

STATED MEETING - CITY COUNCIL – AUGUST 27, 2013

A meeting of the Lancaster City Council was held on Tuesday, August 27, 2013 in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Williams presiding.

City Council led the assembly in the Pledge of Allegiance.

Present – Mr. Graupera, Mr. Reichenbach, Mr. Roschel,
Mr. Smith, Mr. Urdaneta. Ms. Wilson, President Williams – 7

City Council approved the minutes of August 13, 2013 by a unanimous roll call vote.

PUBLIC COMMENT – Ms. Theresa Roadcap, 216 Ruby Street, spoke to Council about her problems with her handicapped spot. There is always someone who parks there, or partially there, and at times parks her in so she cannot get out. She distributed a large poster with photos of the incidents. President Williams asked her to stay and talk with Councilwoman Wilson when the meeting is over.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Councilman Reichenbach stated that his committee met before this council meeting and the subject of the meeting is on the agenda tonight. He will talk about it when it comes up under the Historic Commission.

PERSONNEL COMMITTEE – Councilman Graupera stated that he has 5 reappointments of the Mayor to bring to Council for the Board of Plumbing Examiners. They are as follows: Steve Schwanger, Chad Walton, Daniel Moser, Doug Martin and Terry Fickes. He made the motion to approve and Councilman Reichenbach seconded. City Council approved the reappointments by a unanimous roll call vote.

City Council considered the following application & Historic Commission recommendations for construction and demolition within the Heritage Conservation District:

1. Michael H. Ranck, proposes demolition of a modern one-story office building at 101 East Chestnut Street.

Councilman Urdaneta made the motion and Councilman Smith seconded. City Council approved the recommendation by a unanimous roll call vote.

2. Michael H. Ranck, proposes to construction of a new 7 story condominium building at 101 East Chestnut Street.

This was denied by the Historic Commission by a vote of 4 ayes, and 3 nays, per the

submitted plans and building materials.

The following is a transcript of the discussion:

Councilman Smith made a motion to reject the denial of the Historic Commission and Councilman Urdaneta seconded. Councilman Urdaneta stated that he understands the very strict standards that this Commission has to analyze a project. He would probably be voting on the Commission on this, but City Council certainly is not this Commission. We must look at projects with a broader perspective, with a broader brush than the Commission. He believes that the positive impact of this project would have both locally in that neighborhood but to the City as a whole, outweigh negative points that the Commission has looked at. He believes that this would be no disrespect to the Commission of volunteers that have decided to work for the City in this matter. We are looking at the perspective and he recommends that the Council look at the other aspects of this project. It is important to him in the decision to not accept the recommendations of the Commission to also look at the fact that the builders who are very well respected members of our community are going to decide to be residents in this building. It is significant that this is going to be their home.

Councilman Smith stated that there are a number of things that we must take into consideration. The precedent that we are setting, there is an opportunity to address that in terms of a policy statement, provide a little more guidance and direction moving forward in the future. He also like some other folks have mentioned in some research have found equal negative and positive on EIFS. He thinks that is kind of an abstract point to debate. The fact that the builders are not only investing in the City, but residing in the building itself is compelling argument. For all the strategic planning we did and conversation we did around mixed income housing, this is a project that we should support, address the details moving forward. He understands that there is a narrow definition from the Department of Interior but is this the way we want to discourage future investment? It is hard for him to support that.

Councilman Reichenbach stated that this is probably the most difficult decisions he has made since he is on Council. He appreciates all the information we've been given. It is nice to have so much information to be able to take in. He thinks what this comes down to for him after hearing everything that is involved is simply his gut, and his gut tells him, he loves the City, he was born here, he doesn't plan on leaving and hopefully he will be here a long time. He lives two blocks from this place and he is interested in seeing it developed. After hearing everything, he thinks we can do better. He thinks they can do better and he thinks they will, because there is obvious work done by this developer that shows that they can do better. He doesn't think they are discouraging development by saying that we want high standards. He doesn't think it is an either/or proposition. He thinks that that is coding the argument as you're either with us or against us. He thinks we are raising the standards, we have one of the oldest historic districts in the United States, and he thinks that people who may be in favor of the Commission recommendations simply want to keep it that way.

Councilman Graupera stated that he is not opposed to the use of the materials. He knows that there are new ways to use this material. He is uncomfortable with the lack of due diligence, for lack of a better term. He feels that more discussion could be made back and forth with City Staff, but in the end, it is not a deal killer for him. He will be voting no to the recommendation.

Councilman Roschel stated that he wants to make it clear that an aye is to support Councilman Smith's motion to go against the recommendation of denial.

Mr. Patterson asked that an amendment be made to the motion, noting that it is unusual for a member of the staff, but an addition to the motion. The motion should include authorize the issuance of a certificate of appropriateness. The recommendation of the Commission is to not issue that certificate. So the motion to reject the recommendation should also be to issue the certificate of appropriateness.

President Williams asked if we could go back and have Mr. Smith amend the motion. Mr. Smith amended his motion that we reject the recommendation of the Commission and issue a certificate of appropriateness to move forward with the project. Councilman Urdaneta seconded.

Council rejected the motion by a 4 to 3 vote. Aye – Graupera, Smith, Urdaneta – 3. No- Reichenbach, Roschel, Wilson, Williams – 4.

Mr. Patterson suggested a second motion for this reason: If you leave it the way it is now, the developer has no direction what to take. They have appealed to you to the decision. You should, I believe, take a motion to either accept the recommendation of the Commission or return it to the Commission for further deliberation.

Councilwoman Wilson stated that she would make the motion to return it to the Commission for further deliberation and Councilman Graupera seconded. Ms. Wilson stated that we do not want to kill the project at all, that is not what we are saying. She would like to see the project go forward, she would like to see more communication and more completeness between the two parties. Mr. Reichenbach asked if that is an official motion.

Councilman Urdaneta stated that bringing a project to the Commission is not a decision of Council.

Mr. Patterson stated that his point is the decision you've made simply on the motion to not accept the recommendation of the Commission. It is not giving direction to the either the Commission or to the developer. President Williams stated that if they want to go back to the Commission again, the vote tonight does not preclude them from doing that.

Mr. Patterson stated that the process is they appealed the Commission's decision to Council, the Council needs to direct what happens as a result of that appeal. All you have done is taken a vote that says, you do accept the recommendation of the Historic Commission. The appeal process still is not complete without some direction to either accept the recommendation or move it to (inaudible...)

Councilman Graupera stated that the second motion tells the developers that Council is not against the project. That they should come back to the table for further discussion and hopefully we'll have a favorable decision the next time they come before us.

Councilman Reichenbach stated that he agrees completely with that and he hopes that is what happens. Ultimately, the developer has that decision.

City Council approved the motion by a 5-2 vote. Aye- Graupera, Reichenbach, Roschel, Wilson, Williams – 5. Abstain- Smith, Urdaneta – 2.

Administration Bill No. 8-2013, (the title) was read by the City Clerk as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA AUTHORIZING THE OFFICIALS OF THE CITY OF LANCASTER TO ENTER INTO A SIDEWALK EASEMENT AGREEMENT WITH CONESTOGA PLAZA, LP AND DIRECTING THE PROPER OFFICIALS OF THE CITY OF LANCASTER TO REVISE THE OFFICIAL MAP AND PLANS OF THE CITY TO REFLECT THE ADDITION OF THE SIDEWALK AREA TO BE DEDICATED TO THE CITY PURSUANT TO SUCH AGREEMENT; PROVIDING FOR THE REPEAL OF INCONSISTANT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

Councilman Roschel made the motion to approve and Councilman Reichenbach seconded. Councilman Roschel stated that this is the second reading. For this project, where the original sidewalk was going to be, they found some utility lines, so they had to move the sidewalk. By moving the sidewalk it was necessary for the easement agreement. City Council approved Administration Bill No. 8-2013 by a unanimous roll call vote and it shall hereinafter be known as Administration Ordinance No. 8-2013.

Administration Resolution No. 41-2013,(the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER APPROVING AN EASEMENT AGREEMENT BETWEEN THE CITY OF LANCASTER (“CITY”) AND MAGNOLIA PLACE LANCASTER LP (“MPL”) GRANTING AN EASEMENT TO MPL TO ERECT AND MAINTAIN BALCONY STRUCTURES ABOVE THE PUBLIC SIDEWALKS OF NORTH DUKE STREET AND EAST CHESTNUT STREET WITHIN AN AREA LOCATED AT THE NORTHEAST CORNER OF NORTH DUKE STREET AND EAST CHESTNUT STREET, AS MORE FULLY SET FORTH IN THE EASEMENT AGREEMENT.

Councilman Roschel made the motion to approve and Councilman Urdaneta seconded. City Council approved Administration Resolution No. 41-2013 by a unanimous roll call vote.

REPORT OF THE MAYOR – Mayor Gray made his report to the Council. The report is available to view on the City’s website – www.cityoflancasterpa.com

President Williams adjourned the meeting at 8:20 p.m.

Louise B. Williams, President

Attest:

City Clerk