

STATED MEETING - CITY COUNCIL –JULY 22, 2003

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A meeting of the Lancaster City Council was held on Tuesday, July 22, 2003, in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, Pa., at 7:30 p.m., with President Diamantoni presiding.

Council led the assembly in the Pledge of Allegiance.

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

The minutes of June 24 & July 8, 2003 were approved by a unanimous roll call vote.

REPORTS REQUESTED BY COUNCIL – Former mayor Arthur Morris presented a report on the Ad Hoc Committee for Central Market. He thanked the members of the Committee for their time and energy devoted to this study: Councilman Luis Mendoza, Charlotte Katzenmoyer, Public Works Director, Ric Tribble, President of the Standholders Association, Kathy Styer, private citizen appointed to the Committee.

He noted that only modest improvements have been made at the market since the 1980's and while the market continues to function well, there clearly are improvements needed in and adjacent to the building. He stated that the Mayor has recommended a Central Market Master Plan and he endorses that idea. He continued to read the recommendations of the Committee for the various improvements to the market. He distributed copies of the report to members of City Council and the Mayor.

Councilman Mendoza and Councilman Polite commended Mayor Morris and the rest of the committee for the great job.

Mr. Danny Whittle, County Planning Commission, spoke to City Council about the Regional Comprehensive Plan which is being funded by a State grant. He extended an invitation to all the elected officials to attend the kick-off at Four Seasons Restaurant the first week in August.

PUBLIC SAFETY COMMITTEE – Chairman Duncan asked the City Clerk to read the Traffic Commission minutes. The decisions of the Traffic Commission will take effect by the next City Council meeting.

PUBLIC WORKS COMMITTEE – Chairman Mendoza stated that the Public Works Committee met tonight at 6:15 to have the opportunity to hear the Director of the Downtown Investment District and the Director of the Pennsylvania School of Art and Design expressing their desire to use a parcel that is going to be part of the area of the new police station. They intend to do excellent work in turning this area into an attractive

location for the students and the public. It was understood that when the original resolution was passed that this parcel would be eventually sold for commercial use. Until that point the DID and the School would like to move forward with the recommendations. It received 100% support by the Committee and approval to move forward.

Jan Beitzer, DID Director and Mary Colleen Heil, Director of the School, introduced Wendy Tippets of Tippets-Weaver Architects who showed a Council a rendition of the proposal. Ms. Heil stated that right next to the Police Station, which until it is economically developed, it will be a patch of grass. It is right across the street from the school. The school currently has about 1250 full and part-time students. They have purchased some of Wendy's time to lay out a landscape for this and also to purchase some outdoor furniture for the space.

ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE – Chairman Graupera stated that the committee met earlier this evening to look at Bill No. 10-2003 which amends the Housing Code to re-define Blighted Property and Vacant Property. This will enable the Lancaster Property Re-investment Board to deal more efficiently with problem properties here in the City. The Committee approved the amendments and it is on the agenda for first reading tonight.

FINANCE COMMITTEE - Chairman Stoltzfus stated that the Finance Committee met earlier this evening concerning the Audit for 2002. It was instructive for Councilmembers to understand how budgets are looked at and he expressed concern about how a budget that we approved the year before, and how much it was suggested it was going to fall short. We really didn't fall that far short. Because time ran short, Mr. Stoltzfus asked if he could schedule a meeting before the next Council meeting to finish reviewing the audit.

He further submitted Legislative Transfers to full Council and Councilman Polite seconded. Council approved the Legislative Transfers by a unanimous roll call vote.

Administration Bill No. 10-2003, (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 22, ARTICLE X, LANCASTER PROPERTY REINVESTMENT BOARD, TO INCORPORATE AMENDMENTS TO THE URBAN REDEVELOPMENT LAW BY AMENDING THE DEFINITION OF BLIGHTED PROPERTY AND ADDING A DEFINITION OF VACANT AND TO PROVIDE THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

Councilman Graupera stated that this was prompted by the Lancaster Property Re-investment Board initially to shorten the time span that a property can be considered

vacant or blighted. He thanked the Mayor for moving on this and finally bringing it to amendment form. Solicitor Mateyak stated that the basics of the ordinance are that in October of 2002, there was an amendment to the Urban Redevelopment Law under which the City has established the Property Re-investment Board. That amendment added a new qualification of what would be considered a blighted property and defined what it meant to be abandoned. Simply put, if it is a vacant or unimproved piece of property, which has a municipal lien for the cost of demolition that has been unpaid for 6 months, it is deemed abandoned. If the City would go in and demolish a building because it was unsafe or had been condemned, if that lien for the demolition would remain unsatisfied for 6 months the Property Re-investment Board could act to declare the property “blighted” and it is the Redevelopment Authority’s opportunity at that point to condemn the property as an eminent domain proceeding. The others are: if the property owners actually declared it abandoned, or if the amount of the municipal liens, tax liens, water liens, sewer liens, other non-water and sewer liens, exceed 100% of the fair market value of the property. The other significant change is how long a property is considered vacant. It has to be unoccupied or the occupancy is not authorized by the owner, in a case of an unimproved piece of property, again we relate back to the six-month period.

Administration Bill No. 9-2003, (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, ADDING ARTICLE XI, PRIVATE WELLS, CHAPTER 295, WATER, PROHIBITING THE CONSTRUCTION OR RECONSTRUCTION OF ANY PRIVATE WATER SYSTEM WHICH IS DESIGNED OR INTENDED FOR DRINKING WATER OR AGRICULTURAL PURPOSES, REQUIRING PROPERTY OWNERS TO CONNECT TO THE CITY WATER SYSTEM FOR DRINKING WATER OR AGRICULTURAL PURPOSES, REQUIRING THE FILLING AND CLOSING OF PRIVATE WELLS, REQUIRING REGISTRATION OF PRIVATE WATER SYSTEMS, AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; TO PROVIDE FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND TO PROVIDE THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

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

Solicitor Mateyak stated that this is an ordinance that was recommended by the County Planning Commission as a method to further speed the process for which properties can be re-utilized in the City, former industrial sites that may have some residual or underlying contamination by requiring that the aquifer or ground water beneath the City cannot be used for agricultural or drinking water purposes. The City is meeting one of the requirements of DEP to declare that the City’s entire aquifer is a non-use aquifer, therefore it

puts environmentally contaminated sites into a different category. It shortens the steps the property owner would have to take. The property owner does not have to independently prove that the aquifer is a non-use aquifer and that greatly decreases the burden on the property owner.

City Council approved Administration Bill No. 9-2003 by a unanimous roll call vote and will hereinafter be referred to as Administration Ordinance No. 8-2003.

PUBLIC COMMENT - Susan Lindt, Lancaster, stated that she has a beautiful home on East Chestnut Street that has been broken into twice, she further related the harassing activities that she has sustained by the neighbors who live in the house next door, a house owned by the Housing Authority. She related a shooting incident that happened in front of her house by people living in the house. She stated that she has gone to live with her parents and is afraid to go back to her property because of threats from her neighbors whom she has complained about and reported. Mayor Smithgall stated that there have been complaints on the property before and they were unable to get any of the neighbors to testify at a hearing. Now that there has been a shooting incident and an unlicensed gun was found on the property, they may be able to rid the neighborhood of these people.

President Diamantoni asked Mr. Duncan, as Chair of the Public Safety Committee to meet again with Ms. Lindt and find ways that we can ensure the safety of our residents, looking at our present legislation and perhaps meet with our Police Department to find out what we need to do.

REPORT OF THE MAYOR – Mayor Smithgall distributed to Council a report on the Noise Enforcement and Quality of Life enforcement as well.

President Diamantoni adjourned the meeting at 9:45 p.m.

Stephen G. Diamantoni, President

Attest:

City Clerk