

STATED MEETING - CITY COUNCIL – JANUARY 27, 2015

A meeting of the Lancaster City Council was held on Tuesday, January 27, 2015 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, Ms. Sorace, Mr. Soto

Ms. Williams, Ms. Wilson, President Graupera – 7

The minutes of the meeting of Council for January 13, 2015 were approved by a roll-call vote. Mr. Soto, who was not present at the January 13 meeting, abstained.

PUBLIC COMMENT – Gene Aleci, of 355 W. Orange St., spoke of the Lancaster County Convention Center as a project that was showed the benefits of incorporating historic preservation and retaining older structures into a new development. The existing convention center is a compromise worked out over several years with significant public engagement. Initial plans did not include the retention of Thaddeus Stevens' house and law office, the Kleiss Saloon nor the Lydia Hamilton Smith house. The retention of those historic properties also mitigated the impact of the multi-story meeting center on the streetscape. He said public input can result in similar benefits in other projects.

Former Mayor Arthur Morris, of 434 W. Chestnut St., noted that several Council members at the last meeting seemed influenced by a letter from historical consultant David Schneider, presented by the project partners redeveloping the former Dillerville Rail Yard. Morris said he had hand-delivered a competing letter from historic consultant Randy Harris to the project partners. Harris' letter attempted to refute claims made by Schneider that a pedestrian bridge at the rail yard should not be preserved at the site. Morris also questioned why two council members voted against a resolution and asked for them to explain their reasons to the public.

REPORTS REQUESTED BY COUNCIL - President Graupera read the following summary of legal opinion from Solicitor Barry Handwerger regarding whether a steel pedestrian bridge at the Dillerville Rail Yard lies within the city's Heritage Conservation District and therefore subject to Historical Commission review:

Based on review of Article 2 of Chapter 155 of the Code of the City of Lancaster, an analysis of the subject area by the City's licensed surveyor, and rulings by the courts of the Commonwealth of Pennsylvania the City Solicitor has determined that:

1. The pedestrian bridge is not located within the Heritage Conservation District;
2. The above-referenced ordinance does not apply to the pedestrian bridge. Thus, the demolition or relocation of the bridge is not subject to review by the Historical Review Commission, or to permitting by the City.
3. The pedestrian bridge is located on private property that lies outside of the Heritage Conservation District. Thus, this is a private property dispute over which the City has no legal authority.

Former Mayor Morris read part of a legal opinion which he had received that contradicted the solicitor. That opinion held that the Heritage Conservation District ordinance is intentionally expansive in scope and in cases of close proximity to borders, the city should lean toward review, in keeping with the intent of the ordinance. Morris contended that at least a portion of the bridge is within the district and that requires the ordinance be applied. He suggested a survey could determine whether the bridge is in the district and expressed hope that the matter can be resolved without going to court.

Councilwoman Sorace expressed dismay that court action was now being discussed, but said she understood Mr. Morris' frustration. She was also appreciative of the years of preparation of the partners to bring the project to this point. Sorace said she was at a loss how to resolve the issue because there seemed to be a standoff between the two sides. She expressed disappointment the partners seem unwilling to discuss the matter and unwilling to delay the project. Beyond this parcel, Sorace said she is interested in how to avoid this happening in the future. Based on the available maps, it is almost impossible to know which properties are in the Heritage Conservation District and which are not, she said.

John Spidaliere, 337 E. Walnut St., said public funds went into removing the rail yard and as such there should be a public conversation about its redevelopment. He also praised the redevelopment done by Franklin & Marshall College on Harrisburg Avenue. And, he asked representatives of the college and Lancaster General Hospital if there was any chance of a public discussion about the project plans.

President Graupera said he felt council members have become mediators, having done their due diligence on the issue and brought it out for public debate. Now, we are at a standpoint. He asked that F&M and LGH make a brief response to the comments made.

Gene Aleci referred to his earlier remarks about past city redevelopment projects which showed where the most beneficial ones may not have held to the letter of the law as much as doing the right thing. And he reiterated that no one was attempting to villainize F&M and LGH.

Sam Houser, 622 State St., and Franklin & Marshall College vice president for strategic initiatives, said the project partners will take this under advisement.

Former Mayor Charlie Smithgall, 534 W. Lemon St., said the view from the pedestrian bridge showed the development of the northwest part of the city in conjunction with the railroad. That context will be lost if the bridge is removed, he said. Smithgall also stated that he was mayor when the rail yard project was first discussed. He contended the land was to be divided between the college, hospital and city, with the city receiving half of the acreage for economic development. He said that provision "got lost" when he left office and called for it to be reexamined.

REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY – No report

PUBLIC WORKS COMMITTEE – No report

ECONOMIC DEVELOPMENT & REVITALIZATION COMMITTEE – Mr. Reichenbach reported on the City Revitalization and Improvement Zone Authority meeting held earlier in the day. He said board members have held meetings with potential developers to explain the program to them. He also said the CRIZ board voted to remove the 6.7 acres of CRIZ-zoned land from the Burle Business Park. That land had been earmarked for construction of an aquatics center, now planned for East Hempfield Township. The acres will be reallocated elsewhere in the city. He also reported there are discussions with legislative leaders about making changes in the year-old program. Those changes could occur within six months. And, he praised the Lancaster City Alliance, whose economic development plan update closely matches where CRIZ redevelopment projects are expected to occur.

FINANCE COMMITTEE – Ms. Sorace noted that Administration Bill No. 2, concerning an increase of water rates within the city, is on the agenda for at this evening's meeting.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – No report

PERSONNEL COMMITTEE – No report

City Council considered the following application and Historical Commission recommendations for improvement to properties within the Heritage Conservation District:

1. Thaddeus Stevens Foundation, 633-637 E. Fulton St., request construction of a new residential duplex building on an undeveloped lot. (Recommended for approval by the Historical Commission.)

Councilman Soto made the motion to approve. Councilman Reichenbach seconded the motion. The recommendation was unanimously approved by a roll-call vote.

OLD BUSINESS

Administration Bill No. 1-2015, (the title) was read by the City Clerk as follows:

An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania, approving the plan of administrative services of the Lancaster Downtown Investment District Authority; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect as provided by Pennsylvania law.

Councilman Reichenbach made the motion to approve. Councilwoman Wilson seconded the motion.

Councilman Reichenbach noted the ordinance would reauthorize the Downtown Investment District for a four-year period.

The motion was unanimously approved by a roll-call vote.

Administration Bill No. 2-2015, (the title) was read by the City Clerk as follows:

An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania amending Section 295-58 and 295-60 of the Code of the City of Lancaster to change the water rates for customers within the city limits, effective March 5, 2015; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect as provided by Pennsylvania law.

Councilwoman Sorace made the motion to approve. Councilman Roschel seconded the motion.

Councilwoman Sorace noted that this was the fourth time the water rate increase is being publically discussed. The last water rate increase was in 2011 to fund construction of the city's microfiltration water plants. This increase will help fund improvements to aging infrastructure, such as water mains. She cautioned that there will be another water rate increase in 18-24 months as the city plans incremental increase to address rising costs.

Councilwoman Wilson questioned when the Stormwater Management fee was approved by council. Sorace answered that it was implemented in March 2014.

The motion was approved by a 6-1 vote with Ms. Wilson voting against the measure.

REPORT OF THE MAYOR – In the absence of Mayor Gray, the mayor's Chief of Staff and Acting Mayor Pat Brogan asked for clarification on the Dillerville Rail Yard project. She cited former Mayor Smithgall's remark about half of the land going to the city for economic development. She wanted to assure council members that no one in the city or otherwise involved in the project is in the habit of "losing" land. Brogan stated that she was unaware of the agreement Smithgall referred. She said the Economic Development Corporation of Lancaster County was the other project partner and the owner of the property. She wanted to disabuse anyone of the notion that a deal was made with F&M and LGH.

President Graupera responded that he understood Brogan to say she disagreed with what Mr. Smithgall had said.

Ms. Brogan clarified that "nothing got lost."

REPORT OF THE PRESIDENT – President Graupera noted that City Clerk Mr. Harris had sent a summary of his recent meeting with Mayor Gray. Those reports will become a regular occurrence and he hopes the frequency of his meetings with the mayor will be increasing from monthly to twice-monthly.

COUNCIL COMMENTS – Councilman Reichenbach related that he had attended the Anti-Heroin Task Force meeting at the Burle Business Center on January 20. He said it was reassuring to see so many aspects of the community come together to combat the illegal sale and use of heroin. He said the effort is in its formative stages as local officials consider the available funding, treatment needs and possible initiatives. Yet, he said, the need is great and the problem is growing.

Councilwoman Sorace said she attended a meeting January 20 of the Chestnut Hill neighbors at the Unitarian Church. The monthly neighborhood crime safety meeting included a discussion about residents' trimming trees to allow for better sidewalk lighting, adding lighting to the area, vandalism done by young people, the presence of the police officers and building relationships with School Resource Officers based at Reynolds Middle School.

She praised Lt. Bradley, who came on his day off to discuss the citizen police academy, beginning in March; the Lancaster City Alliance for having Shelby Naumann at the meeting, and the Alliance's reprinting of cards with contact numbers for resident concerns.

Ms. Sorace also restated her belief that the discussion of the pedestrian bridge is a reminder that additional public discussion and education is needed about the Heritage Conservation District and the HARB districts. Materials should be available that clearly show the district in which a property is located. She also called on citizens who opposed the removal of the bridge to survey

historic resources on private property. Recognizing those resources now may prevent future issues when redevelopment occurs, she said.

President Graupera adjourned the meeting at 8:21 p.m.

John E. Graupera, President

Attest:

Bernard W. Harris Jr.

City Clerk