

LITITZ BOROUGH COUNCIL  
Minutes of Meeting Held November 28, 2017  
7 S. Broad Street, Lititz, PA

The regular meeting of the Lititz Borough Council was called to order at 7:00 P.M. on November 31, 2016, by President Weibel with Council members Greiner, Hain, Sensenich, Van Brookhoven, and Weaver present. Others in attendance were Mayor Snyder, Junior Council Person Tabettha Delmont, Chief Kerry Nye, Mike Wolgemuth, Peter Smith, Darrell Becker, Todd Kauffman, Elijah Yearick, Eric Scott, Ian Ruzow, Mark Stanley, Alex Piehl, Joyce Gerhart, Craig Kimmel, Robert Myallis, Darryl Kreitz, and Laura Knowles of the Lititz Record Express. The meeting opened with an invocation by Kurt Zimmerman of TNT Youth Ministries followed by the pledge of allegiance led by the Mayor. The minutes of the October 24 and November 12, 2017 Council meetings were unanimously approved on a motion by Weaver with a second by Sensenich. The President acknowledged a donation in lieu of taxes from the United Methodist Church. There were no petitions, correspondence or questions from the public.

REPORT BY THE BOROUGH ENGINEER  
Moravian Manor West for Reduction in Letter of Credit

Darrell Becker presented a request from Moravian Manor to reduce the amount of the letter of credit for Phase 1 of the Warwick Woodlands Project from \$92,700 to zero. Becker recommended approval of the request. The request was unanimously approved on a motion by Hain with a second by Weaver.

Revised Final Subdivision and Lot Add-on Plan for Lititz Reserve and Luthercare

Joyce Gerhart presented the Revised Final Subdivision and Lot Add-on Plan for Lititz Reserve and Luthercare dated October 6, 2017 and revised October 23, 2017 which consists of the transfer of a utility easement from Lititz Reserve to Luthercare in Warwick Township. The plan was unanimously approved on a motion by Hain with a second by Sensenich with the following conditions and modifications:

Conditions:

- Outstanding Borough Engineer comments be addressed;
- Outstanding Director of Planning & Community Development comments be addressed;

Modifications:

- § 404.C./402.A.1 – Plan Scale;
- § 404.C./402.C.1 – Existing Conditions;
- § 404.C./402.C.3.a – Existing Features;
- § 404.C./402.C.3.b – Existing Features;
- § 403.D.20 – Landscape Plan.

Preliminary/Final Land Development Plan for the Wilbur Redevelopment Project

At the beginning of discussion Councilman Greiner recused himself from the discussion. Alex Piehl began the presentation of the Wilbur redevelopment project dated October 17, 2017 which consists of the partial demolition of the historic Wilbur Chocolate Factory in order to redevelop the remaining 1920s-era brick structure into a 74-room hotel, 150-seat restaurant, and 26 condos. New construction will also provide 2,856 square feet of retail along Broad Street, two market rate apartment buildings totaling 155 units, an additional building along Warwick Street that will provide 32 55+ apartment units, and a parking deck. Piehl reported that a conditional use approval had been received for the demolition and the Zoning Hearing Board had granted a

Special Exception for adding onto an existing building in the floodplain. Piehl also stated that parking buffers would be included and a small seating area would be provided on Broad Street. Craig Kimmel of RLPS Architects then reviewed renderings of the proposed development stating that the new construction is borrowing elements from the historic factory in order to tie the site together. He continued by reviewing architectural details, public art, and views from various perspectives on and offsite. Mark Stanley followed by presenting the developers agreement stating that it dealt with not only the financial security, but also the dedication of two industrial wells to the Borough, an assignment of a purchase option for a parking lot across Broad Street from the site, park & recreation fee in lieu fees totaling \$138,000, a \$75,000 donation to address offsite stormwater issues, a \$55,000 donation in lieu of a traffic study to improve pedestrian access to the site, a commitment to continue working with the Borough on the parking deck design, as well as other commitments. Piehl then indicated that 48 North Broad LLC had no issue addressing the comments provided by both the Borough Engineer and Director of Planning & Community Development. Council President Weibel asked the audience for public comment. Hearing no comment, Hain moved, Sensenich seconded the approval of developer's agreement which passed unanimously with Greiner recusing himself. Hain moved, Sensenich seconded the approval of the plan with the following conditions and modifications:

Conditions:

- Outstanding ARRO comments of November 6, 2017, be addressed;
- Outstanding Community Planner's comments of October 31, 2017, be addressed;

Modifications:

SLDO -

- § 305 – Preliminary Plan;
- § 402.E.3.b and 405 – Traffic Impact Study;
- § 602.C.4 – Vertical Curves;
- § 602.K.3 – Access Drive Horizontal Curves;
- § 602.K.4 – Clear Site Triangles;
- § 602.K.5 – Access Drive Building Setback;
- § 603.B.3 – Grass Strip;
- § 602.A.14 – Dedication of Streets
- § 603.C.1 – Curb Along Parking Areas;
- § 605.E – Dwelling Units Within 75' of a Railroad Right-of-Way;
- § 606.B – Planting in Easements;
- § 609.D.8 – Street Trees;

SWMO -

- § 403.1.C – Connection to Roof Drains to Storm Pipes are not Permitted;
- § 404 – Volume Control;
- § 407.b – Floor Elevations for Structures Shall be (2) Feet Above the 100-Year Flood Elevation;
- § 408.4.c – Side Slopes of Earth Fill Dams/Embankments/Berms;
- § 409.8 – Minimum Diameter of 15" for Stormwater Pipes;
- § 409.4.F and 409.9 – Maximum Velocity Obtainable;
- § 409.12 – Storm Systems Along Streets Shall Comply with PADOT Publication 72.

The motion passed unanimously with Greiner recusing himself.

### REPORT OF THE BOROUGH MANAGER:

The report of the Borough Manager was supplied to Council. Barry was not in attendance due to her injury.

### REPORT OF THE PUBLIC WORKS DIRECTOR AND FACILITIES MANAGER:

Kauffman reported that the Labor & Industry certificate was issued, that Hensley was added to watermain rehab list after the sinkhole and water main break. He reported that Mr. Rehab would be performing lining in late December. He also thanked Severn Trent for their assistance.

### REPORT OF THE MAYOR & CHIEF OF POLICE:

Mayor Snyder reported that he presided over two Eagle Scout ceremonies and that he would be attending the tree lighting on Friday.

Chief Nye reported that the Department had held their Holiday Banquet in November. Civilian Aid Sensenig was recognized for fifteen years of service, Officer Kelley was recognized for twenty years of service, and Detective/Sergeant Schofield was recognized for twenty-five years of service.

Council and staff then discussed the holiday star decorations that were hung earlier in the week. Weibel stated that LED bulbs had been placed in one as a test and early results were positive. Possibilities for replacements and the construction of additional stars were considered. Hain asked about several street lights that were out and Chief Nye said he would look into it.

### REPORT OF THE DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT:

Yearick reported that the Wilbur redevelopment and budget were major items this month. Additionally, Diehm & Sons were progressing with the subdivision plan for the Oak Street floodplain donation and shade tree work was ongoing.

### REPORT OF THE JUNIOR COUNCIL PERSON:

Junior Council Person Delmont reported that Warwick High School had held a coffee house that was well attended, that the Spanish Honors Society took a trip to Nicaragua to teach children English, a blood drive was held, and that four Warwick Students were a part of the Lebanon Valley Honors String Orchestra.

### SUB-COMMITTEE ON SEWER AND WATER SERVICES: Severn Trent Report

Wiebel began by inquiring why the usage rates between the Borough and Warwick Township were flipping. Wolgemuth responded that the Warwick meter was reading low and was recalibrated in October.

Wolgemuth reported that the Phase 1 HVAC upgrades were still underway and were expected to be completed by December 1<sup>st</sup>. The Phase 2 improvements are scheduled and should be completed by the end of December. He continued by noting that Lead & Copper testing results have been received by the Borough and have been found to be in overall compliance. One home was found to be out of compliance and would be notified directly. Wolgemuth also discussed ongoing negotiations of the NPDES draft permit and phthalate monitoring.

### SUB-COMMITTEE ON STREETS AND TRAFFIC:

### Burning of the Greens Activity Permit Application

Upon presentation, Sensenich moved, Van Brookhoven seconded to approve an Activity Permit Application from St. Paul's Lutheran Church for an Epiphany Service involving the burning of greens with the assistance of area Boy Scouts on their grounds on January 6, 2018, 6:30 Noon - 8:30 P.M., Motion passed unanimously.

### SUB-COMMITTEE ON ZONING: Zoning Hearing

Van Brookhoven provided a recap of the Church of the Brethren Playground case that was before the Zoning Hearing Board on November 20, 2017. The Board voted to approve their request.

### SUB-COMMITTEE ON LITITZ REC AND WRRRC:

Hain reported that the pool project was continuing and is tentatively scheduled to be in September 2018 though this could get pushed back to 2019.

### SUB-COMMITTEE ON BUILDINGS, GROUNDS & SWIMMING POOL:

Hain reported that the parks were in good shape and several new and replacement pieces have been ordered for next year.

### SUB-COMMITTEE ON FLOOD CONTROL COMMITTEE/STORMWATER:

Hain reported that one of the Low Volume Road projects had begun at Blackberry & Evans and that the other two projects would begin in 2018.

### SUB-COMMITTEE ON PERSONNEL Committee Reappointments

Upon presentation, Weaver moved, Hain seconded to reappoint Mike Smith and Kyle Stauffer to four-year terms on the Planning Commission; Doug Matthews to a five-year term on the Zoning Hearing Board; Jerry McDonald to a five-year term as an alternate to the Zoning Hearing Board; Steve Lee, Jennifer Lee, and Tim York to three-year terms on the Parks Committee; Sam Hess, Randy Weit, Ed Browne, and Jeff Chambers to five-year terms on the Lititz Sewer Authority, Roxanne Slovak to a five-year term on the Historical Area Advisory Committee, Henry Gibbel and Jeanne Grimsley to three-year terms on the Civil Service Committee, Joe Beatty to a three-year term on the Regional Recreation Committee, and George Biemesderfer as an Emeritus Commissioner to the Shade Tree Commission. The motion passed unanimously.

### SUB-COMMITTEE ON FINANCES Advertise Ordinance Establishing Real Estate Tax Rate at 1.87 Mills

Weaver moved, Hain seconded to advertise the ordinance establishing the real estate Tax Rate at 1.87 mills. The motion passed unanimously.

### Advertise Ordinance Establishing Real Estate Tax Rate at 2.0 Mills

Weaver moved, Greiner seconded to advertise the ordinance establishing the real estate tax rate at 2.0 mills. During discussion Mayor Snyder brought up a retired resident who had reached out to him about the increase in her taxes that will occur after the assessment. Weibel noted that it was a valid concern and that millage could be adjusted in the future. The motion passed unanimously.

### Advertise the 2018 Budget on Public Display

Weaver moved, Sensenich seconded to advertise the 2018 budget for public display. The motion passed unanimously.

### SUB-COMMITTEE ON FIRE SERVICES/WESC

Greiner reported that WESC would meet four times a year and that to date the Lititz Fire Company had responded to 362 calls. He also mentioned that the Company's purchase of a substation at the south end of the Borough had fallen through.

### REGIONAL COMMITTEES REPORT Venture Lititz Update

Weibel reported that Merry Lititz Christmas would be on Saturday December 2<sup>nd</sup>, and that Fire & Ice was on track for February. She also said that Small Business Saturday had been a success. There was also discussion of post-Christmas lighting that would be used to bridge the time between the holidays and Fire & Ice.

### Forge the Future 2022

Yearick reported that the committee would be meeting in the next week to discuss layout and mapping options. A draft of the plan is expected in late December or early January with PC and Council taking action on it at their March or April Meetings.

### RESOLUTION NO. 865: Appointment of an Auditor for 2017 Audit

A resolution to appoint Trout, Ebersole, & Groff as an independent auditor for the 2017 Audit. Weaver made the motion to approve the resolution, Van Brookhoven seconded, and it passed unanimously.

### RESOLUTION NO. 866: Earned Income Tax for 2018

A resolution to set the Earned Income Tax at one half of one percent for 2018. Weaver made the motion to approve the resolution, Hain seconded, and it passed unanimously.

### RESOLUTION NO. 867: Dissolution of Per Capita Tax for 2018

A resolution to discontinue levying a Per Capita Tax of \$10 per person for 2018. Weaver made the motion to approve the resolution, Hain seconded, and it passed unanimously.

**RESOLUTION NO. 868:**  
**Dissolution of Occupation Tax for 2018**

A resolution to discontinue levying an Occupation Tax for 2018. Weaver made the motion to approve the resolution, Greiner seconded, and it passed unanimously.

**RESOLUTION NO. 869:**  
**Realty Transfer Tax Notice for 2018**

A resolution to continue levying a one-half of one percent Realty Transfer Tax for 2018. Weaver made the motion to approve the resolution, Hain seconded, and it passed unanimously.

**RESOLUTION NO. 870:**  
**Gambling Opt-out**

A resolution prohibiting the location of Category 4 "mini-casinos" within the Borough in accordance with recent amendments to PA Title 4, Amusements. Sensenich made the motion to approve the resolution, Van Brookhoven seconded, and it passed unanimously.

**ORDINANCE NO. C-561:**  
**Amendment No. 7 to Non-Uniform Pension Plan**

An ordinance changing the non-uniformed employee pension plan to allow death benefits to be effective on the date the form is signed. Sensenich made the motion to approve the resolution, Greiner seconded, and it passed unanimously.

**FINANICAL STATEMENTS**

Weaver moved, Greiner seconded to approve the Financial Statements and pay the bills. Motion passed unanimously.

**OTHER BUSINESS**

Weibel reminded the Council that the recognition dinner would be held on December 13<sup>th</sup> and that the December Council meeting would be held on Wednesday December 27<sup>th</sup> due to the holiday.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:30 PM on a motion by Sensenich