

EMMAUS BOROUGH COUNCIL

A Public Hearing was held at 7:00 p.m., prior to the start of the June 18, 2018 Council Meeting.

CALL TO ORDER

Mayor Lee Ann Gilbert; Council President Brent Labenberg; Council Vice President Chris DeFrain; Councilman Roy Anders; Councilman Wesley Barrett; Councilwoman Shana Baumgartner; Councilman Jeff Shubzda; Councilwoman Teri Sorg-McManamon; Borough Manager Shane Pepe; and Solicitor Tom Dinkelacker.

PUBLIC HEARING ON ORDINANCE NO. 1172

Ordinance No. 1172 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance, Chapter 27, §403.4.D(4)(c) of the Codified Ordinances, Establishing Fence Height Regulations for Nursing Homes and Other Types of Housing Patients with Alzheimer’s, Dementia, or Other Memory Impairments.

Solicitor Dinkelacker explained that the Public Hearing is being held pursuant to the requirements of the Pennsylvania Municipalities Planning Code. He stated that the purpose of the hearing is to hear public input on Ordinance No. 1172. He stated that it is an Ordinance that deals with fence height restrictions for Nursing Homes and other types of facilities housing patients with memory impairments. He stated that the Ordinance would increase the height restrictions from 6’ to 8’ at these types of facilities.

- Exhibit 1: A copy of Ordinance No. 1172.
- Exhibit 2: The Affidavit of Publication for the Public Notice which was published in the East Penn Press on May 30, 2018 and June 6, 2018.
- Exhibit 3: Notice of the hearing provided to the Southwestern Lehigh County Comprehensive Plan Group with comments provided from the Group.
- Exhibit 4: A letter to the Lehigh Valley Planning Commission asking for their review of the Ordinance.
- Exhibit 5: A letter to the Emmaus Borough Planning Commission asking for their review of the Ordinance. The Borough Planning Commission recommended approval of the Ordinance.

Public Comments – None

Council Comments

Mr. Barrett clarified that the Amendment is only for facilities for the memory impaired and asked Solicitor Dinkelacker if the Ordinance includes group homes. Solicitor Dinkelacker explained that the introductory language states that a fence located in a residential district in a location other than a required front yard shall have a maximum height of six feet except for nursing homes, personal care facilities, or any other permitted and

EMMAUS BOROUGH COUNCIL

licensed facility housing and providing outdoor areas for patients suffering from Alzheimer's, dementia, or any other memory impairment or disorder as long as it is permitted and licensed.

CONDITIONAL USE REQUEST 005 – Switchback Pizza Company, Inc., 525 Jubilee St., Emmaus, PA 18049. Applicant is requesting to operate a Craft Beverage restaurant in accordance with Z.O. Section 306 Table of permitted uses and the requirements of Z.O. Section 402.ZZ. Site is located in a B-C zoning district.

Solicitor Dinkelacker invited the applicant, Marguerite Viola, to approach the podium. Ms. Viola stated that her intent is to produce craft hard cider. She stated that the hard cider will be brewed in the apartment that is located in the building at 525 Jubilee Street, Emmaus, PA 18049. Solicitor Dinkelacker asked Ms. Viola if she will be within the guidelines of the B-C zoning district of production of less than 30,000 gallons to which she answered affirmatively. She stated that she estimates approximately 1,500 gallons of hard cider will initially be produced. Solicitor Dinkelacker stated that parking requirements are 1 off-street parking space for 40 sq. ft. of floor area. Ms. Viola stated that there are currently 6 parking spots for Switchback Pizza and the apartment with additional off-street parking spaces available. She stated that there will be no additional seating at the restaurant. Ms. Viola stated that Mr. Farnsworth has viewed the plans. Solicitor Dinkelacker stated that Mr. Farnsworth issued a memorandum dated May 29, 2018 indicating that the off-street parking requirements are met.

Council Comments

Mr. Anders asked if there will be trees removed. Ms. Viola stated that the plan is very old and the trees on the plan were removed years ago. Mr. Pepe stated that Ms. Viola has planted trees at Switchback Pizza and will continue to plant them on Jubilee Street along the railroad track. Ms. Baumgartner asked if there will be any additional employees hired. Ms. Viola responded that there will not be any additional employees hired at the current location and stated that she manufactures the cider. Mr. Labenberg asked if the cider will be available for takeout. Ms. Viola responded that she anticipates bottles of cider and growlers to go. Mrs. Sorg-McManamon stated that it is great for economic development that an existing restaurant is diversifying and wished them good luck.

Public Comments

Keith Plunkett, Marketing Manager for Funk Brewing Co. – stated that he is very excited for Switchback Pizza and looks forward to continuing to work with them.

ADJOURNMENT

Motion by Mr. Anders, seconded by Mrs. Sorg-McManamon to adjourn the Public Hearing. There were 7 ayes. Motion carried.

Mr. Labenberg adjourned the Public Hearing at 7:17 p.m.

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on June 18, 2018 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Labenberg called the Meeting to order at 7:18 p.m.

Brent Labenberg, President	Present
Chris DeFrain, Vice President	Present
Roy Anders	Present
Wesley Barrett	Present
Shana Baumgartner	Present
Jeffrey Shubzda	Present
Teri Sorg-McManamon	Present
Lee Ann Gilbert, Mayor	Present
Tom Dinkelacker, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Keith Plunkett, 216 S. 12th Street – stated that he is the marketing manager for Funk Brewing Co. and that he is attending tonight’s meeting as a representative of the Lehigh Valley Brewer’s Guild. He stated that the Brewer’s Guild is proposing to host the Lehigh Valley Brewer’s Guild Beerfest on October 20, 2018 to be held at the Emmaus Community Park. He stated that he has completed the Community Event Form. He stated that there would be a maximum of 500 people attending the event. He also stated that the Guild is a 501 (c) 3 with 1,300 members and is fully insured. He stated that he counted 433 parking spots at Emmaus Community Park. He also stated that there would be food trucks at the event and that the event would last from noon to 5:00 p.m. in the Arts Pavilion. He stated that porta potties would be available. Mr. Barrett stated that the event coincides with the Emmaus Halloween Parade and questioned if there will be a need for Police security at the event. Mr. Plunkett stated that he will address the need for security at the event. Mr. Pepe suggested that security is discussed in further detail with the Police Chief and the Committee. Mr. Plunkett stated that the Guild has previously worked with Lyft for pick-up and drop-off at other events they have held.

Motion by Mr. Anders, seconded by Mrs. Sorg-McManamon to grant the Lehigh Valley Brewer’s Guild request to host the Lehigh Valley Brewer’s Guild Beerfest on October 20, 2018 from noon to 5:00 p.m. at the Emmaus Arts Pavilion, contingent upon final security details and the Guild providing insurance. There were 7 ayes. Motion carried.

EMMAUS BOROUGH COUNCIL

COMMUNITY MINUTE

Mayor Gilbert stated that there was a good turnout for the Flag Day event held on June 14, 2018 and that next year will be the 50th anniversary for the event. Mr. Anders stated that the Recreation and Entertainment Commission will present the movie *The Breakfast Club* on Friday, June 29th at the Emmaus Community Park back field. He stated that if there is inclement weather, the movie will be shown at the Arts Pavilion and that the movie will begin at dusk. Mr. Shubzda stated that he attended the Emmaus Arts Commission's Best of the Nest Birdhouse Art Auction kick-off at Herbeins Garden Center. He stated that the event will continue through July 1, 2018. He stated that he also attended the Funk 5-miler. Mr. Anders stated that he attended the kick-off to Summer Reading event at the Emmaus Public Library on Saturday, June 16, 2018 and that the event was very successful.

SPECIAL PRESENTATIONS

Amy Resh, Emmaus Public Library, thanked Borough Council for their continued support. She stated that the Kick-Off to Summer Reading event was a huge success with approximately 850 individuals attending the event. She stated that 54% of Emmaus Borough residents have library cards and that the Library is working very hard to reach out to people to increase that number. Ms. Resh reviewed the events that were held in spring and the events that will be held in the summer. She stated that the Library construction project is scheduled to be complete in October, 2018. She stated that the foundation has been poured and the parking lot had its first paving. She also stated that the duct work and HVAC will be installed by the end of next week. She reminded everyone that the Library remains open during construction. Ms. Resh entertained questions about the Library or the Library construction.

Dr. Michael Waddell, President, Emmaus Arts Commission, introduced Tara Santoro to present the Emmaus Arts Commission Student Art Award to Karter Paules. Ms. Santoro presented Karter with a \$500 Amazon Gift Card. She stated that Karter is very talented and was this year's recipient of two Gold Key, one Silver Key, and one Bronze Key scholastic awards. On behalf of Karter, her mother thanked the Emmaus Arts Commission for their support of the arts in the community.

READING OF MINUTES

Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt the May 21, 2018 Council Minutes as drafted. There were 7 ayes. Motion carried.

DECISION ON BIDS – None.

COMMUNICATIONS

a. Jennifer Henry, 514 Alpine Circle – Resignation from the Recreation and Entertainment Commission (term expires 6/7/2019). Mr. Labenberg directed Mr. Pepe to mail Ms. Henry a letter of thanks.

EMMAUS BOROUGH COUNCIL

- b. St. Ann's Fall Festival – Request to hold St. Ann's Fall Festival on September 6-8, 2018. Referred to staff.
- c. Don MaGee, Emmaus Police Officer – Resignation from the Emmaus Police Department, effective immediately.

Motion by Mr. Anders, seconded by Mr. DeFrain to accept Police Officer Don MaGee's resignation from the Emmaus Police Department, effective immediately. There were 7 ayes. Motion carried.

- d. Seven Generations Charter School 1st Graders – Student letters requesting that the Borough place trash cans and recycling cans at the pond entrance of the Emmaus Community Gardens to help keep the Borough clean. Referred to the Public Works Committee.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Progress.

UNFINISHED BUSINESS, PART I

Ordinance No. 1172 – An Ordinance Amending the Borough of Emmaus Zoning Ordinance, Chapter 27, §403.4.D(4)(C) of the Codified Ordinances, Establishing Fence Height Regulations for Nursing Homes and Other Types of Facilities Housing Patients with Alzheimer's, Dementia, or Other Memory Impairments (1st Reading 4/2/2018) (2nd Reading 6/18/2018).

Motion by Mr. DeFrain, seconded by Mr. Shubzda to adopt Ordinance No. 1172 - An Ordinance Amending the Borough of Emmaus Zoning Ordinance, Chapter 27, §403.4.D(4)(C) of the Codified Ordinances, Establishing Fence Height Regulations for Nursing Homes and Other Types of Facilities Housing Patients with Alzheimer's, Dementia, or Other Memory Impairments on its 2nd Reading. Roll call vote: Mr. DeFrain, aye; Mr. Barrett, aye; Ms. Baumgartner, aye; Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Mr. Barrett asked if the height of a fence would need to be reduced if the facility closes and a different type of facility would move in. Solicitor Dinkelacker responded that the new owner would need to apply for a permit and comply with Zoning requirements.

Ordinance No. 1176 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Amending Part 3 of Chapter 1, Adding Section G, Creating a Community Garden Commission (1st Reading 5/7/2018) (2nd Reading 6/18/2018).

EMMAUS BOROUGH COUNCIL

Motion by Ms. Baumgartner, seconded by Mrs. Sorg-McManamon to adopt Ordinance No. 1176 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending the Code of Ordinances, Amending Part 3 of Chapter 1, Adding Section G, Creating a Community Garden Commission on its 2nd Reading. Roll call vote: Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Barrett, aye; Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Ordinance No. 1177 – An Ordinance Amending Chapter 5, Part 6, Section 601 of the Borough’s Codified Ordinances to Adopt the 2018 Edition of the International Property Maintenance Code, as Amended Through the Effective Date of this Ordinance (1st Reading 5/21/2018) (2nd Reading 6/18/2018).

Motion by Mr. Barrett, seconded by Mr. Shubzda to adopt Ordinance No. 1177 - An Ordinance Amending Chapter 5, Part 6, Section 601 of the Borough’s Codified Ordinances to Adopt the 2018 Edition of the International Property Maintenance Code, as Amended Through the Effective Date of this Ordinance on its 2nd Reading. Roll call vote: Mr. DeFrain, aye; Ms. Baumgartner, aye; Mr. Barrett, aye; Mr. Anders, aye; Mr. Shubzda, aye; Mrs. Sorg-McManamon, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Ordinance No. 1178 – An Ordinance Amending Chapter 15 Part 2, Traffic Regulations, of the Codified Ordinances, Adding §15-219, Establishing School Zones (1st Reading 5/21/2018) (2nd Reading 6/18/2018).

Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt Ordinance No. 1178 - An Ordinance Amending Chapter 15 Part 2, Traffic Regulations, of the Codified Ordinances, Adding §15-219, Establishing School Zones on its 2nd Reading. Roll call vote: Mr. DeFrain, aye; Mr. Barrett, aye; Ms. Baumgartner, aye; Mrs. Sorg-McManamon, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

Mr. Barrett stated that this Ordinance is a great addition to promoting safety within the community, especially around the schools. He stated that there will be an emphasis placed on having the signage completed by the start of the 2018-2019 school year.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

ITEMS NOT ON AGENDA, subject to Rule 9 – None.

MAYOR’S REPORT

EMMAUS BOROUGH COUNCIL

Progress.

COMMITTEE REPORTSa. Public Works Committee

Mr. Anders reported that the next Committee meeting is July 9, 2018 at 3:30 p.m.

Progress.

b. Health, Sanitation, and Codes Committee

Motion by Mr. Shubzda, seconded by Mr. Barrett to appoint John Hart to the Emmaus Board of Health to a term expiring 1/1/2020. There were 7 ayes. Motion carried.

Motion by Mr. Shubzda, seconded by Mr. Anders to authorize Mr. Pepe to advertise for the Refuse and Recycling Collection Disposal and Marketing Bid contingent upon the Solicitor's review. There were 7 ayes. Motion carried.

Mr. Shubzda thanked Mr. Pepe and the Committee for their effort and hard work on the Refuse and Recycling Collection Disposal and Marketing Bid Specs. Mr. Pepe stated that the bid opening will be held on August 1, 2018 and Council will vote on the bid at the August 20, 2018 Council Meeting. He stated that he believes there will be a lengthy discussion by Council when the bids are received. Mr. Shubzda stated that the Borough conducted a survey for residents' input for the bid specifications.

Mr. Shubzda reported that the next Committee meeting is June 27, 2018 at 4:30 p.m.

Progress.

c. Parks and Recreation Committee

Ms. Baumgartner reported that the Committee met on June 5, 2018 and entertained questions about the Committee minutes. She stated that the Committee looked at pictures of the Borough's playground structures and identified the Lions playground as the greatest priority. She stated that the wooden playground structure is a safety concern and the Committee recommends immediate removal of the wooden structure. She stated that Mr. Dychala presented a S.A.F.E. Model Checklist for Lions playground. Mr. Dychala stated that the Public Works Department will act on removing the wooden playground structure immediately. Mr. Anders stated that the scoreboard has been installed at the Kiwanis Field. Mr. Pepe stated that organizations need to be mindful when purchasing equipment to be installed by the Public Works Department.

EMMAUS BOROUGH COUNCIL

Ms. Baumgartner stated that the next Committee meeting is August 7, 2018 at 4:30 p.m.

Progress.

d. Public Safety Committee

Mr. DeFrain reported that the last Committee meeting was cancelled and the next Committee meeting is July 11, 2018 at 9:15 a.m.

Progress.

e. General Administration Committee

Solicitor Dinkelacker stated that a motion is needed to approve the Conditional Use application for Switchback Pizza Company, Inc., to establish a Craft Beverage restaurant at 525 Jubilee Street, Emmaus, PA 18049 in the B-C Zoning District.

Motion by Mr. Barrett, seconded by Ms. Baumgartner to grant Conditional Use Request 005 – Switchback Pizza Company, Inc., 525 Jubilee St., Emmaus, PA 18049. There were 7 ayes. Motion carried.

Mr. Labenberg stated that the next Committee meeting is June 21, 2018 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2018-24, authorizing payment of the June 18, 2018 Bill List, as follows:

Bill List	\$	585,486.16
Payroll #11 and #12	\$	302,902.04
Payroll Taxes	\$	<u>96,416.94</u>
Total	\$	984,805.14

Done this 18th day of June 2018.

Motion by Mr. Barrett, seconded by Mr. DeFrain to adopt Resolution 2018-24. There were 7 ayes. Motion carried.

Progress.

g. Community Relations, Planning and Development Committee

Resolution 2018-25 - A Resolution Conditionally Approving the Phase III Final Plan for the Fields at Indian Creek.

EMMAUS BOROUGH COUNCIL

Solicitor Dinkelacker invited Lew Rauch, Lehigh Engineering, Richard Brooks, Brooks Development and Attorney Jim Reston to the podium. Solicitor Dinkelacker stated that Phase III is the first phase that includes homes within the Borough. Mr. Rauch handed out copies of the Phase III plan and stated that this phase includes 19 homes located within the Borough. He stated that the Upper Milford Planning Commission has recommended approval for Phase III and stated that he will be presenting Phase III to the Upper Milford Supervisors on Thursday, June 22, 2018. Solicitor Dinkelacker stated that the Borough had previously approved Phase I and II and that the Borough's approval of Phase III allows the builder to begin selling houses located within the Borough. Mrs. Sorg-McManamon asked Mr. Rauch for a status on the Borough's Planning Commission recommendation to address a crosswalk signal at North Street and Cedar Crest Boulevard. Mr. Rauch responded that the issue is currently being addressed with PennDot.

Motion by Mrs. Sorg-McManamon, seconded by Mr. DeFrain to adopt Resolution 2018-25. There were 6 ayes, 1 abstention (Barrett). Motion carried.

Mrs. Sorg-McManamon reported that the next Committee meeting is June 21, 2018 at 4:30 p.m.

Progress.

PERSONAL APPEALS, PART II – None.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Borough has hired Zachary Rachnor, Zionsville, as a lifeguard at an hourly rate of \$8.25. Ms. Baumgartner asked if the lifeguard positions are fully staffed. Mr. Pepe responded that the Pool Manager stated that several individuals failed the pool certification course and the Pool Manager is considering holding a certification training course in the fall. Mr. Pepe reported that the Significant Revenue and Expense Items for May, 2018 are in the iPads and entertained questions about them. Mr. Pepe stated that he and Mrs. Sorg-McManamon attended the PSAB Conference and there are several bills in consideration that may directly impact the Borough. Mr. Pepe encouraged Council Members to attend the conference in the future. Mrs. Sorg-McManamon stated that the conference was very worthwhile and helpful. Mrs. Sorg-McManamon stated that Mr. Pepe received his Borough Official Certification Award and congratulated him on the award.

Progress.

PRESIDENT'S BUSINESS

Progress.

EMMAUS BOROUGH COUNCIL

ADJOURNMENT

Motion by Mr. Barrett, seconded by Mr. DeFrain to adjourn the June 18, 2018 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 8:34 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
June 26, 2018