

STATED MEETING - CITY COUNCIL – NOVEMBER 11, 2014

A meeting of the Lancaster City Council was held on Tuesday, November 11, 2014 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 October 28, 2014 were approved by a unanimous roll call vote.

PUBLIC WORKS COMMITTEE – Chairman Roschel stated that his Committee met on November 3rd and approved sending items to the full council. They are Administration Bills No. 17, 18, & 19, and also Resolution No. 44-2014. They are all on the agenda this evening. The 5th item that was discussed was an update on the plan to change North Mulberry Street to a two-way street. The plan is to change the pattern from King Street to the Harrisburg Pike. The plan also includes \$2 million in streetscape and green infrastructure improvements and will also include a bike lane. At a neighborhood meeting citizens expressed positive reactions to the plan. The plan will commence in the Spring of 2015.

ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE – Chairman Reichenbach stated that his Committee met on November 3rd and the item discussed was Administration Bill No.16-2014 which is on the agenda this evening for first reading. He will go into more detail when it comes up on the agenda.

FINANCE COMMITTEE – Chairwoman Sorace stated that we are fast approaching the budget season. The Budget will be introduced at our next regularly scheduled Council meeting. We will have a full day of budget hearings on Saturday, December 6, in the Commission Conference Room. A full review of the City's budget will be forthcoming as we prepare for 2015.

City Council considered the following application & (HARB recommendation) for construction and demolition within the Heritage Conservation District:

1. Dennis C. Nail, requests removal of an awning from the rear wall of the house's one-story brick wing facing Hensel Alley at 33 North Shippen Street.

Councilman Reichenbach made the motion to approve and Councilman Soto seconded. The recommendation of the HARB was approved by a unanimous roll call vote.

Administration Bill No. 16-2014, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY

OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA REQUIRING THE REGISTRATION OF BUSINESSES OPERATING WITHIN THE CITY OF LANCASTER AND THE PAYMENT OF REGISTRATION FEES FOR THE SAME, SETTING FORTH DEFINITIONS UTILIZED IN THE ORDINANCE, PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE, PROVIDING FOR A ONE TIME WAIVER OF THE REGISTRATION FEE, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE, SETTING FORTH VIOLATIONS AND PENALTIES, DECLARING THAT THE PROVISIONS OF THIS ORDINANCE ARE NONEXCLUSIVE; 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.

Councilman Reichenbach stated that what the City would like to do is to keep track of the businesses in the City. Other cities have business licensing ordinances, however their ordinances were instituted long ago. We are not able to enact an ordinance of this kind because the time has passed since we are able to do that. This ordinance is a way of tracking the businesses in the City and will help find those that can be helped by the CRIZ. There is one change that we would like to add. He stated that he would like to add the following amendment to the Bill:

Definitions

“Business Location” means the premises, whether it be a personal residence, main business location or an outlet, branch or other location thereof, temporary or otherwise, to which the public is expressly or impliedly invited for the purpose of transacting of business, or where business is transacted by phone or using the internet; and includes a location where business activities are carried on within the City or outside the City attributable to a location within the City.

He stated that what we are trying to do here is to make this ordinance all encompassing. If we start to parse who is a business and who isn't, we are effectively losing the effect of doing it in the first place.

Councilwoman Wilson made the motion to approve adding the language to the bill and Councilwoman Sorace seconded. The motion was approved by a unanimous roll call vote.

A discussion followed by Ms. Sorace and Mr. Reichenbach which centered on the fee for the registration which is proposed as \$35.00 which will not be paid the first year, but yearly after that. Mr. Patterson explained the difference between the Business Privilege Tax and the Registration Fee that this ordinance would cover, after researching other third class cities in Pennsylvania, noting that the State allows up to \$100.00 for a business registration fee. The second reading of Bill 16-2014 will take place at the November 25th Council Meeting.

Administration Bill No. 17-2014, (the title) was read by the City Clerk as follows:

AN ORDINANCE AN ORDINANCE OF THE CITY OF LANCASTER APPROVING AND AUTHORIZING THE MAYOR OF THE CITY OF LANCASTER TO ENTER INTO A COOPERATIVE MAINTENANCE AGREEMENT WITH MANHEIM TOWNSHIP, PURSUANT TO THE INTERGOVERNMENTAL COOPERATION LAW, 53 PA.C.S.A., CHAPTER 23, SUBCHAPTER A.

Councilman Roschel stated that this ordinance will allow the City to enter into a cooperative agreement to regulate the traffic signals on New Holland Avenue.

Administration Bill No. 18-2014, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY OF LANCASTER APPROVING AND AUTHORIZING THE MAYOR OF THE CITY OF LANCASTER TO ENTER INTO A COOPERATIVE MAINTENANCE AGREEMENT WITH MANHEIM TOWNSHIP AND EAST HEMPFIELD TOWNSHIP, PURSUANT TO THE INTERGOVERNMENTAL COOPERATION LAW, 53 PA.C.S.A., CHAPTER 23, SUBCHAPTER A.

Councilman Roschel stated that this ordinance will allow the City to enter into a cooperative agreement to regulate the traffic signals on Harrisburg Pike.

Administration Bill No. 19-2014, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA REWRITING CHAPTER 273-TREES OF THE CODE OF THE CITY OF LANCASTER, SETTING FORTH THE PURPOSES THEREOF, DEFINITIONS OF TERMS, PROVISIONS REGARDING THE ADMINISTRATION AND ENFORCEMENT OF THE CHAPTER, PROVISIONS REGARDING THE ISSUANCE OF NOTICES TO PRUNE OR REMOVE TREES, TREE PLANTING PROVISIONS AND TREE CARE AND PROTECTION PROVISIONS, ESTABLISHING LIABILITY FOR DAMAGES, PROVISIONS REGARDING ELECTRIC WIRES AND FOR THE PROTECTION OF TREES DURING CONSTRUCTION, ESTABLISHING A PERMIT APPLICATION PROCESS, PROVIDING FOR THE PAYMENTS, ASSESSMENTS AND LIENS, ESTABLISHING PROVISIONS REGARDING EASEMENTS, SETTING FORTH

VIOLATIONS AND PENALTIES, ESTABLISHING PROCEDURES FOR AMENDMENTS TO THE STANDARDS SET FORTH IN THIS CHAPTER, PROVIDING FOR AN APPEALS PROCESS, AND ESTABLISHING PROVISIONS FOR PROTECTED TREES ON PRIVATE PROPERTY; 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.

Councilman Roschel stated that this refers to the changes to Chapter 273 of the City Code which is specific to City Trees. There are 19 pages to the changes and he summarized the changes which were brought by Mr. Karl Graybill at our Committee meeting on November 3, 2014. This is the first reading of Bill No. 19-2014.

Administration Resolution No. 44-2014, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT, NUMBER 08A237 BETWEEN THE CITY OF LANCASTER AND THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF THE BRICK CROSSWALKS CONSTRUCTED ON PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ROADWAYS LOCATED WITHIN THE CITY LIMITS FOR THE PROJECT IDENTIFIED AS SR 1002 (ORANGE STREET), SR 0072 (QUEEN STREET), SR 0462 (KING STREET), SR0222 (PRINCE STREET) AND SR 2041 (DUKE STREET) AS PART OF THE PHASE 3 STREETScape ENHANCEMENTS.

Councilman Roschel made the motion to approve and Councilwoman Sorace seconded. City Council approved the Administration Resolution No. 44-2014 by a unanimous roll call vote.

Administration Resolution No. 45-2014, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER URGING THAT THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WORK WITH U.S. ENVIRONMENTAL PROTECTION AGENCY OFFICIALS TO DEVELOP A PLAN TO REDUCE CARBON POLLUTION.

Councilman Roschel made the motion to approve and Councilwoman Wilson seconded. Ms. Sorace stated that this is a follow-up to the clean power plan that was introduced by the EPA to address various impacts related to clean air and encouraging the DEP to get on board with addressing the goals to reduce the greenhouse gases from Pennsylvania's power plants. City Council approved Administration Resolution No. 45-2014 by a unanimous roll call vote.

Councilman Reichenbach made the motion to add Council Resolution No. 46 to the agenda and Councilman Soto seconded. Council approved adding Resolution No. 46-2014 to the agenda by a unanimous roll call vote.

Council Resolution No. 46-2014, (the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER
APPOINTING SPECIAL COUNSEL FOR THE CITY OF LANCASTER.**

Councilwoman Sorace made the motion to approve and Councilwoman Wilson seconded. Mayor Gray stated that this is the appointment of the Decker Law Firm in Philadelphia to represent us, as well as the City of Philadelphia and the City of Pittsburgh in litigation challenging the constitutionality of a statute that was recently passed broadening the right to sue municipalities in Pennsylvania. The suit was filed yesterday. The Decker Law Firm is representing us pro bono.

Mr. Reichenbach stated that he commends the Mayor on taking a stand on this issue and not being intimidated by the tactics used here, to hamstring municipalities from being able to protect themselves. This issue goes beyond second amendment rights and legal gun possession.

President Graupera also expressed his support of the Mayor and the Administration for taking a stand on this and to those legislators who supported the law to not allow municipalities to exercise their rights to control “straw purchases”, the municipalities that you represent, why haven’t you proposed bills to require a simple thing as reporting a stolen gun to the authorities. Is that too much to ask?

City Council approved Council Resolution No. 46-2014 by a unanimous roll call vote.

REPORT OF THE MAYOR – Mayor Gray reported that he met in Philadelphia yesterday with Mayor Nutter and a representative of Mayor Peduto of Pittsburgh and several state senators from Philadelphia area. The Constitution does not allow adding amendments to a bill that has nothing to do with bill at hand. The bill in this case was a bill involving scrap metal and they tacked this on. There were no hearings in the House or the Senate, so it didn’t give us a chance to rebut. In addition, the latitude given to sue, all you have to do is be someone who “could” own a gun. It’s obviously a move to economically prevent us from protecting ourselves.

REPORT OF THE PRESIDENT – President Graupera announced that City Council held an executive session on November 3 related to this resolution No. 46-2014. Mr. Soto and I had the pleasure, along with the Mayor, Chief Gregg, at a dinner at Annie Bailey’s honoring the delegation from Sano, Japan.

COUNCIL COMMENTS – Councilwoman Wilson stated that the issue of making two way lanes on Mulberry Street, came before the Traffic Commission today and was passed. The parts of Marion and Grant Streets that intersect with Mulberry Street will remain as they are.

Councilwoman Sorace announced that today is Veteran’s Day and this morning there was a

dedication held outside 150 North Queen Street in the Veteran's Plaza honoring World War II veterans and their contributions. It was an honor and humbling to be a part of it.

President Graupera adjourned the meeting at 8:30 p.m.

John E. Graupera, President

Attest:

City Clerk