



Leo S. Lutz, Mayor
Michael L. Beury, Borough Council President

Robert L. Pfannebecker, Solicitor
Ronald L. Miller, Borough Manager

FINAL AGENDA
COLUMBIA BOROUGH COUNCIL MEETING
August 24, 2015
6:00P.M.

- I. Opening of Meeting
 - 1. Call to Order and Roll Call
 - 2. Invocation/Moment of Silence
 - 3. Pledge to the Flag
 - 4. Public Hearing: Ordinance No. 860
 - a. Open Hearing
 - b. An Ordinance of the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania amending the Code of the Borough of Columbia, Lancaster County, Pennsylvania , Chapter 220-Zoning, Article IV-Additional requirements for specific uses, Section 220-30-Additional requirements for specific principle uses, Subpart a.(1)(a) to provide that adult uses shall not be permitted within 500 lineal feet of Glatfelter Park; 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.
 - c. Citizen Comments.
 - d. Close Hearing
 - 5. Consider approval of Ordinance No. 860: An Ordinance of the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania amending the Code of the Borough of Columbia, Lancaster County, Pennsylvania , Chapter 220-Zoning, Article IV-Additional requirements for specific uses, Section 220-30-Additional requirements for specific principle uses, Subpart a.(1)(a) to provide that adult uses shall not be permitted within 500 lineal feet of Glatfelter Park; 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.
 - 6. Announcement of Executive Session:
 - a. There was a Personnel Meeting on Wednesday, August 12, 2015 at 5:30pm.
 - 7. Minutes for Approval
 - a. Consider approval of the Borough Council Meeting Minutes for 8/10/15.
- II. Standing Committee Assignments
 - 8. The Committee on Public Property
 - a. Presentation by William Kloidt of the Columbia Borough Shade Tree Commission.
 - b. Discussion regarding the Market Trust considering alternative uses for the facility by soliciting interested developers to bid.
 - c. Consider approval to send the Market Trust a letter ending the agreement with the Trust effective December 31, 2015.
 - d. Discussion regarding the Market House Trademark.

- e. Consider approval of a Facilities Use Request for Antoinette Gingrich to host a Memorial Celebration for her mother on Saturday, September 19, 2015 at the Columbia Crossing Pavilion from 9am-5pm including use of the restroom at a rental fee of \$100.00.
 9. The Committee on Public Safety
 - a. Consider approval of a Facilities Use Request for Mickie Singer to host a May Fly Festival on May 21, 2016 from 10am-4pm using South 2nd Street from Cherry Street to Walnut Street and on Locust Street from 2nd Street to 6th Street contingent upon receipt of the required Certificate of Insurance.
 - b. Consider approval of a Facilities Use Request for Kent Hobday and Jodie Eck to host an annual block party to raise money for the Sgt. Ryan Vera Scholarship Fund on North 8th Street between Walnut Street and Chestnut Street on Saturday, September 26, 2015 from 12:00pm-10:00pm contingent upon receipt of the required Insurance Certificate.
 - c. Consider approval of a Facilities Use Request for the Susquehanna Valley Chamber of Commerce to host a River Town Hops beer tasting event on Locust Street from 2nd Street to 5th Street and 3rd Street for ½ block on both the North and South sides of Locust Street and on 4th Street for ½ block on both the North and South sides of Locust Street on August 27, 2016 from 12:00pm-4:00pm (set up from 8:30am-12:00pm and tear down from 4:00pm-6:00pm contingent upon receipt of the required Certificate of Insurance. A fee of \$40 per person will be charged by SVCC.
 - d. Reports: Police/Fire/EMS/EMC/Codes.
 10. The Committee on Wastewater
 - a. Wastewater Manager Report
 11. The Committee on Highway
 - a. Highway Report – Updates
 12. The Committee on Finance
 - a. LERTA Application received for Garrett and Claudia Pennington for 305 Perry Street.
 - b. Consider approval of July 2015 Financial Reports including Check Register Report, Treasurer’s Report, Budget Performance Reports: General Fund, Capital Fund, State Fund (Liquid Fuels), Waste Water Fund, Tax Collector Report, Municipal Authority and Capital Fund.
 - c. Consider approval to transfer \$1,148,000.00 from Susquehanna Bank Account #637 to a \$248,000.00 6 month CD at PLGIT yielding .41% and \$900,000.00 to an Integrity Money market yielding .30%. This will leave around \$129,773.00 in the Susquehanna Bank Account #637.
 13. Committee on Municipal Legislation
 - a. Consider approval of Resolution No. 15-15: Complete Streets Program.
 14. The Committee on Community Development
 - a. Community Yard Sale - September 12, 2015.
 15. The Committee on Personnel
 16. Secretary/Treasurer
- III. Adjournment

**Columbia Borough Council Meeting of the Whole
August 24, 2015
Paul W. Myers Council Chambers**

Council President Beury called the meeting to order at 6:00 p.m.

Councilpersons present: Barninger, Beury, Ford, Murphy, Smith, Weisser, and Welsh
Mayor Lutz was also present but arrived late due to another meeting.

President Beury led the pledge to the Flag.

Council President Beury announced the opening of the public hearing regarding Ordinance 860 providing for additional requirements for specific uses for Chapter 220-Zoning. Mary Wickenheiser, Columbia Borough Planning Commission, stated the Commission recommended the adoption of this ordinance but suggested that, since the Lancaster County Planning Commission was reviewing the ordinance this afternoon, Council wait for their recommendation and/or comments.

Council President Beury read a statement into the record from Barry Handwerger, Borough Solicitor, as follows: "The owners of Club Good Times filed a challenge to the Borough's Zoning Ordinance on the basis that it does not allow fully nude dancing anywhere in the Borough. Nude dancing has been held by the Supreme Court of the United States to be a legal land use, and every municipality must provide some location for such a use. The Borough does allow nude dancing in the General Industrial Zone, if the use is at least 1,000 feet from schools and 500 feet from parks. The owners of the club said that Glatfelter Field was a school, because it is owned by the school district and because they sometimes use it for school purposes. If nude dancing were not allowed within 1,000 feet of Glatfelter Field, there might not be a place for nude dancing anywhere in the Borough. The Lancaster judge ruled that Glatfelter Field was a school. The law is that if a municipality does not allow a legal use somewhere, a person challenging the ordinance can put the use anywhere. So because the judge decided that nude dancing was not allowed within 1,000 feet of Glatfelter Field, nude dancing at the present location of Club Good Times has to be allowed. Our lawyers think the judge is incorrect and we have appealed to a higher court. Although it will be a year until we have a decision, we have decided to fix this problem now. We never considered Glatfelter Field as a school. Our ordinance was written on the assumption that it was a park and that the 500 foot exclusion zone applied. This amendment will make it clear that the Borough intends a 500 foot exclusion zone for adult uses from Glatfelter Field, no matter whether it is classified as a school or a park."

Frank Doutrich stated he thought Glatfelter Field was a park. Councilwoman Barninger stated they thought the same, which was why there was an appeal.

Since there were no further questions or comments, Council President Beury closed the hearing.

Motion: To approved Ordinance No. 860: An Ordinance of the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania amending the Code of the Borough of Columbia, Lancaster County, Pennsylvania, Chapter 220-Zoning, Article IV-Additional requirements for specific uses, Section 220-30-Additional requirements for specific principle uses, Subpart a.(1)(a) to provide that adult uses shall not be permitted within 500 lineal feet of Glatfelter Park; 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.

Motion: Ford **2nd: Weisser** **Voice Vote: All Favored except Barninger and Welsh who voted no. Motion carried.**

Council President Beury announced there was a Personnel meeting held on Wednesday, August 12, 2015 at 5:30 p.m.

Minutes for Approval:

Motion: To approve the Borough Council meeting minutes dated August 10, 2015, as amended.

Motion: Murphy **2nd: Smith** **Voice Vote: All Favored**

STANDING COMMITTEE ITEMS:

COMMITTEE ON PUBLIC PROPERTY

Councilwoman Weisser stated Bill Kloidt, Columbia Borough Shade Tree Commission, presented a power point showing different issues with street trees in the Borough and requested that Borough Council provide in their budget for 2016 the position of arborist. Bill reviewed the job description for this position. Councilman Ford asked about the time frame for approval of this position. Bill stated as soon as possible but realized the Council's budget constraints. Councilman Murphy asked if this would be 40 hour work week position. Bill stated that would be the decision of Borough Council. Councilman Murphy asked if this position existed in any other municipalities. Bill said he didn't know and just wanted to get this started for the Borough. Bill further explained the Shade Tree Commission was made up of volunteers and the work on the street trees has become overwhelming.

Councilwoman Weisser stated the next agenda item to be discussed was for the Market Trust to consider alternative uses for the Market House. Councilwoman Barninger suggested that the agreement with the Market Trust be determined next.

Motion: To approve sending a letter to the Market Trust ending the agreement with the Trust effective December 31, 2015.

Motion: Weisser **2nd: Ford** **Voice Vote: Motion Denied.**

Councilman Ford stated he seconded this motion for discussion purposes. Councilwoman Weisser stated the Market Trust did come before Council with the idea of a green market and now the Trust has come to Council with something else for the Market House. Cle Berntheizel, Chair of the Market Trust, stated they did apply for a grant for interior renovations to move in the direction of a green market and the request to solicit bids for other developers was to see what's out there for a mixed use. Cle expressed his concerns about this item being on the agenda. Councilwoman Weisser stated this potential use has not moved forward. Cle stated they have moved forward by applying for the grant. Councilwoman Weisser stated there has been no report from the Trust meetings. Councilman Ford stated there were also quarterly reports supposed to be given to Council. Cle also talked about the diminished advertising promoting the Market House due to the Trust's lack of funds and the denial of the request for an appropriation from the Borough. Frank Doutrich asked if the Market House must remain a market. Mayor Lutz stated the 5 year period for the grant has passed. He added that at the last meeting he attended it was

opportunity to make contact with the applicant to obtain specific details. There was also concern about the street closure affecting the downtown businesses.

Motion: To table the Facilities Use Request for Mickie Singer to host a May Fly Festival until the next Council meeting.

Motion: Murphy **2nd: Smith** **Voice Vote: All Favored**

Motion: To approve the Facilities Use Request for Kent Hobday and Jodie Eck to host an annual block party to raise money for the Sgt. Ryan Vera Scholarship Fund on North Eighth Street between Walnut Street and Chestnut Street on Saturday, September 25, 2015 from 12:00 noon until 10:00 p.m. contingent upon receipt of the required certificate of insurance.

Motion: Barninger **2nd: Smith** **Voice Vote: All Favored**

Motion: To approve the Facilities Use Request for the Susquehanna Valley Chamber of Commerce to host a River Town Hops beer tasting event on Locust Street from Second Street to Fifth Street and Third Street for ½ block on both the North and South sides of Locust Street and on Fourth Street for ½ block on both the North and South sides of Locust Street on August 27, 2016 from 12:00 noon until 4:00 p.m. (set up from 8:30 a.m. until 12:00 noon and tear down from 4:00 p.m. until 6:00 p.m.) contingent upon receipt of the required certificate of insurance. A fee of \$40.00 per person will be charged by SVCC.

Motion: Barninger **2nd: Ford** **Voice Vote: All Favored**

Mayor Lutz stated the Police Department would be working with the Chamber on this event. Councilman Smith asked about the fees for services. It was stated there were no fees for non-profit organizations. Frank Doutrich asked about the ordinances governing open containers. Councilwoman Barninger stated that was a local ordinance and that organizations would need special permission to allow open containers. Mayor Lutz clarified this was a beer tasting event. Council President Beury read the ordinance regarding open containers. Mayor Lutz stated that could be done with permission from Borough Council.

Councilwoman Barninger stated that Council has received the final fire report from Susquehanna Fire and Rescue and next month's report would be from the Columbia Borough Fire Department. She reported that fire apparatus and equipment has been relocated and the next task would be to list the building on Front Street for sale. She added the Columbia Fire Police was currently occupying the building on Front Street.

Councilman Ford asked who would be paying for the additional police used for last Saturday. Mayor Lutz explained the Borough would not be billed because that was part of mutual aid.

Mary Wickenheiser asked about the elimination of the Columbia Borough Police Department and using the Pennsylvania State Police for police calls. Councilwoman Barninger stated she has not heard anything and this has not been discussed by this Council.

Daisy Pagan asked for an update on 208-210 Locust Street. Jeff Helm, Zoning and Planning Officer, stated he didn't have an update. Ron Miller, Interim Borough Manager, reported that the Bigler's were obtaining an estimate for work and he would contact them again regarding this issue. He also stated that contact would have to be made with the Borough Solicitor regarding the next step for the Borough. Mayor Lutz asked if the Borough had obtained their insurance

company information. Ron stated an insurance company representative met them on site. Mayor Lutz stated the Bigler's may be waiting on the insurance company. There was discussion of insurance claim procedures regarding the situation at the Bigler's property. Daisy Pagan asked what they were supposed to do while waiting on the Bigler's insurance company. Councilwoman Barninger stated that Ron Miller would be addressing this issue and would be contacting the Borough Solicitor. Cubby Speise asked why the Borough would not require the property owner to demolish the building if it was unsafe. Councilwoman Barninger again stated there would be contact with the Borough Solicitor for the Borough's next move regarding this issue.

COMMITTEE ON WASTEWATER

Council President Beury referred to the Wastewater report as submitted to Council.

Mayor Lutz asked about the amended 537 Plan, which was reviewed by the Lancaster County Planning Commission, and at their meeting it was discussed about the section referring to the decommission of the Wastewater Treatment Plant and thought that wording should be removed. The Mayor stated he thought there would be a continuation of treatment of septage and possibly other uses. Ron Miller stated they could possibly sell the plant and agreed that the wording should be removed from the plan.

Frank Doutrich asked about the surplus and liens for the sewer bills. Councilwoman Barninger and Georgianna Schreck, Finance Manager, explained all overages would be paid back to the property owner and all liens would remain with the Borough for collection.

COMMITTEE ON HIGHWAY

Councilman Smith reviewed the Highway report as submitted to Council. He reported that the Eighth Street project would begin in September and talked about the other improvements to Borough streets. Ron Miller stated the traffic lights would all be going to camera operation. Frank Doutrich reported a street cut that was sinking on North Third Street near Stover's.

Vanessa Weaver, Spruce Street, asked about an additional curb cut on Ironville Pike to allow her to pull onto her property while she opened her garage door. Vanessa stated she talked to a contractor who would cut the curb for the price of \$1,000.00 and not disturb the newly constructed street. She stated that during the road reconstruction project she was not given that additional curb cut. Ron Miller stated he check the prints for the project and that additional curb cut was not listed. Donna Moore, the previous owner of the property, stated she signed for that additional curb cut. Ron stated he would not have approved a curb cut that large. Councilwoman Barninger asked if the Highway Department had the proper equipment to cut the curb. Ron stated no, that he would have to talk to the contractor who would possibly be performing the work. Vanessa stated she would like to use her garage and she needs to pull onto the grass area to open her garage door because she cannot double park on Ironville Pike to do open the door. Councilwoman Welsh stated the options were to cut the curb or change the garage door to one with an opener. Vanessa stated it would be less costly to cut the curb.

Motion: To approve researching the cost of cutting the curb on Ironville Pike for Vanessa Weaver and have Jake Graham reach out to the homeowner's contractor.

Motion: Smith

2nd: Welsh

Voice Vote: All Favored

COMMITTEE ON FINANCE

Councilman Murphy referred to the LERTA application in the Council packets. This application was for Council's information.

Motion: To approve the July 2015 Financial Reports including Check Register Report, Treasurer's Report, Budget Performance Reports: General Fund, Capital Fund, State Fund (Liquid Fuels), Waste Water Fund, Tax Collector Report, Municipal Authority and Capital Fund.

Motion: Murphy **2nd: Barninger** **Voice Vote: All Favored**

Councilman Murphy stated the 8 million dollar transfer would be seen on next month's financial reports. Councilman Ford asked if the grass cutting services performed by Charlie Brown were being billed/liened back to the property owner. Georgianna Schreck stated yes. Councilman Smith asked about the fees for the water coolers. Georgianna Schreck stated there were issues that have been resolved with the change in water cooler providers.

Motion: To approve the transfer of \$1,148,000.00 from Susquehanna Bank Account #637 to a \$248,000.00, 6-month CD at PLGIT yielding .41% and \$900,000.00 to an Integrity Money Market yielding .30%. Approximately \$129,773.00 would remain in the Susquehanna Bank Account #637.

Motion: Murphy **2nd: Ford** **Voice Vote: All Favored**

Councilman Murphy stated this action was also approved by the Columbia Municipal Authority.

Motion: To approve the 2015 budget change #3: General Fund, Wastewater and Municipal Authority.

Motion: Murphy **2nd: Ford** **Voice Vote: All Favored**

Councilman Murphy reported to Council on the audit of the Borough's Comcast Account.

Councilman Murphy announced work has begun on the 2016 Borough budget.

Shirley McBride talked to Council about the issue of stray cats and asked that they look at a line item in the 2016 budget in the amount of \$3,000.00 as financial aid for organizations who work on this issue. Councilwoman Weisser stated she was working on a grant from Pet Smart for the issue of stray cats. Shirley also talked about the negative changes in her neighborhood.

COMMITTEE ON LEGISLATION

Motion: To approve Resolution No. 15-15: Complete Streets Program.

Motion: Ford **2nd: Smith** **Voice Vote: All Favored**

Mary Wickenheiser stated the Columbia Borough Planning Commission recommended approval of this program in 2014.

Councilman Ford discussed the Mayor's veto of Ordinance 863, which clarifies the direction of streets, modifies the direction of streets, and designates snow emergency routes. Mayor Lutz explained he vetoed this because of the lack of traffic studies before passage of this ordinance. Councilman Smith stated the directional change to Barber Street was done illegally and this part of the ordinance was to address that issue. He added that he would never do anything for

personal gain and went on to explain the history and issues with Barber Street. There was discussion on the receipt of the Mayor's veto and timing for action on this issue. Mayor Lutz reiterated there was a need for a traffic study on several of the streets named in the ordinance and felt that returning a portion of Barber Street to two-way traffic was unsafe.

Motion: To approve overriding the Mayor's veto of Ordinance No. 863: An Ordinance of the Borough of Columbia, Lancaster County, Pennsylvania amending Chapter 207 of the Code of the Borough of Columbia, Lancaster County, Pennsylvania, to: Add an additional one-way street on Barber Street, from Washington Street to South 12th Street, to modify the direction of traffic on several one way streets, on Barber Street from Plane Street to South 10th Street and on Sadie Lane from Market Street to South Third Street, to make one stretch of roadway revert to two way traffic from one way traffic on Barber Street between Washington Street and South 10th Street, and to designate both directions of traffic from Ninth Street and Ironville Pike to Lancaster Avenue as a snow emergency route; 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.

Motion: Ford 2nd: Smith

Councilwoman Barninger asked if the traffic studies were completed. Councilman Murphy stated Council was told the traffic studies were done. Councilman Smith stated again Barber Street was made one way illegally and this Ordinance would correct that action. Councilwoman Barninger stated she would like to see the results of the traffic studies. Mayor Lutz explained this Ordinance came about due to the review of the Borough code books and the lack of correct information regarding these streets that had an impact on ticketing. Ron Miller stated he thought Barber Street was always one way. Councilwoman Barninger stated years ago that street was a two way street. Councilman Smith agreed to have a new traffic study done as long as it was done objectively.

Motion: To table action on Mayor Lutz's veto of Ordinance No. 863 until traffic studies are completed and Council reviews the information.

Motion: Murphy 2nd: Weisser Voice Vote: All Favored except Councilman Smith who voted no; Councilman Ford stepped out the Council room for this vote. Motion carried.

COMMITTEE ON COMMUNITY DEVELOPMENT

Councilwoman Welsh announced the Community Yard Sale would be held on September 12, 2015.

Councilwoman Welsh announced the next meeting for the Columbia Targeted Economic Development Implementation Plan would be held on September 10, 2015.

COMMITTEE ON PERSONNEL

No action items.

SECRETARY TREASURER

No action items.

