

COLUMBIA BOROUGH COUNCIL – WORK SESSION

May 7, 2019 | 7:00 PM

Paul W. Myers Council Chambers

MINUTES

1. Council President Murphy called the meeting to order at 6:00 PM.

Councilpersons present: Berntheizel, Burgard, Fitzgerald, Kress-Hartman, Murphy, Novak and Williams. Mayor Lutz was also present.

Junior Councilpersons present: Misciagna. Cover, Black and Simpson were absent.

2. A moment of silence was observed. Councilperson Hartman-Kress led the pledge to the flag.

Council President Murphy requested phones be turned off or silenced and reviewed proper meeting protocol and advised that the meeting was being recorded and live-streamed on Facebook.

3. **Personnel**

- a. Councilperson Kress-Hartman presented for discussion a DRAFT Resolution 2019-09: A Resolution of the Borough Council of the Borough of Columbia regarding protocols for elected officials conducting Borough business. Councilperson Kress-Hartman requested a change be made to change “council person” to “elected official”. Council President Murphy noted proposed changes by the Borough Solicitor are in red. Council President Murphy asked for a definition of elected official be added to the Resolution and directed Borough Manager Denlinger to put the Resolution on the agenda for the May 14, 2019 Borough Council meeting for official consideration.

4. **Legislation**

- a. Councilperson Novak presented for discussion a DRAFT ordinance regarding regulation of abandoned and/or hazardous vehicles. Councilperson Burgard discussed the fact the State Law supersedes Local Law, but the Borough staff has work hard on creating an ordinance that will work for Columbia Borough. Borough Manager Denlinger thanked Codes Manager Paulson for his work with the Borough Solicitor on this ordinance. Mayor Lutz further discussed how State Law supersedes Local Law and that there will be issues that the Borough will not able to be correct for this reason. Mayor Lutz encouraged Council to support changes in State Law that will address these issues. Councilperson Novak directed Borough Manager Denlinger to place the Ordinance on the agenda for the May 14, 2019 Borough Council meeting for official consideration.

Resident Frank Doutrich (1001 Ironville Pike, Columbia) asked for clarification on the DRAFT ordinance. Councilperson Novak and Solicitor Albert responded. Solicitor Albert suggested to Council to add a definition of “vehicle” from the state motor vehicle code. Borough Manager Denlinger pointed out there is already a definition for “vehicle” in the Borough Ordinance.

Resident Joanne Fritz (1060 Locust Street, Columbia) asked how this DRAFT ordinance effects boats and trailers. Councilperson Novak responded. Discussed a vehicle on the street that appears to be abandon. Councilperson Novak suggested she report the specifics the Codes Department for them to address the issue.

- b. Councilperson Novak presented for discussion a DRAFT ordinance regarding regulation of Short Term Rentals in the Borough.

Property Owners Richard Sacks (116 N 4th Street, Columbia) presented his concerns with over regulating Short Term Rentals. He also discussed his view on limits being places on occupants and allowing pets.

Councilperson Novak announced there was a meeting held at the request of the 2 Short Term Rentals owners currently operating in the Borough. He read into record the comments of Patricia & Michael McKonly, owners of Locust Estates, 1100 Locust Street, Columbia. Solicitor Albert briefed Council on a recent court case, Slice of Life vs Hamilton Township, that effects short-term rentals in the state of Pennsylvania.

Mayor Lutz added to the discussion his view on the short-term rental issue specific to dogs, parking and regulating the number of occupants allowed. Councilperson Novak responded.

Councilperson Hartman-Kress discussed her concerns about safety and doing background checks on occupants.

Chief Brommer discussed proper identification of occupants.

Councilperson Berntheizel discussed his concerns on parking.

Council President Murphy discussed grandfathering already existing short-term rentals after the DRAFT ordinance is completed. Solicitor Albert responded.

Resident Joanne Fritz (1060 Locust Street, Columbia) expressed her opinion that residents should have been able to attend the meeting held with the current short-term rental owners. Councilperson Novak responded. Additionally, J. Fritz expressed her concern that short-term rentals are being permitted in residential areas specifically in her neighborhood. Councilperson Berntheizel, Burgard and Solicitor Albert responded.

Mary Wickenheiser (Resident and Columbia Borough Planning Commission) discussed Section 1 of the DRAFT Ordinance and quoted the difference the Planning Commission suggested for a bedroom.

Resident Frank Doutrich (1001 Ironville Pike, Columbia) asked for clarification on where the proposed DRAFT Ordinance would allow for short-term rentals. Zoning & Planning Officer Helm responded.

Resident Dennis Wolpert (1019 Manor Street, Columbia) asked for clarification on the process to operate an approved short-term rental in Columbia Borough. Councilperson Novak responded. Discussed the rehab center on the 700 block of Walnut Street which is a commercial use in a residential area. Councilperson Novak, Berntheizel and Solicitor Albert responded.

Councilperson Novak addressed item 13.i. in the DRAFT Ordinance and offered his changes. He requested the noted revisions be made and the DRAFT Ordinance be put on the May 14, 2019 Borough Council agenda. Councilperson Novak also directed the Borough Manager to include the communications from Sacks and McKonly as part of the record. (They can be found immediately following the minutes).

- c. Councilperson Novak presented for discussion an update on activity regarding the proposed expansion to the Columbia Borough Historic District and application to the PA Historic and Museum Commission (PHMC).

Resident and HARB Chairperson Glen Shaeffer (525 Chestnut Street, Columbia) discussed changes to the existing HARB district and enforcement in the district. Mayor Lutz, Councilperson Novak & Berntheizel responded.

Resident Jane Moore (1115 Chestnut Street and representing Mt. Bethel Cemetery) discussed including Mt. Bethel in the Historic District and the benefits it would afford the nonprofit organization for pursuing funding opportunities. Councilperson Murphy responded.

Ted Vedock (Vice Chair Columbia HARB/Board Architect) discussed changes to the HARB district. He provided handouts to Council showing projects he is currently working on in Lancaster.

Councilperson Berntheizel discussed education as a key to success of the HARB district.

Ron Mable (Superintendent of Mount Bethel Cemetery) gave a history of Mt. Bethel and the surrounding area.

Resident Heather Zink (31 S 9th Street, Columbia) asked for clarification if any Councilperson owning property in the HARB district would be abstaining from voting on the ordinance. Several Councilpersons responded.

Resident Frank Doutrich (1001 Ironville Pike, Columbia) asked for clarification on the HARB district and its regulations. Councilperson Novak responded.

There was discussion on adding Bank Alley and Union Street Front Street to the expanded HARB district. Councilperson Novak recommended to forward this item to the June 4, 2019 Borough Council Work Session Meeting.

5. Announcements

Council President Murphy announced on May 14, 2019, at 6:00 PM, Council will hold an information session to receive information from its Borough Manager and Solicitor to be followed by the 7:00 PM Regular Meeting of Borough Council.

6. Motion to adjourn the meeting at 09:52 PM.

Motion by:	Second by:	Voice Vote:
C. Berntheizel	P. Williams	All Favored – Motion Carried

MOTIONED AND APPROVED this 14th day of May 2019, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

By:



Kelly Murphy, Council President

ATTEST:



Rebecca S. Denlinger, Secretary/Treasurer

Rebecca Denlinger

From: Patricia McKonly <pattymckonly@comcast.net>
Sent: Saturday, May 4, 2019 9:05 AM
To: Rebecca Denlinger
Subject: STR

Rebecca: Thanks so much for taking the time to meet with us the other day! As requested I am sending my bullet points that I would like recognized at the May 7, 2019 meeting that we will not be able to attend. STR.. AKA AirbNb are not the enemy in Columbia... It seems that the "sensationalized" AirBnBs are ruling the day here in Columbia and the 3 that exist in Columbia have never been a problem and will continue to not be a problem.

1. Airbnb bring money into Columbia when the guests visit our shops, restaurants and museums.
2. Airbnb regulates it's standards through the use of very stringent review processes. We are reviewed as well as are our guests. Bad reviews on either side lead to either.. not renting to a bad guest or not staying in a below par home.
3. Our properties are in BETTER shape than any LTR property as we are in our homes on a regular basis and are being inspected by your inspectors on a regular basis. We hire a cleaning lady, groundskeeper and maintainance staff to regularly care for and upgrade the property. Three more people who benefit from employment by the way.
4. LTR are cared for by tenants who do not take pride in their homes because they do not own them. STR are cared for landlords who care about how their properties are maintained.
5. STR pay much higher rents than LTR and attract a higher caliber of tenant. This is not riff raff that are staying in our properties.
6. Our tenants come from all over the country and are spreading the word about what a GREAT town Columbia is!!
7. STR... ST problems LTR....LT problems.
8. Off street parking is not required of LTR.. why would it be required of STR??
9. LTR do not require Knox boxes...why STR??
10. How many legitimate complaints have been toward any one of our Airbnbs from neighbors? Compare to the # of complaints against LTR properties?
11. Not only do we pay property taxes for the right to have a home in Columbia, we also pay hotel taxes for the right to operate our business.

12. People who already have an established business that is successful and bringing money into Columbia, can not be suddenly told they have new rules that they must abide by that will make it IMPOSSIBLE to stay in business. Why are you running good people out of Columbia???

13. Suddenly changing the zoning regulations to "zone us out?" seems unfair.

14. At any rate, these 2 people who ALREADY operate a successful Airbnb should be allowed to continue as they are..New people.. .new regulations. I would hope we would at least be "grandfathered" in. I have been running my Airbnb for almost 1 year with not ONE legitimate neighborhood complaint. I have obtained "Super Host" status for have an outstanding review record. Rick has been doing it for 2 years...and he too is a Super Host.

PS. We visited Rick's beautiful Airbnb on 4th St. and he was DEFINITELY the shining star of the neighborhood...Across the street you see a boarded up front door on a house that is 1/2 way painted...Next door the trash was piled sky high in alley!!! And he is the problem????? Something is not right or fair here!!!

Sincerely,

Patty & Mike McKonly

Rebecca Denlinger

From: Richard Sacks <sigma1res@verizon.net>
Sent: Tuesday, May 7, 2019 12:40 AM
To: Rebecca Denlinger
Cc: pattymckonly@comcast.net
Subject: Re: DRAFT Short Term Rental Ordinance

Hello Rebecca,

As discussed at our meeting last week, provided below are my primary concerns about the draft short term rental ordinance. Thank you again for taking the time to meet with us.

1. The requirement to limit short term rentals to detached dwellings is unfair and overly restrictive. There is an assumed bias that the persons in the rental units will be noisier than long term rentals or owners.
2. The requirement for two off-street parking spaces is also overly burdensome. If it is not required for all residences, it should not be required for short term rentals. Short term rentals are not going to require any more parking than long term rentals and owner occupied homes.
3. The requirement to provide the Borough with the number of guests and a contact number before each rental is overly burdensome and an invasion of privacy. Although I understand the desire to know the number of occupants in the event of a fire, this information is most likely going to come from the occupants. It is not possible to know the number of residents in every residence in the Borough at any given time.
4. The limitation of short term rentals to only the MDRB district is also overly restrictive. Short term rentals will not provide any greater burden on a neighborhood than long term rentals (actually less) or owner occupied homes.

Requirements that do not exist for Hotels, B and Bs, and other rentals should not be arbitrarily applied to short term rentals.

Thank you for your consideration.

Rick Sacks
116 N 4th Street

-----Original Message-----

From: Rebecca Denlinger <RDenlinger@columbiapa.net>
To: sigma1res@verizon.net <sigma1res@verizon.net>
Sent: Thu, Apr 25, 2019 9:46 am
Subject: DRAFT Short Term Rental Ordinance

Hello Mr. Sacks.

Thanks for your call this morning.

Attached please find the DRAFT Short Term Rental Ordinance that was most recently discussed by Borough Council on April 2, 2019. Borough Council has requested that this item be placed on the agenda for their upcoming Work Session on May 7, 2019 for further discussion and debate. The Work Session is a 6:00 PM Public Meeting held at Borough Hall. Any action on this legislation would be taken at a subsequent Regular Meeting of Borough Council.

Please let me know if you have any questions.

Thank You.
Rebecca

Rebecca Secrist Denlinger
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