriates the funds expected to be received from the Federal Emergency Management Agency. The City incurred about \$330,000 in eligible costs during the January snowstorm, of which FEMA will reimburse the City 75 percent. The remainder was to come from the Pennsylvania Emergency Management Agency, but that will not be forthcoming. When the FEMA funds are received they will be directed to the City's General Fund.

Administration Bill No. 6-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania establishing appropriations for \$750,000 from the General Fund Reserve; 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. Sorace said this bill will supplement the Liquid Fuels Fund, which was wiped out by the January snowstorm. Money directed to the fund comes from savings from last year. This allows the City to go forward with street paving without waiting for funds from FEMA and provides additional funds for paving.

In response to a question from Ms. Wilson, Mayor Gray said the list of streets to be repaved was only finalized shortly before the meeting. He would have it sent to the City Clerk for distribution to Council members.

President Graupera said Bills No. 5-2016 and No. 6-2016 will have a second reading at the next Council meeting, on May 24, 2016.

## RESOLUTIONS

Council Resolution No. 22-2016, (the title) was read by the City Clerk a follows:

**A resolution of the Council of the City of Lancaster regarding the constitutional duty of the United States Senate to advise and consent on the President's nomination of Judge Merrick Garland to the Supreme Court of the United States.**

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

Mr. Reichenbach said he and other Council members have chosen not to take positions on issues which do not have a direct bearing on residents of Lancaster City. However, he feels this is an issue that warrants their attention. He cited the medicinal marijuana resolution passed

by Council a few years ago. The state legislature moved to approve medicinal marijuana last month.

In this instance, he said U.S. senators are simply not doing their jobs. He maintained that has a direct impact on City residents. He cited Supreme Court cases regarding voting rights, women's rights and a host of other issues. The current eight justices can lead to split decisions and deadlock. He contended this is not a partisan issue at the local level.

He said that more than a dozen Supreme Court justices have been confirmed in election years, including five in the last one hundred years. The longest it has taken previously to vote on a Supreme Court nominee has been 125 days. In the current situation, a delay of 269 days is likely before the presidential election. He can understand the argument against confirmation if the next president had already been elected, but waiting a year is unreasonable. If this precedent is sustained, what is to stop the Senate from failing to act for several years until they get a nominee they prefer, he asked.

City Council approved Resolution No. 22-2016 by a unanimous roll-call vote.

Administration Resolution No. 24-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster approving a certain project to be undertaken and financed by the Lancaster Higher Education Authority on behalf of Harrisburg Area Community College: declaring that it is desirable for the health, safety and welfare of the people in the area served by the facilities of Harrisburg Area Community College to have such a project undertaken and financed by the authority.**

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

Mr. Sorace explained the resolution is necessary for Harrisburg Area Community College to secure financing through the Lancaster Higher Education Authority. While the projects to be undertaken as part of the financing are at HACC's campuses in Harrisburg and York, it is believed the partial refinancing which is also included is beneficial to all of the HACC system, including Lancaster. The Higher Education Authority acts as means to allow HACC to secure low-cost, low-interest financing. Neither the authority nor the City are liable for the financing and it does not count against the City's borrowing limit, she said.

City Council approved Resolution No. 24-2016 by a unanimous roll-call vote.

#### PUBLIC COMMENT

Anthony Dastra, 113 North Plum Street, said he would like to see greater coordination and support between City government and the colleges and universities located here. Greater investment in the students and greater affordability of higher education would be an investment in the future of the City itself, he said.

Daniel Falcone, 309 Cornell Avenue, and a City business owner, said he recently received a letter from the state Department of Revenue that he was being fined \$1,000 for failing to comply with financial reporting requirements related to the City Revitalization & Improvement Zone program. He wanted Council members to know that City small business owners are being fined for not reporting to the Department of Revenue taxes which have already been reported to the Department of Revenue. He was fined for not reporting the same information, but on another form. He called it unfair and asked Council if there was anything they could do to help small business owners in this process.

Mayor Gray responded that businesses in the CRIZ district get a form every year that needs to be filed. He said he has complained to Revenue officials that they already have this information. They responded that the statute states that you have to file the tax information the same as you have to file your income tax information. Revenue officials notified City officials last year that they were sending out violation notices and City officials convinced them to withhold them. This year, the number of notices is much lower. Again, City officials asked that the violation notices be withheld. Revenue officials declined to do so.

The mayor said he had discussed this with the Secretary of Revenue. His recommendation was to file an appeal of the violation. About 20 businesses have appealed and had the fines waived, the mayor said.

The mayor said the City has retained a consultant to do outreach to small businesses to help them complete the forms.

He also noted that they were moving to reduce the size of the CRIZ district to reduce the number of businesses who are required to report for the CRIZ program.

Lisa Balaci, owner of Charlotte Shoppe in the Hagar Arcade, said she also received a violation notice from the Department of Revenue. She met with City EDNR Director Randy Patterson last month. She was told that nearly one-third of the 750 businesses in Lancaster's CRIZ district had received violation notices. She expressed that she feels the communication to her has not been adequate regarding the reporting requirements.

Mayor Gray said that it was unfortunate that she had been caught in the middle of the dispute of the program between the City and the Revenue department. He was surprised he has not gotten more complaints from business owners. He urged her to file an appeal of the violation and to meet with the City's consultant and complete the paperwork. And, he said the City will attempt to send notices to small business owners to alert them that the consultant is available to help them. He also said the City and our state senator are working on amendments to the legislation to address the problems.

Ms. Sorace noted that the intent of the program is spur economic development by investing new revenue back into the district. Although it has had a rocky start, the intent of the CRIZ program is to benefit the City, she emphasized.

Rev. Gerald Simmons, a member of the CRIZ authority board, noted that there was a significant outreach that was done when the program began a few years ago. The City had

outreach workers going from business door to business door to inform owners about the program and urge their participation. He echoed Ms. Sorace's remarks that the intent of the program is to bring lending capital to the district that will be used for additional development. The violation fines were never intended to bring revenue, only to get the attention of business owners and encourage them to comply.

## REPORT OF THE MAYOR

Mayor Gray read the following prepared statement:

*On April 27th, Charlotte Katzenmoyer and Pat Brogan met with 35 members of the Musser Park Association to address concerns related to construction of a 12 x 12 x 10 remote switching station for the City's fiber network. Plans call for the station to be located on the Shippen Street side of Chestnut Street entrance to Musser Park.*

*Staff explained that plans call for placement of similar stations in each of the City's four quadrants. Residents requested that another location be chosen for the project. In response, we advised residents of the need to locate stations in proximity to the hub of the network housed at the City Police Station. Locating these stations on publicly-owned property eliminates the cost of purchasing or otherwise acquiring private property for these relatively small structures.*

*Residents expressed dissatisfaction with the building's design and construction materials, particularly the use of a rubber roof. Design professionals and a landscape architect who attended the meeting, volunteered to work with the City to improve the original design plan. Less than a week later, on May 2nd, two of these volunteers presented us with plans for a design that is much more compatible with Musser Park's aesthetics. We've had additional meetings to refine that design and we will present this to the Musser Park Association in hopes of moving forward with completion of the fiber network.*

*On May 21st, the Lancaster Sertoma will hold its 64th Chicken BBQ at Longs Park. For decades, the Sertoma Club has dedicated 70% of the proceeds of this event to the beautification, upkeep and improvement of Long's Park. In fact, with proceeds from its chicken BBQ, the Lancaster Sertoma provided most of the funds used to construct the Longs Park Amphitheater. We invite residents from around the County who enjoy summer concerts at the Amphitheater to support Longs Park by attending this event, Tickets are available at Turkey Hill Minit Markets, at the City's Visitor Center on Penn Square, or online at the Lancaster Sertoma BBQ website.*

*As you know, we implemented a GoFundMe campaign to raise the final dollars for a Public Art project at Martin Luther King Pool. As of Saturday, May 7th, the project was full funded. Artist, Béatrice Coron, designed 120 linear feet of imagery that was cut into steel fence panels and then powder coated in red, yellow and blue. The project was fabricated locally, in Lancaster County. Installation of these panels began yesterday and, as of this afternoon, all of the panels were installed. Concrete footers were poured this afternoon and the install should be complete by end of day tomorrow. The fence will beautify this important Lancaster City corridor and add a playful energy and creative spirit to the recently renovated wading pool and King Elementary School Grounds. It's worth taking a drive or walk past the installation site.*

## REPORT OF THE PRESIDENT OF COUNCIL

President Graupera reported the following:

*On Sunday, Water Street, from Conestoga to Chestnut streets, and Chestnut Street, from Water to Shippen, will be closed for the annual Open Streets event.*

*The Open Streets event is a great opportunity to see what Lancaster's streets are like without traffic. There will be dozens of activities, displays, crafts, music and games in the streets from 11 a.m. to 3 p.m. And all of them will encourage health, activity, community and urban living.*

*I encourage you to bring your bike and try out the Pop-Up Cycle Track that will be set up on Chestnut Street, between Water and Mulberry streets. It's a chance for you see what the proposed Chestnut Street cycle track would be like.*

*Learn about organizations and programs here in our community, meet your neighbors and try some good food from the vendors and food trucks. I hope to see you there.*

## COUNCIL COMMENTS

Ms. Sorace said that in 2014, City Council passed a resolution urging state lawmakers to allow cities such as Lancaster the ability to use radar for speed detection and enforcement. After potholes, speeding is the most common complaint in every neighborhood in the City. Today, for the first time in 25 years of proposing this legislation, a bill made it out of the Senate Transportation Committee. There is tepid expectations for the bill to get a full Senate vote, but this is progress nonetheless. She continued to encourage her Council colleagues to add their voices to chorus that will ensure pedestrian safety through accountability by drivers in Lancaster City.

Mr. Reichenbach echoed President Graupera's remarks on Open Streets and urged people to visit the Open Streets Internet website, [openstreetslanc.org](http://openstreetslanc.org), for additional information.

President Graupera adjourned the meeting at 8:34 p.m.

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John E. Graupera, President

Attest:

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Bernard W. Harris Jr., City Clerk