

STATED MEETING - CITY COUNCIL –MAY 23, 2006

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A meeting of the Lancaster City Council was held on Tuesday, May 23, 2006, in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Dickson presiding.

Boy Scout Troop #30 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 May 9, 2006 by a unanimous roll call vote.

READING OF PETITIONS, COMMUNICATIONS OR MEMORIALS - Solicitor Handwerger conducted a public hearing on the application of JustChris LLC for approval of the transfer of a liquor license to be utilized at 335 North Queen Street. Mr. Jeffrey Reich, attorney, presented the application for the transfer of a liquor license from East Hempfield Township into the City. And a movement of a Manheim Township established restaurant into the City.

Mr. Barry Handwerger, City Solicitor, confirmed with Mr. Reich, that he agreed to allow the audiotape of this meeting to be maintained so if there is any issue, that we would agree to have that stenographically transcribed. Mr. Handwerger and Mr. Reich conducted the public hearing and entertained questions from the City Council and the public.

Councilman Urdaneta made the motion to allow Council to draft a resolution to be considered at our meeting of June 13, 2006, and Councilman Roschel seconded. City Council approved the motion by a unanimous roll call vote.

PUBLIC WORKS COMMITTEE - Chairman Graupera stated that the Committee met on Wednesday, May 10, 2006 and heard a formal presentation on the proposed Municipal Recycling and Refuse Collection Plan. After the presentation by the Mayor and input and comments by the public, the Committee voted unanimously to approve the plan. The Committee also recommended that the plan be moved to the full Council for its consideration. Resolution No. 34, which will be introduced tonight under New Business approves the "Collection Plan" and authorizes the Administration to begin the bid process for a collection contract and to draft a municipal waste management ordinance.

ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE - Chairman Urdaneta, stated that his Committee met this afternoon and Mr. Patterson asked Council to pass a resolution, which is on the agenda this evening, Resolution No. 35 -2006 authorizing the solicitation of proposals for the sale of the Lancaster Press Building. The Committee recommended to send it to Council.

FINANCE COMMITTEE - Chairwoman Saunders stated that regarding the bill which discusses the bond for the downtown hotel and convention center project, she made a motion to table indefinitely the consideration of Administration Bill No. 7-2006 at this time. Councilman

Graupera seconded. April Koppenhaver, Lancaster, asked why the Bill is being tabled. Councilwoman Saunders stated that given right now that the costs and the funding of the hotel and convention center is still in flux and individuals are looking at other funding possibilities, it just doesn't seem prudent at this time to vote on this bill. We may or may not in the future. City Council approved the motion to table by a unanimous roll call vote.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE - Chairman Roschel stated that the CD&P Committee would meet on June 6th at 6:00 p.m. to discuss a recent problem with wild or feral cats. We are going to look at some solutions for the problem. The Lancaster County Planning Commission is starting their regional breakfast meetings in June and the first one will be in the City at the Brunswick Hotel.

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

1. Ricky and Cathy Morales propose construction of a one-story cement block garage at 35 Fairview Avenue.

Councilman Roschel made the motion to approve and Councilman Graupera seconded. City Council approved the recommendation of the Historic Commission by a unanimous roll call vote.

Administration Bill No. 8-2006, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER AMENDING CHAPTER 155, ARTICLE 1, OF THE CODE OF THE CITY OF LANCASTER (ORDINANCE NO. 9 – 2001, KNOWN AS THE HISTORIC DISTRICT ORDINANCE), BY DELETING THE SOUTH SIDE OF THE 600 BLOCK OF ST. JOSEPH STREET FROM THE HISTORIC DISTRICT.

Councilman Roschel stated that this involves the even side of the 600 block of St. Joseph Street. A few short months ago, a property owner there desired to replace windows with vinyl windows and appeared before the Historic Architectural Review Board and since it is an historic district, they recommended disapproval of that. The property owner came to Council seeking permission. She then got signatures in the neighborhood. In our ordinance the requirement for deletion from the Historic District, it is necessary to have 70% of the residents to sign on. 86% of the residents signed on and that certainly meets the criteria. He commended the way the process was followed.

Several neighbors commented on the bill, which will be discussed and voted on at the next regularly scheduled Council Meeting.

Administration Resolution No. 33-2006, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER APPROVING AND AUTHORIZING THE FILING OF AN ELM STREET PROGRAM OPERATIONAL GRANT APPLICATION IN THE AMOUNT OF \$50,000 WITH THE

PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, COMMONWEALTH OF PENNSYLVANIA, FOR THAT RESIDENTIAL AREA IN PROXIMITY TO THE SOUTHEASTERN BOUNDARY OF THE DOWNTOWN INVESTMENT DISTRICT, KNOWN AS THE KING-QUEEN TARGET AREA.

Councilman Roschel made the motion to approve and Councilman Urdaneta seconded. Councilman Roschel stated that the Commonwealth of Pennsylvania amended the City's contract back in November 2005, which extended the contract activity period to June 30, 2008. That provided additional operational grant funding for the area. There has been a lot of neighborhood involvement in this project. City Council approved the resolution by a unanimous roll call vote.

Administration Resolution No. 34-2006 was read by the City Clerk as follows:

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Lancaster, that the Municipal Recycling and Refuse Collection Plan presented by the Mayor of the City of Lancaster to Lancaster City Council and attached hereto as Exhibit "A" be and hereby is approved and that the Mayor and the staff of the City of Lancaster be and hereby are directed to place for bid a combined refuse and recyclable materials collection contract and to draft and advertise for consideration by Council a municipal waste management ordinance. The Mayor and the staff of the City of Lancaster be and hereby are authorized and directed to take any and all other necessary actions to implement the plan such that City refuse and recycling collection by a municipal hauler will begin on or about October 2, 2006.

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

Citizens who spoke on the subject of a new trash system were Joe Pozza, Geraldine Webber, Ivan Acosta-Velez and Bruce Clark, New Holland. Willie Shell, trash hauler, noted that there will be a pre-bid meeting tomorrow, that other trash haulers from outside the City have been invited to and he further noted that the small City haulers were not invited to this meeting.

Councilman Polite stated that he found that this was not right. All local haulers should have been included and if they do not have the capacity to handle the job, let them decline. At least give them the courtesy to know about this pre-bid meeting.

Councilman Graupera stated that at the core of this single hauler, free enterprise debate is the issue of public health and safety. If the system is unenforceable, it makes it very hard for the City to guarantee the health and safety of its citizens when it comes to municipal waste. We can all agree that enforcement comes down to finding out who has trash pick-up service and who does not. If you know who is letting their trash pile up in their basement or garages or backyards or dumping illegally on someone else's property, then the City can go out and enforce the law. For years the trash haulers, their association and City Hall have fought over customer lists, which many haulers refused to supply to the City. Without customers lists, the City can only estimate how many households are without trash pick-up, but they are unable to verify which specific ones they are, thus making it impossible for the City to enforce its own ordinance. It is estimated that

there are about 4,000 households currently without trash collection. The trash they generate, measured in tons, is being dumped illegally somewhere. He appealed to the sense of logic in those who are against any change in trash collecting in the City to at least admit that there is a problem. The City cannot continue with a broken system, which can't be fixed by doing nothing.

Councilman Urdaneta, agreeing with Mr. Graupera, stated that it is impossible to enforce a broken system. He further made the point of competition, stating that a bidding process is competition. We are creating fair competition.

Citizens who voiced opinions on this subject were Geraldine Webber, Ivan Acosta-Velez, Wilmer Doll, Randolph Carney, Vernon Harris, and Willie Shell.

City Council approved Administration Resolution No. 34-2006 by a 6-1 vote. Aye - Graupera, Roschel, Saunders, Urdaneta, Williams, Dickson - 6. No - Polite - 1.

Administration Resolution No. 35-2006, (the title) was read by the City Clerk as follows:

A RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FOR THE SALE OF CERTAIN REAL ESTATE LOCATED IN AND OWNED BY THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA AND LOCATED AT THE NORTHEAST CORNER OF NORTH PRINCE AND WEST LEMON STREETS, BEING NUMBERED 401-403 NORTH PRINCE STREET.

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

Randy Patterson, Director of Economic Development and Neighborhood Revitalization, stated that the Lancaster Press Building was the subject of the previous Administration's request for proposals. The responses to that proposal were rejected for several reasons. The Administration has chosen to reexamine the request for proposal process to ensure that the City gets the required information to make an objective decision, not just on the feasibility of the project, but the opportunity and the ability of the developer to move the project forward.

We presented a request for proposal package to the Committee this evening that asks for specific information from developers, including the experience of developers doing projects similar to what they are proposing, financial information, and details of the developer. Financial information related to this specific project and the timelines in which the developer would propose to complete the project. We provided a list of evaluation criteria that the City would look at in examining these proposals.

The idea is to give developers an opportunity to put this package together, provide a small commitment in terms of their intentions with a deposit for their proposal. We will have a pre-proposal conference in June, to give the opportunity for developers to ask specific questions, to see the property if they need to see the property. We will answer those questions in writing and provide them to all those interested and we have extended the date by an additional 30 days to provide 90 days for a developer to respond. We will receive responses on September 8, 2006. The responses are good for 90 days, so we have until December 8th to make a recommendation

to Committee and to Council on which proposal we would start to move forward.

City Council approved Administration Resolution No. 35-2006 by a unanimous roll call vote.

PUBLIC COMMENT - Ivan Acosta-Velez, Highland Avenue, asked when the curb cuts would be addressed at Furnace Street.

REPORT OF THE MAYOR - Mayor Gray stated that he thinks Mr. Shell has a good point about specifically notifying the current haulers. Though many of them were here at the meeting we had and the timetable was laid out, he stated that he is going to try to schedule a second pre-bid meeting and make sure that all the current haulers are given notice of that second pre-bid meeting so that they can come in a timely manner and attend the meeting. He accepted the responsibility and stated that he agrees with Mr. Polite.

He provided his regular Report of the Mayor and it is available on the City's Website at Cityoflancasterpa.com.

COUNCIL COMMENTS - Councilman Polite made the statement that he voted against Administration No. 34. He thanked the Mayor for correcting the error of not inviting the local trashhaulers, but this is why he voted against. He suggested that several haulers from the City could get together and form a company that could make a bid.

President Dickson adjourned the meeting at 9:00 p.m.

Julianne Dickson, President

Attest:

City Clerk