

STATED MEETING - CITY COUNCIL – JANUARY 23, 2007

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A meeting of the Lancaster City Council was held on Tuesday, January 23, 2007, in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Dickson presiding.

The Council led the assembly in the Pledge of Allegiance.

Present – Mr. Graupera, Mr. Polite, Mr. Roschel, Ms. Saunders
Mr. Urdaneta, Ms. Williams, President Dickson - 7

City Council approved the minutes of January 9, 2007 by a unanimous roll call vote.

Council Resolution No. 3-2007, was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER
DESIGNATING FEBRUARY 2007 AS BLACK HISTORY MONTH IN THE CITY AND
URGING ALL CITIZENS OF LANCASTER TO PARTICIPATE IN THIS
CELEBRATION.**

WHEREAS, African-Americans have been an important part of this community since the founding of Lancaster in 1741; and

WHEREAS, to acknowledge the contributions of African-Americans to the progress of this country, February has been designated nationally as Black History Month each year; and

WHEREAS, numerous community events to celebrate Black History Month have been planned throughout the City of Lancaster; and

WHEREAS, the City of Lancaster is enriched by the African-American community for its contribution to our culture and to our history.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lancaster that all citizens have been urged to observe February 2007 as Black History Month.

BE IT FURTHER RESOLVED that all citizens have been encouraged to participate in the community events held in Lancaster during Black History Month.

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

Councilman Polite introduced members of the NAACP, Rev. Gerald Simmons, Blandon Watson, Pat Coller, Conrad Moore and Paul Culbreth, who were on hand to accept the resolution.

Pastor Simmons thanked the City Council of Lancaster and stated that all of the representatives also thank the Council.

PUBLIC COMMENT - Ellamae Davis, 300 Block of South Ann Street, stated that she has two young sons who are half African-American who were stopped by police on suspicion of selling drugs. She stated that she thinks it is because they look African American and that is unfair of the Police. Lt. Bearinger, of the City Police addressed the Council and the audience and explained the procedure of citizen complaints.

REPORTS REQUESTED BY COUNCIL - Dr. Scott Schaffer, Millersville University, thanked the City Council and the Mayor for attending what was the culmination of a first semester sociology and anthropology course on the relationships between the University and the community. It was an expansion of the efforts of Millersville University to reach out to Lancaster City and offer their services in the improvement of both the City and the County and the quality of life for all citizens. He introduced Miss Courtney Harvey and Miss Emily Robinson, his teaching assistants. His students pursued what is known as a community-based research project wherein they interviewed City and County Government agencies, as well as non-profit organizations that are attempting to address a number of quality of life issues in the City, such as poverty and lack of basic needs, youth development programs, substance abuse prevention and treatment, mental health services provision, the protection of vulnerable populations, family violence prevention, crime and social disorder, environment and health issues and cultural and historical preservation issues. The Council members as well as the Mayor were gracious enough to join us to hear the presentation of our students' research which was on how they would go about pursuing a more in-depth policy-oriented research to address these quality of life issues. Those projects will be continued in his social problems course this coming semester. He invited the Council and the Mayor to attend the presentation of those findings and the policy recommendations that his students will be making on Thursday, May 10, 2007 from 8:00 a.m. until 10:00 a. m.

Ms. Harvey stated that it was so encouraging for them as students to hear the officials' own interests and insights on the issues that were presented and thanked Council for taking an interest in their education. Ms. Robinson thanked Council for coming to hear the proposals that the students made, and stated that it was an honor to have them there. Each student really appreciated it.

President Dickson stated that we had reported several months ago that we were so impressed with the level of interest and the depth of the work that was done. On behalf of everyone, we are appreciative of Millersville University in community involvement. Councilwoman Saunders concurred with President Dickson that everyone was impressed with the level of interest on behalf of the students and the officials of the City.

PUBLIC SAFETY COMMITTEE - Chairwoman Williams stated that there will be a meeting on Monday, February 5 and two issues will be discussed; handicapped parking and traffic commission policies and procedures, as well as changes in the Civil Service Ordinance. She further made the announcement that the Federal Weed and Seed Community SubCommittee in cooperation with the School District of Lancaster, Council of Neighborhoods and the Mayor's Gang Prevention Task Force will be hosting four (4) gang awareness presentations. They will be presented by Det. Michael Winters of the Lancaster Bureau of Police. Those presentations will be done on January 30, at Reynolds Middle School, 605 West Walnut Street, February 7, City Council Chambers, Southern Market Building, February 21, at Hand Middle School, 431 South

Ann Street and February 28, McCaskey East High School, 1051 Lehigh Avenue. We are encouraging everyone to come out to one of those locations to attend these presentations. We want parents as well as clergy and all the residents to come out and find out what is happening with today's youth. We know there is a problem with gangs, not just here in the City, but all over. We need to be aware and we are urging everyone to come out. The time is 7:00 p.m.

President Dickson explained that the Mayor isn't here tonight because he is in Washington, DC meeting with other Mayors to discuss the problem of illegal firearms and he didn't expect to get here in time for the meeting.

Chief Gregg of the Fire Bureau, stated that every year the Department puts out an annual report and this year we tried to make it more concise. He stated that on the front chair are several pamphlets detailing the services offered by the Bureau of Fire. They are there for anyone to take.

PUBLIC WORKS COMMITTEE - Chairman Graupera stated that he had no report but he stated that on Monday, February 5, there will be a meeting of the committee and we will get information on the Dillerville Road Bridge. Hopefully, we will get a timeline and the detours and we may get a handle on how the bridge closing will affect the citizens of Lancaster.

ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE - Chairman Urdaneta stated that the Committee will meet on Monday, February 5, when we will have a status on the approval for the DID plan.

FINANCE COMMITTEE - Chairwoman Saunders stated that there will be a meeting of the Committee on Monday, February 5, to discuss the financing plan for the membrane filtration and other capital improvement projects.

COMMUNITY DEVELOPMENT AND PLANNING COMMITTEE - Chairman Roschel stated that the Committee will meet on February 5, and will discuss a body art ordinance and information from the Health Department will be presented.

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

1. Lancaster County Convention Center Authority, proposes demolition of three existing properties to provide for a surface parking lot at 142-144 East King Street, 146-152 East King Street, and 156 East King Street.

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

Since there was a split vote on the HARB on this matter a discussion was opened. Councilman Roschel stated that back in 2004, the HARB recommended the demolition of the properties for the purpose of a proposed parking garage. This new proposal which was on January 2, was demolition of the same properties for a proposed surface parking lot. That was going to be taken up in the February meeting, but a special meeting was held on the 15th of January where a compromise was reached where, as was mentioned, the laundry in the middle will

be demolished and the two properties at 142-144 and 156, on the street-front will be maintained and the ells that come off the back will be demolished. This will provide 68 parking spots. Without the removal of the ells, it would only allow 52 parking spots. The reason for surface parking lot is to create revenue for the Parking Authority to eventually put a parking garage there. The vote was 4-2 and the two who were opposed are in favor in keeping the ells in place until a more formalized plan is in place.

Mimi Shapiro, member of the HARB, who voted against the destruction of the two ells on King Street to gain 16 additional spaces, spoke against the tearing down the buildings for a surface parking lot.

Mr. Steven Funk, Chairman of HARB, stated that the reason that the four voted in favor of the application was that the amended application that came before us at the special meeting on the 15th was that we felt that it was a reasonable compromise that allowed for redevelopment of the site and a more economic use of the site providing additional parking for that neighborhood in the City that is sorely needed, while maintaining the historic street-front on East King Street. Their amended proposal will allow for the retention of the two properties, one at 142-144 East King and the other at 156. There will be virtually no change to the street-front and will be improved. What is now just a bare entrance to the existing Lancaster Laundry site will now be redeveloped with landscaping and fencing with a security gate which we saw as an improvement rather than a detriment to the neighborhood.

Nancy Morris, the Real Estate Broker representative to the HARB, also voted against the razing of the properties. She explained why it is important to adhere to the Secretary of the Interior's Standards, pointing out that Lancaster is an historic city, and that the plan for a parking garage there is not in the foreseeable future. She stated that to raze buildings for a surface parking lot is not a good idea for Historic Preservation.

Dave Hixson, Director of the Lancaster County Convention Center Authority, stated that the reason that this is so critical is, from a timing perspective, we are now working through a process with Penn Square Partners, in which we are working diligently to re-market our bond financing. That includes a balanced sources and uses. Our construction budget must have all the money to cover all the costs that we have identified to bring this project to light. Several months ago in an attempt to fill a \$22 million gap, there was a plan that we worked out with the City, PSP, the Parking Authority, and Lancaster Newspapers to consummate a deal on parking that would enable the Convention Center Authority to essentially get out of the parking business and instead of the several million dollars that would be channeled to that site to build the parking garage we would sell that property to the Parking Authority, who would purchase the property through a loan made by Lancaster Newspapers of \$3 million. That would cover our costs. In an effort to ensure that our sources and uses have matched up, we have worked hard over the past few months to get this deal buttoned up. There are plans to proceed with a parking garage at some point in the future. In the meantime there will be this interim period in which we will proceed with the sale that will enable us to again take several million dollars that were supposed to be targeted for the Parking Garage, put it into our capital budget so our sources and uses match up. The Parking Authority will operate that site. The Parking Authority has three years to generate revenues through parking there and enable them to proceed with the garage at that point.

Mark Vergenes, Chairman of the Parking Authority, stated that the number of spaces in the original application called for demolition of all the buildings. It would have enabled many more spaces for the surface parking lot. We compromised by agreeing to remove the back parts of the buildings to leave the façade and a workable building, if it needs to stay a parking lot for the foreseeable future. He stated that the Board has to decide whether they should use their financing and they will do that at the February meeting. They are going to pay \$3 million for a surface lot and they would like to have it demolished and as pad ready as we possibly can as opposed to leaving the full buildings up, so that when they do build a garage, they don't have to funnel in all that construction cost of demolition, environmental, and remediation.

Councilmen Graupera and Urdaneta questioned Mr. Vergenes about the revenue that would be generated by the surface lot and when the City could expect a garage to be built. Mr. Vergenes stated that there would be a garage built and he would not be surprised if it is started within 3 years. Mr. Tom Mathews, Director of the Parking Authority, stated that the cost of demolishing the building is about \$200,000, but that you have curbing, fencing and the landscaping all gets pushed back and modified to accommodate a section of the building that is unusable at this point in time. If the demolition is pushed off three years, our garage will go from \$7 or 8 million, to \$11 million.

Councilman Urdaneta asked how much revenue are these additional 16 parking places going to supply. Mr. Mathews stated that those 16 spaces would generate \$12 to 15,000.00 a year, but the other side of the equation is that we are paying significantly for that lot. We have to insure it, clean it, maintain it, light it, secure it, and personnel costs are included in that also.

Mr. Vergenes made the point that if the buildings are demolished now, the Convention Center pays for it, if they are demolished later for the garage construction, the Parking Authority has to pay for the demolition.

Paula Jackson, Chief Planner, stated that she wants to clarify one point that was made earlier in regard to the recommendation of the City's Historic Preservation Specialist. The recommendation for the first meeting on January 2, was that the demolition of all the structures facing toward King Street would be inappropriate. However, there was no formal staff recommendation for the compromise decision at the special meeting on the 15th.

Gene Aleci, Architect, spoke in favor of holding off on the demolition and Wayne Koch, Lancaster, asked if there are other uses for the buildings. Mr. Hixson, stated that the reason why the Convention Center Authority purchased the site was to build a parking garage there.

After more discussion the City Council approved the recommendation of the HARB by a unanimous roll call vote.

Administration Bill No. 1-2007, (the title) was read by the City Clerk as follows:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER
AMENDING THE CODE OF THE CITY OF LANCASTER SECTION 285-19**

OVERSIZED VEHICLES, TRAILERS AND RECREATION VEHICLES, SUBPARAGRAPH (A) BY AMENDING THE WEIGHT RATING OF VEHICLES ALLOWED TO REMAIN PARKED ON ANY HIGHWAY OR STREET IN THE CITY OF LANCASTER.

Councilwoman Williams made the motion to approve and Councilman Urdaneta seconded. Councilwoman Williams explained the reason for the ordinance and to lower the weight of large vehicles that are not allowed to park for any length of time on City streets. There were large vehicles parking in our neighborhoods and they were just under the weight allowed by the previous ordinance.

City Council approved Administration Bill No. 1-2007 by a unanimous roll call vote and shall hereinafter be known as Administration Ordinance No. 3-2007.

Council Resolution No. 6-2007 was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER URGING THE REJECTION OF ALL IMMIGRATION REFORM EFFORTS THAT: CRIMINALIZE INDIVIDUALS BECAUSE OF THEIR IMMIGRATION STATUS; VIEW IMMIGRATION POLICY AS A BORDER-ONLY SECURITY ISSUE; AND FAIL TO RECOGNIZE OUR COMMON HUMANITY AND THE VALUES OF OUR NATION.

WHEREAS, City Council calls on the President and the Congress to “take a comprehensive, bipartisan, and well-reasoned approach to solving our broken immigration system; and

WHEREAS, City Council calls on President and the Congress “to stand up against extremists’ voices who wish to enact reform that does not solve our immigration crisis but only serves to divide us; and

WHEREAS, City Council is compelled to raise our voice on behalf of those who are marginalized and whose God-given rights are not respected. Current immigration laws and policies have often led to the undermining of immigrants’ human dignity and have kept families apart; and=

WHEREAS, City Council does not condone unlawful entry or circumvention of our nation’s immigration laws. Reforms are necessary in order for our nation’s immigration system to respond to the realities of separated families and labor demands that compel people to immigrate to the United States, whether in an authorized or unauthorized fashion.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Lancaster supports an earned legalization for those in this country in an unauthorized status and who have built up equities and are otherwise admissible. The earned legalization proposal provides a window of opportunity for undocumented immigrants who are already living in our communities and contributing to our nation to come forward, pay a fine and application fee, go through rigorous criminal background checks and security screenings, demonstrate that they have paid taxes and are learning English, and obtain a visa that could lead to permanent residency, over time.

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

Councilman Graupera stated that this resolution is in response to recent measures taken in various cities across the United States and Pennsylvania. There have been legislative bodies in municipalities

similar to Lancaster, that have taken action under pressure from extremist elements, and written laws to deal with this issue in their own cities. This resolution is a form of communication from one legislative body to another that says that this City Council does not agree with the extremist views that do not solve our immigration crisis and only serves to divide us. He stated that the two main points of the resolution are, City Council does not condone unlawful entry or circumvention of our nation's immigration laws. Rather we call for immigration reform. The current immigration system is badly in need of reform and a comprehensive approach to fixing the problem is required. Our position is that we support the comprehensive recommendations that have been proposed on the national level, by certain members of congress, the Catholic Church and labor unions, just to name a few, for changing U.S. laws and policies and bring about a more humane and just immigration system in the United States. The other point is that City Council supports "earned legalization". He stated that when he spoke to the press, he used the term "earned amnesty". That was incorrect, it should be earned legalization, which opens a window of opportunity for undocumented immigrants who are already living in our communities and contributing to the nation, to come forward, pay a fine and application fee, go through rigorous criminal background checks and security screenings, demonstrate that they have paid taxes and are learning English, and obtain a visa that could lead to permanent residency over time. The difference between earned legalization and amnesty is that amnesty implies a pardon and a reward for those who did not obey immigration laws, creating inequities for those who wait for legal entry.

Councilman Urdaneta stated that as of October of last year, 27 of the 49 municipalities that had enacted some type of ordinance regarding immigration were in Pennsylvania. One would believe that it would have been Arizona or New Mexico or Texas, which are border states. It is interesting, when immigration is being used as a tool to divide our country, that it was in those areas where they were prone to react to that divisiveness. We are not condoning illegal immigration, but we cannot dehumanize the issue. This is an issue where we are talking about humans on both sides of the border that are being effected by the lack of true desire to resolve this issue. Anyone using immigration as a tool to stimulate the base of a party to go to a polling place to vote one way or another has no intention of getting rid of the problem. We need to truly have a bipartisan effort, a non-political, humanitarian effort to solve the problem of illegal immigration in this country. That is the essence of this resolution.

Councilman Roschel stated that he was at an AFL-CIO convention in Pittsburgh where immigration reform was discussed. The position paper that the AFL-CIO came out with is consistent with this ordinance and that the AFL-CIO states a need to recognize worker's rights as well as the realities of the current immigration system.

Councilman Polite stated that there has been a serious breakdown of the immigration laws over the years, and he feels that a family should not be penalized based on the breakdown of the system. Our economy has purposely encouraged these immigrants who come to this country to work as cheap labor and they should not now be inhumanely treated.

Councilwoman Saunders stated that her "significant other" is not a U.S. Citizen and he has gone through the process of applying, which has been very long and taken several years. It is frustrating for him at times. We have slightly different perspectives on this issue because of his experience and, of course, my experience is different, but it surprised her when she showed him the resolution. It seems that they both agree with it.

Troy Mattes, Immigration Attorney, Lancaster, commended Councilman Graupera and Councilman Urdaneta for coming up with this resolution. He stated that each and every day for the past 10 years, many residents of Lancaster County, we have many immigrants here, both legal and illegal. He works with City hospitals, farms, many small businesses in this community who have hired, whether they know it or not, illegal immigrants and he stated that they are a tremendous asset to our community, not only here in

Lancaster but across the nation. He stated that before he practiced immigration law, his views were not as broad as they are now, but when you work with families it makes a difference.

Mark Stoner, Chair of the Board of the City Human Relations Commission, spoke in favor of the resolution. Jose Nuñoquez, South Lime Street, also commended the Council for this resolution.

City Council approved Council Resolution No. 6-2007 by a unanimous roll call vote. Councilman Graupera and Councilman Urdaneta presented the Resolution to Norman Bristol-Colon, Joe Morales and Mr. Rivera, representatives of the Hispanic Community.

Mr. Bristol-Colon thanked the members of City Council and stated that Lancaster is the first City in Pennsylvania to pass a resolution of this nature and it is in the best interest of the Commonwealth of Pennsylvania, but it is also in the best interest of our nation. It was shameful to see in 2006 that the most divided issue that our nation faced was immigration. Even more shameful to see that 29 cities in the Commonwealth of Pennsylvania were the ones pushing for that when the nation that we all love was born here in Independence Hall in the City of Philadelphia. We are a nation of immigrants, whether it was 300 years ago and now we have immigrants from Latin America, it is still the same. He commended Lancaster City Council.

Administration Resolution No. 4-2007, (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 \$117,500 UNDER THE EMERGENCY SHELTER GRANT (ESG) PROGRAM.

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

Councilman Roschel stated that this is done every year and it allows the Mayor to submit an application to the PA DCED. This application is for Community Action Program, Tabor Community Services, Crispus Attucks Community Center, and Clare House.

City Council approved Administration Resolution No. 4-2007 by a unanimous roll call vote.

Administration Resolution No. 5-2007, (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.

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

President Dickson stated that this resolution is pertaining to appointing a special counsel to assist the Solicitor with the handling of the negotiations with Comcast.

City Council approved Administration Resolution No. 5-2007 by a unanimous roll call vote.

PUBLIC COMMENT - Jim Groff, West Chestnut Street, Coalition for Peace and Justice, stated that they are in the process of organizing vigils and public gatherings across the country to acknowledge the anniversary of the beginning of the War in Iraq. This will be the third year they are organizing in Lancaster. Last year they had over 700 people take part. One of the parts of the program is to have town hall meetings where all people in the community who have opinions to share with the community, they have an opportunity to do that. Two years ago they applied to have this building for that Town Hall Meeting and were denied permission. Last year they applied again and were given permission and this year they applied again and were denied. He asked if there was a reason for that. President Dickson did not have an answer for him and asked him to stay after the meeting to discuss it.

President Dickson adjourned the meeting at 9:40 p.m.

Julianne Dickson, President

Attest:

City Clerk