

STATED MEETING - CITY COUNCIL –DECEMBER 10, 2002

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A meeting of the Lancaster City Council was held on Tuesday, December 10, 2002, in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, Pa., at 7:30 p.m., with President Diamantoni presiding.

City Council led the assembly in the Pledge of Allegiance.

Present – Ms. Dickson, Mr. Duncan, Mr. Graupera, Mr. Mendoza, Mr. Polite,
Mr. Stoltzfus, President Diamantoni – 7

Council approved the minutes for November 12, 2002 by a unanimous roll call vote.

READING OF PETITIONS, COMMUNICATIONS & MEMORIALS - Mayor Smithgall presented watches and recognition to the following employees who have attained 25 years of service:

Detective William Chalfant
Sergeant Peter Glatfelter
Firefighter Jeffrey Graham
Audrey Hirko
Darlene hodgen
Battalion Chief Brian Klugh
Irene Montanez
Darlene Palmer
Lt. Thomas Paul
Battalion Chief Robert Pennypacker
Firefighter Frank Pritz
Ronald Lee Rubican
George Snyder
Ronald Snyder
Linda Wright
Detective Lt. John Yost

President Diamantoni announced that at this time we will address the Council decision on conditional use approval of the proposed Convention Center. At our last Council meeting Council was a judicial body and heard and considered a hearing regarding the conditional use for the Convention Center. After the meeting, Council met to discuss our findings and we put together finding of fact and tonight we will come to a decision as to the conditional use. He stated that Councilman Gene Duncan has recused himself because of a perceived conflict of interest that he may have. In our role as a Zoning Body, the rules dictate that all those making the decision must be present for all the hearings and discussions. As Mr. Mendoza was on vacation during the hearing, he also will not participate in our vote.

Councilwoman Dickson made the motion to approve and Councilman Graupera seconded. City Council approved the conditional use by a unanimous roll call vote.

REPORTS REQUESTED BY COUNCIL – Mr. Al Lewis, Esq. gave a comprehensive report of the work of the Crime Commission over the past year.

COUNCIL HEARING – At this time President Diamantoni stated that he would like to continue our hearing to attempt to determine how certain documents and testimony that was presented at a closed and confidential executive session of Council came into the possession of a reporter for the Intelligencer Journal. We will continue in this hearing as one of our councilman Mr. Mendoza was on vacation at the time of our last meeting. Mr. Mendoza was sworn in by the Court reporter.

PUBLIC SAFETY COMMITTEE – Chairman Mendoza stated that the Traffic Commission met today and the minutes will be read at the next Council meeting. The Public Safety Committee will meet tomorrow at 6:30 in Conference Room #4 to discuss three issues. One, we will be discussing a letter from the District Justices to the Mayor and Chief of Police about the concerns of dismantling of the Warrant Squad, and two, we will be discussing a letter and petition of the West James & North Market Streets about the noise and community policing in that area and we will have the fire department representatives talking about the new calendar.

PUBLIC WORKS COMMITTEE – Chairman Stoltzfus stated that the Public Works Committee met last evening and we recommended choosing a contract trash hauler. A request for proposal went out and there were two responses, one from Mr. Willie Shell and one from Bill Carson. The Committee unanimously approved recommending Mr. Shell's bid to the full Council to be assigned to individuals who do not have a trash hauler.

ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE – Chairman Graupera stated that last night the Committee met to discuss two ordinances dealing with the uniform charge of inspections and re-inspections of owners of properties found in violation of respective City codes. The second was amending the Property Maintenance Code to provide for licensing and inspections of transient dwellings and providing that owners of rented dwellings make lease and/or occupant information available to the City. Mr. Mateyak, Solicitor, Mr. Parido, and Mr. Chris McMurtrie of the Crime Commission made the presentation to the Committee. Both ordinances were unanimously recommended to the full Council.

A reminder, that on the 25th of this month there will be a committee meeting concerning the truck bypass proposal. He further scheduled a committee meeting concerning the expansion of the Water Street Rescue Mission. He stated that anytime there is an expansion that would impact City services, it would be prudent to get as much information as possible.

FINANCE COMMITTEE – Chairman Duncan stated that the Committee met last week and heard a presentation by Mark Lundquist, the City's financial advisor. His first report showed that the City would borrow the money for the public safety building. It would look at taking approximately \$3 million dollars from the \$10 million excess sewer capacity fund and pay down higher interest debt to make the debt we are entering into with the bonds from the police station a neutral payment to the City where we would not incur extra debt. We could do our budgets much more firmly and move from there.

He made a motion to approve line item transfers from salary to worker's comp in the amount of \$44,741.55. Councilman Polite seconded. City Council approved the transfers by a unanimous roll call vote.

He further announced a meeting of the Finance Committee on Wednesday, November 20 in preparation of the budget season.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Councilwoman Dickson stated that the Committee met on November 6. At the meeting were 5 members of Council, members of the Administration and City staff, Historical Commission, representatives of Lancaster General Hospital, eight residents from James Streets and 8 employees from Mama Mia’s restaurant. We considered the application of LGH to construct an addition and expansion to the existing parking garage at the corner of North Duke and E. James St. and to demolish a existing commercial building (Mama Mia’s) and an existing institutional building and to construct a new orthopedic center at the corner of East James and North Lime, the addition of two and a half stories to the existing Lime Street building, a new main entrance, and addition of a new nine story elevator tower in the center of the Hospital. The reason the Committee met was because this issue came before the Council at the last meeting and there were many questions from the public about the project. Council voted to send it back to committee for discussion. We heard the entire plan from LGH and also a summary from the Historical Commission about why they recommended approval, and to hear from residents in that neighborhood and others who had concerns about it. Following the discussion the motion to approve the certificate of appropriateness to the project passed on a 2-1 vote.

She further stated that the Committee met at 6:30 today to hear a Convention Center update and we look forward to all of you having the opportunity to see this wonderful project. We also reviewed the LIMC Regional Comprehensive Plan and that is also on tonight’s agenda.

PERSONNEL COMMITTEE - Chairman Polite stated that his committee met this evening and reviewed Council Resolution No. 57-2002, which proclaims the week of November 24-30 as Lancaster Family Week. This will be the 32nd Annual National Family Week and we are urging everyone to observe it. Also Councilman Duncan has asked Council to approve Resolution 60, 61 and 62. 61 recognizes the citizens of Sunnyside who assisted the rescuers and families of the victims at Brenner’s Quarry in August. 62 recognizes the businesses that responded and 63 recognizes the divers who volunteered for 3 weeks until the victims were found.

He further stated that he would be arranging a meeting of the Human Relations Commission over the next few weeks to get the group organized.

Council considered the following application(s) & (Historical Commission recommendation(s) for construction & demolition within the Heritage Conservation District:

1. Lancaster General Hospital, 1.) to construct an addition and an expansion to the existing parking garage at the corner of North Duke and East James Streets, including the addition of one story to the existing garage and the adjoining stair tower, and a new five story parking addition, approximately 60’x154’ in plan to be constructed north of the existing garage, 2.) to demolish an existing commercial building and an existing institutional building, and 3.) to construct a three-story orthopedic center at the corner of East James and North Lime Streets, an addition of two and one-half stories to the existing Lime Street building, additions to the parking garage, a new main entrance, and the addition of new nine-story elevator tower in the center of the hospital.

Councilman Mendoza made the motion to approve and Councilman Duncan seconded.

Councilman Polite stated that he would like to clear up a few things. He stated that we live in a City where there is a combination of neighbors and businesses, commercial buildings and we are all in close proximity and it is so important for everybody who wants to expand that we work together with all those groups that are affected when we try to make a major change in the City. It is so important and he thought that there was a lack of that when the presentation was made at the committee meeting. Some of the plans that we saw were not the same plans that were exposed to the Historic Commission Group.

He stated that he wants to say that the General Hospital has been a very good neighbor in the City, Councilwoman Dickson has outlined the many things that they have done with this project, and over the years they have done so much for the City. He stated that they should have worked early on with the neighbors more, to offer more parking relief and some other things. He feels that the expansion is justified in the City and there is a growing need for more medical care. That block is zoned for hospital expansion, and he plans to vote yes tonight.

Helen Hazatonos, proprietor of Mama Mia's, sited the fact that the building which houses her restaurant is being demolished for landscaping and not a building. Barbara Rutledge spoke for the neighbors on James Street. R. B. Campbell, Jr., Controller of the City, asked the General Hospital Representatives if they are considering increasing their contributions to the City in lieu of taxes. President Diamantoni stated that was an inappropriate question since the discussion is about the recommendation of the Historic Commission. He further stated some of the things that the Hospital will give to the City this year. Councilwoman Dickson further detailed the services that the Hospital gives to the City now. There was a considerable amount of discussion with many customers and employees of Mama Mia's restaurant pleading for the Council to keep Mama Mia's on the corner.

Councilwoman Dickson stated that she wanted to be sure everyone knew that the Historical Commission made the decision, Council is just approving it. She further noted that the Mama Mia's restaurant is a tenant whose lease expires on December 1st so that even if that some change were to be made there is no guarantee that that business could continue in that location.

Richard Binkley, Rosedale Avenue, read several of the Secretary of the Interior's standards. Tom Baldrige, President, Lancaster Chamber of Commerce, stated that he understands the difficulty of the decision and the emotions and concerns of the people here tonight. It is important to inject another element into this thought process. The Lancaster General Hospital is a countywide asset that has been recognized as one of the top 100 hospitals in the United States. This project is a \$58 million economic development project in the heart of the City of Lancaster. It will employ 100 in construction and will employ 300 people within the City as well. It will be used by people from all over the County.

Joe Garfinkel, 2330 Henbird Lane, Jodi Aument, 906 State Street, Nathaniel Pellman, 76 Greenfield Road, Dimitria Hazatonos, 1710 Glenbrook Avenue, all expressed their concerns and asked Council to vote to save Mama Mia's Restaurant.

City Council approved the Lancaster General Hospital application to the Historical

Commission by a 6-1 vote. Aye – Dickson, Duncan, Graupera, Polite, Stoltzfus, Diamantoni. Abstain – Mendoza. Mr. Mendoza stated that the reason he has abstained is because he sees the merits on both sides.

Council considered the following applications & (HARB recommendations) for improvements to properties within the Historic District:

1. Anthony M. Troupe, replace existing screen door with Stanley steel door Model CC15KWE, at 651 Saint Joseph Street.

Councilman Polite made the motion to approve and Councilman Mendoza seconded. City Council approved the HARB recommendation by a unanimous roll call vote.

Administration Bill No. 12-2002, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER AMENDING CHAPTER 249-3, (D) (19) ELIMINATION OF THE PARAMETERS FOR BOD AND NON-FILTERABLE RESIDUE – TO REGULATE THE DISCHARGE OF CERTAIN POLLUTANTS INTO THE SEWER SYSTEM.

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

William Horst, Superintendent, Wastewater Management, stated that what this bill means to our industrial customers in our service area is that we must periodically review our industrial wastewater discharge ordinance with the US EPA. And in doing that, the City Staff sits down with the EPA and talks about amending and changing our ordinance. What our game plan is, once we get approval from City Council, we will get the same approval and resolutions from the townships and sewer authorities that are contributory to our system. Upon receiving those resolutions which we hope to get by January 1, 2003, we will send everything to EPA for final resolution of the adoption of those changes.

Council approved Administration Bill No. 12-2002 by a unanimous roll call vote and will hereinafter be known as Administration Ordinance No. 12-2002.

Council President Diamantoni stated that he would add an item to the agenda at this time:

He stated that three weeks ago information from confidential and highly sensitive hearings and executive sessions was inappropriately intentionally leaked to the press, creating a very fragmented and distorted view of that which occurred at those meetings. He stated that he doesn't fault the press, because he thinks that the press reported the story that was brought to them from that source and unfortunately the story couldn't be balanced because to balance that story would mean that we would have to breach our pledge and offer confidential information, which is highly inappropriate. Further, he believes that this City Council's integrity was breached through the process. Three weeks ago, he promised an investigation and he talked to dozens and dozens of people. There is a consensus from some, there are conflicting reports from others. What we need to do

and what we plan to do is to attempt to identify the individual or individuals who revealed that confidential information. In an effort to do so, Council may call a hearing, a hearing where sworn testimony is taken from individuals in an effort to identify the truth. Many members of Council have openly supported that we undertake such a process. He asked if there was a motion to hold a hearing at the next scheduled Council meeting to try to identify who was responsible for leaking confidential information regarding Officer Hershiser's case to the press? Councilman Graupera made the motion and Councilman Mendoza seconded. Councilman Duncan stated that he would like the motion to read that Council convene a public hearing to investigate the source of information regarding the Hershiser matter provided to the Intelligencer Journal and that the hearings begin at our next scheduled meeting, that the President issues subpoenas to those individuals he deems appropriate, including and not limited to members of City Council and that the City Clerk be authorized to place any required advertisements in the newspaper, and to employ a court reporter to transcribe the testimony at the hearing.

President Diamantoni stated that he chooses to question every Councilmember and the Mayor. And there may be others, but he stated that those questions and the hearing would include at least those individuals. Councilman Polite asked what the process is about subpoenas, who would be authorized to do it? President Diamantoni stated that he would be authorized to do it, but he would choose not to do that. Solicitor Mateyak stated that Council has the authority to issue subpoenas. By passing this resolution, it is authorizing the President to issue those subpoenas that he deems appropriate to conduct a hearing. There may be no subpoenas, people may appear voluntarily, but that will be left to the discretion of the President under this resolution. Councilman Stoltzfus asked if they would be sworn on the bible? Solicitor answered that it will be sworn testimony. Mr. Stoltzfus asked if they will have to tell the truth, and Mr. Diamantoni stated that if they are questioned under sworn testimony and they don't tell the truth, that is perjury. Mr. Stoltzfus asked what are the consequences of perjury if under oath they do not tell the truth. The Solicitor stated that they are set forth in the Optional Third Class City Code in addition to any criminal penalties that may arise under the Crimes Code. He is not familiar with the Crimes Code, but if there is a conviction of a crime of moral turpitude, that person could be removed from Council. If it is a Councilmember that perjures himself.

Solicitor Mateyak explained that the process is only an information gathering process. There will be sworn testimony under oath, but Council cannot initiate a criminal complaint. That would be left to the law enforcement agencies. This would be information gathering under sworn testimony.

Councilman Mendoza stated that he thinks the Mayor and the Chief of Police should be included as part of this process. He stated that when he came back from vacation after the second meeting, in his talk with the Chief of Police, the Chief indicated to him that he was extremely happy that Council had come to a decision, in reference to this issue. And that was during Mr. Mendoza's vacation when he came back and was talking to the Chief about other issues. He asked how the Chief of Police knew about it.

If we are to go about this process, we need to know how this information was leaking to the Chief, and he understands that the Mayor knew what was going on exactly.

City Council approved the proposed hearings by a unanimous roll call vote.

Council President Diamantoni stated that the process that we have talked about, he does not find comfortable, and he is sure that most members of Council don't enjoy the idea of a hearing to gather information, although all members would like to find the truth. Far more important that finding the truth, is a proactive process in creating a plan of action that will for us identify a guiding set of principles and standards by which we as elected officials agree to affirm and abide. In order to create that code of conduct that is durable and enforceable, he plans to introduce an ordinance that will embody our beliefs and discuss penalties for breaches or dishonorable behavior. He will pass that on to Mr. Polite for discussion at the Personnel Committee.

Administration Bill No. 13-2002, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER ADOPTING AND AUTHORIZING THE CITY OF LANCASTER TO ENTER INTO THE LANCASTER INTER-MUNICIPAL COMMITTEE AREA INTERGOVERNMENTAL COOPERATION PLANNING AGREEMENT, PURSUANT TO (1) SECTION 1102 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE ("MPC"), 53 P.S. §11102, AND (2) THE INTERGOVERNMENTAL COOPERATION LAW, 53 PA.C.S.A., CHAPTER 23, SUBCHAPTER A.

Ms. Paula Jackson, Chief Planner, stated that last April Council acted on a resolution to authorize the City of Lancaster entering into a process which we will be working with eleven (11) of our neighbors, who are members of the Lancaster Inter-municipal Committee, in developing a multi-municipal comprehensive plan. The authorization for that comes from the Pennsylvania Municipalities Planning Code. This ordinance will allow us to enter into an inter-municipal agreement with our neighbors in order to begin a two-year process. City Council will be asked to appoint people to a steering committee to serve with other municipal representatives. The County of Lancaster is picking up 100% of the tab.

Administration Bill No. 13-2002 will be voted on at the next City Council meeting.

Administration Bill No. 14-2002, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING THE CODE OF THE CITY OF LANCASTER, CHAPTER 109, BUILDING, CONSTRUCTION AND FLOOD PLAIN MANAGEMENT, CHAPTER 134, ELECTRICAL STANDARDS, CHAPTER 142, FIRE PREVENTION, CHAPTER 215, PLUMBING, AND CHAPTER 223, PROPERTY MAINTENANCE, TO PROVIDE A UNIFORM CHARGE FOR THE COSTS OF REINSPECTION, RESCHEDULING AND

SUBSEQUENT REINSPECTIONS TO THE OWNER OF THE PROPERTY FOUND IN VIOLATION OF THE RESPECTIVE CODE; TO PROVIDE THAT SUCH CHARGES SHALL BE ESTABLISHED BY CITY COUNCIL BY RESOLUTION; AND TO PROVIDE THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

William McMichael asked about a public hearing. Mr. Graupera stated that he would have a public meeting at 7:00 p.m. on November 21, 2002.

Administration Bill No. 15-2002, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING THE CODE OF THE CITY OF LANCASTER, CHAPTER 223, PROPERTY MAINTENANCE PROVIDING FOR THE LICENSING AND INSPECTION OF TRANSIENT DWELLINGS AS DEFINED HEREIN, PROVIDING THAT OWNERS OF RENTED DWELLINGS MAKE LEASE AND/OR OCCUPANT INFORMATION AVAILABLE TO CITY INSPECTORS UPON REQUEST, CLARIFYING EXTERMINATION RESPONSIBILITIES OF DWELLING OWNERS AND OCCUPANTS, PROVIDING FOR THE REGISTRATION OF ONE AND TWO FAMILY DWELLINGS UTILIZED A RENTAL UNIT PRIOR TO TENANT OCCUPANCY, PROVIDING FOR THE INCREASE OF LICENSING AND REGISTRATION FEES; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

Both Administration Bill 15-2002 will be addressed at the meeting on the 21st along with Administration Bill No. 14-2002.

Administration Resolution No. 56-2002, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER AUTHORIZING AND APPROVING THE RETENTION OF HARTMAN UNDERHILL & BRUBAKER LLP AS BOND COUNSEL IN CONNECTION WITH FINANCING FOR THE NEW POLICE STATION.

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

Councilman Duncan stated that this came up during our Finance Committee meeting and it passed unanimously through the Committee.

City Council approved Administration Resolution No. 56-2002, by a unanimous roll call vote.

Administration Resolution No. 57-2002, (the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER
PROCLAIMING THE WEEK OF NOVEMBER 24, 2002 THROUGH NOVEMBER 30,
2002 LANCASTER FAMILY WEEK.**

Councilman Polite made the motion to approve and Councilwoman Dickson seconded.

Councilman Polite stated that his Committee is urging Council to approve this proclamation and he asked President Diamantoni for permission to read this at the meeting of Family Services here on the 26th at 4:00 p.m. President Diamantoni agreed and City Council approved Administration Resolution No. 57-2002 by a unanimous roll call vote.

Administration Resolution No. 58-2002, (the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER
AUTHORIZING THE SALE OF STORED SCRAP METAL BY SEALED BID.**

Councilman Duncan made the motion to approve and Councilman Mendoza seconded. City Council approved Administration Resolution No. 58-2002.

Administration Resolution No. 59-2002, (the title) was read by the City Clerk as follows:

**A RESOLUTION AUTHORIZING AN ASSIGNED HOUSEHOLD AND
OPT-IN HOUSEHOLD COLLECTION CONTRACT FOR RESIDENTIAL
CURBSIDE COLLECTION SERVICES OF MUNICIPAL WASTE AND
RECYCLABLES BETWEEN THE CITY OF LANCASTER AND SHELL'S
DISPOSAL & RECYCLING CENTER AND AUTHORIZING ALL ACTIONS
NECESSARY AND APPROPRIATE TO CARRY OUT SUCH COLLECTION
CONTRACT.**

Councilman Mendoza made the motion to approve and Councilman Stoltzfus seconded.

Councilman Stoltzfus stated that Mr. Shell was the only one who responded to the Request for Proposal, so that even if someone who does not have a trash hauler, who doesn't want to opt-in to a trash hauling system, and refuses to get a trash hauler, will be assigned one, Mr. Shell is willing to still pick up that trash on a weekly basis and go through with the obligation of billing the customers. We think we will finally come to a resolution of this. The Committee unanimously approved. Councilman Graupera stated that the fact that Mr. Shell was the only hauler who bid for the opt-in and the assigned hauler bid makes the process non-competitive. He stated that he does not think the whole process achieved its objective. The objective was to provide price relief for the overwhelmingly majority of the residents who are paying more for their trash service than surrounding municipalities. For that reason he will be voting no for this resolution. He agreed that we have been with this for a long time, but let's do it right.

Mr. Parido, Director of Housing and Neighborhood Development, stated that we have been talking about trash hauling for a long time. We are glad to get to this point. Last night we discussed the bidding process, to be clear we received two bids and of course only one who chose the A 1 Section which deals with whether or not a pre-payment is necessary. In Mr.

Shell's case that makes his bid a more desirable bid. We are here to night to ask you for approval of a contract so that we may move forward in implementing the remainder of this law.

Mr. Mendoza asked Mr. Parido if we already have the lists of property owners who do not have trash service. He stated that if we have the list what is the need to go to a new program, when we can just enforce the law and make these people pay. Mr. Parido stated that in reference to the law and the implementation of the current system, that is a question is something you would have to ask your colleagues on Council. Our job is to simply implement the program. As far as changing or other enforcement mechanisms, we can certainly do that. Mr. Parido stated that our trash system is certainly unique, and City Council has expressed the desire to keep a system where folks can choose their haulers and that we have done. But it must be understood that that comes with certain risks, because when we are talking about choosing a hauler, and opt-in and assignment hauler. City Council made it clear that we don't want to have anything to do with the billing and if that's the case, we are more than happy to somewhere down the road, step in and help collect some of these bills, but we must understand that the only powers that we have are to lien that property or cite those folks. If some aren't going to pay, they aren't going to pay.

President Diamantoni stated that though he supported the amendment to remove the City from the loop in being responsible for the collection. If the present system doesn't work and we are creating a system where we are having difficulty collecting from homes, because they don't wish to pay the bill, he will introduce an amendment to the existing ordinance placing the City in a position of responsibility to do the collecting, to be sure that we guarantee trash collection from every resident of the City.

Administration Resolution No. 59-2002 failed by a 3-4 vote. Aye – Dickson, Duncan, Stoltzfus. No – Graupera, Mendoza, Polite, Diamantoni.

Council Resolutions No's. 60-2002, 61-2002 & 62-2002 were read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER
RECOGNIZING AND COMMENDING THE CITIZENS OF SUNNYSIDE FOR
OPENING THEIR HOMES AND HEARTS TO OFFER COMFORT AND AID TO
THE DIVERS AND VICTIMS FAMILIES DURING THE THREE LONG WEEKS
UNTIL THE RECOVERY OF THE TWO DROWNING VICTIMS IN
BRENNER'S QUARRY.**

WHEREAS, on August 11, 2002, two young men disappeared while swimming with their companions in Brenner's Quarry in the Sunnyside section of the City; and

WHEREAS, because the group of young people were deaf, it was a very difficult time communicating during this horrible tragedy; and

WHEREAS, the good people of the Sunnyside neighborhood came to the aid of the distraught companions and families of the victims offering them food and places to stay as the long wait ensued until the victims were found.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lancaster is pleased and honored to recognize the good people of Sunnyside who gave aid and comfort to the

companions, families and to the divers who searched and searched for three weeks until the victims were found.

BE IT FURTHER RESOLVED that the Council is proud of its citizens who have made Lancaster a better place and a place of kindness that will be remembered for a long time.

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER RECOGNIZING AND COMMENDING THE LOCAL BUSINESSES WHO FURNISHED FINANCIAL ASSISTANCE, FOOD AND SUPPLIES TO THE DIVERS AND VICTIMS COMPANIONS AND FAMILIES DURING THE TRAGEDY AT BRENNER'S QUARRY IN AUGUST.

WHEREAS, on August 11, 2002, two young men disappeared while swimming with their companions in Brenner's Quarry in the Sunnyside section of the City; and

WHEREAS, because the group of young people were deaf, it was a very difficult time communicating during this horrible tragedy.

WHEREAS, as emergency crews, Lancaster police, Lancaster fire rescue personnel and divers from several diving organizations continued for three weeks to search for the victims, local Lancaster businesses furnished financial assistance, food, and supplies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lancaster that we are pleased and honored to recognize the local businesses who aided the rescue effort by contributing financial assistance, food and supplies to the rescue workers, divers and the victim's families and friends.

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER RECOGNIZING AND COMMENDING THE POLICE DIVE TEAM, WABANK AQUATICS, LANCASTER SCUBA, TELFORD DIVING UNIT AND SMOKEY'S DIVERS DEN, VOLUNTEERS WHOSE ASSISTANCE WAS IMMEASURABLE DURING THE TRAGEDY AT BRENNER'S QUARRY IN AUGUST 2002.

WHEREAS, on August 11, 2002, two young men disappeared while swimming with their companions in Brenner's Quarry in the Sunnyside section of the City; and

WHEREAS, because the group of young people were deaf, it was very difficult communicating during this horrible tragedy; and

WHEREAS, the Police Dive Team, Wabank Aquatics, Lancaster Scuba, Telford Diving Unit and Smokey's Divers Den, conducted searches throughout the three weeks until the victims were recovered; and

WHEREAS, the Council of the City of Lancaster are indebted to the divers who gave of their time to help the City of Lancaster at this most difficult time.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lancaster that we are pleased to recognize and commend the Police Dive Team, Wabank Aquatics, Lancaster

Scuba, Telford Diving Unit and Smokey's Divers Den volunteers whose assistance was immeasurable during the tragedy at Brenner's Quarry in August 2002.

Councilman Polite made the motion to approve and Councilman Mendoza seconded. City Council approved Council Resolutions No's. 60, 61, 62-2002 by a unanimous roll call vote.

PUBLIC COMMENT – Reverend Edward Bailey, of the Bethel AME Church, stated that he knows that this is not the proper venue to hear this, but he would like Council's support. His congregation would like to change the name of the street in front of the Church called Cemetery Avenue to Abraham Polite Way to begin an effort to give the area a better perception to outside-of-the-City residents. He further spoke about his objection to billboards which are being proposed to warn folks against carrying illegal firearms, stating that the last thing we need is posters put up around this city talking about gun problems that the City residents do not perceive. He stated that it would be embarrassing.

Barry Winterstein, 437 West James Street, stated that he found the criticism through letters to the editor in the newspapers about President Diamantoni and Councilman Polite concerning the Rescue Mission Expansion. He thinks they have been completely unfair and grossly misrepresented.

Dan Messimer, Lititz, spoke in defense of Operation CeaseFire which is the program that Reverend Bailey was referring to. He gave statistics of the success of the program.

Chief Heim stated that the City of Lancaster, Lancaster City Police and the District Attorney are very supportive of Operation Safe Neighborhood. Our officers are always looking for cases that might qualify. The cases that we refer to the Federal authorities are possession of a weapon by a convicted criminal, a career criminal. They are convicted under the Career Criminal Act in the Federal Government. He doesn't believe that we will make the City safer or increase the number of cases going into CeaseFire or decrease the number of guns on the street by advertising or marketing campaign geared at the general public.

REPORT OF THE MAYOR - Mayor Smithgall stated that about 4:15 this afternoon, PennDOT contacted Charlotte Katzenmoyer and said there is a problem with the Prince Street bridge, where you enter the City on the Fruitville Pike. It seems that PennDOT had been watching underneath the structure of that bridge for the last couple of weeks, and in the last week cracks had opened up wider in the bridge and the bridge today settled one half of an inch. They requested it to be closed immediately for safety reasons. With the cooperation of Manheim Township it was shut down. Sometime this evening or tomorrow morning, there will be a detour put up around it. It could be closed 7 months or more.

COUNCIL COMMENTS – Councilman Mendoza defended his stand in favor of Operation CeaseFire and explained that education is important as he described the way the Federal program works.

President Diamantoni adjourned the meeting at 10:30 p.m.

Stephen G. Diamantoni, President

Attest:

City Clerk