

STATED MEETING - CITY COUNCIL – APRIL 12, 2016

A meeting of the Lancaster City Council was held on Tuesday, April 12, 2016 in Council Chambers, 120 North Duke Street, (Rear Annex) Lancaster, PA, at 7:30 p.m., with Vice President Wilson presiding.

The Council led the assembly in the Pledge of Allegiance.

Present - Mr. Reichenbach, Mr. Roschel, Ms. Sorace, Mr. Soto, Ms. Williams and Vice President Wilson – 6

Excused – President Graupera -1

The minutes of the meeting of Council for March 22, 2016 were approved by a roll-call vote.

PUBLIC COMMENT

Arthur E. Morris, 434 West Chestnut Street, said it has been more than a year since a metal pedestrian bridge was removed from the Northwest Gateway site, now owned by Franklin & Marshall College. The site is now clear for future development. Mr. Morris contended the history of the site has been obliterated. He said there was very little attempt to respect the past in the process. He expressed lament that there is no longer anything there to remind people of the railroad, the Armstrong flooring factory and the family-supporting jobs that brought people to that location, day after day, for many years.

The reuse of the metal bridge to span the Conestoga River will not represent its past, he said. And, he expressed hope that officials at Franklin & Marshall College and Lancaster General Hospital will decide to return a portion of the bridge to its original site.

REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – Ms. Williams said her committee met Monday, April 4 and discussed the possibility of empowering the Lancaster Parking Authority with the responsibility of enforcing the parking ordinance. Lancaster is the only Pennsylvania city with a parking authority in which the parking authority does not enforce parking laws. Additional information about that proposal will be forthcoming.

A request for a special exception for a third handicapped parking permit on the 500 block of Howard Avenue was also discussed by the committee. Council Bill No. 5, which would allow that special exception, is on this evening's agenda.

PUBLIC WORKS COMMITTEE – Mr. Roschel reported that his committee met on April 4 and reviewed Bill No. 4 and Resolutions No. 18-2016 and No. 20-2016, which are on this evening's agenda.

ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION – No Report.

FINANCE COMMITTEE – Ms. Sorace said her committee had three items for action: Resolution No. 17-2016, regarding reimbursement from PEMA and FEMA for costs associated with the January snowstorm; a legislative budget transfer for \$23,500 for costs associated with creating a firm foundation for the Reservoir Park pool; and the quarterly legislative budget transfer for workers’ compensation costs of \$13,918.69.

Ms. Sorace made a motion to approve the first legislative budget transfer, for \$23,500. Mr. Reichenbach seconded that motion. The transfer was approved by a unanimous roll-call vote.

Ms. Sorace made a motion to approve the second legislative transfer, for \$13,918.69. Mr. Roschel seconded the motion. The transfer was approved by a unanimous roll-call vote.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Soto said his committee met on April 4 to discuss the *Joint Lancaster County-Lancaster City Consolidated Plan for Years 2016 through 2020*, the action plan for this year’s Community Development Block Grant and Emergency Solutions Grant. The City will be applying for \$1,575,992 from the Community Development Block Grant Program and \$140,679 from the Emergency Solutions Grant Program in federal fiscal year 2016. The City has applied to these funding programs since 1974, although at that time, the City was getting \$4 million per year. The money will be used for housing code enforcement, administration of the homeowner rehabilitation program, critical repair loans, street improvements, neighborhood crime initiatives, planning and administration, homeless shelter operations and rental and financial assistance for rapid rehousing of the homeless and other services.

PERSONNEL COMMITTEE – Vice President Wilson reported that her committee met on April 4 with Jose Colon, who is nominated to serve on the Lancaster City Planning Commission. Mr. Colon’s term would begin immediately and continue through December 31, 2018.

Ms. Wilson made a motion to approve the nomination. Mr. Reichenbach seconded the nomination. Council approved Mr. Colon’s appointment by a unanimous roll-call vote.

LEGISLATIVE AGENDA

City Council considered the following application and recommendation from the Historical Commission and Historical Architectural Review Board for improvement to properties within the Heritage Conservation District and Historic District:

1. Stockyards Development Inc., owner of 1250 Marshall Avenue, proposes construction of a new four-story medical building. (Recommended for approval by the Historical Commission.)
2. Franklin & Marshall College, owner of 401 West Liberty Street, proposes construction of a new athletic stadium. (Recommended for approval by the Historical Commission.)
3. Usdin Realty LP, owner of 555 South Water Street, proposes construction of a new one-story commercial building. (Recommended for approval by the Historical Commission.)

4. St. John's Episcopal Church, owner of 321 West Chestnut Street, requests demolition of a brick cloister and entry steps facing West Chestnut Street, and a modern masonry wall along a rear courtyard facing North Mulberry Street. (Both applications were recommended for approval by the Historical Architectural Review Board.)
5. St. John's Episcopal Church, owner of 321 West Chestnut Street, requests construction of a new narthex addition, a new elevator tower, and installation of a new banner pole, bike racks and bollard lighting. (These five applications were recommended for approval by the Historical Architectural Review Board.)

Mr. Reichenbach moved to accept all of the recommendations. Mr. Soto seconded the motion.

Anthony Dastra, 113 North Plum Street, asked for details of Franklin & Marshall College's plans for a new stadium. He also expressed a desire for greater integration of Franklin & Marshall with the community, particularly with J.P. McCaskey High School.

Ms. Sorace said that while there may be an expectation that Council would review project plans prior to an approval vote, that Council typically relies on the City staff process and review by appointed members of the Historical Commission and Historical Architectural Review Board. When a project has been reviewed and recommended for approval, Council members do not delve into the details of a project. In his case, the project was recommended for approval.

Vice President Wilson asked Franklin & Marshall College representatives who were in attendance at the meeting to speak with Mr. Dastra. She asked that they get his contact information so that someone from the college could contact him regarding the inclusion of McCaskey students in the project.

City Council voted to approve the recommendations by a unanimous roll-call vote.

ORDINANCES FOR FINAL PASSAGE

Administration Bill No. 3-2016, (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 Chapter 114 of the Code of the City of Lancaster removing the requirement that businesses operating within the City of Lancaster register the business on an annual basis and pay an annual registration fee and to make other minor changes to the code; 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.

Mr. Reichenbach made a motion to approve the ordinance. Ms. Sorace seconded the motion.

Mr. Reichenbach said the annual registration fee is being removed from the ordinance. There will now be a fee only for new businesses registering under the ordinance or those moving locations. Other minor changes are also included in the amendments.

Ms. Sorace thanked the administration for being responsive to complaints from business owners who felt burdened by the requirements of the ordinance.

City Council approved Administration Bill No. 3-2016 by a unanimous roll-call vote.

ORDINANCES FOR FIRST READING

Administration Bill No. 4-2016, (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 Chapter 262 of the Code of the City of Lancaster to provide for the expansion of the Streetscape District, authorizing the implementation of Green Infrastructure into certain streetscape standards for items such as sidewalks, traffic calming measures and planting within the Streetscape District, providing for the enforcement of the ordinance, establishing penalties for violations of the ordinance; repealing inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect in accordance with Pennsylvania law.

Mr. Roschel noted that City Council had adopted an ordinance in 2008 which established uniform standards for curbing, lighting, street furniture, such as benches, litter receptacles and planters, in public areas between the street curb and building fronts in certain areas of the City. This ordinance expands the boundaries of that area, based on the “Building on Strength” economic development plan prepared by the Lancaster City Alliance. That plan was adopted as the City’s economic development plan last year.

The present Streetscape District is bounded by Prince, Farnum, Duke and Lemon streets. The amendments expand the district east to Lime Street, north to Liberty Street, include the Amtrak station, Northwest Gateway and Harrisburg Avenue, and the East and West Orange and King street corridors, Manor Street corridor, South Prince and South Queen street corridors, and South Duke Street to Schuylkill Street, and New Holland Avenue corridor, including small portions of Plum and East Walnut streets. Green infrastructure provisions was also added to the ordinance.

Changes under the Streetscape District ordinance will affect large development projects, but are unlikely to affect individual homeowners.

Council Bill No. 5-2016, was referenced by Vice President Wilson. She noted that recent developments indicate the special exception for an additional handicapped parking space on the 500 block of Howard Avenue will be unnecessary.

Ms. Williams said the bill would provide for a third handicapped parking space on the block. Two handicapped spaces are allowed under the parking ordinance without a special exception. Since the committee meeting, it had been determined that the holder of one of the existing spaces had died. The applicant for the third space can now be granted that space by the Traffic Commission.

Ms. Williams made a motion to remove Council Bill No. 5-2016 from the meeting agenda. Mr. Reichenbach seconded the motion.

City Council approved the motion by a unanimous roll-call vote.

RESOLUTIONS

Administration Resolution No. 17-2016, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster authorizing Patrick S. Hopkins, business administrator, to execute for and on behalf of the City of Lancaster all required forms and documents for the purpose of obtaining financial assistance for costs associated with the 2016 winter storm designated as Pennsylvania Severe Winter Storm (EM-3367).

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

Ms. Sorace said this resolution is the beginning of a process to seek reimbursement of storm-related costs. The Pennsylvania Emergency Management Agency and the Federal Emergency Management Agency have designated a 48-hour period during the January snowstorm. The City may claim reimbursement of storm-related spending during those hours. The City's costs during that period were about \$322,000. When the funds are eventually received, they will be directed to the City's street repair program.

City Council approved Administration Resolution No. 17-2016 by a unanimous roll-call vote.

Administration Resolution No. 18-2016, (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 a grant proposal for Community Conservation Partnership Program (C2P2) funds from the Department of Conservation and Natural Resources (DCNR) in an amount up to \$750,000 for renovations of Long's Park.

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

Mr. Roschel said the grant would fund the replacement of the wooden castle playground structure, the addition of a PebbleFlex play surface underneath, stormwater management

improvements and lighting. The City will be asking the Lancaster SERTOMA Club for matching funds for the grant. An announcement of the grant awards is expected in November.

City Council approved Administration Resolution No. 18-2016 by a unanimous roll-call vote.

Administration Resolution No. 19-2016, (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 *Joint Lancaster County-Lancaster City Consolidated Plan for Years 2016 through 2020* and the *2016 Annual Action Plan* to the U.S. Department of Housing and Urban Development. The submission includes the needs and priorities of the County and City and the projected use of funds for the Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) programs during the 2016 program year.

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

Mr. Soto detailed how the grant money is to be spent: \$63,000 for blighted properties; \$352,759 for housing code enforcement; \$155,000 for homeowner rehab administration; \$100,000 for the critical repair program; \$550,000 for street improvements; \$5,000 for economic development micro-enterprise loans; \$120,000 for neighborhood crime initiatives; \$15,000 for the fair housing program; \$183,592 for CDGB planning and administration; and \$80,000 for indirect costs.

City Council approved Administration Resolution No. 19-2016 by a unanimous roll-call vote.

Administration Resolution No. 20-2016, (the title) was read by the City Clerk as follows:

A resolution of the City Council of the City of Lancaster, Lancaster County, Pennsylvania authorizing the execution by the proper officers of the City of Lancaster of a quit claim deed transferring a parcel of property formerly known as Stevens Avenue, Lancaster City, Pennsylvania to the Commonwealth of Pennsylvania, acting and through the Department of General Services, grantee.

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

Mr. Roschel explained that Thaddeus Stevens College of Technology has asked that the City transfer to the state any interest that it may or may not have in a parcel of property formerly known as Stevens Avenue. The property, which is less than one-tenth of an acre, was removed from the official City map in 1965 and has been unutilized since at least 1949. The title company for the College had questioned whether the City has any interest in the property. The quit claim

deed will relinquish any City claim to the site. The Council believes it is in the best interest of the City to sell the property to the state for \$1.

City Council approved Administration Resolution No. 20-2016 by a unanimous roll-call vote.

REPORT OF THE MAYOR

In Mayor Gray's absence, Chief of Staff Pat Brogan presented Council members with a memo from the solicitor detailing the current status of tax assessment appeals. The text of that memo is as follows:

The following is a summary of tax assessment appeal litigation matters in which the City is participating and their current status.

1. Home Depot USA, Inc.

A pre-trial conference in this matter is scheduled for March 21, 2016, at 3:30 p.m. in front of Judge Cullen. In this case, Home Depot USA, Inc. and the City of Lancaster, along with the School District, have filed appeals of the decision. The implied market value from the original assessment was \$8,422,252.00. At the board hearing, Home Depot presented an appraisal report from Jack Petcella in the amount of \$6,000,000.00. On October 10, 2014, the Lancaster County Board of Assessment Appeals rendered a decision assessing the property at \$5,104,200.00, which implies a fair market value of \$6,452, 845.00. The appraisal obtained by our office from Pat Noone expresses an opinion of value of \$12,000,000.00. If a settlement cannot be reached, this matter will proceed to trial.

2. Wachovia Properties.

We have two different properties under appeal with respect to Wachovia/Wells Fargo.

A. 914 Manor Street. This is a branch property. The Board reduced the assessment value from \$663,800.00 to \$577,300.00 on August 27, 2013. The City appealed this matter and has obtained an appraisal for the property from Valbridge Property Advisors valuing the property at \$1,630,000.00, which is significantly above the implied value of \$716,253.00. A pre-trial conference was held yesterday and Judge Cullen will be scheduling this for trial.

B. 100 North Queen Street. The Board reduced the assessment based on Wells Fargo's appeal from \$2,225,400.00 to \$1,793,700.00. The City appealed and hired Lukens and Wolf to prepare an appraisal. The parties are currently involved in a discovery dispute.

3. Packaging Corporation of America.

On October 31, 2013, the Board of Assessment Appeals reduced the assessed value of 1530 Fruitville Pike from \$3,130,600.00 to \$2,523,300.00. The City appealed and obtained an appraisal from Lukens and Wolf. Wolf's conclusion of \$3,600,000.00 is more than \$1,000,000.00 higher than the Board's assessment. On February 17th of this year, the City filed a Praecepte requesting a pre-trial conference. A pre-trial conference was held yesterday and Judge Cullen will be scheduling this for trial in September.

4. *Boscov's.*

On November 13, 2015, the Board of Assessment Appeals reduced the assessment on the Boscov's property from \$8,832,000.00 to \$6,208,100.00. The City filed an appeal of that Board decision and, in conjunction with the School District, is in the process of having an appraisal performed on this property.

5. *Fulton Bank.*

On November 13, 2015, the Board of Assessment Appeals rendered decisions maintaining (not increasing or decreasing) the assessments on 25 North Queen Street at \$9,240,000.00 and 1 Penn Square at \$4,760,000.00. The 1 Penn Square property is technically owned by Fulton Bank, while the 25 North Queen Street property is technically owned by EDC Finance Corporation. Both Fulton and EDC then filed appeals. The City intervened in this matter on behalf and, in partnership with the School District, will be obtaining an appraisal on the property.

6. *Urban Place.*

On December 10, 2010, the Board of Assessment Appeals rendered an assessment of the Urban Place property at \$12,926,300.00, which has an implied value of \$17,191,979.00. Urban Place appealed this decision based on its appraisal of the property at \$6,528,900.00 (an almost \$11,000,000.00 difference). Subsequently, the City filed an appeal of this matter in conjunction with the School District. The City's appraisal shows a value as of January 1, 2016 of \$22,000,000.00, with it dropping to \$16,000,000.00, as of January 13, 2011 as a result of lease-ups and construction. A pre-trial conference will be held with Judge Brown on May 13, 2016.

7. *Red Rose Transit Authority.*

In 2014, the City and the School District appealed the tax exempt status of RRTA's parking garage. The RRTA believes that because they are a transit authority, they have the implicit right to use the property as a parking garage in a tax exempt manner and that such use renders the property tax exempt. We disagree. A pre-trial conference was held before Judge Ashworth on March 21, and he is listing the matter for trial.

COUNCIL COMMENTS

Vice President Wilson said she and Ms. Sorace attended a round-table discussion earlier in the day in recognition of National Equal Pay Day. The event highlighted the disparity in wages received by woman and men. The event was attended by U.S. Senate candidate Katie McGinty and U.S. House candidate Christina Hartman, along with women from all over the County.

Ms. Wilson noted that for every \$1 a man earns, a white woman earns \$.79, an African-American woman earns \$.60, and a Hispanic woman earns \$.55. Woman work just as hard, if not harder than their male counterparts. She stated that this is 2016, not the 1950s when men earned wages that allowed women to stay home. She expressed hope that there will be substantive discussions of the issue and substantive changes.

Ms. Sorace cited several initiatives of the Public Art Advisory Board, including "Moving in the Right Direction," which is an art installation being done as part of a fence at the park

wading pool adjacent to Martin Luther King Jr. Elementary School. An internationally acclaimed paper-cutting artist has designed a pattern which will be laser-cut into steel panels, painted bright colors and installed into the fence. The fence will be visible from South Duke Street. A crowd-funding campaign is being done to raise money for the project.

Additionally, on Saturday, April 23, a community clean-up will be done in conjunction with the Litter Letter Project. Six-foot letters, made with steel rods and wire, will be filled with the trash. The letters spell “Rethink.” Those letters will be sited at San Juan Batista church on South Duke Street.

A third art project is the “Lancaster Sound Map,” in which an artist has created nine songs with sounds recorded while encountering people in Lancaster during several visits. The audio recording will be presented along with photographs on May 5-6. More information is available at Lancastersoundmap.com.

Mr. Reichenbach noted that the Pennsylvania Senate earlier in the day approved legislation to allow the medicinal use of marijuana. He noted that Lancaster City Council had approved a resolution in support of medical marijuana bills more than a year and a half ago.

Further, he noted that while states are passing laws allowing discrimination of LGBT people, Lancaster City has established benefits for same-sex partners and put standards and procedures in place to bar discrimination. Mr. Reichenbach said it’s nice to live in a community which takes seriously equality and fairness. While other places are moving backward, he expressed pride that Lancaster was moving forward.

Vice President Wilson adjourned the meeting at 8:14 p.m.

Barbara J. Wilson, Vice President

Attest:

Bernard W. Harris Jr., City Clerk