

## STATED MEETING - CITY COUNCIL – SEPTEMBER 13, 2016

A meeting of the Lancaster City Council was held on Tuesday, September 13, 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. Williams, Ms. Wilson and President Graupera  
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Excused – Ms. Sorace, Mr. Soto - 2

The minutes of the meeting of Council for August 23, 2016 were approved by a roll-call vote. Ms. Williams abstained.

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

Administration Resolution No. 37-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster recognizing September 15, 2016 through October 15, 2016 as Hispanic Heritage Month and encouraging awareness among the citizens of Lancaster of the important contributions from the people of Latino descent.**

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

Mr. Reichenbach, speaking on behalf of resolution sponsor Mr. Soto, read the resolution. He related that the celebration of this month has personal importance to him. He has three children that are bi-racial, of Hispanic heritage. He had the opportunity as they were growing up to learn about Hispanic culture and the value of respecting different cultures. Those values can be communicated in language, food, music, hard work or the ethos of having to work for everything you have. He said the experience has been a blessing to him. That was very evident last weekend at the wedding of his daughter. Her Hispanic relatives, several of whom were recent immigrants, came for the wedding. He witnessed the passion, spirit and camaraderie of the celebrants. He has witnessed that same spirit throughout his life.

Norman Bristol Colon, speaking on behalf of about a dozen people at the meeting, thanked Council members and Mayor Gray for the opportunity speak regarding Hispanic Heritage Month. He noted that the financial crisis in Puerto Rico is impacting not only the island, but every state in the Union. Pennsylvania has the second highest number of Puerto Rican immigrants, and Lancaster is the City in which they are choosing to relocate.

Hispanics are now the largest ethnic group in Lancaster, accounting for 29 percent of City residents. The financial crisis in Puerto Rico is spurring additional immigration.

He said the Hispanic community is grateful to the City Council and the Mayor for recognizing their contributions to the community. On behalf of the more than 50,000 Latinos in Lancaster County, almost 1 million in Pennsylvania and more than 55 million nationwide, he thanked them for their leadership and for encouraging the residents of Lancaster City not to

celebrate our differences, but to celebrate that we are one nation under God, indivisible, for liberty and justice for all.

Mayor Gray stated that what makes Lancaster unique is its mix of people. In many ways, the Latino culture spices up life in Lancaster: culturally, ethnically, musically and of course food. It's great to celebrate this and it's great to celebrate the diversity of Lancaster, in every sense of the term, the Mayor said.

Further, he acknowledged that the problems in Puerto Rico are very serious. He has done what he could through the U.S. Conference of Mayors to address the issue, he said.

President Graupera thanked everyone who came to the meeting. He said that we need to celebrate our diversity, but also urged members of the Hispanic community to be involved politically. He said the Latino community has gained significantly in recent decades, but said they could also lose a lot in this election year. He urged them to be vocal and do what they can to empower the troops.

City Council approved Administration Resolution No. 37-2016 by a unanimous roll-call vote.

#### REPORTS REQUESTED BY COUNCIL

**PUBLIC HEARING** – Redevelopment proposal for 31, 33, and 35 West Lemon Street for creation of a pocket park.

City Economic Development & Neighborhood Revitalization Deputy Director Karen Bousquet, the acting executive director of the Redevelopment Authority of the City of Lancaster, explained that a Redevelopment Area Plan was adopted by the Planning Commission in 1998 which includes the West Lemon Street area. That plan was adopted again in 2001 and 2007. The plan is intended to address conditions of blight, and achieve the goals of homeownership, community revitalization and economic development.

Ms. Bousquet said the proposal for a pocket park addresses several of the goals of the Redevelopment Area Plan. The combined properties comprise a .07-acre lot at the northwest corner of West Lemon Street and North Market Street. The site is now occupied by three rowhomes. Two are divided into apartments. Those were acquired by the Redevelopment Authority in late 2013 and early 2014. Three families were eventually relocated at Authority expense.

The Authority paid \$105,000 for 33 West Lemon Street. It was appraised at \$100,000. The Authority paid \$93,000 for 35 West Lemon Street. It was appraised at \$88,000.

The third rowhome, 31 West Lemon Street, was a single-family residence which has been vacant since about 2003. It was appraised at \$16,000. The owner's counter-offer to the Authority's offer to purchase that property was \$95,000. Attempts to negotiate a reasonable sale price have been unsuccessful.

City inspectors have recently condemned 33 and 35 West Lemon Street and determined they are uninhabitable. Utilities have been removed. Thefts of copper and appliances have occurred. The third house, 31 West Lemon Street, is also without utilities and could be condemned. So as not to interfere with good-faith negotiations, it has not been condemned.

The current tax assessed value of all the parcels is \$169,100, with the total tax paid on the three parcels of \$7,406. Of that amount, the City's portion of the taxes is \$2,371.

Questions have been asked about why the houses could not be rehabilitated as owner-occupied units. The Redevelopment Authority believes it is cost-prohibitive to do so, Ms. Bousquet said. An estimate provided by architect Gary Weaver estimated it would cost \$236,250 to \$274,050 to rehabilitate 33 West Lemon Street, for a total Redevelopment Authority investment of \$341,250 or more. Mr. Weaver estimated rehabilitating 35 West Lemon Street would cost \$206,250 to \$239,250, for a total investment of \$299,250 or more. Estimations for 31 West Lemon Street were more difficult, since a purchase price was not available, nor did Mr. Weaver have access to the interior of the building. Based on square footage of the building, he estimated a rehab cost of \$234,000 and a total cost of \$250,000.

The total estimated cost of purchase and rehabilitation for the three properties is \$890,500.

Ms. Bousquet also displayed plans for a pocket park on the site. Those plans included the addition of a sidewalk along North Market Street, where one currently does not exist. She provided cost estimates for the development of the pocket park on the site. A basic park design, with a lawn, trees and shrubs, stormwater improvements, lighting, benches and a bike rack would cost \$218,274. An enhanced design with a fountain, additional lighting and stormwater improvements that would make the park a demonstration project, would cost \$466,262.

Demolishing the rowhomes would be an additional cost for the park. The estimated cost of demolition is \$20 per home, including asbestos abatement.

The total cost to purchase the properties, demolish the homes and create the park is estimated at \$492,274 to \$740,262.

Ms. Bousquet noted that Planning Commission voted 3-2 against the redevelopment proposal for the park. Three members were absent from discussion that evening. The crux of that discussion was Planning Commission members' dislike of replacing affordable housing with a park use. Their interpretation of the City's Redevelopment Plan was incorrectly skewed to homeownership as the top priority, she said. The loss of tax revenue to create a park was also unacceptable. She repeated that the total combined tax bill for the three properties was \$7,406, with the portion to the City only \$2,371.

She said the Redevelopment Authority recognizes that every tax dollar is precious, but so too is open space to the neighborhood quality of life. She added that the total resale price of the units in the redeveloped Lancaster Press building would be about \$17,500,000. The tax assessment for those condominiums is not available, but will be a significant amount, she said. The eventual condo owners will not be the only ones to benefit from the park. It will also benefit restaurant patrons, business employees, existing homeowners or anyone going through that area.

Ms. Williams asked how long the rowhomes have been vacant. Ms. Bousquet responded that 31 West Lemon Street has been vacant since about 2003. Tenants were relocated from the other two rowhouses in early 2014.

Mayor Gray noted there are no backyards and no off-street parking on those properties. He asked that if the properties were rehabilitated, the amount for which they could be sold. Ms. Bousquet said comparable homes without backyards or off-street parking have sold for \$78,000 to \$100,000.

The Redevelopment Authority sells homes to individuals and companies for rehabilitation. It does not do renovation itself, Mayor Gray noted. Therefore, the Authority would need to resell the properties at or near its purchase price, then expect a private individual to invest about \$250,000 in renovations. Those renovators would attempt to sell the properties for the amount they have invested, while comparable neighborhood properties are selling for \$100,000 to \$125,000.

Ms. Wilson acknowledged that the numbers did not add up for a cost-effective renovation of the properties. And, she noted that Ms. Bousquet stated that the park would not be developed solely for the benefit of the condominium owners. Yet, she said, people do not see it that way. She asked Ms. Bousquet how she would reassure the skeptics of this project.

Randy Patterson, director of the City Economic Development & Neighborhood Revitalization department, responded to that question. He said the development of the condominiums was always part of a larger plan for the redevelopment of the block. That includes the park, parking garage and the redeveloped Buckwalter and Swisher buildings to the north of the Lancaster Press building. Other residents in the block, and residents of the senior housing towers south of the block could also benefit from the park.

The Lancaster Press building project is expected to eventually provide \$275,000 to \$500,000 annually in tax revenue. Those condominiums will each be sold for \$200,000 to \$500,000.

Regarding the development of affordable housing, Mr. Patterson said that affordable housing in Lancaster may only be sold for a maximum of \$106,000 under federal income guidelines. Affordable housing developed by the SACA Development Corporation in the southeast section of the City has cost much more per unit to develop, but were each sold for \$106,000. That housing was heavily subsidized with federal and state grants, he noted.

Properties on East Lemon Street, a block to the east, have been cited by critics of the park plan as comparable properties to those proposed for demolition. Those sold for \$275,000 each. Yet, those properties were fully renovated, expanded, have backyards and secure, off-street parking, Mr. Patterson noted.

Further, he stated that 31 West Lemon Street has been gutted, without appliances or utilities, and with holes in the floors, for more than a decade. That's why it is only appraised at \$16,000. The owner was offered more than twice that amount. Although he has been willing to sell the property, he has been unwilling to sell it at a reasonable cost to the Authority. That's why this redevelopment proposal is being brought to City Council rather than the usual process. Council approval will allow the use of eminent domain to take the property and pay the owner just compensation.

Mr. Reichenbach said he has had many people discuss this project with him in recent weeks. He said this is not an easy decision.

He stated that these properties are in his neighborhood and that he is aware that they were in disrepair long before the Redevelopment Authority acquired them or announced the park plan. They were not adequate living accommodations. They were not quality affordable housing. They were the lowest-common denominator housing that could be provided without having the building closed for housing code violations. The house on the corner has been gutted for more than a decade.

While the discussion of affordable housing is important, the condition of these properties cannot be taken out of the conversation. These were not quality buildings that should be preserved. They have serious structural problems that did not happen since 2014. Building facades were in

danger of collapse. Putting \$200,000 to \$300,000 into rehabilitating each of the buildings into a condition beyond which they ever were, does not make sense, he said.

Further, he maintained that a park is not a bad thing. Creation of open space is also part of the redevelopment plan.

Tony Dastra, 113 North Plum Street, said he agreed with Mr. Reichenbach. Rehabilitation of these homes would not be cost-effective. Parks increase property values while dilapidated houses depress property values, he said.

Amy Fields, 339 North West End Avenue, commented that when she has visited other cities she has seen much more green space than she does in Lancaster. While there are nice neighborhood parks, there are very few green park spaces in the downtown area. Without LEADS hanging flower baskets, Lancaster would be a City of brick, concrete and macadam. She believes a park would be beneficial to the City.

Further, she stated the houses were in very poor condition. The cost to rehabilitate them would be exorbitant and the loss of tax revenue is minimal.

Chris Goodling, speaking on behalf of Arthur Morris, 434 West Chestnut Street, said the redevelopment proposal contradicts, rather than conforms to the City's Redevelopment Area Plan. Specifically, he stated the proposal to acquire three properties which comply with the City housing code only to demolish them is directly contrary to the plan goal of promoting homeownership.

Further, he noted that the Planning Commission approved a land development plan for the Lancaster Press building in December 2014. At the developer's request, the Planning Commission approved a waiver of a requirement for additional open space. That waiver was partly based on the proximity of the Northwest Corridor Park only 480 feet away.

The proposal further contradicts the redevelopment plan goal of increasing the tax base, because it removes three taxable properties and replaces them with a non-taxable park.

For those reasons, he called on Council members to reject the proposal. Additionally, he asked why the Redevelopment Authority is proposing such a plan when the private developer could have been required to spend private dollars to achieve the same result. He contended the proposal is inappropriate.

Jean Weglarz, 515 East King Street, stated that the owner of 31 West Lemon Street has recently acquired a building permit and begun hanging drywall. She also noted that window and door improvements were done at 33 and 35 West Lemon Street under a grant received by the former James Street Improvement District. This investment is counter to claims the properties were in disrepair, she contended.

Ms. Weglarz, a Planning Commission member and former commission chairwoman, said commission members rejected the park proposal at their July 12 meeting because it does not meet the Redevelopment Plan goals for promoting homeownership and increasing the tax base.

She contended the Redevelopment Authority has not held itself to the same code standards required of other City property owners. The condition of those properties was caused by the neglect of the properties by the Redevelopment Authority, she said. The demolition of those rowhomes removes properties from the tax rolls with a combined taxable value of nearly \$170,000 and

replaces them with a non-taxable park. And, with this proposal, the Redevelopment Authority is working against a well-documented critical need for affordable housing in the City.

She called on Council members to vote against the plan, and warned that their support for it could set a dangerous precedent for demolition of housing.

Responding to a question from President Graupera, Ms. Weglarz said she disputes the cost estimates provided for rehabilitation of the properties. The cost estimates provided by Mr. Weaver are for market rate housing, rather than affordable housing. Further, she believes rehabilitation could be done at a significantly lower cost were the properties provided to local, for-profit affordable housing providers, such as Wendell Huyard, or a non-profit affordable housing developer, such as Habitat for Humanity. The Planning Commission asked in April for cost estimates for redeveloping the properties as affordable housing. Those estimates were not provided.

Randy Patterson responded that improvements have been done to 31 West Lemon Street, but have not been inspected. Plumbing and electrical work was not done by a master plumber or master electrician and would not meet code standards. The drywall was put up in an attempt to get a higher appraised price.

Regarding Ms. Weglarz's contention that affordable housing developers could rehabilitate the rowhomes at a lower cost, Mr. Patterson said SACA Development, a non-profit developer, constructed affordable housing at Plum, Palm, Locust and North Streets in recent years. Those home cost \$250,000 to \$275,000 per unit to build. They were sold for \$106,000 each. Those units were heavily subsidized through state and federal grant funds. He said those figures provide reasonable construction costs in the City.

He said that in the past three years, every effort has been made to reach a negotiated agreement with the owner of 31 West Lemon Street. The owner was offered twice the appraised value. He was offered a comparable Redevelopment Authority property in another area of the City. Those efforts have been unsuccessful. That's why this matter was brought before City Council. The Redevelopment Authority did not want to use eminent domain to acquire the property, but were left no other choice in moving the project forward.

Mayor Gray stated that the City has worked for almost a dozen years to redevelop the Lancaster Press Building and the rest of that block. The condominiums being constructed are housing and will add significantly to the tax base. The condominiums will not be affordable housing, but neither will the rehabilitated West Lemon Street properties unless they were heavily subsidized at taxpayer expense. He called the park the finishing touch of the redevelopment of the block.

Nancy Covell, of 650 Fairview Avenue, agreed the houses are in terrible condition, but she questioned how they were allowed to get into that state. She received a \$25 fine for allowing weeds in her yard. She asked how the significant deterioration of those properties was allowed when the City has inspectors citing property owners for weeds. And, she stated, demolition of these home would decrease the continuity of the neighborhood. She asked how City officials can put a price on community.

Jeff Denlinger, 17 New Dorwart Street, said he feared for public safety with the development of the park. A dead block, without houses or businesses, is a place for assaults and

other crimes to occur at night, he said. If the park is developed, he will be fearful of walking there and will avoid the block, he said.

Tony Dastra, 113 North Plum Street, countered that he does not believe there are legitimate fears of the park. The park will be lit, it will be small and the park will actually help build community.

Nancy Covell, 650 Fairview Avenue, responded that if that was the case, then there should be a small park in every neighborhood. She asked whether the City plans to put a park in every block, because she would like one in her block.

Angie Horst, 45 West James Street, said she owns two properties within a block of the subject properties. One of those is her home, purchased from the Redevelopment Authority and rehabilitated. The second is a four-unit building which she has renovated. She is neither for nor against the park plan, yet she believes that if these properties were demolished and the site were offered to a commercial or residential developer that there would be great interest. She also believes this discussion should include estimates of future tax revenues following new construction on the site. She also asked who would pay maintenance costs of the proposed park. Lastly, she stated that the recent acquisition and renovation cost her four-unit apartment building was \$340,000. That building is significantly larger than the rowhouse at 33 West Lemon Street, which was estimated at the same total cost.

Mayor Gray stated that there is a tentative agreement that maintenance of the park would be done by the Lancaster Press building owners.

Amy Fields, 339 North West End Avenue, commented that she has been inside one of the subject houses. The costs will be significantly more considering the condition of that property. She has been involved in construction her entire life. She contended these properties are not salvageable. Rehabilitating them would be throwing good money after bad, she said.

Again, she reiterated that green space will be beneficial to all City residents.

Responding to a question from Ms. Wilson, Mr. Patterson said the difference in costs between the two park designs was based on increased lighting, bollards and other amenities. The Redevelopment Authority has financial resources available for park development. The authority is also in discussions with the Lancaster Press building developers about providing funding for the park.

President Graupera then closed the public hearing.

Mr. Reichenbach made a motion to approve the proposal of the Redevelopment Authority as presented for 31, 33 and 35 West Lemon Street.

Mr. Roschel seconded the motion.

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

## REPORTS OF COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE – No report.

PUBLIC WORKS COMMITTEE – Mr. Roschel said his committee had one item on the agenda at the September 6 meeting, but discussion of that item was postponed.

Mr. Roschel then moved to add Administration Resolution No. 39-2016 to the agenda. Mr. Reichenbach seconded the motion.

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

ECONOMIC DEVELOPMENT & NEIGHBORHOOD REVITALIZATION COMMITTEE – Mr. Reichenbach said his committee met on September 6 and discussed Administration Bill No. 10-2016, which is on the agenda for a first reading this evening. That bill concerns the expansion of the Lancaster Marriott at Penn Square hotel. Also discussed was Administration Resolution No. 40-2016, which concerns the abatement of real estate taxes for the Masonic Center of Lancaster. That is also on tonight's agenda.

At Mr. Reichenbach's request, Mr. Patterson summarized Administration Bill No. 10-2016. He said that is similar to the West Lemon Street park proposal process. The legislation would approve a redevelopment proposal for the Marriott expansion and a redevelopment contract with the Redevelopment Authority. The bill approves amendment to agreements with the Redevelopment Authority and City for the existing hotel. Bonds will be issued to finance the expansion project. Those bonds will be repaid by the City Revitalization & Improvement Zone Authority and by hotel developers Penn Square Partners, by way of the Redevelopment Authority.

This is the first reading of the proposed ordinance. The second reading is scheduled, along with a public hearing, on October 11.

The expansion is a 117-room hotel tower with additional renovation to the existing hotel. It will provide additional hotel rooms to benefit the Convention Center. That will allow the Convention Center to market to larger conferences and events.

FINANCE COMMITTEE – No Report.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Mr. Reichenbach, speaking on behalf of the absent Mr. Soto, said the committee heard a presentation on September 6 on a proposal from the Lancaster County Beekeepers Society to create a Pollinator Urban Sanctuary. The project would promote the planting of trees, flowers and shrubs which would promote pollinating birds and insects in the City.

Following that presentation, Lancaster City Health Officer Kim Wissler proposed an ordinance which would regulate beekeeping in Lancaster. Her intent is protect neighborhood quality of life by controlling the number of hives per property, based on the size of the property, and to protect beekeepers from neighbors contending hives are a safety issue or nuisance. There are no City laws currently pertaining to beekeeping. Council members approved her drafting of bill to be presented to them later.

The committee also reviewed the Historical Commission's recommendation of denial for a certificate of appropriateness for stone veneer which had been added to a brick duplex at 516 South Shippen Street. That recommendation is on tonight's agenda.

The attachment of stone veneer on the rowhome was done without a building permit and in violation of a 2014 City ordinance which prohibits the placement of veneer coverings over brick.

Administration Resolution No. 38-2016 was also discussed by the committee on September 6. That resolution involves a memorandum of understanding with the Lancaster County Planning Commission. The agreement will exclude minor land subdivision and land development plans from County Planning review, thereby expediting the approval process.

PERSONNEL COMMITTEE – Ms. Wilson said the mayor has recommended the appointment of Barry L. Sauder to the Board of Plumbing Examiners, for a term from September 12, 2016 to September 12, 2017, and the reappointment of Michael Sprunger to the Housing Authority, for a term from November 21, 2016 to November 21, 2021.

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

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

#### LEGISLATIVE AGENDA

City Council considered the following application and recommendation from the Historical Commission for an improvement to a property in the Heritage Conservation District:

1. Maria M. Cruz, owner of 516 South Shippen Street, proposes installation of adhered stone veneer to the façade of a brick duplex dwelling (after-the-fact).  
(This application was recommended for denial by the Historical Commission.)

Mr. Roschel made a motion to accept the recommendation of the Historical Commission. Ms. Williams seconded the motion.

Mr. Patterson addressed Council members, stating that the property owner was observed placing the stone veneer on the property. It had been placed on the first floor of the façade. They were informed that the work required a building permit and the approval of the Historical Commission. Following that notice, they proceeded to complete the stone veneer of the building without a permit or approval on the second floor of the house and on the third-floor front dormer window. The veneer is not in compliance with City ordinance.

If the denial is upheld, City officials will continue efforts to take action against the property owner. The property owner has been asked to identify the contractor who performed the work and she has declined to do so. Therefore, the City is unable to pursue the contractor to have him remove the stone veneer.

President Graupera recalled the discussion held at the committee meeting that the contractor had come to City Hall to get a permit, been told of the prohibition, but had done the work anyway.

Antonio Cruz, 511 South Shippen Street and grandson of the subject property owner, said the neighbors also wanted to place stone veneer on their house. The contractor who came to City Hall was inquiring about placing the veneer on the neighbor's home. Neither his grandmother nor

her contractor applied for a building permit because they did not know that one was needed, he said. He said that veneer is being placed on many houses in their neighborhood. They asked other property owners and were told they did not need a permit, Mr. Cruz said. Some of those people placed stone on their homes prior to the 2014 law, he said. He said neither he nor his grandmother knew the last names of the men who did the work.

President Graupera asked for Mr. Cruz's help in identifying the contractor. President Graupera said he does not want to fine the elderly woman. He would like to take action against the contractor.

Mayor Gray echoed that nobody wants to make an example of Ms. Cruz. The City would like to fine the contractor, who likely knew that a permit was required and ignored the requirement.

Mr. Patterson added that the issue is not just the appearance of the stone veneer on the homes and the historic character of the neighborhoods. The veneer damages the buildings when it is attached and moisture trapped behind the veneer will eventually disintegrate the brick and mortar walls of a home. Because houses in the City are in connected rows, damage to one house often effects adjacent properties.

Bob Fields, of 339 North West End Avenue, and vice-chairman of the Historical Commission, said this work is being done by shady contractors who are aware of the need for permits and approvals, but chose to do the work during weekends because City inspectors are not on duty at that time.

Mr. Fields said that if the City has an ordinance and Council members expect it to be enforced, they have no other choice but to uphold the Historical Commission's denial.

Mr. Reichenbach emphasized that City officials must find a way to effectively pursue the contractors doing this work. There are innocent property owners who will believe a corrupt contractor when told they do not need a permit or approval for this work. Then, they will be held responsible when the veneer has to be removed.

Ms. Wilson added that the law is the law and the ordinance is in place. Yet, the City government needs to continue to educate people about historical districts and the requirements placed on property owners within those districts.

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

#### ORDINANCES FOR FINAL PASSAGE

Administration Bill No. 8-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the City of Lancaster, Lancaster County, Pennsylvania; providing for the amendment of the Zoning Ordinance of the City of Lancaster, providing for purposes and findings of fact related to the adoption of the amendment, providing for definitions; establishing certain general and specific standards relating to the location, placement, construction and maintenance of telecommunications towers and telecommunications antennas; providing further for the regulation of such facilities within the public rights-of-way and outside the public rights-of-way; amending the table of permitted uses to allow**

**telecommunications antennas by special exception; providing for the enforcement of said regulations; and providing for an effective date.**

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

Mr. Reichenbach said Council members had received additional information in recent days regarding the proposed ordinance, including remarks from a telecommunications industry representative and the City solicitor's response to those comments. Mr. Reichenbach said he feels the City is on solid legal footing to impose the ordinance regulations.

The ordinance attempts to balance the City's interest in protecting the historic character of its neighborhoods with the telecommunications industry's need to continue to modernize.

Responding to a question from Ms. Wilson, Charlotte Katzenmoyer, the City's Public Works director, said the antenna poles are not similar to utility poles used for electric and cable television wires. Monopoles are generally 50 to 80 feet in height, and, due to that height, are much larger in diameter than common utility poles.

Under the proposed ordinance, placement of wireless monopoles in the public right-of-way will require an application, engineering review and approval by the Zoning Hearing Board. Drawings will be required to show that placement of the monopoles will meet Americans With Disabilities Act requirements regarding the width of the sidewalks, and their placement relating to porches, trees, stoops, existing utility poles and other objects.

Mr. Patterson said that on private property, the Historical Commission would review placement of antennas.

Joseph Fitzsimmons, 111 Church Street, Waverly, Pennsylvania, asked if a wooden pole is placed in the public right of way with an antenna on it, does that make it cell tower?

Ms. Katzenmoyer responded that whatever the federal communications law provides as the definition of cell tower also defines a cell tower under the City's proposed ordinance.

Mr. Graupera responded by asking Mr. Fitzsimmons his definition of a cell tower. Mr. Fitzsimmons, of Mobilitie, said he has been installing cell towers since 1985. He said the towers he builds are generally monopoles of four to eight feet in diameter at the base, tapering to four to two feet at the top. He also erects towers with guide wires that are 42 inches on each side. Those he said he recognizes as cell towers.

The monopoles that would be erected in the public right-of-way in the City are wooden poles of approximately 18 inches in diameter and about 35 feet in height with a three-foot metal antenna mounted on the top of the pole. Utility poles strung with wires and with transformers hanging on them are more of an eyesore, he contended.

Mayor Gray contended that what is not an eyesore in a suburban development can be an eyesore in a tightly pack historic city neighborhood where all buildings are two and a half stories tall.

Mr. Fitzsimmons stated that what is being discussed is simply wooden poles, similar to other utility poles already in place.

Mayor Gray responded that what is being discussed is additional wooden poles, when many are already in place.

Mr. Fitzsimmons asked if PP&L had a pole in the public right-of-way with an antenna on it, does that make it a cell tower?

Pat Brogan, the mayor's chief of staff, responded that such questions should be directed to the City solicitor, who has responded to inquiries from other telecommunications industry representatives in recent months.

Mr. Fitzsimmons then informed Council members that as of August 2016, there are 324 million people in the United States; 207.2 million of those people have smart phones, or nearly one per person. Next year, it is estimated that the number of smart phone users will climb to 219 million. Everyone wants to use the phones. They want to use data. The telecommunications industry is trying to provide that service and minimize the impact of larger antennas.

He said that he would forward his questions to the solicitor. He asked Council to defer action on the ordinance until those questions are answered.

Ms. Katzenmoyer said her staff undertook a very difficult task in identifying where telecommunications poles can be accommodated in the public right-of-way. The City is not trying to restrict siting of the poles just because officials believe they will be an eyesore. Rather, the right-of-way in the largest contiguous historic district in the nation has very limited public right-of-way. Sidewalks in the City are very narrow. It was difficult to find sidewalks with an eight-foot width that doesn't have stoops and intrusions of porches that will allow a pole to be placed there and still allow ADA accommodations.

Tony Dastra, 113 North Plum Street, stated that he felt the ordinance would be beneficial to the City.

City Council approved Administration Bill No. 8-2016 by a unanimous roll-call vote. It will hereafter be known as Administrative Ordinance No. 9-2016.

#### ORDINANCES FOR FIRST READING

Administration Bill No. 10-2016, (the title) was read by the City Clerk as follows:

**An ordinance of the Council of the City of Lancaster, Lancaster County, Pennsylvania, approving a redevelopment proposal submitted for approval by the Redevelopment Authority of the City of Lancaster in connection with the proposed redevelopment of properties located at or near the southwest corner of East King Street and South Christian Street and known and numbered as 14, 16 and 18 East King Street; setting forth related matters; and repealing all ordinances or parts of ordinances insofar as the same are inconsistent with this ordinance.**

Mr. Reichenbach made a motion to hold a public hearing on October 11, 2016 regarding the redevelopment proposal which is the subject of the ordinance. Ms. Wilson seconded that motion.

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

## RESOLUTIONS

Administration Resolution No. 38-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster authorizing City officials to execute a memorandum of understanding between the Lancaster County Planning Commission and the City of Lancaster authorizing the issuance of expedited reviews and reports by the Lancaster County Planning Commission for certain minor subdivisions or land developments.**

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

Mr. Reichenbach said this is an updated memorandum of understanding. A similar agreement has been in place since 2008. That memorandum has been very effective with minor and adaptive reuse projects. Projects of less than 1,500 square feet can now be administratively reviewed by City staff and under this agreement will not be reviewed by County Planning.

City Council approved Administration Resolution No. 38-2016 by a unanimous roll-call vote.

Administration Resolution No. 39-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster, Lancaster County, Pennsylvania establishing areas of roadways along which telecommunications towers shall be permitted by special exception in accordance with the zoning ordinance of the City of Lancaster.**

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

Mayor Gray stated that special exceptions are easily given by the Zoning Hearing Board, as opposed to variances. The Zoning Hearing Board will do a cursory review of tower applications, but will approve them unless they are deemed detrimental with the placement of the pole along these streets.

City Council approved Administration Resolution No. 38-2016 by a unanimous roll-call vote.

Administration Resolution No. 40-2016, (the title) was read by the City Clerk as follows:

**A resolution of the Council of the City of Lancaster, Lancaster County, Pennsylvania abating 2016 real estate taxes on 213 West Chestnut Street, owned and operated by the Masonic Center of Lancaster.**

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

Mr. Reichenbach said this resolution reflects a good-faith agreement between the City and the Masonic Center. The City supported the Masonic Center's request to have their facility be

declared tax-exempt. That was recently granted by the Lancaster County Board of Assessment Appeals, beginning in 2017 for municipal taxes. In return for the City's support, the Masons have agreed to remove a deed restriction on a City-owned West King Street building which was once a Masonic Hall. That deed restriction prevented the sale of the property for redevelopment. Since the County-granted tax relief does not begin until 2017, this resolution provides tax relief for this year's taxes to the Masonic Center, per the agreement.

City Council approved Administration Resolution No. 40-2016 by a unanimous roll-call vote.

#### PUBLIC COMMENT

Tony Dastra, 113 North Plum Street, noted that Franklin & Marshall College recently saved \$6 million through a financing by the Lancaster Higher Education Authority and approved by City Council.

He maintained the college should be contributing more to the community. He further commented that the City should be contributing more to the finances of the Lancaster Public Library, which serves many City residents.

#### REPORT OF THE MAYOR

Mayor Gray read the following prepared statement:

*As you know, the overwhelming majority of City Police Bureau duties are carried out by Patrol Division Officers who patrol our streets and neighborhoods 24 hours per day, 7 days a week. The city is divided by four geographical quadrants, and each quadrant contains two Patrol Sectors. Hence, the Officers that patrol these sectors are commonly referred to as "Sector Officers."*

*Starting this fall, Sector Officers will be hosting community gatherings in each quadrant of the City. The gatherings will provide an opportunity for interaction and relationship-building between citizens and the Officers that serve their neighborhood. This is not designed to be the traditional meeting where the police sit at a table with microphones facing an audience. Instead, these will be social events intended to overcome barriers, based on inherent fears and stereotypes that may be harbored by officers and citizens. The first gathering will take place on Thursday, October 6, 2016, 6:30pm, at St. Joseph's Church in the Southwest Quadrant of the city. We invite residents of the Southwest sectors to attend this gathering and will advise the public when gatherings are scheduled in other sectors.*

*A Neighborhood Revitalization Strategy for Southwest Lancaster will be unveiled during a community meeting at St. Joseph Church on September 28th beginning at 7 PM. The planning process, led by the Lancaster Housing Opportunity Program and funded by the Wells Fargo Regional Foundation, began more than a year ago and involved residents and stakeholders in the southwest area of the City. The plan includes cost estimates and a timetable for implementation. Included with this report, is a flyer with details of this event.*

*In another demonstration of commitment to the Lancaster community, Wells Fargo Bank Central PA Region has selected Washington Elementary School in the Southeast quadrant as the beneficiary*

*of their Annual Community Project. City Council members are invited to attend a community work day and celebration on October 8th when dozens of volunteers from Wells Fargo Bank will help provide \$75,000 in upgrades and new equipment at Washington Elementary including: a new playground for 3-5 year olds; a renovated staff lounge with new appliances; iPads and Apple TVs in each homeroom; and a new canvas mural on school property.*

REPORT OF THE COUNCIL PRESIDENT

President Graupera read the following prepared statement:

*Recently, at City Council's direction, our City Clerk has begun posting documents on the City Code website.*

*He has posted recent meeting minutes and agendas for City Council and the City's other boards, commissions and authorities. But mostly, he has posted Council resolutions – hundreds of resolutions. There are now approved resolutions posted from this year back through 2008.*

*The intent is to make a database of resolutions that City staff and the public can use to easily access resolutions and legislation. This can be done on the City's eCode website through a common search.*

*A search of the term "wireless tower," for example, will return results that include the existing City law, the proposed legislation on the agenda this evening, agendas from meetings where we talked about the legislation and approved minutes from those meetings.*

*The posting of these documents and creation of a searchable database is a project that may take several years. But we think it is worthwhile project that will make more information more easily available to the public we serve. I think that's a good thing.*

*And, this is being done without any additional cost to the taxpayers of this City.*

President Graupera adjourned the meeting at 9:56 p.m.

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John E. Graupera, President

Attest:

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Bernard W. Harris Jr., City Clerk