

Leo S. Lutz, Mayor
Kelly Murphy, Borough Council President

Robert L. Pfannebecker, Solicitor
Rebecca Denlinger, Borough Manager

Legislation Committee Meeting Minutes (DRAFT)
December 12, 2018

Chair: John Novak Vice-Chair: Marilyn Kress-Hartman Member: Kelly Murphy
 Alternate: Todd Burgard

The Columbia Borough Legislation Committee was convened in Council Chambers, Borough Municipal Building, 308 Locust Street. Meeting was called to order by Chair Novak at 6:00pm. All Committee Members were present. Alternate Burgard was present and Councilperson FitzGerald arrived towards the end of the meeting. The following Borough Staff and Officials were in attendance: Mayor Lutz, Borough Manager Denlinger, Zoning/Planning Manager Helm. Columbia Planning Commission Chair Wickenheiser was also in attendance. Guests and Residents in attendance included: Residents Frank Doutrich, Dale Weibley, Sharon Lintner, Joe Lintner (Columbia Spy), Mark Fritz (CBFD), Michael Rhodes (CBFD), Doug Kemmerly (CBFD). Guests included: Rob Warbly (SVEMS) and Adam Madden (SVEMS).

Chair Novak led the meeting participants in the Pledge of Allegiance to the Flag.

Chair Novak requested a motion from Committee to accept the November 14, 2018 Legislation Committee Minutes as presented in Committee's Packet.

Motioned by Member Murphy, seconded by Vice-Chair Kress-Hartman ... all favored

Discussion on Abandon Vehicle Regulations. Chair Novak read an Email from Borough Solicitor to the Borough Manager in response to the November Committee's request to draft legislation for the Borough from an existing PA. Municipality and a "Draft Ordinance" drafted by Mayor Lutz. The email referred to objections and concerns by the Borough Solicitor from the presented materials for their review. Chair Novak asked Committee and Borough Officials for input or comments. Borough Manager stated that the email forwarded from her office contained attachments that listed the Solicitor's concern and recommendation. Mayor Lutz noted that he was in receipt of the Solicitor's email, but recalled no attachments. The email was forwarded to Committee by Chair to Mayor and Committee. It was stated that it was received from the Chair without attachments. Borough Manager immediately forward the email, in discussion, with attachments to Committee and Mayor for review.

ACTION: The Borough Manager was directed by Committee to seek Solicitor input to create a Draft Ordinance (based on their legal council and expertise) for review of Council at the January 22, 2019 Council Meeting.

Discussion on the creation of Emergency Management Coordinator (EMC) Draft Ordinance on Done Regulating use during period of Emergency Management, as deemed by the Borough's EMC. EMC Helm had made a presentation at the LC Meeting on November 14, 2018.

Committee directed the Borough Manager to pursue a Draft Ordinance for Committee review at the December 12 meeting. Borough Manager noted that this directive was “missed”.

ACTION: Directed the Borough Manager to seek input from Borough Solicitor action to create an “Unmanned Aerial Vehicle” (UAV) Ordinance, as requested by Committee. Noted, by Committee Chair, was only that the Draft Ordinance clearly stated the procedure to obtain the FAA approval (required) to “ground” UAVs in specific area during an emergency event.

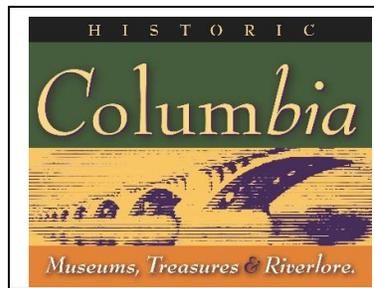
Discussion on Short Term Rental (STR) Legislation consideration under review by The Borough Planning Commission. Zoning/Planning Manager Helm and Columbia Planning Commission Chair were present and participated in a presentation. Manager Helm lead the discussion with the presentation to Committee of an outline, and zoning maps, the Board was utilizing for consideration of their recommendations for consideration, of the Board, as they move forward in preparing and submitting a “Draft Ordinance” for Committee review. Remarks were made by Vice-Chair as the possibility of not allowing any STR properties within the Borough. Board Chair Wickenheiser noted that Commonwealth Codes require municipalities to provide zoning for all uses within a municipality. Vice-Chair challenged, stating that Municipalities within the Commonwealth do not allow for STR. Board Chair noted that, to her best knowledge, that (or those) municipalities have not yet been challenged. Board Chair Wickenheiser and Manager Helm noted that the Zoning areas they were considering was Medium Density Residential Business (MDRB) zoned in Columbia. Therefore, starting small, but providing an area in the Borough for permitted use. It was noted that of the Board’s recommended MDRB zoned area contains 121 properties, of which only 12 properties could qualify under the conditions proposed by the Planning Commission in their initial review of qualifying properties. The discussion included comments regarding “grandfathering” existing properties that are operating unregulated now. The notion of automatically “grandfathering” in existing uses was challenged by Vice-Chair Kress-Hartman. It was stated by the Borough Manager that the “grandfathering” determination can be deliberated and subsequently decided upon the Adoption by Council of an Ordinance presented for approval. Committee voiced support of “non-grandfathering” at that time.

ACTION: The Planning Commission will present an initial “Draft Ordinance” on STR recommendation to Council at the February 5, 2019 Council Work Session, but no later than the February 26, 2019 Council Meeting.

Discussion on the status update on submission of Committee approved next step procedure on the Proposed Historic District Expansion to the Pennsylvania Historic & Museum Commission (PHMC). The Borough Manager stated that this directive from November 14 meeting was initially a “miss”, but has recently contacted PHMC Community Preservation Coordinator, Bryan Van Sweden, who will serve as the Borough’s contact at PHMC.

ACTION: The Borough Manager will submit the required request and supporting documentation to the PHMC. An update of submission and status will be presented to Council at the January 8, 2019 Council Meeting.

Discussion on the “Rising Sun” property from Mayor/Citizen Comment Period of November 14th. Chair noted that Codes Enforcement Manager (CEM) Kaufhold was unable to be in attendance (due to a pressing Family matter). The discussion would be forwarded to the January 8, 2019 Council Meeting. The Mayor brought to the floor addition concerns of possible code and zoning violations for review. Mayor Lutz questioned the possibility of zoning violation due to “Change of Use” that the property has undergone. The new business, soon to open, for a “juice bar” and exercise establishment that would retail product. And, the existing Office use by “Sparrow Digital”. A confirmed answer was not established.



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ACTION: The Zoning Manager would review both uses and advise Council at the January 8, 2019 Council Meeting.

The Borough Manager and Zoning Manager will communicate with the CEM to respond to the concerns and issues presented at the November 14th Meeting by Mayor Lutz and Citizen Comments.

Chair opened the committee and officials for New Business. Hearing none, the Chair opened up the floor for Citizen Comment.

Citizen Comments:

Frank Doutrich requested a status on the current zoning definition of the “Lazy K”. Z/P Mgr. Helm stated it is currently zoned as a Boarding House. Borough Manager read the Borough Code’s definition of a “Boarding House”. It was questioned as to allotted “stay” periods. Stated was 1 to 5 or more days. Helm stated that it is unusual for its location, as Boarding Houses are usually located along “Highway” designations, but has been a use of this locations before any zoning regulations existed and is not in violation due to its pre-existing use.

From Mr. Doutrich comments conversations spiraled off to possible consideration of the CB Planning Commission when reviewing and formulizing the continued discussion of STR.

Hearing no other Citizen comments, the Chair read a prepared statement that addressed the “End of an Era ... The Beginning of a New!” (see addendum)

Chair requested a Motion to Adjourn.

Motion by Vice-Chair Kress-Hartman, Seconded by Member Murphy. Meeting Adjourned at 7:08 pm.

Respectfully submitted,

John Novak

Columbia Borough Council – Legislation Committee Chair