

STATED MEETING - CITY COUNCIL –JUNE 13, 2000

A meeting of the Lancaster City Council was held on Tuesday, June 13, 2000, in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, Pa., at 7:30 p.m., with President Polite presiding.

Reverend Weaver, Police Chaplain, gave the invocation.

City Council led the assembly in the Pledge of Allegiance.

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

Council approved the minutes of April 25, & May 9, 2000 Council Meeting by a unanimous roll call vote.

READING OF PETITIONS, COMMUNICATIONS & MEMORIALS –The City Clerk read a proclamation of the Mayor commemorating Army Day which is June 14. Accepting the proclamation for the U.S. Army was Sgt. 1st Class Bryant of the local U.S. Army Recruiting Station.

REPORT OF THE MAYOR – Mayor Smithgall stated that on the 29th of May three new plaques commemorating the First World War, Viet Nam War and Persian Gulf War were dedicated on the Monument in Penn Square. On May 30th we had another First Union Bicycle Race. Our All-America City Award delegation left for Louisville, KY on the 30th of May. On Saturday, June 3rd the Red Rose Run was held in the City with 1700 participants. On Saturday, the 3rd the City of Lancaster was one of the 10 Cities that won the Title of All-America City. He thanked President Polite for representing him at the All-America City Awards.

PUBLIC COMMENT – Marguerite Herrold, College Avenue, Betty Herrold, College Avenue, College Avenue asked the Mayor to reconsider having the July 4th fireworks in downtown. Dave Shellenberger, Randy Stewart, and Rolf Hickman asked the Mayor not to sponsor the fireworks display. These gentlemen all have homes in Olde Towne and are right across Vine Street from the King Street garage where the fireworks are ignited. They also voiced concern for the historic Trinity Lutheran Church, which is also across Duke Street from the garage. Mr. Hickman's concern was for the stained glass windows in the 250 year old church which he felt could not withstand the explosions. Councilwoman Dickson who also lives nearby stated that she tries to look at the broader picture from the chair in which she sits, but in this case it is difficult, because she lives at 130 East Vine Street. She has seen her neighbors go through a very careful process in expressing their concern, by letters, meetings and private conversations. Only after there has been no change in position, have they come to speak in these last two council meetings and brought it to the attention of the press. She asked the Mayor to

please respond to all of us about our concerns.

Mayor Smithgall stated that the intent of the fireworks show that was started two years ago was to create an interest in the City of Lancaster. This it has done. It has people looking towards the City of Lancaster. This was a location that was picked, we have done it for two years, and we have had absolutely no problems. The Fire Department has been on hand checking everything in sight. We have even gone to the point this year to increase the angle so that they go more towards Queen Street, so that the fall out area will be an empty lot. A contract was signed about 9 months ago and it is not renewable. We have looked at other sites for the future, so we probably will change it but it is too late to change it this year. Councilman Lehman stated that he does not understand that if there is a contract why it would matter where the fireworks were displayed. He doesn't think anybody is opposed to the fireworks. What they are opposed to is the policy of the City in doing things that impact neighborhoods. How does the City respond to neighborhoods when they do have concerns? Councilman Mendoza also asked what are the restrictions to having the fireworks at Long's Park, Buchanan Park or McCaskey. Mayor Smithgall stated that he has said before if the citizens of the City contact him and request that they are no longer held here and he hears it in numbers that are sufficient to make a decision, there will not be fireworks in this City this year or ever again.

Mona Lisa, 300 Block of West King Street, complained about the crackheads in her neighborhood. She was visibly upset and frustrated by the hassle she gets from the undesirable people from the neighborhood who are renting from a landlord. She has asked the landlord why he rents to unemployed people. Mayor Smithgall stated that he only found out about this situation about 12 days ago, and assured Ms. Lisa that the City is working on the problem.

Michael Irvin, 37 North Plum Street, told the story of his experience with the City Per Capita Taxed. Although the story was humorous, he was assured that it would be addressed.

Neighbors from Reynolds Avenue came to City Council to complain about the major problems they are having in their neighborhood. President Polite asked the residents to give their names and addresses to the City Clerk and the situation will be looked into.

Marty Hulse, Lafayette Street, asked Council to look into a situation at 712 Lafayette Street, the Way Cool Rod Shop. He is concerned that the garage is illegally operating and the Zoning Department is not doing anything about it. The Mayor and City Council assured him that they would look into it.

PUBLIC SAFETY COMMITTEE – Councilman Mendoza stated that the Committee met on May 31. Mr. Jack Howell of the Lancaster Campaign presented the concept of two-way streets and also a slide presentation was given by Mr. Willie Selman

regarding the possibility of turning some of our major streets into two-way.

PUBLIC WORKS COMMITTEE – Councilman Stoltzfus stated the Committee met for a public hearing on June 7 to discuss the trash hauling ordinance, which is on the agenda tonight. He thanked everyone for their consideration and asked for Council to vote their conscience.

ECONOMIC DEVELOPMENT AND REVITALIZATION COMMITTEE – Councilman Graupera stated that Mr. Chuck Maneval would report to the Committee concerning the slum landlord law. It is another tool to address a lot of the issues we heard tonight, drugs and landlord issues. That is tentatively set for June 28th at 6:00 p.m.

FINANCE COMMITTEE – Councilman Lehman stated that the Finance Committee met on May 25 and there were two items on the agenda at that time. The monthly financial report and the quarterly worker’s compensation transfers. He asked that they be considered under new business this evening. They were adopted unanimously by the committee.

The Rules Committee interviewed and selected the law firm to serve as Assistant Solicitors for the City. That firm is Zimmerman, Pfannebecker, Nuffort & Albert.

Councilman Lehman made the motion to accept and approve the quarterly worker’s compensation transfers, Councilman Diamantoni. Council approved the transfers by a unanimous roll call vote.

COMMUNITY DEVELOPMENT AND PLANNING COMMITTEE – Councilwoman Dickson stated that the committee met on June 6th to review the HUD program, which makes unsold homes available to the City for a \$1.00. That program was recommended for approval and will be explained under new business on the agenda.

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

1. Consider the application of Alpha C. Pierce to replace existing chain link fence located on the Rockland Street side of the property with a wood fence, six feet high, in a style and finish identical to that of fence at neighboring property and including a gate with similar profile at 237 Church Street.

2. Consider the application of YWCA to install exterior lighting on the site at the main entrance on the south (Orange Street) side at 110 North Lime Street.

3. Consider the application of Ellen Silberlicht to install a light fixture to the right of the door; replace the existing front door with an all-wood door, four panels, with applied bolection molding, of the same style as that found at 432 West Walnut Street at

446 West Walnut Street.

4. Consider the application of DJB Realty to demolish the existing concrete block screen and install a canvas awning canopy over an existing concrete pad located at the north side entrance of the building at 37 North Duke Street.

5. Consider the application of Lancaster Museum of Art to replace existing doors on the south side of the building with four-panel steel security doors at 135 North Lime Street.

Councilman Mendoza made the motion to approve and Councilman Graupera seconded. City Council approved the recommendations of the Historical Architectural Review Board by a unanimous roll call vote.

Administration Bill No. 3-2000, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING CHAPTER 258, SOLID WASTE, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER AND PROVIDING FOR: (A) THE RESPONSIBILITIES AND POWERS OF THE CITY CONCERNING SOLID WASTE COLLECTION, TRANSPORT AND DISPOSAL, (B) THE RESPONSIBILITIES OF CITY PROPERTY OWNERS AND OCCUPANTS CONCERNING SOLID WASTE, (C) THE COLLECTION, TRANSPORT AND DISPOSAL OF SOLID WASTE BY LICENSED HAULERS, (D) BILLING, PAYMENT, AND ENFORCEMENT OF SANITATION FEES, (E) DESIGNATION OF THE LANCASTER BOARD OF SANITATION TO HANDLE AND REGULATE MUNICIPAL WASTE AND RECYCLABLE MATERIALS AND AS THE RESPONSIBLE AGENCY, (F) THE AMENDMENT OF THE FUNCTIONS AND POWERS OF THE RESPONSIBLE AGENCY, (G) THE POWERS AND DUTIES OF THE LANCASTER BOARD OF SANITATION, INCLUDING BUT NOT LIMITED TO, THE POWER AND DUTY TO ISSUE SANITATION RULES AND REGULATIONS, TO REGULATE SOLID WASTE, TO OPERATE THE SANITATION SYSTEM, TO IMPLEMENT AND ENFORCE THE SOLID WASTE CHAPTER, AND TO SET AND COLLECT SANITATION FEES, (H) RETENTION BY THE CITY OF THE POWER AND DUTY CONCERNING HAULER LICENSING, (I) THE AREAS TO BE GOVERNED BY THE SANITATION RULES AND REGULATIONS, (J) CREATION OF THE LANCASTER BOARD OF SANITATION AND ITS ARTICLES OF INCORPORATION AS A MUNICIPAL AUTHORITY UNDER THE MUNICIPALITY AUTHORITIES ACT OF 1945, ACT OF MAY 2, 1945, P.L. 382, AS AMENDED, (K) ADDITIONAL DEFINITIONS TO CHAPTER 258, (L) THE TERMS OF THE SANITATION SYSTEM AGREEMENT BETWEEN THE CITY OF LANCASTER AND THE BOARD OF SANITATION CONCERNING THE SANITATION SYSTEM AND, (M) THE EFFECTIVE DATE, VIOLATIONS,

PENALTIES, ENFORCEMENT, REMEDIES, SEVERABILITY AND SEVERANCE PROVISIONS OF THIS ORDINANCE; AND TO PROVIDE FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND TO PROVIDE THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

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

Donald Sollenberger, East Ross Street, went on the record as being opposed to the new system. Charlie Eberly, East James Street, stated that this is probably the best proposal that has been brought to Council on this subject, he supports it and hopes that Council will pass it. He feels that it is a health and safety issue. Elizabeth Smoot, Race Avenue, stated that she hopes that Council passes this with the owners being responsible for trash removal and not the occupants who might be renters. Mr. Don Hambrick, North Lime Street, stated that he is not against private haulers, but the rates are too high in the City and that is what he is against. Three bags of trash \$250.00 in the City and \$150.00 in the suburbs. Something is wrong.

Mr. Jack Howell, North West End Avenue, stated that he believes that we all have three goals, our City needs to be cleaner. Trash removal ought to be 100% compliance and we want to minimize bureaucracy, we want to keep government lean. We want city employees to be doing things like fixing the water mains, protecting public health and safety, not tracking down residents and trash haulers and trying to figure out a complicated system. If one accepts these goals, it is clear that the current system does not work and cannot work. A chief reason that the current system does not work is that the city is increasingly renter occupied, making it all but impossible to figure out who has trash service at anyone point. He questioned whether we want our city employees to be spending their time trying to figure out how to enforce the current system. He further stated that he thinks the proposed ordinance is a good compromise, because it maintains an independent hauler system.

Mr. Richard Leech, 144 East New Street, has a trash man for 40 years and opposes the new trash ordinances. Ms. Debbie Price, A&A Refuse, asked if the Council and the Administration would give this more thought. People have a lot of questions about this plan and she does to. She stated that a lot of the people have spoken and they don't want the new plan. She asked for more time.

Councilman Diamantoni stated that this is an area where he has gotten an education over the last few weeks. Since he has been a City Councilman there has been no issue that has resulted in more phone calls to his home or office, or more letters than this one. There is no question that we must correct the situation of trash in our city, but for appearance and health reasons as well. He asked to introduce an amendment, which reads as follows:

The ordinance shall allow an opt-out provision where residents will have the

option of opting out and choosing the hauler of their choice. The chosen hauler must demonstrate the said city resident has paid in full, the hauler must be fully licensed and must meet all the requirements imposed by the City of Lancaster.

Councilman Lehman asked if Councilman Diamantoni was open to a compromise. Councilman Diamantoni stated that he would be interested if any other councilpersons would like to second his amendment. The amendment was not seconded.

Councilman Mendoza proposed a motion to table Administration Bill No. 3-2000 until there is more dialogue with the citizens and trashhaulers. Councilman Lehman seconded. Councilman Lehman asked the Mayor about a newspaper report that the Mayor is going to be offering a proposal different from this one. He asked if that would happen before Council has an opportunity to consider this one. Mayor Smithgall stated that he has not heard from counsel as yet if it is legal. He asked for more time to protect the citizens and the trashhaulers.

Councilwoman Dickson stated to the Mayor that he indicated in the remarks that he sent, that whatever was passed to create an improved system, address health issues, protect the business owners and increase the number of homes' recycling. Which of those does this plan not meet? The Mayor stated that he wants to hear more from the trashhaulers and a synopsis of the comments made tonight at the earlier meeting, before he makes a decision on that.

The motion to table was approved by a 4-3 vote. Aye – Diamantoni, Lehman, Mendoza, Polite. No – Dickson, Graupera, Stoltzfus.

Council Resolution No. 26-2000, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER APPOINTING THE LAW FIRM OF ZIMMERMAN, PFANNEBECKER, NUFFORT & ALBERT, LLP AS ASSISTANT SOLICITORS FOR THE CITY OF LANCASTER, UNDER SUCH TERMS AND CONDITIONS AS DETERMINED FROM TIME TO TIME BY THE MAYOR OF THE CITY OF LANCASTER.

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

Councilman Lehman stated that there were some changes made by the Mayor that were incorporated into this. It reads as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER APPOINTING THE LAW FIRM OF ZIMMERMAN, PFANNEBECKER, NUFFORT & ALBERT, LLP AS ASSISTANT SOLICITORS FOR THE CITY OF LANCASTER, UNDER SUCH TERMS AND CONDITIONS AS DETERMINED FROM TIME TO TIME BY THE MAYOR OR THE PRESIDENT OF THE COUNCIL OF THE CITY OF LANCASTER.

WHEREAS, Pursuant to Article 125 of the Codified Ordinances of the City of Lancaster, Section 55-4, City Council has the power to appoint Assistant City Solicitors to assist the City Solicitor, as provided by Section 1609 of the Third Class City Code.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lancaster does appoint the law firm of Zimmerman, Pfannebecker, Nuffort & Albert, LLP as Assistant Solicitors for the City of Lancaster, under such terms and conditions as determined from time to time by the Mayor or the President of the Council of the City of Lancaster.

Also attached is the fee structure.

After advisement by the Solicitor Henderson to the Council about the wording of the resolution, which stipulates the “Mayor or the President of the Council, not being legally correct, Councilman Stoltzfus offered the motion to change the word or to and. Councilman Mendoza seconded. The motion was defeated by a 4-3 vote. Aye – Diamantoni, Mendoza, Stoltzfus. No – Dickson, Graupera, Lehman, Polite.

Council approved Administration Resolution No. 26-2000, (as amended) by a 6-1 vote. Aye – Diamantoni, Dickson, Graupera, Lehman, Stoltzfus, Polite. No – Mendoza.

Administration Resolution No. 28-2000, (the title) was read by the City Clerk as follows:

A RESOLUTION AUTHORIZING THE ACQUISITION OF SINGLE UNIT PROPERTIES IN THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA, PURSUANT TO THE UNITED STATES HOUSING AND URBAN DEVELOPMENT ‘\$1 HOME SALES TO LOCAL GOVERNMENTS PROGRAM.’

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

Chuck Maneval, Director of Economic & Community Development, stated that HUD recently instituted this program whereby a municipality such as the City of Lancaster can purchase HUD owned, single-family homes for \$1.00. They could be attached but not multi-family homes. The homes would be inspected; a standard sales agreement would be used. After the HUD owned house goes unsold for 6 months, HUD takes it off the market and for 10 days offers it exclusively to the municipality for \$1. We would like to get the properties rehabbed and sold to low and moderate income families, preferably first time homebuyers.

If a housing development organization is involved, the buyers are potentially eligible for a special 80% mortgage available for the newly rehabilitated home. Properties within that revitalization area under the Officer/Teacher Next Door Program will be made

available to those programs.

Council approved Administration Resolution No. 28-2000, by a unanimous roll call vote.

COUNCIL COMMENTS – Councilwoman Dickson stated that her support of tabling the Ordinance was to give time for questions to be asked and answered for the citizens and the trashhaulers. Councilman Mendoza stated that he understands the ordinance, however, he made the motion to table was for the same reason. Councilman Stoltzfus stated that he agrees; however, he feels that we ducked our responsibility, because now we will have trashhaulers giving out misinformation again, Mr. Henderson now has to put it on the agenda in the future and advertise it, which will cost the City another \$500.00, but we can't have it both ways in this issue. We can make amendments to the proposal; we can still do that in the future. He stated that he did not work hard to be elected to this position to warm a seat. He came here to do the job for the people, and you can't have it both ways. He further stated that those who he heard from loud and clearly were the people who had a fiduciary interest, who thought they were going to lose their jobs over this issue. However, the administration is bent over backwards to try and help them to understand this through many, many months. And either they don't want to understand or they don't like change. It's either A or B. Now we have to decide whether we want to go through with it or not. President Polite stated that just hearing the comments at all these public meetings including tonight, people just don't get it. They are making statements that are just the opposite of what is said to them. Councilman Stoltzfus asked how can you not understand that your trashhauling will be cheaper, your unlimited ability to put trash out on the curb. Everyone would have their own trashhauler, how hard is that to understand? The problem is that the people that don't want it go out and give misinformation like "it's going to cost \$300" and scare the older folks into thinking they are going to pay more. Councilman Diamantoni stated that he doesn't think that maintaining choice with some haulers and adopting Dr. Henderson's system cannot coexist. He thinks that the numbers of people who want to maintain their hauler is small, and he doesn't think that administratively it is a nightmare. He thinks it is an option that behooves us to consider. Councilman Graupera stated that he disagrees with Councilman Diamantoni that he thinks that we will get quite large amounts of residents, especially older retirees and it will be a logistics nightmare.

Councilman Lehman stated that he thinks there is a compromise that can be worked out here that can deal with some of the issues that we are all talking about and further deal with the idea of competition. He does know that there are some haulers that are not following the rules that have been established by the City. However, there are some who do a darn good job and we have seen that tonight as well. The City government should not be in the business of putting people out of business. It should be protecting the public health. He thinks we can do that, provide for some competition so that haulers can be rewarded, either financially or by expanding the geographic area to the extent that they do a good job. He thinks it is government's job to make sure that they do a good job and if they do they are rewarded. A few more minutes with this

proposal will give us the opportunity to do that.

Councilwoman Dickson made the point if we can put this off for just two weeks in order to allow citizens and haulers the time to understand this proposal more thoroughly and correct any misinformation it will be a good thing.

President Polite adjourned the meeting at 10:10 p.m.

President

Attest:

City Clerk