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EUGENE ALECI, MOIRAJEANNE : IN THE COURT OF COMMON PLEAS
FITZGERALD, APRIL M. KOPPENHAVER, : OF LANCASTER COUNTY,
KEVIN LYNN, ARTHUR MORRIS, JEAN : PENNSYLVANIA
K. WEGLARZ :

Appellants : Case No. CI- 19-11908

v. :

LANCASTER CITY, :

Appellee :

STATUTORY APPEAL

Eugene Aleci, Moirajeanne FitzGerald, April M. Koppenhaver, Kevin Lynn, Arthur Morris, and Jean K. Weglarz hereby appeal from the Decision of the Lancaster City Council to issue a certificate of appropriateness pursuant to the provisions of the Local Agency Law, 2 Pa. C.S. §751 et seq., and Section 5571 and 5572 of the Judicial Code, 42 Pa. C.S. §§5571, 5572, and in support thereof state the following:

1. Appellants are

A. Eugene Aleci, a resident and taxpayer of the City of Lancaster with a mailing address of 355 West Orange Street, Lancaster, Pennsylvania 17603.

B. Moirajeanne FitzGerald, a resident and taxpayer of the City of Lancaster with a mailing address of 137 North Mary Street, Lancaster, Pennsylvania 17603.

C. April M. Koppenhaver, a resident and taxpayer of the City of Lancaster with a

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mailing address of 19-21 North Mulberry Street, Lancaster, Pennsylvania 17603.

D. Kevin Lynn, a resident and taxpayer of the City of Lancaster with a mailing address of 13 West Chestnut Street, No. 1, Lancaster, Pennsylvania 17603.

E. Arthur Morris, a resident and taxpayer of the City of Lancaster with a mailing address of 434 West Chestnut Street, Lancaster, Pennsylvania 17603.

F. Jean K. Weglarz, a resident and taxpayer of the City of Lancaster with a mailing address of 515 East King Street, Lancaster, Pennsylvania 17602.

2. This appeal is taken from a decision of City Council of the City of Lancaster ("City"), P. O. Box 1599, 120 North Duke Street, Lancaster, Pennsylvania 17608-1599.

3. The Property which is the subject of this appeal is 151 North Queen Street, Lancaster, Pennsylvania (the "Property").

4. The record owner of the Property is the Parking Authority of the City of Lancaster, a parking authority (the "Parking Authority") with a mailing address of 30 West Orange Street, Lancaster, Pennsylvania 17608.

5. The Property is located within the Heritage Conservation District established by Article II, Heritage Conservation District, of Chapter 155, Historic Districts, of the Code of Ordinances of the City (the "Ordinance"). The Ordinance can be obtained from the internet at <https://ecode360.com/8117748>.

6. The Parking Authority filed an application with the City for approval of a certificate of appropriateness for the development of a parking garage (the "Garage") on the Property.

7. Pursuant to the Ordinance, applications for certificates of appropriateness for properties within the Heritage Conservation District are referred to the City Historical Commission (the "Historical Commission") for review and recommendation. Ordinance §155-

23.

8. The Historical Commission considered the Parking Authority's submission concerning the design of the Garage at its meeting on May 20, 2019.

9. Representatives of the Parking Authority attended the meeting of the Historical Commission held September 16, 2019, and at such meeting submitted a design for the Garage which was significantly different from the design presented to the Historical Commission at its meeting on May 20, 2019. A copy of the minutes of the meeting of the Historical Commission held September 16, 2019, are attached hereto as Exhibit A and incorporated herein.

10. The Parking Authority did not submit a dimensioned drawing of the proposed Garage with notes indicating conformity with the design standards in the Ordinance as required by Ordinance Section 155-27.B(2).

11. The Parking Authority did not submit reasons for deviations from the design standards in the Ordinance as required by Ordinance Section 155-27.B(2).

12. Representatives of the Parking Authority attended the meeting of the Historical Commission held on October 21, 2019, informed the Historical Commission that the Parking Authority would not submit additional information and asked that the Historical Commission act upon the design of the Garage that was tabled at the September 16, 2019, meeting of the Historical Commission. A copy of the minutes of the October 21, 2019, meeting of the Historical Commission are attached hereto as Exhibit B and incorporated herein.

13. After discussion the Historical Commission adopted a motion at its meeting on October 21, 2019, "to recommend to City Council denial of a certificate for appropriateness for the proposed new construction based on the failure to meeting the Decision Standards #2, #3 and #4."

14. Lancaster City Council Community Planning Committee at its meeting on November 4, 2019, reviewed the recommendations of the Historical Commission relating to the application for a certificate of appropriateness for the Garage. A true and correct copy of the minutes of the meeting of the Community Planning Committee held November 4, 2019, are attached hereto as Exhibit C and incorporated herein.

15. The Lancaster City Council Community Planning Committee adopted a motion to send the recommendation of the Historical Commission to City Council for action at its November 12, 2019, meeting.

16. Lancaster City Council at its meeting on November 12, 2019, adopted a motion to issue a certificate of appropriateness for the Garage conditioned on completion of a community engagement plan set forth on Page 3 of the meeting minutes. A true and correct copy of the minutes of the City Council meeting held November 12, 2019, is attached hereto as Exhibit D and incorporated herein.

17. The City issued a written decision setting forth the oral action of City Council in the form of a letter to the Executive Director of the Parking Authority dated November 18, 2019 (the "Decision"). A true and correct copy of the Decision is attached hereto as Exhibit E and incorporated herein.

18. Where a certificate of appropriateness is subject to conditions, an applicant may, within 15 days after receiving a written copy of the decision, give written notice of his, her or its refusal to accept all of the conditions, in which case City Council shall be deemed to have denied the requested certificate of appropriateness. Ordinance §155-26.C.

19. The Parking Authority did not notify the City that it refused to accept all of the conditions, so the Decision became final after the expiration of the 15 day period set forth in

Ordinance §155.26.C.

20. Appellants have standing to file this action to challenge the Decision pursuant to Section 512 of the Historic Preservation Act, 37 Pa. C.S. §512.

21. Appellants have standing to file this action to challenge the Decision as residents of the Heritage Conservation District and/or the Historic District.

22. The concise grounds for this statutory appeal are as follows:

A. Ordinance Section 155-27.D(3) requires that "[b]uilding materials, textures and treatments shall be compatible with those of surrounding buildings. Where traditional materials, such as brick, wood or stone, are common in the immediate neighborhood, use of these materials on the front facades and secondary facades on corner properties is recommended." The colored aluminum tubing proposed for the façade of the Garage is not compatible with the surrounding buildings.

B. The application for a certificate of appropriateness submitted to the City was incomplete.

C. The design of the facade of the Garage was a conceptual design and is subject to change.

D. The oral action of City Council to grant the certificate of appropriateness for the Garage did not determine that the proposal by the Parking Authority met the requirements of the Ordinance.

E. The Decision did not set forth the conditions on approval of the certificate of appropriateness for the Garage other than to reference "completion of a Community Engagement Plan relative to the artwork component of this project."

F. The "Community Engagement Plan" referenced in the minutes of the meeting

of City Council on November 12, 2019, demonstrates that the design of the Garage is not finalized because, inter alia, R & R Studios must conduct a series of meetings, obtain information, and conduct “forums where community members can vote for their favorite artistic concept of 2-3 presented (depicting variables related to the words, colors, and arrangements/composition of materials to be used in the final realized decision).”

G. The Decision did not meet the requirements of Section 555 of the Local Agency Law, 2 Pa. C.S. §555.

H. City Council erred in approving a certificate of appropriateness for the Garage where the design admittedly is incomplete.

I. City Council erred in approving a certificate of appropriateness for the Garage where the words, colors, and arrangement-composition of materials to be used are subject to change.

J. The Decision is not supported by the evidence and is erroneous as a matter of law.

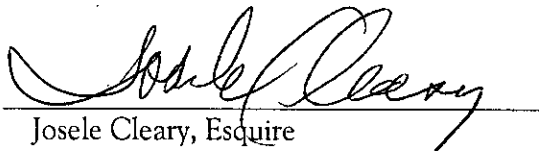
K. The Decision constitutes an abuse of discretion and is not based on substantial evidence.

23. To Appellants’ knowledge, there is no transcript of any proceeding before the Historical Commission, Lancaster City Council Community Planning Committee, or City Council.

WHEREFORE, Appellants respectfully request Your Honorable Court to reverse the written decision of Lancaster City Council November 18, 2019, and direct that the application of Parking Authority of the City of Lancaster for a certificate of appropriateness for the proposed parking garage to be constructed at 151 North Queen Street, Lancaster, Pennsylvania, be denied.

Respectfully Submitted,

MORGAN, HALLGREN, CROSSWELL
& KANE, P.C.

By: 

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**HERITAGE CONSERVATION DISTRICT
HISTORICAL COMMISSION**

MINUTES

September 16, 2019

The Historical Commission held a regularly scheduled monthly meeting on Monday, September 16, 2019 in the Commission Room, City Hall Annex, 120 North Duke Street.

Commission Members Present: Christopher Peters, Chairman; Eric Berman; Alex Folk; Steve Funk; John Lefever

Commission Members Excused: Stephanie Townrow

Commission Members Absent: Robert Fields

Staff Members Present: Suzanne Stallings, Historic Preservation Specialist

Guests Present: Larry Cohen and Susan Bleacher, Lancaster Parking Authority; Ted Vedock and Paul Bahn, Hammel Associates Architects; Jeffrey Stamper and Gabriel Kienzie, Reimagine LLC; Joshua Shultz; Tim Stuhldreher, LNP

Review and Action on Applications for Historical Commission Review

Chairman Peters called the meeting to order at 6:00 p.m. He explained the function of the Commission as a recommending body to City Council, with the Commission's discussions and deliberations guided by the *Secretary of the Interior's Standards for Rehabilitation* (SISR) and the Design Standards.

Item No. 1 -- Approval of Minutes of the August 19, 2019 Meeting

The August 19 meeting minutes were approved as submitted.

Applications

**Item No. 2 -- 151 North Queen Street
Lancaster Parking Authority, owner
Hammel Associates Architects, LLC, applicant**

2.1 New Construction: Construction of a new six-story parking garage with a circulation tower at the southwest corner and including a library within the lower two stories, to be sited on the eastern edge of the parcel, and commercial shell space on the northern edge of the parcel, per the submitted plans.

[Note: At the May 20, 2019 meeting, the Historical Commission reviewed and recommended approval of a formal application for demolition of vacant annex structures and an abandoned parking deck. A Conceptual Discussion of the new construction planned for the parcel also took place during the May meeting.]

Ms. Stallings read her review that had been based on the renderings initially submitted with the application, but which did not represent more current revised plans or materials upon which the Commission would base its recommendation. (Revised and updated plans were distributed by the project architect at the meeting that the Commission proceeded to review.) The review noted that the most recent design approaches to multi-level parking structures reviewed by the Commission had allowed

EXHIBIT A

the upper parking decks to remain largely unembellished while emphasizing the ground-level pedestrian experience, allowing the garages to become neutral structures that faded into the background. In this application, the review noted that the siting of the parking garage created an infill structure with a deep setback from North Queen Street, with the most direct public interface across the pedestrian plaza rather than from a sidewalk. The review stated that the original materials palette presented in May, including use of brick veneer and aluminum curtainwalls on the circulation tower, made the structure more contextual, anchored by the mid-century brick walls of the hotel to the north and the metal-skinned treatment on 101NQ to the south. By contrast, the review noted that the colored tubular pipes proposed in this application appeared less permanent than structural materials but had to be reviewed by the Commission as a building fabric veneer that was impacting the appearance and perception of the garage structure. The review stated that the colored pipes inappropriately emphasized the verticality and prominence of a background building. Since the dimensions and gaps between the pipes would impact the overall impression of the building design and the visibility of either a backing screen or the parking decks, the review stated that the art element required clarification by the applicant. The review cited SISR No. 9 and the Design Standards addressing *Size, Scale and Proportion, Materials and Texture and Architectural Details*.

Mr. Vedock, the project architect, provided an overview, pointing out that the primary change since the May 2019 Conceptual Discussion was selection of the public art component. He stated that the City's Public Art Program had received three proposals for the garage façade treatment and the Public Art Advisory Board had chosen a colored pipes scheme designed by R&R Studios, which will replace the folding metal screen presented in May. Mr. Vedock explained that the vertical pipes would be six-inches square, spaced 12 inches on center, and would incorporate phrasing and words into the design, although the final text was still being refined. He distributed new renderings of a revised design for which they were asking the Commission's recommendation of approval, noting that questions remained about use of a backing screen and the spacing of the pipes relative to openness calculations for the garage. Based on the Commission's comments in May on treatment of the circulation stair tower, Mr. Vedock explained that the earlier use of brick veneer and curtainwalls with horizontal sunshades had been simplified toward a more monolithic treatment in order not to compete with the vertical element of the colored pipes. He explained that precast concrete panels would replace the brick veneer on the tower, which would carry across the face of the parking garage, allowing the colored pipes to be the dominant feature, while the tower would feature amber glass to provide filtered views of the plaza. He pointed out that the colored pipes would wrap around the southeast and southwest corners of the garage as well as the upper portion of the northeast corner.

In comments from the Commission, Mr. Peters remarked that the new design was a very different concept from the plans presented in May, and the façade treatment moved beyond art to, in effect, a colored architectural rainscreen that incorporated text as an additional element. Mr. Peters also questioned use of yellow or amber glass panels on the circulation tower. Mr. Funk commented that the incorporation of text amounted to signage, as though meant to avoid complying with the Sign Ordinance, while applied artwork with a 72-foot height was inappropriate within a historic district. Mr. Funk remarked that the garage as proposed had the appearance of a 1960s movie theater, or Googie highway architecture. He stated that a parking garage should be a

background building but this treatment, with ten different bright colors and text with a 10-foot height, presented an overpowering billboard. Mr. Funk remarked that the conceptual rendering presented in May had appropriately emphasized the library space and the pedestrian-level experience.

Ms. Davis, the City's Public Art Manager, explained that early public feedback on redevelopment of Lancaster Square had indicated that it was important for the plaza to be comfortable and welcoming, and the garage structure provided an opportunity to integrate public art for the community into both the plaza and the architecture, noting that public art may be perceived as out of the norm but attracts attention. Mr. Berman asked if the artists were local. Ms. Davis indicated they were not, explaining that artists are chosen who are most qualified and knowledgeable about outdoor art. Mr. Funk remarked that the design would be appropriate on a Miami parking garage, but the bright colors had no connection to Lancaster. Ms. Davis replied that the colors were relevant to Lancaster's Latino population, while the text was also part of the artistic concept. Mr. Funk suggested use of a more monochromatic materials palette, with color introduced through changeable LED lights that could be quieted down as needed. Mr. Vedock commented that various lighting options had been considered but were not used in deference to the hotel guests. Mr. Funk stated that changeable colors would calm down the garage and allow it to be a background building. He added that new construction is expected to be relevant for at least 50 years, and the public could likely grow tired of this design after five years. Ms. Blecher of the Lancaster Parking Authority explained that the artists have copyright control over the design, and the introduction of lighting presented project cost concerns. Mr. Vedock also noted that the project involved third-party artists with a high degree of design oversight. Mr. Cohen remarked that redoing the design in different colors would present a project delay and cost considerations. On this seven-story building with a 120-foot height and tubes with a 72-foot height, Mr. Folk noted that the Commission considers issues of size and scale, and material choice was part of architectural concepts. [Section 155-23 of the Heritage Conservation District Ordinance states that the Commission shall consider matters pertinent to the preservation of the district including the "Appropriateness of exterior architectural features which can be seen only from a public street, including compatibility with the Design Standards."] Mr. Peters stated that the Commission was not choosing colors but was being asked to evaluate a ten-color scheme, and project architects are often asked to make design revisions based on the Commission's feedback.

Mr. Berman questioned the yellow signage shown on the circulation tower. Mr. Vedock asked if the objection was based on color or scale, noting that the design was part of the Parking Authority's branding. Mr. Funk noted that when the signage was discussed during the Conceptual Discussion in May, it was noted that the plaza would have pedestrian access only into the garage, with vehicular access from Duke Street, so a large sign visible to cars on North Queen Street did not seem necessary. Mr. Vedock replied that the sign was intended as wayfinding.

Mr. Lefever asked about consideration of colors, which is exempt within the HARB district. Ms. Stallings clarified that the HARB Ordinance stipulates that applied color, or "painting of exterior walls or trim" is not subject to review, but both historic districts allow the intrinsic color of building materials to be evaluated by the review boards as part of an overall design scheme.

Mr. Lefever made a motion that the submitted proposal for new construction be recommended for approval. The motion did not cite any Standards and was not seconded by another Commission member.

Mr. Vedock initially proposed amending the application with two changes: substitution of clear glass for amber glass on the circulation tower and use of the original perforated screen without text on the parking garage that was presented at the May meeting. However, Mr. Vedock and Mr. Cohen conferred and asked instead for a tabling action.

Mr. Funk made a formal motion to table the application until the October meeting, and asked that the applicants address three design elements on the parking garage structure: the tubular aluminum artwork or screening system that will be applied to the upper levels of the entire west façade and portions of the north, south and east side elevations, the use of amber glass on the curtainwall of the circulation tower, and the parking garage signage as shown on the circulation tower. The tabling motion was seconded by Mr. Berman and passed by a unanimous vote.

Conceptual Discussion

Item No. 3 -- 316 North Arch Street Reimagine Properties, LLC, owner

3.1 Conceptual Discussion: Conceptual Discussion of infill construction of a new three-story residential building on a vacant parcel.

This Conceptual Discussion was presented by the co-owners. Mr. Stamper explained that they had received a zoning variance to construct building-to-building on the north and south sides of this vacant parcel, and that provision of garage space within the structure was part of the variance to meet parking requirements, in addition to a garage helping with the marketability of the property. He indicated that the façade would feature a reclaimed brick veneer but would otherwise have modern features, including a metal awning over the garage opening and an overhead garage door with frosted glass panels. He pointed out that the building was set back from the street in order to accommodate a turning radius for the garage, and the height would be lower on the North Arch Street façade but would extend higher at the rear.

In questions from the Commission, Mr. Peters asked about the deep setback of the front entry door. Mr. Funk also noted that the door's location required access along a deep confined alley; for security purposes, he suggested use of a gate at the sidewalk entry. Mr. Peters asked about the window style and whether double-hung sash would be used, like those on the adjacent rowhouses. On the second-floor façade, Mr. Funk suggested that the windows retain the same proportions as historic double-hung sash, but single-lite casements, for example, might provide a modern interpretation of a traditional rowhouse.

Item No. 4 -- Other Business/Public Participation

None.

Item No. 5-- Assignment of Commission Member(s) to Attend the October 7, 2019 Committee meeting and/or the September 24, 2019 City Council Meeting, if Required

No assignment was necessary.

Item No. 6-- Adjournment

The meeting was adjourned at 7:26 p.m.

Respectfully submitted,
Suzanne Stallings
Historic Preservation Specialist

**HERITAGE CONSERVATION DISTRICT
HISTORICAL COMMISSION**

MINUTES

October 21, 2019

The Historical Commission held a regularly scheduled monthly meeting on Monday, October 21, 2019 in the Commission Room, City Hall Annex, 120 North Duke Street.

Commission Members Present: Christopher Peters, Chairman; Eric Berman; Robert Fields; Alex Folk; Steve Funk; John Lefever; Stephanie Townrow

Commission Members Excused: none

Staff Members Present: Suzanne Stallings, Historic Preservation Specialist

Guests Present: Matthew Creme, Larry Cohen and Susan Bleacher, Lancaster Parking Authority; Ryan Weaver and Brent Hostetler, Mulberry Tree Investments; Douglas Smith and Chris Delfs, City of Lancaster; Tim Stuhldreher, LNP; Joshua Shultz. Residents: Denise Ewell; Robert & Debbie Smith; Jane Kreider; Nick Selch; Moirajeanne Fitzgerald; Jean Weglarz; Robert & Linda Hogg; Jane Eddy; John McGrann; Carolyn Karl; Scott & Sherry Soost; Libby Modern; Kathleen Anderson; Amber Strazzo; Anthony & Mary Cantrell Tellez; Chad Badorf; Doug & Linda Weidman; Gregg & Terri Scott; Susan Hoover; John & Macu DeVitry.

Review and Action on Applications for Historical Commission Review

Chairman Peters called the meeting to order at 6:00 p.m. He explained the function of the Commission as a recommending body to City Council, with the Commission's discussions and deliberations guided by the *Secretary of the Interior's Standards for Rehabilitation* (SISR) and the Design Standards. For any public comment, Mr. Peters asked that speakers identify themselves and limit remarks to matters pertaining specifically to the Commission's review.

Item No. 1 -- Approval of Minutes of the September 16, 2019 Meeting

The September 16 meeting minutes were approved as submitted.

Old Business

**Item No. 2 -- 151 North Queen Street
Lancaster Parking Authority, owner
Hammel Associates Architects, LLC, applicant**

2.1 New Construction: Construction of a new six-story parking garage with a circulation tower at the southwest corner and including a library within the lower two stories, to be sited on the eastern edge of the parcel, and commercial shell space on the northern edge of the parcel, per the submitted plans.

Note: At the May 20, 2019 meeting, the Historical Commission reviewed and recommended approval of a formal application for demolition of vacant annex structures and an abandoned parking deck. A Conceptual Discussion of the new construction planned for the parcel also took place during the May meeting. The Commission reviewed a formal application for new construction at the September 16, 2019 meeting, but the review was tabled and the applicants were asked to reevaluate the proposed use of amber glass on the curtainwall of the circulation tower and a tubular aluminum screening system on the west façade and portions of the north, south

EXHIBIT B

and east elevations. The applicant chose not to revise the plans or consider alternative design approaches, and no final rendering was submitted for this October meeting, upon which the Commission was expected to base a recommendation.

The application was presented by Larry Cohen of the Lancaster Parking Authority (LPA) and Matthew Creme, the solicitor for the LPA. Mr. Creme stated that they had "no additional information" to submit per the tabling letter, and they were asking the Commission to act upon the design that was tabled at the September meeting.

In comments from the Commission, Mr. Funk remarked that additional information had come to light since the last meeting, including a statement by the City's Public Art Manager in an LNP newspaper article that the "rendering presented to the Commission is just a concept," not a final design, which is "expected to evolve." Mr. Creme responded that the design of the structure and selection of materials were final, but not the colors or applied text. Mr. Funk noted that the materials and detailing were architectural elements that the Commission had identified during the September meeting as not meeting the Design Standards contained in the Heritage Conservation District Ordinance. Mr. Creme stated that the Commission was asked to review the proposal and forward a recommendation to City Council. Mr. Funk referred again to the Design Standards upon which the Commission must evaluate proposals, noting that the *Secretary of the Interior's Standards* [SISR] were less applicable to new construction projects. Of the five Design Standards [1) Size, Scale and Proportion; 2) Rhythm and Patterns; 3) Materials and Textures; 4) Architectural Details; and 5) Streetscapes], Mr. Funk stated that the structural form met #1 and #5, but the design did not meet #2, #3 and #4. Mr. Funk also stated that he had wrestled with the assertion that the Commission cannot review works of art, since the art in this case is attached to a building and requires a City building permit, so is subject to review. Mr. Funk explained that the Commission is guided by the SISR and Design Standards in evaluating objective physical characteristics of buildings, while art is subjective, which would leave the Commission at an impasse. He stated that however the art may be interpreted, or whatever it is meant to evoke, are irrelevant to this design review since the Commission was reviewing objective characteristics of the architecture. Mr. Peters noted that the building's façade treatment was designed by a firm of architects/artists, so the façade is not a stand-alone art piece. Mr. Funk pointed out that the Commission had bent its own rules by reviewing and acting on a demolition permit for this site in May in order to advance the project forward, without a concurrent application for new construction, which in retrospect should not have been done. He stated that if the presented rendering was still a conceptual design, the Commission should treat it as a second Conceptual Discussion. Since the Commission could only act on a final design, he would recommend denial of the current application since it was still in conceptual form. He added that the Commission was prepared to act last month on a recommendation of denial, but the applicant had requested a tabling action instead, then chose not to revise the plans. Mr. Lefever stated that, given the surrounding buildings (including the county offices on the west side, the hotel to the north and 101NQ to the south), the color scheme on this proposed building would have no bearing on a historic area. Mr. Peters noted that the Commission reviews context and settings, not just historic areas, to evaluate whether designs and materials are compatible within an urban site. Ms. Townrow also noted that, based on the conceptual nature of the plans, it was difficult to know what the Commission was being asked to evaluate.

Mr. Peters called for audience comment. Moira Fitzgerald stated that she had talked about the aesthetics of the façade with local gallery owners and artists, and members of the African American Historical Society of South Central Pennsylvania, and the general consensus was that the façade is horrendous and, compared to a calm or inviting green wall, would be a visual assault, particularly at night.

Denise Ewell stated that she is the daughter of Barney Ewell, and the family was elated to have the plaza named after her father, but the design did not represent the characteristics that her father embodied. She stated that the proposed design was a deterrent to creation of a relaxing site that would be a diverse and inclusive representation of Lancaster to the local community, state, country and world.

Linda Weidman stated that this project was elevating public art to somewhere it was not intended to go. She stated that the design was not public art but the façade of a structure, and it was the architect's job to design accordingly, adding that this façade would be unprecedented within the community.

Gregory Scott stated that he agreed with Mr. Lefever in that there were no historic buildings left in the square nor any historic context on either side of this block, but the proposed plans were not the solution and the designers should consider a new palette.

Mr. Lefever responded that public art is defined per a City ordinance as original art that considers the physical context of the site, and questioned whether this was part of the building's façade or an applied treatment. He questioned the Commission's assertion that the intrinsic color of a material was reviewable, since the vertical pipes could be repainted at a later date. Ms. Fitzgerald remarked that the responsible firm has slapped the same design on other buildings, making it a building façade with design elements to it.

There being no further questions or comments, Mr. Fields made a motion to recommend denial of the proposed new construction based on failure to meet the five Design Standards. Mr. Funk seconded the motion for discussion purposes, and recommended modifications to the motion, stating that the proposal did meet some of the Standards, but the Commission had been presented with a conceptual or incomplete proposal to evaluate. Mr. Fields withdrew his motion, and Mr. Funk made a formal motion to recommend to City Council denial of a Certificate of Appropriateness for the proposed new construction based on failure to meet the Design Standards #2, #3 and #4. The motion was seconded by Ms. Townrow and passed by a vote of six in favor of the motion to deny and one opposed, with Mr. Lefever voting nay.

The applicants were informed that the Commission's recommendation would be discussed the following evening, initially at a 6:00 p.m. Committee meeting followed by the full Council meeting at 7:30 p.m. (Council's consideration of the recommendation was postponed until the November 4, 2019 Committee meeting and the November 12, 2019 City Council meeting.)

New Business

Item No. 3 -- 30 North Mulberry Street Mulberry Tree Investments, LLC, owner

3.1 Demolition: Demolition of a two-story, two-unit frame residential building clad in aluminum siding at the corner of North Mulberry and West Grant Streets to allow new construction at the site.

3.2 New Construction: Construction of a new four-story, four-unit residential building, to feature a brick veneer front block and a one-bay wing with fiber-cement siding, per the submitted plans.

Ms. Stallings read her reviews. For the demolition, the review stated that although the building retained its original footprint and overall form, it had lost other character-defining historic features. Noting that the application narrative described serious structural damage to the framing, walls and foundation due to previous haphazard alterations, and taking into account proposed redevelopment of the site that would provide greater density on a tight parcel, the review stated that removal of an atypical and deteriorated building could be an acceptable loss based on SISR Nos 1 and 2, but demolition should be conditional upon the Commission's approval of new construction proposed for the site. The review for new construction stated that the proposed structure generally complied with the Design Standards by responding appropriately to the general neighborhood context and building materiality, based on SISR No. 9 and Design Standards 1, 3, 4 and 5. The review pointed out that the scale and height of the proposed building related more to the nearby industrial buildings, with heights of 2.5 to 3 stories, but would be notably taller than surrounding rowhouses. Since the submitted drawings showed the building in isolation without any surrounding context, the applicant was asked to produce a new rendering that showed its height relative to the surrounding houses and the general streetscape.

This application was presented by Ryan Weaver and Brent Hostetler of Brentwood Builders and their attorney, Seth Hillier. Mr. Hillier explained that Mulberry Tree Investments had purchased the property in 2016 and, during interior demolition work, discovered the extent of necessary repairs and structural concerns, including lack of traditional framing. He explained that an outside engineer was hired, who concluded that the necessary work to rehab the building as a two-unit rental would be twice the anticipated budget. Although the original site of a frame church, Mr. Hillier stated that no elements remain of that earlier structure except perhaps the foundation. He presented copies of deeds for the property, described initially as being a one-story structure until 1944, when it appears as a two-story frame residential building with a metal roof. He concluded that the structure had no defined character, was out-of-place along this Mulberry Street corridor, was in deplorable physical condition not caused by his clients and returning this two-story building to a two-unit dwelling would not be economically feasible.

Per the request in the staff review, Mr. Weaver presented a composite rendering of the proposed new building set within the surrounding context, explaining that the rendering was not drawn to scale but was meant to illustrate the general intent of the construction. Mr. Weaver stated that the new building would have a maximum 40-foot height, although zoning allowances would permit a five-story building with a 60-foot height in this location.

In comments from the Commission, Mr. Funk noted that a four-story building would require a second means of egress and the ground-floor unit would have to be handicap accessible. Mr. Lefever also commented on the need for two stair towers and an elevator within the building, noting that the developers could retain the footprint of the proposed construction but would have to lose interior square footage or exterior parking space, and suggested that a three-story structure might be considered instead. In terms of the overall concept and materials, Mr. Funk stated that the design was in general compliance with the Design Standards, and he had no issue with the demolition, but the proposed building did not meet building code. He suggested a redesign with input from an architect. Ms. Townrow remarked that she did have issues with demolition of the historic building that is a contributing resource within Lancaster's National Register Historic District, although adding that she might be swayed with a good proposal for new construction, which is missing from this application.

Mr. Funk noted that the Commission cannot act on a Certificate of Appropriateness for demolition without a final design for any new building proposed for the site. Mr. Hillier asked whether the Commission could recommend approval with conditions, allowing for later design variations, which the Commission indicated was not possible. Mr. Hostetler stated that they had received a three-foot setback variance at the Zoning Hearing Board earlier that day, but Mr. Lefever noted that there were still building code issues to be resolved, including fire separation along the west and north elevations and fire-rated exterior walls.

Mr. Peters called for comments from audience members. Chad Badorf of 33 North Mulberry Street cited concern for on-street parking. Mary Tellez of 31 North Mulberry Street stated that the size, scale and proportion of the proposed new structure were not in keeping with the neighborhood, with a larger overall footprint than the existing building, and suggested that any new construction should be no more than two stories. Mr. Peters remarked that a three-story structure would fit better within the block. Amber Strazzo of 36 North Mulberry Street stated that she had issues with removal of the existing building, although deteriorated, which amounted to demolition by neglect. Mr. Weaver stated that the structural damage was not due to neglect but substandard framing and improper alterations, explaining that the interior was framed like a barn, with angled braces cut through the framing for window and door openings, vertical plank siding and tar paper walls. He remarked that they had first considered rehabbing the structure, but they would have to frame a new building within the outer shell with the installation of new exterior cladding. He added that the siting of the existing structure placed it so close to properties to the north and west that the exterior walls could not be maintained.

Returning to Commission remarks, Mr. Peters stated that lowering the new structure to three stories could be appropriate, with more consideration given to the roofline, noting the presence of dormers along West Grant Street or a stepped option. Mr. Funk encouraged the applicants to meet with the City's Building Code staff, and an architect, to discuss redesign options, including the number of stories and the need for an elevator within a four-story building. Mr. Lefever stated that the requirement for two exits also needed to be addressed.

Rather than a tabling action, which would require follow-up by the applicant within a specified time, the applicants agreed to withdraw the application. No further action by the Commission was necessary.

Item No. 4 -- Other Business/Public Participation

None.

Item No. 5-- Assignment of Commission Member(s) to Attend the October 22, 2019 Committee and City Council meetings (and/or the November 12, 2019 City Council Meeting, if Required

Mr. Peters and Mr. Funk agreed to attend the Council committee meeting to present the recommendation of denial for Item No. 2.

Item No. 6-- Adjournment

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,
Suzanne Stallings
Historic Preservation Specialist

Lancaster City Council Committee Meetings, November 4, 2019, 6 p.m.

**COMMISSION ROOM, CITY HALL ANNEX
120 NORTH DUKE STREET**

CALLING ROLL OF MEMBERS

Present – Chris Ballentine, Faith Craig, John Graupera, Ismail Smith-Wade-El, Pete Soto and President Reichenbach – 6
(Janet Diaz joined the meeting via conference call)

APPROVAL OF MINUTES

Minutes of the City Council committees for October 7, 2019 were approved by a roll-call vote.

President Reichenbach asked for a motion to move the Finance Committee and Public Works Committee meetings forward on the agenda. Mr. Graupera made that motion. Mr. Smith-Wade-El seconded the motion and it was approved by a unanimous roll-call vote.

PERSONNEL COMMITTEE

1. Nominations for reappointment:

- a. Ted Darcus for reappointment to the Lancaster County Convention Center Authority, for a term from September 15, 2019 to September 15, 2023.
- b. Carl Pike, Kirsten Krimmel and Ashley E. Spotts for reappointment to the Shade Tree Commission, for terms from December 31, 2019 to December 31, 2024.
- c. Harold H. Bowers Jr. and Jean Kirk Weglarz for reappointment to the Lancaster Municipal Authority, for terms from December 31, 2016 and December 31, 2018, respectively, to December 31, 2021 and December 31, 2023.
- d. Jean Kirk Weglarz for reappointment to the Lancaster Higher Education Authority, for a term from January 1, 2020 to January 1, 2025.
- e. Robert Henry Diggs III for reappointment to the Human Relations Commission, for a term from September 30, 2019 to September 30, 2022.
- f. Ben Bamford for reappointment to the Lancaster Industrial Development Authority, for a term from December 31, 2019 to December 31, 2024.
- g. Michelle Cain, for reappointment to the Lancaster City Housing Authority, for a term from November 21, 2019 to November 21, 2024.
- h. Council Resolution No. 63-2019, reappointing Rudy DeLaurentis to the Zoning Hearing Board, for a term from January 1, 2020 to January 1, 2023.

Mr. Smith-Wade-El made a motion to send the all reappointments to the full Council for approval at the November 12 regular meeting. Ms. Diaz seconded the motion and it was approved by the committee.

FINANCE COMMITTEE

1. Administration Resolution No. 64-2019, authorizing appointment of Maher Duessel to conduct the City's independent financial audit for 2019, 2020 and 2021. Mr. Ballentine made a motion to send the resolution to the full Council for consideration at the November 12 regular meeting. Ms. Diaz seconded the motion and it was approved by the committee.

Administrative Services Director Patrick Hopkins explained that auditors are appointed by Council resolution every three years. He stated that Maher Duessel has done an excellent job with the audit for many years. The cost of this year's audit was \$62,280, with an additional \$4,120 for review of component unit audits, such as the Lancaster Recreation Commission, Downtown Investment District Authority and others. Maher Duessel's proposal for the next three years includes annual increases of 3 percent. The accounting firm's increase from 2004 to 2021 averaged 1.5 percent, which is less than the rate of inflation.

2. Administration Resolution No. 65-2019, to amend the 2018 Capital Improvement Plan to fund Culliton Park improvements. Mr. Ballentine made a motion to send the resolution to the full Council for consideration at the November 26 regular meeting. Mr. Graupera seconded the motion and it was approved by the committee.

Mr. Hopkins stated there are two items in the resolution. The first would allocate an additional \$785,000 to Culliton Park improvements. Along with other funds, the total cost for the park renovations is \$3 million. The second amendment in the resolution is the allocation of \$600,000 for the renovation of the former Beaver Street Water Transmission & Distribution facility. That property will become a City storage facility.

3. Administration Bill No. 16-2019, appropriating \$600,000 in unbudgeted funds for the Beaver Street storage facility. Mr. Ballentine made a motion to send the bill to the full Council for a first reading at the November 12 regular meeting. Mr. Graupera seconded the motion and it was approved by the committee.

Mr. Hopkins this ordinance appropriates unbudgeted funds for the renovation to the Beaver Street building for use as a storage facility. Those funds are payment from Thaddeus Stevens College of Technology for the Chesapeake Street property where the Greiner Campus is now located. The funds are being allocated to the new project in the Capital Improvement bond fund.

Tammy Rojas, of West Vine Street, expressed concern about neighborhood gentrification resulting from improvements to Culliton Park. She questioned whether the City government was prepared for the ramifications of increasing rents and displacement of residents.

PUBLIC WORKS COMMITTEE

1. Administration Resolution No. 61-2019, authorizing acceptance of a \$691,760 Green-Light-Go program grant from the Pennsylvania Department of Transportation. Mr. Graupera made a motion to move the resolution to the full Council for consideration at the November 12 regular meeting. Ms. Craig seconded the motion and it was approved by the committee.

Public Works Deputy Director Cindy McCormick said the City was awarded a Green-Light-Go grant for the purpose of retiming the City's traffic signals and adding detection sensors at some locations. She said the City now has a single, decades-old, signal timing plan. Grant funds will be used to collect data and develop multiple timing plans. Those plans could respond to traffic flows at different times of the day or other situations. The sensors would monitor traffic volumes and allow the signals to respond to conditions. The City's 20 percent match to the grant would amount to an additional \$155,000 for the project. Implementation would likely take six months to one year.

2. Administration Resolution No. 62-2019, requesting a \$660,450 Multimodal Program grant from the Pennsylvania Department of Transportation. Mr. Graupera made a motion to move the resolution to the full Council for consideration at the November 12 regular meeting. Ms. Craig seconded the motion and it was approved by the committee.

Ms. McCormick said the request to PennDOT will be for funds to improve wayfinding signage and pavement markings for the bicycle transportation network, and improvements at some intersections. The grant requires a 30 percent City match. The total project cost is \$943,550.

COMMUNITY PLANNING COMMITTEE

1. Review of the Historical Commission recommendation for the Lancaster Parking Authority's Christian Street Parking Garage project at 151 North Queen Street. Mr. Smith-Wade-El made a motion to send the recommendation to the full Council for action at the November 12 meeting. Mr. Soto seconded the motion and it was approved by the committee.

Lancaster Parking Authority Executive Director Larry Cohen said the project involves a six-story, 360-space parking facility; a 40,000-square-foot, two-level public library; and commercial space. The project is the last step in the revitalization of Lancaster Square. Last month, the Historical Commission recommended denial of a Certificate of Appropriateness for the project, citing the public art component. The Parking Authority is supporting public art on the façade of the building with \$600,000, which represents 2 percent of the total project budget.

City Community Planning & Economic Development Director Chris Delfs stated the City plans to redevelop what is now Ewell Plaza and have that public space serve as the centerpiece of a revitalized downtown. Other aspects of the plan are completed or are nearing completion. He noted that the integration of public art on the façade of the building is unprecedented in Lancaster, but doing so will save costs and elevate the profile of the public art. Further, he noted that the integration of the public art has presented process challenges.

Public Art Manager Joanna Davis said the City's Public Art program has worked for three years to help develop plans for Lancaster Square – now Ewell Plaza – and to integrate art into the redeveloped public plaza. The Public Art effort included public outreach at several events. She said the process that was followed is the same as those used in previous City Public Art initiatives, and the same as used in national best practices for such projects.

Ms. Davis said the effort was done in two phases. The first phase involved a search for a qualified artist through a request for proposal process. Ultimately, R&R Studios, of Miami, was

selected after a national search for artists who had successfully completed similar projects where art had been integrated into the structure of the building.

She emphasized that the second phase, in which the art is designed, is now beginning. Community engagement will be a component of that process. Further, she noted that differences of opinion are expected with public art. Some of the most iconic works of public art were controversial when they were proposed. And, she contended that a vote in support of the project will advance the public art program, while a vote against the project would have a chilling effect on the incorporation of public art in future development.

Matt Crème, solicitor of the Lancaster Parking Authority, maintained the recommendation of denial from the Historical Commission is based on the board's position that it does not meet the required standards and that the proposal is incomplete.

Addressing the second point, he maintained that the materials and components of the public art are complete. The image and message on the façade have not yet been determined, but the charge of the Historical Commission is to review the materials and structure. Those will not change with the image and message on the façade. He maintained that what is agreed is that the integrated incorporation of public art into the structure of a building is unprecedented in Lancaster.

Regarding the standards, he maintained that the Historical Commission made no recommendations regarding compliance with standards. Further, he maintained that there is nothing historical about the 100 block of North Queen Street and, therefore, historical standards do not apply.

Christopher Peters, board chairman of the Historical Commission, said a plan concept presented to the board in May was well received by the board. In September, a radically changed plan for the parking garage and library project was presented. The board was prepared at that time to vote against the plan. Instead, it was tabled with a request for changes. The Parking Authority returned to the Historical Commission in October and presented the same plan, without modifications, and the board voted 6-1 at that time to recommend that City Council deny a Certificate of Appropriateness.

He maintained the plan as presented obviously does not meet the historical standards which the board is charged with upholding. Further, it is just as obvious that the façade plan as presented is a concept, therefore not a complete plan with the board can review.

Steven Funk, a member of the Historical Commission, read from the ordinance, which clearly requires the applicant to show how the proposal meets the historical standards. He said the application did not address the standards, and was therefore incomplete. The initial design, presented in May, showed a building clad in brick and included floor delineations which provided a sense of scale for the structure. Those were removed in the later design. The Commission asked the applicants to present the original design for approval. Further, the Historical Commission is charged with reviewing the final design for a project. The applicants have clearly stated the presented façade is a concept, and not a final design. Therefore, the Commission could not approve it.

Eric Berman, Historical Commission member, added that there is a wealth of artistic talent in Central Pennsylvania. That talent was bypassed in the national search. He maintained the resulting design is not representative of Lancaster. Further, the artist provided the same design for the Lancaster garage as one it had done previously in Rhode Island. Additionally, the design has been copyrighted and cannot be changed.

Mr. Smith-Wade-El asked how the Historical Commission can be asked to rule on a plan when they have not been presented the final design.

Mayor Sorace responded that this situation presents two bodies with independent charges. The Historical Commission is charged with maintaining the City's historical and architectural integrity and cohesiveness. And, a process that requires artistic works to be reviewed by committee does not honor the integrity of the artistic process. She asked how the process should be improved.

Mr. Funk responded that the artists were not given the historical standards. He believes it is possible for them to design a unique artwork that also complies with the standards. Had they been presented the standards, this conflict could have been avoided.

John McGrann, a member of the Public Art Advisory Board, stated that both bodies are doing their job. The Historical Commission is advising City Council regarding the maintaining of historical standards. The Public Art Advisory Board is attempting to advance public art in the community. While that is not an enviable position for City Council to find itself, that remains the situation.

He further addressed Mr. Berman's comments regarding the garage in Rhode Island. While not everyone will like the artists' style, Mr. McGrann maintained that this style and colors are those which these artists have cultivated as their signature style. No one should be surprised that they continue to work in that style.

Mr. Graupera questioned the process and whether the presented design was final. Mr. Crème responded to the question of process by reiterating that the situation is unprecedented and the process is untried and remains unresolved. The process is being developed in this situation.

Mr. Graupera questioned whether Historical Commission members view the design as presented to be final. Mr. Funk responded that Ms. Davis statement is that the façade design is conceptual, while Mr. Crème maintains the architecture and materials are established. To Mr. Crème's comments that the Historical Commission reviews materials and not color nor image, Mr. Funk said the appropriateness of the color is reviewed as part of the Commission's review of new materials.

Mayor Sorace stated the Historical Commission's requirement that they see a final design is at the heart of this issue. Further, she stated that she wished this situation could have been foreseen and addressed before reaching this point. Yet, she maintained the final art will be determined by the artist, and not a committee.

Responding to a question from Mr. Soto, Mr. Funk said the presented design was conceptual, therefore incomplete. Secondly, he said the plan did not met the standards that the design fit with the rhythms, patterns and materials of the City.

Mr. Funk responding to Mr. Smith-Wade-El's request for clarification, showed a rendering of the concept presented in May, with a brick-clad stair tower, sunscreen on the lower level that provided a sense of scale and textured metal mesh façade. He then showed the current design, with stucco on the lower level, continuous yellow glass on the stair tower and vertical tubing added to the façade. The result of the flattened design is a loss of the sense of scale.

Returning to Mr. Soto's question, Mr. Funk said that it was not just the tubing to which the Commission was objecting, but the sum loss of scale and inappropriateness of materials. Further, Mr. Funk took issue with Mr. Crème's statement that because the buildings on the block are not historic, the standards do not apply. The block remains within a historic city and within the Heritage Conservation District. Because art is being incorporated, does not mean the standards do not apply.

Ms. Diaz, via telephone speaker, questioned whether there has been adequate community input into this process. Mr. McGrann responded that the community engagement process begins now with the second design phase of the project. The artists will come to the community and participate in public meetings to hear from community members. Their art will evolve based on what they hear. He reiterated that process begins with Council approval of the application.

Ms. Craig noted the community process should have begun earlier. With early public input, this situation may have been avoided. Mr. McGrann maintained the process being followed for the art is the national best practice for community engagement in public art. Further, he maintained that this should not come to a public vote on the final design. The artistic process should not be dictated by a committee. Ms. Davis further responded there was significant public engagement early in this process for the plaza.

Ms. Craig asked whether members of the Ewell family were included in the artist selection process. Ms. Davis stated that process preceded the decision to rename the plaza on behalf of Barney Ewell. Since that decision was made, there is interest in incorporating references to Ewell in the artwork.

Ms. Craig and Ms. Diaz also questioned the selection committee process, the number of concepts submitted, and which individuals or organizations were represented on the committee.

Ms. Diaz also asked whether there was outreach to local artists to provide this artwork. Ms. Davis responded the committee sought an artist with an established record of successfully completing artwork which was integrated into the facade of a building of this size. No local artist met those qualifications. Ms. Diaz also asked about the source of funding for the construction of the garage and library.

Mr. Ballentine questioned why this project was presented to the Historical Commission if there is not a historical aspect to this project. Mr. Funk responded that the Commission is charged with reviewing all new construction within the Heritage Conservation District and all new construction is required to comply with the design standards. Mr. Ballentine also received an affirmative response when he asked whether the changes made between the first and second concepts were done simply for cost savings.

Mr. Graupera questioned how much of the design is considered final and how much is left to be determined. Ms. Davis responded the artist will be provided a budget and will develop a design for the appearance of the facade, however, the materials and attachment to the structure will remain the same.

Mr. Smith-Wade-El stated that he does not believe artistic nativism should be part of this decision. He stated his belief that Lancaster has benefitted from the contributions from people from outside of the community.

Responding to a question from Mayor Sorace, Mr. Cohen said that if the current proposal is rejected by Council, the Parking Authority would be comfortable with reverting to the earlier design. Project architect Ted Vedock said that design had not been fully developed.

Jerome Hershey, an artist, stated that when he is invited to perform a commissioned artwork, he does at least two studies, which are approved before proceeding with the work. Usually, he makes two finished paintings before allowing the customer to choose one.

Stephanie McNulty advocated for Council to approve the application and allow the project to move forward. Doing so will allow for public input.

Mr. Smith-Wade-El questioned whether it is within Council's power to condition project approval on inclusion of public engagement process. Mr. Cohen said the project is now three-six months behind schedule due to the public art process and Council should be cautious of adding further delay.

Anne Winslow, co-coordinator of the Lancaster Healthcare Right Committee of Put People First PA and a leader in the Poor Peoples Campaign, said that despite Lancaster being recognized for welcoming refugees, the City is unwelcoming to the poor and dispossessed in public areas, such as Binns Park. She expressed concern that the poor and homeless will not be welcome in the new library or Ewell Plaza.

Casey Flores, an artist and community leader, spoke in support of the public art on the garage. This art project will allow the community to participate in its creation of artwork in a prominent downtown site.

Tammy Rojas, a member of the Lancaster Healthcare Rights Committee of Put People First PA and a member of the coordinating committee of the Poor Peoples Campaign, read a statement expressing concern that poor people will not be welcomed at the new library. She contended that the beautification of the area leads to gentrification and displacement of the poor. She called for a poor peoples art mural to be installed on the library facade.

David Laske, an artist, said he finds it easy to believe there is not an artist in Lancaster with experience doing architectural design artwork. He commended Ms. Davis and the Public Art Advisory Board for pushing the Lancaster community toward something new and different. He said an artistic architectural facade would be a very difficult project which would become nearly impossible by having to get it approved by a committee.

Paula Jackson, retired chief City planner, stated that the Heritage Conservation District ordinance was drafted by an advisory committee in the late 1990s. Advisory committee members were familiar with the destruction of buildings through urban renewal efforts. The advisory committee determined City Council, as elected officials, should make decisions about demolition and new construction. She further expressed concern about a building design being imposed on downtown Lancaster that has been used elsewhere and appears to have no relevance to Lancaster nor the person for whom the plaza has been renamed. She said the ordinance requires the Historical Commission to review final designs. Any deviation from that design must return to the commission for a subsequent review and approval. Until the final design is approved, a building permit for the project cannot be issued.

Suzy Hoover asked whether a consultant was hired for artist selection and how many candidates were identified. Ms. Davis responded that a consultant brought forth 15 candidates. That list was narrowed to five by Ms. Davis in consultation with the Public Art Advisory Board. The remaining five candidates were reviewed by the selection committee. Ms. Hoover further noted that R&R Studios presented concepts for the garage that included metal screens. Changes were made to reduce costs, she said.

Jenny Shoulder, an artist, said she makes little distinction between art and architecture. Anything that is intentionally built can be artistic. She said she liked the vibrancy presented by the colored tubes on the garage rendering and said the architectural diversity will add to the City. She maintained that the reason this is being discussed is because there is not a final design and there is a desire for the public to be engaged in the process. Allowing the project to proceed with allow for a final design to be developed with public input.

Denise Ewell, daughter of Olympian Barney Ewell, for whom the plaza has been renamed, expressed gratitude for renaming the plaza in her father's honor. She said better communication is needed between City departments and boards and with the public regarding this project. She also expressed hope that a unique artwork could be developed which represents Lancaster.

Christina Housner, who works in the county building at 150 North Queen Street, asked whether the wording on the artwork would change or would be permanent. Ms. Davis said the wording would be static and would not change. Ms. Davis said the wording or phrase would come from community input and may be a literary phrase inspired by Barney Ewell's life and legacy.

Art Morris maintained that the artist should be required to integrate the requirements of the Historical Commission into the artwork. If that is not done, in the future, anyone who doesn't wish to comply with Historical Commission requirements will simply incorporate public art into their project to circumvent the requirements.

Emerson Sampaio, a member of the Public Art Advisory Board, said he was glad public art is being involved early in the planning process. He expressed hope for public involvement in the design of the artwork.

Moirajeanne Fitzgerald maintained what is being presented is not public art. Rather, it is design elements on the façade of a building. She also asked which individuals or groups were represented on the artist selection committee. Ms. Davis responded that the committee was comprised of two members of the Public Art Advisory Board, a Public Library Board member, two representatives of the project architect, a representative of the Parking Authority, and a representative of the construction team. Ms. Fitzgerald then called on Council to respect the City's ordinance and the Historical Commission.

Mr. Delfs commented that Ms. Davis and the Public Art Program has recently been moved into his Community Planning & Economic Development department as part of an effort to incorporate public art into planning and development in a more holistic way. Further, he said this process has been challenging because it is a new area and he hopes to further refine the process for integration of public art in the future.

Jeremy Walk, an artist who has done public art, acknowledged there are challenging issues in this discussion, but said it is exciting that Lancaster has reached point where art is at the forefront of the discussion. Further, he said that he, as a public artist, would not expend the time and effort to design an artwork until he is commissioned to do so. At that point, the public engagement efforts are conducted and final design follows.

Krista Freibaum, a member of the Public Art Advisory Board, encouraged those interested in this project to attend an information session at the Pennsylvania College of Art & Design on Saturday morning. She noted the public interest in this project and agreed that Council rejection of art on the garage façade would be a major setback for the program.

Linda Weidman questioned the amount of the budget for the artwork and where the money is coming from. Mr. Cohen responded the initial fee for the artist is \$15,000. The \$600,000 cost for the façade will include the construction cost and the artist fee.

Responding to a question from the mayor whether a façade costing \$600,000 would be needed on the garage with or without public art, architect Ted Vedock said the \$600,000 was based on a preliminary estimate for the folded metal screen from the earlier design.

Mr. Cohen said the garage project is being paid by collected state tax revenue generated on the block and returned to the City Revitalization & Improvement Zone Authority.

Paula Jackson noted that the Heritage Conservation District ordinance has a limited time for Council action. Further, she noted that time is based on a final design. Mr. Smith-Wade-El responded the ordinance requires Council action within 60 days of first consideration. Yet, he questioned how that first consideration is defined. City Clerk Bernard Harris said he would take that question to the City solicitor.

Mr. Funk said these issues likely would have been alleviated if the Historical Commission been brought into the process earlier, when public art was introduced in the spring. The Commission would have done an informal, conceptual review and encouraged the applicant to comply with the design standards from the beginning.

Moirajeane Fitzgerald said Lancaster's reputation as an arts destination is largely as a result of the efforts of art gallery owners. She said none of the gallery owners she spoke with had been consulted in this process. She contended that showed the initial outreach effort was insufficient.

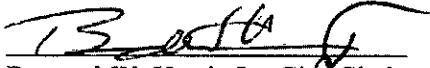
Responding to a question from Mr. Graupera, Ms. Davis said Council action is required prior to hiring the artist for the project.

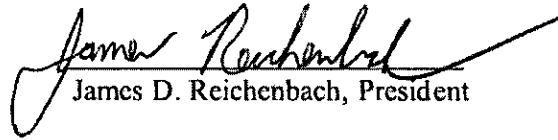
CLERK'S REPORT

City Clerk Bernard Harris submitted his monthly report to Council in writing.

The meeting was adjourned at 8:55 p.m.

Attest:


Bernard W. Harris Jr., City Clerk


James D. Reichenbach, President

Approved by Council: 12/2/2019

STATED MEETING - CITY COUNCIL – NOVEMBER 12, 2019

A meeting of the Lancaster City Council was held on Tuesday, November 12, 2019 in Council Chambers, 120 North Duke Street, (Rear Annex) Lancaster, PA, at 7:30 p.m., with President Reichenbach presiding.

The Council led the assembly in the Pledge of Allegiance.

Present – Faith Craig, Janet Diaz, John Graupera, Ismail Smith-Wade-El, Pete Soto and President Reichenbach – 6

Excused – Chris Ballentine - 1

The minutes of the meeting of Council for October 22, 2019 were approved by a roll-call vote.

PUBLIC COMMENT

Anne Winslow, co-coordinator of the Lancaster Healthcare Rights Committee of Put People First! PA, drew attention to a recent report regarding care received by the elderly in nursing homes. She said that she learned from a state representative that the former St. Joseph's Hospital is slated to be used as a skilled care facility by Presbyterian Senior Living, in conjunction with the Longcrest Community. She stated that the former hospital should not be turned into luxury housing.

Matthew Rosing, co-coordinator of the Lancaster Healthcare Rights Committee of Put People First! PA, spoke about the lack of mental health services in the community and implored City government to support additional resources for mental healthcare. Poor or inadequate care results in misdiagnosis and the mentally ill sometimes facing criminal charges. He said they were informed the Lancaster County Commissioners are considering funding cuts to the behavioral health and drug and alcohol treatment centers. He said doing so is irresponsible and dangerous, and could lead to increases in suicides, addiction and incarceration. He asked Council to oppose funding cuts by the County Commissioners.

Tammy Rojas, a member of the Lancaster Healthcare Rights Committee of Put People First! PA and a member of the coordinating committee of the Pennsylvania Poor People's Campaign, noted a study that linked poverty with poor school performance. She tied that with an increase in adolescent suicide. Poverty is a systemic issue that requires fundamental systemic change in our society. She called for Council to make poverty a focus of City action in 2020; hold a public meeting to discuss poverty; and pressure county and state officials to combat poverty.

REPORTS OF COUNCIL COMMITTEES

PUBLIC WORKS COMMITTEE – Mr. Graupera reported his committee met November 4 and reviewed Administration Resolution No. 61-2019, which would accept a PennDOT Green-Light-Go grant, and Administration Resolution No. 62-2019, requesting a Multimodal Transportation Fund grant.

FINANCE COMMITTEE – Mr. Graupera, reporting on behalf of Mr. Ballentine, said the committee met November 4 and reviewed Administration Resolution No. 64-2019, which

authorizes appointment of Maher Duessel to provide the City's independent financial audit for 2019, 2020 and 2021, and Administration Resolution No. 65-2019, to amend the 2018 Capital Improvement Plan, and Administration Bill No. 16-2019, to appropriate \$600,000 in unbudgeted funds for renovation of the City building on Beaver Street.

COMMUNITY PLANNING COMMITTEE – Mr. Smith-Wade-El said the committee met November 4 and reviewed the Historical Commission recommendation regarding the garage and library project at 151 North Queen Street.

PERSONNEL COMMITTEE – Ms. Diaz said her committee met November 4 and considered the following reappointments:

1. Ted Darcus for reappointment to the Lancaster County Convention Center Authority, for a term from September 15, 2019 to September 15, 2023.
2. Carl Pike, Kirsten Krimmel and Ashley E. Spotts for reappointment to the Shade Tree Commission, for terms from December 31, 2019 to December 31, 2024.
3. Harold H. Bowers Jr. and Jean Kirk Weglarz for reappointment to the Lancaster Municipal Authority, for terms from December 31, 2016 and December 31, 2018, respectively, to December 31, 2021 and December 31, 2023.
4. Jean Kirk Weglarz for reappointment to the Lancaster Higher Education Authority, for a term from January 1, 2020 to January 1, 2025.
5. Robert Henry Diggs III for reappointment to the Human Relations Commission, for a term from September 30, 2019 to September 30, 2022.
6. Ben Bamford for reappointment to the Lancaster Industrial Development Authority, for a term from December 31, 2019 to December 31, 2024.
7. Michelle Cain, for reappointment to the Lancaster City Housing Authority, for a term from November 21, 2019 to November 21, 2024.

Ms. Diaz made a motion to approve all the reappointments. Mr. Smith-Wade-El seconded the motion and it was unanimously approved by a roll-call vote of Council members.

LEGISLATIVE AGENDA

Consider the following applications and recommendations from the Historical Commission and Historical Architectural Review Board for improvements to properties within the Heritage Conservation and Historic districts:

1. Jessica Rodgers, owner of 301 East Orange Street, requests installation of asphalt singles on the roof of a modern rear porch.
2. Matthew and Erin Bupp, owners of 334 East Orange Street, request removal of an entry door hood and installation of a new exterior light fixture.
(These applications were recommended for approval by the Historical Architectural Review Board.)

Mr. Smith-Wade-El made a motion to grant a Certificate of Appropriateness for both applications. Mr. Soto seconded the motion and it was approved by a roll-call vote of Council.

3. Lancaster Parking Authority, owner of 151 North Queen Street, proposes construction of a new six-story parking garage, to include a two-story library and commercial space.

(This application was recommended for denial by the Historical Commission.)

Mr. Smith-Wade-El acknowledged that the process leading to this recommendation and this meeting was flawed and this is an opportunity to refine that process and related communication.

He made the following motion:

That a Certificate of Appropriateness be issued for the 151 North Queen Street development, conditional on completion of a community engagement plan. He read the plan into the record:

Phase One:

1. R&R will make one visit to Lancaster to meet with the 151 North Queen Project team responsible for the engineering and construction of the development.
2. R&R will remain in close contact with Hammel Architects to coordinate architectural requirements for the artwork.
3. R&R will receive and consider findings and recommendations from the Historical Commission as documented in the Commission's meeting minutes and reports (content to be collected and provided by the Department of Community Planning and Economic Development) and respond and engage with selected members of the Historical Commission regarding their feedback.

Phase Two:

4. R&R will make at least three visits to Lancaster, timed with key opportunities for community participation (as advised by the City of Lancaster Department of Community Planning and Economic Development and the Department of Community Engagement).
5. R&R will meet with meet with key stakeholder groups including members of the Ewell family to learn about Barney Ewell's legacy, the public library to understand design and programming goals and selected members of the Historical Commission to understand the scope and parameters of Lancaster's Historic Ordinance.
6. R&R will have a presence at community festivals and events to gain insight and input towards the creative development of the artwork.
7. R&R will utilize a range of engagement techniques, including those noted above, to determine what words, if any, will go on the building façade.
8. As a culmination of the engagement process, R&R will hold design charettes and/or other forums where community members can vote for their favorite artistic concept of 2-3 presented (depicting variables related to the words, colors, and arrangement/composition of materials to be used in the final realized design).

Mr. Soto seconded the motion.

Mr. Smith-Wade-El said Councilors have received a significant amount of comments from the public in opposition to the proposed project public art and in support to the proposed art. Many people asked whether Council could impose conditions. He said the only conditions he and other Councilors felt comfortable requiring where those that guaranteed community outreach process.

Mr. Graupera questioned what assurances are there that the community engagement requirements will be met. Mr. Smith-Wade-El acknowledged that concern and stated his belief that the administration will make an effort to ensure the requirements are met.

Ms. Craig praised the motion. Mr. Soto said he supports public art and he believes there are ways the Council, administration and community can work toward a reasonable solution.

Ms. Diaz noted that people come to Lancaster to see the Amish. She does not believe the proposed artwork will complement Lancaster's established image.

Mayor Sorace noted that she has learned about art since coming to Lancaster. She has learned to know artists. She said public art is there to challenge and inspire and that it is for everyone. She said that she is excited for the progress the City is making in embracing public art.

President Reichenbach noted the assembled audience and commented that it is inherently good for the City to be having this discussion. He also noted that the public conversation has been amicable, despite disagreements. Further, he praised Mr. Smith-Wade-El for the time and effort he has put into this process.

Chris Delfs, director of the Department of Community Planning & Economic Development, noted the Historical Commission voted on October 21 to recommend denial of a Certificate of Appropriateness for the project. The Commission cited the public art's lack of consistency with the design standards. On November 4, City Council reviewed the recommendation in their committee meeting. On November 6, the City Planning Commission voted to approve the land development plan for 151 North Queen Street but acknowledged that building permits for the project cannot be issued until a Certificate of Appropriateness is granted by Council. And, last Saturday, the City administration held a public information session about the public art process. Further, he noted the dilemma of seeking community input in the selection of artwork for a prominent public space, while not impeding the artistic process, delaying the project or foregoing the opportunity to incorporate artwork into the public square. He said the community engagement plan in the motion was crafted in conjunction with R&R Studios and noted how unusual that is for an artist to be willing to subject their creative process to that level of input and scrutiny. The first phase clarifies the engineering constraints to which the artwork must adhere. The second phase deals with the creative process, to which the community can provide input. While there is not public vote, there is a community engagement process which he urged Councilors to trust. Additionally, he said the City will draft procedures concerning public art and historic preservation so this process will be smoother in the future.

Steve Funk, an architect and member of the Historical Commission, said he was gratified that there would be further review and input into the final design, but expressed skepticism that R&R Studios would be able to comply with the provisions. Expressing his own opinion, he said that he had reviewed R&R submission to the Public Art Advisory Board and the body of work posted on their website. He said it is unlikely they will deviate from the vertical colored tube design which has been presented, as that has been their signature style. He also reviewed the work of the other four short-listed firms. All of those appeared more qualified. He expressed befuddlement that R&R was selected and urged the project partners to reopen the selection process.

Terry Brown, West Chestnut Street, remarked that nothing has been said about the six-story parking garage. Mr. Smith-Wade-El responded that Council is considering whether to uphold or overturn a Historical Commission recommendation. Commission members have been clear their objection was to the artwork on the façade.

Barbara Strasko, Conestoga Boulevard, said she attended the information session at Pennsylvania College of Art & Design. She was dismayed to learn the project was so far advanced and the artist had already been hired. She said that when her poem was selected for engraving into the pavement at Penn Square, that process include a public review of several poems and a public vote on the selection. She supports incorporation of an artwork that is more in harmony with the City's historic character, and more contemplative given its display above the library. Further, she said it will be difficult if not impossible for a broad range of the City to agree on a phrase to be presented in the artwork. She urged Council to reject the proposal.

George Mummert, Reedy Lane, an artist, said he does not support the artwork proposed by R&R Studios. Lancaster is authentic and does not need to emulate art done in other cities. He objected to the process of selecting the artist, which did not consider local artists or even those in the state.

Jerry Greiner, State Street, said he objected to the selection process for the artist. He asked to whom the public will address their concerns after Council moves it forward. He stated that it is meaningless to hold meetings when the public wasn't involved from the beginning. He called for installation of a laser projector in the plaza that could show various images.

Libby Modern, West End Avenue, an artist and a member of the Lancaster Public Library Board, said she was on the committee that selected R&R Studios. On the committee, she was adamant that the selected firm must engage the public. She supported R&R after speaking with representatives of other communities where the firm had worked. In each case, the firm was praised for its outreach. She maintained the presented artwork is a concept and it was always understood that R&R would come to the community and engage the public.

Paula Jackson, South Mary Street, retired chief city planner, listed five conditions which Council should require before approval. She urged Councilors to reject the current proposal and have the Lancaster Parking Authority resubmit a proposal that would satisfy the required design standards of the Historical Commission.

Former Mayor Rick Gray, North Prince Street, provided background on the formation of the Public Art Advisory Board. He said the genesis of the board came from efforts to incorporate public art in renovations of City parks. With the first park renovation, the artwork was quickly destroyed by skateboarders. That brought the realization that public art is a specialized area. The creation of the board was also an effort to remove the selection of public art from the realm of politicians. He said this discussion should be about procedure, rather than the art itself. He cautioned Councilors to distance themselves from the art selection, and to recognize that nothing will be acceptable to everyone.

Former Mayor Art Morris, West Chestnut Street, said that in 2018, he and other members of the Ewell Legacy Committee met with the City Public Works director and City art manager and proposed a life-size statue of Barney Ewell, which the committee would fund. They were informed a permanent statue would not be in keeping with the Public Art Advisory Board's guidelines for the square and were told to return with a proposal for a temporary exhibit. The City's current proposal represents a double-standard. Further, he maintained that Council should not make a decision at this time. Once it was determined the art would be integrated into the structure, then it had to comply with the Historical Commission design standards. Where it not to comply with the standards, then it is in violation of the City ordinance.

John McGrann, a Public Art Advisory Board member and West Chestnut Street resident, said the incorporation of public art into architectural facades, specifically in what is now Ewell Plaza, was part of the 10-year public art plan approved by that board. He said the board supports community engagement and will fulfill the requirements in the presented plan. He encouraged people to attend monthly Public Art Board meetings and attend the public sessions prescribed in the community engagement plan.

Anita Pinkerton-Plumb, West James Street, stated her appreciation for Mr. Smith-Wade-El's plan. She also said she believes that it will allow people to participate in the art process. She said that she does not necessarily support the proposed art but is unconcerned because that is a concept which will change. She thanked Council for their support of public art.

Moirajeanne Fitzgerald questioned the cost of the garage façade and who would be responsible for ensuring R&R Studios will hold to that budget.

Larry Cohen, executive director of the Lancaster Parking Authority responded the budget for the façade is \$600,000, which is 2 percent of the overall project cost. He said it was made clear to R&R that they must stay within that budget.

Mayor Sorace elaborated that there is no budget for public art. The \$600,000 figure comes from a preliminary design, but there is no other funding available. Further, she maintained the \$600,000 would be spent on screening on the façade of the garage whether art was incorporated or not.

Jeremy Walk, an artist, art professor and Grant Street resident, thanked Mr. Smith-Wade-El for crafting a plan that allows public participation, the project to move forward and sets a guide for similar projects in the future.

Mayor Morris commented that although the construction debt for the garage is debt of the Lancaster Parking Authority, the City and City taxpayers guarantee that debt.

Suzy Hoover, East King Street, commented that R&R had used the same design on an airport parking garage in Rhode Island. She hopes the artists will propose something unique for Lancaster.

April Koppenhaver, Mulberry Art Studios, expressed indignation that people were only allowed 60 seconds to make their comments at the information session held at the Pennsylvania College of Art & Design. Further, she questioned how the public will be assured that they will be given an opportunity to be heard as part of this process and will the artist listen to them.

Carolyn Carl, Woods Avenue, noted that what is being discussed is a neon-colored, seven-story wall.

Tammy Rojas, West Vine Street, called on this action to be tabled until there are guarantees in writing regarding art acceptable to the public.

Antonio Callari questioned whether the Lancaster Parking Authority could raise parking fees if revenue returned to the City Revitalization & Improvement Program are insufficient to cover garage debt payments.

Mr. Smith-Wade-El noted that if action on the Historical Commission recommendation is tabled, Council has until December 21 to act on the application, or the project is automatically approved as proposed.

Ms. Diaz made a motion to table action. Her motion did not receive a second.

Council approved Mr. Smith-Wade-El's motion to grant conditional approval of a Certificate of Appropriateness for the 151 North Queen Street project by a roll-call vote of 4-2. Ms. Diaz and President Reichenbach voted 'no.'

ORDINANCES FOR FIRST READING

Administration Bill No. 16-2019, (the title) was read by the City Clerk as follows:

An ordinance of the City Council of the City of Lancaster, Lancaster County, Pennsylvania establishing appropriations for \$600,000 of property sale proceeds received in 2019; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect as provided by Pennsylvania law.

Administrative Services Director Patrick Hopkins said this bill appropriates funds which were unanticipated when the City's 2019 budget was approved. The funds were in payment from Thaddeus Stevens College of Technology for the Chesapeake Street properties, which are now the College's Greiner Campus. The \$600,000 will be appropriated to the Capital Improvement fund for use in renovating the former Water Transmission and Distribution building on Beaver Street into a storage facility. The Beaver Street building will house items now stored in the Fairview Avenue Streets garage.

RESOLUTIONS

Administration Resolution No. 61-2019, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster accepting the Green Light-Go Grant.

Mr. Graupera made a motion to approve the resolution. Mr. Smith-Wade-El seconded the motion.

Mr. Graupera recounted that Public Works Deputy Director Cindy McCormick attended the November 4 committee meeting and said the Green Light-Go grant of \$691,760 will be used to develop alternate timing plans for the City's traffic signals. The City now has one timing plan, which has been used for decades. Additional plans could account for different traffic volumes at different times of the day and days of the week. The grant would also fund sensors at some intersections which could automatically adapt the signal timing to traffic conditions. The City's match for the grant will provide an additional \$155,000 for the project. Implementation will likely take six months to one year.

Council approved Administration Resolution No. 61-2019 by a unanimous roll-call vote.

Administration Resolution No. 62-2019, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster requesting a Multimodal Transportation Fund Grant of \$660,450 from the Pennsylvania Department of Transportation to be used for Neighborhood Transportation Improvements.

Mr. Graupera made a motion to approve the resolution. Mr. Soto seconded the motion.

Mr. Graupera recounted that Ms. McCormick also described the Multimodal Transportation Fund application. The City would use the funds for wayfinding signage, pavement markings for the bicycle transportation plan, and improvements at some intersections. The total amount of the project, with the City's required match is \$943,550.

Council approved Administration Resolution No. 62-2019 by a unanimous roll-call vote.

Council Resolution No. 63-2019, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster reappointing Rudy DeLaurentis, 430 North Duke Street, to the City of Lancaster Zoning Hearing Board, for a three (3) year term effective January 1, 2020.

Mr. Soto made a motion to approve the resolution. Ms. Diaz seconded the motion.

President Reichenbach noted that appointments to the Zoning Hearing Board require a resolution of Council.

Council approved Council Resolution No. 63-2019 by a unanimous roll-call vote.

Administration Resolution No. 64-2019, (the title) was read by the City Clerk as follows:

A resolution of the Council of the City of Lancaster appointing Maher Duessel to provide professional services in conjunction with the City's independent financial audit for the years ending December 31, 2019, 2020 and 2021.

Mr. Soto made a motion to approve the resolution. Mr. Graupera seconded the motion.

Mr. Hopkins stated that Maher Duessel has served as the City's fiscal auditor since 2004. The accounting firm has provided superior service with nominal fee increases since that time.

Council approved Administration Resolution No. 64-2019 by a unanimous roll-call vote.

PUBLIC COMMENT

Terry Brown, West Chestnut Street, questioned the rebidding done for the construction of two new fire stations. Mayor Sorace responded the first round of bids exceeded the project budget. The City undertook "value-engineering" to reduce the construction cost and has now rebid the project. Construction of the stations will begin in 2020.

Ryan Gephart, North Lime Street, stated that Lancaster has a shortage of affordable housing. An individual earning the federal minimum wage of \$7.25 per hour would need to work 84 hours per week to afford a one-bedroom apartment in Lancaster. The gap between wages and rents has doubled since the 2009 recession. He contended that City officials have failed to address this problem while people are homeless on the streets.

REPORT OF THE MAYOR

Mayor Sorace said the City will soon receive responses to a proposal request for development of affordable housing, using the City's federal HOME grant. The program calls for development of rental housing and single-family homes. Housing developed through the program is required to be affordable for lower-income households. For the rental housing, at least 60 percent of the units must be affordable to, and rented to individuals at 50 percent of the area median income adjusted by family size. No more than 40 percent of the units shall be affordable to and rented to individuals at 60 percent or less of the area median income, adjusted by family size. For the homebuyer program, all units shall be affordable and occupied by individuals with incomes at or below 80 percent of the median income, adjusted by family size.

The mayor said the City is fortunate in some respects because some projects did not come to fruition, resulting in additional funding for this program. The City has \$1.4 million available and are encouraging applicants to seek additional funding from County HOME program funds. While she noted this funding will fall grossly short of the amount needed to address the affordable housing problem, this is an initiative which the City can and will undertake.

REPORT OF THE PRESIDENT OF COUNCIL

President Reichenbach commented in response to Mr. Callari that the state Department of Community and Economic Development completed a self-liquidating debt audit to determine that the Lancaster Parking Authority could repay the bond debt related to the planned Christian Street Parking Garage. Secondly, he said the Lancaster Parking Authority does not set the prices for parking tickets. City Council approves those fines.

Addressing the representatives of the Lancaster Healthcare Rights Committee of Put People First! PA, President Reichenbach stated that their comments are heard and appreciated. He noted that Council is very limited in its ability to respond to their concerns. He noted that advocates are needed and officials at the City, State and federal levels working together on these complicated problems.

President Reichenbach adjourned the meeting at 9:51 p.m.

Attest:


Bernard W. Harris Jr. City Clerk


James D. Reichenbach, President

Approved by Council: 11/26/2019

City of Lancaster



November 18, 2019

Mr. Larry Cohen
Executive Director
Lancaster Parking Authority
30 West Orange Street
Lancaster, PA 17603

RE: Certificate of Appropriateness / 151 North Queen Street

Municipal Building

Dear Mr. Cohen:

At the meeting of the Lancaster City Council held on Tuesday, November 12, 2019, Council voted to approve your proposal for new construction at 151 North Queen Street, approving the issuance of a Certificate of Appropriateness and authorizing the Building Official to issue a permit for the proposed work:

- Construction of a new six-story parking garage, a two-story library in the lower space, and commercial shell space on the northern edge of the parcel.

City Council's vote to issue a Certificate of Appropriateness for this project is conditional upon completion of a Community Engagement Plan relative to the artwork component of this project.

With this approval, you may contact the City's Bureau of Code Compliance and Structural Inspections to begin to discuss other reviews or approvals that may be necessary for this project and for issuance of a building permit. If you have questions, feel free to contact me at (717) 291-4726.

Sincerely,

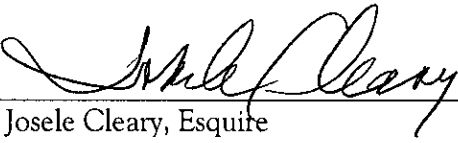
Suzanne Stallings
Suzanne Stallings
Historic Preservation Specialist
Department of Community Planning
and Economic Development

PO Box 1599 • 120 N. Duke Street • Lancaster, Pennsylvania 17608-1599
717-291-4711 • TDD 717-291-4761 • FAX 717-291-4713

EXHIBIT E

I hereby certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

MORGAN, HALLGREN, CROSSWELL
& KANE, P.C.

By: 
Josele Cleary, Esquire
Attorney Registration No. 41192
Attorney for Appellants
700 North Duke Street
P. O. Box 4686
Lancaster, PA 17604-4686
(717) 299-5251

1. Eugene Aleci
355 West Orange Street
Lancaster, PA 17603.
2. Moirajeanne FitzGerald
137 North Mary Street
Lancaster, PA 17603.
3. April M. Koppenhaver
19-21 North Mulberry Street
Lancaster, PA 17603.
4. Kevin Lynn
13 West Chestnut Street, No. 1
Lancaster, PA 17603.
5. Arthur Morris
434 West Chestnut Street
Lancaster, PA 17603.
6. Jean K. Weglarz
515 East King Street
Lancaster, PA 17602.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
**PROTHONOTARY
CIVIL COVER SHEET**

PLEASE LIST NAMES AND ADDRESSES OF ADDITIONAL PARTIES ON A SEPARATE SHEET.

ALL PARTY INFORMATION IS REQUIRED INCLUDING ZIP CODES. ALL PARTY INFORMATION MUST MATCH THE PLEADING. PLEASE DO NOT STAPLE THE COVER SHEET TO THE PLEADING. IF AN EVENT NEEDS TO BE SCHEDULED, A CAO SCHEDULING COVER SHEET MUST ALSO BE ATTACHED.

TYPE OF ACTION: Statutory Appeal

19-11908

For Prothonotary Use Only:

DOCKET No: CI

PARTY INFORMATION

PLAINTIFF'S NAME: See Attached List

DEFENDANT'S NAME: City of Lancaster

ADDRESS: See Attached List

*If confidential,
use 2nd sheet*

ADDRESS: P. O. Box 1599
120 North Duke Street
Lancaster, PA 17608-1599

MUNICIPALITY: City of Lancaster

MUNICIPALITY: City of Lancaster

TWP/BOROUGH: _____

TWP/BOROUGH: _____

DOB: _____ TELEPHONE #: _____
(mm/dd/yyyy) (#####)

DOB: _____ TELEPHONE #: _____
(mm/dd/yyyy) (#####)

FILING ATTORNEY / FILING PARTY INFORMATION

FIRM/OFFICE: Morgan, Hallgren, Crosswell & Kane PC

FILING ATTORNEY/PARTY: Josele Cleary, Esquire

AOPC: (Attorney ID) #: 41192

ADDRESS: 700 North Duke Street, P. O. Box 4686 CITY: Lancaster STATE: PA ZIP CODE: 17604-4686

TELEPHONE #: _____ EMAIL: _____
(#####)

TAX LIEN INFORMATION

MUNICIPALITY: _____ MAP REFERENCE: _____

DEED BOOK: _____ DEED PAGE: _____ DEED DATE: _____

SALE PRICE: _____ TAX YEAR: _____ TAX LIEN AMOUNT: _____

PROPERTY DESCRIPTION: _____

PFA/SVPO/PFI INFORMATION

HEARING DATE: _____ SOCIAL SECURITY #: (Defendant – Last 4 digits) _____

POLICE DEPARTMENT: _____

PREVIOUS PETITIONS: YES ☐ NO ☐ If 'YES', File Date: _____

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

LANCASTER

County

For Prothonotary Use Only:

Docket No:

19-11908

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Eugene Aleci, et al

Lead Defendant's Name:

City of Lancaster

Are money damages requested? ☐ Yes ☒ No

Dollar Amount Requested: ☐ within arbitration limits
☐ outside arbitration limits (check one)

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Josele Cleary, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other
☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☒ Dept. of Transportation
☐ Statutory Appeal: Other Lancaster City Council
☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other: