

MARCH 23, 2022
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, Jon Fleagle, C. Harold Mumma, Dade Royer and Michael Cermak

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Kevin Grubbs, Head of Engineering Services
Sam Wisner, Solicitor (Salzmann Hughes, PC)
Matt Schmidt, Zoning/Code Enforcement Officer
Jim Sourbier, Police Chief
Chris Devers, Fire Chief
Jody Sanders, Deputy Fire Chief

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

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: None.

EXECUTIVE SESSION: President Mumma noted that Council held an executive session on 03/08 to receive updates on legal issues.

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

PERSONNEL COMMITTEE: Councilman Royer noted that the Personnel Committee met on 03/08, and there are several items on the agenda for discussion and action. Their next meeting will be held on 04/12.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Cermak noted that the Borough has applied for grant monies to cover needed repairs to the Burns Hill Cabin, and they are currently working on rezoning the Toll Gate House property with hopes of renting it in the spring. The proposed solar project at the former golf course fell through, but the Committee continues to pursue other ideas for use of the land.

STREET COMMITTEE: Councilman J. Fleagle noted that the Street Committee met on 03/03. There are several items on the agenda that need Council's approval later in the meeting. The Committee also discussed the following –

- Porous Rubber Tree Mats – The Shade Tree Commission has requested that porous rubber mats be placed around the trees in Center Square. Kevin Grubbs is obtaining pricing.
- Request for 25 mph Speed Limit Sign – Speeding issues at this location are being investigated.
- Signs Prohibiting Skateboards and Bicycles on Sidewalks – The Police Chief has requested that these signs be erected in the downtown business district. This will allow the Police Department to enforce the current ordinance prohibiting bicycles, skateboards, rollerblades or roller skates on Main Street. Kevin Grubbs will obtain a price quote for the signs needed.
- C.V. Avenue Stormwater Project – Will have an estimate on the costs at the next meeting.
- Curb and Sidewalk Notices – Notices for curb/sidewalk repairs/replacement have been sent out to property owners on Virginia Avenue in anticipation of the upcoming street reconstruction.

ECONOMIC DEVELOPMENT COMMITTEE: Councilman P. Fleagle noted that the Economic Development Committee met on 03/01 and discussed the following –

- Proposed Zoning Change – Industrial/Commercial – Reviewed side-by-side drafts of current language as opposed to suggested language of new I/C Zoning Ordinance. After considerable discussion on best way to approach the desire to allow Commercial development in an Industrial zone, it was concurred that Commercial language be amended to current Industrial zone language and passed on to Planning Commission for their suggestions and comment.
- Rental Registration Ordinance – Noted that effective date language was amended to reflect a July 31, 2022 effective date. Language to be amended and sent back to Committee for review.
- Mainstreet Waynesboro Update – Bill Kohler noted bids are to be let for 21 E. Main Phase 1B plans later this month. Developers are submitting revised plans for review of 137-139 W. Main Street. Kohler also noted that the annual Chocolate Excursion is planned for downtown Waynesboro this coming Saturday.
- Walnut Street Lighting Plan – Reviewed Downtown Master Plan concept drawings for redevelopment of second block of Walnut Street corridor to ensure potential street light placement would coincide with future development concepts. Owners of properties in the area are to be advised of design plans.
- Economic Development 101 for Elected Officials – Tabled until next month.

Councilman P. Fleagle noted that the 04/05 meeting has been canceled. The next meeting will be held on 05/03.

FINANCE COMMITTEE: Councilman Knott noted that the Finance Committee held a meeting prior to this Council meeting. There are no recommendations at this time.

RECREATION BOARD: Councilman Royer noted that the Recreation Board met on 02/23. They discussed the following items –

- Summer Jubilee – this was approved at Council’s last meeting.
- Movie Series at Memorial Park – movies are scheduled for 06/14, 07/12 and 08/16.
- Northside Pool – Mr. Stains noted that more applications than are needed have been received for Lifeguards for this season; and more Cashiers and Concession workers are needed.

A survey, which is a required component of the feasibility study, was conducted on 04/11 via FaceBook, a Waynesboro Area School District Blast and the Borough’s (Pool) website. 523 responses have been received so far, and the deadline for responses is 03/25. Data will be compiled and sent to the consultants.

The next Recreation Board meeting will be held on 03/30.

Councilman P. Fleagle also noted that the Hospital has informed the Summer Jubilee Committee that they will allow the July 4th events on their property again, and the committee will meet later this week to discuss further.

RENFREW MUSEUM AND PARK REPORT: Becky LaBarre, Executive Director & CEO, presented a summary of her report dated March 10th. (Complete copy is on file at Borough Hall.)

MAYOR’S REPORT: No report.

SOLICITOR’S REPORT: No report.

DIRECTOR OF UTILITIES REPORT: S. Leiter Pryor reported as follows –

- Water Treatment Plant Upgrade – The rehabilitation of Filter-1 is complete and it was placed back online last Tuesday. Work continues on punch list items, site cleanup and instrumentation issues. The EQ tank and piping will be blasted and painted in the near future. The masonry contractor will return as soon as the weather permits. We are back to full staffing at the plant and the new hires are doing well on their respective shifts.
- Antietam Dam Update – We have received a completeness letter from both Adams County Soil Conservation District and DEP for the required NPDES permit application, and this application is currently under review. DEP’s Dam Section is currently reviewing the construction permit application. This review process on average takes about 16 months.
- Sewer Plant Update – The WBA took action during their March 15th meeting to subdivide the existing Sewer Treatment Plant site with a 10-acre reservation from

the golf course parcel, pending Borough Council approval. The WBA will pay for the associated costs of the subdivision.

BOROUGH MANAGER'S REPORT: Jason Stains noted there was an error in the advertisement for the Rental Registration Ordinance, as it contained language regarding inspections. Borough Council directed several months ago to remove all references to inspections ... and the only inspection currently in place is for multi-family dwelling units, which has been in place for several years. He confirmed that this proposed ordinance (to be considered later in the meeting) is for rental registrations only.

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 P. Fleagle made a motion to approve the Consent Agenda, as follows:

- A. Award Bids
 - (1) Random Curb and Sidewalk – GRC General Contractor, Inc.
 - (2) Stone – New Enterprise Stone & Lime Co., Inc.
 - (3) Sodium Hypochlorite – NO BIDS RECEIVED
 - (4) Paving Materials – Fayetteville Contractors, Inc. (Proposal A) and New Enterprise Stone & Lime Co., Inc. (Proposal B)
 - (5) Ductile Iron Pipe – Ferguson Waterworks

- B. Approve Minutes as Presented – August 18, 2021 (regular meeting), September 15, 2021 (regular meeting), October 20, 2021 (regular meeting), November 17, 2021 (public hearing) and March 8, 2022 (special meeting)

- C. Accept Reports-
 - (1) Police Chief – February, 2022
 - (2) Fire Chief – February, 2022
 - (3) Ambulance Chief – February, 2022
 - (4) Code Enforcement/Zoning Officer – February, 2022

- D. Pay Bills – Check Detail(s) dated 02/22, 02/28, 03/07 and 03/14

- E. Acknowledge and Approve Personnel Matters – Recommended by the Personnel Committee

- F. Retroactively Approve Request from Waynesboro Area Girls Softball, Inc. (WAGS) for Use of Memorial Park Ball Fields – Recommended by the Recreation Board

Councilman Knott seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER ORDINANCE FOR ADOPTION RE: AMENDING CHAPTER 213 OF THE CODE OF THE BOROUGH OF WAYNESBORO TO INCLUDE PROVISIONS REGARDING THE REGISTRATION AND LICENSING OF RENTAL UNITS: Mr. Stains noted that this proposed ordinance has been duly advertised for Council's consideration at this meeting. As stated earlier in this meeting, all references to inspections have been removed. Councilman P. Fleagle made a motion for approval. Councilman J. Fleagle seconded.

Ronnie Martin, 66 State Hill Road – Mr. Martin questioned why this program is needed. Councilman P. Fleagle noted that it was discussed by the Economic Development Committee, at the request of Zoning/Code Enforcement Officer Matt Schmidt. Mr. Schmidt noted that over 50% of properties in the Borough are rentals, and he feels this registration program will provide an invaluable tool for contacting owners in cases of code violations, etc. Mr. Martin also feels that commercial properties should be included and added that once properties are registered and a list is compiled, the annual renewal seems pointless. Mr. Martin stated that if Council adopts this ordinance, he will not invest in Waynesboro in the future.

Ora Morningstar, 10495 Fish & Game Road – Mr. Morningstar questioned why the registrations need to be renewed on a yearly basis. He agreed that commercial properties should be included as well.

Jana Swartz, 357 Gladhill Road, Fairfield, PA – Ms. Swartz stated she doesn't feel that this program is needed; and she feels there should be a better way to deal with "slum lords" than this, as this is an additional unnecessary expense for landlords who take care of their properties.

Dan Sandy, 32 W. Main Street – Mr. Sandy noted he feels this is a precursor to an inspection program, and he has major reservations for that next stage.

Jennifer Martin, 11002 Weatherstone Drive – Ms. Martin noted she feels the display of a license is unnecessary.

Victor Morningstar, 323 Ringgold Street – Mr. Morningstar asked for clarification of the process in the case of a transfer of ownership. Solicitor Wisner referred to Section 1002.1 of the ordinance, which states "If the ownership of a registered and licensed Rental Unit is transferred, whether it is legal or equitable, the registration and rental license shall be invalid on the date of transfer of ownership, unless the new owner has submitted an application for registration and licensing within ten (10) days of the date of transfer, in which case the property, if currently occupied, may continue to be occupied; however, such occupancy shall be contingent upon the new owner receiving a rental license in accordance with this ordinance. If the new owner fails to submit an

application for registration and rental license within 10 days of the date of transfer, or the new owner does not receive a rental license in accordance with this ordinance, the property cannot be used as a Rental Unit, and any rental occupancy of the property is a violation of this ordinance.”

Ryan Martin, 14 N. Phillips Avenue – Mr. Martin asked how property owners will be informed of this registration/licensing requirement. Matt Schmidt stated that he will mail out notices to individuals on his current “rough” list of rental units, and information regarding the new requirement will be advertised in the newspaper and on FaceBook.

Craig McCleaf, 620 Gladhill Road, Fairfield, PA – Mr. McCleaf asked if there is any leeway in the fine for violations. Jason Stains noted that if Matt Schmidt files a citation (which is usually a second attempt at compliance), the fees are determined by the Magistrate.

After much discussion on the matter, a vote was called and the motion for approval passed unanimously. Mayor Starliper stated that he will not sign this ordinance.

(COMPLETE COPY ON FILE AT BOROUGH HALL.)

APPROVE THE INSTALLATION OF LIGHTS IN THE ALLEY BESIDE THE LIBRARY (TO BE PAID FROM THE CAPITAL RESERVE FUND AND REIMBURSED BY THE STREET LIGHT FUND WHEN TAX REVENUES ARRIVE): Mr. Stains noted that this was discussed at Council’s last meeting. A cost estimate of \$3,765 for the project has been received. This will be paid from the Capital Reserve Fund. Councilman J. Fleagle made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

REVIEW OF ZONING ORDINANCE AND SUBDIVISION/LAND DEVELOPMENT ORDINANCE (SALDO) AMENDMENTS: Kevin Grubbs noted that the Waynesboro Planning Commission met on 03/14 to review the amendments proposed to the Zoning Ordinance and Subdivision/Land Development Ordinance. They are recommending several additional amendments, which he reviewed.

Mr. Grubbs noted that the staff is recommending holding a public hearing in May. Following that public hearing, there is a 30-day period for review of the final draft by the Waynesboro Planning Commission, the Franklin County Planning Commission and the Washington Township Planning Commission. Notices will be sent to adjacent property owners thirty (30) days in advance. He asked for any questions/comments from Council.

Police Chief Sourbier noted that, as the Waynesboro Police Department is charged with legal enforcement of the ordinances of the Borough, he is concerned regarding the “Personal Expression Signs” section recommended for inclusion. He feels this is unconstitutional and does not believe the Police Department has any business determining the types of signs on a property as long as the sign(s) do not endanger the

health, safety or welfare of a person(s). After further discussion of the matter, Kevin Grubbs suggested that this recommendation be omitted and (possibly) dealt with as a standalone ordinance at a later date. Council concurred.

NEW BUSINESS

CONSIDER REQUEST FROM OVER THE RAINBOW CHILDREN'S ADVOCACY CENTER TO PLACE BLUE RIBBONS ON THE PARKING METERS ALONG MAIN STREET FOR THE MONTH OF APRIL: Mr. Stains noted this is an annual request. Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

APPROVAL OF OTTERBEIN MINISTRIES LAND DEVELOPMENT PLAN: Kevin Grubbs noted that all recommended revisions have been made and the plans meet all applicable ordinances. Councilman Cermak made a motion for approval. Councilman Royer seconded; the motion passed unanimously.

CONSIDER REQUEST FROM FAITH UNITED METHODIST CHURCH FOR EGG HUNT AT NORTHSIDE PARK ON APRIL 9, 2022 AT 3:00 P.M.: Councilman P. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

CONSIDER REQUEST FROM MENTAL HEALTH ASSOCIATION OF FRANKLIN & FULTON COUNTIES TO PLACE GREEN RIBBONS ON THE PARKING METERS ALONG MAIN STREET FROM THE WEST SIDE OF BROAD STREET TO THE EAST SIDE OF GRANT STREET FROM MAY 2, 2022 TO MAY 28, 2022: Councilman J. Fleagle made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

APPROVE REQUEST FROM MAINSTREET WAYNESBORO, INC. TO CLOSE MAIN STREET FROM BROAD STREET TO POTOMAC STREET ON MAY 7, 2022 FROM 8:00 A.M. TO 5:00 P.M. FOR A SPRING MARKET DAY: Mr. Stains noted that this event has been reviewed and recommended for approval by the Street Committee. Councilman Royer made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

APPROVE REQUEST FROM COMBINED VETERANS COUNCIL TO HOLD THE MEMORIAL DAY PARADE ON MAY 30, 2022 AND CLOSING THE FOLLOWING FROM 9:00 A.M. TO 10:30 A.M.:

- (1) Cumberland Valley Avenue
- (2) Main Street from Fairview Avenue to Broad Street
- (3) S. Broad Street from Main Street to the Entrance of Memorial Park

Mr. Stains noted that this event has been reviewed and recommended for approval by the Street Committee. Councilman P. Fleagle made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

APPROVE THE WAYNESBORO WAVES/YMCA TRIATHLON ON JUNE 11, 2022 AND CLOSING THE FOLLOWING FROM 7:30 A.M. TO 12:00 P.M.:

- (1) E. Second Street from Clayton Avenue to Main Street
- (2) Myrtle Avenue beginning at the alley behind McDonald's and continuing to E. Third Street
- (3) E. Third Street from Clayton Avenue to Myrtle Avenue
- (4) The shoulder on the east side of Clayton Avenue from E. Second Street to E. Ninth Street
- (5) The shoulder of E. Ninth Street from Clayton Avenue to a point halfway between State Hill Road and Clayton Avenue

Mr. Stains noted that this event has been reviewed and recommended for approval by the Street Committee. Councilman Royer made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

APPROVE REQUEST FROM MAINSTREET WAYNESBORO, INC. TO CLOSE MAIN STREET FROM POTOMAC STREET TO WALNUT STREET ON JUNE 18, 2022 FROM 7:00 A.M. TO 3:00 P.M. FOR THE ANNUAL CAR SHOW: Mr. Stains noted that this event has been reviewed and recommended for approval by the Street Committee. Councilman Royer made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

AUTHORIZE THE WAYNESBORO BOROUGH AUTHORITY TO SURVEY AND SUBDIVIDE A PORTION OF THE FORMER WAYNESBORO GOLF COURSE TO THE SOUTHEAST SIDE OF AN UNNAMED TRIBUTARY ADJACENT TO THE WASTEWATER TREATMENT PLANT, CONSISTING OF APPROXIMATELY TEN (10) ACRES: Mr. Stains noted that Leiter Pryor mentioned this matter in his report earlier in the meeting. The Waynesboro Borough Authority took action and is in favor of this subdivision for any future expansion of the Wastewater Treatment Plant, and they have agreed to bear all costs. Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

RESOLUTION NO. 2022-04 SETTING FEES (INCLUDING RENTAL REGISTRATION FEES): Mr. Stains noted that the only change in fees recommended by this resolution is addition of the Residential Rental License Registration Fee of \$50.00/tax parcel. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

(COMPLETE COPY ON FILE AT BOROUGH HALL.)

APPROVE A CHANGE TO THE WAYNESBORO CIVIL SERVICE REGULATIONS TO UPDATE THE MINIMUM PHYSICAL FITNESS STANDARDS FOR POLICE TESTING TO MIRROR THE MPOETC MINIMUM PHYSICAL FITNESS STANDARDS: Mr. Stains noted that the only change to the current physical fitness standards for police candidates is the replacement of bench presses with push-ups. Councilman Knott

made a motion for approval. Councilman Royer seconded; the motion passed unanimously.

GRANT CONDITIONAL APPROVAL OF BRUCE MCLAUGHLIN'S APPOINTMENT TO THE RCI BOARD, SUBJECT TO FINAL APPROVAL BY THE TRUSTEE:

Pursuant to a request from RCI, Councilman Knott made a motion for conditional approval, subject to final approval by the Trustee. Councilman Royer seconded; the motion passed unanimously.

REQUEST FOR RESERVED ACCESSIBLE PARKING SPACE (51 E. NORTH STREET):

Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

REQUEST FOR LAND DEVELOPMENT PLAN TIME EXTENSIONS:

- (1) **SANAN Properties (Dan Sandy) – Eight (8) unit apartment building on Dickinson Avenue – 186 day extension from 03/10/2022 to 09/12/2022**
- (2) **Teresa Morningstar – Eight (8) storage units at 317 Ridge Avenue – 186 day extension from 03/10/2022 to 09/12/2022**

Councilman P. Fleagle made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

RESOLUTION NO. 2022-05 EXPRESSING COMMITMENT TO THE NORTHSIDE POOL RENOVATION PROJECT AND AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION REQUESTING FUNDS FROM THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, COMMUNITY CONSERVATION PARTNERSHIPS PROGRAM TO SUPPORT THE PROJECT:

Mr. Stains noted that if this grant application is successful, the Borough could receive up to \$800,000 for the Northside Pool Renovation Project. He added that matching funds will be required. Councilman J. Fleagle made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

(COMPLETE COPY ON FILE AT BOROUGH HALL.)

FOR INFORMATION ONLY

TREE CITY USA RECOGNITION FOR 2021: Mr. Stains announced that the Borough was again successful in receiving recognition as a Tree City USA for 2021 (this is the eighth year for this recognition).

COUNCIL AND STAFF COMMENTS

Mr. Stains noted that the flag in front of Borough Hall is at half-staff due to the death of a PA State Police trooper. The U.S. flag is at half-staff due to the death of Madeleine Albright.

Councilman Royer asked Mayor Starliper why he is refusing to sign the ordinance regarding the Residential Rental Registrations. Mr. Starliper replied that he feels additional changes are needed to the ordinance, as well as the fee and yearly renewal requirement.

Fire Chief Devers noted that GMS Funding Solutions submitted a grant application for \$750,000 for a fire truck on 03/15. He is unsure when feedback will be received on success (if any) of the application. Mr. Stains added that matching funds were not required, and it was stated in the application that Council would consider matching funds at the time of award.

Police Chief Sourbier advised that the individual(s) responsible for 25-30 recent thefts from vehicles was apprehended this morning. He thanked the public for their assistance.

Matt Schmidt thanked Council for their consideration and approval of the Residential Rental Registration Ordinance.

Mayor Starliper announced that the Waynesboro Community Concert Association will hold a concert on 05/01 at 3:00 p.m. Free admission will be granted to individuals in uniform.

Having no further business to discuss, Council adjourned at 8:43 p.m. on a P. Fleagle/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary