

STATED MEETING - CITY COUNCIL – MAY 9, 2017

A meeting of the Lancaster City Council was held on Tuesday, May 9, 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 April 25, 2017 were approved by a roll-call vote.

PROCLAMATIONS, HONORS, AWARDS AND RESOLUTIONS OF RECOGNITION

Recognition of Adopt-A-Block Program volunteers

Tim Breneisen, manager of the City's Solid Waste & Recycling Program, said 37 groups, businesses and individuals have participated in cleaning litter from 11.2 miles of City streets and alleyways since the inception of the Adopt-A-Block program in April 2016.

Certificates of Recognition were presented to representatives of 15 of those groups.

PUBLIC COMMENT

Arthur Morris, 434 West Chestnut Street, addressed the financing of the Penn Square Marriott expansion project. Mr. Morris maintained that the total projected guaranteed rent amount for the new Marriott tower is approximately \$2.3 million, rather than the \$5.2 million recently reported in the media. Additionally, Mr. Morris questioned the legal determination that the payment in lieu of taxes agreement approved by City Council does not need to be reopened despite the significantly increased construction cost of the project. He contended that the true costs have not been provided for the public or City Council. Further, he contended that the additional debt on the project will make the buy-out of the property in 2029 less likely, thereby increasing the risk to taxpayers. He believes there increased cost also make it less likely that the participation rent will be paid.

Mr. Morris provided printed copies of his comments and supporting documents to Council members.

President Graupera stated that a presentation regarding the project's financing will be made to Council members at the June 27 meeting.

REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – Ms. Wilson, speaking on behalf of Ms. Williams, said Fire Chief Tim Gregg has asked for Council action to amend hiring regulations of the Civil Service Board relating to the Bureau of Fire. The first of two amendments will allow for completion of high

school prior to hiring. Presently, applicants must have a high school diploma or GED. That precludes interested high school seniors from applying. The second change will provide for a fire chief of another department to participate in oral interviews of firefighter applicants. The regulations now call for two Lancaster deputy chiefs to participate, but with the retirement of one deputy chief, Lancaster has only one.

PUBLIC WORKS COMMITTEE – Mr. Roschel reported his committee met Monday, May 1, and reviewed Resolutions No. 27, 28 and 29-2017, which are on this evening’s agenda.

ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION COMMITTEE – Mr. Reichenbach reported that the City Revitalization & Improvement Zone Authority has chosen a task force to develop a procedure for small business funding. He hopes the task force will soon hold its first meeting.

FINANCE COMMITTEE – Mr. Roschel reported for Ms. Sorace, who was absent from the May 1 committee meeting. He said the committee reviewed Resolution No. 22-2017, which he will discuss later in the meeting.

PERSONNEL COMMITTEE – Ms. Wilson said the mayor has nominated Amanda B. Lehman to serve on the Lancaster Airport Authority board. Ms. Lehman’s term would begin immediately and continue until December 31, 2021. Ms. Wilson made a motion that Ms. Lehman’s appointment be approved.

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

Ms. Wilson also reported that her committee had reviewed Resolution No. 25-2017, which supports state legislation to reform the redistricting process.

Tanis Garber-Shaw, 213 North Concord Street, speaking in support of the resolution, stated that in 2012, Democrats in Pennsylvania cast 50.5 percent of the votes but received only 28 percent of the legislative seats. Republicans cast 49.5 percent of the votes, but won 72 percent of the legislative seats. She stated this is a non-partisan issue, with whichever party in power taking advantage of the system to draw favorable district boundaries. Further, she contended districts with prisons are skewed by the census counting of prisoners as residents in the district.

Ms. Wilson further reported that her committee reviewed Resolution No. 26-2017, which opposes the elimination or reduction of funding in the federal Community Development Block Grant and HOME programs. That resolution is also on the agenda this evening.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Soto said his committee met on May 1. The committee reviewed Administration Bill No. 11-2017, which would amend the City Zoning Ordinance. Committee members moved the measure to the Lancaster City Planning Commission for review.

Additionally, the committee reviewed Administration Resolution No. 30-2017, which amends the City’s Building Code inspection fees. That resolution is on tonight’s agenda.

LEGISLATIVE AGENDA

City Council considered the following application and recommendation from the Historical Architectural Review Board for improvements to a property within the Historic District:

1. West King Property LLC, owner of 7 West King Street, requests installation of two new projecting commercial signs.

The Historical Architectural Review Board recommended approval of the application.

Mr. Reichenbach made a motion to accept the recommendations of the Historical Architectural Review Board. Ms. Wilson seconded the motion.

City Council voted unanimously to approve the recommendations by a roll-call vote.

RESOLUTIONS

Administration Resolution No. 23-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster authorizing and approving the disposition, by auction or other means, of certain personal property in the previous Streets Department garage located at 750 Fairview Avenue.

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

Mr. Roschel noted that formerly the City held auctions of surplus equipment annually. Auctions are now held infrequently as more items are sold through online auctions. This resolution authorizes an auction to be held on June 10th. Cars, filing cabinets and other items are among items to be sold.

Terry Lee Brown, 20 East James Street, questioned the auction. He was provided a copy of the list of items to be auctioned.

Council approved Administration Resolution No. 23-2017 by a unanimous roll-call vote.

Administration Resolution No. 24-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster approving amendments to the rules and regulations of the City of Lancaster Civil Service Board for the examination and appointment of applicants in the Bureau of Fire for the City of Lancaster.

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

Ms. Wilson reiterated that this resolution will allow high school students to participate in Fire Bureau applicant testing prior to graduation. Further, it allows a fire chief from another department to participate in oral interviews of applicants.

Council approved Administration Resolution No. 24-2017 by a unanimous roll-call vote.

Administration Resolution No. 25-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster in support of Senate Bill 22 and House Bill 722 to establish a fair and independent Citizens Commission for legislative and Congressional redistricting.

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

Ms. Wilson reiterated that the resolution states Council support of redistricting reform initiatives.

Mr. Reichenbach said Council usually takes positions only on local issues, yet he supports this resolution on a statewide issue because redistricting has such a significant impact. Congressional districts in Pennsylvania have changed significantly over the decades, resulting in the disenfranchisement of voters. He stated that a Citizens Commission could rectify that situation.

Stephanie Bradford, 917 Columbia Avenue, displayed maps of the 16th Congressional District, showing that the City of Reading had been included in the district. Therefore, the same person representing many rural areas in Lancaster County also represents residents of inner-city Reading. Berks County, which includes Reading, is divided into four Congressional districts.

She noted that the state Constitution requires districts to be drawn along existing municipal lines as much as possible, and showed a possible 16th district map that respected those boundaries.

Jen Rivera Garber, 126 North Prince Street, stated that she is active in many varied groups. She maintained that redistricting is the principal issue that needs to be reformed before anything else can be resolved. She said we were raised to believe in one-person, one-vote, yet said that is clearly not the case now. She stated her desire that the measure be approved.

Tony Dastra, 113 North Plum Street, stated that gerrymandering disincentivizes third-party political participation. He noted the process now is controlled by the two main political parties.

Council approved Administration Resolution No. 25-2017 by a unanimous roll-call vote.

Administration Resolution No. 26-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster opposing the elimination and reduction to the Community Development Block Grant and HOME Programs of the Department of Housing and Urban Development and the devastating consequences such program cuts would have on all citizens of the City of Lancaster, and urging federal legislators to act to protect the programs.

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

Ms. Wilson stated that on March 16, 2017, the federal Office of Management and Budget released a budget proposal for fiscal year 2018 from the president's administration. The proposal would eliminate the Community Development Block Grant and HOME Program funds altogether. The City of Lancaster stands to lose \$1,575,992.

Since 1974, this program has invested \$144 billion in communities across the United States. In Lancaster, that funding has created jobs, helped residents to rehabilitate homes, provided down payment and closing cost assistance, funded the City's lead-based paint program, public safety initiatives and street repaving. It is a crucial funding program.

She asked that copies of the resolution be sent to Lancaster's Congressional representatives and the White House.

Mayor Gray said he has met with U.S. Rep. Smucker and that Rep. Smucker is supportive of Community Development Block Grant funding.

Council approved Administration Resolution No. 26-2017 by a unanimous roll-call vote.

Administration Resolution No. 27-2017, (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. Roschel made a motion to approve the resolution. Ms. Wilson seconded the motion.

Mr. Roschel said this resolution is approved annually in recognition of the work done by the City Public Works staff. They play an integral role in our everyday lives with the provision of water, sewer, streets, traffic, parks, public buildings, public art and stormwater management, among other things. He personally thanked them for the work that they do.

City Public Works Director Charlotte Katzenmoyer thanked the Public Works employees who were in the audience. She said Lancaster is very fortunate to have such a fine Public Works staff. Their morale shows in the work that they do and the services that they provide.

Mr. Reichenbach said he hears many positive comments about Public Works staff. They have a difficult job but do it the best they can, are respectful to the public and work as unobtrusively as possible.

President Graupera took the opportunity to thank Parks Bureau staff for the work they do at Shreiner-Concord Cemetery.

Council approved Administration Resolution No. 27-2017 by a unanimous roll-call vote.

Administration Resolution No. 28-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster requesting a Greenways, Trails, and Recreation Program (GTRP) grant of \$250,000 from the Commonwealth Financing Authority to be used for the Farnum Park Renovation.

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

Mr. Roschel said Farnum Park and Conlin Field were identified in the Urban Park and Open Space Plan for being in need of improvement. That conclusion was also reached in the Southwest

Neighborhood Revitalization Strategy plan. The proposed improvements will enhance safety and accessibility for all users.

Mr. Reichenbach thanked Ms. Katzenmoyer and her staff for being willing to meet with Farnum Park neighbors and to incorporate their concerns and advice into the planning for the park renovation.

Terry Lee Brown, 20 East James Street, advised that signs should be posted at the park stating that people must clean up after themselves. If the park is filthy, people will not want to use it and the grant money will be wasted.

Council approved Administration Resolution No. 28-2017 by a unanimous roll-call vote.

Administration Resolution No. 29-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster requesting a Watershed Restoration and Protection Program (WRPP) grant of \$300,000 from the Commonwealth Financing Authority to be used for the Operations Center Floodplain Restoration.

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

Mr. Roschel said the grant requested in the resolution would restore approximately six acres of floodplain along the Conestoga River, adjacent to the site of the new Public Works Operations Center. The restoration will reduce sediment pollution in the river and decrease the peak flow of the river during heavy rains.

Council approved Administration Resolution No. 29-2017 by a unanimous roll-call vote.

Administration Resolution No. 30-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster amending the schedule of fees for residential one and two family dwelling construction and demolition, commercial, mixed-use and multi-family construction and demolition, and other miscellaneous construction related permits.

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

Mr. Soto the fees are intended to support the City's cost of doing the inspection.

Tony Dastra, 113 North Plum Street, questioned the inclusion of a fee for inspection of downspouts. He recommended that the City consider reducing or eliminating the fee for residents who use rain barrels to collect water from downspouts.

Council approved Administration Resolution No. 30-2017 by a unanimous roll-call vote.

PUBLIC COMMENT

Clarice Brown, 339 East New Street, reminded Council members that she attended a meeting a month ago and asked about personalized handicapped parking permits that would reserve a handicapped parking space in front of the home of a handicapped person for that resident.

Ms. Wilson said such matters would be handled by the Traffic Commission and advised Ms. Brown that she would need to bring that request before the Traffic Commission.

Mayor Gray responded that he is chairman of the Traffic Commission. He said the City is not permitted under state law to personalize handicapped parking spaces. President Graupera advised Ms. Brown to pursue the matter with state Representative Mike Sturla, who could push for a change in state law.

Carol Hardy, 734 East Marion Street, spoke to Council members regarding Giant Food Store's plans to close its Reservoir Street supermarket. Ms. Hardy said she had sent a petition opposing the closing to Giant's offices in Carlisle and to Giant's parent company in the Netherlands. The petition was signed by more than 1,300 people. She said that residents remain very concerned about the planned closing.

Ms. Hardy said that next week she will begin collecting Giant shopper cards. She plans to send the cards to Giant, two at a time. She asked for Council members' continued support.

President Graupera responded that Council had written a letter to Giant in which they requested that the store remain open. If Giant chose not to do so, Council asked that the property be sold to another grocer and that the Giant remain open until the next grocer is ready to open.

Mayor Gray said City officials continue having discussions with Giant officials regarding the store. The mayor said that it is his opinion that the store will be closed, therefore his administration is concentrating efforts on the future use of the store.

Ms. Hardy said neighborhood residents have also concluded that the Giant store will close. Giant officials have been unwilling to meet with neighborhood representatives, despite repeated invitations to do so.

Ms. Sorace gave Ms. Hardy her Giant Saving Card to send and urged her and other community members to continue their efforts.

REPORT OF THE MAYOR

Mayor Gray read the following prepared statement:

Both the City Administration and City Council are alarmed by the continued presence of elevated lead blood levels in our children, who are particularly vulnerable to the consequences of lead absorption.

These consequences are serious and long-lasting. Cognitive functions are initially affected, leading to diminished IQ scores. Other less measurable consequences of lead poisoning include anti-social behavior with the disciplinary or criminal problems that often result.

In an effort to address this problem, the Administration has been working to prepare revisions to the City's lead abatement ordinance. In a special meeting with landlords, many

landlords agreed that this problem must be addressed in a pro-active way that reduces lead exposure while not imposing additional economic hardships on tenants.

Towards that end, I have convened a Lead Task Force of rental property owners, tenant advocates, medical professionals, and building contractors. City staff who provide direct services related to lead exposure, lead abatement, and housing will provide support for the Task Force. I have asked City Councilman Pete Soto to Chair this Task Force, comprised of the individuals listed on the attachment to this report.

Our charge to the Lead Task Force is:

- *Assess the problem with respect to Lancaster City properties;*
- *Review what other cities are doing to address this problem;*
- *Provide public policy recommendations for consideration by City Council;*
- *Provide recommendations for actions by allied stakeholders including Lead Coalition, BIA, tenants, and property owners/landlords.*

We look forward to a productive and beneficial outcome to this process and expect that the Task Force will present its findings and recommendations in time to allow us to provide City Council with a revised Ordinance for consideration at its August 7th Committee meetings.

Next week, on May 18th, the United States Conference of Mayors will present its Small Business Advocate Award during an event from 9 AM to 10:30 AM at Two Dudes Painting Company on Poplar Street. We encourage members of the public and small business owners to join the Conference in celebrating the positive impact of small businesses on our local economy.

Our thanks go out to the Penn Square Rotary Club for their recent Hearts for Lancaster fundraising effort. Proceeds were used by the Club to provide a grant to the Lancaster Alliance for new bicycles and a new radio for the downtown Bike Squad. The Club is also supporting on-going tree planting in the City with volunteer labor and funding.

REPORT OF THE PRESIDENT OF COUNCIL

President Graupera reported that state Rep. Greg Vitalli contacted Lancaster City Council last month asking for a letter opposing a House of Representatives bill which would prohibit municipalities from imposing restrictions or fees on plastic shopping bags. Council was unable to convene and act before the House voted to approve the measure. Yesterday, the state representative's office again contacted Council asking for a letter of opposition prior to a state Senate vote on the measure. President Graupera then read the following draft letter and asked for the support of fellow Council members for the document:

Dear Senator,

As the President of the Lancaster City Council, I write on behalf of Council to urge you to oppose HB 1071, which would prohibit Pennsylvania municipalities from enacting a ban or imposing a fee, surcharge or tax on recyclable plastic bags.

Pennsylvania's founders believed in decisions being made at the local level. They designed a system in which citizens could trust their neighbors to make decisions about what is best for their individual community. That emphasis on local representation resulted in 2,562 separate

municipalities within the Commonwealth. We oppose HB 1071 on principle because it infringes upon the authority granted to municipal leaders under the state Constitution.

Citizens of Lancaster rely on their City government to provide an array of services ranging from the police officers that patrol our streets, to the firefighters who stand ready to protect our homes, to the Water Bureau that ensures we have clean and safe drinking water when we turn on a facet. The legislature provides few, very limited, means for municipalities to gain revenue to pay for those services. The City of Lancaster does not now impose a fee, surcharge or tax on plastic bags, but we oppose HB 1071 because it would further limit our ability to recover the cost of providing a service, such as removing wind-blown bags from trees or those washed into our stormwater system.

It has been more than a decade since grocers and other retailers began providing reusable shopping bags as a low-cost option and businesses began providing bags as a promotional item. Reusable bags are now widely used in Lancaster and across the Commonwealth. This is a healthy trend that keeps plastic bags out of landfills, street curbs, streams and trees. If a municipality chooses to reinforce that trend and its recycling program, that should not be impeded by the state. We oppose HB 1071 out of concern for protecting our environment for future generations.

When HB 1071 comes before you, we urge you to vote in opposition to this bill.

Mayor Gray updated Council on a state preemption bill which allows anyone to sue municipalities regarding local firearms ordinances. The bill has passed the state House and Senate, but faces a veto by the governor. There may be a veto-proof majority. If that is the case, Lancaster and other municipalities which opposed the measure in court the last time may not be in as strong a legal position with this new version of the law.

Additionally, the mayor reported that he recently went to Harrisburg to lobby for pension reform. However, he felt state legislators were not receptive to his views.

President Graupera adjourned the meeting at 8:55 p.m.

John E. Graupera, President

Attest:

Bernard W. Harris Jr., City Clerk