

STATED MEETING - CITY COUNCIL – JULY 11, 2017

A meeting of the Lancaster City Council was held on Tuesday, July 11, 2017 in Council Chambers, 120 North Duke Street, (Rear Annex) Lancaster, PA, at 7:30 p.m., with President Graupera presiding.

The Council led the assembly in the Pledge of Allegiance.

Present – Mr. Reichenbach, Mr. Roschel, Mr. Soto, Ms. Wilson, President Graupera – 5
Excused – Ms. Sorace, Ms. Williams – 2

President Graupera announced that City Council held an executive session during its committee meeting on Monday, July 10, 2017, from approximately 6:07 p.m. to 6:43 p.m., to receive information related to collective bargaining negotiations or arbitration with the Lancaster Professional Firefighters Association, Local 319.

The minutes of the meeting of Council for June 27, 2017 were approved by a roll-call vote. Ms. Wilson and President Graupera abstained.

PUBLIC COMMENT

Bill Hannegan, 304 College Avenue, expressed his concerns with the implementation of the Americans with Disabilities Act of 1990. Specifically, he cited the ADA ramp recently constructed outside his home, at the corner of College Avenue and West Walnut Street. The stormwater inlet is frequently clogged and the ramp is underwater at times of heavy rain. Mr. Hannegan said it is his understanding that the City has not yet formally accepted the work done by the contractor who built the ramp. He urged that the work not be accepted and that changes be made.

REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – Mr. Reichenbach, speaking on behalf of Ms. Williams, said the committee met on July 10. The committee, along with other Council members, held an executive session. Also, committee members reviewed and voted to advance Administration Resolution No. 45-2017, which names a special counsel for labor negotiations.

Responding to a question raised during the committee meeting, City Administrative Services Director Patrick Hopkins said the hourly rate of special counsel law firm Campbell, Durant, Beatty, Palombo and Miller P.C. is \$325.

Mr. Roschel made a motion to add Administration Resolution No. 45-2017 to the meeting agenda. Mr. Soto seconded the motion and it was unanimously approved by a roll-call vote.

The committee also heard a six-month report on parking enforcement by Lancaster Parking Authority Executive Director Larry Cohen. The number of parking tickets written by the authority, revenue and other aspects of the enforcement efforts were discussed.

The committee also discussed marijuana decriminalization ordinances which have been adopted in other Pennsylvania cities. Ms. Wilson said data on the race of people arrested for possession of

small amounts of marijuana in Lancaster was not available. Yet, data of arrests in Philadelphia show that young black males are being disproportionately arrested in that city despite the enactment of a marijuana decriminalization ordinance two years ago. She said that she wants to continue researching the issue and is not proposing a decriminalization ordinance for Lancaster at this time.

PUBLIC WORKS COMMITTEE – Mr. Roschel reported his committee met July 10, and reviewed Administration Resolutions No. 40-2017 and No. 43-2017, which deal with grants for bicycle and pedestrian routes. Those resolutions are on tonight’s agenda.

The third item was a report on the City’s greenhouse gas inventory. The inventory is required as part of the City joining the Mayors Climate Action Agenda. The inventory establishes a baseline for carbon emissions from the City overall and from City government operations. The data will be used to set goals for reducing emissions.

ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION COMMITTEE – Mr. Reichenbach said his committee met July 10 and discussed Administration Resolution No. 39-2017, which would approve an easement agreement with QS Zamagias LLC for the redevelopment of 101 North Queen Street.

FINANCE COMMITTEE – Mr. Roschel, speaking on behalf of Ms. Sorace, made a motion to approve the Second Quarter 2017 Workers Compensation Transfers in the amount of \$43,252.72 to fund workers compensation claims made by police officers and firefighters.

Mr. Reichenbach seconded the motion and it was unanimously approved by a roll-call vote of Council.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Soto said his committee met July 10. There were several items discussed which are now on tonight’s agenda. He will discuss them as they are brought forth during the meeting.

PERSONNEL COMMITTEE – Ms. Wilson said Richard Simms has been nominated for reappointment to the Civil Service Board. Mr. Simms’ term would begin August 1 and continue through July 31, 2021. And, the mayor has nominated Salina Almanzar to the Public Art Advisory Board. Ms. Almanzar’s term would begin July 31 and continue until July 31, 2019. Ms. Wilson made a motion that both appointments be approved.

Mr. Reichenbach seconded the motion and it was unanimously approved by Council by a roll-call vote.

LEGISLATIVE AGENDA

City Council considered the following application and recommendation from the Historical Architectural Review Board for an improvement to a property within the Historic District:

1. CAP Housing, applicant, Lancaster Equity CDC, owner of 620 West Vine Street, propose replacement of wood windows with vinyl windows.

The Historical Architectural Review Board recommended denial of the application.

Mr. Reichenbach made a motion to accept the recommendations of the Historical Architectural Review Board. Mr. Roschel seconded the motion.

Mr. Reichenbach stated his hope that Council could amend the HARB ordinance or find some way to provide flexibility to the HARB in administering the ordinance.

City Council voted unanimously by a roll-call vote on the motion to approve the recommendation to deny a Certificate of Appropriateness.

ORDINANCES FOR FINAL PASSAGE

Administration Bill No. 11-2017, (the title) was read by the City Clerk as follows:

An ordinance of the Lancaster City Council amending the City of Lancaster Zoning Ordinance, Ordinance No. 6 – 2013, Chapter 300 of the City Code, to modify provisions related to nonconforming structures and to fences; to add a provision permitting temporary open space in the hospital complex district; to amend off-street parking requirements by providing parking requirements for new land use classifications, by adding motorcycle and scooter parking to parking lot provisions, by increasing the interior tree planting requirement for parking lots exceeding the minimum number of required spaces, by adding provisions to address safety, by prohibiting the use of stone or gravel for residential parking spaces and driveways, and by providing for modification of certain parking provisions with special exception approval; to remove from the Zoning Ordinance the regulation of signs and to cross reference Chapter 255 Signs of the City Code; to add definitions for new land use categories of community garden, special hospital and visitor house rental and modify the definition of hospital; to add the three new uses to the table of permitted uses subject to certain conditions; and to make editing improvements.

Mr. Roschel made a motion to approve the bill. Mr. Soto seconded the motion.

Mr. Soto moved to amend the text of the proposed ordinance, as follows:

1. Under the list of conditions for Visitor House Rental, modify Condition e. to read as follows: The number of guests in one party shall not exceed ~~2 persons~~ adults per bedroom.

2. Under the list of conditions for Community Garden, modify Condition d. to read as follows: Hours of operation shall be between 7:00 a.m. and ~~8:00 p.m.~~ dusk, or as determined by the Zoning Hearing Board.

3. Under the list of conditions for Community Garden, modify Condition j. to read as follows: ~~Retail Sales of unprocessed produce are limited to two days per week, with specific days to be approved by the Zoning Hearing Board~~ are permitted. No sale of processed produce is permitted.

Mr. Reichenbach seconded the motion to amend the bill. Council approved the motion by a unanimous roll-call vote.

Mr. Reichenbach made a motion to approve the amended bill. Ms. Wilson seconded that motion.

Council approved Administration Bill No. 11-2017 by a unanimous roll-call vote. It will hereafter be known as Administration Ordinance No. 10-2017.

Administration Bill No. 15-2017, (the title) was read by the City Clerk as follows:

An ordinance of the Lancaster City Council adopting a new City of Lancaster Sign Ordinance, Chapter 255 of the City Code, establishing regulations to erect, alter, maintain or use signs intended to bring attention of any subject matter to the public; requiring sign permits or other approvals for certain signs as defined and regulated in this chapter; providing for the establishment of a sign commission and designation of a sign administrator; regulating sign dimensions, locations, illumination, maintenance, and safety; permitting temporary signs; requiring design review in certain districts; setting forth criteria for modification of regulations; providing for violations and penalties; and providing for the repeal of conflicting ordinances, including, but not limited to, Article IX, Signs, of Chapter 300, Zoning, of the Code of the City of Lancaster.

Mr. Reichenbach made a motion to approve the bill. Mr. Soto seconded the motion.

City Economic Development & Community Revitalization Director Randy Patterson said the City's sign regulations were previously part of the zoning ordinance. It was determined that it would be more efficient and provide greater flexibility to remove the sign provision from zoning and establish sign regulations under a new ordinance. Minor updating occurred with the drafting of the sign bill, but it is largely the sign provisions taken from the previous zoning ordinance.

Council approved Administration Bill No. 15-2017 by a unanimous roll-call vote. It will hereafter be known as Administration Ordinance No. 11-2017.

RESOLUTIONS

Council Resolution No. 37-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster appointing Robert M. Shenk, 220 East Grant Street, Lancaster, PA, as an alternate to the City of Lancaster Zoning Hearing Board, for a three-year term effective July 1, 2017.

Mr. Reichenbach made a motion to approve the resolution. Ms. Wilson seconded the motion.

Ms. Wilson said Mr. Shenk will replace Joe Younger, who has moved from the City.

Council approved Administration Resolution No. 37-2017 by a unanimous roll-call vote.

Administration Resolution No. 38-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster authorizing the mayor to submit the 2017 *Annual Action Plan* (year two of the City's five-year *Consolidated Plan*) to the U.S. Department of Housing and Urban Development (HUD). The submission includes the projected use of funds for the Community Development Block Grant (CDBG) and Emergency Solutions Grant Programs (ESG) during the 2017 program year.

Mr. Reichenbach made a motion to approve the resolution. Ms. Wilson seconded the motion.

Mr. Soto said the City expects to receive about \$30,000 less this year from the U.S. Department of Housing and Urban Development. The activities funded through the block grant program are the same as those funded in the past 12 years. Those include funds for: the purchase of vacant and blighted housing, housing code enforcement inspectors, housing rehabilitation administrative costs, neighborhood street improvements, special police enforcement efforts, fair housing initiatives, and rapid rehousing of the homeless. The block grant program is not slated to be funded in the next federal fiscal year.

Council approved Administration Resolution No. 38-2017 by a unanimous roll-call vote.

Administration Resolution No. 39-2017, (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 QS Zamagias, LLC (“Zamagias”) granting easements to Zamagias for fire and pedestrian access from its building located at 101 North Queen Street across Lancaster Square to the North Queen Street public right-of-way, to allow outdoor dining use on a portion of the City’s property located adjacent to 101 North Queen Street, for the periodic staging of work and materials as may be necessary for the redevelopment and maintenance of 101 North Queen Street and to erect architectural features onto 101 North Queen Street overhanging the sidewalk portions of the public right-of-way known as North Queen Street, East Orange Street and North Christian Street, all as more fully set forth in the easement agreement.

Mr. Reichenbach made a motion to approve the resolution. Mr. Roschel seconded the motion.

Mr. Reichenbach said the easement agreement will help with the redevelopment of 101 North Queen Street, improve Lancaster Square and provide a staging area for materials during redevelopment construction.

Tony Dastra, 113 North Plum Street, said there should be a public hearing about the granting of permanent easements in Lancaster Square.

Council approved Administration Resolution No. 39-2017 by a unanimous roll-call vote.

Administration Resolution No. 40-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster requesting an Automated Red Light Enforcement (ARLE) Grant of \$694,500 from the Pennsylvania Department of Transportation to be used for the Christian Street Bicycle and Pedestrian Boulevard.

Mr. Reichenbach made a motion to approve the resolution. Mr. Roschel seconded the motion.

Mr. Roschel said the Christian Street Bicycle and Pedestrian Boulevard will extend from Chestnut Street to McGovern Avenue. It will be a shared roadway that will cater to cyclists of all abilities and continue to allow motor vehicle traffic. The bicycle boulevard will be an alternative to using parallel streets that have higher traffic volumes. It will provide connectivity and provide for safer, more convenient transportation for users of Christian Street.

There was a grant previously received for flashing lights at intersections. This grant will be used for bulb-outs and green infrastructure.

Council approved Administration Resolution No. 40-2017 by a unanimous roll-call vote.

Administration Resolution No. 41-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster establishing a schedule of fees, charges, and expenses for sign permits, requests to the Sign Commission for modification of sign regulations, appeals to City Council of Sign Commission denial of the design of signs in the Central Business District, and other matters pertaining to the City of Lancaster Sign Ordinance, as provided for in Chapter 255 Signs of the City Code.

Mr. Reichenbach made a motion to approve the resolution. Mr. Roschel seconded the motion.

Mr. Soto said the approved sign ordinance allows for related fees to be set by resolution. The fees in the resolution were taken from the sign chapter in the previous zoning ordinance. There were only minor increases in the costs.

Council approved Administration Resolution No. 41-2017 by a unanimous roll-call vote.

Administration Resolution No. 42-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster creating a City of Lancaster Sign Commission, setting forth the qualifications for membership, method of appointment, length of terms, criteria for vacancies, meeting procedures, and powers and duties of the commission.

Mr. Reichenbach made a motion to approve the resolution. Mr. Soto seconded the motion.

Mr. Soto said the resolution authorizes the creation of a commission to administer the sign ordinance. The commission will review designs for signs in the Central Business District and appeals to determinations made by the Sign Administrator. Recommendations for initial commission members will soon be made to the mayor.

Mr. Reichenbach thanked Mr. Patterson for streamlining the process for sign approval.

Council approved Administration Resolution No. 42-2017 by a unanimous roll-call vote.

Administration Resolution No. 43-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster requesting a Multimodal Transportation Fund Grant of \$1,200,000 from the Commonwealth Financing Authority to be used for the Walnut Street Tunnel.

Mr. Roschel made a motion to approve the resolution. Ms. Wilson seconded the motion.

Mr. Roschel said the \$1.2 million grant will fund design and construction of a tunnel under East Walnut Street. The tunnel will be provide direct connection to the planned Northeast Gateway Trail, to enhance safety and provide an access point to the trail. It is not certain whether the grant application will be submitted; matching funds of \$250,000 must be appropriated within the budget.

Council approved Administration Resolution No. 43-2017 by a unanimous roll-call vote.

Administration Resolution No. 44-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster establishing a schedule of fees, charges, and expenses for certificates of zoning compliance, appeals to the Zoning Hearing Board, and other matters pertaining to the City of Lancaster Zoning Ordinance, as provided for in the Pennsylvania Municipalities Planning Code and the Zoning Ordinance.

Mr. Reichenbach made a motion to approve the resolution. Mr. Roschel seconded the motion.

Mr. Patterson said that for several years, the City has been removing fees from ordinances and establishing them by resolution to allow for easier alteration. These are the zoning fees from the prior ordinance. They are being removed and placed in this separate resolution.

Mr. Patterson also took the opportunity to thank Chief Planner Paula Jackson, Senior Planner Craig Lenhard and former Zoning Officer Walt Siderio for their work drafting many of the ordinances and resolutions on tonight's agenda.

Council approved Administration Resolution No. 44-2017 by a unanimous roll-call vote.

Administration Resolution No. 45-2017, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster appointing Patrick Harvey, esquire, and Campbell, Durant, Beatty, Palombo and Miller, P.C., special counsel for the City of Lancaster.

Mr. Reichenbach made a motion to approve the resolution. Ms. Wilson seconded the motion.

Mr. Reichenbach said Mr. Harvey will negotiate a labor contract on behalf of the City with the firefighters' union and represent the City in arbitration, should the contract go to arbitration.

Council approved Administration Resolution No. 45-2017 by a unanimous roll-call vote.

PUBLIC COMMENT

Tony Dastra, 113 North Plum Street, referred to the earlier comments of Mr. Hannegan, stating that clogged street drains are a problem. He said public education initiatives, such as an informational video, could be produced to explain the need for street cleaning. He believes that would be more effective than ticketing motorists for failing to move parked vehicles during designated street sweeping hours.

REPORT OF THE PRESIDENT OF COUNCIL

President Graupera stated that last night's discussion regarding replacement windows in the Historic District and the vote of denial tonight underscore the need for the HARB ordinance to be reexamined. He has spoken with Mr. Patterson, who will work with HARB members to propose

changes to the ordinance intended to provide greater flexibility. He said changes would be helpful to HARB members and City Council as they deal with requests for alterations.


He asked Council members to provide suggestions for ordinance amendments as part of this review.

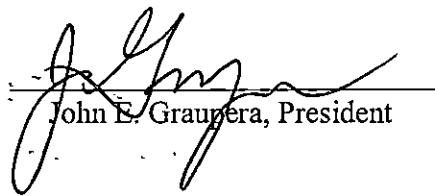
Ms. Wilson commented that her frustration with the process is that CAP Housing followed the rules and were denied permission to replace windows. Often, property owners replace windows without asking for permission. That results in a mix of windows in a historic district and a penalty for those who try to follow the rules. She believes the rules need to be reviewed.

President Graupera said he hopes to complete the review by the end of the year.

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

Attest:


Bernard W. Harris Jr., City Clerk


John E. Graupera, President