

**MINUTES OF THE LEGISLATIVE
SESSION OF THE HARRISBURG
CITY COUNCIL
OF APRIL 27, 2016**

**Minutes Report Council Discussion of
Home Rule Relating to an
Act 47 Amended Recovery Plan**

**Section No. 7
Exhibit No. 38**

1HARRISBURG CITY COUNCIL
LEGISLATIVE SESSION MINUTES
Wednesday, April 27, 2016
A G E N D A

CALL TO ORDER

- President Williams called the meeting to order at 6:15PM.

ROLL CALL

- The City Clerk called the roll and 6 members were present during roll call, namely: Ben Allatt, Jeff Baltimore, Shamaine Daniels, Destini Hodges, Cornelius Johnson and Wanda R. D. Williams. Westburn Majors had an excused absence.

INVOCATION/MOMENT OF SILENCE

- The Moment of Silence was led by Mr. Johnson.

PLEDGE OF ALLEGIANCE

- The Pledge of Allegiance was led by Ms. Daniels.

COMMUNICATIONS

- President Williams announced that she removed Resolution 30-2016 from the agenda.

COURTESY OF THE FLOOR

- Rafiyqa Muhammad said she has severe concerns on some of the appointments and she is very disappointed that Resolution 30-2016 was removed from the agenda. She said that she is currently on the EAC and trying to make the entire city better, not just parts of the city. She said that there is an individual on two boards and we need to make sure that there are no conflicts of interest. She said that she gets tired of it and there are racial issues that need to be addressed. She said some of the people use these services as a political platform. She said if these are the type of people that remain on these boards, she needs to question City Council and ask what they are doing. She said it's about our children, our schools and our city as a whole. She said that there was an illegal EAC meeting that happened last week. She walked in on an illegal meeting that Mr. Cluck conducted and his concerns are that he was being replaced by a Black Woman? She said that the candidate is very qualified. She said that she is a big girl and she can take the hit, because she knows it is coming. She said it's time that people really know who we are dealing with and informed the Mayor that "he's" coming after you and "he" made that very clear. She said these are things that are being discussed in our meeting and she wants to make it clear to the public.
- Jeremy Domenico reminded everyone that a week from Saturday is the Multi-Cultural Festival from 1-5PM. He said there are plenty of activities for children and he encouraged everyone to attend.
- Jean Greco said that she can't understand how you can have two paid employees that didn't reconcile the books every month. She said that she just moved here and is being penalized for what happened in the past. She said that this is a lot of money that the city is out of and needs to be taken more seriously - But, if the City doesn't even have people in place that can't even reconcile books, of course we are in trouble.

- Dave Fountain said that he was visiting his mother three years ago and he had a discrepancy with the Houston Police Department. He said that he walked to the Harrisburg Police Department and no one answered. He said he ran into Police Officer Fenton and since then he didn't have any response and no record of the report exists. He said that he has two other complaints that have been filed and it is to the point where the injustice has to stop. He said that this racism has to stop and he will be following up and wanted to alert City Council and the Mayor of this injustice.
- Eric Papenfuse said that he feels City Council owes Charla Plaines a vote tonight. He said that if City Council feels that she isn't qualified, vote no. He said that City Council will have a very difficult time with filling board nominations in the future if this is how nominations are treated. He said that any Council Member can make a motion to put this on the agenda tonight for a vote. He said that what is happening tonight is a profile in cowardice. Additionally, he announced that there will be a meeting on May 4th at the Fire Station on 6th Street at 5PM to discuss the joint venture with the Department of General Services. He encouraged the public to attend.
- Zach Monnier said that he came to the meeting tonight for the vote on the Amended Strong Plan in hope that the Home Rule would stay in the plan. He said that he researched it thoroughly and wrote City Council Members letters in support of it. He said this is a great tool that can fix the broken revenue stream. He said this should be used in conjunction with alternative plans like asking the state for PILOT payments.
- Melanie Cook said that she spoke last week on behalf of Ms. Plaines. She said to remove someone because a consensus could not be reached, knowing Ms. Plaines if the vote is not in her favor, she would thank you and wish the next candidate good luck. Looking at the current political climate, consensus or the lack thereof is building a strength among those individuals that have not voted and have not participated - If we only acted on consensus, not a lot would get done. She said that if there is a failure to reach an agreement, the person gets to keep their seat forever and she finds that disturbing. To say that we can't agree, we must keep things as they are would leave us in slavery, woman not voting, etc. She said - As a city, we can't applaud diversity when it involves setting up a tent and eating hot dogs and hamburgers, we have to recognize and allow for diversity with the tough decisions. Example: Raising water/sewer rates, storm water fees. This is where Ms. Plaines can step up and ask the difficult questions. She said the standard should not be if you have specific experience, because if you recall we have another candidate (A man of color working for Derry Township) who said that there is a lack of diversity at Capital Region Water. She said that this is not about color, but about allowing a person with a different voice, be a part of the process to make decisions.
- Karl Singleton asked if we are telling our residents to come forward in the open, while Mr. Cluck has a lot to say behind closed doors, what is really at stake. What can Mr. Cluck do as a board member that he can't do in the public seats. Why is he targeting you and jockeying for a volunteer position. If you don't have the fortitude and courage to put Ms. Plaines up for a vote, you are equivalent to the republicans not allowing the President's Supreme Court nominee to even be heard - We should openly be willing to either say yes or no. The administration put forth a quality candidate. Mr. Cluck has done a great job serving our community, but maybe people get burnt out. Why is it that he has privilege to be on two boards and the "Black Woman" as he says, can't serve on one. She came before Council and she can't even qualify to have an up or down vote? It is a robbery of transparency and social justice. The Mayor and I find candidates that we think will serve everyone equally, interview them and send them down for council consideration. He said, It takes political courage - it's not easy, but that is why you are the chosen.

- President Williams announced that if she can get a second, she will move to bring Ms. Charla Plaines Resolution from the floor for a vote.

APPROVAL OF MINUTES

- Upon motion by Ms. Williams, the Legislative Session Minutes of April 12, 2016 were deemed approved.

REPORTS OF COMMITTEES

- Chair Johnson reported on the Public Safety Committee Meeting of Monday, April 18, 2016.
- Chair Williams reported on the Administration Committee Meeting of Tuesday, April 19, 2016.

ORDINANCES FOR FIRST READING

- **The City Clerk read Bill 12-2016 into record** – An Ordinance vacating and striking from the Official Map of the City of Harrisburg a portion of Alricks Street (between Joseph Alley and the Lands N/F Norfolk Southern Corporation) pursuant to Chapter 3-109 of the Codified Ordinances of the City of Harrisburg.
- President Williams placed this in the Public Works Committee.
- **The City Clerk read Bill 13-2016 into record**– An Ordinance amending Chapter 7-323, Special Exception and Variances in the Zoning Code of the City of Harrisburg, by revising Section 5(c) on Hearing and Decisions to: 1) clarify that applicants are responsible for notifying surrounding property owners of special exception and variance requests by first class letter and provide proof of mailing; and 2) change the existing public notice requirement to property owners within a 100-foot radius of the boundary of the subject property.
- President Williams placed this in the Building & Housing Committee.

ORDINANCES FOR AMENDMENT

- **The City Clerk read Bill 6-2016 into record** – An Ordinance amending Title 5 of the Codified Ordinances of the City of Harrisburg, Licensing and Taxation Code, authorizing an increase of a Local Services Tax for the 2016 tax year and thereafter; reaffirming the elimination of the City of Harrisburg's Emergency and Municipal Services Tax; and authorizing City officials to implement this Ordinance.
- President Williams moved, seconded by Mr. Johnson to make the following amendments: Lines 18 and 19 - adding the words AND RENUMBERED JULY 2, 2008, 53 P.S. 6924.101, (P.L. 197 NO. 32), Line 2 – adding “21” in the Ordinance 21 -2007, Lines 26 and 27 – adding the words AND RENUMBERED (after as amended), Lines 84 and 85 – striking of fifty-two one hundred fifty six dollars \$52.00 \$156. Lines 88 and 89 – adding the words DIRECTOR OF THE CITY’S BUREAU and striking the words Business Administrator of the City. Lines 133-135 – striking the words He, HIS, HIM indicates the singular and plural number, as well as male, female and neuter genders and adding – “POLITICAL SUBDIVISIONS” MEANS THE AREA WITHIN THE GEOGRAPHICAL LIMITS OF THE CITY OF HARRISBURG. Lines 198 and 199 – striking the words fifty-two and adding ONE HUNDRED FIFTY SIX, striking (\$52.00) and adding (\$156.00). Line 262 – striking fifty-two and adding ONE HUNDRED FIFTY SIX, striking (\$52.00) adding (\$156.00). Line 265 – striking fifty-two. Lines 377 and 378 – striking twelve-thousand and adding TWENTY-FOUR THOUSAND FIVE

- HUNDRED, striking (\$12,000) adding (\$24,500). Lines 384 and 385 – striking twelve thousand and adding TWENTY-FOUR THOUSAND FIVE HUNDRED and striking (\$12,000) and adding (\$24,500).
- President Williams called for the vote on the amendments and they passed 6-0.
- **The City Clerk read Bill 7-2016 into record**– An Ordinance to technically amend and update Section 2-307.7 of the Codified Ordinances of the City relating to Personnel to include salary ranges of pay for non-represented exempt management positions within the City of Harrisburg for the 2016 budget year.
- President Williams made a motion, seconded by Mr. Allatt to make the following amendment: Lines 54-58 adding (5) THE INITIAL SALARY RANGES SET FORTH IN SCHEDULE A ARE SUBJECT TO MODIFICATION PRIOR TO FINAL APPROVAL OF A 2017 ANNUAL BUDGET UPON COUNCIL'S RECEIPT OF AN OUTSIDE PROFESSIONAL SALARY STUDY OF THE CITY'S EXEMPT AND NON-EXEMPT MANAGEMENT POSITIONS.
- President Williams called for the vote on the amendments and they passed 6-0.
- **The City Clerk read Bill 9-2016 into record** – An Ordinance adopting and approving modifications to the approved 2013 Recovery Plan for the City of Harrisburg, known as the Harrisburg Strong Plan, proposed by the Coordinator for the City of Harrisburg, and filed pursuant to the Municipalities Financial Recovery Act; and otherwise directing the preparation of ordinances, resolutions, agreements and other documents for consideration as would be necessary for the adoption and implementation of those measures enumerated for the financial recovery of the City.
- President Williams made a motion, seconded by Mr. Johnson to make the following amendments: Lines 57 and 58 – Section 3 – Adding: THE CITY'S CONSIDERATION OF HOME RULE WILL BE BY WAY OF A SEPARATE ORDINANCE. Also, re-numbering Section 3 to 4, Section 4 to 5, Section 5 to 6, Section 6 to 7 and finally Section 7 to 8 (number change).
- President Williams called for the vote on the amendments and they passed 6-0.
- President Williams recessed the meeting for 10 minutes.

ORDINANCES FOR FINAL PASSAGE

- **The City Clerk read Bill 3-2016 into record** – An Ordinance of the City of Harrisburg, Dauphin County, Commonwealth of Pennsylvania, electing to amend its Firefighter Pension Plan administered by the Pennsylvania Municipal Retirement System pursuant to Article IV of the Pennsylvania Municipal Retirement Law; agreeing to be bound by all provisions of the Pennsylvania Municipal Retirement Law as amended and as applicable to Member Municipalities.
- President Williams called for the vote and this passed 6-0.
- **The City Clerk read Bill 6-2016 (As Amended) into record** – An Ordinance amending Title 5 of the Codified Ordinances of the City of Harrisburg, Licensing and Taxation Code, authorizing an increase of a Local Services Tax for the 2016 tax year and thereafter; reaffirming the elimination of the City of Harrisburg's Emergency and Municipal Services Tax; and authorizing City officials to implement this Ordinance.
- President Williams called for the vote and this passed 5-1, with Ms. Daniels voting in the negative.

- **The City Clerk read Bill 7-2016 (As Amended) into record** – An Ordinance to technically amend and update Section 2-307.7 of the Codified Ordinances of the City relating to Personnel to include salary ranges of pay for non-represented exempt management positions within the City of Harrisburg for the 2016 budget year.
- President Williams called for the vote and this passed 4-2, with Mr. Allat & Ms. Daniels voting in the negative.
- **The City Clerk read Bill 9-2016 (As Amended) into record** – An Ordinance adopting and approving modifications to the approved 2013 Recovery Plan for the City of Harrisburg, known as the Harrisburg Strong Plan, proposed by the Coordinator for the City of Harrisburg, and filed pursuant to the Municipalities Financial Recovery Act; and otherwise directing the preparation of ordinances, resolutions, agreements and other documents for consideration as would be necessary for the adoption and implementation of those measures enumerated for the financial recovery of the City.
- President Williams called for the vote and this passed 4-2, with Mr. Allatt and Ms. Daniels voting in the negative.

RESOLUTIONS

- **The City Clerk read Resolution 12-2016 into record** – A Resolution ratifying the submission of a grant application to the Federal Emergency Management Agency for the purpose of purchasing hose nozzles and computer tablets for the Bureau of Fire.
- President Williams called for the vote and this passed 6-0.
- **The City Clerk read Resolution 13-2016 into record** – A Resolution authorizing an application to Impact Harrisburg to fund up to Three Million Dollars (\$3,000,000) for the City of Harrisburg Multimodal Transportation Project.
- President Williams called for the vote and this passed 6-0.
- **The City Clerk read Resolution 27-2016 into record** – A Resolution approving the request of MAA ANNAPURNA, LLC to transfer liquor license #R-19033 from TENT Restaurant Operations, Inc., 2625 Brindle Drive, Susquehanna Township, Dauphin County into the City of Harrisburg to be utilized at Bollywood Bar & Grille, 110 North Second State Street, Harrisburg, PA, which is to operate as a bar and restaurant facility.
- President Williams called for the vote and this passed 6-0.
- **The City Clerk read Resolution 28-2016 into record** – A Resolution ratifying the submission of an Application to the Federal Emergency Management Agency for the purpose of funding the hiring of five (5) full-time firefighters for the Bureau of Fire.
- President Williams called for the vote and this passed 5-0.
- **The City Clerk read Resolution 31-2016 into record** – A Resolution appointing Mr. Garvey Pressley, Jr. to serve on the Capital Region Water, a municipal authority, Board of Directors (the “CRW Board”).
- President Williams called for the vote and this passed 6-0.
- **The City Clerk read Resolution 33-2016 into record** – A Resolution approving the Second Proposed 2016 Budget.
- President Williams placed this in the Budget & Finance Committee.

- Mr. Johnson moved, Seconded by Ms. Williams to make the following motion: To appoint Fire Chief Brian Enterline as the Designated Agent for the City of Harrisburg to execute all needed and necessary paperwork from the Federal Emergency Management Agency and the Pennsylvania Emergency Management Agency in relation to the Jonas Blizzard of 2016.
- President Williams called for the vote on this motion and it was approved 6-0.

OLD BUSINESS

- There was none.

NEW BUSINESS

- Mr. Johnson announced the Bureau of Fire is hiring Fire Fighters and the availability to apply will be from April 22nd to May 20th. He said for more information call 717-255-6475. He encouraged people in the city to apply.
- Mr. Baltimore announced that there will be a CDBG Workshop on Tuesday, May 17th at 5:30PM.
- Mr. Allatt announced that there will be a Public Works Committee meeting on May 4th at 5:30PM.
- Ms. Daniels announced that she will set the date for her Building & Housing Committee meeting soon and informed Council Members that the audio is available from her previous meetings if they are interested in listening.

ADJOURNMENT

- The meeting was adjourned at 7:56PM.