

MOUNT JOY BOROUGH COUNCIL
December 2, 2024, Minutes

The Mount Joy Borough Council held its regular meeting on December 2, 2024.

President Hall called the meeting to order at 7:00 PM.

Roll Call- Present were Councilors Matthew Crider, David Eichler, Mary Ginder, David Greineder, Bruce Haigh, William Hall, Philip Kark, Brian Youngerman and Mayor Timothy Bradley, Jr. Staff present were Manager, Mark G. Pugliese I; Grants, Projects, and Community & Economic Development Administrator, Rachel Stebbins; Property Building Inspector, Paul Paulsen; Public Works Crew Leader, Jacob Houck; Sergeant Nathan Reed and Administrative Assistant, Lisa Peffley. Absent were Councilor, Lu Ann Fahndrich, Chief Robert Goshen, Public Works Director, Dennis Nissley, Codes and Zoning Officer, Brett Hamm and Assistant Borough Manager/Financial Director, Jill Frey.

Mayor Bradley gave the invocation, and the Pledge of Allegiance followed.

Executive Session – There were no Executive Sessions held by Council between November 4, 2024, and December 2, 2024.

On a **MOTION** by Kark, and a second by Haigh, a request was made to accept the agenda for December 2, 2024, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

Ned Sterling, 13 W. Main St., asked for an update on 101 W. Main St. and what the owner decided he was going to do.

Bryan Smith, 1101 Wood St., said he has some concerns with the property beside him at 1087 Wood St and the proposed apartment building. He said according to the picture it looks like it would be right up against his property, and he would have no privacy. He said he also has concerns about parking. He asked Council not to approve it tonight.

Keyana Smith, 1101 Wood St., said her concern with the proposed apartment building beside her property at 1087 Wood Street is privacy and the footprint it would make on that property and the effects it would have on the newly paved roads by upsetting all of the land and also the foundations of the existing homes.

Report of Mayor

Mayor Bradley provided a written monthly report for November 2024.

Report of the Chief of Police

Robert Goshen, Police Chief, provided a written monthly report for October 1, 2024, through October 31, 2024. The report showed 44 traffic arrests and 42 criminal arrests for the month. There was a total of 669 incidents for the month of October, with a total of 6,732 incidents year to date.

Report of Fire Department Mount Joy (FDMJ)

Brett Hamm, FDMJ Fire Chief, provided a written monthly report for October 2024.

Report of PSH Life Lion LLC

Scott Buchle, Director, provided a written report for October 2024.

Report of EMA

Phil Colvin provided a written report for October 2024.

Report of the Milanof-Schock Library (MSL)

Joseph McIlhenney provided a written report for October 2024.

Report of Codes/ Zoning & Stormwater Administrator

Brett Hamm, Codes, Zoning & Stormwater Administrator, provided a written monthly report for November 2024.

Report of Grants, Projects, and Community & Economic Development Administrator

Rachel Stebbins, Grants, Projects, and Community & Economic Development Administrator provided a written monthly report for November 2024.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written monthly report for November 2024.

Report of the Borough Authority Manager

Scott Kapcsos, Authority Manager, provided a written monthly report for November 2024.

Report of the Assistant Borough Manager/Finance Officer

Jill Frey, Assistant Borough Manager/Finance Officer, provided a written monthly report for November 2024.

Report of the Borough Manager

Mark G Pugliese I, Borough Manager, provided a written monthly report for November 2024.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Greineder, and a second by Kark, approval was given for the minutes of the regular Borough Council meeting held on November 4, 2024. *Motion carries unanimously.*

On a **MOTION** by Greineder, and a second by Haigh, approval was given for the minutes of the Special Budget meeting held on November 7, 2024. *Motion carries unanimously.*

On a **MOTION** by Greineder, and a second by Haigh, approval was given for the minutes of the Special Budget meeting held on November 12, 2024. An **AMENDMENT** by Kark, and a second by Ginder, a request was made to add to the minutes that the video conferencing/audio/visual equipment was not functioning properly preventing the Mayor from participating after his brief attendance. *Amendment passes. Main motion carries as amended unanimously.*

Building Ad Hoc Committee

Deering said it was a busy November with the bid opening on November 14th and then the Ad Hoc meeting on November 18th. Included in the packet is the spreadsheet of all the bid results. Vukmanic said the new bid results came in roughly between \$760,000 to \$800,000 under the original bid with the changes that were made to the original plan. Hall asked Council to look at this information and it will be on the January Council agenda on whether or not to award the bid. Garrett gave an update on the financing information based off of the revised bid.

Administration and Finance Committee

Concept Briefing/rezoning 100 New Haven St - Todd Smeigh, DC Gohn, Steve Hammond of Berkshire Hathaway, Rich Santoen and Ted Worrall with Best Built Real Estate presented to Council preliminary plans for possible rezoning and an adaptive reuse project of the existing historical Church. The adaptive reuse proposed is studio and one-bedroom apartments which is currently not allowed in that zoning district. They would like to solicit feedback from Council to see if they should proceed with the plans or not. Council's concern is with the higher density and the effects on parking and asked him to come back with smaller number of units to help with the density and parking issues in that area. Hall commented that he likes the concept but not the density. The Mayor asked about the possibility of adjusting the plans to make it match the current allowed density.

Concept Briefing/rezoning 1087 Wood St - Brian Lehman of BML Rentals, asked for Council's thoughts on his plans for rezoning from light industrial to medium or high density residential for possible multi dwelling units, apartments or townhouses. Haigh said he talked to people in the neighborhood and some of them would not be in favor of that. He said it is not within the character of that neighborhood. The Mayor voiced his concerns regarding higher traffic volume and also the character of the neighborhood and said he is not in favor of it either. Kark said he would lean toward rezoning and improving the property. Hall commented on the stormwater issues in that area and the possible effects the additional impervious surface would have on it. Lehman asked if Council would be ok with medium density residential. The Mayor said he would be ok with that.

On a **MOTION** by Youngerman, and a second by Kark, a request was made to approve RETTEW's 2025 Engineering of Record proposal. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Eichler, a request was made to accept a bid from IGS and authorize the Borough Manager to execute said agreement for a period of three (3) years. *Motion carries unanimously.*

Youngerman turned the floor over the President at this time regarding a public hearing on Ordinance 04-2024.

President Hall said at this time he will open up a public hearing for Ordinance 04-2024, an Ordinance to amend the Mount Joy Borough Code of Ordinances, Chapter 270, Zoning, to add Regulations Governing Short-term Rental Units. Said Ordinance is to be enacted under Pennsylvania Municipalities Code ("MPC") requires that Borough Council conduct a Public Hearing on the proposed Ordinance. At this time, he will entertain a motion to open the Public Hearing on Ordinance 04-2024 as it pertains to short-term rentals.

On a **MOTION** by Greineder, and a second by Kark, to open a Public Hearing on Ordinance 04-2024, as it pertains to short term rentals. *No vote taken.*

The Manager stated that he would like to add to the Minutes that this Public Hearing was advertised in both the Friday, November 15, 2024, and the Friday, November 22, 2024, editions of LNP as required by the PA Borough Ordinance. Council should have copies of the correspondences with the Borough Solicitor stating as such. He would also add to the record that the Public Hearing was posted in accordance with the PA Shine Act at least 24 hours prior to tonight's meeting both posted on the Borough website and posted on the two boards at the entrances to the building. Lastly, he would like to call to Council's attention that you should have a copy of the Ordinance as well as the correspondence from the Lancaster County Planning Department.

Hall now provided an opportunity for the public to comment regarding Ordinance 04-2024, Short-Term Rentals.

Sammuel Allen, 102 N. Market St., I am here, speaking from the point of view of someone that has short-term rentals, and Stacy, Zoning Officer's predecessor, helped me start it. It is located at 109 North Market Street, which is right across from Bubes Brewery. We call it the Malt Baron's Mansion. It's a large brick structure, a home, an old mansion on the corner of Frank and North Market Street. We've been renting it as short term for quite a few years now, and when I first got it, Stacy said that our Borough had an ordinance requiring a lease, but the ordinance did not state any length of term of that lease. So, I said, well, and she said you just have to have a lease. So, every one of my tenants that comes and stays in that lodging has a lease. So that's how we've handled it so far. Now you're proposing, I guess, to make an ordinance about such things. My comment would be I'd hate to lose a privilege that I was given years ago, obviously, and we put a lot of money into the building to turn it into a pleasant short-term lease, situation and the part of town, it's right across from Bubes Brewery, and we already have a hotel there. A couple of comments for the Council's consideration is nobody's going to build a Hampton Inn in town. That's just not going to happen. You, as Borough Council members, do, have the part or in charge to decide to some degree, what is appropriate in the Borough and where. You have a lot of influence over that, and it's good you should. In this particular case, with lodging in our hotel, the hotel is from the 1870's, and we've been renting hotel rooms. We actually have a requirement to have hotel rooms in an old hotel like ours, because we don't have a liquor license without hotel rooms. The old-time requirement was, if you wanted to run a tavern, you had to be able to feed people, take care of their horses and lodge them, and our license is so old that we actually have to have hotel rooms in the hotel. Of course, across the street is a little different and my gut reaction is to encourage you to consider case by case. I don't know how you would be allowed to do such some parts of town, maybe you don't want short term lodging, but it is very helpful for any town, and this goes back as far in history as you want to look at lodging in a town. It's nice to have lodging, and again, you're not going to get a Hampton Inn in this town but Airbnb style lodging, I've researched it a good bit. I've been running it for many years now and it reminds me of when people put in rail trails, you know at first, everybody in this county just hated them. Now all the property values go up. We're not having people trespass on our property constantly, and they're mostly very happy with them. Most people would not be unhappy now, parking is a consideration in some parts of town that would certainly be true. In my particular case if you go to the two neighbors right next to where I'm talking about, you'd be talking to me, so you know, I don't. Please don't worry about that, at least in this particular case, because I'd be coming here and saying, well, yeah, it's okay that next to this property, I own, is Airbnb, because I own that property. Anyway, I've been here a long time. Many of you probably know I've been here for 45 years now, and I care about this town quite a bit. I do love that our customers come there. As short-term lease customers, now, you know it depends on how you handle it. You don't want one big building with, you know, 20 single rooms, and in poor condition, that gets you a certain kind of customer. But if within the concept of your approval, if you have a building like we have here, where it's in wonderful shape. You don't get Airbnb or short-term type tourist customers if the place looks ramshackle, you're not going to get that. It has to be nice and we afford the budget to keep it in better shape than a lot of the apartments are in this town. The people that come to us, love to walk the town, they enjoy the downtown. I've had people literally get off of the train at the train station here, roll their bag a block up the street, and stay, which I think is kind of cool, that that we're actually using it like it in the old days when you got off the train station went across the street to the hotel. We have that actually happen. I've had people from Manhattan on a somewhat regular basis and Philadelphia and other points in between. Get off the train right here, and actually use that nice train station as it was intended to be used. I wish I'd been able to read the ordinance. I couldn't find it. I should have showed up here. But as a restaurant person, I just want to make sure you at least heard a point of view that in certain circumstances, I think, and it should be considered. Again, maybe check with the neighborhood like you have with these apartment projects you're talking about. I'm sure, in some cases with just a few rooms, and if they're kept in nice shape, and the neighbors don't mind. Again parking is a consideration. In our particular area, parking isn't much of a problem because we have off-street parking and parking right outside plenty of on-street parking right near this particular property. I encourage you to strongly consider it because most people who come from tourist type, short term lodging, tend to be people who are there to spend money in town.

Josh Deering, 33 Frank St., said from the Planning Commission side, this was a long process to get what you have in front of you. This has been over a year in the making. There was a lot of discussion. Some of the counselors probably remember some of that discussion. They've been at the planning commission meetings for that discussion to limit this to just the commercial business district that was There was a lot of discussion around that some folks thought it should be you know,

Borough wide, you know. Why should it be limited to just certain areas and there was a lot of discussion around that. You know, some people that live in a low density residential could have a large house like maybe a 6 bedroom, 3 bath house, and want to rent or do an Airbnb but this ordinance will not allow that so there was a lot of discussion.

Hall said he would entertain a motion to close public comment.

On a **MOTION** by Greineder, and a second by Youngerman, a request was made to close public comment. *Motion carries unanimously.*

Hall said having heard public comment, Council has before you Ordinance 04-2024 for discussion or motion. What are your wishes? Hall stated that Council has 60 days from the date of the second publication which was November 22nd, the advertisement of the public hearing, to make a decision. So, Council could make it tonight or make it at some other point as long as it is within the 60 days.

Mayor Bradley commented he is strongly against allowing short term rentals in residential neighborhoods. He commented that this is where people are trying to raise their children and trying to raise a family and by allowing short term rental within those residential neighborhoods it brings in extremely transient populations. He thinks it's a telltale sign when even you see those vacation areas of the United States start to really, really tighten the clamps down on certain transient populations coming in and how that's impacting their community because they see that it brings with it a host of problems. He said we need to preserve the community and preserve those areas and neighborhoods where people are trying to raise their family. The way to that is limiting the areas that would be suitable for short term rentals and that is not in the middle of a residential neighborhood.

On a **MOTION** by Greineder, and a second by Haigh, a request was made to close the Public Hearing on Ordinance 04-2024. *Motion carries unanimously.*

On a **MOTION** by Haigh, a request was made to adopt Ordinance 04-2024, Amending Chapter 207 to add Short-Term Rentals. *Motion fails due to lack of second.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to adopt Ordinance 05-2024, adding Chapter 205 to Rental Code. After discussion the following Motion was made. On a **MOTION** by Youngerman, and a second by Kark, a request was made to lay the Motion on the table. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to adopt Ordinance 06-2024, Property Maintenance Code. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to adopt Ordinance 07-2024, an ordinance to levy the tax rate for all taxable real properties within the Borough of 4.74 mills for 2025. Greineder noticed the wording/mils amount of the motion does not match the wording/mils of the Ordinance. An **AMENDMENT** by Haigh, with a second by Youngerman to change the wording of main motion from 4.74 mills to 4.75 mills. *Amendment passes. Main motion as amended carries.* The Mayor commented that he will not veto this but he will not be signing this Ordinance either. Therefore, the Ordinance will sit for 10 days and after those 10 days it will go through. The Mayor stated he was disappointed that the Borough came to this level of tax increase after only two sessions of hearing and as he stated earlier due to the technical issues at the Borough, he was unable to be involved.

On a **MOTION** by Youngerman, and a second by Kark, a request was made to adopt Highway Aid 2025 Budget as presented. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to adopt the Refuse 2025 Budget as presented. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to adopt the Capital Funds Budget for 2025 as presented. *Motion carries unanimously.*

On a **MOTION** by Kark, and a second by Greineder, a request was made to approve the General Fund Budget for 2025 as presented with Revenues and Expenditures at \$6,069,651.00. *Motion carries 7-1, Youngerman voting no.*

Report of the Public Safety Committee

On a **MOTION** by Eichler, and a second by Crider, a request was made to approve Voyage Mount Joy to host Fresh Brews of Mount Joy on Saturday, April 26, 2025. *Motion carries 7-1 on a roll call vote. Crider, Eichler, Greineder, Ginder Haigh, Youngerman and Hall voting yes. Kark voting no. Fahndrich absent.*

On a **MOTION** by Eichler, and a second by Crider, a request was made to eliminate parking along the east side of Delta Street between Main Street and Henry Street, to adopt 2-hour parking for the two parking spaces along the west side of Delta Street between Main St and Henry Street, and to authorize the Borough Solicitor to prepare and advertise an ordinance to reflect this motion. *Motion carries 7-1, Youngerman voting no.*

Report of the Public Works Committee

On a **MOTION** by Ginder, and a second by Greineder, a request was made to approve Contract #1, Columbia Ave., Barbara St., and Walnut St. ADA Curb ramps and authorize advertising and bidding. *Motion carries unanimously.*

On a **MOTION** by Ginder, and a second by Greineder, a request was made to approve Contract #2, Walnut St. Paving and authorize advertising and bidding. After discussion Ginder withdrew the motion.

On a **MOTION** by Ginder, and a second by Greineder, a request was made to approve Contract #3, Bituminous Seal Coat and authorize advertising and bidding. *Motion carries unanimously.*

On a **MOTION** by Ginder, and a second by Greineder, a request was made to utilize Lancaster County Career and Technology Center welding students to build and install an iron railing at the bleacher area Kunkle Field with the Borough being responsible for cost of materials. *Motion carries unanimously.*

Public Input Period

Josh Deering, 33 Frank St., commented on current Airbnbs currently in the Borough.

Justin Hoak, 20-22 E Main St., requested a loading and unloading sign on Delta Street.

Any other matter proper to come before Council

Donegal School District Mini-thon

Report of aggressive Driving Enforcement: Wave 1

The Mayor would like to see a loading and unloading sign on Delta Street and would like Council to consider this.

Authorization to Acknowledge the Payment of Bills

On a **MOTION** by Kark, and a second by Youngerman, Council approved paying the bills as presented.

GENERAL FUND	\$	180,812.70
REFUSE/RECYCLING	\$	189,202.51
CAPITAL IMPROVEMENTS FUND	\$	208,710.86
HIGHWAY AID FUND	\$	-
ESCROW FUND	\$	-
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	578,726.07

Motion carries 7-1, Hall voting no.

Meetings and dates of importance

See the green calendar for the month of December 2024.

Executive Session

None

Adjournment

On a **MOTION** by Greineder, and a second by Ginder, approval was given to adjourn the meeting at 11:07PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese I
Borough Manager/Secretary