

## STATED MEETING - CITY COUNCIL – APRIL 25, 2017

A meeting of the Lancaster City Council was held on Tuesday, April 25, 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, Ms. Sorace, Mr. Soto, Ms. Wilson and President Graupera – 6

Excused – Ms. Williams - 1

The minutes of the meeting of Council for April 11, 2017 were unanimously approved by a roll-call vote.

### PUBLIC COMMENT

Art Morris, 434 West Chestnut Street, addressed the increased construction cost of the Lancaster Marriott at Penn Square tower addition project. He asked that Council to hold a briefing at a future public meeting, in which details of the revised financial arrangement be discussed.

Mr. Morris stated that he feels that combining the new tower with the existing hotel under the same financial arrangements presents greater risk for the City. He contended it is less likely the City will be paid the projected amounts of participation rent. Further, he said there is greater risk for the City that Penn Square Partners will not pursue the buy-out provision in the agreement in 2029, due to the higher cost.

Rev. Christopher Bright, 515 South West End Avenue, spoke on behalf of residents opposed to the closure of the Giant supermarket on Reservoir Street. Rev. Bright said the closure of the store would create a “food desert.” Many residents walk to that store and will be unable to easily go to another grocery store. He also cited the urban blight created by the empty store and the loss of nearly 200 jobs in the neighborhood. All of these things will result in crime.

Giant will state that they need a beer garden in the store to make it more profitable. Rev. Bright said additional beer sales are not needed in the community. What is needed is food and jobs.

He asked Council members to stand with residents in opposition to the closure. If Giant insists on closing the store. Council members should work with residents to bring another grocer to the site.

Carol Harvey, 734 East Marion Street, said she was also representing the community around the Giant store. She noted that people in wheelchairs come from Conestoga View to get groceries at the store. People line up at the Western Union counter in the store every day to pay bills.

President Graupera said Council will do everything in its power to convince Giant to do the right thing.

## REPORTS REQUESTED BY COUNCIL

Public Art Advisory Board Annual Report – Heidi Leitzke, City Public Art manager, said she believes public art is now embraced as a vital component of the City. Ms. Leitzke said the goals of the program are equity, livability and excellence.

She displayed photos of public art projects completed in the last year, including: the “Moving in the Right Direction,” fence at the Martin Luther King Jr. Elementary School wading pool; the “Lancaster Sound Map;” the temporary “Litter Letter” display; Central Market wayfinding signs and the 10-year master plan.

Ms. Leitzke also highlighted a first-time exhibit of Lancaster’s black history in the City Hall Gallery for Black History Month and a local art display at the Lancaster Amtrak station.

This year, Ms. Leitzke said she will meet with various groups to promote the master plan, the ReThink Litter Letter will move to additional sites, and there will be a public art bike tour in September.

## UPDATE ON CITY ACTION ON GIANT STORE CLOSING

At Mr. Reichenbach’s request, Council members heard about the actions of City administration officials regarding the announced plans of Giant Food Stores to close the Reservoir Street supermarket.

In the absence of Mayor Gray, Ms. Sorace read a letter from the mayor to Thomas Lenkevich, president of Giant Food Stores, which was mailed earlier in the day:

*Dear Mr. Lenkevich,*

*I am writing concerning Giant’s decision to close your store located on Reservoir Street in Lancaster, Pennsylvania. The store is the last full service grocery store in a neighborhood in the City of Lancaster. Its closing will work a great hardship on many of its customers.*

*Lancaster prides itself on being a walkable community. A place where one can obtain the necessities of life without dependency on a car. Because of this walkability, many of our residents, due to their age or economic considerations, do not own motor vehicles.*

*Your store and its location provided a convenient place to shop. It is in a densely populated, moderate income area. Many have called on the City to prevent the closing, but, of course, this is Giant’s decision to make.*

*I recognize that this is an economic decision considering the size of the facility. I understand that economic drivers do not always match community needs. Still, I would request that you re-examine the decision to close. If the City could help in making this location more suitable to remain open, please do not hesitate to ask.*

*If the decision to close remains final, I would ask that Giant allow the property to be purchased or rented to another proprietor who could, without reservation, best deliver the necessities of life that Giant has to this neighborhood of the City for forty years.*

*Again, I understand that you are in business and a business decision is based on economics. I ask only that you understand the damage that prohibiting another grocer from using this facility will cause our community.*

*Thank you for your consideration.*

*Sincerely,*

*J. Richard Gray*

Randy Patterson, director of the City Economic Development & Neighborhood Revitalization department, informed Council members that he attended a recent meeting of northwest residents held to discuss the supermarket closing. At that meeting, he told residents that he has been working with two developers to find a grocery store to replace Giant, if the City is unsuccessful in asking Giant to reconsider its decision. Mr. Patterson said he was seeking metrics from those stores that would show they would not directly compete for customers with Giant.

He said the City's focus is having Giant not place restrictions on the use of the facility. That has been Giant's history in other locations. He will be approaching the Lancaster City Alliance and Lancaster Chamber of Commerce & Industry about supporting the City's efforts. The City's preference is for Giant to sell the property without restrictions.

Mr. Patterson suggested that City Council also write a letter, similar to the one written by the mayor.

Ms. Wilson requested that a copy of the Council letter be provided to the City's state representative and senator and the County Commissioners.

#### INTERIM REPORTS OF COMMITTEES OF COUNCIL

ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION COMMITTEE – Mr. Reichenbach updated Council members on the meeting of the City Revitalization and Improvement Zone Authority, which was held earlier in the day.

Mr. Reichenbach reported that the accounting firm of Baker Tilly completed its audit of CRIZ Authority finances for 2016. That was a clean audit, without any issues.

Mr. Reichenbach also reported that CRIZ Authority Chairman Ray D'Agostino has proposed establishment of a task force to develop a process in which CRIZ funding programs can be used for small businesses. A secondary goal of the task force is make information available about the program and its limitations. Mr. Reichenbach said he will be a member of that task force.

#### LEGISLATIVE AGENDA

City Council considered the following applications and recommendations from the Historical Commission for improvements to properties in the Heritage Conservation District:

1. Elsie Diaz-Fermaint, owner of 651 East Madison Street, proposes construction of a covered front porch.

2. Tobacco Avenue LLC, owner of 342 East Fulton Street, proposes demolition of a one-story storage building.
3. Long Crest Senior Housing LP, owner of 200 North West End Avenue, proposes demolition of a stair tower on the north elevation of the existing building, and new construction of a three-story residential building along West Walnut Street.  
(These applications were recommended for approval by the Historical Commission.)

Mr. Reichenbach requested that there be a separate vote for the first two items.

Mr. Reichenbach made a motion to accept the recommendation of approval of the Historical Commission for the projects of Elsie Diaz-Fermaint and Tobacco Avenue LLC. Mr. Roschel seconded the motion.

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

Mr. Reichenbach made a motion to disapprove the recommendation of acceptance for Long Crest Senior Housing LP. Ms. Sorace seconded that motion.

Mr. Reichenbach said he had spoken to several residents of the area near the former Long Home. They did not disapprove of the proposed senior housing project, but they did not approve of the design of the proposed new construction along West Walnut Street. He noted that no recent neighborhood meetings were held by developers of the project to seek resident input. A vote to disapprove the recommendation will send the project back to the Historical Commission and provide an opportunity for a neighborhood meeting to occur.

Ms. Sorace said she had also heard from residents of the 900 block of West Walnut Street. They had questions and concerns about the appearance of the proposed buildings, the effect on the streetscape and how the movement of a building on the site would be accomplished.

Kimberly Gitlen, 107 Euclid Avenue, said residents were told by the developer that the former Long Home building would be reused. She complained that there had been no community meetings about the project. She said the residents should have an opportunity to comment on the project.

Ms. Sorace clarified that the Long Home building is planned for reuse in this project. What is being discussed is construction of a new building along West Walnut Street.

John Holden, 342 West End Avenue, asked about the process for the developers holding a community meeting. Mr. Patterson responded that the developers will be asked to hold a community meeting, such as they did five years ago when another version of the project was proposed.

President Graupera clarified that it is not the City proposing this project. There are public meetings and information is disseminated to the public. It is not done in a vacuum or behind closed doors. The City is legally bound to hold public meetings and those have occurred.

City Council voted unanimously to reject the Historical Commission recommendation of approval for Long Crest Senior Housing LP by a roll-call vote.

Following a question from the City Clerk, Mr. Reichenbach again made a motion to approve the Historical Commission recommendations of approve for the first two items. Mr. Roschel seconded the motion.

City Council again voted unanimously to approve the two recommendations by a roll-call vote.

#### ORDINANCES FOR FINAL PASSAGE

Administration Bill No. 10-2017, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania rewriting Chapter 262-Streets and Sidewalks of the Code of the City of Lancaster, setting forth the purposes thereof, provisions regarding the administration and enforcement of the chapter, provisions regarding the issuance of permits and notices, establishing procedures for fees, setting forth violations and penalties, establishing procedures for amendments and modifications to the standards set forth in this chapter, providing for an appeals process, definitions of terms, establishment of snow emergencies and snow emergency routes, nuisances and obstructions, provisions for street excavations, and establishing provisions for a streetscape district; 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 bill. Mr. Roschel seconded the motion.

Mr. Roschel said the proposed ordinance is part of the Public Works department's ongoing efforts to update ordinances and make them consistent with other development ordinances. This proposed ordinance also restructures and clarifies this chapter of the code.

The revised curbs and sidewalks specifications cited in the ordinance were published and became effective on April 3. Two changes in the specifications should save people money. One changes the required depth of a concrete curb from 24 inches to 18 inches, per the PennDOT standard. Another changes the specified concrete mixture to a more common standard.

Fees for street and sidewalk inspections were also removed from the ordinance and placed in a resolution, which is the next item on the agenda.

City Council approved Administration Bill No. 10-2017 by a unanimous roll-call vote. It will hereafter be known as Administrative Ordinance No. 07-2017.

#### RESOLUTIONS

Administration Resolution No. 22-2017, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster amending the Department of Public Works Right-Of-Way Fee Schedule for activities permitted under Chapter 262 of the Code of the City of Lancaster – Streets and Sidewalks.**

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

Mr. Roschel said this resolution brings together fees from different parts of the City's construction code into one fee schedule. None of the fees are changes from the current amounts. The only section added is the surety bonding and insurance provisions. Placing the fees in a resolution will allow for simplified future changes.

Ms. Sorace stated she would be voting against the resolution. She said it has long been a complaint that the \$205 permit fee for fixing a sidewalk, in addition to the actual cost of fixing the sidewalk, is excessive for residents. Ms. Sorace said the fee should be reexamined.

Responding to a request from President Graupera, Mr. Patterson stated that the justification for the fee is a cost study done in 2014. That analysis determined the cost of having City staff perform certain services, including inspections. Fees were established to recover the City's costs.

Noah Miller, 423 East Clay Street, stated that the fees were increased 800 percent a few years ago. While fees had not been increased in many years, the problem remains that residents – particularly senior citizens on fixed incomes – cannot afford the cost of the permit fee in addition to the repair. The City has allowed neighbors to combine their projects under one permit, but Mr. Miller stated that there needs to be a better way to address the cost and administration of sidewalk repairs. Now, people are not repairing sidewalks as a result of the costs.

City Council approved Administration Resolution No. 22-2017 by a roll-call vote of 4-2. Ms. Sorace and Ms. Wilson voted against the measure.

#### PUBLIC COMMENT

Terry Brown, 120 East James Street, contended Mayor Gray told an election official that Mr. Brown needed to sign a document in order to run for mayor. He heard a different explanation from election officials, he said. Mr. Brown said he was urged to run for mayor and sought to do so in order to help others.

Gary Olsen, 18 North Marshall Street, questioned why the letter from the mayor was being sent to Giant Food Stores, in Carlisle. He stated that a letter should be addressed to the president of the parent company in the Netherlands.

At President Graupera's request, Mr. Olen said he would provide the address for the president of the parent company to the City Clerk.

Francis Schecker, 444 East Orange Street, stated that Giant Food Stores is acting in disrespect and disregard for the residents who shop at the Reservoir Street store, particularly the senior citizens. The closing of the store will keep senior citizens who walk to the store from getting food. She said the store must not be allowed to close and urged City Council to help the residents.

Twanda Hunter-Stallworth, College Avenue, criticized Council for not allowing public comment following Mr. Patterson's update on City action regarding Giant. Further, she recommended that the City contact officials in Carlisle to coordinate actions regarding Giant.

Krista Anderson, 307 North Reservoir Street, asked if there is a City board or committee being formed to address a transition to a new grocer at the Giant site. She believes the children of her neighborhood deserve an art program as well as access to fresh vegetables and affordable groceries. The City needs a full-service grocery store and residents are looking for City support to ensure it happens.

Rev. Edward Bailey, 108 Bank Barn Lane, pastor in the City for 23 years, said he has been surprised that there has not been City leadership regarding the Giant. He contended the imitative for action is coming from the residents.

Rev. Bailey said he believes the mayor's letter is too conciliatory. He believes there should be anger at not only Giant's closing the store, but preventing another store from opening in that location. He called for moral indignation and outrage from City leaders. He proposed sit-ins at the store.

Ms. Wilson responded that she attended the recent meeting with residents and that she had done so to hear their concerns. She was not there to voice her own opinion. She has been working behind the scenes on behalf of residents. She is angry about the closure, but has not been publicly voicing that anger. She stated that the reverend is preaching to the choir.

Art Morris, 434 West Chestnut Street, agreed with Rev. Bailey. He called for a display of anger from Council, with a more critical letter.

Darlene Byrd, 243 South Ann Street, spoke of the loss of employment. She noted that a lot of young people will be losing jobs at Giant.

John Kondravy, 610 North Lime Street, said he taught at McCaskey High School for 28 year. One of his students got a job there while still in school and has worked at the store for more than two decades. The closure will be a hardship for him and many others.

Mr. Kondravy said he would write to the president of Giant asking him not to close the store, and warning that if it is closed that he will shop at no other Giant store. If 1,000 people who spend \$1,000 per year at Giant do the same, that's a \$1 million message that he believes Giant officials will hear.

Kimberly Gitlen, 107 Euclid Avenue, said that if the store does close, the City should enforce to the fullest extent possible the property maintenance code, with letters, citations and fines.

Rosie Gross, 69 Ranck Avenue, pointed out the irony of the company motto, "My Giant." The company wants the community to think of the store as "My Giant," yet the retailer is abandoning the community with this closure.

Noah Miller, 420 East Clay Street, noted that several buildings were condemned and razed to allow for the construction of the supermarket in the 1970s. The City helped make the project possible at that time.

Tony Dastra, 113 North Plum Street, stated that he was broadcasting the meeting live on facebook.

Terry Brown, 120 East Grant Street, stated that the discussion has not included the reason Giant is planning to close the store. He said attention should be paid to the reason why.

Howard Garver, 138 North Plum Street, said he came to the meeting to express his concern about the closing of the Giant store, but he also wanted to voice his alarm for the increasing cost of housing in his neighborhood. He said the house adjacent to his was purchased for \$70,000 a year ago and is now being sold for \$218,000. The gentrification of the northeast part of the City is making it even more difficult to find affordable housing. He called for City incentives to promote the rehabilitation of housing, yet doing so to offer the properties at a more affordable cost.

Sue Moberg, 220 East Walnut Street, also stated that she was alarmed about gentrification of the northeast part of the City. Condominiums planned for the Weinstein Supply building, at East Walnut and North Plum streets, will further increase area housing prices. Ms. Moberg said her house was recently reassessed from \$87,000 to \$165,000. She paid \$14,400 for it originally.

She believes the City has the opportunity to leverage what Giant does with the store property. If the City establishes that the property is deteriorating, improvements such as requiring porous pavement in the parking lot and structural changes can be required.

Marty Kelley, 24 South West End Avenue, said she is upset by the closing of the Giant and appalled by the reasoning and lack of compassion on the part of Giant for restricting the use of the property.

She said no one has yet talked about a boycott. She believes many people in the City and the County will be willing to stop shopping at Giant until the company decides to either stay in the location or withdraw restrictions on the future use of the property.

She also commented on the fee for curb and sidewalk permits. She said the cost was excessive and stated her hope that it be reexamined.

Samantha Lioi, 628 North Franklin Street, asked what strategies the City is planning to use in its negotiations with Giant.

President Graupera responded that those strategies are still being developed.

Ms. Sorace stated that the City doesn't have much influence on Giant and the restrictions the company may place on the future use of the building. But, the City and its residents must continue to keep pressure on the company. She thanked the residents for voicing their concerns and calling for action from the company.

Going forward, she said the City will make an economic argument that a future grocery store in that location will not affect Giant's sales. And, the City will focus on preventing restrictions in the contracts regarding future use of the property.

After speaking with shoppers at the store, and being asked to leave the property in the process, she is convinced of the importance of having another grocery store in that location. Ms. Sorace said she is ready to look beyond Giant to another retailer willing to invest in the community.

Ms. Lioi asked how the community can work with the City in its efforts, so they are not working at cross purposes.

Mr. Reichenbach responded that the community is doing what needs to be done by being at the meeting and voicing their concerns. Further, he said that although he is not shouting, he is angry about the planned closure. It is his neighborhood store, where he regularly shops.



That store and the Lancaster community, in the last 40 years, has helped Giant become the company that it is. If Giant decides to leave, then the company should do right by the community which has done right by them for so long, and sell to another grocer. It's simply the right thing to do. That's good corporate stewardship. And, he believes that Giant will hear the emotion being stated in this meeting.

If Giant still chooses to proceed with its plans and blocks another grocer from moving to that location, Mr. Reichenbach said he and many others will chose never to spend another dollar in a Giant again.

President Graupera said Council is listening and acting. He stated his belief that there will be something better at the Giant site when this is done.

Ms. Wilson said this is the kind of Council meetings that need to be held. Council members need residents to come be a part of the process. She thanked everyone for attending.

President Graupera adjourned the meeting at 9:19 p.m.

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John E. Graupera, President

Attest:

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Bernard W. Harris Jr., City Clerk