

## **STATED MEETING - CITY COUNCIL – FEBRUARY 9, 2016**

A meeting of the Lancaster City Council was held on Tuesday, February 9, 2016 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, Ms. Williams, Ms. Wilson and President Graupera – 6

Excused – Mr. Soto -1

The minutes of the meeting of Council for January 12, 2016 were approved by a roll-call vote.

### **PROCLAMATIONS, HONORS, AWARDS AND RESOLUTIONS OF RECOGNITION**

President Graupera and Councilwoman Wilson announced that Council Resolution No. 5-2016, designating Black History Month, is on the meeting agenda, but due to the inclement weather, will be delayed until the February 23, 2016 Council meeting.

### **PUBLIC COMMENT**

President Graupera told those people scheduled to address Council that if they wanted to speak about the proposed Mifflin Street parking garage that they should wait until the Historical Architectural Review Board recommendation regarding the proposal is discussed.

### **REPORTS OF COUNCIL COMMITTEES**

**PUBLIC SAFETY COMMITTEE** – Ms. Williams said her committee met Monday, February 1 and discussed Resolution No. 4-2016, which pertains to the destruction of obsolete police records.

**PUBLIC WORKS COMMITTEE** – Mr. Roschel reported on the February 1 meeting of his committee, at which Public Works Director Charlotte Katzenmoyer reported on the recent snow emergency. Ms. Katzenmoyer said the response to the storm was a team effort from employees of the Water, Wastewater, Parks, Police, Solid Waste & Recycling, Mayor's Office and the City's communications specialist. Workers were on 12-hour shifts from January 22 to January 27 until the streets were again passable, following the 26-inch snowfall. The effort also involved equipment and workers from 37 contractors from as far away as Connecticut. The City will submit nearly \$800,000 for reimbursement from the Pennsylvania Emergency Management Agency.

**ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION** – Mr. Reichenbach said his committee met February 1. The committee, and other Council members, voted to approve the Historical Commission recommendation to allow construction of a mansard roof on

420 North Queen Street. The recommendation was on the agenda for the January 26 Council meeting, which was cancelled due to the snowstorm.

The committee also discussed the Historical Architectural Review Board's recommendation to deny a Certificate of Appropriateness for the expansion of the East King Street Parking Garage onto a surface parking lot along East Mifflin Street. The review included a presentation by the applicant, the Lancaster Parking Authority, and by neighborhood residents opposed to the project.

FINANCE COMMITTEE – Ms. Sorace reported that her committee met February 1 and discussed Resolution No. 6-2016, which amends the list of capital projects funded by the Series 2014 bonds to appropriate \$375,000 in additional funding for renovation of the Reservoir Park pool. That resolution is on the agenda for this evening.

Further, she reported that the Tax and Revenue Anticipation Note authorized on December 8 with Resolution No. 55-2015 was secured as planned. The resolution authorized borrowing of as much as \$6,000,000. The City has drawn down \$3,000,000 of that amount and does not anticipate borrowing more through the TRAN this year.

And, she said, the City anticipates refinancing a 2007 bond issue at lower interest rates. Of the original \$125,000,000 principal amount, \$118,000,000 remains outstanding. Refinancing is expected to save the City as much as \$7.2 million over the 30-year life of the bond. A special meeting of the Finance Committee will be held February 23, at 6:30 p.m., to discuss the refinancing. The first reading of a bill authorizing the refinancing is slated to occur during the regular meeting, later that evening.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Reichenbach, speaking on behalf of the absent Mr. Soto, said the committee met February 1 and discussed Bill No. 2-2016, which would regulate placement of satellite dishes in the City's Historic Districts.

PERSONNEL COMMITTEE – Ms. Wilson made a motion to reappoint Patti Connell to the Lancaster Industrial Development Authority, for a five-year term concluding in December 2020.

Mr. Reichenbach seconded the motion.

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

Ms. Wilson further stated that her committee had reviewed Bill 1-2016, which would set the salary of the City mayor, from January 1, 2018 through 2021. It would be the first increase in the mayor's salary since 2009 and the first Council action on the issue since 2005. The increase follows a salary study completed by Ms. Sorace and the City Clerk and several committee meeting discussions. The bill is on the agenda for a first reading this evening.

## LEGISLATIVE AGENDA

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

1. Lancaster Parking Authority, owner of 150 East King Street, requests reconstruction of a new six-level parking garage addition on the south side of East Mifflin Street, connected to the East King Street Parking Garage by a pedestrian bridge and four upper-level decks. (Recommended for denial by the Historical Architectural Review Board.)

Mr. Reichenbach moved to accept the recommendation. Ms. Williams seconded the motion.

Mimi Shapiro, vice chairwoman of the HARB, said the buildings to the south and east of the surface parking lot, where the garage expansion is proposed, generally do not exceed 38 feet in height. The size, mass and scale of the proposed garage is out of proportion with those buildings, therefore failing to meet the Secretary of the Interior's Standard No. 9 and is contrary to the City's Historic District Ordinance. The HARB voted to recommend that City Council deny a Certificate of Appropriateness for the project.

Mr. Roschel questioned whether alternative designs had been explored for the proposed garage that would be more proportional to the buildings to the south and east.

Project architect Maryann Marotta explained the proposed six-tier garage would be 56-feet in height, or the equivalent of a four-story commercial structure. Larry Cohen, the Lancaster Parking Authority executive director, said they considered a three-story garage addition which would include an adjacent surface parking lot owned by Trinity Lutheran Church. That would yield 124 spaces versus the 160 spaces in the current plan. That layout is less efficient and more costly, as the additional land would need to be purchased from the church.

Responding to a question from Ms. Sorace, Ms. Marotta said there was no initial outreach to the HARB about the project. There was, however, an outreach to the community. A letter was sent to neighboring residents and they were invited to the M&M Architects office to view preliminary plans for the garage. Concerns were expressed about the scale of the building, exterior finishes and light spilling from the structure. To address those concerns, brick was added to the sides of the building and six-inch deep metal screening was added to the plans to inhibit light from escaping from the garage. Reducing the scale of the structure, however, would also reduce its efficiency, she said.

Mr. Roschel commented that Council also had the option of asking for numbers to show that an economic hardship would be experienced by the Lancaster Parking Authority due to the Historic District regulations and proof that alternate sites are unfeasible.

Ms. Sorace asked how previous conflicts have been handled when a property is both in a Historic District and also in the Central Business District. Randy Patterson, City Economic Development & Neighborhood Revitalization director, responded that he could not think of a prior similar situation.

Jon Lyons, former City Council member and Planning Commission member was the first of 23 speakers from the public to address Council. He implored Council members to focus on what will be best for the future of the City, not necessarily the easiest and most expedient decision.

Tim Shenk, 40 South Lime Street, read statements from elderly neighbors who could not attend the meeting, but who implored Council to reject the parking garage proposal.

Bill Puffer, 330 Church Street, said he has been in the real estate business for 43 years. For the past 30 years, his real estate firm has limited itself to Lancaster City. He maintained Lancaster is going through a phenomenal period of growth, but said it is very fragile. Construction of a garage will be detrimental to residential investment.

Christine Kaufman, 40 South Lime Street, said there were drug dealers on either side of their house when she and her husband purchased the home. At one time a prostitution ring operated beside them. They worked diligently with police and the East King Street Improvement District to address problems. The block has made enormous advances in 15 years. But, a parking garage threatens to reverse that progress.

Tim Ellis, 32 South Lime Street, has lived on the block for 15 years. He believes the garage is unneeded and will take away his view of the sunsets and skyline.

Jim Morrissey, 39 Washington Street, contended the dominant character of that block of Mifflin Street is not the existing parking garage, but the homes and churches. The history of the block precedes Lancaster's charter in 1742. He contended it is part of the historical heritage that makes up the City.

Kevin Molloy, executive director of the Lancaster County Convention Center Authority, at 25 South Queen Street, said there has been tremendous growth in the number of businesses in downtown Lancaster since the opening of the Convention Center in 2009. That has put a premium on parking. Parking garages are a means of addressing that problem.

Dorothy Rund, chief administrative officer of Barley Snyder, said her law firm has been at 126 East King Street for 30 years. The quality of life and safety has improved significantly on the block in recent years, following the opening of the existing East King Street garage in 2008. She supported the expansion of the garage.

Bob Shoemaker, president of the Lancaster City Alliance, spoke of the need for downtown parking to continue growth, as stated in "Building on Strength," the economic development plan adopted by the City last year.

Pastor Kevin Brown, of Kingdom Life International and the Ecclesiastical Center of Lancaster, spoke about his concern for gentrification. He said he doesn't believe it is the desire of City officials to take action detrimental to residents for the benefit of the downtown business community.

Sam Wilsker, 135 East King Street and chairman of the City Planning Community, noted that existing parking garages are oversold and new businesses downtown are unable to secure

contract parking. While the plan for the garage expansion may be undesirable for nearby residents, he asked Council members to balance their desires with that of businesses.

Josh Nowak, director of sales and marketing for the Lancaster County Convention Center and Lancaster Marriott at Penn Square, said existing capacity of downtown parking is unable to accommodate demand. As the convention center attracts more and larger events, parking will be a constraint.

Tom Baldrige, president of the Lancaster Chamber of Commerce & Industry, noted that the surface parking lot where the garage is planned is in the Central Business District and should serve that district. He maintained the Lancaster Parking Authority is entrusted to provide parking. The garage would serve that goal.

Randy Harris, 314 West Chestnut Street, said the comments show the need for a comprehensive plan for downtown parking. Yet, he said, the need for parking is not being debated. The issue before Council is this plan for this garage in this location, which City appointed HARB members believe is totally inappropriate. That is what Council needs to consider.

Art Morris, 434 West Chestnut Street, said he believes the business community has driven a lot of the decisions in the City in recent years. He believes the citizens have valid concerns on this issue. He called for a broader study of options, including possible construction of a garage on the Shand parking lot in the first block of West King Street.

Christina Santoni, 15 South Lime Street, believes there is lot of energy focused on this City and that people should come together and move together in a better, smarter way.

Steve Carlson, 139 North Mary Street, noted the near unanimous opposition to the garage from residents. Further, he echoed the call for study of a garage on the Shand lot.

Suzy Hoover, 204 East King Street, cited the easement over Mifflin Street which the Parking Authority plans to request to connect the existing garage with the addition. The overpass will create a 100-foot long tunnel on the street. She said that was unacceptable to the neighbors. Further, she called for a comprehensive study of downtown parking needs to be done by a body independent of the Parking Authority.

Craig Smith, 15 South Lime Street, emphasized that this garage is proposed in a residential neighborhood. The size and scale of the proposal is inappropriate. He asked Council members if they would want a parking garage in their backyard. And he asked that reject the crisis mentality and encourage Lancaster to grow smarter.

Amani Kaufman, 40 South Lime Street, said her family would move from their home if the parking garage was constructed.

Murray Foreman, 41 South Lime Street, said he has worked to restore his historic home for a dozen years. Now, he questions the wisdom of doing so. Construction of the parking garage would negatively impact the livability of his home and others on the block. He said the garage would push the block back toward blight.

Tom Heist, 28 South Lime Street, said he moved from his home at Mifflin and Lime streets three days before. He asked Council members not to force his neighbors to also move.

Mimi Shapiro returned to the microphone to reread one sentence from her statement on behalf of the HARB. That sentence stated that Council members may not consider any matter not pertinent to preservation of the Historic District.

Larry Cohen, Lancaster Parking Authority executive director, contended that the proposed plan for the garage was in the right location, with the right zoning and the right use for the site. The size of the garage will be consistent with the size and scale of the existing garage to which it will be attached. The garage proposal is supported by two nearby churches, the Excelsior event space across East King Street, Fulton Bank, and the Convention Center and Marriott hotel. The existing garage has not been a detriment to the neighborhood. The planned garage is the use of an existing surface parking lot which the Parking Authority owns.

Mr. Reichenbach that in his five years on Council this is by far the toughest decision he has had to make. The people he respects in the community have spoken confidently and authoritatively about the need for the garage. The response from residents has been outstanding.

He rejected the characterization of this decision as a choice between economic development and support of the residents.

Several years ago, the City was faced with the problem of Stormwater overflows flushing raw sewage into the Conestoga River. The initially proposed solution was the construction of massive underground holding tanks, at a cost of more than \$300 million. That's what other cities were doing to address the problem. Without action, the federal Environmental Protection Agency would compel the action and impose fines. Instead of that "grey infrastructure" project, very intelligent, creative thinkers chose to pursue "green infrastructure" initiatives. Planting trees, building rain gardens in parking lots, encouraging vegetative roofs on buildings and other efforts will prevent Stormwater run-off from entering the City's sewer systems.

It was not the easy decision, but now Lancaster is being held up as a national model.

More recently, City officials looked for ways to more efficiently use technology to deliver City services. The initiative to pursue a wireless network that would allow remote reading of water meters was expanded to create a citywide fiber optic network. That network, now being installed, will also be used by businesses, schools and residents.

Rather than rely on Comcast or Verizon, City officials looked beyond the immediate need to what would be best for the future of the City.

Additionally, the City chose not to repeal its ordinance requiring reporting of lost or stolen guns even when facing a lawsuit. It was the right thing to do and the lawsuit was eventually thrown out after the law was challenged and overturned. Again, it was not the easy, expedient decision.

There is no question that parking is needed. Smart people can again come up with a way to solve that problem - without blighting the historic district. Building the proposed garage is a way to address parking, but he is not convinced it is the smart way to do so.

Ms. Sorace said this discussion has illuminated the importance of community. Further, she noted that 30 percent of the properties in the City are surface parking lots. Those lots can be better utilized and, she predicted, many of them will be redeveloped in the future. The challenges presented by the current project will not be going away, but may be shifted to another location. The Lancaster Parking Authority has convinced her of the need for additional parking.

While she stated that this project shows the need for the Parking Authority to engage the community earlier in the process, she also praised the authority for its stewardship of the City garages, many of which are old and will need major rehabilitation.

She said she looks forward to additional conversation on these issues.

President Graupera said he appreciated the passion brought to this discussion by the residents and representatives of the business community. But, he said, Council is charged with looking at very specific issues. Although it is tempting to look at economic benefits or detriment to the neighborhood, the decision on the garage proposal must be based on whether Council believes HARB's interpretation that the garage proposal failed to meet the standards of appropriateness in the Historic District Ordinance. He believes that to be the case.

He stated that he does not believe the Parking Authority has exhausted its other alternatives, although alternatives will admittedly not be as ideal as the current project. But, he said, the City needs to look not just at this project, but the future of the City for the long term.

City Council voted to approve the recommendation of denial by a 5-1 roll-call vote, with Mr. Roschel voting no.

Ms. Wilson noted that several people commented about how vibrant the City is, but there were also statements about the fragile state of that vibrancy. Council members must balance different interests to support that fragile vibrancy. Lancaster must offer opportunities for business owners, residents and others to ensure its long-term future. She does not want to support construction of parking facilities that could be left empty by a downturn, such as those which have occurred in other cities. Now it is time for all interests to come together and work toward out-of-the-box solutions to the parking problem.

President Graupera noted there are many well-meaning people who are working in different ways to move the City forward. City Council wants to support all of them. He hopes that after tonight there can start a broader conversation that will find ways to move this City forward and benefit everyone.

Mr. Patterson, responding to a question, stated that the Parking Authority could now resubmit a new proposal for the same location or look for other alternatives.

## ORDINANCES FOR FIRST READING

Council Bill No. 1-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the City Council of the City of Lancaster amending the codified ordinances of the City of Lancaster at Chapter 55, Officers and Employees, by fixing the salary of the mayor of the City of Lancaster for the four year term beginning January 1, 2018.**

Ms. Wilson said Mr. Sorace and the City Clerk did a salary study in support of the salary increases proposed in the ordinance. The last salary increase for the mayor was in 2009.

#### RESOLUTIONS

Administration Resolution No. 4-2016, (the title) was read by the City Clerk a follows:

**A resolution of the Council of the City of Lancaster authorizing the disposal of certain obsolete police records (non-traffic citations, parking violations, traffic citations, abandoned or impounded vehicle records daily activity reports, etc.) in conformity with the retention and disposition schedule for records of Pennsylvania municipalities.**

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

Ms. Williams said this is a measure which is approved each year for the destruction of old records.

City Council approved Resolution No. 4-2016 by a unanimous roll-call vote.

Administration Resolution No. 6-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster approving an amended Capital Project List to be funded by the proceeds of the City of Lancaster General Obligation Bonds, Series of 2014.**

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

Ms. Sorace said the resolution allocates additional funds for renovation of the Reservoir Park pool. The allocation is necessary because the renovation of the pool was included in a contract with the renovation of the Martin Luther King Jr. park pool. During the MLK pool renovation last summer, unexpected issues arose, including discovering the pool was built over unstable rubble of a former church basement. Those issues resulted in additional renovation costs, thereby reducing money allocated for the Reservoir Park pool. The resolution authorizes an additional \$375,000 for the Reservoir Park pool renovation. Plans call for the renovation to be completed by summer.

Mr. Reichenbach commented that he is chairman of the Lancaster Recreation Commission. He said the commission is excited about having this park pool ready for children this summer.



Pastor Kevin Brown, of Kingdom Life International Assembly, thanked Council for funding the pool renovations. He was formerly pastor of Ray's Temple Church of God in Christ and ran its summer camp for 12 years. While doing so, he and other summer camp leaders took children to the Conestoga Pines pool on Pitney Road. He thanked Council on behalf of the children and families of the southeast part of the City.

City Council approved Resolution No. 6-2016 by a unanimous roll-call vote.

#### PUBLIC COMMENT

Pat Collar, 334 West Orange Street, recalled growing up on East Chestnut Street and playing at Reservoir Park when there was an actual reservoir there. She recalled climbing over the fence and playing in the park on one snowy night and she was glad she and her friends did not get caught.

Art Morris recalled running in Reservoir Park when he was on the McCaskey High School cross country team in the early 1960s. And, he took the opportunity to thank Council members for the garage discussion and commended them for their attentive, patient listening.

#### COUNCIL COMMENTS

Ms. Wilson asked people to urge their friends and neighbors to come to Council's February 23 meeting, where there will be a presentation on Black History.

Ms. Williams said Dr. LeRoy Hopkins will give a presentation that evening.

President Graupera adjourned the meeting at 9:39 p.m.

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John E. Graupera, President

Attest:

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Bernard W. Harris Jr., City Clerk