

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, June 18, 2013** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Mahon, Morris and Strosser; Mayor Wagner; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: Councilmembers Cox and Robinson. Also present: Tom Egan, Nada Gray, Darwin Swope, Matt Farrand, Matt Sauers, Linda Sterling, Stacy Hinck.

CALL TO ORDER: Council President Bergonia called the meeting to order at 7:00 PM, followed by the pledge of allegiance.

APPROVAL OF MINUTES: Motion was made by Councilmember Baker, seconded by Councilmember Morris, to approve the minutes of the regular Council meeting held May 21, 2013. Motion was unanimously approved.

PUBLIC PARTICIPATION: Stacy Hinck, Chairwoman of the Planning Commission, indicated she was present tonight, along with Nada Gray, a member of the Planning Commission, to follow up on the Planning Commission's recommendation to appeal the Zoning Hearing Board's decision on the Mifflinburg Bank sign. Although this is an unusual request and she can't recall an appeal like this before, it is allowed. The Planning Commission strongly feels the variance given was too big of a variance; it is five times what the zoning ordinance allows. This appeal would go to the Court of Common Pleas and a Judge would rule on the written decision of the Zoning Hearing Board. Such a large sign is out of character with the downtown as there are no other free standing signs of that size. The reason for a restriction on free standing signs is because we want the downtown to be intimate and pedestrian friendly; it is not a highway. There was **much** discussion and information shared with regard to various businesses along Market Street and the existing signage. Ms. Hinck stressed this is setting a dangerous precedent and why the Planning Commission requests Council appeal the ZHB decision.

Councilmember Mahon questioned what HARB's opinion was. Councilmember Strosser indicated HARB approved the design back in December.

Ms. Hinck said the ordinance does indicate that requests for variances should come to the Planning Commission for review and recommendation; our recommendation was that a variance be given, but it be no bigger than 8 square feet. A variance should be granted for the least amount necessary to provide relief and you are talking about a 20 square foot sign, which is so much bigger.

Councilmember Strosser said this is bigger than any free standing sign, but it is not out of character; when you look within a half block in either direction there are signs much larger, i.e. La Casa's sign is 22 ½ square feet, the Open Door Gallery's sign is about 40 square feet. Ms. Hinck said those signs are on the building. Councilmember Strosser said yes, but that was the rationale of the variance and why it was asked for. The Mifflinburg Bank building sits far back from Market Street; they are taking their sign they legally could put on the building and moving it forward to the street to be more visible. Ms. Hinck said that isn't a reason given in the MPC or our ordinance that we horse trade; bottom line is how big can a free standing sign be and the ordinance says 4 square feet.

Councilmember Casimir said he appreciates having multiple bodies reviewing these things. This is the third time he is hearing about this and he is viewing it differently this time thinking about the character of downtown Lewisburg. During the rewriting of the zoning ordinance there was a fight over this issue; the majority strongly felt we should maintain small free standing signs downtown. It is difficult to visualize sizes of signs, but there are also brick pillars involved in this sign. This will be a whole new sign for downtown and just maybe this is the lot can handle this sign, but there is a clear and consistent point being made here about the *character of downtown*. Big signs on the *buildings* are characteristic of downtown Lewisburg.

Darwin Swope indicated he was present this evening representing Representative Fred Keller's office. Manager Smith noted that Mr. Swope and Representative Keller have been active supporters of our Automated Red Light Enforcement (ARLE) Funding Grant, which was just resubmitted today, as well as the Buffalo Valley Recreation Authority/DCNR Grant for the Rail/Trail. Mayor Wagner thanked Mr. Swope and Representative Keller for their support.

Terry Gerlinski, Facilities Manager for Mifflinburg Bank and Trust, stated he was present regarding the bank sign. (Note: Mr. Gerlinski arrived at the end of public participation, missing discussions on the bank sign.)

CONDITIONAL USE/PUBLIC HEARINGS: Council President Bergonia adjourned the regular order of business to conduct a conditional use hearing and a public hearing. He called the first public hearing to order at 7:20 PM.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION
STACY HINCK
NADA GRAY

DARWIN SWOPE

TERRY GERLINSKI

ADJOURNMENT OF REGULAR ORDER OF BUSINESS FOR CONDITIONAL USE/ PUBLIC HEARINGS

Tuesday, June 18, 2013

Matt Sauers, Central Keystone COG, Zoning Officer for the Borough, said this is a conditional use hearing for the property known as 614 St. Louis Street/Case No. CU 13-03. He, along with Jim Emery, inspected this property on June 13th and found it to be in conformance with all requirements, except the provision of four off-street parking spaces; three of which have to be constructed on-site and one being an off-site space rented from the Borough and suggests these be conditions of approval. The opinion of the CK-COG is this property should be considered for approval to convert into a rooming or lodging house with four bedrooms as indicated in our June 13th letter. The property manager is here should there be questions. He further explained this property will be inspected annually and if any of these conditions fail to exist, they would lose this privilege. Mayor Wagner indicated she appreciates they are proposing the placement of shrubs as screening. Councilmember Strosser asked if the shrubs could be a condition. Mr. Sauers said yes, and it could be a condition they be maintained. Solicitor Lyons concurred. The property manager indicated that would not be a problem. Mr. Sauers asked if there are any questions on Case No. CU 13-03. There were none.

Council President Bergonia indicated the second public hearing is on an amendment to the zoning ordinance by changing parking required for residential densities other than single and two-family dwellings. Mr. Sauers indicated the recommendation is for .75 spaces per bedroom with standard rounding. Solicitor Lyons clarified this is a proposed change to our existing zoning ordinance. Councilmember Casimir commented this is an example of a pure oversight in the rewriting of our ordinance.

Council President Bergonia asked if there is anyone else that would like to speak. No one wished to speak. Council President Bergonia declared the conditional use hearing/public hearing closed at 7:35 PM. He reconvened to the regular order of business.

Councilmember Casimir asked if we should take action on the items discussed during the public hearing. Solicitor Lyons indicated Council could make a motion now.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve Case No. CU 13-03, 614 St. Louis Street, to convert into a rooming or lodging house with four (4) bedrooms, conditioned upon the installation and maintenance of the shrub screening, completion of the construction of three parking spaces on-site, and providing proof of one additional parking space off-site. Motion was unanimously approved.

Solicitor Lyons reported the proposed amendment to the zoning ordinance for the change in parking required for residential densities other than single and two-family dwellings has been duly advertised, the required hearing was held this evening, and this ordinance is ready for Council action.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to adopt Ordinance No. 1022, an ordinance amending the zoning ordinance by changing the parking required for residential densities other than single and two-family dwellings. Motion to adopt Ordinance No. 1022 was unanimously approved.

POLICE COMMITTEE: No meeting in May. Chief Yost distributed and reviewed his 2013 monthly activity report in detail. He reported there was a remainder of approximately \$13,000.00 in the shared services grant (three year grant entered into in year two). Permission was granted for final submission for the remainder of funds, allowing flexibility of spending. The second year of our assistance grant (three year grant) for administrative salaries is also under review at the State level right now.

PLANNING COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve HARB application a through d, as submitted and recommended by HARB. Motion was unanimously approved.

a. Jeff Franken-Paula Harrison/29 South Fourth Street/Renovations. An application was submitted to and reviewed by HARB for renovation work. A motion was made by Robert Cook, seconded by Elaine Wintjen, to approve the renovation work as described in the project description section of the HARB application and as shown in the drawings attached, specifically as follows: all window trim elements to be repaired/maintained, windows to be simulated divided lights with grilles on exterior (match divided light configuration 12 over 1, 4 lights, and 4 over 1, all matching existing openings), siding to be smooth or brushed finish with matching exposure, rear porch to be re-furbished with the roof configuration being maintained and new windows to match 4 over 4 simulated divided lights, fence 4 feet high solid wood with 2 feet high open top (see drawing) to be painted or stained within one year, location of fence being where existing fence is located. Motion was unanimously approved.

b. Kristin-David Koconis/202 South Second Street/Siding and Windows. An application was submitted to and reviewed by HARB for siding and windows. A motion was made by Steve Snook, seconded by Kim Walter, to approve the following: siding to be triple 3, smooth or brushed finish, windows to match existing in size with 2 over 1 simulated divided lights (grilles on exterior), trim and window trim to be maintained, matched on front section of house with corner boards added, side porch removed with new door at rear porch, side doors to be removed, replaced with windows to match adjacent openings. Motion was unanimously approved.

c. Richard C. Harris, Jr./59 North Seventh Street/Arbor. An application was submitted to and reviewed by HARB for an arbor. A motion was made by Elaine Wintjen, seconded by Mary Mastascusa, to approve the arbor as described in project description of the HARB application, and as shown in photo attached to the HARB application. Motion was unanimously approved.

MATT SAUERS

(614 ST LOUIS STREET/CASE NO. CU 13-03)

(AMENDMENT TO ZONING ORDINANCE BY CHANGING PARKING)

CONDITIONAL USE HEARING/ PUBLIC HEARING CLOSED

RECONVENE REGULAR MEETING

(614 ST LOUIS STREET/CASE NO. CU 13-03) APPROVED WITH CONDITIONS

PROPOSED AMENDMENT TO ZONING ORDINANCE/ CHANGE IN PARKING REQUIRED FOR RESIDENTIAL DENSITIES OTHER THAN SINGLE AND TWO-FAMILY APPROVED (ORDINANCE NO. 1022)

POLICE COMMITTEE

PLANNING COMMITTEE

J FRANKEN/P HARRISON

D KOCONIS

R HARRIS

Tuesday, June 18, 2013

d. Cheryl-James Mulligan/309-311 North Third Street/Demotion of Porch-Garage. An application was submitted to and reviewed by HARB for porch demolition and garage demolition. A motion was made by Mary Mastascusa, seconded by Elaine Wintjen, that the garage, which is not visible from the front street be demolished, and the porch, which is not original to the house and not a character defining feature of the home, be demolished. Motion was unanimously approved.

Courtesy Review:

a. Nancy Bernstein/31 South Front Street/Retaining Wall and Steps. An application was submitted to HARB for a courtesy review of the concept of a wall and steps as described in the project description section of the HARB application, and as shown on the several drawings attached to the HARB application. It was the sense of HARB that there would be no issue with the removal of the stone wall and the construction of new brick walls as depicted in the drawings. (Ted Strosser abstained from casting any vote as he is the architect on this job.)

Councilmember Casimir said the Planning Committee reviewed and discussed the written decision of the Zoning Hearing Board granting a variance to allow a larger sign at Mifflinburg Bank. According to our Solicitor, Council needs some legal advice before any official action is taken. An *executive session* will be held on this matter at the end of this meeting, and should Council decide to take any action, it would be after the executive session during the public meeting.

Councilmember Casimir reminded Council of the Route 15 Corridor Improvement Plan and indicated the Manager was directed to draft a letter to East Buffalo Township in an effort to continue the planning process. Manager Smith reported the letter was written and mailed today. Mayor Wagner indicated she wants to be on that Task Force as the entire Route 15 Corridor needs attention.

PUBLIC WORKS COMMITTEE: Councilmember Strosser made a motion, seconded by Councilmember Mahon, to direct the Solicitor to advertise an amendment to the vehicle ordinance to allow two-way traffic on Cherry Alley between North Fourth and North Fifth Streets. ON THE QUESTION: Councilmember Strosser explained this came from the Traffic Advisory Committee and is an attempt to allow access to the parking lot located down behind the Mifflinburg Bank via Cherry Alley. There were discussions to only make Cherry Alley two-way from Raspberry Alley to Fifth Street, but it was then decided to extend it to Fourth Street. Councilmember Casimir suggested this be something we could set-up temporarily when needed. Manager Smith indicated his concern is that would be very confusing. Councilmember Strosser said we really wanted to see Fifth Street become two-way, but it just isn't wide enough without losing parking. Councilmember Casimir said that is a shame as that makes the most sense. Councilmember Strosser said there are two houses on the west side of North Fifth Street that do not have alleys and do not have off street parking, so to take away the parking would make it difficult for them. Solicitor Lyons said you could always make North Fifth Street from Market Street to the alley two-way traffic; that would allow access to the parking lot. Councilmember Strosser said that would mean elimination of two or three parking spaces, including the commercial loading zone. Councilmember Casimir said he is back to the idea of some type of creative temporary signage for the festival days. There was **much** discussion on various options possible. Councilmember Strosser *withdrew his motion*, Councilmember Mahon *withdrew her second*. Councilmember Strosser commented the Rail/Trail will be making that parking lot a trail head, so eventually that lot will need to be paved and it would be a shame to do all that if you can't get access to that parking lot. Mayor Wagner said after all this discussion she likes the idea of Cherry Alley being two-way from Raspberry Alley to Fifth Street best.

Manager Smith indicated he had been telling everyone we are not expanding the Recycling Center, but improving it. However, it appears we are now looking to expand. There is adequate room to expand into the compound area, we can then remove the gate and fence section, which would allow us to collect electronic components and provide additional containers.

Councilmember Strosser reminded everyone the Confirmation of Assignment to Larson Design Group in the amount of \$4,780.00 for design, permitting and document preparation to re-stabilize the stream bank along Buffalo Creek, adjacent to the Borough's brush pile, remains tabled. Councilmember Casimir stated he will follow-up on this. Manager Smith clarified the mud sill design suggested by the Department of Environmental Protection (DEP) will definitely be more aesthetically pleasing than the proposed design by Larson Design Group, although the costs could be a little more.

FINANCE COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve payment of bills from 05/18/13 through 06/14/13 in the amount of \$283,086.32. Motion was unanimously approved.

Councilmember Casimir indicated an *executive session* is also needed on personnel issues and will be held at the end of this meeting.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve the annual contribution increase to the Lewisburg Downtown Partnership (LDP) from \$20,000 to \$25,000 for the years 2014, 2015 and 2016. ON THE QUESTION: Councilmember Casimir indicated Linda Sterling, Executive Director of the LDP, is

J MULLIGAN

COURTESY REVIEW
N BERNSTEIN

WRITTEN DECISION OF
ZHB GRANTED
VARIANCE TO ALLOW
LARGER SIGN AT
MIFFLINBURG BANK

EXECUTIVE SESSION
NEEDED FOR ZHB
DECISION

ROUTE 15
CORRIDOR
IMPROVEMENT
PLAN

PUBLIC WORKS
COMMITTEE
DISCUSSIONS ON
TWO-WAY TRAFFIC
ON CHERRY ALLEY
BETWEEN N
FOURTH AND N
FIFTH STREETS
AND ON N FIFTH
STREET BETWEEN
MARKET ST AND
CHERRY ALLEY

RECYCLING
CENTER
EXPANSION

STREAM BANK
STABILIZATION
(BUFFALO CREEK
ADJACENT TO
BRUSH PILE)

FINANCE
COMMITTEE
PAYMENT OF BILLS

EXECUTIVE
SESSION NEEDED
FOR PERSONNEL

CONTRIBUTION
INCREASE TO LDP
FOR 2014, 2015 AND
2016

Tuesday, June 18, 2013

present and he asked that she speak to this request for an increase. Ms. Sterling said she distributed a letter to Council dated June 5th. The first letter included an estimate of tax monies being paid by Bucknell, even though they are tax exempt. After talking with representatives at Bucknell, they decided not to release those "estimated" figures, but wanted to wait and release the "exact" figures. The second letter dated June 5th eliminated that financial information. She reviewed her letter in detail. She stated they would really like to raise enough money to be able to hire a part-time public relations (PR) person and find a way to use an objective third party to benchmark results. Mayor Wagner announced that Linda Sterling should be commended and congratulated because Lewisburg has been ranked number 23 in the nation in terms of "America's Best Small Cities." She commented Charles Nathan Anderson, in his book titled, In Search of Eden, set out to critique America's best small cities. She read the following, "The criteria for inclusion included: prosperity, progressiveness, setting, weather, identity, population patterns, accessibility, medical care, schools, living costs, employment, entertainment and personal safety. Esoteric considerations also played a role. A community is no better than its downtown area; main business districts should be attractive and thriving. The beauty around us could be a big part of how we feel. Not surprisingly, Central Pennsylvania's small cities rank high. Downtown Lewisburg is the picture perfect college community, a remarkable place blessed with both culture and nature." The three Pennsylvania cities and their ranking: number one on the list is Gettysburg, number 41 is Carlisle, and of course, Lewisburg ranked number 23." Linda Sterling stated that is so exciting. Motion was unanimously approved.

MAYOR: Mayor Wagner said there was a very successful house tour arranged by the Union County Bicentennial Committee on Sunday and the block party set-up at the Tuscan Villa was wonderful. She reminded Council of the Fourth of July festivities, specifically the fireworks June 28th and the parade June 29th. The Girl Scouts recently collected food for pets and had a plaque made for the dog park as a project. She reported an autistic young girl wrote to Linda Sterling asking for a donation to the Geisinger Miracle Network and noted she would like to have a Lewisburg pool pass. Mayor Wagner explained she talked with Katie Davis and Ms. Davis was kind enough to provide a pool pass to this young girl. She also reminded everyone this Sunday we have the Division 13 All Star Championships at our D.F. Green Field.

COUNCIL PRESIDENT: Councilmember Morris made a motion, seconded by Councilmember Casimir, to appoint Ed Cox as a representative and Trey Casimir and Pete Bergonia as the alternates to the William Cameron Engine Company's Municipal and Community Advisory Committee (MACAC). Motion was unanimously approved.

SOLICITOR: Solicitor Lyons indicated we already took care of the ordinance. An *executive session* needs to be held at the end of this meeting on two legal matters, one regarding the sign issue and the other personnel.

MANAGER: Councilmember Morris made a motion, seconded by Councilmember Mahon, to bid three separate paving projects with three separate contracts for: St. George Street (South Second to South Third Streets); North Second Street (Market Street to Cherry Alley); and Meadow Lane and Terrace Drive (North Fifteenth Street to Fairground Road). **ON THE QUESTION:** Manager Smith said this is simply mill and overlay work, as we are attempting to preserve the streets vs. reconstruct the streets. Councilmember Casimir asked if these were talked about at the Public Works Committee. Councilmember Strosser said we talked about five projects, but prioritized these as the top three. Manager Smith said the estimated cost is roughly \$100,000.00 and we have roughly \$200,000.00 in liquid funds monies. Motion was unanimously approved.

Manager Smith indicated there is a need for an *executive session* for a real estate matter and the flood mitigation grants.

Manager Smith indicated that no one has contacted the Borough expressing an interest in decorating our buffalo. There was **much** discussion. Councilmember Strosser commented he and his son actually talked about several ideas.

OTHER COMMITTEES: Councilmember Bergonia updated Council on the Buffalo Valley Recreation Authority (BVRec), and noted the first day the pool opened, the motor burned out. He reported he ordered one and had it in within two days.

Councilmember Morris reported everyone heard Linda Sterling's report on the LDP this evening; they are doing an excellent job.

Mayor Wagner stated the Town and Gown Committee hasn't met.

Councilmember Morris stated everyone should be in receipt of Samantha Pearson's summary of the LNC activities since April 29th. We are dropping the LNC/LDP collaboration idea as there wasn't enough of a connection between the two organizations to make it work. We are now looking at an LNC/Borough collaboration. She would like LNC members to meet with Council, possibly during a work session, to discuss this proposed collaboration. It was suggested that Samantha Pearson, Elm Street Manager,

MAYOR

COUNCIL PRESIDENT
MACAC
APPOINTMENTS
E COX/
REPRESENTATIVE
T CASIMIR AND P
BERGONIA/
ALTERNATES

SOLICITOR

MANAGER
BIDDING OF THREE
SEPARATE PAVING
PROJECTS
APPROVED/ST
GEORGE, N SECOND
AND MEADOW
LANE/TERRACE
DRIVE

**EXECUTIVE
SESSION NEEDED
FOR FLOOD
MITIGATION
GRANTS**

**DECORATION OF
BUFFALO**

**OTHER
COMMITTEES
BVREC**

LDP

TOWN AND GOWN

LNC

Tuesday, June 18, 2013

attend the next Planning Committee meeting to discuss possible ideas/scenarios, with the intent of presenting them to Council at the August work session for consideration. Councilmember Morris indicated the importance of the Manager having input with this and asked the Manager to review the summary report with an eye toward determining what could easily be absorbed by the Borough vs. what could potentially fall through the cracks if we decided not to continue to have an Elm Street Manager position. Manager Smith reported the State has no problem with the extension of the New Communities Grant for an additional year. However, they didn't like the façade project. They did not like the idea of a permanent structure around a temporary structure.

Councilmember Casimir reported the Shade Tree Commission has to address a number of replantings by residents as it appears trees have been planted that are totally inappropriate and not on our planting list. Manager Smith indicated he is working with Kim Wheeler, Shade Tree Commission Chairwoman, and Allegheny Tree Service to identify ash trees in Kidsburg, as well as our other parks. The Borough crew is licensed to administer pesticides, so they will be providing treatments for the emerald ash bore.

Council President Bergonia indicated the CK-COG continues to be very busy and they are again advertising for an additional person as a result of the increased workload.

Councilmember Morris stated the Community Garden is looking good; there is a lot of activity down there.

Mayor Wagner reported the Traffic Advisory Committee talked about the Route 15 Corridor Plan and the Raspberry Alley issue. Manager Smith said we put the pedestrian crossing signs out on Market Street and he received mixed responses. The problem is they must be a certain size and contain certain verbiage per PennDOT regulations. Market Street isn't as wide as it needs to be to accommodate these signs as the base is just too wide. He is thinking we should consider some type of permanent flexible fixture. It was the sense of Council these signs do slow traffic down and suggestions were made to possibly decrease the number of signs and place them strategically.

OLD BUSINESS: None.

NEW BUSINESS: None.

WRITTEN REPORTS: Councilmember Casimir made a motion, seconded by Councilmember Morris, to acknowledge receipt of the Budget Index; Parking Report, Zoning Officer Report, and Code Enforcement Officer Report. Motion was unanimously approved.

WORK SESSION: Council President Bergonia reported there will not be a work session in July.

Council President Bergonia called for a ten minute recess at 8:45 PM.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to hold an executive session for discussion of two legal issues, i.e. a sign issue with Mifflinburg Bank and a personnel issue, as well as a flood mitigation issue and two personnel matters. Motion was unanimously approved.

Council entered executive session at 8:55 PM. Council returned at 10:40 PM.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to direct the Solicitor to advertise an ordinance to allow the Borough Secretary to also hold the title of Borough Treasurer. Motion was unanimously approved.

There being no further business, Councilmember Casimir made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 10:45 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

STC

CK-COG

COMMUNITY GARDEN

TRAFFIC ADVISORY

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

TWO LEGAL ISSUES/FLOOD MITIGATION ISSUE/TWO PERSONNEL MATTERS

(EXECUTIVE SESSION)

SOLICITOR TO ADVERTISE ORDINANCE FOR SECRETARY TO ALSO HOLD TITLE OF TREASURER

ADJOURNMENT