

## **STATED MEETING - CITY COUNCIL – NOVEMBER 9, 2016**

A meeting of the Lancaster City Council was held on Wednesday, November 9, 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, Ms. Sorace, Mr. Soto, Ms. Williams, Ms. Wilson and President Graupera – 6

Excused – Mr. Roschel - 1

The minutes of the meeting of Council for October 25, 2016 were approved by a roll-call vote.

### **REPORTS OF COUNCIL COMMITTEES**

**PUBLIC SAFETY COMMITTEE** – Ms. Williams said her committee had met Monday, November 7, and discussed Administration Bill No. 15-2016, which is on the agenda this evening for a first reading.

Ms. Williams made a motion to table Administration Bill No. 14-2016, which is also on this evening's agenda. Mr. Reichenbach seconded the motion.

Council approved the motion to table Administration Bill No. 14-2016 by a unanimous roll-call vote.

**PUBLIC WORKS COMMITTEE** – Ms. Sorace, reporting for Mr. Roschel, said the Public Works Committee met on November 7 and discussed Administration Resolution No. 47-2016. It is on the agenda for action later this evening.

**ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION COMMITTEE** – No report.

**FINANCE COMMITTEE** – Ms. Sorace said that on November 7 her committee reviewed Administration Resolution No. 48-2016, which amends the Capital Improvement Project list.

She also said her committee discussed plans for the City to borrow money early next year with a Tax Revenue Anticipation Note. A resolution approving the short-term TRAN borrowing of as much as \$6 million is expected next month.

The committee also had a preliminary discussion about a contract for City auditing services for the 2016, 2017 and 2018 audits. Maher Duessel, the City's auditor for the past dozen years, has provided excellent service at a reasonable cost. The City will seek a proposal from Maher Duessel for the upcoming contract. If the proposal is acceptable, a resolution to retain Maher Duessel will be brought before Council in December.

**COMMUNITY DEVELOPMENT & PLANNING COMMITTEE** – Mr. Soto said his committee met on November 3 and hear a presentation from Dr. Jeffrey Martin of Lancaster General Health and the Partnership for Public Health.

Dr. Martin's presentation concerned the health hazards of lead exposure. Dr. Martin said lead has been mined and used for 6,000 years, yet it is toxic to the human body. Although banned from paint in 1978 and from gasoline in the 1980s, lead is still present in consumer products in Lancaster, such as candy from Mexico and foot powder from the Dominican Republic.

Recent reports of lead poisoning through the water supply in Flint, Michigan has caught attention, but the rate of lead exposure for children in Flint is actually less than half of that of children in Lancaster. The rate of blood-lead poisoning reached a peak of 4.9 percent in Flint. In Lancaster City, that rate is 11 percent.

Lead poisoning which occurs to a fetus in a pregnant woman can kill 250,000 neurons per minute in a developing brain. The most common risk is from lead dust from deteriorating paint in older housing. Toddlers typically put their hands in their mouths, taking the lead dust internally.

As little as 5 micrograms per deciliter – or the size of a grain of table salt – can have a damaging effect on the human body. Lead is rapidly absorbed into the body, eventually settling into the bones. Once lead is ingested, there is no way to remove it and no way to reverse the damage caused by lead. Studies over the years have gradually recommended lower and lower amounts of lead in the body. Now, it is believed that no amount of lead in the body can be considered safe.

The greatest damage of lead is done to developing brains. Every microgram of lead in the body of a child results in a one point decrease in IQ. Once that IQ level is lost, it is irreversible. Neurons do not regenerate. The result is learning and reading disabilities and behavior problems.

Recent studies found that a significant increase in school performance in Rhode Island was not attributed to better educational initiatives, but rather efforts to reduce lead exposure of children over a 10-15 year period.

Children with high lead levels are seven-times more likely to drop out of school and six-times more likely to be involved in juvenile delinquency. Lead levels are also higher in jail prisoners. Levels of lead exposure in children in recent decades have mirrored the increase in violent crime, followed by the decrease in violent crime in recent decades.

He called lead poisoning a train wreck in slow motion.

The economic impact of lead exposure has been pegged at \$51 billion a year with costs for special education and juvenile delinquency. Those are the downstream costs of lead poisoning. Studies have also shown that every \$1 spent on lead exposure prevention yields between \$17 and \$221 in investment.

Lancaster's current lead hazard ordinance requires remediation if a child is found to have an elevated blood lead level of 21 micrograms once or 15 micrograms two times within a three-month period. A risk assessment report must then be submitted within 21 days. If that report finds lead in the home, a landlord has another 21 days to submit a lead abatement plan approved by a certified contractor. Then, there is a 45-day period to complete abatement after a plan has been approved by the City.

Dr. Marin asked that Lancaster make the following changes to its ordinance: the time limits be reduced, the lead exposure standard be reduced to 5 micrograms and that "safe houses" be established where families can stay while lead abatement is being done.

Mr. Soto said that something must be done to address the problem, and must be done soon.

PERSONNEL COMMITTEE – Ms. Wilson said the mayor has recommended the appointment of Joseph M. Donaldson to the Downtown Investment District Authority board, for a term from September 30, 2016 to December 31, 2021.

Ms. Wilson made a motion to approve the Mr. Donaldson's nomination. Mr. Soto seconded the motion.

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

#### LEGISLATIVE AGENDA

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

1. Charles and Gloria Gallagher, owners of 437 Church Street, request reconstruction of a damaged brick gable-end wall with a new reinforced concrete block wall with a stucco finish.

(This application was recommended for approval by the Historical Architectural Review Board.)

Mr. Reichenbach made a motion to accept the recommendation of the Historical Architectural Review Board. Mr. Soto seconded the motion.

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

#### ORDINANCES FOR FINAL PASSAGE

Administration Bill No. 11-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the Council of the City of Lancaster, Lancaster County, Pennsylvania, amending the Code of the City of Lancaster, Lancaster County, Pennsylvania, Chapter 285 to designate the Parking Authority of the City of Lancaster and its employees and designees as parking enforcement officers and to increase the fines for Overtime Parking – No Meter, No Parking – Loading Zone, Meter Violation, and Street Cleaning; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect in accordance with Pennsylvania law.**

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

Ms. Sorace said this proposed ordinance will do two things: it will transfer parking enforcement duties to the Lancaster Parking Authority, beginning January 1, 2017; and it will raise fines for five types of parking violations. They are:

- Overtime Parking – No Meter, increasing from \$10 to \$20. There were about 1,000 of those tickets issued in 2015.
- No Parking – Loading Zone, increasing from \$10 to \$20. About 400 of those violations were issued in 2015.
- Meter Violation, increasing from \$15 to \$20. There were 17,175 of those tickets were issued.
- Street Cleaning, and No Parking – 2 a.m.-6 a.m. (when street cleaning is done downtown), increasing from \$20 to \$25. There were 37,000 of those fines in 2015.

Ms. Sorace noted that a study presented by Administrative Services Director Patrick Hopkins showed that with these fine increases, the parking fines in Lancaster would still be less than those in other cities in the region.

Ms. Sorace said that parking in a City garage costs \$15 per day. Having the fine for a parking meter violation also cost \$15 per day provides no incentive for a motorist to park in a garage, rather than get a ticket for parking on the street. The proposal to increase the violation fine to \$20 is intended to provide an incentive and change behavior. The intent of parking meters is to provide turnover in downtown parking. That benefits businesses, she added.

Jennifer DiCola, 754 Manor Street, asked that if the intent is to incentivize people to park in City garages, then why not decrease the garage rates rather than increase the meter fine?

Ms. Sorace responded that the monthly garage rate is \$70, which is still considerably lower than in garages in other cities in the region. The \$15 daily rate is also a bargain. She maintained there is little room for negotiating garage prices down. Garage revenue is needed for the cost of maintaining the decades-old garages.

Ms. Sorace directed Ms. DiCola to Larry Cohen, the Lancaster Parking Authority executive director, if she wanted additional information.

City Council approved Administration Bill No. 11-2016 by a unanimous roll-call vote. It will hereafter be known as Administrative Ordinance No. 12-2016.

#### ORDINANCES FOR FIRST READING

Administration Bill No. 15-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania defining panhandling and other relevant terms, prohibiting panhandling in certain places and in certain manners; providing a penalty for violating the ordinance; 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. Williams said this is the first reading of this bill, which will prohibit aggressive panhandling at outdoor cafes, on the streets, near automatic teller machines, and in other places at which there have been complaints of panhandling.

Mayor Gray said the administration is responding to complaints by merchants and downtown shoppers in proposing this ordinance. Yet, he added, that panhandling is not exclusively a City problem. Panhandling occurs in other parts of the county as well.

The mayor said this measure seeks to take a balanced approach between the constitutionally protected right to ask for something and the right not to be asked. This prohibits not panhandling, but aggressive panhandling. The bill names the places where it could be considered aggressive and ways that panhandling could be done that are aggressive.

Prohibited places for panhandling are:

- Within 25 feet of an automatic teller machine
- Within 25 feet of a public restroom

- Within 25 feet of an outdoor café
- Or, within a business without the permission of the owner

Prohibited ways of panhandling are:

- Provoking individual confrontation, such as blocking the way of another person or following a person
- Or within the areas listed above

The draft ordinance is based on one that is used in Harrisburg, the mayor said.

Marshall Snively, president of the Lancaster City Alliance and executive director of the Downtown Investment District, said that he has been hearing complaints from downtown merchants, residents and visitors. He emphasized that this measure is not about addressing panhandling, but aggressive panhandling.

He said that bike squad officers are seeing panhandlers entering cafes and other businesses, interrupting patron's meals, and following people on the sidewalks. He said those actions should not be tolerated.

He said Lancaster is a very generous community. People donating to panhandlers may feel they are helping them, but there are many organizations in the City which are aiding the poor and homeless.

Mr. Snively said he and other officials hope to curb aggressive panhandling with the aid of this ordinance. And, at the same time, educate would-be donors that they can better aid the indigent poor by giving to organizations which are making a coordinated effort to help them.

He said this effort is being done in conjunction with downtown merchants.

Ms. Wilson noted that the proposed ordinance also addresses panhandling in residential areas of the City. She stated that this is not just a downtown problem.

Mr. Reichenbach thanked the mayor for striking a balance in the proposal between the right of people to ask for money and right of others to feel safe. He said the ordinance is not written as though it is intended to intimidate people whom some may consider undesirable.

He also expressed concern about panhandlers walking into the street, among vehicles, soliciting funds.

## RESOLUTIONS

Administration Resolution No. 47-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster to authorize amendment #1 to agreement number 08A387A with the Pennsylvania Department of Transportation to increase award for the Mulberry Street Conversion Project.**

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

Ms. Sorace explained that the City had requested and received from PennDOT an additional \$100,000 for the Mulberry Street Conversion Project. This resolution allows the City to formally accept those funds.

City Council approved Administration Resolution No. 47-2016 by a unanimous roll-call vote.

Administration Resolution No. 48-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster approving an amended Capital Project List to be funded by the proceeds of the City of Lancaster General Obligation Bonds, Series of 2014.**

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

Ms. Sorace said this measure approves a language change in the capital project list. Money had been allocated for a street sweeper in the project list for the 2014 bond issue. This allows \$58,000 of that money to be used for the purchase of a device which will be used to clean trash and debris from rain garden inlets. The measure does not change the amount of funds or the allocations, only the description of the items in the project list.

City Council approved Administration Resolution No. 48-2016 by a unanimous roll-call vote.

**COUNCIL COMMENTS**

Mr. Reichenbach said some people are afraid, nervous or confused by the results of the elections which were announced the previous night. He said he wanted to make clear that the City's LGBT residents, recently resettled immigrants, African-American and Latino residents are welcome in the City of Lancaster. City Council members and other City representatives will defend their rights, regardless of the outcome of the election.

President Graupera adjourned the meeting at 8:06 p.m.

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John E. Graupera, President

Attest:

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Bernard W. Harris Jr., City Clerk