

STATED MEETING - CITY COUNCIL – JANUARY 14, 2014

1

A meeting of the Lancaster City Council was held on Tuesday, January 14, 2014 in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA, at 7:30 p.m., with President Graupera presiding.

Council led the assembly in the Pledge of Allegiance.

Present – Mr. Reichenbach, Mr. Roschel, Ms. Sorace,
Mr. Soto, Ms. Williams, Ms. Wilson, President Graupera – 7

The minutes of the meetings of Council for January 6, 2014 were approved by a unanimous roll call vote.

REPORTS REQUESTED BY COUNCIL – Mr. Greg Paulson, gave the annual report of the Coalition for a Bicycle Friendly Lancaster. The Coalition’s interest is in the short and long term planning, especially with bike-ability and pedestrian safety in the City. We have followed the suggestions of the League of American Bicyclists and came up with committees that are working to make this City a more bicycle friendly place.

Charlotte Katzenmoyer stated that the City has received two grants, a Smart Growth Transportation Grant from the County which will be used to match a DC&R grant that we received. Both of those grants will be used to a bike plan for the City, so we will hire a consultant with those funds to look at all these issues and make recommendations in terms of, what’s the best for the City, because each city is unique.

PUBLIC WORKS COMMITTEE – Chairman Roschel stated that the Committee met on January 7, and there was one item on the agenda and it is on the agenda tonight. He will address it at that time.

FINANCE COMMITTEE - Chairwoman Sorace stated that she would like to make a motion to approve legislative transfers for workman’s compensation in the amount of \$89,000. Councilman Roschel seconded. City Council approved the transfer by a unanimous roll call vote.

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Chairman Soto stated that the Committee met on January 7, and Mr. Patterson reported on the HARB recommendation. He also discussed an ordinance to register vacant properties in the City. This proposed ordinance will protect the public health, safety and welfare, monitor the amount of vacant buildings and structures within the City, assess the effects of the conditions of those buildings on nearby businesses, buildings, structures, properties in neighborhoods in which they are located, particularly in light of the fire safety hazards, and unlawful temporary occupancies of transients, including illicit drug users and traffickers. Requiring the owners of such vacant properties to pay release fees and show efforts to rehabilitate vacant buildings. We will discuss this ordinance at the February 3, committee meeting.

PERSONNEL COMMITTEE – Councilwoman Williams stated that the Committee met on January 7, 2014 and met with Marshall Snively, an appointee to the Planning Commission, Lori

Bishop, an appointee to HARB, and Emma Hamme, an appointee to the Historical Commission. The Planning Commission is a 4year term and the HARB and the Historical Commission. She made a motion that these people be appointed to these commissions. Councilman Reichenbach seconded the motion and the motion was approved by a unanimous roll call vote.

Ms. Williams stated that there are 4 re-appointments, two to HARB, Kathleen Peck, William Burke, Building Official, and Robert Fields, Realtor, to the Historic Commission, and Sam Wilsker to the Planning Commission. She made the motion to approve the re-appointments and Councilwoman Wilson seconded. The re-appointments were approved by a unanimous roll call vote.

City Council considered the following application & HARB recommendation for improvements to properties within the Historic District:

The Historical Architectural Review Board met on the 4th of November and again on the 2nd of December. The review of the HARB was an application by residents of 4 blocks of Cabbage Hill to be removed from the Historic District. The HARB voted against allowing that to happen. It was 5 to 1 in favor of denial and one person abstained.

Michael Brenneman addressed the Council as follows: “the decision before you this evening is whether to reject the petitions of 82 property owners on Cabbage Hill to be removed from the Historic District. As all of you know, and some present here may not, there are 113 properties contained in four blocks on Cabbage Hill that are designated Historic. Cabbage Hill is the neighborhood where St. Joseph’s Catholic Church and the Kunzler Plant are located. It is the neighborhood bounded by West Strawberry, Union, Fairview and Manor Streets. There are a total of 48 Block faces within these boundaries, only four of which are designated historic. These blocks were admitted into the Historic District in 1979, after 70% of the property owners, at that time, signed petitions requesting admission. Thirty-five years later 72% of the property owners have signed petitions to be removed from the Historic District. That is 82 property owners. With a mere 66% majority in the U.S. Congress can override a Presidential veto. With only slightly higher majority, the States of this Union can ratify an amendment to the U. S. Constitution. These 82 property owners don’t seek to anything as grand as nullifying a Presidential veto, or amending the Constitution. They seek only to gain control over how they may or may not improve their properties. They’re not even looking to implement a change to other properties or blocks within this City. Only these four blocks in which they live and own homes. I presented these petitions on behalf of the property owners to the Historical Architectural Review Board at their November meeting. I was led to believe that if 70% of the property owners wanted out, their wishes would be granted. After an hour of vigorous discussion, for which I was completely unprepared, HARB tabled the issue, much to my surprise. They requested more information from me which I provided. And at the December meeting the 7 member HARB decided to recommend that Council to reject the property owners petition. The vote was 5 to 0 with one abstention and one absence. While I appreciate and respect their willingness to serve in a volunteer capacity, I believe in this case, they made the wrong decision and sent the wrong message. The message was, “we know better than you.” While the HARB is required to have 4 members of Historic Districts throughout the City, none of them live in our neighborhood. They all live in neighborhoods where property values are higher, than those on Cabbage Hill. I would be willing to bet that there hasn’t been a HARB member from the Cabbage Hill neighborhood in many years, if ever. To their credit, several HARB members did walk the blocks, in question, once or twice. One HARB staffer, as quoted in the newspaper, wondered if the property owners understood the petition they had signed. She was not alone in that sentiment among the voting members of the Board. I found that to be incredibly condescending and a continuation of the “we know better than you” theme. Fortunately, HARB only has power to make recommendations to Council. I believe that if this effort fails, it will be a very long time before anyone attempts it again. Many of the residents with whom I spoke were frustrated by these restrictions, and I believe that if you reject their petition you will

underscore their resignation of the fact that even at the most basic local level, their government isn't listening to them. So I would ask you tonight to honor the wishes of these eighty two property owners, and allow them to be released from the Historic District."

Mr. Jim Mummert, Chairman of the HARB, addressed the Council as follows: "In addition to the materials you have already received from HARB, I would like to make another statement on behalf of HARB. Removing this area from the Historic District and thereby eliminating using the Secretary of the Interior Standards for Rehabilitation of the Historic District could have negative effects on the area. The Standards establish a level of maintenance which increases property values, provides a pleasant visual environment and gives security to the property owner's investment. These elements attract buyers. Without the Standards, basically, anything goes. And that sense of security also goes. Generally, property values in designated areas, have increased at a faster rate than other properties outside these districts. In fluctuating real estate markets, these districts have experienced more stability for resale. The recent completion of an architectural field work survey of the area, showed that the historical and architectural significance of the area, remains unchanged from the time it met the State's Certification Standards to be included in the Historic District.

Finally, the sponsor of these petitions is a non-resident, non-property owner and non-renter in the Historic District. The HARB believes that approving the request of this sponsor would set a bad precedent of the future of the Historic District as a whole."

Mimi Shapiro, a member of the HARB addressed Council as follows: "I have been a member of HARB since 2004. The Cabbage Hill petitions were first addressed at the November meeting and the discussion was continued at the December meeting. The December meeting agenda coincidentally included an application for a property on the 400 block of West Marion Street, a block that was added to the Historic District three years ago, through a petition request. It is great to see the neighbors come out and discuss what they want and how they want their neighborhood to go. By contrast, the sponsor of these petitions wrote a cover letter when circulating the petitions, and I will quote from some of them. 'As you may, or not be aware, your house is in an Historic District. What does this mean to you and why? It means that there are limitations to what you can do to the exterior of your property. It means, for example, that the City would require you to use very expensive wood windows, the ultimate result of this destructive policy'. This is his opinion, and not a fact."

"Real estate is always a long term investment. Most landlords maintain their properties, even when doing so, proves more costly in the short term. I've owned two houses in Lancaster and the fact they were in a HARB district is reasons why we bought them. Lancaster has one of the best selections of historic buildings in the entire country and they add a considerable amount to the future of our City. Visitors and citizens get to enjoy the character of the historic architecture in our varied neighborhoods. Our historic buildings help to preserve Lancaster City's rich heritage for future generations by protecting buildings from loss of character. You've all seen the renovations on West Walnut, in the 200 block? That isn't in the Historic District, but it's all getting better. I believe that Historic Districts and HARB oversight is good for all of Lancaster, and I hope you will vote to deny removing the Cabbage Hill blocks from the Historic District, because this will work in the wrong direction for our City."

Randy Harris, 314 West Chestnut Street, Historic Consultant, stated that he has long enjoyed the City's historic features. Realizing as much as everyone does, how much an important roll the Community's heritage through its architecture has in the economic development future and the social well being of the community. He stated that he would support strongly the refusal by the HARB to reduce the size of the Historic District on the basis of the positive impact that these processes generally have on communities and real estate values. He would advance then that if Council does reject this petition, he understands that it is a lot about economics and affordability, he didn't hear that discussed by the gentleman who is in opposition

to this, but perhaps there could be advanced through public/private partnerships that people who are truly needy, who can't meet the Standards of the Secretary of the Interior, could receive some type of a benefit of inducement or assistance to meet the Standards so that we would have that level playing field out there. He would like to submit the notion that there are potentials for job training opportunities here and rehabilitation skills, preservation skills that could be incubated in this community, kind of a laboratory to help communities better preserve their historic architecture.

President Graupera asked if the statement that he heard this evening, that 70% of signatures of homeowners on a petition to remove themselves from the Historic District must be honored. Is that true?

Mr. Mummert stated that it is not true. It states that 70% requests a review of the HARB. It does not mean (muffled)

Mayor Gray asked Mr. Brenneman how many of the people that signed the petition, actually live in the buildings that they own. Mr. Brenneman did not have that information with him.

Councilman Reichenbach stated that he appreciates all the work that Mr. Brenneman put into this. He did refer to the comment Mr. Brenneman made that he thought that one of the HARB members was condescending. He respectfully disagreed with that. You may not agree with the way the wording was placed. However, he read the letter that went out to the residents and it was not an unbiased letter that was written. He made the motion to table the decision until the March 11 Council Meeting. What he would like to see happen is that we bring this issue back to our March 3 Committee Meeting and between now and then he would like to ask Randy Patterson and his department to reach out to the residents who signed this petition. He would like them to give the information that they spoke about at the Committee meeting, just what the HARB is able to do for the residents, and give that information person by person, if possible, to the people who signed this petition. He explained to Mr. Brenneman, that he would like to see is a fair and open dialogue, at least, for the residents who you got to sign the petition. Not that they will be swayed or not, but they will at least have a legitimate understanding of what the benefits of staying in the HARB might be. His guess is that many of them may not. That is not being condescending. People are busy. He doubts that they know every nook and cranny of what the HARB may do for them.

He asked Mr. Patterson if he thinks his department could reach out to the majority of the property owners and report back to us within 60 days, in time for the March 3, Committee meeting. Mr. Patterson stated that Suzanne Stallings, Paula Jackson, and he would try to do a neighborhood meeting, reach out to the property owners and report back. He is willing to provide the information to the property owners and see what their decision is. He can make that time line.

Mr. Reichenbach stated that he would like to officially make a motion that we table this until the March 11, Council meeting for a vote, but we bring back the results of the education session to the March 3, committee meeting so we have all the information necessary to be able to make an informed final decision on this come March 11. Councilwoman Wilson seconded the motion.

Councilman Roschel stated that for the past 8 years, he has been very supported of historic preservation and on this issue he has spoken with Mr. Brenneman and a member of the HARB, he also spoke with for a time on the phone.

Councilwoman Sorace stated that since this has been in the Historic District for about 35 years and a little extra time to gather additional information and to provide some additional education to the residents is a reasonable request. She thanked Mr. Brenneman, because of him we are getting a closer look at HARB.

Mayor Gray asked the staff to also explore alternatives, be it funding, to provide additional funding for appropriate windows that are compliant, or some other type of district that would be in between the Historic District and the Historic Conservation District. He stated we are really torn here when we have this number of people who want out, you figure, well, it's their house, but it is our City. And when you talk historically, you not only talk retrospectively, you talk prospectively too, about what kind of City this is going to be, and what we want. And to see something that has been in place for 35 years be changed over windows, he has trouble getting his hands around that. The only thing he has heard about is windows. And to take 100 houses out of 900 house district over windows, it seems like there ought to be something in between.

Paula Jackson, Chief Planner, stated that what she would like the staff to do, in addition to what has been recommended, in terms of education. At the November meeting when this first came to the HARB for consideration, under administrative approval, there were two properties where there were "in kind" replacement of wood windows, which did not require any action by the HARB. These were willingly done by the property owners. One was in the Northwest part of the District and one was in the Southeast part of the District. What the HARB often recommends is to look at repair first, so what we will reach out to the owners that we know that have decided to restore, there may be others, not just in the District. There was a gentleman, Mr. England, who came to the public meeting of the HARB who does renovations in the City. He said that he has never replaced a wooden window in the City, he is able to repair them. We are going to reach out to contractors individually to do a cost comparison, what is it to weatherstrip, caulk, maybe replace window panes to keep your wooden window and perhaps add storm windows. We do allow and encourage exterior storm windows that match. We want to look at, not just replacement as a cost comparison, but repair and maintenance. We do have people in the community that are doing that, to bring that to City Council as well.

President Graupera stated that this is a tough call for City Council. Granting this petition could either, or rejecting this petition could either open the floodgates for the rest of the City or maintain the integrity of the HARB, and upset a lot of folks. So I think this is a good alternative, to sit back and take a breath of fresh air and be educated.

Councilwoman Wilson stated that that she would like to thank Mr. Harris for his comments this evening. She hadn't thought about training opportunities, she appreciated the Mayor's comments about funding and alternatives, and she appreciated Ms. Jackson's comments about going out and giving more education and finding alternative ways. Because it comes down to an issue of windows, as President Graupera stated this is a hard decision and not one to take lightly.

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

City Council considered the following applications & (Historical Commission recommendations for construction and demolition in the Heritage Conservation District:

1. Christian Street Court, LP, proposes reconfiguration of the ground-floor storefront to create a single new entryway at 51 North Queen Street.

2. 53 West James Street, LP, proposes demolition of the south half of a three-story brick tobacco warehouse at 512 North Market Street.

Councilman Reichenbach made the motion to approve and Councilwoman Sorace seconded. City Council approved the recommendations of the Historical Commission by a unanimous vote.

Council Resolution No. 3-2014, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER AUTHORIZING THE TRANSFER OF A SET OF CITY RECORDS NO LONGER IN USE TO THE LANCASTER COUNTY HISTORICAL SOCIETY (LANCASTERHISTORY.ORG) FOR PURPOSES OF SAFE KEEPING AND USE FOR HISTORICAL RESEARCH, EXHIBIT AND INTERPRETATION.

Councilwoman Wilson made the motion to approve and Councilman Soto. Councilman Reichenbach stated that he wants to thank LancasterHistory.org. If you go through this packet and see some of the things they are protecting, it is absolutely a treasure trove of our history and paper work. A big thanks to them. City Council approved Council Resolution No. 3-2014 by a unanimous roll call vote.

Administration Resolution No. 4-2014, (the title) was read by the City Clerk as follows:

“A RESOLUTION OF CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA AUTHORIZING THE PROPER OFFICERS OF CITY OF LANCASTER TO ACQUIRE THE PROPERTY KNOWN AS 848 SOUTH PRINCE STREET.”

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

Councilman Roschel stated that the City owns the property at 860 South Prince Street and with this resolution the City will purchase at 848 South Prince Street. If you put the two properties together, that would be ample space for building a new animal shelter. In 2013 the City identified a property on Chesapeake Street as suitable for a temporary animal shelter that would be maintained and run through an agreement with the LSPCA. 28 municipalities contracted services with them for an annual fee plus an animal surrender fee. That brings up to last month. 2,862 animals were surrendered to the SPCA in a nine-month period in 2013. Of this total 842 animals originated in the City. The LSPCA passed the year-end kennel inspection which was conducted by the PA Dog Law Office. The State was then transferred to the LSPCA. The year-end audit showed in lieu of contributions, cash donations and fees showed a \$150,000 year- end. Audit results will be used to boost grant applications and fundraising. City Council approved Administration Resolution No. 4-2013 by a unanimous roll call vote.

Administration Resolution No. 5-2014, (the title) was read by the City Clerk as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER OPPOSING THE CHARTER APPLICATION PRESENTED TO THE SCHOOL DISTRICT OF LANCASTER SCHOOL BOARD FOR THE ACADEMY OF BUSINESS AND ENTREPRENEURSHIP.

Councilman Reichenbach made the motion to approve and Councilman Soto seconded. Councilwoman Sorace stated that this is a renewed resolution in light of the fact the Academy of

Business and Entrepreneurship has made a second attempt to begin a charter school in the School District of Lancaster and there were a number of concerns the first go-round last March. The same concerns and new ones have been brought to light in relation to the application.

The School Board is meeting as we speak and we will be delivering the resolution to the meeting. The Mayor will be making remarks on behalf of the Administration in opposition to the school. The City Council approved the resolution by a unanimous roll call vote.

REPORT OF THE MAYOR - Mayor Gray made his report to City Council and it can be seen on the City's website. www.cityoflanasterpa.com

COUNCIL COMMENTS - Councilman Roschel stated that he couldn't be at the inauguration meeting, but he thanked Councilmen Smith and Urdaneta for their service on City Council and congratulated Mr. Graupera for being elected President. He further thanked former President Williams stating his great respect for her.

Councilwoman Wilson announced two events planned for Martin Luther King, Jr. Day on Monday, January 20, 2014.

President Graupera adjourned the meeting at 8:35 p.m.

John E. Graupera, President

Attest:

City Clerk