

NOVEMBER 14, 2018
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 6:30 p.m. with the following in attendance:

Borough Council Members – Jarred Knott, Patrick Fleagle, Niccole Rolls, C. Harold Mumma, Dade Royer (Michael Cermak was absent)

Junior Councilpersons – Jacob Gearhart and Mya Graves

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Chad Rooney, Administrative Services Coordinator
Matt Schmidt, Zoning/Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Mary Beth Shank, Borough Solicitor (Salzmann Hughes, PC)
Rebekah Deeds, Police Patrolperson
Shawn Adolini, Fire Chief
Jody Sanders, Deputy Fire Chief

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

Mayor Starliper welcomed Kiaya Mouer and Will Young from a Civics Class at Waynesboro Area Senior High School.

EXECUTIVE SESSION: President Mumma noted that Council held an executive session on Wednesday (11/07) from 6:30 to 6:35 p.m. (prior to the budget meeting) for the purpose of discussing personnel issues. No action was taken afterward.

COMMITTEE REPORTS AND VOTING ON ITEMS FROM COMMITTEE REPORTS (AS NEEDED)

PERSONNEL COMMITTEE: Councilman Royer acknowledged receipt of a favorable performance evaluation for Jason Stains. No action was required.

Councilman Royer made a motion to accept the resignation of Matthew Rosenberry as a FT Fire Apparatus Driver and appoint him as a PT Relief Driver. Councilman Fleagle seconded; the motion passed unanimously.

Councilman Royer made a motion to accept the resignation of Samantha Hepler from the Recreation Board. Councilman Knott seconded; the motion passed unanimously.

Councilman Royer made a motion to approve the hiring of Kyle Adolini as Driver/Operator-Laborer at salary level 6A, effective 12/03/2018. Councilwoman Rolls seconded; the motion passed unanimously.

Councilman Royer made a motion to approve a step increase for Peggy Martin to salary level 7C, effective 09/17/2018 (retroactive). Councilman Knott seconded; the motion passed unanimously.

Councilman Royer made a motion to approve a step increase for D'Lynn Scheeler to salary level 8C, effective 09/17/2018 (retroactive). Councilman Knott seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilwoman Rolls made a motion to approve the installation of a handicapped parking space at 330 Fairview Avenue. Councilman Royer seconded; the motion passed unanimously.

Councilwoman Rolls noted that the Street Committee is proposing the addition of 15-minute parking spaces in the downtown district. A full presentation and voting on the matter will take place at the 12/05 Council meeting.

ECONOMIC DEVELOPMENT COMMITTEE: No report.

FINANCE COMMITTEE: Councilman Knott thanked the Borough Manager and department heads for their work on the 2019 budget, and invited the public to attend the 12/05 Council meeting for presentation of the proposed budget.

RECREATION BOARD: Councilman Royer introduced Melanie Graves, a member of the Recreation Board, who gave a presentation on their recommendation regarding 5K and 10K pre-planned routes. Ms. Graves noted that various factors were considered (including length of the routes, interference with traffic, and the number of flaggers needed) for each of the following routes: (1) Ed Miller Walking Trail Route; (2) Beck and Back; (3) Park-to-Park Route; and (4) Jingle Bell Route. She gave descriptions and provided Council members with a map of each proposed route. Kevin Grubbs noted his concurrence.

Councilman Fleagle commented that the joining of various municipal parks by a walking trail was recommended in the Joint Comprehensive Plan prepared several years ago in conjunction with Washington Township. He noted his appreciation for the Ed Miller Walking Trail, adding that it is a real asset to the community.

Discussion ensued regarding the need for certified flaggers for all future events/runs. A meeting will be held with all event sponsors to ensure their compliance with this requirement, as Fire Police will no longer be available to assist and volunteers will not be permitted. Mr. Stains noted it was also the Recreation Board's intention to "grandfather" the Firecracker 5K and YMCA Triathlon routes utilized in the past.

Councilman Royer made a motion to approve the pre-planned 5K and 10K pre-planned routes, as recommended and presented by the Recreation Board. Councilwoman Rolls seconded; the motion passed unanimously.

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

- On October 20th, I attended the Waynesboro Volunteer Fire Department display until they left to fight a barn fire.
- Also on the 20th, I participated in the Veterans' program at the Main Street Park. Thanks to Mainstreet Waynesboro, Inc. for this event.
- Shortly thereafter, I performed the wedding of Shannon Smith and Alex Suttle at the park. Wish the Suttles the very best.
- On October 22nd, I performed the marriage of Mary Verdier and Steve Arnold in Borough Hall. Wish the Arnolds the very best.
- On October 23rd, I attended the Franklin County Commissioners' meeting in the new place, which will change in the future.
- On October 25th, a meeting was held in Chambersburg for the Franklin County mayors.
- Also on the 25th was the ribbon cutting for Dunkin Donuts.
- On October 26th, I attended the Franklin County Headstart annual meeting.
- On November 10th, I attended the time capsule presentation. Many thanks to Councilman Fleagle, WaynesboroFest Chairman Harry Geesaman and Mr. Rooney, along with all who helped to pull this off. A crowd of 200 were here.
- On November 11th, I participated in the dedication at Green Hill Cemetery for the Veterans' memorial. Many thanks to Green Hill Cemetery and the American Legion for this project.
- On November 14th, I attended the Council of Governments meeting in Chambersburg.
- Also on the 14th, as a board member of the Waynesboro Beneficial Fund Association, I attended our board meeting.
- I would like to wish everyone a Happy Thanksgiving.

SOLICITOR'S REPORT: No report.

DIRECTOR OF UTILITIES' REPORT: No report.

MANAGER'S REPORT: No report.

PUBLIC COMMENTS – AGENDA ITEMS: Visitors desiring to comment on a particular agenda item will be recognized by the President to speak when the topic is being discussed.

PUBLIC COMMENTS – NON-AGENDA ITEMS: None.

CONSENT AGENDA: Councilman Fleagle made a motion to approve the Consent Agenda, as follows –

A. Award Contracts

- (1) Water Treatment Chemicals
- (2) Snow Removal

B. Approve Minutes – October 17, 2018 (regular meeting)

C. Accept Reports of the Police Chief, Fire Chief and Code Enforcement/Zoning Officer for the month of October, 2018

D. Pay Bills – Check Detail(s) dated 10/22, 10/29, 11/06 and 11/12

E. Termination of Lease Agreement for Trinity Parking Lot

Councilwoman Rolls seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CHANGE IN CONTRACT AWARD FOR RECTANGULAR RAPID FLASHING BEACON (RRFB) LIGHTS: Kevin Grubbs noted that Council previously awarded the contract to the apparent low bidder (Transportation Solutions & Lighting from Boca Raton, FL), however the product they were proposing to use was not PENNDOT approved. Accordingly, the contract should be awarded to the second lowest bidder (Schaedler Yesco/TAPCO) in the amount of \$143,153.23. He stated that the grant amount for this project was \$188,655.00 for 12 RRFP's. The Borough's 20% required match of \$37,731.00 will involve the Maintenance Department's labor for installation of the bases and signs, but the total cost will not exceed the grant amount. Councilwoman Rolls made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

NEW BUSINESS

DRAFT ORDINANCE USING INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) FOR RENTAL INSPECTION AT TIME OF SALE FOR MULTI-FAMILY DWELLINGS: Mr. Stains presented a draft ordinance impacting certain rental properties (multi-family and two-family properties) by requiring they meet appropriate property maintenance standards. It will also adopt the IPMC as the adopted Residential Rental Dwelling Unit Code of the Borough of Waynesboro, including all the regulations, provisions, penalties, conditions and terms of the IPMC.

- The provisions would provide minimum requirements that property owners would have to maintain to protect the health, safety and welfare of residents of the Borough.
- The fees for services, inspections and activities performed by the Borough, or its officials, agents or employees in carrying out responsibilities under the Code would be set forth and amended from time to time by resolution in the Fee Schedule of the Borough of Waynesboro.

- The authorized fees shall include, but not be limited to, fees for inspections, the issuance of Rental Certificates, re-inspections and review of independent inspections reports.
- The Code Official will be granted the ability to seek administrative search warrants to ensure that any property regulated by this ordinance is in compliance with the ordinance.
- Any property regulated by this ordinance that is in violation would be considered a public nuisance and would be required to comply with provisions of this ordinance before a Rental Certificate would be issued (which is required before the structure can be occupied as a rental unit).
- The ordinance would be triggered by the sale or conveyance of a multi-family or two-family dwelling containing two (2) or more Residential Rental Dwelling Units within the structure, or a multi-family dwelling or two-family dwelling in which one dwelling unit is owner-occupied.
- The structure and each Residential Rental Dwelling Unit shall be inspected by the Code Official for such purpose and for any re-inspection required.
- If the Code Official, after inspection, determines that the multi-family dwelling or two-family dwelling complies, then the Code Official shall issue a Rental Certificate for the property.
- The Rental Certificate is not transferable to a subsequent purchaser, and inspections may also occur if the occupant files a written/signed complaint at the Borough Office or with the Code Official. The owner or owner's agent/property manager shall be notified of the complaint and may be present at the time of the inspection. If no violation(s) of the ordinance are found to exist, the occupant who filed the complaint shall be responsible for the cost of the inspection. If a violation of the ordinance is found by the Code Official, the owner/owner's agent shall be responsible for the cost of the inspection.
- The ordinance also states that the issuance of a Rental Certificate shall not preclude the Code Official from conducting further inspections at the property if there are reasons to suspect that the property is in violation of this ordinance.

Discussion followed regarding the need for a revision regarding a Rental Certificate (under Section 902.1) and clarification that the "Board" mentioned in several sections refers to the Board of Appeals.

Bonnie Zehler, Valley Community Housing Corporation – Ms. Zehler asked if any considerations have been made for organizations such as VCHC looking to purchase older or dilapidated multi-family structures to be rehabilitated, as it wouldn't make sense to do the corrections to allow the transfer of sale and then purposely tear it all out during the rehab project. Mary Beth Shank recommended, in that scenario, that Council work with the purported buyer and likely enter into a remedial action agreement to provide for either demolition or remediation in a time frame acceptable to Council. The ordinance does provide the Code Official and Board of Appeals with the ability to extend time and provide for an agreement to make repairs under a certain time frame.

Stephen Monn, 126 W. Main Street – Mr. Monn questioned if this ordinance would prevent the sale of the property or the re-rental of the property after the sale if the

property fails the inspection? It was noted that the ordinance gives the authority to block the sale if the required corrections are not made.

Councilman Fleagle made a motion to authorize advertisement of the proposed draft ordinance, with clarifications to be made as noted earlier regarding the Rental Certificate and Board of Appeals. Councilwoman Rolls seconded.

Councilman Knott questioned, in the event that a property is to be sold and fails the inspection, will this ordinance require that the violations be corrected even though the sale does not take place? Solicitor Shank noted “absolutely” ... the violations must be corrected prior to finalization of the sale or the Borough must agree to the entrance of a remedial action agreement by the new buyer.

Mr. Monn also asked if this applies to the owner-occupied half of a two-family structure in the case of a sale. Solicitor Shank replied in the affirmative.

Upon recommendation by Ms. Shank, Councilman Fleagle amended his motion that if the Solicitor’s office feels any further clarifications are appropriate in the proposed ordinance based upon this conversation, that those be made prior to advertisement. Councilwoman Rolls seconded the amendment; the amended motion passed unanimously.

PROPOSED RESOLUTION NO. 2018-22 (ADOPTING THE FRANKLIN COUNTY 2019 HAZARD MITIGATION PLAN): Manager Stains noted that the Disaster Mitigation Act of 2000 requires that state and local governments develop and submit for approval to the President a mitigation Plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities. The Franklin County Department of Emergency Services (with the cooperation of other county departments and municipalities) has developed the Franklin County 2019 Hazard Mitigation Plan, which was circulated to Council for review. He presented proposed Resolution No. 2018-22 to adopt the Franklin County 2019 Hazard Mitigation Plan and directing respective officials/agencies identified in the implementation strategy of the Plan to implement the recommended activities assigned to them.

Councilwoman Rolls made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

REQUEST TO PLACE BANNER ON STOREFRONT (SAVE-A-LOT): Code Enforcement Officer Matt Schmidt advised that he was contacted by a third party on behalf of the Save-A-Lot store on S. Potomac Street. They would like to erect an 8’ x 4’ single-sided sign on the front of their building to advertise an upcoming sale, which classifies as a banner in the Borough’s sign regulations and requires Council’s approval. They are aware of the pertinent regulations and are willing to comply therewith. Councilman Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

FEE FOR SIGN PERMITS: Mr. Schmidt noted that when the third party for Save-A-Lot submitted their land use application, they included a check for \$50.00. He explained,

however, that he could find no specific distinction for sign fee(s) required; and he asked if Council would like to entertain discussion on the matter. As much discussion regarding signs was held by the Planning Commission when adopting the Zoning Ordinance, President Mumma requested that PC Chairman Steve Monn, Matt Schmidt and Kevin Grubbs discuss the matter, determine what fees are charged by other municipalities, and report back to Council.

APPROVAL OF 2019 FRANKLIN COUNTY AREA TAX BUREAU BUDGET: Mr. Stains presented the Franklin County Area Tax Bureau's proposed 2019 Operating Budget, which will be automatically adopted once the Executive Director/Board Secretary receives written or electronic notification by a majority plus one (14) of their member jurisdictions that their governing bodies have voted affirmatively on the budget. Councilwoman Rolls made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

APPOINT REPRESENTATIVE AND ALTERNATE TO FRANKLIN COUNTY AREA TAX BOARD: Mr. Stains noted that Council is required to annually appoint a representative and alternate to the Franklin County Area Tax Board (he is the current representative and Councilman Knott is the alternate). Councilman Royer made a motion to retain the current representative and alternate for 2019. Councilman Fleagle seconded; the motion passed unanimously.

ELECTRICITY SUPPLIER PROPOSALS: Mr. Stains noted that he is in the process of reviewing proposals submitted by various electricity suppliers and requested Council's authorization for administrative staff to proceed with the appropriate rate. Councilman Knott made a motion for approval. Councilwoman Rolls seconded; the motion passed unanimously.

REQUEST FROM WASHINGTON TOWNSHIP FOR LETTER OF SUPPORT FOR PHASE II OF WASHINGTON TOWNSHIP BOULEVARD: Mr. Stains provided Council with a draft letter of support for Washington Township's use in their upcoming Multimodal Transportation Fund grant application for Phase II of the Washington Township Boulevard (from Gehr Road to Tomstown Road). Councilwoman Rolls made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

REQUEST FROM VALLEY COMMUNITY HOUSING FOR LETTER OF SUPPORT FOR WESTWIND GARDENS: Bonnie Zehler, Executive Director of Valley Community Housing Corporation, noted that Council provided a letter last year in favor of the concept of the proposed Westwind Gardens development. The project has evolved over the last year and has been reduced from 32 to 30 units. The project now includes all requirements for the revised Subdivision/Land Development Ordinance with regard to required streets and stormwater management. The units are now proposed as townhouses instead of duplexes, and will meet all requirements of the Planning Commission. If the requested funding is awarded, they would then prepare and submit a Land Development Plan to the Waynesboro Planning Commission for approval. Ms. Zehler added that they are retaining the concept of future home ownership, which is an option after rental for 15 years. Clarification was given that the homes would be taxable during the first 15 years, but the assessments are calculated based on income instead

of building values. Ms. Zehler reminded Council that the homes are specifically built for low to moderate income working families who can't afford market rate properties. She stated that she will send information to Manager Stains regarding the tax calculation process.

Councilwoman Rolls made a motion to authorize a letter of support for Westwind Gardens' funding application. Solicitor Shank cautioned that the letter should clearly state that Council supports the concept, but no plans have been submitted to the Planning Commission yet for review/comment. Councilman Knott seconded; the motion passed unanimously.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail – requested a copy of the 5K and 10K routes discussed previously.

Questions – regarding termination of the Lease Agreement for Trinity Parking Lot on the consent agenda ... was the lease up for renewal, why is it being terminated, what was the lease amount, was Trinity Church informed of this decision, how many years was the lease in place, and can they choose to restrict public parking?

- President Mumma & Manager Stains – The lease agreement provides for either party is terminate provided they give 30 days' notice. Funding is the reason. The lease payment was \$1,800/year, but the Borough was also responsible for snow removal, line painting and repairs to the parking lot. Trinity Church has not yet been notified, but the lease will continue thru 12/31/2018. The current lease was signed in 2012, and continued on a month-to-month basis. The lot is owned by Trinity Church, so they can do with it whatever they choose.

COUNCIL AND STAFF COMMENTS

Councilman Royer noted appreciation to the Franklin County Commissioners and Borough for their assistance in applying for a grant (which Renfrew was awarded) for \$87,824 for the walking trail extension.

Matt Schmidt provided Council with an update on several projects: (1) the Police Department is willing to give him an air card (at a cost of approximately \$40.00/month) for internet service in his vehicle; and (2) the Borough's ordinances provide for the issuance of tickets payable to the municipality (rather than citations thru the Magistrate of Courts) and he will be implementing that process in the near future.

Kevin Grubbs noted that the Waynesboro Planning Commission reviewed plans (and recommended approval) at their meeting on 11/12 for Wild West Car Sales, contingent on revisions being completed and meeting all requirements of the Zoning Ordinance, the Stormwater Management Ordinance, and the Borough's Floodplain Management

Ordinance. Council has 45 days to take action on the plans. Councilman Fleagle made a motion for approval, based on the contingencies set. Councilwoman Rolls seconded; the motion passed unanimously.

Solicitor Shank requested an executive session at the end of the meeting for the purpose of discussing matters related to pending litigation. No action is anticipated afterward.

Bill Kohler (Mainstreet Waynesboro, Inc.) thanked the Borough's staff for their assistance in hanging the veterans' banners and Christmas tree/decorations. He reminded the public of the upcoming Tree Lighting Ceremony to be held on 11/16 and Holiday Parade on 11/17. Mr. Kohler also added that Mainstreet Waynesboro is in support of Brio's request for 15-minute parking spaces in Center Square.

Councilman Fleagle noted his appreciation to the Borough staff for assisting with the time capsule opening, adding that they are looking for a location to permanently display its contents.

Mr. Fleagle also announced the upcoming Waynesboro Community Concert to be held on 11/18 at 3:00 p.m. at the Waynesboro Area Senior High School. Veterans and active duty service members (and their families) will be admitted at no charge.

Councilwoman Rolls thanked the Engineering Department for their assistance with the resurfacing projects on Second and Fifth Streets.

Mayor Starliper noted that the Waynesboro Fire Police will be assisting with traffic control for Greencastle's Holiday parade on 11/17.

Having no further business to discuss, Council adjourned to executive session at 7:51 p.m. They reconvened to regular session and adjourned the meeting at 8:34 p.m., with no further action.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary