

STATED MEETING - CITY COUNCIL –MAY 12, 2009

1

A meeting of the Lancaster City Council was held on Tuesday, May 12, 2009, in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Williams presiding.

City Council led the assembly in the Pledge of Allegiance.

Present – Ms. Coller, Mr. Morales, Mr. Polite, Mr. Roschel,
Ms. Saunders, Mr. Urdaneta & President Williams - 7

City Council approved the minutes of April 28, 2009 by a unanimous roll call vote.

READING OF PETITIONS, COMMUNICATIONS & MEMORIALS – At this time the City Clerk read the title of Council Resolution No. 32-2009 as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER, PENNSYLVANIA, IN SUPPORT OF THE "HONOR AND REMEMBER" FLAG AS AN OFFICIAL SYMBOL TO RECOGNIZE AND HONOR MEMBERS OF THE ARMED FORCES WHO HAVE DIED IN THE LINE OF DUTY, AND URGING THE UNITED STATES CONGRESS TO ADOPT THIS FLAG AS A NATIONAL SYMBOL.

Councilman Polite made the motion to approve and Councilman Urdaneta seconded. City Council approved Council Resolution No. 32-2009 by a unanimous roll call vote.

Mr. and Mrs. Benard were present to accept the resolution. Mrs. Benard's son Brent Adams was killed in Iraq on his third tour of duty. Mrs. Benard brought a flag to show City Council and thanked them for passing the resolution. She urged everyone to write to their Senators and Representatives in Washington and urge them to adopt House Resolution 1034 which has been introduced to Congress, stating that the flag should fly as a remembrance of those who gave their lives for their country. Mayor Gray also gave his support to the Flag and stated that the City has ordered several of them to fly at locations in the City.

PUBLIC COMMENT – Mr. Andrew Gillinson, Mulberry Street, came to address Council about the fireworks that are tolerated in the City. He asked Council to please consider the noise that is made by the fireworks late in the evening, and consider legislation to curb this annoyance as other cities have done.

PUBLIC WORKS – Chairman Roschel stated that he would address Bill No. 8-2009 when it comes up on the agenda. He further made a motion to add Resolutions No. 36-41 to the agenda and Councilman Polite seconded. City Council approved amending the agenda by a unanimous roll call vote. Mr. Roschel stated that he will discuss those resolutions in detail when they come up on the agenda.

ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE – Chairman Urdaneta stated that the Committee met last Monday to discuss Resolutions 28, 29, & 31 regarding the redevelopment of different areas in the City. He stated that he will discuss these resolutions when they come up on the agenda.

FINANCE COMMITTEE - Chairwoman Saunders stated that the Finance Committee met on May 4 and discussed Resolution No. 35-2009 that she will go into detail when it comes up on the agenda. She also stated that we all received the first quarter legislative budget transfers and made a motion to approve the transfers, and Councilwoman Collier seconded. City Council approved the legislative transfers by a unanimous roll call vote.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE - Chairwoman Collier stated that her Committee met on May 4, and there are a few resolutions on the agenda tonight and a few which we will be discussing at a later date.

PERSONNEL COMMITTEE - Chairman Polite stated that the Personnel Committee met on May 4, and met with two candidates the Mayor has appointed to the Fire Code Appeals Board. He made the motion to approve Mr. Nick Jabbour, Patrick Egan, and Lloyd Henry to the Board and Councilman Morales seconded. City Council approved the appointments to the Fire Code Appeals Board by a unanimous roll call vote.

Council considered the following application(s) and (HARB recommendation(s) for improvements to properties within the Historic District:

1. Thomas Hooper, to install two new building-mounted signs at 230 East Orange Street.
2. Dwight Nolt, replace wooden garage doors with steel overhead doors at 331 East Orange Street.
3. Kowain Christian, to install a commercial kitchen exhaust fan on the side wall facing Pershing Avenue at 101 Church Street.

Councilman Polite made the motion to approve all three and Councilman Urdaneta seconded. City Council approved the decisions of the HARB by a unanimous roll call vote.

Administration Bill No. 7-2009, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER TO ACCEPT THE DEDICATION OF WEST GRANT STREET BETWEEN NORTH PRINCE STREET AND NORTH WATER STREET, AS REVISED, AND PLACE THE SAME ON THE OFFICIAL CITY PLAN AND DECLARE IT OPEN TO PUBLIC USE, AND TO AMEND THE EASEMENT GRANTED TO THE ACADEMY OF MUSIC TO ERECT AND MAINTAIN AN ENCLOSED PEDESTRIAN BRIDGE

OVER WEST GRANT STREET TO REFLECT THE REVISED LOCATION OF WEST GRANT STREET.

Councilwoman Collier stated this is an amendment to the easement agreement that will reflect the revised location. This is West Grant Street between Water and Prince alongside the Academy of Music. Mr. Patterson stated that the original public easement was on the north side of West Grant Street and because of some design issues with accessibility part of what this amendment does is replaces that with the South side of West Grant Street and it also changes the language slightly related to the easement for the potential walkway that would be above Grant Street that City Council has already approved.

Administration Bill No. 8-2009, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY OF LANCASTER AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY OF LANCASTER TO EXERCISE THE CITY'S POWERS OF EMINENT DOMAIN AS SET FORTH IN SECTION 2801 OF THE THIRD CLASS CITY CODE (53 P.S. §37801) AND SECTION 303 OF THE OPTIONAL THIRD CLASS CITY CHARTER LAW (53 P.S. §41303) APPROPRIATE AND TAKE THAT CERTAIN PROPERTY KNOWN AS 38 EAST MARION STREET IN LANCASTER CITY, LANCASTER COUNTY, PENNSYLVANIA; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

Councilman Roschel stated that Mayor Gray explained this ordinance to us at the last Public Works committee meeting. The property at 38 East Marion Street is the old Treasury Building between the current City Hall and where Marion Court is. The Mayor has been in consultation with the current owners and they have worked things out. As it was explained there was a report back in the 1940's suggesting improvements to the current City Hall. It does not meet ADA compliance. This taking by Eminent Domain, gives the City the opportunity to expand City Hall. There is not enough square footage right now. Council was invited to tour a few years ago, and we found that there is limited space.

Mayor Gray stated that we have been spending the last three years looking at ways to answer a report that was done shortly after his administration began, indicating the inadequacies of the current City Hall. The report indicated that over \$4 million would be necessary to bring the current building up to ADA compliance and in compliance with other codes. We looked at other properties and had one that we were looking at, bought out from under us. We've looked at other alternatives and the costs involved. We looked at this site

and putting an annex on to City Hall and connecting the annex with the old City Hall, thereby preserving the Historic nature of City Hall, but in addition providing the accessibility and the ADA compliance which currently is not available in City Hall.

There is also the question of the provision of services to our customers, our residents of the City. We have people scattered throughout the City. If we build an annex, we can consolidate people.

Administration Resolution No. 27-2009, (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 COOPERATION AGREEMENT WITH THE HISTORIC PRESERVATION TRUST OF LANCASTER COUNTY IN CONNECTION WITH THE RESTORATION OF THE THADDEUS STEVENS, LYDIA SMITH AND KLEISS SALOON HISTORIC SITE

Councilman Urdaneta made the motion to approve and Councilman Polite seconded.

Councilwoman Collier stated that this is in connection with the Thaddeus Stevens, Lydia Smith and the Kleiss Saloon site. The Preservation Trust received a commitment to receive \$3 million of Redevelopment Assistance Capital from the Commonwealth of Pennsylvania to cover a portion of the costs to restore these sites. The grant requires the City and the "Trust" to enter into this agreement for the project.

City Council approved Administration Resolution of No. 27-2009 by a unanimous roll call vote.

Administration Resolution No. 28-2009, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER AUTHORIZING AND SUPPORTING A COMMONWEALTH REDEVELOPMENT ASSISTANCE CAPITAL GRANT APPLICATION BY THE CITY OF LANCASTER AND TCH REALTY & DEVELOPMENT CO., LLC TO CONSTRUCT A COMMERCIAL OFFICE BUILDING ON THE FORMER LANCASTER STOCKYARDS SITE .

Councilman Urdaneta made the motion to approve and Councilman Polite seconded.

Councilman Urdaneta stated that he thinks that this is a happy moment for our City and the County all together, to see valuable construction happening in the Stockyard building. The Building will be the headquarters for Coresource which means that we keep within the City boundary an important company and jobs with the possibility of growth.

City Council approved Administration Resolution No. 28-2009 by a unanimous roll call vote.

Administration Resolution No. 29-2009. (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER AUTHORIZING AN AMENDMENT TO THE AGREEMENT BY AND BETWEEN THE CITY OF LANCASTER AND LANCASTER PRESS PARTNERS, L.P. FOR THE DEVELOPMENT OF THE LANCASTER PRESS BUILDING, 401-403 NORTH PRINCE STREET, LANCASTER.

Councilman Urdaneta stated that he moves to approve Resolution No. 29 and the amendment agreement substantially in the form as submitted. Councilman Polite seconded. Councilman Urdaneta stated that this is something that came to Committee, This is a resolution that takes into account the fact that the delay in the development of the Lancaster Press Building, has been because the financing for the construction of the necessary parking garage has not been able to be secured by the City. The partners have incurred additional cost in the maintenance of the building. There is an amendment in the agreement to allow the \$250,000 to automatically become a grant. In the previous agreement there were some conditions that had to be met in order for those dollars to become a grant. Also, there is an extension for the settlement until December 31, 2010.

City Council approved Administration Resolution No. 29-2009 by a unanimous roll call vote.

Administration Resolution No. 30-2009, (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 PROFESSIONAL SERVICES AGREEMENT WITH THE REDEVELOPMENT AUTHORITY

OF THE COUNTY OF LANCASTER TO PROVIDE SERVICES RELATED TO THE ADMINISTRATION OF THE LANCASTER CITY HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM MADE AVAILABLE UNDER THE 2009 AMERICAN RECOVERY AND REINVESTMENT ACT.

Councilman Urdaneta made the motion to approve and Councilman Roschel seconded.

Mr. Patterson stated that this resolution is part of another resolution which you will deal with a little later. Earlier this year we entered into an agreement with the Lancaster County Redevelopment Authority to assist the City in administering CDBG Program. This is a similar type of agreement, except that this agreement is related to the stimulus funds that are available to the City and to the County for homeless prevention activities. In the past, the City has not received an entitlement under the ESG Program, so we really don't have the infrastructure in place to administer a grant the size of \$738,000 in a very quick turnaround. We have been working with the County Redevelopment Authority and actually Lancaster County and the United Way to form a more streamlined approach to administer these two these two grants. The City is getting approximately \$738,000 and the County \$1.2 million.

Council approved Administration Resolution No. 30-2009 by a unanimous roll call vote.

Administration Resolution No. 31-2009, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER EXTENDING THE TERM OF REAL PROPERTY, EARNED INCOME TAX, NET PROFITS MERCANTILE, AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN THE CITY OF LANCASTER DESIGNATED AS A KEYSTONE OPPORTUNITY ZONE (KOZ) AND KEYSTONE OPPORTUNITY EXPANSION ZONE (KOZ) IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF THE CITY OF LANCASTER, COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS.

Councilman Urdaneta made the motion to approve and Councilman Roschel seconded.

Councilman Urdaneta stated that this is an important part of making sure that we can continue to be able to market these properties and develop this important area of our

City, by extending the tax benefits of the Keystone Opportunity Zone. If not extended would not make these properties as desirable for future tenants, because of the fact that these tax benefits would expire. This extends it to 2020 which gives the City extra time to market the property.

City Council approved Administration Resolution No. 31-2009, by a unanimous roll call vote.

Administration Resolution No. 33-2009, (the title) was read by the City Clerk as follow:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER APPROVING A SUBSTANTIAL CHANGE TO THE 2008 ANNUAL ACTION PLAN FOR THE CREATION OF THE HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM.

Councilman Polite made the motion to approve and Councilman Urdaneta seconded.

Randy Patterson stated that the stimulus funds that are coming to the City of Lancaster in the amount of \$738,000 require the City to adopt a substantial amendment to its existing Consolidated Plan of 2008. Consolidated Plan governs the use of Community Development Block Funds, HOME investment funds and now these funds for homeless prevention funds. The substantial amendment will be similarly adopted by the County for the County's Consolidated Plan, so the two amendments are equal. What this amendment basically lays out, is how we intend to go about requesting requests for proposals from existing agencies to determine how they could best assist the City and the County in addressing the prevention of homelessness as a result of the economic downturn. The interesting aspect of this, is if you are already homeless, this is not a program that benefits you. This benefits people who are likely to become homeless because of the economic downturn. We cannot use these funds to make mortgage payments, but we can use them to make rental payments, utility payments, deposits, etc. to keep people housed.

City Council approved Administration Resolution No. 33-2009 by a unanimous roll call vote.

Administration Resolution No. 34-2009, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED). THE SUBMISSION IS A REQUEST FOR FUNDS IN THE AMOUNT OF \$114,000 UNDER THE 2009, FEDERALLY-FUNDED EMERGENCY SHELTER

GRANT (ESG) PROGRAM.

Councilman Polite made the motion to approve and Councilman Urdaneta seconded.

Councilwoman Collier stated that Mr. Patterson explained that the City was never notified about this program this year. We have to approve it tonight, because when we found about it recently, we brought the resolution to Council. The application must be in by the 15th of May, which is Friday.

City Council approved Administration Resolution No. 34-2009 by a unanimous roll call vote.

Administration Resolution No. 35-2009 (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 2007.

Councilwoman Saunders made the motion to approve and Councilman Urdaneta seconded.

Councilwoman Saunders stated that Resolution No. 35-2009 is in reference to the Capital Improvement Bond we passed in 2007. Each year the Administration updates us on progress completing various capital improvement projects, including their costs. They make recommendations for budget changes. Some projects end up being less than estimated, some end up being more, and then budget modifications are needed. In addition, some projects are added or deleted. This resolution approves budget changes for this year.

City Council approved Administration Resolution No. 35-2009 by a unanimous roll call vote.

Administration Resolutions Nos. 36,37,38,39,40,41-2009 (the title) was read by the City Clerk as follows: (each one is the same)

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER AUTHORIZING THE MAYOR TO EXECUTE A FINANCIAL ASSISTANCE APPLICATION TO THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY (PENNVEST)

Councilman Roschel made the motion to approve and Councilwoman Saunders seconded.

Councilman Roschel stated that the next 6 resolutions are all grant applications. This is more stimulus funding for combined sewer flow in our wastewater treatment

facility. Back in February we sent grant applications to the State Capital Financing Authority and it covers similar issues. There are 6 different projects. The first grant application is for green infrastructure. It would be for a series of green infrastructure projects within the City's combined sewer districts. The projects would employ best management practices to reduce combined sewer overflows, by capturing stormwater runoffs before it enters the combined sewer system. These best management practices will include infiltration planners, tree boxes, rain gardens, etc. It will help to protect and improve the water quality in the Conestoga River, while introducing natural elements to the City's urban infrastructure.

Councilman Urdaneta made the motion to take all of these resolutions together and Councilman Saunders seconded.

The second application is for the Engleside Diversion Chamber Screen replacement. Engleside Diversion Chamber is a combined sewer flows from the City of Lancaster and screens these flows. Currently the Chamber has two automatic bar screens, however, each of these screens uses only a single rake for cleaning which has proven to be inefficient especially during high flow events. The City plans to replace these screens with new ones that will screen flows more efficiently and will use multiple rakes to clean more quickly to reduce clogging.

The third application is for the Stevens Avenue Pumping Station. That also has a manual bar rack, to screen the combined sewage before entering the station. The City plans to replace that bar rack with an automated screen in order to reduce overflows that result from clogging in the screen. These are all intended to cut down on maintenance.

The fourth one is part of the City's combined sewer overflow long-term control plan. The City has decided to provide a storage facility as a part of its sewer system to help reduce the combined sewer overflows. The City currently experiences, especially during heavy rain event, flows that exceed the pumping capacity, and that will be diverted and collected in a storage facility until after the water levels recede.

The fifth one is at the Wastewater Treatment Plant which is combined of two treatment trains, referred to as the North Train and the South Train. The screening grit removal project involves the installation of new screens at the North Train and construction of a grit removal system at both the North and South Trains. The lack of screening and grit removal has cost operational problems at the plant, therefore new grit removal facilities are needed for both trains and screening will be required upstream of the proposed grit removal system in the North Plant.

The last one is water meter replacement. The City will begin a water meter replacement program to provide advanced metering infrastructure to allow bi-directional reading of the meter remotely by staff located in the water bureau office or the treasury office. This program will allow customer centered service by not only allowing remote reading of the meter, but also to notify customers of large spikes in water usage which may indicate a plumbing fixture malfunction. The technology will also help staff to identify water main leaks

in the future.

City Council approved Resolutions 36-41 – 2009, by a unanimous roll call vote.

REPORT OF THE MAYOR - Mayor Gray made his report and it can be viewed in its entirety on the City's website. www.cityoflancasterpa.com

Mayor Gray read a statement citing the recent murder of a 9 year old girl in York who happened to be in the crossfire of a gun battle. He requested that the City Council resurrect the Bill 13-2008 and remove it from the table, so it can be introduced again.

Councilman Urdaneta made the motion to remove the Bill 13-2008 from the table and Councilman Morales seconded. City Council approved removing from the table Bill 13-2009, and having first reading on May 26, 2009.

President Williams announced that the meeting on Tuesday, May 26, 2009 had been rescheduled for 4:00 p.m. The meeting will be held at the usual time of 7:30 p.m.

President Williams adjourned the meeting at 8:50 p.m.

Louise B. Williams, President

Attest:

City Clerk