

STATED MEETING - CITY COUNCIL – MARCH 14, 2017

A meeting of the Lancaster City Council was held on Tuesday, March 14, 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, Mr. Soto, Ms. Wilson and President Graupera – 5
Excused – Ms. Sorace and Ms. Williams – 2

The minutes of the meeting of Council for February 28, 2017 were approved by a roll-call vote.

REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – No Report.

PUBLIC WORKS COMMITTEE – Mr. Roschel reported his committee met Monday, March 6, and reviewed five items. Those items are on this evening's agenda and will be discussed as they are brought up.

ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION COMMITTEE – Mr. Reichenbach said he was unable to attend the meeting of his committee on March 6, yet he reviewed committee actions from available notes. Resolution No. 12-2017, regarding the exchange of land between the Lancaster Airport Authority and Brethren Village; Administration Bill No. 7-2017, amending the Land Bank Authority ordinance; and Resolution No. 09-2017, which authorizes the transfer of properties within the Keystone Opportunity Zone to the City Redevelopment Authority, were reviewed and will all be discussed when they come up on this evening's agenda, he said.

FINANCE COMMITTEE – Mr. Roschel, speaking on behalf of Ms. Sorace, said the committee met on March 6 to discuss three items: Administration Bills No. 8-2017 and No. 9-2017 and Resolution No. 15-2017.

Mr. Roschel made a motion to add Resolution No. 15-2017 to this evening's agenda.

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

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Soto said his committee met on March 6. They heard a presentation from Dr. Jeffrey Martin concerning the hazards of lead exposure. A representative of state Senator Martin's office attended the presentation.

PERSONNEL COMMITTEE – Mr. Soto, spoke on behalf of Ms. Wilson, who did not attend the March 6 committee meeting. Mr. Soto said the committee met to interview Donald Palmer, who has been nominated for appointment as an alternate to the Civil Service Board, and Eve Bratman, a nominee to the Lancaster City Planning Commission. Mr. Soto made a motion to appoint Mr. Palmer and Ms. Bratman to those positions.

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

LEGISLATIVE AGENDA

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

1. Melanie B. Scheid, owner of 315-317 East Orange Street, requests reinstallation of wooden sash within two brick-infilled window openings on the first-floor, south façade of 315 East Orange Street to match the design of the existing second-floor windows, per the submitted proposal.
2. Melanie B. Scheid, at the same address, also requests construction of a new balcony outside an existing doorway on the rear or north elevation, above a garage door bay, with the balcony not to exceed 12-feet wide and 8-feet deep and to feature an aluminum railing, per the submitted proposal.

The Historical Architectural Review Board recommended approval of both applications.

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

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

ORDINANCES FOR FINAL PASSAGE

Administration Bill No. 05-2017, (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 182 of the Code of the City of Lancaster - Lead Poisoning, to establish definitions, prohibit use and distribution of sources of lead hazards, provide procedures for determinations of lead source health hazards, provide for notification of violations and testing procedures and standards, provide procedures and requirements for monitoring the abatement of lead hazards, providing exemptions from the provisions of the ordinance, providing for the protection of occupants of residences containing lead hazards, providing for the protection of children in home-based child care facilities, providing for fines and remedies for violation of the ordinance, providing for inspection and access to properties and sales of properties; 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.

Mayor Gray noted that several Council members had attended a meeting February 27. Many people attended that meeting, primarily landlords. They expressed concern about the economic implications of the proposed ordinance. Several were also concerned the proposal did not go far enough to address the problem.

Following that meeting, several City landlords with a large number of housing units contacted the mayor and stated that landlords intend to have a meeting in coming weeks to discuss the

proposal. They asked the mayor to request that the bill be tabled until the landlords have an opportunity to express an opinion and make suggestions that would be both effective and economically feasible. Such suggestions would be beneficial for all concerned.

The mayor then requested Council members table the current proposal. He said they should expect to have a revised proposal in month or two.

Mr. Soto made a motion to table Administration Bill No. 5-2017.

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

ORDINANCES FOR FIRST READING

Administration Bill No. 07-2017, (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 Administrative Ordinance No. 10-2016 to name the initial members of the Board of Directors of the City of Lancaster Land Bank Authority; 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 asked for clarification that the names of initial Land Bank Authority board members were being publically announced at this meeting, rather than the bill providing Council with the authority to appoint members at a later time.

Mayor Gray responded that the bill names the initial members of the Land Bank board and with approval by Council, begins their service on the new board.

Patrick Hopkins, Administrative Services director, stated that the proposed ordinance approves the initial appointment of authority board members, as per state law. Subsequent appointments to the board will be done by Council resolution.

Mr. Reichenbach read the names of the initial members of the board of directors, and the dates when their terms will expire:

- Randall L. Horst, 06/30/2021
- Miriam Soto, 06/30/2018
- J. Douglas Byler, 06/30/2020
- Jessica King, 06/30/2017
- Christian S. Levan, 06/30/2019
- Angela Horst, 03/21/2019
- Willonda McCloud, 03/21/2021

Administration Bill No. 08-2017, (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 \$1,500,000 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.

Mr. Roschel addressed Bill No. 08-2017, Bill No. 09-2017 and Resolution No. 15-2017 together, since they are all related.

Mr. Roschel reported that Administrative Services Director Patrick Hopkins told committee members that there will be two sources of revenue coming to the City from the LanCity Connect project. The first is the \$14,671 monthly loan payment being made on the \$1.5 million operating capital loan to MAW Communications. By the spring of 2019 – if LanCity Connect reaches the 4,000 customer threshold – revenues will be about \$90,000 per quarter. After that initial flood of new residential connections are made, the City will halt spending \$1,000 per residential connection and net revenue coming into the special revenue fund will increase. By mid-2019, the LanCity Connect fund can begin returning money to the General Fund and Water Fund from a 13 percent monthly surcharge on customer bills.

Based on 2 percent growth per year, it will take until about 2027 until all funds are returned to the General and Water funds. That assumes about \$3.5 million borrowed from the Water Fund over three years to do connections.

The funds in the Water Fund are available for use because of saving from the bond refinancing done in 2016. The refinancing savings are returning annually in payments of \$1.5 million. The water rates approved by the PUC do not account for that revenue.

Mr. Hopkins also said the 13 percent surcharge on LanCity Connect customers' bills will pay back funds borrowed from the City Water Fund.

Mr. Hopkins also said that equipment for residential customers, such as routers, will be provided by LanCity Connect for those customers who pre-register for the service. For customers who subscribe to the service later, the cost of the router can be spread over several monthly bills. The \$1,000 cost for initial connections includes the cost of the router.

Mr. Hopkins also explained that \$1.5 million will be loaned to MAW Communications for the costs associated with beginning to provide the broadband service. Those include equipment costs for the switches and other equipment which will be attached to home and the costs of hiring and training installers and customer service representatives. That loan will be repaid with monthly payments of \$14,671 over 13 years, which includes a 7-percent annual interest rate.

President Graupera commented that the City seems to have limited liability. If MAW succeeds, the City makes money. If MAW fails, the City takes the fiber network and finds another operator.

Mayor Gray maintained this project is worthwhile for the increased efficiency it will bring to City operations. But, to have the network and not leverage it for public use through a public-private partnership would miss an historic opportunity to take Lancaster to the next level.

Mr. Hopkins showed a sample LanCity Connect bill for 150 megabit service. The \$49 monthly charge climbs to \$69.24 with taxes and fees. Comparable service from Comcast starts at \$82, not including the taxes and fees. There is no comparable service beyond 150 megabits now available in Lancaster.

There are a number of ways the City will save money with the broadband project. The most obvious is that eight personnel who now travel from property to property to read water meters will no longer be necessary. Water meters will be read remotely by computer.

More significant than those savings are from “non-revenue water,” in which undetected leaks in the water system cause loss of water. Often, revenue from those leaks are eventually written off as uncollectable. Because water bills are done quarterly, it may be months before a leak is detected as a sharp increase in metered water use. Remote reading will detect leaks immediately.

Administration Bill No. 09-2017, (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 \$1,500,000 from the Water Fund; 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.

President Graupera announced that these bills will have a second reading at the March 28 meeting.

President Graupera announced that Administration Bill No. 10-2017 was being withdrawn at the request of the City Solicitor.

Mayor Gray said the proposed ordinance should be ready for review at the April 3 Council committee meeting.

RESOLUTIONS

Administration Resolution No. 09-2017, (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 transfer of 212 Hazel Street, 230 Hazel Street and 550 South Water Street, located in the Keystone Opportunity Zone, to the Redevelopment Authority of the City of Lancaster.

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

Mr. Reichenbach said this resolution follows passage of a recent ordinance regarding the sale of public property. That ordinance specifically exempted properties in the Keystone Opportunity Zone from the request-for-proposal process. Those properties were exempted because they have been publically advertised for sale for several years, therefore the public proposal process was unnecessary.

These are the last three lots available in the KOZ. They will be moved to the Redevelopment Authority to continue the marketing and sale process.

Council approved Administration Resolution No. 09-2017 by a unanimous roll-call vote.

Administration Resolution No. 10-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster, Lancaster County, Pennsylvania authorizing the mayor to submit a planning module to the Pennsylvania Department of Environmental Protection for the Maple Grove Pumping Station and Interceptors Upgrades and Expansion Project.

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

Mr. Roschel said the Public Works department is in the process of upgrading and expanding the pumping station, which serves the western part of Lancaster City and Lancaster Township. As part of that process, the City must submit an application to the Pennsylvania Department of Environmental Protection to amend its Act 537 Official Sewage Facilities Plan. This resolution authorizes submission of that request to state officials.

Council approved Administration Resolution No. 10-2017 by a unanimous roll-call vote.

Administration Resolution No. 11-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster authorizing the mayor to sign a right of way agreement between the City of Lancaster and Verizon Pennsylvania LLC to grant said right of way for the construction of utility facilities on the City of Lancaster's property located at Hans Herr Drive, Willow Street, Pennsylvania.

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

Mr. Roschel addressed Resolutions No. 11-2017, No. 13-2017 and No. 14-2017. The resolutions all allow Verizon to install equipment upgrades on existing antennas atop City-owned water towers. Verizon will add overhead wires to the facilities on Hans Herr Drive in Willow Street, Blossom Hill in Manheim Township and on Lincoln Highway, in East Lampeter Township.

Council approved Administration Resolution No. 11-2017 by a unanimous roll-call vote.

Administration Resolution No. 12-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster, Lancaster County, Pennsylvania, releasing certain covenants, assurances and conditions relating to certain land owned by the Lancaster Airport Authority in connection with a land exchange with Brethren Village, a Pennsylvania non-profit corporation.

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

Mr. Reichenbach said the resolution will allow the Lancaster Airport Authority to do a land swap with the Brethren Village retirement community. The City is involved because of deed restrictions placed on transfer of the property when the City transferred the land to the Airport Authority in 1951. The resolution releases the authority from those restrictions and allows the land swap to move forward.

Council approved Administration Resolution No. 12-2017 by a unanimous roll-call vote.

Administration Resolution No. 13-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster authorizing the mayor to sign a right of way agreement between the City of Lancaster and Verizon Pennsylvania LLC to

grant said right of way for the construction of utility facilities on the City of Lancaster's property located at 1 Blossom Hill Drive, Lancaster, Pennsylvania.

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

Council approved Administration Resolution No. 13-2017 by a unanimous roll-call vote.

Administration Resolution No. 14-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster authorizing the mayor to sign a right of way agreement between the City of Lancaster and Verizon Pennsylvania LLC to grant said right of way for the construction of utility facilities on the City of Lancaster's property located at 1974 Lincoln Highway, Lancaster, Pennsylvania.

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

Council approved Administration Resolution No. 14-2017 by a unanimous roll-call vote.

Administration Resolution No. 15-2017, (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 mayor and other proper officials of the City of Lancaster to take all actions necessary and to execute all documents in order to provide a loan to MAW Communications for the purposes of implementing the LanCity Connect Broadband Initiative.

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

Mr. Roschel noted that he had discussed this resolution earlier when discussing Bills No. 08-2017 and No. 09-2017. This resolution approves the loan from the LanCity Connect Special Revenue Fund to MAW Communications.

Council approved Administration Resolution No. 15-2017 by a unanimous roll-call vote.

REPORT OF THE MAYOR

Mayor Gray apologized to City Council. He said last week he had remarked to a friend that there had been no snow emergencies this winter, thereby inviting the snowstorm the City experienced today.

The mayor took the opportunity to commend the City Public Works crews. They have been working around the clock since late yesterday. The City had 22 trucks operating during the storm. He said the snow emergency has now been lifted and residents are being asked to remove their cars from City parking garages tonight.

The mayor said he believes the response to the storm has been handled well. He said he has gotten few calls and those had been positive. He noted that spring is only a few days away.

COUNCIL COMMENTS

Mr. Soto commended the Public Works department for its handling of the storm. He received three calls and heard comments from residents who were pleased with the condition of City streets. He said that is a credit to the City's dedicated workers.

President Graupera remarked that it had been reported that 85 vehicles had been towed from City snow emergency routes.

Mayor Gray responded that number was an estimate and he believed the actual figure will prove to be fewer. He said the number of towed vehicles typically drops by half with each successive snow emergency in a season. This year, this is the first snow emergency.

The City has employed reverse 911 calls, police officers use bullhorns and knock on doors, they trace license plate numbers to get telephone numbers to call owners, social media and traditional media outlets are also used to alert motorists to move their cars.

President Graupera adjourned the meeting at 8:05 p.m.

John E. Graupera, President

Attest:

Bernard W. Harris Jr., City Clerk