

JUNE 18, 2014
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:30 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, Delmos Oldham, Darrel Potts, C. Harold Mumma, Wayne Driscoll and Michael Cermak

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wisner, Borough Solicitor (Salzmann Hughes, PC)
Jason Stains, Assistant Borough Manager

PLEDGE OF ALLEGIANCE: Mayor Starliper led those present in the Pledge of Allegiance.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he received favorable performance evaluations for Kerry Smith, Kevin Grubbs, Melinda Knott and Jason Stains. No action was required. He will present another evaluation requiring action during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that the first “Movie in the Park”, held at Rotary Park, was a success. He added that the Rotary Club is moving forward with their plans for new playground equipment at the Rotary Park. The project (estimated at \$40,000) will probably take place within the year ... plans/specifications will be discussed with the Borough at a later date.

STREET COMMITTEE: Mr. Potts noted that Council members received the Street Committee’s minutes from their 05/28 meeting, which he will refer to during the “voting section” of the meeting. The Street Committee’s next meeting is scheduled for 06/25 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report.

MAYOR'S REPORT: The Mayor's Report was as follows –

“On May 26th, I participated in the 30th of May parade and was also part of the memorial ceremony at Memorial Park. My thanks to the Combined Veterans Council, in particular Kathy Shaffer, for her hard work.

On May 28th, I was part of the eighth grade's Adventure in Learning Program. This makes the fifth time I have participated in this program.

On May 29th, as a member of the Board of Directors of the WBFA, I awarded five (5) seniors with awards totaling \$10,000. Our best to all seniors.

On May 30th, I was honored to present to Blake Edward Frain, a certificate of achievement for his Eagle Scout award.

On June 4th, I attended the Leadership Launch for the Project Big Love, 2014 Project.

On June 6th, I attended the Franklin County Visitors' Bureau's Open House at their new location in Chambersburg.

On June 10th, Kevin Grubbs hosted a meeting for the Summer Jubilee at Borough Hall. Thanks for arranging this meeting.

On June 11th, I attended the Asset Building Luncheon - Part 2, in reference to poverty's impact on communities.

On June 13th, I attended the TGIF Breakfast for the overview of the Franklin County Foundation Services Program.

Also, as a former member, past President, Zone and Regional Chairman of Waynesboro Lions and District 14-T, along with President Mumma, who was all of the above plus District Governor, our congratulations to Lion Ed Miller for receiving the Lion of PA Fellowship Award.”

SOLICITOR'S REPORT: Solicitor Wisner reported that the Borough Code was amended significantly in 2012, and has since been recodified. He will provide the Borough with appropriate electronic links (when available).

EXECUTIVE SESSION: Mr. Wisner noted that he has several issues to be discussed with Council during an executive session – personnel matters regarding uniformed employees, potential litigation regarding residential developments and potential litigation regarding code enforcement matters. Council adjourned to executive session at 7:36

p.m. and returned to regular session at 8:56 p.m.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak made a motion to grant a step increase for Richard Doll to salary level 6C. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Potts referred to page 2 of the Street Committee minutes regarding a stop sign at Northside Pool. It was suggested that a modification is needed to the stop sign at the upper parking lot exiting onto Brown Street. The staff was directed to correct that issue.

Councilman Potts referred to page 3 of the Street Committee minutes regarding skateboarding signs in the Downtown Business District. The Street Committee is recommending that Ordinance No. 949 be amended to add bicycles and self-propelled or motorized scooters (unless used for medical purposes). Councilman Potts made a motion to authorize the staff to take appropriate actions to amend the ordinance. Councilman Cermak seconded; the motion passed unanimously. Kevin Grubbs noted that the signs should be installed at every main intersection, which will be reviewed/discussed at the Street Committee's next meeting.

CONSIDER APPROVAL OF CONSENT AGENDA: Councilman Greenawalt made a motion to approve the Consent Agenda, as presented. Councilman Potts seconded; the motion passed 5-0 (Councilman Oldham abstained).

RESOLUTION FOR
COUNCIL MEETING OF June 18, 2014
"CONSENT AGENDA"

WHEREAS, the Mayor and Borough Council have either previously discussed or considers certain agenda items to be of a routine nature; and

WHEREAS, items of the nature noted in the paragraph above generally meet with the consensus approval of the Mayor and Borough Council.

NOW, THEREFORE, on motion of Councilman _____, seconded by Councilman _____, by a vote of _____, it was resolved that the following items are approved by the Mayor and Borough Council:

Award of Contracts: N/A.

Routine:

1. Approval of minutes - May 7, 2014 (regular meeting)
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - May, 2014.
3. Pay Bills - Voucher Lists dated 05/28, 06/03, 06/10, 06/13 and 06/18 (and any others following

preparation of this agenda)

Previously Discussed: N/A.

UNFINISHED BUSINESS

CONSIDER ORDINANCES FOR ADOPTION: Jason Stains noted that the following three (3) ordinances were discussed at Council's last meeting. They have been duly advertised and are before Council tonight for consideration.

1. **Amendment to Ordinance No. 1118 (International Property Maintenance Code 2012) re: Tickets for Violation** - Councilman Greenawalt made a motion for approval. Councilman Oldham seconded; the motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 1118 OF THE BOROUGH OF WAYNESBORO, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2012 AS AMENDED TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE, AND THE PENALTY PROVISIONS FOR VIOLATIONS OF SAID ORDINANCE.

Complete copy on file at Borough Hall.

2. **Amendment to Ordinance No. 1088 (Grass and Weeds) re: Tickets for Violation** - Councilman Greenawalt made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

ORDINANCE NO. _____

AAN ORDINANCE AMENDING ORDINANCE NO. 1088 OF THE BOROUGH OF WAYNESBORO, DECLARING GRASS OR WEEDS GREATER THAN TEN (10) INCHES IN HEIGHT TO BE A NUISANCE, PROVIDING FOR ABATEMENT OF NUISANCE, PROVIDING PENALTIES.

Complete copy on file at Borough Hall.

3. **Providing for Interest on Municipal Claims/Liens** - Councilman Greenawalt made a motion for approval. Councilman Oldham seconded; the motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR INTEREST ON MUNICIPAL CLAIMS AS PROVIDED FOR IN THE MUNICIPAL CLAIMS AND TAX LIENS LAW AND THE MAXIMUM LAWFUL INTEREST RATE.

Complete copy on file at Borough Hall.

NEW BUSINESS

EXECUTE AGREEMENTS FOR HOSPITAL GRANT: Jason Stains noted that, at their meeting on 01/06/2014, Borough Council agreed to sponsor and submit the application for a \$2.5 million Redevelopment Assistance Capital Program (RACP) grant on behalf of the Waynesboro Hospital/Summit Health for construction and acquisition of property for their proposed Medical Office Building. A “Host Municipality and Cooperation Agreement” between the Borough and Waynesboro Hospital was presented for execution, which is in addition to the Developer’s Agreement executed previously. Councilman Greenawalt made a motion to authorize the Council President to execute the appropriate documents, as presented. Councilman Cermak seconded; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS: Craig Mahrle, 84 W. Gay Street, requested that Council reconsider their decision regarding sewer service at the former Biser’s Furniture Store, and asked if he could provide a document for their review. Solicitor Wiser noted that this is a current code enforcement issue for which the Zoning Officer has rendered a determination. Council cannot overturn the Zoning Officer’s determination – the Zoning Hearing Board has exclusive jurisdiction to do that. Information can be provided to Council, but they will not be taking any action on this matter. Mr. Mahrle stated that the matter was not on the agenda when Council took action on it; and Mr. Wiser countered that Council can take action on any item that comes before them at a duly advertised public meeting. He added that the agenda is a guide for the business that Council is aware of, but they can address any other business which arises at that time also. Mr. Mahrle provided the document to Council and highlighted several details. He stated his opinion that the new tenant does not represent a change in the occupancy classification or occupancy load, and there would be no greater potential for problems with the new tenant than with the previous tenant.

FOR INFORMATION ONLY

HOUSING BLIGHT ISSUES: Jason Stains reported that, over the course of the last few years, there has been a significant increase in property maintenance code violations and nuisance issues in the Borough. These violations not only decrease property value and detract from the character of our neighborhoods, but present a safety issue that is not acceptable within the Borough. Though the Borough’s resources are limited, they will be prioritizing code enforcement efforts (based on chronic violations and public safety concerns) and will use all methods available to require compliance. He encouraged the public to report their concerns about properties as soon as possible, so that they can focus efforts on those properties as well.

Solicitor Wiser asked that Council authorize him to file the necessary paperwork to address a code violation issue and remove minors from a harmful situation, as deemed

necessary by the Council President, Borough Manager and Borough Solicitor. Councilman Oldham made a motion as such. Councilman Greenawalt seconded; the motion passed unanimously.

Solicitor Wisner asked that Council authorize the Council President to execute an agreement with a uniformed employee. Councilman Cermak made a motion as such. Councilman Greenawalt seconded; the motion passed unanimously.

Solicitor Wisner asked that Council authorize the Council President to execute a developer's agreement with Gemcraft in a form satisfactory to the Council President, Borough Manager and Borough Solicitor. Councilman Greenawalt made a motion as such. Councilman Cermak seconded; the motion passed unanimously.

INVITATION TO RIBBON CUTTING CEREMONY FOR NICKSON W. OYER CONFERENCE ROOM AT GOLD'S GYM PLAZA (JUNE 19, 2014): Council members were invited to a ribbon cutting ceremony at the Chamber's new office (and dedication of the Nickson W. Oyer Conference Room) on 06/19 from 5:00 to 7:00 p.m.

INVITATION TO SUMMER FESTIVAL EVENT AT CHURCH OF GOD AND SAINTS OF CHRIST (JUNE 22, 2014): Council members were advised of (and invited to) a community Summer Festival event at the Church of God and Saints of Christ church on 06/09 from 12:00 to 3:00 p.m.

INVITATION TO GRAND OPENING RECEPTION IN DESTINATION ARTS! GALLERY 50 (JUNE 27, 2014): Council members were invited to a Grand Opening Reception for Summer Destination ARTS! in Gallery 50 on 06/27 at 5:00 p.m.

Council was reminded of MSW's upcoming Car Show on 06/21. Main Street will be closed for the event.

It was noted that a joint meeting between Waynesboro Borough Council and the Washington Township Supervisors has been scheduled for 06/26 at 6:00 p.m. at the Parlor House. Discussion will be held on items of mutual interest, but no action will be taken during the advertised meeting. Council members were asked to provide agenda items for discussion to Jason Stains by Monday morning.

Jason Stains noted that the Civil Service Commission has completed their testing for Fire Apparatus Driver, and an Official Register of eligibles (dated 06/11/2014) was included with Council's meeting packets.

COUNCIL AND STAFF COMMENTS: "With mixed emotion and sadness", Councilman Wayne Driscoll resigned from Council, effective 07/15. He stated that he will no longer be a resident of the first ward, but enjoyed serving on Council for the past five (5) years, and will remain an active member of the community. Councilman Greenawalt made a motion to accept Mr. Driscoll's resignation, as presented. Councilman Oldham seconded; the motion passed unanimously.

Councilman Cermak thanked the public for their attendance.

Kevin Grubbs provided Council with an update on the status of the S. Potomac Street Storm Sewer project. As the work may not be completed by the current deadline of June 30th (depending on the weather), Council was requested to direct authority to Mr. Grubbs to grant a time extension, if warranted. Councilman Greenawalt made a motion as such. Councilman Potts seconded. Following further explanation, a vote was called and the motion passed unanimously. Mr. Stains added that the staff is planning to hold a ribbon-cutting ceremony in August for the storm sewer project, which has been ongoing for several years.

Scott Hershberger reiterated information about the upcoming Car Show to be held on 06/21 from 9:00 a.m. to 4:00 p.m.; and announced that a Celebrity Bartender Event will be held on 06/26 at the Rolling Mill Restaurant and the Open House of Gallery 50 for Destination Arts! will be held on 06/27.

Mayor Starliper recognized Cody Gardner of Troop 97, who was in attendance as a requirement for his merit badge. He reported that the Fire Police will be assisting at the Mont Alto Carnival thru 06/21, and for a wedding at Harbaugh Church on 06/21. He also reminded the public to refrain from blowing cut grass and weeds into the public streets; and cars cannot be washed or repaired along the streets.

Mr. Starliper noted that GRC General Contractor is hoping to open the alley beside the library during the first part of August. He is also hoping for positive action on House Bill 1733 regarding DUI's and Senate Bill 1428 regarding the use of radar.

President Mumma thanked the public for their patience during the lengthy executive session, and wished success to Cody Gardner on his merit badge.

Having no further business to discuss, the meeting adjourned at 9:30 p.m. on a Greenawalt/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant