

STATED MEETING - CITY COUNCIL –APRIL 22, 2003

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A meeting of the Lancaster City Council was held on Tuesday, April 22, 2003, in Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, Pa., at 7:30 p.m., with President Diamantoni presiding.

Mr. Chip Smedley's Government Class from Lancaster Country Day School led the assembly in the Pledge of Allegiance.

Present – Ms. Dickson, Mr. Graupera, Mr. Mendoza, Mr. Polite,  
Mr. Stoltzfus, President Diamantoni – 6

Excused – Mr. Duncan – 1

City Council approved the minutes from April 8, 2003 by a unanimous roll call vote.

REPORTS REQUESTED BY COUNCIL – Mr. Greg Paulson, City of Lancaster Human Relations Commission delivered the bi-monthly report to City Council.

PUBLIC WORKS COMMITTEE – Councilman Mendoza stated that the Public Works Committee met on April 14<sup>th</sup> to open and review the RFP's of the municipal trash hauler applicants. With the assistance of City Solicitor Alex Henderson and Matt Parido, Director, Housing and Neighborhood Services and Julie Burt, Trash Coordinator, we opened and read the RFP's. We discussed the documentation. We held another meeting this evening before Council to make recommendation to the Council. The lowest bidder was William Carson Disposal. They have been selected because their price was \$15.83 and Mr. Shell's price was \$16.50

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE – Councilwoman Dickson stated that her committee met on April 14<sup>th</sup> to consider applications to the Historical Architectural Review Board for properties located at 143-159 East King Street and a property at 171 East King Street. The request is to demolish portions at the rear of 143-159 E. King and rehabilitate and alter existing storefronts and façades. The HARB permitted raising of that building's west wing conditional upon approval of a plan for a parking garage. The applicant, Mr. Meeder, is requesting that Council delete the condition that a plan for a parking garage be required before demolition of the west wing is permitted. The Committee heard the discussion and voted 2-1 to recommend to Council tonight that the condition be deleted. That issue will be addressed later in the agenda. The Committee also reviewed the application for Mr. Meeder to demolish 171 East King Street. The HARB recommended denial of this request. The Committee heard Mr. Meeder's request which was made because of a lack of funding to restore the building and excessive costs due to damage from snow. The Committee did not make a decision to recommend to Council and since that Committee meeting Mr. Meeder has requested a delay in the decision.

PERSONNEL COMMITTEE – Councilman Polite stated that the Committee met just before our meeting tonight and reviewed Council Resolution No. 24-2003, which is appointing Jean Kirk Weglarz to the Zoning Hearing Board as an alternate. The committee recommended approval. We also reviewed Resolution No. 25-2003, which allows the Police Department to destroy records that have been retained on microfilmed.

City Council considered the following applications & (HARB recommendations) for improvements to properties within the Historic District:

1. Milagro House, to install a pre-fabricated storage shed at 322 South Christian Street, rear.

2. Lancaster Farmland Trust, to install 3' x 4' x ½" sign at the front and rear of the building at 128 East Marion Street.

3. Crossroads Mennonite Church, to 1.) install new church identification signs near corner, as per submitted drawings. 2.) install new fence with masonry base and gate and arbor between church and parish house, as per submitted drawings. 3.) install new access ramp at front of Parish House, with masonry wall and railing, with modification of front stoop.

4. First Reformed Church – United Church of Christ, to install new access ramp and steps with front gate and reconstructed porch colonnade and roof on each side of church building.

7. Shirley O'Leary, to replace existing gutters and one downspout with copper gutters and downspout and install custom copper weathervane on roof of garage.

Councilman Polite made the motion to approve and Councilman Mendoza seconded. City Council approved the recommendations of the HARB unanimously.

Item No. 6 was removed from the HARB list and the City Clerk read item no. 5 on the HARB list as follows:

5. King Vest, LLC, to demolish portions of additions at the rear of 143-159 East King Street, and rehabilitate and alter existing storefronts and façades.

Councilman Mendoza made the motion to approve and Councilman Graupera seconded. Councilman Graupera made a motion to approve the application without the condition as imposed by the HARB.

Mr. John Meeder explained that he was asked by HARB when he requested the demolition to come back with a full set of plans for the building. There is a strong effort to

revitalize the whole eastern part of that block on the north side. In conjunction with the Alliance who has acquired the financial instruments controlling the former Galliano property at 141-143 and with the other properties that Mr. Meeder owns, we have combined an effort to clean-up the whole center part of the block and hopefully the property that was pulled from the agenda this evening, if we can arrange some suitable funding for that particular project. So this effort, just on these two buildings, just to clean them up, not revitalize the upper levels, is well over \$500,000. There is a west wing and an east wing; three other wings that stick out in the back were all approved for demolition. One was not, and he asked Council to override the decision of the HARB.

There were two Historical Architectural Review Board members at the meeting, Mr. Jim Mummert, who voted against allowing the demolition and Mr. Steve Funk who voted to allow the demolition. Mr. Mummert stated that he voted in favor of the condition, because his concern was the rear of 141 East King Street. It is a good sound structure, it could be rehabbed. It would add to the streetscape on Grant Street, but tearing that structure down for 14 parking spaces doesn't make sense. There is no parking garage on the table, we all hope there is going to be one. But once that structure is demolished it cannot be brought back. The applicant's proposal is to tear the structure down, 14 parking spaces and minimum landscaping. There are other buildings on Grant Street that have been rehabbed, they are viable buildings, and we do not think, that if the parking garage does not materialize, that what we would have left there would add to what we have on Grant Street. He stated that he wants to see the plans for the parking garage, knowing that it is going to happen and that has not been given to HARB.

Mr. Steve Funk stated that he voted against the recommendation because he objected to the condition regarding 141. As Mr. Meeder indicated that the funding for this project was dependent upon his ability to provide a certain number of parking spaces. If these spaces were not provided, the project will, in all likelihood, not happen. He views this project as a great catalyst for revitalization of the whole neighborhood and he felt that the priority for this project was to see the buildings on East King Street rehabilitated and restored.

Councilman Polite explained why he voted for the deletion of the condition in committee, he is against tearing down 171 E. King Street, and although he does not like the idea of demolishing the wing at 141, he would not want it to stand in the way of economic development for that block, so he compromised by his vote.

Councilwoman Dickson explained her reasons for voting in favor of the condition stating that the HARB did follow the requirements, outlined in the Department of Interior Standards, appropriately and made the recommendation on that basis, that it is not appropriate to tear a building down just for parking spaces. Secondly, in taking that sound building down, which could be rehabbed for affordable apartments, we lose those building spaces which could be utilized. The third reason is that she thinks we are being inconsistent

when a year ago we did deny a request to tear down some garages because the applicant did not provide us with an appropriate plan to replace those garages other than additional parking. It is not that she doesn't think this project is a wonderful idea, she thinks we should be consistent.

City Council voted a 3-3 tie. The amendment failed. Aye- Graupera, Mendoza, Polite – 3. No – Dickson, Stoltzfus, Diamantoni – 3.

Mr. Meeder asked Council to inform him what has just happened. President Diamantoni stated that if the vote is tied, the motion fails.

Mr. Meeder stated that representatives of the PA Historic and Museum Commission are coming down on the 29<sup>th</sup> to review their plans with the demolition in mind. He suggested that perhaps another amendment to the motion could be made that if he gets the endorsement of the Museum and Historic Commission, that he could move forward with that demolition. He stated that we are hampered by an economic situation that we can't really overcome unless we can start to provide some parking and some visual improvements to that block. He stated that Council is blocking him from doing that with this vote. Council not only hit him on the front end, by not allowing additional money to come in to invest in the project, Council has eliminated a level of financing that he cannot have. He requested that Council take another look at the amendment, change it slightly, add a consideration from the Museum and Historic Commission, who is supportive of this project.

Mr. Graupera questioned that it all boils down to the plan for a parking garage? Mr. Meeder replied that, yes, that was the condition. Mr. Graupera suggested that it go back to Committee and Ms. Dickson stated that it should go back to the HARB. The HARB could make another recommendation, it would come back to the Committee, ...Mr. Meeder asked if he could withdraw the motion right now, at this point? Mr. Mendoza withdrew his motion and Mr. Graupera withdrew his second and the HARB recommendation for demolition of the rear of 143-159 East King Street was withdrawn from the agenda.

City Council considered the following applications & (Historical Commission recommendation(s) for construction and demolition within the heritage Conservation District:

1. Timothy and Constance White, to demolish existing garage building at rear of 319 East Clay Street.
2. Richard H. Williams, to construct a second story addition to the existing building at 205 East Chestnut Street.
3. Lancaster General Hospital, to modify a previously approved design by adding an additional three stories to an existing building located on Lime Street located midway

between James Street and Frederick Street.

4. Lancaster Labor Foundation, to modify a previously approved design for a two-story brick office building at the northwest corner of North prince and West Walnut Streets.

Councilman Polite made the motion to approve and Councilman Stoltzfus seconded and City Council approved the recommendations by a unanimous roll call vote.

Administration Bill No. 7-2003, (the title) was read by the City Clerk as follows:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER, PENNSYLVANIA, PURSUANT TO THE INTERGOVERNMENTAL COOPERATION ACT, CHAPTER 23, SUBCHAPTER A OF THE LOCAL GOVERNMENT CODE, 53 PA. C.S.A. §§2301-2315, APPROVING AN AGREEMENT REGARDING THE EXTENSION OF THE CITY'S WATER MAIN LOCATED ALONG THE OLD PHILADELPHIA PIKE, EAST LAMPETER TOWNSHIP AND BETWEEN THE CITY OF LANCASTER AND EAST LAMPETER TOWNSHIP.**

Councilman Polite made the motion to approve and Councilman Graupera seconded. City Council approved Administration Bill No. 7-2003 by a unanimous roll call vote and will hereinafter be known as Administration Ordinance No. 6-2003.

Administration Bill No. 8-2003, (the title) was read by the City Clerk as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING THE CODE OF THE CITY OF LANCASTER, CHAPTER 285, VEHICLES AND TRAFFIC; SETTING FORTH REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING VEHICLE TOWING WITHIN THE CITY; REQUIRING PERSONS TOWING VEHICLES AT THE REQUEST OF A PERSON OTHER THAN THE OWNER OF THE VEHICLE TO NOTIFY THE CITY POLICE; AND ESTABLISHING FINES FOR VIOLATIONS; TO PROVIDE FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND TO PROVIDE THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.**

Mayor Smithgall stated that this was requested by the Bureau of Police. There are people who park on private property and have their car removed. They report it as stolen and it creates extra paper work. This is to require towing companies to report immediately to the Police that they just towed someone's car from a parking lot, etc.

Mr. Lee Shelley, Green Street, asked about the tow trucks that seem to be all over his area of the City. On Beaver Street there is a garage where tow trucks are parked out on the street. Mayor Smithgall stated that this will license tow trucks and if there is a

problem on Beaver Street, he could go to the Traffic Commission and request no commercial vehicle signs to be posted. Solicitor Mateyak stated that it would license tow trucks that will provide tows to people that are not the owner of the vehicle.

Council Resolution No. 24-2003, (the title) was read by the City Clerk as follows:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LANCASTER APPOINTING JEAN KIRK WEGLARZ, 515 EAST KING STREET, AS AN ALTERNATE TO THE CITY OF LANCASTER ZONING HEARING BOARD, FOR A THREE (3) YEAR TERM EFFECTIVE RETROACTIVELY JANUARY 1, 2003.**

Councilman Polite made the motion to approve and Councilman Stoltzfus seconded. City Council approved Council Resolution No. 24-2003 by a unanimous roll call vote.

Administration Resolution No. 25-2003, (the title) was read by the City Clerk as 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, TRAFFIC CITATION PROSECUTIONS, DAILY ACTIVITY REPORTS) IN CONFORMITY WITH THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES.**

Councilman Polite made the motion to approve and Councilman Mendoza seconded. Council approved Administration Resolution No. 25-2003 by a unanimous roll call vote.

PUBLIC COMMENT – Mr. Terry Brown, Vine Street, citing a recent fatality on Manor Street at Fairview Avenue, asked if the speeding could be monitored. Mr. Mendoza asked the Mayor if he would see that the Chief is notified that a request for speed control on Manor Street was made. The Mayor said they will take care of that.

Mr. Shelley, Green Street, stated that he represents the Weed ‘n’ Seed Program, and stated that it is now getting warmer outside and the population seems to have doubled. He is concerned about the crime, which escalates in the warmer weather. He knows that there are only 2 community policemen and he is concerned that the attention is paid to the center city area and bringing people into the City, but not caring about the neighborhoods. He stated that people are going to start arming themselves, because they know that the police are overworked and can’t come when they are called.

REPORT OF THE MAYOR – Mayor Smithgall stated that he is restating a policy

that was instituted by Mayor Janice Stork on February 1, 1993: It is the policy of the City of Lancaster that any person, business, or entity requesting assistance in the form of discretionary grants, loans or benefits, street dedications, etc. must be current with all responsibilities to the City of Lancaster when requesting access to assistance. This shall include being current with loan payments, water, sewer and property tax, traffic fines, municipal liens, or any other outstanding debt owed to the City, including D.I.D. assessment. He further reported on the progress of the Police Station.

REPORT OF THE PRESIDENT - President Diamantoni noted that we are about 6 months from deliberations for our next budget. He stated that Council works very hard at budget time examining line by line. He encouraged all members of Council to begin looking for ways to increase revenue lines or decrease expenditures.

COUNCIL COMMENTS - Councilwoman Dickson asked about the status of the Independent Review Board that we agreed to put in place. President Diamantoni stated that Mr. Howell has received a letter and he will follow up with a phone call tomorrow.

Councilman Mendoza stated that he recommends that we should go back to the monthly basis of reviewing these reports that we receive from Ms. Roland.

President Diamantoni adjourned the meeting at 8:52 p.m.

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Stephen G. Diamantoni, President

Attest:

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City Clerk