

**Red Lion Borough Council
Meeting Minutes
Monday, June 11th, 2018**

Members

Christina Frutiger
Stephanie Weaver
Chris Minnich
Dennis Klinedinst
Tony Musso
Nevin Horne

Others

Dianne Price, Borough Manager
Mike Craley, Solicitor
Jeff Shue, Engineer
Mayor Walt Hughes
Stacy Myers, Recording Sec'y

Visitors

Bob Frutiger
Laura Kirk
Chad Ward
Karen Ward
Barry Buser
Nick Rhoads

Skip Missimer
Meredith Yakelis
Donna Ward
Joe Silar
Atty. Robert Katherman
Award recipients/family members

Melanie Thompson
Kristin Sweitzer
Jerry Ward
Jim Loyer
Glenn Rexroth

1. The regular meeting opened with President Musso thanking our military men & women who have served and continue to serve, in observance of Memorial Day just recently celebrated. A moment of silence was observed, followed by the Pledge to the Flag.
2. Mrs. Frutiger made a motion to approve the May 7th, 2018 Work Session Minutes; Mr. Minnich seconded. All were in favor; motion carried. Mr. Klinedinst made a motion to approve the May 14th, 2018 Meeting Minutes; Ms. Weaver seconded. All were in favor; motion carried.
3. The Public Hearing was opened @ 7:05p.m. Council was to act upon the following Ordinances:
 - Ordinance 2018-6-3—text amendment to the Zoning Ordinance to permit a contractor's office/shop in the Commercial Zone (currently only permitted in Industrial Zone), permitted by Special Exception. Along with the other existing conditions, it also must meet this condition:
 - All outdoor storage & materials shall be in a side yard and must be secured and screened by a completely opaque fence in full compliance with the other provisions of the Zoning Ordinance. Public comment:
 - Would this amendment include other Commercial properties along South Main that backs up to the alley? *Mr. Craley stated this would be for all properties within the Commercial Zone that meet the requirements, but any outdoor storage must be completely fenced in by an opaque fence.*
 - If a Commercial property has a fence sitting against their building, are they in violation of the Ordinance? *The Zoning Officer would need to determine if this would be a violation. This text amendment means for a contractor's office or shop to be allowed, by Special Exception, within the Commercial Zone, the requirement would be that all outdoor storage & materials be stored in the side or rear yard & surrounded by an opaque fence.*
 - What if the property had no outdoor storage? *If no outdoor storage is there, then no fence would be necessary, but that would need to be a condition to get a Special Exception & must be on the record that there is no outdoor storage. If outdoor storage is created later, a fence would be required.*
 - Ordinance 2018-6-4—a map amendment proposed by the landowner of property at Grand & South Main Streets. It's proposing to rezone the corner bounded by Grand Street, Lemon Lane, South Main Street & the property owned by Sandra Shellenberger from Residential

Outlying to Commercial. Atty. Katherman was present, representing the landowner, Barry Buser. Public comment:

- How big is the property? *The vacant lot is approx. 1/4 of an acre.*
- Dr. Eric Osterberg operates Osterberg Clinic which has been across from this vacant lot for 45 years. He is in favor of the rezone in hope that something could be done with the vacant lot.
- Attorney Katherman would like the chance to address the Council about his client's property. If he waits until after the Awards Ceremony, it would no longer be part of the Public Hearing, but he was amenable to that.

4. **VISITORS AND PUBLIC COMMENTS**—no one to address Council tonight

5. **MAYOR HUGHES REMARKS AND RECOMMENDATIONS**—Mayor Hughes created the following awards to recognize these recipients for their hard work and/or service to the Red Lion community:

• **Red Lion Area High School Senior Awards**—these students achieved the highest GPA in the following subjects:

- Summer Hinton—English—Summer will attend DeSales University in the fall, studying their Physician's Assistant Program.
- Christopher J. Lorenzen—Math and Science—Christopher will attend the United States Air Force Academy in Colorado Springs, CO.
- Jakob Logan—History—not present tonight. He & his parents were presented with the award in the Mayor's office.
- Catherine Bluett—Art—Catherine will attend York College in the fall, studying art & education.
- Joseph Elijah (Eli) Lanehart—Music—Eli will attend Messiah College in the fall, studying Trumbone Performance.
- Ethan Ritchy—Civics—Ethan will attend Penn State in the fall, studying Engineering
- Derek Etter—Performing Arts—Derek will attend school in Pittsburgh to study Musical Theater.

• **Hinkey Haines Award**—Jim Loyer gave a brief presentation about the man behind this award. Born Henry Haines in 1898 and given the nickname "Hinkey", Mr. Haines graduated from high school, Class of 1916. He was a standout athlete at Red Lion, excelling in football & baseball. After high school, Hinkey attended Lebanon Valley College for two years, then joined the military, serving as a Lieutenant in WWI. He then went to Penn State, all the while, continuing to be a great athlete during the 1920's. In 1923, Hinkey was a teammate of Babe Ruth, playing with the New York Yankees, who went on to win the World Series that year. In 1925, he signed with the New York Giants and played six years in the NFL and was head coach for part of a season. He was known as the "New York Giants' First Superstar" and was a part of the team when they won the NFL Championships. Mr. Haines was the only athlete in history to play on teams that won both the World Series and an NFL Championship. Hinkey's son, Henry Haines, II was present at tonight's meeting, stating this is an honor & a privilege that the Mayor has created this annual award in his father's name. His father passed away in 1978, at the age of 80, but always loved the town of Red Lion. Hinkey's son is certain his father would be honored that his legacy will live on this way. Mr. Haines, II shared pictures of his father's college football letter as well as a framed picture of Hinkey Haines & Babe Ruth. Mayor Hughes presented the Hinkey Haines Award to the following two recipients:

- Peyton Shima—for her athletic ability, lettering in field hockey & lacrosse all four years of high school. Peyton will attend Seton Hill in the Fall, majoring in Business Law.
- Denny Dennison—not present tonight.

- **Non-Student Awards:**

- Red Lion Felton Band—Music Award--as a community band since 1882, they have played & continue to play at many venues throughout the years. Enjoy them at Fairmount Park on July 4th from 10am-noon.
- Mr. Ray Olewiler—Performing Arts Award—Mr. Olewiler thanked Mayor Hughes for the recognition. He said he is proud of Red Lion and believes it was and continues to be a great community.
- Mr. Chad Ward, Guitar Spot—Business of the Year Award—Mr. Ward thanked Mayor Hughes, as well as the town’s residents. He has enjoyed operating his business for the past 4 years and now has 150 students. He enjoys bringing music to the community.
- Ms. Melanie Thompson—Volunteer of the Year Award—Ms. Thompson thanked Mayor Hughes and Borough Council. She enjoys the committees that she serves on and likes to represent the Red Lion community.

6. **PUBLIC SAFETY**—Mr. Minnich reported:

- **Fire Company Report**

- 20 calls for the month, using 31 pieces of apparatus
- The recent Compliance Fire Audit had one finding; “failure to maintain a complete & accurate equipment roster”. Mr. Minnich stated that Red Lion Fire Company is completely volunteer, and the staff have regular jobs with long work weeks, but a correction letter will be submitted to the Auditor General’s office for 2015, 2016 & 2017.
- Joe Silar also reported:
 - Again, the Relief President will submit the audit corrections to the Auditor General, as well as a letter listing the steps that will be taken to correct the deficiency from this point forward.
 - Waiting to hear from Yoe Paving for a date for the parking lot sealing
 - Saturday, June 16th—chicken BBQ
 - July 21st—wrestling event
 - September 22nd—crab feed
 - Concerning the Burn Ordinance—most people have been compliant if the fire company must respond to a burn complaint. What if someone refuses to let them on their property? The fire company doesn’t have the right to go on someone’s property & State Police don’t enforce the Ordinances. Who do they call, in that case? Mrs. Price stated that while there are Code Enforcement people locally, if it would be late at night (11pm-later), the responding fire company should report everything to the Borough the next day. They are urged to take pictures, record times, etc. for report purposes.

- **Ambulance Report**—60 calls for the month (seems high, but they respond to fire calls as well)

- **EMA Report**—Laura Kirk said things are going well. On voting day in May, she distributed safety/EMA literature at one of Red Lion’s polling places, but Mr. Klindedinst reminded her there are 3 polling places in Red Lion. She was unaware but will keep this in mind for the November election.

- **Police/Safety Report**—the two cameras have been installed in the park pavilion and are in operation.

7. **SOLICITOR’S REPORT**—Mr. Craley reported:

- Concerning the Burn Ordinance, he suggested the Fire Company document any situation they deem would be dangerous for them & avoid confrontation.

- He, Dan & Mrs. Price have dealt with several Nuisance Ordinance violations recently— animal, noise & vegetative. He stated many municipalities are dealing with numerous nuisance violations as well.
- Per the Manager’s Report, he is willing to attend the Zoning Hearing (June 12th) to make certain the Borough Ordinances are met regarding lighting, screening & the loading space. Ms. Weaver made a motion authorizing Mr. Craley to attend the Zoning Hearing on behalf of the Borough & Borough Council’s concerns; Mr. Minnich seconded. Mr. Craley was at the recent Planning Commission meeting where Rutter’s proposal was discussed. He isn’t opposing the application, but there are lighting problems, screening problems & an issue with Rutter’s proposed loading space. He believes these issues would have an adverse effect on the neighborhood & he wants to be sure Rutter’s provides compliance of the Ordinances. Mr. Klinedinst stated he would like to see limited delivery times, adhering to the Noise Ordinance. Mr. Craley will include this as well. Mr. Horne asked if the State’s recommendations for the driveway on Winterstown Road will be questioned? Because he said the one driveway is in violation. Mr. Shue said that is a Highway Occupancy Permit issue that would be addressed later, but Mr. Craley will keep this in mind at the Zoning Hearing also. Mr. Craley said there is case law that states if it is a State highway, there must be compliance of both rules. If there are specifics as part of our Land Development Ordinance, we can look at that when Rutter’s submits their LDP. Motion above was voted on; all were in favor; motion carried.

8. **ENGINEER’S REPORT**—Jeff Shue reported:

- Rt. 24/Rt. 74 Project—Jeff spoke to the Rt. 24 Project Manager, who stated they are willing to move the work in the Borough to the Rt. 74 Project. They will walk the project with Jeff when the times comes. This will cause the work within the Borough (by Public Works) to be delayed until the Rt. 74 Project is done. The Rt. 74 Project is set for 2020.
- Road project—paving work scheduled to begin July 1st, 2018; however, with July 4th festivities, it should be pushed to the 2nd week of July.
- Stewart & Tate microsurfacing to begin the end of July.
- Letter related to the Rutter’s review of their traffic study. Jeff reported the following highlights of his findings & comments:
 - Rutter’s is not addressing the conflict between their driveway & Railroad Lane. The traffic volumes that come to the store via the alley are not being counted in the total traffic volume, then they are prorating that amount for the larger store. This will need to be addressed and in doing so, adjust their traffic volumes.
 - Configuration of Railroad Lane, the new driveway, the driveway from Ace Hardware, the signal lane and the queuing associated with all of those have not been addressed and they need to be.
 - Existing Railroad Lane is used for deliveries & Rutter’s makes no reference in the Traffic Impact Assessment as to how this will continue to happen and/or how it will affect traffic volume.
 - Left turn lanes coming off Winterstown Road into the store & left turn lanes going East on South Main turning left into the store are both problematic. On South Main, there are no turning lanes, so a car, wanting to turn into the store’s parking lot, stops traffic on Main Street. This needs to be addressed. PennDOT has raised this concern and if Winterstown & driveway access ease is restricted, it becomes more of a concern. One of the alternatives Jeff is proposing is to restrict left turns into the store for vehicles traveling on Winterstown toward the intersection. So, vehicles must go to the traffic signal (intersection), make a left turn and then turn left into the store parking lot. This creates a higher traffic volume than what is currently seen there.

Jeff is suggesting Rutter's creates either a "right turn in or out" onto Winterstown or eliminate the Winterstown driveway altogether.

- Rutter's is not allowing a 50' throat length for non-minimum use driveways. This could create "stacking" & back up traffic on the State road. Jeff views this as a concern that should be addressed here or with the HOP (Highway Occupancy Permit).
- Regarding the Winterstown Rd/Railroad Lane being too close together, Jeff stated Rutter's must comply with the new regulations during the HOP process.
- In the event that the HOP is granted, it would be granted in the applicant's name (Rutter's). If the Borough has issues with the permit, Jeff feels the HOP will not be granted. They defer to the local government to insure they're satisfied.
- Jeff also stated he believes Rutter's has some challenges with the proposed plan, including relocating the utility pole currently behind the island separating Rutter's facilities from Railroad Lane.
- Jeff will move forward with submitting this letter to Rutter's & PennDOT to make them aware of the Borough's understanding in this process.

9. **RESOLUTIONS**—Resolution 2018-7 to amend the signers on the municipal accounts. Mrs. Frutiger made a motion to adopt Resolution 2018-7; Mr. Minnich seconded. All were in favor; motion carried.

10. **ORDINANCES**—the following are before Council for action:

- Ordinance 2018-6-3—text amendment to permit a contractor's office in the Commercial Zone. Ms. Weaver made a motion to approve Ordinance 2018-6-3; Mr. Klinedinst seconded. All were in favor; motion carried.
- Ordinance 2018-6-4—map amendment rezoning a portion that is currently Residential Outlying to Commercial. Atty. Katherman is present on behalf of Buser Imports, LLC (owner of this parcel at the corner of Grand Street & South Main Street. This request was made to the Planning Commission in January and Mr. Katherman wished to now address Borough Council as well. Mr. Buser has owned this parcel for 3 years. It is one tract of land with one UPI number, but two zones, Residential Outlying & Industrial. The Industrial lot is occupied by a warehouse & used as a warehouse, but the RO lot is an empty lot which has been empty for over 20 years. As Residential Outlying, because of its size, the lot is not desirable for a residence. Mr. Katherman stated this area of South Main Street is in a transition period with Rutter's rezoning to allow an expansion, along with doctor's offices across & down the street. Within 5 years, Mr. Katherman suspects we will see more changes in this area from residential to more commercial uses and he said zoning should always look to the present & to the future. By Special Exception, a hospital, daycare, cemetery, etc. could be put on this lot, but none of those are very realistic.

Mr. Buser couldn't expand his Industrial use because the front part being Residential Outlying; there are so few uses for RO. When Buser Imports came before the Planning Commission, they proposed changing the RO lot to Industrial; however, the Commission believed Commercial would be a better way to use that lot. The Planning Commission voted unanimously in January to make that land Commercial and send it on to York County Planning Commission for their comments. Those January minutes reflect the Commission & Mr. Craley stated a good mix of Commercial & Residential in the downtown is good & Commercial uses give the town a better tax base.

For those concerned with the resident next to this lot, Mr. Katherman stated the resident received notice of tonight's Public Hearing, but they were not in attendance to voice any concerns. The property owner across the street (Osterberg Chiropractic) is in attendance tonight & believes the rezone is a good idea. Dr. Osterberg would like to see a better use of this empty lot.

There may be few buyers for the lot, once it's rezoned to Commercial because of the limited number of uses for Commercial in that area; however, now, as Residential Outlying, there is **no**

realistic chance to use it. A visitor at tonight's meeting told Mr. Buser that, should he get it rezoned to Commercial, she may be very interested in it.

For those concerned with an impact on traffic, the lot is so small, it wouldn't house any super store and Mr. Katherman stated traffic will be addressed during the land development process. Borough Council is not approving the right to build something on the lot; they are simply approving the rezone.

After the January Red Lion Planning Commission, this went to YCPC for their comments and they were not in favor of the rezone, claiming this would be "spot zoning". Mr. Katherman said, if they won't allow Mr. Buser to rezone to Industrial (as the rest of his lot) and it's been sitting unused for 20-25 years as RO, why not compromise in this one situation to make it Commercial. There are other Commercial uses for this lot. With the small size of the lot, there would not be much negative impact on the surrounding neighborhood and it could possibly be a positive impact. Council comments:

- Council was under the impression that Mr. Buser had problems getting a loan because the parcel has two different zones. *Mr. Katherman is unaware there is any pending loan.*
- If he doesn't want to do anything with it, why change it? *He would like to try to do something with the empty lot.*
- Council is not voting on a specific use for the lot; only for the rezone.
- The parking lot was needed for the factory/buildings in the rear of the lot. What will happen to them after the rezone? *The warehouse on Grand Street & the lot are both on one deed. If rezoning would go through & Mr. Buser decides to subdivide, he would have to assure Council that no nonconformities are created by the lack of parking, lack of open space, etc. Can we insure that the buildings, in the future, don't get abandoned? No, but Mr. Craley believes the zoning classification of the vacant lot is not going to make a difference on that. At the Planning Commission meeting, Mr. Craley said it was understood that adequate parking would need to be supplied for the Grand Street building if a separate/single use would become on the vacant lot.*
- What does Buser Imports import? *Fencing, guard shacks, vehicles, among other things*
- Mr. Musso stated that if Mr. Buser would move the business from the warehouse on Grand Street, it would sit empty unless a business needing that certain amount of space would occupy it. Mr. Katherman said Mr. Buser wants to stay in the space while improving it & growing the business in Red Lion.

Mr. Minnich made a motion to approve Ordinance 2018-6-4; Mr. Musso seconded. A vote was taken; there was a tie vote 3-3 (Weaver, Horne & Frutiger opposing). Since Mayor Hughes was not present to break the tie vote, Mr. Craley stated according to Section 1003:D4 of the Borough Code, the matter must be tabled for not less than 5, no more than 10 days as set by the President of Council. The Mayor must be given 5 days' notice at which time it will be his duty to cast the tie-breaking vote.

Mr. Musso designated that a special meeting should be scheduled at 6:30p.m., June 18th, 2018 before Red Lion Planning Commission's meeting @ 7:00p.m. Mr. Craley stated that because there is an absent Council member tonight, if Mayor Hughes was present, he could direct that the matter be tabled until the special meeting when Council could re-vote. However, since he has left tonight's meeting, there would not be an opportunity for a re-vote; Mayor Hughes will cast the tie-breaking vote, one way or the other (per Borough Code). Atty. Katherman is not able to attend the June 18th meeting, but statute doesn't allow the matter to be extended more than 10 days & the Mayor must be given 5 days' notice. Atty. Katherman did not believe this to be fair since Mr. Buser would not have his Counsel present and there will be no opportunity to make their presentation to Mayor Hughes before he casts his vote. Mr. Craley stated this is the specific language in the Borough Code.

11. **PARKS AND RECREATION**—In Mrs. Barley’s absence, Kristin Sweitzer & Meredith Yakelis reported:

- Farmer’s Market was held Sat, June 9th; one vendor didn’t show, but it was well-attended.
- Food Truck Friday—June 15th
- Suds ‘n’ Song event was a fun event & was successful, financially & recreationally, despite the rain later that day.
- June 18th—day camp begins
- July 3rd—fireworks at dusk
- July 4th—Stay at Home event—food vendors, chicken BBQ, car show & other vendors
- Splash Pad—Mr. Klinedinst heard a pipe burst & there were other problems when it opened. Mrs. Price said the Splash Park is 5 years old & some valves just needed to be replaced. It is operating well other than that maintenance.
- Mr. Musso thanked the ladies for their hard work & a great job with Recreation!

12. **MUNICIPAL SERVICES**—Ms. Weaver/Mr. Missimer (RLMA) reported:

- June 13th—water shut offs for unpaid bills
- In addition to the North Camp Street Water Main Replacement Project, the Municipal Authority has another very small project on West Walnut Street, where municipal staff will replace some galvanized pipe (affects only two residences).
- Council thanked the Authority again for the use of their generator.
- No further word yet on the Hydrant Agreement.

13. **PUBLIC WORKS**—Mr. Klinedinst reported:

- Solar speed signs have arrived—they will be installed on East Broadway (near Rexroth’s Industrial Park) & South Main Street (coming into town).
- Storm drains —there are some that need cleaned; these will be addressed.
- Flashing lights—the school may still have the key to the box & it must be given to the Borough or the locks will be changed. This will be addressed.
- Lion Tool’s surety release—at the recommendation of the Borough Engineer, Mr. Klinedinst made a motion to release \$470.77 that was held in escrow until the project was complete; Mrs. Frutiger seconded. All were in favor; motion carried.
- Handicapped parking space at 400 Cottage Place—after visiting the property, Mr. Klinedinst & Dan Shaw did not see the need for the designated space.
- New lawn mower is backordered until June 20th; cost is approx. \$13,000
- Summit Drive (off Ivy)—some paving at the culvert needs done. Brett Patterson wasn’t aware of this, but it will be fixed.
- Penn Waste trucks tearing up macadam—Ms. Weaver stated there are many ruts around her house caused by those trucks. Brett Patterson will address this with the truck drivers.
- In addition to the road project, the Engineer estimated Boundary Avenue improvements (widening, then paving) between Adams Lane & Linden Avenue to be approx. \$55,000. Mr. Klinedinst made a motion to approve this additional work; Ms. Weaver seconded. All were in favor; motion carried.

14. **PLANNING, ZONING & REDEVELOPMENT**—Mr. Horne reported:

- Glenn Rexroth was present tonight to request a Waiver of a Land Development Plan. He plans to enclose one of his three loading docks in his Industrial Park. The dock will be on a 20-30% angle to avoid trucks backing up the hill. Since there are no proposed changes to traffic patterns, sanitary sewer flows, parking needs, etc., Jeff Shue concurs with the request to waive the LDP. Mr. Klinedinst made a motion to grant the Waiver of a Land Development Plan; Mrs. Frutiger seconded. All were in favor; motion carried.
- Zoning Hearing--Tuesday, June 12th @ 6:00p.m.
- Planning Commission Meeting—Monday, June 18th @ 7:00p.m.

- Special Council Meeting—Monday, June 18th @ 6:30p.m.—Buser property
 - Banners—the new replacements should be here later this month
 - Redevelopment Committee did another walk-through town—counted 16 properties that the Committee feels are lowering the property values of the neighboring properties and may be detrimental to the community.
 - Mrs. Price asked Council to gather ideas for the museum—Sell it? Renovate it? Lease it? If the Borough would sell it, the grant money used to purchase it must be returned.
Redevelopment and other Council members can report back with their ideas.
15. **ADMINISTRATION**—Mrs. Frutiger reported the RFP’s were mailed to several auditing/accounting firms for the Borough’s Audit. One has been received already; they are due by July 2nd.
Mr. Klinedinst asked Mr. Craley if a position is available, as an Equal Opportunity Employer, does the Borough have to advertise the position? Or can they hire “off the street”, if they wish? Mr. Craley is not aware of an advertising requirement; he is not aware of any other municipalities doing so except for Civil Service positions (police, etc.).
16. **COMMUNICATION**—nothing further
17. **Approval of bills**—Mrs. Frutiger made a motion to approve the bills; Mr. Minnich seconded. Several Council members requested copies of the invoices corresponding to the credit card statements be supplied in the future. All were in favor; motion carried.
18. **Adjournment**—Mr. Klinedinst made a motion to adjourn the meeting @ 8:55p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary