

Myerstown, PA
Monday, August 8, 2016

President Bryan L. Rittle called the planning meeting of the Myerstown Borough Council to order at 6:30 p.m., on Monday, August 8, 2016. The meeting was held in Borough Council Chambers in the Myerstown Municipal Center, 101 East Washington Avenue, Myerstown, PA 17067.

A roll call was taken. Present were: President Bryan L. Rittle, Vice President Michael D. Behm, Councilmembers Vince Podolski, Eric Powell, Jeffrey L. Thomas, Dana Reich, Mayor Gloria R. Ebling, Planning Commission Member Nancy Kirsch, Assistant Manager Barry A. Ludwig, Deputy Secretary Lisa A. Brubaker, and Manager Christopher J. Moonis. Absent was: President Pro Tem Park W. Haverstick, II

No minutes of past meetings were presented for approval at this planning meeting and no action was taken on any minutes.

The Manager stated the planning session is being held to discuss the G.O. Note Modification with Consultant Daryl Peck from Concord Public Financial and to talk with Consultant Charlie Schmehl from URDC (Urban Research and Development Corporation) about the new Zoning Ordinance and map.

The President turned the discussion over to the Manager. The Manager explained, last month the Council reviewed the G.O. Note Loan Modification. Our consultant, Daryl Peck went to talk with the bank about the possibility of a modification of the original G.O. (General Obligation) Note. The Manager was concerned about extending the drawdown period on the note because we were running short on time to use the funds for the projects we have going.

The Manager noted that Councilmember Michael D. Behm noticed a difference on the paperwork for the drawdown period. The Manager stated the correct answer is, this is a one (1) year extension. He believes we can get all the money extracted from the note by October of 2017. The other part is the potential financial savings, which Daryl Peck will talk about tonight as it relates to extending the fixed rate of the loan for an additional two (2) years.

The Manager introduced Daryl Peck to the group. The Manager stated Mr. Peck makes sure we get the best opportunities in the financial market as possible. Tomorrow night, Council will have the Attorney for the note, Joseph Pierce, to talk through any legal matters with regard to the note. If approved, then Mr. Pierce will expedite the paperwork with the people who need to sign on behalf of the Borough.

The Manager turned the discussion over to Daryl Peck. Mr. Peck explained Concord Public Finance did the refinancing for the Borough in 2014. They are always looking for opportunities to help the Borough and improve the financial situation for the Borough when possible.

President Pro Tem Park W. Haverstick, II, entered the meeting at 6:35 p.m.

Daryl Peck stated with the current loan status, the Borough has \$9,710,000.00 of loans at an interest rate of 2.25%. There are two (2) notes, the Series A and Series B Note of 2014. The current interest rate is set to expire in five (5) years, with the drawdown period for the Series Note B funds expiring on October 15, 2016. Daryl Peck stated Fulton Bank has offered to extend the current 2.25% fixed rate for an additional two (2) years as well as extending the drawdown for an additional one (1) year period until October 17, 2017.

Daryl Peck reviewed the objectives and benefits of doing the loan modification. It will lock in the 2.25% interest rate for two (2) more years which provides against higher interest rates in the future. If compared to the loans cap rate of 4.75% that is a difference of about \$260,000.00. Extending the draw period, with the interest rate savings on the funds still remaining the savings will be about \$5,000.00. These are the key objectives as to why you would look to do this. Daryl Peck reviewed the existing notes, rate terms and related costs. The total costs are about \$28,000.00. Fees will be paid at settlement.

Councilmember Michael D. Behm asked if this interest rate is still following prime. Daryl Peck stated yes, it is 65% of prime. The real difference is the lower locked interest years. The beauty of doing the bank loans is you can do these modifications and lock in rates without doing a complete refinancing.

The Manager asked if there are any cons in doing this. Daryl Peck stated he doesn't feel there are any because we are locking into the lower rate.

Daryl Peck stated as the Manager indicated Joseph Pierce will be here tomorrow evening with a Resolution that would be needed for formal action to accept the proposal should the Council approve to do the refinancing. Seeing no more discussion, Daryl Peck thanked the Council for their time and consideration.

The President turned the discussion over to Charlie Schmehl. A Discussion Guide was provided and he asked the group to turn to page 13 of the guide. The start of tonight's discussion will be; Home Day Care and Home –Based Businesses.

The Home Day Care is a growing industry. Does the Borough want to promote it or is it a growing concern. This is where a day care is operated and they operator also lives in the home. It is not a full scale day care center. You can typically limit the number of children being taken care of by different zoning districts and different types of housing. The center would have to follow all state guidelines but the borough can be more restrictive then the state if so desired.

Home-Based Businesses – these are small businesses allowed to operate out of a home. They need the right standards to make sure they are not going to create nuisances for neighbors. Low intensity businesses must be allowed everywhere under state law. You can control the more uncommon types, the more intense types and the types more likely to have customers coming to the home. Normally, you propose a list of the by-right common types of low intensity home-based businesses and then other types of more intense and unusual home-based businesses go to the Zoning Hearing Board for approval.

Group Homes – provides housing for persons with disabilities. Disabilities is a Federal protected term. You must treat housing for persons with disabilities the same way we treat housing for family members. We must treat them the same and not discriminate against them. Disabilities can include mental illness that is not a threat to others, persons recovering from drug and alcohol addiction and developmental disabilities.

The drug and alcohol is usually the most controversial, we try to control that as strictly as we can. Simply because most communities are concerned about that in residential areas. Methadone Centers are another issue. We are supposed to treat a methadone center the same way we do a doctor's office. The state law states a methadone center cannot be discriminated against.

Charlie Schmehl stated the revised Zoning Ordinance will give provisions for chemical plants, asphalt plants, trash transfer facilities, salvage/scrap yards, after hour's clubs, nightclubs and drug and alcohol rehab centers. The goal is to put the Borough in a position that if someone proposes something like this. You have provision to deal with these and control them.

From the moment someone comes in the door and requests a permit, the Ordinances can be locked in place and you could be in a situation where a hazardous facility is proposed and you don't have any regulations to deal with it. You are stuck with whatever was in place when they submitted their development application. The Borough needs to do their homework in advance to make sure we cover all types of things that hopefully you never have to deal with, but if you do you have something on the books to point to and control or deny with.

Planning Commission Chairman James Yiengst, entered the meeting at 6:53 p.m.

Historical Buildings – the Borough can have provisions in the Zoning Ordinance that requires approval before a historical building can be demolished. Council can decide what buildings are worthy of this protection. You do not need state approval. You can go through the Borough and list buildings the Council is concerned about. If this buildings were torn down it would be a loss to the community. What you are not saying, is a building can never be demolished, but there is a process required before it can be demolished. A public process, a public hearing and a vote by Borough Council.

Charlie Schmehl stated communities are moving in this direction. They do not want a situation where someone can get a permit, take down a building and no one knew a building was threatened. This does not control or regulate window replacements, roofing materials or what an owner can do to the home. It is mainly proposing to control the demolition of what you feel are the most important buildings in town. This would include partial and complete demolition.

Charlie Schmehl stated you are not trying to preserve everything that is old. You are trying to have a progress for things people have a connection to. There may be some old buildings that are not worth preserving or regulating. The Borough may want to find some volunteers who would help prepare the list.

Buffering, Landscaping and Green Incentives – Charlie Schmehl stated Landscaping is one (1) way of improving the appearance of development. It is hard to control architecture, but if you require the right amount of landscaping almost anything looks good.

With Buffering, if you require evergreens plants in between businesses and residents or in between truck parking and the street, in many cases this can really help improve the appearance of the community.

The Borough can have some Green Incentives. This means if someone has a building that meets modern green environmental certifications standards. You might relax some Zoning standards to make it easier for them. Charlie Schmehl gave some examples, like, pave more of the lot, if they have a green roof they could have a larger building. You can have some incentives to have people do more environmentally sound projects. The new zoning will address Solar Energy and Wind Turbines as well.

Signs – Charlie Schmehl stated a Zoning Ordinance controls the heights, sizes and types of signs in different parts of town. Charlie Schmehl stated we have some projecting signs that come out perpendicular to a building downtown, he feels that is a good thing. It increases the visibility of the signs from the sidewalk and encourages those.

The Borough can allow temporary signs on the sidewalk. Charlie Schmehl gave an example. For a restaurant, to allow a temporary sign for their specials on the sidewalk. This would only be placed on the sidewalk while the business is opened and removed when it is closed.

Electronically changeable message signs have a place, but can be overdone. If they flash or change to frequently or are too bright you should have standards that address these issues.

Billboards, Charlie Schmehl stated we are required to address them and allow them somewhere in town. The Borough can regulate the sizes that may be placed. We can have large setbacks from homes, we can have setbacks between billboards, but we have to allow them somewhere. Charlie Schmehl questioned does the Borough want to allow for any new billboards along State Route 422 or limit them to the Industrial District.

Charlie Schmehl feels a company would want to place them along State Route 422. The Manager asked if the Borough would be regulated by this if we decided to place billboards as part of a marketing/economic development push. Charlie Schmehl stated Zoning is usually written that the Borough is exempt for things for governmental purposes, but if the Borough rented a billboard then it would be regulated.

Charlie Schmehl stated if a billboard is on a State road, the state does have some rules. For the most part it is up to the Borough to regulate. Billboards can overwhelm business signs. Right now, eight (8) double sided video screened billboards could be placed along State Route 422. The Borough can make it hard to place or make it easy to do. How strict does the Borough want to be? Charlie Schmehl is suggesting a large separation distance between billboards. You might get one (1) billboard, but not eight (8) billboards. Generally, the Council agrees with the large separation distance.

Parking and Loading - Charlie Schmehl stated the last item for discussion from the guide is parking. The zoning will have provisions for the minimum amount of parking that is required in case of development. Some towns are providing an option for developers who cannot meet the parking requirements in the downtown. There could be an option of paying a fee to the Borough in place of providing a parking space. The fee could be used to develop municipal parking lots or lease, like a church lot, to make municipal parking. It is a way to have some flexibility of meeting parking requirements and help the Borough overtime develop some more municipal parking.

Charlie Schmehl asked the group to turn their attention to the maps provided for review. One (1) map shows the proposed zoning map and the other is showing the existing zoning with the proposed map layered on top.

Charlie Schmehl started with the North end of College Street/State Route 501. He is suggesting this area be designated as Traditional Mixed Neighborhood. This would allow a mix of very light businesses that are compatible with housing. We do not want to force anyone to move out of their neighborhood, but at the same time we want the opportunities for some of the businesses to grow in that area. The Manager stated this is a change from the last discussion we were going to convert it to General Business District, but felt this would be a better fit for the area.

Charlie Schmehl stated the area of Oak Court is being proposed to be made part of the main Commercial District. The idea is the buildings may not be there over the long term. Most of State Route 422 would be in this General Business District. This is a permissive commercial district. It allows all types of commercial businesses.

There are homes on the South side of State Route 422, just west of Railroad Street. The concern was not to harm the residential neighborhood by making the whole frontage along State Route 422 commercial. So, Traditional Mixed Neighborhood is being proposed there as well. It is a way to go from a restaurant in the Commercial District to an office in a Traditional Mixed Neighborhood and have houses behind that office.

The Manager stated PennDot is doing a 422 Corridor Improvements Project. This area will be part of those improvements.

Charlie Schmehl stated the residential neighborhoods on Railroad Street would remain Low Density Residential Neighborhoods. This would allow singles, side by side twins, and limited set of townhouses. Townhouses would have to be on a larger piece of land.

Town Center is the downtown. Charlie Schmehl stated right now it mainly along Main Avenue in the center of town. It was suggested last discussion, to include some properties along North College Street. That is where the visibility for traffic, where the traffic is and feel it is more viable to promote some businesses on College Street even more so than on Main Avenue. It is proposed to add some of North College Street as part of the Town Center District.

The Town Center District is intended to provide for housing and most type of commercial businesses, but does not provide for drive-thru restaurants, auto repair, gas stations and car washes. It does not provide for the heavier, more highway oriented uses. Those things belong on State Route 422.

The idea of a Town Center District is for pedestrian oriented businesses, on street parking, to maintain the character of the downtown and preserve the most important buildings. Some demolition may be needed for parking. Lots are narrowed. The significant buildings should have a process for demolition control. The suggestion is any new building would have to be built up against the street, to help maintain the character of the downtown.

The President asked to discuss the area North at Railroad Street and Jefferson Avenue. The map is showing this area as Old Town District on East Washington. His concern is there are a number of businesses on that street. With this designation, what does that leave them? Or would it make sense to do Traditional Mixed Neighborhood District there so they would have options to do something business-wise with those properties. Charlie Schmehl stated you could because with an Old Town designation you are very limited to small home based businesses. If you want to allow things like offices, and personal services uses you could extend the Traditional Mixed Neighborhood into that area. Just remember, anything that exists legally today it continues to be legal. If you want to make it easier to reuse those business sites, then a Traditional Mixed Neighborhood District would make it easier.

Charlie Schmehl is recommending the former shirt factory building area be a General Business District. That could continue to allow industrial use. This is currently residential zoned. Changing it to a General Business District would make it easier for new businesses to come in and use the space.

The Manager questioned the area next to the old shirt factory building going down Washington Avenue regarding the business buildings there. Right now, Verizon owns the area next to the church. It is being proposed as a Traditional Mixed Neighborhood. The Manager asked if that is the right designation.

Charlie Schmehl stated if you make it General Business and the property ownership changes, you could have an auto repair shop there. Do you want that in a housing area? He feels the Traditional Mixed Neighborhood maybe the best thing for the neighbors.

Charlie Schmehl stated there are two (2) options for this area. General Business or Traditional Mixed Neighborhood. General Business would allow all types of businesses like car washers, fast food restaurants, auto sales, auto repair, gas stations and convenience stores. Traditional Mixed Neighborhood which would limit the types of commercial businesses. It would allow for retail stores, personal services, funeral homes and day care centers. One is more permissive than the other.

The Manager stated we want the most flexibility not necessarily permissive, just flexible. After discussion, Council agreed to do Traditional Mixed Neighborhood designation for this area.

Charlie Schmehl stated following the Borough Comprehensive Plan recommendation. A Traditional Mixed Neighborhood District has been placed for most of the length for Main Avenue.

Charlie Schmehl stated the Old Town District mainly allows for singles, twins, townhouses and some apartments. As designed on the map it is a lot of the older parts of town. There is a density increase proposed over in the Southwest part of town off of Race Street, Locust Street and Carpenter Avenue.

Charlie Schmehl stated there was discussion between himself and the Manager on the Theological Seminary on College Street. The Seminary has sold some of their property and may be selling more. The thought is we should be prepared for that. Charlie Schmehl is recommending a Traditional Mixed Neighborhood. This would give options for the Seminary and also for some fringe pieces to be built as housing.

Charlie Schmehl stated this would also include the retirement community on the East side of College Street. There has been talk that the facility may not be there long term. This is a larger area where business or townhouses could be placed.

Charlie Schmehl stated we are showing most of the Southern part of College Street, including the Public Works Garage, as Traditional Mixed Neighborhood. This would allow for things like restaurants in front and do residential in the back. We could not do the heavier commercial uses like, no drive-thru restaurants, auto repair, or auto garages.

Charlie Schmehl stated this is a nice view along College Street and it shouldn't be turned into a commercial strip. The Traditional Mixed Neighborhood designation is a compromise. It gives you some business opportunities but it doesn't give you the huge signs and bright lightening.

Councilmember Michael D. Behm asked with the Traditional Mixed Neighborhood designation there, would that prohibit placement of a strip mall. Charlie Schmehl stated the provision is that you have to build a building relatively close to the street. You could have parking to the side of the building, but could not build a mini mall in the back of the property with a huge parking lot in the front. We are trying to maintain a nice facade along College Street because it is special part of the community.

Staying on College Street, at the corner of Stover Avenue and College Street. Charlie Schmehl stated there is a warehouse and some vacant land. The Manager is concerned it is showing as a Light Industrial District. He feels it should be a Traditional Mixed Neighborhood District to allow for business development. The East side of College Street will remain a Traditional Mixed Neighborhood.

The whole area where the Bayer plant is located will be a Light Industry District, but we need someplace for the Heavy Industry District. That has been placed South on Richland Avenue and East of Cherry Street.

Charlie Schmehl stated last time the group talked about the floodway and the flood fringe. The floodway is the area that carries the main flood waters. It has the faster, deeper flood water. The flood fringe is the more shallow and less frequently flooded area. The map is showing the floodway, the main flood channel, in the Conservation District, but did not show the flood fringe. There are still regulations under Federal rules for the flood fringe, but you can still build in the flood fringe, but not in the floodway.

The Manager stated since we are on flooding, he would like to discuss. If you look at the Tulpehocken Creek, there is one (1) to two (2) major properties that are right in the middle of the floodway. One (1) is the Mayor Gloria R. Ebling's property. Thought should be given to a long term plan.

The President stated properties can be purchased with Hazard Mitigation Funds. If approved for funding, once purchased, the property would have to remain park/recreation area.

The Manager stated FEMA (Federal Emergency Management Agency) has funds for this type of acquisition but the property owner has to initiate the request with FEMA.

Charlie Schmehl stated this can be an opportunity because there is a Federal Floodplain Mitigation Program. It is a volunteer program, the property owner has to request it. The FEMA will pay fair market value for buildings that are very flood prone. It will pay to demolish and clean up the land and then turn it over to the Borough for free for park area.

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The Assistant Manager asked to look at the area on Richland Avenue where the General Industrial District is located on the map, but on the North side of Richland Avenue it is designated Light Industrial District. There is a business there that has property on both sides of the street, they would have two (2) different Zoning Districts. How would this effect their business? They are a good employer of the town.

Charlie Schmehl stated the only difference would be they can do more things on the South side then the North side. Other than that it would be the same. The idea of Light Industrial is almost all types of industry is allowed there, it is not intended to be a really restrictive district.

Councilmember Michael D. Behm asked if anyone knows who owns a piece of property right across the tracks. The President stated that is owned by the Water Authority.

Charlie Schmehl stated the last area to discuss is Center Avenue along Cherry Street and Railroad Street. They is a series of older businesses in there. He is trying to encompass some these businesses and put them into some type of business category. All of them are residentially zoned. He wanted to recognize them and make it easier to reuse some of the businesses.

Councilmember Park W. Haverstick, II stated this area is also where his father's animal hospital is located. If the animal hospital stays as Low Density Residential, what will happen if the business is sold?

Charlie Schmehl stated any existing legal business today continues to be legal forever. If it is sold and in a residential district, it can become a new business, as long as the new business is not more intense than the old business. The animal hospital business could become a real estate office or medical office, but couldn't be an asphalt plant, because that is more intense than the old business. You are guaranteed the right to have a business there forever, but there are just some limits as to how intense it may be if it stays in a residential district. Charlie Schmehl stated no final decisions are being made tonight, so if he would like to discuss this with his father and can give any feedback at the next meeting.

Councilmember Vince Podolski asked who determines what is more intense. Charlie Schmehl stated in the Zoning Ordinance states it and the Zoning Hearing Board has the final say of what is more intense.

Councilmember Michael D. Behm asked to discuss an area on the East side of town along Race Street that is listed as an Old Town District. The area is undeveloped. Is an Old Town District the best designation for expansion?

Charlie Schmehl stated this was based upon by the Borough Comprehensive Plan. It will allow for small lots, single family houses, twins or townhouses there. The density would be limited. It would be a medium density not a high density. It was questioned if there is an approved subdivision plan for this area? Charlie Schmehl stated if there is a subdivision plan, they could re-subdivide, they would not be locked into the plan forever. That would be up to the owner.

Charlie Schmehl stated he will take the information from tonight, make the revisions, and bring it back for further discussion for a Planning Session on Monday, September 19, 2016 at 6:30 p.m. Charlie Schmehl stated the group should review the proposed Uses by District packet for this meeting.

The Assistant Manager informed the Council the Lebanon County West Nile Program notified him we had two (2) positive test results. One (1) in the park and one (1) at the Wastewater Plant. The Assistant Manager met with them. There is nothing obvious as to where the problem is coming from, so the county will probably spray at the same point. We are not the only municipality to have a positive test result.

The President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Vince Podolski, seconded by Dana Reich, to adjourn the meeting at 8:12 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker,
Deputy Secretary