

## STATED MEETING - CITY COUNCIL – DECEMBER 13, 2016

A meeting of the Lancaster City Council was held on Tuesday, December 13, 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, Ms. Williams, Ms. Wilson and President Graupera  
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Excused – Mr. Roschel, Mr. Soto - 2

The minutes of the meeting of Council for November 22, 2016 were approved by a roll-call vote.

### PUBLIC COMMENT

Jean Abram, 51 Anchor Avenue, Ephrata, and a Lancaster County Employee, told City Council members that she had tripped on a two-inch pipe protruding from the sidewalk at the corner of North Queen and Chestnut streets on November 14. Her fall resulted in her arm being broken.

Ms. Abram said an email had been sent along with a photo of the protruding pipe to Lancaster City Public Works by a County official asking that safety measures be taken to cover the tripping hazards. Ms. Abram said that she had seen no action, nor had she been contacted by City officials until after she arranged to speak at the Council meeting. She said she has since spoken to City Public Works Director Charlotte Katzenmoyer. She was told that pedestrian signal poles were to be installed at the intersection corners. She said the old ones should not have been removed until the replacements were ready to install. Further, she said that if City workers are placing cones over the protruding pipes, then they should be checking frequently to ensure the cones are not removed.

Eric Walsh, an Elizabethtown resident and director of business development of Environmental Hazards Control, and John Hartman, of Willow Street and president and partner of the company, told Council members that their company would like to work with the City to address lead hazards. Environmental Hazards Control does abatement, testing and consulting of environmental hazards including lead paint. They indicated that their company would be willing to contract with the City to address lead concerns cited in Resolution No. 52-2016, which is on the meeting agenda.

### REPORTS REQUESTED BY COUNCIL

Human Relations Commission Report – David Cruz, chairman of the Human Relations Commission reported on activities of the commission. He said commission representatives attended seven or eight events in 2016. He expressed hope that in the coming year, they would have a presence at all City-sponsored events.

Mr. Cruz noted that the Human Relations Commission Board of Directors was established to have 13 members. There are now six active members. He asked for action from the mayor and Council to fill the vacant positions.

Mr. Cruz said the commission and board plan to do a strategic plan in 2017, which will be submitted to the mayor's office. The commission now works closely with the Lancaster Branch of the NAACP and the commission hopes to form a close working relationship with the Lancaster Housing Opportunities Partnership.

The Human Relations Commission receives six to eight calls per month regarding alleged discrimination. Those complaints usually pertain to claims of housing and employment discrimination. And most of those calls are placed by residents of Lancaster County who reside outside of the City. Those callers are referred to the state Human Relations Commission.

Mr. Cruz said that two cases had been the subject of mediation meetings in 2016. The commission attempted to resolve the issues rather than hold formal hearings in which someone could be charged under the City Human Relations ordinance. He said Greg Paulson, a former attorney of the Human Relations Commission, and Leslie Hyson, director of the since-disbanded Lancaster County Human Relations Commission, were instrumental in helping the current City commissioners guide the mediation meetings.

#### REPORTS OF COUNCIL COMMITTEES

**PUBLIC SAFETY COMMITTEE** – Ms. Williams said her committee had met Saturday, December 10, and discussed Administration Bill No. 18-2016, which is on the agenda this evening for a first reading.

**PUBLIC WORKS COMMITTEE** – Ms. Sorace, reporting for Mr. Roschel, said the Public Works Committee met on December 5 and discussed Administration Resolution No. 53-2016. It is on the agenda for action later this evening.

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

**FINANCE COMMITTEE** – Ms. Sorace said that her committee met December 5 to discuss Administration Resolutions No. 50-2016 and 51-2016, which are on the agenda. Also on December 5, her committee received an overview presentation on the City's proposed 2017 budget. Her committee met again on December 10 for a review of the budget by department. The budget ordinance, related tax ordinance and sewer rate ordinance are scheduled for a vote at the next Council meeting, on December 20.

She also made a motion to place Resolution No. 54-2016, authorizing the sale of 7-23 West King Street, on the agenda of this evening's meeting. Mr. Reichenbach seconded the motion.

Gary Ziffer, a certified public accountant and owner of 318-321 North Queen Street, expressed concern about the process of selling the properties. He maintained the process was neither open nor transparent, as is required by public entities.

The resolution before Council this evening would transfer the properties to the City Redevelopment Authority. But the Redevelopment Authority is intended as a conduit for the sale of blighted properties for redevelopment. The property being conveyed is not blighted, and in fact, is prime downtown real estate which the City is planning to sell in a private transaction.

Mr. Ziffer maintained the City had expended considerable sums since the property reverted to City ownership in 2011. The City had paid to repoint the brick and repair or replace windows in

the historic buildings. Further, he stated that the properties had been valued at \$800,000 in 2011. The City is now planning to sell them for significantly less than that amount. And, he contended, selling at the proposed sale price will have a detrimental effect on City finances, as it will drive down the assessed values of other downtown real estate and result in less property tax collection.

City Council approved the motion to add Administrative Resolution No. 54-2016 to the meeting agenda by a unanimous roll-call vote.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Reichenbach, reported on behalf of Mr. Soto. Mr. Reichenbach said the committee met on December 5 and had heard a presentation from Brian Ombiji about a soccer initiative for inner city youth. The committee had also discussed Council Resolution No. 52-2016, which calls on the state legislature and the governor to take leadership and provide funding to address lead poisoning hazards.

PERSONNEL COMMITTEE – No Report.

#### LEGISLATIVE AGENDA

City Council considered the following applications and recommendations from the Historical Commission for improvements to properties within the Heritage Conservation District:

1. Darren and Lauren Finn, owners of 504 Race Avenue, propose removal of an entry portico and construction of a new covered front porch on the house's east façade.
2. Redevelopment Authority of the City of Lancaster, owner of 31, 33 and 35 West Lemon Street, proposes demolition of three brick rowhouses to create a passive public park. (Both applications were recommended for approval by the Historical Commission.)

Mr. Reichenbach made a motion to accept the recommendations of the Historical Commission. Ms. Williams seconded the motion.

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

#### ORDINANCES FOR FIRST READING

Administration Bill No. 17-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania amending Section 249-27 of the Code of the City of Lancaster to change quarter annual sewer rentals for customers within the City limits; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect on the first day of January 2017.**

Ms. Sorace said this proposal will increase sewer rates for customers within City limits. She cited rates from other sewer utilities within the County to establish that Lancaster rates remain the lowest in the area.

A vote on the proposed ordinance is scheduled for the December 20 City Council meeting.

Administration Bill No. 18-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania amending Chapter 285 of the Code of the City of Lancaster – Vehicles and Traffic, Section 285-6 to increase the fine for violating parking signs on specified streets around the Central Market to \$100.00, changing the title of Article V of Chapter 285 of the Code of the City of Lancaster to Residential and General Market District Parking Permits, amending Article V of Chapter 285 of the Code of the City of Lancaster to add Section 285-51 for the establishment of market district parking permits, creating two permits for that area known as a General Market District Parking Permit and a Market Vendor Permit, designating when parking will be allowed on North Market Street from West King Street to West Grant Street, West Grant Street east of North Market Street, William Henry Place and Penn Way; 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 establish a parking regulations for the streets around Central Market. A second reading and vote are expected on December 20.

## RESOLUTIONS

Administration Resolution No. 50-2016, (the title) was read by the City Clerk as follows:

**A resolution authorizing a borrowing in an amount not to exceed \$6,000,000 in anticipation of current taxes and revenues and the issuance of a Tax and Revenue Anticipation Note; establishing the form of such note; approving and accepting a proposal of First National Bank of Pennsylvania to purchase the note and authorizing the negotiated sale thereof to said bank; authorizing and directing certain officials to deliver a certificate as to taxes and revenues to be collected, to cause to be made the filings required by law, to execute and deliver the note, and to take such other actions as may be necessary or desirable.**

Ms. Sorace made a motion to approve the resolution. Ms. Wilson seconded the motion.

Ms. Sorace said the resolution is identical to one approved at the same time last year. In that case, the City borrowed \$4 million and repaid the funds by mid-March. The borrowing is similar to a bridge loan and will allow the City to meet its obligations during a cash-poor period until tax revenues are paid. The borrowing is being done at 1.97 percent interest and a fee of \$1,000.

City Council approved Administration Resolution No. 50-2016 by a unanimous roll-call vote.

Administration Resolution No. 51-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster appointing Maher Duessel to provide professional services in conjunction with the City's independent financial audit for the years ending December 31, 2016, 2017, and 2018.**

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

Ms. Sorace said Maher Duessel has provided annual financial audits for the City for many years. The City has been pleased with the company's performance, which was done at a reasonable cost.

City Council approved Administration Resolution No. 51-2016 by a unanimous roll-call vote.

Administration Resolution No. 52-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster, Lancaster County, Pennsylvania identifying lead exposure as a danger to the health of Pennsylvania residents and a danger to the future economic health of the Commonwealth and calling for action from the Senate and House of Representatives of the Pennsylvania General Assembly and Governor Tom Wolf to approve laws and funding to address this problem.**

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

Mr. Reichenbach said the resolution is non-binding, but calls on the State Legislature and Governor to provide leadership to address a dangerous problem facing Lancaster and municipalities across the Commonwealth.

To be clear about the actions which City Council is advocating, he read the five points listed at the end of the resolution:

1. Senate and House of Representatives of the Pennsylvania General Assembly should approve adequate funding for a comprehensive, statewide lead testing program administered by the Pennsylvania Department of Health;
2. Governor Tom Wolf should adopt lead poisoning prevention as a priority of his administration, principally administered by the Pennsylvania Department of Health;
3. Senate and House of Representatives of the Pennsylvania General Assembly approve legislation requiring the testing and abatement of rental properties constructed prior to 1978 for lead hazards prior to occupancy, or provide the City with a Certification that lead hazards have been remediated in the property;
4. Senate and House of Representatives of the Pennsylvania General Assembly approve legislation requiring the testing of residential real property constructed prior to 1978 for lead hazards as a condition of property transfer and prior to sale;
5. Pennsylvania Department of Health adopt the standard of 5 micrograms of lead per deciliter of blood or less as the acceptable blood lead level in the human body, in accordance to the standard of the federal Department of Housing and Urban Development and Centers for Disease Control and Prevention.

City Council approved Administration Resolution No. 52-2016 by a unanimous roll-call vote.

President Graupera directed the City Clerk to send copies of the resolution to State Representative P. Michael Sturla and State Senator Scott Martin, who represent Lancaster City in the state legislature.

Administration Resolution No. 53-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster approving the adoption of an amendment to the Act 537 Official Sewage Facilities Plan for the City of Lancaster.**

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

City Council approved Administration Resolution No. 53-2016 by a unanimous roll-call vote.

Administration Resolution No. 54-2016, (the title) was read by the City Clerk as follows:

**A resolution of the City Council of the City of Lancaster, Lancaster County, Pennsylvania authorizing the sale of 7-23 West King Street, Lancaster, Pennsylvania.**

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

Ms. Sorace said the City administration has been working for some time to arrange for the sale of these West King Street properties. That included the removal of a deed restriction that prevented alteration of the Masonic Hall on the second floor. An agreement was reached with the Masonic Lodge to remove that restriction.

Mr. Ziffer reiterated his contention that the Redevelopment Authority's mission is to sell blighted properties for redevelopment. Further, he repeated his contention that the properties are being sold for much less than their market value. He said they were valued at \$800,000 in 2011.

Randy Patterson, City Economic Development & Neighborhood Revitalization director, responding to a request from Ms. Wilson, addressed the concerns raised by Mr. Ziffer.

Mr. Patterson said the \$800,000 valuation was an assessed value, which is not the same as an appraised value. Further, he said a \$534,000 appraisal completed in 2014 included the Old City Hall building, which the City decided to retain. The current appraisal is for \$500,000.

The estimated cost of adding heating, air conditioning, electrical wiring and plumbing to the properties is expected to exceed \$500,000, he said. Those utility systems now reside in the Old City Hall building. Utilities for the sale buildings need to be separated and new utility systems installed.

Once improvements are made to the properties, they will be reassessed by the County for tax purposes. Mr. Patterson said he was not concerned about the sale price driving down market values of City real estate.

Mr. Ziffer responded that the property is already driving down market prices. Some retail leases on the first floor of the buildings were negotiated in 2011. Those are now 30-40 percent less than market value. Further, he contended that, from his experience in commercial real estate, an appraisal can be tailored to reach a desire valuation.

Additionally, he questioned claims that the City's development community was made aware that the buildings were offered for sale. He said he was not aware they were being sold until recently. He does not know who was made aware or how that was done.

City Council approved Administration Resolution No. 54-2016 by a unanimous roll-call vote.

## PUBLIC COMMENT

Mr. Ziffer responded to the concerns raised by Ms. Abram regarding pipes protruding from sidewalks. He had also seen that four barriers covering the pipes had been removed from the corners of North Queen and Chestnut streets. He agreed with Ms. Abrams that the situation was very dangerous, especially to the visually impaired persons working at the VisionCorps facility in the 200 block of North Queen Street.

## REPORT OF THE MAYOR

Mayor Gray read aloud the following prepared statement:

*Pennsylvania Department of Conservation and Natural Resources Secretary Cindy Dunn will visit Longs Park on Thursday to announce this year's Community Conservation Partnerships Program grant awards. Lancaster is hoping to receive one such grant to provide much-needed and long-overdue improvements to the Park's play area for children. City Council and the public are invited to join Secretary Dunn Thursday, December 15, at 1:30 p.m. at Longs Park.*

*Lancaster has been named winner of the 2017 National Environmental Achievement Award for Operations and Environmental Performance by the National Association of Clean Water Agencies. This award is presented for outstanding initiatives in wastewater treatment and conveyance, stormwater management, and environmental enhancement. The award will be presented in February at the Association's Winter Conference.*

*Congratulations and thanks are in order to negotiators from the Administrations and the Lancaster City Police Officers Association for finalizing a collective bargaining agreement for 2017 through 2019. I am happy to report that we arrived at this agreement after 6 months of negotiations without the need for arbitration. The agreement includes annual wage increases of 3% in 2017 and 2018, and a 3.25% increase in 2019. These increases are in line with recent negotiated contracts and arbitration awards in other Pennsylvania cities.*

*We have also recently completed negotiations and reached a tentative agreement with the AFSCME bargaining unit which represents approximately 250 employees across all City departments. The AFSCME agreement, which also covers 2017-2019, will be voted on by its membership on December 19<sup>th</sup>. We will have more information about the details of that agreement after the AFSCME ratification vote.*

*The City's third labor contract with firefighters represented by the Lancaster Professional Firefighters Association expires on December 31, 2017. Negotiations on that contract will begin next year and we look forward to being able to reach a negotiated contract as we have with the Police and with AFSCME.*

*Finally, as you may know, longtime community leader and former City Council President Julianne Dickson passed away at her home in Rehoboth, Delaware on December 3<sup>rd</sup>.*

*Throughout her life, Julie gave the gift of service to the students she taught; the athletes she coached; the parents she counseled; the co-workers she mentored; and the women she inspired.*

*During her eight year tenure as Lancaster City Councilwoman, Julie was highly regarded by colleagues of both political parties for her candor, clarity of thought, and the courage of her convictions.*

*As a member of the Lancaster County Planning Commission Julie brought a visionary's perspective, and service on the Lancaster County Convention Center Authority placed her calm confidence and patient tone on full display.*

*Whether serving as a member of the Council of Trustees of Millersville University, on the Board of Directors of United Disabilities, or as Charter Member of the Women's Alliance, Julie approached other less public volunteer activities with equal commitment, a trademark good humor, and an inspiring willingness to give of herself.*

*Throughout her life, Julie Dickson remained humbled and gratified by the many awards and honors she received. In 2001, Julie was named one of eight outstanding student athletes in the last fifty years by the Pennsylvania State Athletic Association Conference. And, in 2004, she was honored as one of Pennsylvania's 50 Best Women in Business.*

*Julie is survived by her spouse, Helene Guilfooy, and her Mother, Sally Dickson. Helene and Sally invite guests to celebrate Julie's life at Church of the Apostles, on Marietta Avenue on Thursday, December 29<sup>th</sup> at 1 PM. A reception will be held immediately following the service.*

*In lieu of flowers, contributions to honor Julie and support the empowerment of women can be sent to: The Julie Dickson Foundation. For more information visit: [www.juliedicksonfoundation.org](http://www.juliedicksonfoundation.org).*

#### COUNCIL COMMENTS

President Graupera also praised Julianne Dickson, with whom he had served on City Council. He cited her strength and courage. She was particularly uncompromising in holding the former mayor accountable, he said.

Ms. Williams said Ms. Dickson, whom she succeeded as Council president, had been an inspiration to her.

President Graupera adjourned the meeting at 8:53 p.m.

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John E. Graupera, President

Attest:

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Bernard W. Harris Jr., City Clerk