

**City Council Meeting
April 2, 2018**

City Council met in regular session on Monday, April 2, 2018 in Council Chambers, City Hall, Lock Haven, Pennsylvania. The meeting was called to order at 7:00 P.M. by Mayor William Baney who opened the meeting with a moment of silence followed by the Pledge of Allegiance.

Roll was called, and present were Council members Douglas Byerly, Richard Conklin, Joel Long, Steve Stevenson, Sara Stringfellow, and Mayor William Baney. Councilman Bravard was absent. Also attending the meeting was City Manager Gregory Wilson and reporter Wendy Stiver from The Express, and John Lipez from The Record.

COUNCIL MINUTES

On a motion of Mr. Byerly, seconded by Ms. Stringfellow and carried unanimously, Council approved the minutes of the meeting of the March 19, 2018 regular meeting of Council.

PUBLIC COMMENTS

Bill Mincer expressed concern about limiting the number of political signs which he felt was in direct violation of his constitutional rights. He referenced several court cases and asked Council to remove the limitation to the number of signs. Mr. Mincer stated that he felt there wasn't enough public notice and added that he went around the city and found at least 20-30 houses that would not "pass mustard" if this ordinance was passed.

Bill Barner told Council that when the green metal poles were replaced with fiberglass poles, a number of *No Parking* signs were not reinstalled. Mr. Wilson asked for specific locations and Mr. Barner noted that all of First Street and portions of Water Street. Mr. Wilson stated that the street foreman will look at the areas in question and have the signs reinstalled where needed.

Mr. Barner also said that there are bricks missing in various streetscape locations and asked who is responsible for replacing the bricks. Mr. Wilson said that the City does make repairs when the City receives a complaint but need to know where the brick need to be replaced. Mr. Barner said bricks are missing along Main Street from Willits Copier to the County Garden Building. Mr. Barner added that the parking meter enforcement officers could check the bricks during their rounds and take note where the bricks are missing.

Mr. Barner further commented about the light poles that were damaged by a car accident months ago and have not been replaced. Mr. Wilson stated that a light pole costs about \$17,000.00 and the City can pay for the light pole and have it replaced in a timely manner, however to keep the cost with the responsible party rather than the taxpayers, the City submits a claim to their insurance company and when the City receives payment the light poles are replaced.

CORRESPONDENCE

Property Use Requests

The Manager acknowledged a request from the Lock Haven University Psychological Association to hold a Walk for Mental Health Awareness on April 26, 2018 on the Clinger Riverwalk. **On a motion of Mr. Long, seconded by Ms. Stringfellow and carried unanimously, Council authorized the LHU Psychological Association's request to hold a Walk for Mental Health Awareness on April 26, 2018 on the Clinger Riverwalk.**

The Manager noted that members of the Rotary Club of Downtown Lock Haven were present to request the use of Triangle Park on May 26-28, 2018 for Flags of Honor and September 11, 2018 for Angel Lights. Speaking on behalf of the Rotary was Suzanne Foust who first invited everyone to attend Board Game Night this Friday at the Covenant United Methodist Church in support of the International fight against Polio. She then talked about the Flags of Honor event which displays flags representing heroes who have performed public service, and the Angel Lights, each one representing a hero who is remembered or honored. **On a motion of Mr. Long, seconded by Ms. Stevenson and carried unanimously, Council authorized the Rotary Club of Downtown Lock Haven's request to use Triangle Park on May 26-28, 2018 for Flags of Honor and September 11, 2018 for Angel Lights.**

OLD BUSINESS

Consideration of an Ordinance No. 984 amending Chapter 13, Licenses, Permits, and General Business Regulations, to include Part 6, Mobile Food Vendor Facilities

The Manager presented Ordinance No. 984 which amends Chapter 13, Licenses, Permits, and General Business Regulations, to include Part 6, Mobile Food Vendor Facilities on second reading. He stated that there was a minor change since first reading to Section 13-508 which previously left the chapter blank and now includes the wording "Chapter 16." **On motion of Mr. Byerly, seconded by Mr. Conklin and carried unanimously, Council approved the following ordinance amendment on second reading:**

ORDINANCE NO. 984

AN ORDINANCE AMENDING ORDINANCE NO 670, WHICH ADOPTED THE CODE OF ORDINANCES FOR THE CITY OF LOCK HAVEN, CLINTON COUNTY, PENNSYLVANIA, BY AMENDING CHAPTER 13, PART 5, MOBILE FOOD VENDOR FACILITIES

Consideration of Ordinance No. 985 amending Chapter 13, Licenses, Permits, and General Business Regulations, Part 2, Transient Retail Business

The Manager presented Ordinance No. 985 which amends Chapter 13, Licenses, Permits, and General Business Regulations, Part 2, Transient Retail Business. He stated that there have been minor changes since first reading to clarify the language regarding one license and permit fee covers up to four people. Mr. Stevenson noted that there is a misspelled word in Section 13-205 (B). Mr. Wilson noted that the word should be "excepting" rather than "expecting." **On motion of Mr. Conklin, seconded by Mr. Byerly and carried unanimously, Council approved the following ordinance amendment on second reading:**

ORDINANCE NO. 985

AN ORDINANCE AMENDING ORDINANCE NO 670, WHICH ADOPTED THE CODE OF ORDINANCES FOR THE CITY OF LOCK HAVEN, CLINTON COUNTY, PENNSYLVANIA, BY ADDING CHAPTER 13, PART 2, TRANSIENT RETAIL BUSINESS

Consideration of Resolution No. 1296 enabling immediate implementation of Ordinance No. 984, Mobile Food Vendor Facilities, and Ordinance No. 985, Transient Retail Business.

The Manager presented Resolution No. 1296 enabling immediate implementation of Ordinance No. 984, Mobile Food Vendor Facilities, and Ordinance No. 985, Transient Retail Business. Mr. Conklin asked why there was a need to have the Ordinances implemented immediately. Mr. Wilson stated that an ordinance takes effect twenty days after final passage however there were several food vendors who have inquired about vending in the City therefore this resolution was needed. **On motion of Mr. Long, seconded by Ms. Stringfellow and carried unanimously, Council approved the following Resolution which enables immediate implementation of Ordinance No. 984, Mobile Food Vendor Facilities and Ordinance No. 985, Transient Retail Business:**

CITY OF LOCK HAVEN
CLINTON COUNTY, PENNSYLVANIA

RESOLUTION NO. 1296

Consideration of Resolution No. 1297 setting the fees for Transient Retail Business and DCED Permit Surcharge

The Manager presented Resolution No. 1297 setting the fees for Transient Retail Business. He added that the Resolution addresses DCED Permit surcharge which is unrelated to the transient retail business but needs updated to match the cost increased imposed by the State. **On motion of Mr. Long, seconded by Mr. Byerly and carried unanimously, Council approved the following resolution which sets the fees for Transient Retail Business and DCED Permit Surcharge:**

CITY OF LOCK HAVEN
CLINTON COUNTY, PENNSYLVANIA

RESOLUTION NO. 1297

Consideration of Ordinance No. 986 amending Chapter 27 Zoning (Part 2: Definitions & Terms; Part 8: Central Business District; Part 10: General Commercial, Light Industrial; Part 11: Industrial; Part 17: Signs; Part 18: Off-Street Parking, Loading & Access Regulations; Part 20: Supplemental Regulations

The Manager presented Ordinance No. 986 which amended Chapter 27 Zoning (Part 2: Definitions & Terms; Part 8: Central Business District; Part 10: General Commercial, Light Industrial; Part 11: Industrial; Part 17: Signs; Part 18: Off-Street Parking, Loading & Access Regulations; Part 20: Supplemental Regulations, on second reading. Mr. Wilson noted that this ordinance was introduced to Council at their last meeting, and prior to that at a public meeting before the Planning Commission which recommended its passage by Council. Since that time

additional discussion and clarification was made with the City Solicitor and through examination of the US Supreme Court cases. The Courts have previously ruled that you cannot limit the number of political signs as they are not necessarily date or event specific and therefore do not fall under Section 27-1703 (B) which applies to temporary signs with definite event end dates, however you cannot reference this in the Ordinance since you cannot address the content of a sign. Mr. Wilson added that a lower court ruling allowed limiting the duration of how long a political sign can stay however other court cases do not limit their duration. Mr. Mincer stated that he didn't understand the purpose of the ordinance since it is now so generic. Mr. Wilson stated that the reason the City is amending the sign ordinance is because the City's current sign ordinance is unconstitutional since the Supreme Court's ruling states a municipality can no longer look at the content on a sign. If we didn't amend the sign ordinance we would not be able to enforce our sign ordinance because we cannot violate a person's civil rights. Mr. Mincer asked if the language concerning signs for events could also be referenced in the section for residential zones. Mr. Wilson stated that wording can be added in Section 27-1707.2 (A) which references Section 27-1703 (B). Mr. Alan Black asked how the City can tell him how many signs he can place in his yard. Mr. Wilson stated that limiting the number of signs a property can have was always regulated in the sign ordinance and that the ordinance amendment only removes any reference to a sign's content. Mayor Baney stated that he does not support limiting the number of signs to two but can support four signs. Mr. Wilson stated that limiting the number of signs to two is arbitrary however the court cases reference two signs. **On motion of Mr. Byerly, seconded by Mr. Conklin with Mr. Baney voting no, Council approved the following ordinance amendment on second reading:**

ORDINANCE NO. 986

AN ORDINANCE AMENDING ORDINANCE NO 670, WHICH ADOPTED THE CODE OF ORDINANCES FOR THE CITY OF LOCK HAVEN, CLINTON COUNTY, PENNSYLVANIA, CHAPTER 27, ZONING, PART 2 DEFINITIONS AND TERMS, PART 8 CENTRAL BUSINESS DISTRICT, PART 10 GENERAL COMMERCIAL LIGHT INDUSTRIAL, PART 11 INDUSTRIAL, PART 17 SIGNS, PART 18 OFF STREET PARKING, LOADING AND ACCESS REGULATIONS AND PART 20 SUPPLEMENTAL REGULATIONS

NEW BUSINESS

Consideration of the intrafund budget transfer in 2015 CDBG Program

The City Manager presented Council with a proposed budget transfer to the 2015 CDBG Program (Fund 031) to reallocate funds to the Single Family, Owner-Occupied Housing Rehabilitation Program. **On motion of Ms. Stringfellow, seconded by Mr. Stevenson and carried unanimously, Council approved the following budget transfers:**

FROM:			TO:			
DEPARTMENT	ACCOUNT	DESCRIPTION	DEPARTMENT	ACCOUNT	DESCRIPTION	AMOUNT
2015 CDBG Program	01-031-401-40320	General Program Admin	2015 CDBG Program	01-031-401-40210	Housing Rehab	\$ 300.60
2015 CDBG Program	01-031-401-40344	CCCC/Purchase of Sensory Room Equipment	2015 CDBG Program	01-031-401-40210	Housing Rehab	\$ 4,232.00

Consideration of Resolution No. 1298 restricting parking on a portion of West Main Street

The Manager presented Resolution No. 1298 restricting parking on a portion of West Main Street on April 27, 2018 for Kent's Fest. **On motion of Mr. Conklin, seconded by Ms. Stringfellow and carried unanimously, Council approved the following resolution restricting parking on a portion of West Main Street on April 27, 2018 for Kent's Fest**

CITY OF LOCK HAVEN
CLINTON COUNTY, PENNSYLVANIA

RESOLUTION NO. 1298

Consideration of Resolution No. 1299 permitting a banner to be displayed over Main Street

The Manager presented Resolution No. 1299 permitting a banner to be displayed over Main Street for the Wine in the Wilds event sponsored by the Clinton County Historical Society. **On motion of Mr. Long, seconded by Mr. Byerly and carried unanimously, Council approved the following resolution permitting a banner to be displayed over Main Street**

CITY OF LOCK HAVEN
CLINTON COUNTY, PENNSYLVANIA

RESOLUTION NO. 1299

Consideration of Proposed 2018 Street Paving

Mr. Wilson presented Council with a proposal for funding the 2018 street paving project which includes: Pinetree Lane (Sylvan Drive to End), West Walnut Street (South Hampton Street intersection), and East Walnut Street (from Route 220 on-ramp East to Railroad tracks). He indicated that the proposal is to repave E Walnut Street with heavy duty asphalt paving. The total cost for 2018 would be \$293,005.00; of which \$18,257 is from the General Fund, \$141,558 is from liquid fuels, and \$133,190 would be from county aid. Mr. Wilson indicated that the East Walnut Street project coordinates with work being done by a State grant for the redesign of East Walnut Street at the railroad tracks and the construction to the entrance to the new First Quality access road. During April and part of May, the City will be replacing water lines on this section of the street and then slip-lining older sections of sewer line and manholes. Mr. Wilson added that while First Quality is the #5 employer of City residents, it is the County's #1 employer, and that the new plant expansion is located in Castanea Township and while City residents who work at the tissue plant contribute about \$9,100 a year in earned income taxes it is not nearly the revenue the township (\$29,000) county(\$190,000) and school district (\$400,000) receives in real estate taxes. The City Manager asked Council to consider approving a Resolution which would be prepared for consideration at the April 16, 2018 meeting to request a third of the County's contribution of \$44,397.00 per year over the next three years. If approved, the City would front the County's share and use \$133,190.00 from the Capital Escrow Fund and use the County's annual contribution to reimburse the fund. Mr. Wilson added that without County assistance the City will only be able to pave East Walnut Street in phases, which will cause disruption to the flow of traffic to the new First Quality plant and other businesses along the East Walnut Street corridor for the next two summers. Mr. Wilson concluded that the State project is schedule for May through August, and the City's

project would be scheduled for late September. **On motion of Mr. Long, seconded by Ms. Stringfellow and carried unanimously, Council authorized the preparation of a Resolution requesting a third of the funding from the County for the proposed 2018 Street Paving Project.**

OTHER MATTERS

Mr. Conklin stated that *No Parking* signs are missing on First Street between Water and Jordan Alley. Mr. Wilson said that this week was a good time for the City crew to review what parking signs are needed since the water and public works crews will be working on the East Walnut Street water project in two weeks.

Mr. Baney suggested that Council consider honoring the two Lock Haven University All-American wrestlers. Mr. Wilson said that a Resolution will be prepared, and the two wrestlers invited to the Council meeting.

ADJOURNMENT

On a motion by Mr. Conklin, seconded by Mr. Long the meeting was adjourned at 8:16 p.m.

Mayor

City Clerk

(These minutes are draft and subject to approval by City Council)