

AUGUST 6, 2008  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President Craig Newcomer 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, Jason Stains, C. Harold Mumma, Craig Newcomer, Charles McCammon and Ronald Martin

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Denny Benschoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)  
Mark King, Police Chief

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

President Newcomer noted that the public will be given an opportunity to comment on agenda items and non-agenda items under “New Business”; and several additional items will be discussed at the end of the meeting.

**APPROVE MINUTES:** Councilman McCammon made a motion to approve the minutes of the July 16, 2008 public hearing and regular meeting, as written. Councilman Greenawalt seconded; the motion passed unanimously.

**COMMITTEE REPORTS (AS NEEDED):** Councilman Stains reported that he received information from Comcast regarding their conversion to all-digital format in February.

No other Committee Reports were given.

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

“On July 17<sup>th</sup> thru July 20<sup>th</sup>, I attended the Pennsylvania Mayors’ Association meeting in Gettysburg.

Along with Borough Manager Hamberger and Councilmen Greenawalt, Mumma and Newcomer, I attended the ribbon-cutting and grand opening of Rita’s Italian Ice in Rouzerville on July 23<sup>rd</sup>.”

Mayor Starliper also gave a report regarding drug investigations. During the 5½ months that the Department’s detective has been on-the-job, he has served five (5) search warrants in the Borough, one (1) search warrant in Greencastle, and was involved in sixteen drug arrests (there are presently about 20+ open drug-related cases). Year-to-date seizures included \$500 in cash, \$1,500+ in marijuana, 10 prescription pills, less than \$100 in heroin, \$80 in ecstasy, \$650+ in crack cocaine and \$750 in acid (LSD).

On a positive note, Mayor Starliper read a letter from the Livengoods regarding the Police Department's response when a burglar entered their home. He added that he has also heard negative comments from the public regarding the assistance some police officers gave to the Fire Department during a recent fire in the first block of W. Main Street. Mayor Starliper noted that the officers took an oath to "serve and protect", which they felt they were doing by helping the Fire Department. He stated that he "stands behind them 100%".

**PUBLIC INPUT ON PARKING IN MYRTLE AVENUE AREA:** President Newcomer reported that Council has had a positive meeting with the School Board regarding this matter. They have "found" additional parking spaces to be utilized, which will alleviate some of the pressure for residents in the area; and they will continue to work with the Borough to find a positive solution to this problem.

Mr. Newcomer noted that the public input session was advertised in *The Record Herald* on July 30<sup>th</sup>. Borough Council will take input from the public on the issue regarding parking along Myrtle Avenue, Second Street and Third Street. Anyone wishing to comment for the record was asked to state their name and address, and to limit their comments to five (5) minutes.

Ed Hykes, 25 Myrtle Avenue - Mr. Hykes reiterated his comments from the previous meeting by noting concern that he and some of his neighbors will not have sufficient parking for their own vehicles in front of their homes. He explained that the lots in that block are only 80', and many homes don't have off-street parking for a second vehicle.

Nancy Funk, 118 Myrtle Avenue - Ms. Funk noted her appreciation for the "no parking" signs that were erected at her driveway entrance, even though they were installed "after the fact" (she explained that she was hit by an oncoming vehicle when she pulled out of her driveway). She commented that the residents of the area are very inconvenienced. She asked what the School District intends to do to resolve the matter. Councilman Martin noted they assured Council that an additional 20-30 parking spaces would be made available for this school year, and will have additional available by mid-year. Also, in July of next year, they will allocate funding to build a "driveway" on Myrtle Avenue (Third Street Extended) to the school's parking lot.

Terry Flegel, 24 Myrtle Avenue - Mr. Flegel noted that the spaces may be made available for the students, but how does the School District plan to ensure that they use them (rather than parking on the public streets)? Mr. Newcomer asked the School District representatives who were present to take notes and answer these type of questions at the end of the public comment session.

Brenda Vaughn, 208 E. Second Street - Ms. Vaughn commented that they are also concerned about the parking situation, as they have off-street parking for only one (1) vehicle, but they own two (2) cars. Her neighbors (who were unable to attend this meeting) have no off-street parking.

Bill Spigler, 19 Myrtle Avenue - Mr. Spigler noted that he was speaking for the block on Myrtle Avenue from Second Street north towards the alley behind McDonald's. (He presented a petition from the homeowners in that block, a copy of which is attached hereto.) They feel it is objectionable to not be able to use the parking space in front of their houses. The proposed ban will not just affect people at their homes on Myrtle Avenue, but also individuals at the fire station, attendees at school functions in the evenings, and people who use the drive-thru at McDonald's. He didn't mention the students because they "have always lived with the students". He suggested that developers certainly don't build houses and tell the buyers that they can't park in front of their own home.

President Newcomer clarified that the proposal was not to ban residential parking in the area .. it was to develop permit parking for those residents. In addition, Councilman Martin stated that they were attempting to move student parking from Myrtle Avenue and Third Street (on the west side of the high school) and transfer it to the east side of the high school and have them park where there are no houses on the east side of Virginia Avenue, Second Street and Enterprise Avenue. This was

discussed with the School District, but council also wanted to hear from the residents of the area to see what they would prefer.

Stan Lesniak, 140 Myrtle Avenue - Mr. Lesniak noted that there seem to be a lot of questions that could be addressed by the School Board, especially regarding their plan to encourage the students to park responsibly, as well as their plans/timeframe on providing additional parking in the future (when the construction work is done). He also wondered if it will be mandated that the students use the parking provided. In addition, Mr. Lesniak discussed enforcement of parking violations by the Police Department (such as blocking the driveways or not parking within an appropriate distance from the driveway). President Newcomer answered that Council discussed many of those issues with the School Board, and he feels that the residents will be happy with their responses.

Bill Whittington, 14 Virginia Avenue - Mr. Hamberger noted that he was contacted by Mr. Whittington and relayed his concern about the students having no place to park.

Bill Pflager, 133 Myrtle Avenue - Mr. Pflager agreed that there is a problem, but the concept of providing parking on "Third Street Extended" would impact his backyard. He feels that that would just be moving the problem, and he went on record stating that he would prefer that not be done.

Suzanne Woodring, 39 Clayton Avenue - Ms. Woodring stated that if the Borough "takes care of Myrtle Avenue", what will happen to Clayton Avenue? Parking on Clayton Avenue is already "tight" and most of the homes are multi-family dwellings with insufficient off-street parking. She feels that the problem will simply be moved from Myrtle Avenue up to Clayton Avenue.

Paul Vaughn, 208 E. Second Street - Mr. Vaughn asked for more details on the parking permits mentioned. What if someone comes to visit? Mr. Newcomer noted that, if Council decides to go that way, research will be done before a plan is fully developed. It is his understanding that residents would be given a certain number of permits for their use, including for visitors to their home.

It was mentioned that these parking restrictions would only apply from Monday thru Friday, from 7:00 a.m. to 3:00 p.m.

Ben Newcomer (no address given) - Mr. Newcomer noted that he lived previously in Arlington, VA, where they have a similar process for parking permits. If you were having guests during certain hours or overnight, you had to list their name(s) with the Police Department in order for them to be able to park there.

Tom McKenzie, 121 Myrtle Avenue - Mr. McKenzie noted that one of his biggest issues is students walking through his yard and littering. He is aware that the school has made announcements regarding the matter, and the incidents have decreased. By extending Third Street down to the school's parking lot and providing student parking there, he feels that this will encroach more onto the neighborhood with increased loitering and trash. He noted that he has off-street parking and two (2) teenage daughters; and as his parking area is full sometimes, he would like to have the liberty of utilizing parking spaces in front of his home. He understands the concerns of his neighbors on the other side of the street (especially where the street crests), and feels that the best way to solve the problem is for the School District to provide more parking for their students.

Barbara Shook, 114 Myrtle Avenue - Ms. Shook noted that she has off-street parking, and the biggest issue she is faced with is the trash. She added that if parking is prohibited and someone wants to visit, it would be a problem.

Gloria Walker, Assistant Superintendent of the Waynesboro Area School District - Ms. Walker noted that she and School District representatives agreed to come to this meeting to hear the concerns of

the community, and they can appreciate that there have been issues with parking, trash and loitering. When it comes to public streets, however, the School District has no jurisdiction. They are certainly willing and able to speak to the students, and letters have already been drafted reminding the students to be respectful of others and their properties. In addition, a school messenger system could be used for notification to provide students with this information also.

Starting on September 2<sup>nd</sup>, there will be 20-30 additional parking spaces where construction trailers were previously located; and the Third Street Extension will be opened to assist with traffic patterns. She suggested that the School Resource Officer could assist in disseminating information regarding parking issues, as he may have more authority with the students than a school official would. In addition, when the construction project is completely finished (probably the beginning of the next school year), there will be at least 100 more spaces available than before.

Councilman Martin recapped opinions voiced at this meeting, as follows:

- Residents on Myrtle Avenue from Main Street to Second Street would like to see things stay the same.
- Residents on Myrtle Avenue from Second Street to Third Street agreed that a compromise of “No Parking, Monday thru Friday, 7:00 a.m. to 3:00 p.m., except with Parking Permits” would be suitable.
- Residents on Third Street from Myrtle Avenue to Clayton Avenue would like to see things stay the same.
- Residents on Second Street would like to see things stay the same.

Councilman Martin asked Chief King for clarification on the parking standards at driveway entrances. Chief King replied that he would like to research the matter before providing a response. It was noted, however, that painting yellow lines on the curb is not enforceable. It was also noted that the Pennsylvania Drivers’ Manual says that you cannot block a public or private driveway, but no distance is defined.

Bill Pflager suggested that parking could be removed from one side of Myrtle Avenue from Second Street to Third Street, so that everyone would have room to maneuver. Parking on both sides of the street does make it fairly narrow. No objections were voiced if parking were to be eliminated on the west side of Myrtle Avenue.

Councilman Mumma indicated that the School District will have a full-time police officer on duty beginning at the start of the new school year. He asked if it would be possible to have the officer “stroll around and observe” the parking situation. Ms. Walker (WASD) explained that the Student Resource Officer program is funded by a grant, and his duties are specifically outlined. This would not fall within his jurisdiction.

Councilman Stains reported that he received a call from the Student Body President, who received approximately 20 calls from his peers. His biggest concern is for the early-to-college students, as a few have received detentions for tardiness (because they had to park so far away). Mr. Stains explained the proposal, and the President offered to address the student body regarding being good citizens. Mayor Starliper suggested that the early-to-college students could obtain permits from the school which allow them to park on school property rather than along the public streets. Mr. Hamberger added that there is a lot of parking along Second Street, east of Enterprise Avenue, that could be utilized.

Council President Newcomer announced that it seems to be the consensus to prohibit parking on the west side of Myrtle Avenue from Second Street to Third Street on Monday thru Friday, from 7:00 a.m. to 3:00 p.m. All other parking should remain the same. All seemed to be in agreement with this concept.

## **UNFINISHED BUSINESS**

**CONSIDER TRAILER PARKING ORDINANCE FOR ADOPTION:** Mr. Hamberger noted that the modified ordinance has been duly advertised and is presented for Council's consideration. Councilman McCammon made a motion to approve the ordinance for adoption. Councilman Greenawalt seconded; the motion passed unanimously.

### **ORDINANCE NO.**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 815, BEING AN ORDINANCE AMENDING ORDINANCE NO. 688, AND AMENDING ARTICLE III, SECTION 11, ENTITLED, "PARKING OF CERTAIN VEHICLES PROHIBITED IN CERTAIN LOCATIONS"

Complete copy on file at Borough Hall.

## **NEW BUSINESS**

**PUBLIC COMMENT - ITEMS ON AGENDA:** A gentleman from the audience spoke regarding the Trailer Parking Ordinance that was just adopted. He noted that he has a travel trailer which he parks on the street in front of his house several times a month. To his knowledge, the police have never been called about his trailer before, but he is aware that there are some in town which cause a problem. Discussion ensued regarding the issuance of permits for trailer parking for a period of time not-to-exceed 24 hours (for a maximum of two times within a 30-day period).

Mr. Hamberger noted that this amendment only deals with weight limits of the vehicles. It is his understanding that the type of trailer being discussed was prohibited previously by the existing ordinance. He quoted the ordinance as follows: "No vehicle which is in excess of seven (7) feet in width or in excess of ten thousand (10,000) pounds gross weight shall be parked within fifty (50) feet of the intersection on any two (2) streets within the Borough of Waynesboro. No vehicle which is not self-propelled and which is capable of being detached from a towing vehicle shall be parked on any street or alley within the Borough of Waynesboro excepting, however, an individual desiring to temporarily park such a vehicle on a public street may apply to the Police Department of the Borough of Waynesboro ...." The only thing this new ordinance does is change the weight limit on the vehicles from 10,000 pounds to 500 pounds.

Mr. Hamberger added that the effective date on the ordinance needs to be determined. Councilman Martin made a motion for the ordinance to become effective on August 7, 2008. Councilman Mumma seconded; the motion passed unanimously.

**TRAFFIC ORDINANCE:** Kevin Grubbs noted that Council members received a copy of the proposed ordinance which affirms all traffic and parking regulations approved during the past year. Councilman McCammon made a motion to authorize advertisement of the ordinance, as presented, for Council's consideration in September. Councilman Greenawalt seconded; the motion passed unanimously.

**REQUEST RE: NATIONAL NIGHT OUT COMMUNITY GET TOGETHER (FRANKLIN COUNTY HOUSING AUTHORITY):** Mr. Hamberger read a letter from the Franklin County Housing Authority requesting permission to close Hawbaker Avenue for a block party and cookout on August 14<sup>th</sup>, from

4-8 p.m. He noted that this is an annual event and there have been no past concerns. Councilman McCammon made a motion to approve the request. Councilman Greenawalt seconded; the motion passed unanimously.

**PRESENTATION OF RETIREMENT BADGE:** Mayor Starliper requested that Glenn R. Ogle come forward. He noted that Mr. Ogle served on the Borough's police force for 30 years. It has recently come to Council's attention that Mr. Ogle did not receive his retirement badge when he retired. Accordingly, Mayor Starliper presented Mr. Ogle with his Corporal's badge. Mr. Ogle thanked the Mayor and Council for the badge, as well as their recent vote on a cost-of-living adjustment for the retirees.

**PUBLIC COMMENT - NON-AGENDA ITEMS:**

Eugene Leatherman, 21547 Ringgold Street, Hagerstown, MD - Mr. Leatherman noted that he owns the property at 110-110½ Fairview Avenue. There is an alley adjacent to the property in the rear, of which he has paved 1/3 (but cannot use) because a gentleman parks his vehicle in it. His tenants have great difficulty accessing the property, and he would like to have something done about the blocking of a public alley. He presented drawings of the alley for Council's information (as provided by the Borough's Engineering Department). Council members viewed the drawings, and noted they will discuss it further at the next Council meeting.

Harry Morningstar, Jr., 205 Clayton Avenue - Mr. Morningstar was present on behalf of Mainstreet Waynesboro, Inc. with regard to the Rotary Parking Lot project. He complimented Council on their decisions to date including paving, handicapped ramps, brick design, painting white lines, and Victorian-style lights and poles. Council members were also generous enough to look at a landscaping plan for the project, and agreed to approve the planting of eight (8) trees. While Mr. Morningstar admits that their plan was "ambitious", he feels that more trees would be nice. He indicated that there are some private citizens who have made it known that they are willing to donate some funds for additional greening of the project. Because of concerns regarding increased crime and ongoing maintenance, he would like to request that a meeting be held with the landscape architect and pertinent Borough personnel to discuss the concept of adding more trees. Discussion ensued regarding the need to keep the project moving due to the increased cost of blacktop. It was suggested that Borough forces could do the paving (Mr. Hamberger has talked with Washington Township regarding the use of their paving equipment), which would save a lot of money due to bid prices for the material.

Further discussion was held and conflicting opinions were voiced. It was suggested that the entire project doesn't have to be completed in 90 days. Money could be put into the budget over a 2-3 year period, with the plan being finished at that time. President Newcomer instructed Mr. Morningstar (and MSI's Design Committee) to meet with Mark King, Kevin Grubbs and Denny Benshoff within the next two (2) weeks. The matter will be placed on Council's next agenda for a vote on the matter. Mr. Morningstar suggested Monday, August 11<sup>th</sup>, at 4:00 p.m., in Borough Hall.

**C.V. AVENUE (FRICK COMPANY):** Councilman Martin noted that he received a return telephone call from Mr. Mulligan of Frick Company regarding C.V. Avenue. They will meet, along with Kevin Grubbs and Lloyd Hamberger, the following day at 11:00 a.m.

**CROSSWALK VIOLATIONS:** Councilman Martin asked that Chief King report on any progress made regarding crosswalk violations. Mr. King reported that he met with PENNDOT officials who were involved in the Smooth Operator/Aggressive Driving programs previously. He will discuss a legal issue with the District Attorney's Office, but would like to move forward with crosswalk enforcement utilizing PENNDOT officials. He added that PENNDOT's findings regarding the recent pedestrian accidents within the Borough apparently have "no rhyme or reason".

**SCHOOL PARKING/PROPOSED “NO PARKING” AREAS:** Councilman Martin made a motion to make the west side of Myrtle Avenue from Second to Third Streets “Permit Parking Only, from 7:00 a.m. to 3:00 p.m., Monday thru Friday. All other parking in the vicinity will stay the same. Councilman McCammon seconded; the motion passed unanimously. Councilman Mumma made a motion that the information contained in this ordinance be added to the proposed Traffic & Parking Regulations Ordinance to be adopted in September. Councilman Martin seconded; the motion passed unanimously.

**EXPIRATION OF BUILDING PERMITS:** Councilman Martin stated that, up until January 1<sup>st</sup> of this year, building permits were issued for a period of one (1) year; and now they are being issued for two (2) years. He feels that this creates a problem when the permits are issued for that length of time and the work is not getting done. He suggested that permits be issued for one (1) year, and then they could be renewed. Accordingly, Councilman Martin made a motion that the Borough’s building permits be issued for one (1) year. Councilman Greenawalt seconded. Mike Cermak (Accredited Services, Inc.) explained that the state mandates that if no work is done on a job for 180 days, the permit is void. Councilman Martin made a motion to amend his previous motion and request that the Building Code Official enforce the State Code and issue one-year building permits. Councilman Mumma seconded; the motion passed unanimously.

Discussion ensued regarding the Hurd property on W. Main Street. Mr. Cermak noted that his building permit expired 14 days ago. Dan Sheffler stated that he discussed this matter with the Solicitor. Because Mr. Hurd has a design from an engineer stating that a tarp must be kept over the structure (or the structure must be sealed in some way) to ensure that it is waterproof. Mr. Martin noted that he will discuss the matter with Mr. Sheffler following the meeting.

**PAVING ALLEYS:** Councilman Martin noted that Denny Benshoff has presented him with a list of seven (7) alleys he would like to pave (estimated total cost of \$15,000). Councilman Martin made a motion to authorize Mr. Benshoff to move forward with paving as many alleys on the list as possible for the allocated \$15,000. Councilman McCammon seconded; the motion passed unanimously.

**UPGRADE CROSSWALKS:** Councilman Martin noted that Kevin Grubbs is requesting approval to upgrade all crosswalks in high-traffic areas (a list was provided to Council for their review). Councilman Martin made a motion to authorize Mr. Grubbs to proceed, as money becomes available. Councilman Mumma seconded; the motion passed unanimously.

**HOUSING STUDY:** Mr. Hamberger noted that he sent a copy of the housing study to Bonnie Zehler (Franklin County Housing Authority), per Council’s request. She has not had an opportunity to thoroughly review it yet, so the matter will be placed on Council’s agenda for a later date.

**HELPING HANDS:** President Newcomer noted that this non-profit organization has come to Council previously to request that their land use fees be waived for projects in which they donate time and supplies to help people in the Waynesboro area. Councilman Greenawalt made a motion to waive the fees, as requested. Councilman Stains seconded; the motion passed unanimously.

**UPDATE ON TRAFFIC LIGHT AT N. EAST AVENUE:** Mr. Hamberger reported that he originally attempted to get the proposed light at N. East Avenue into the SAMI (ECONS) Project with the other traffic lights throughout town, however he was told that that would definitely slow the project down. As this was not favorable to pursue, he discussed the matter with the Traffic Lights official from PENNDOT. He advised that PENNDOT won’t talk about the light until the Borough is agreeable to sign a contract stating that they have the money for it. Information will be forwarded regarding their revised regulations for traffic lights. Councilman Martin requested Council’s permission to talk with the owner of Waynesboro Mall to see what could be done, with the understanding that the Borough and

Washington Township may need to take care of this problem themselves (each municipality paying 50%). Council agreed.

**PAY BILLS:** Councilman Mumma noted that Check No. 46725 is voided; and he made a motion to approve the payment of Check Nos. 46726 to 46759. Councilman Stains seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Councilman McCammon reported that he attended an alumni breakfast that morning at the Mountain Gate Restaurant. Those are held on the first Wednesday of every month for anyone who graduated from the Waynesboro Area Senior High School.

Kevin Grubbs requested clarification on the motion for parking along Myrtle Avenue. Councilman Martin noted that there will be “No Parking” on Myrtle Avenue from Second Street to Third Street on the west side only, Monday thru Friday, from 7:00 a.m. to 3:00 p.m., except by permit only. Parking on the west side during all other hours is unlimited.

Kevin Grubbs noted that the Land Development Plan for Tom Kourliouros was approved at the last meeting, subject to proper bonding, which has been acquired. Accordingly, President Newcomer’s signature is required on the plans.

Dan Sheffler reported that there is a property in town (120 E. Third Street) which has been taken over by a mortgage company in South Carolina. They are not maintaining the yard to proper standards, and he would like to obtain bids to get the work done. Council instructed him to attempt to request 2-3 quotes for the work; and proceed with having it done and bill them for it.

Mayor Starliper provided information on an emergency grant program from FEMA, which he presented to Mr. Hamberger for review.

President Newcomer congratulated and thanked Mr. Ogle for his 30 years on the police force.

Having no further business to discuss, the meeting adjourned at 9:17 p.m. on a McCammon/Stains motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant