

COUNCIL CHAMBERS, BOROUGH OFFICE BUILDING
36 West Allen Street
Mechanicsburg, PA 17055-6257

June 7, 2005

7:00 PM

Public Hearing

Vice President Whitcomb opened the Public Hearing and turned the floor over to Solicitor Schorpp. The Solicitor indicated that the purpose of the Public Hearing is to take public comment on the proposed zoning text change submitted by Attorney Hubert Gilroy on behalf of his clients Drs. Warren and Reese. Solicitor Schorpp indicated the proposed change would differentiate between medical centers and doctors offices as separate uses under the Mechanicsburg Zoning Ordinance which would permit Dr's offices to have less rigorous standards than those required of Medical Centers. The change would define the size of a Dr's office to not more than two practitioners. The Solicitor noted that the Planning Commission has requested that the term Health Care Professional be stricken from the definition in the ordinance. The proposed text change has been submitted to both the Cumberland County and Mechanicsburg Planning Commissions for review and comment thirty days prior to the hearing this evening. Public notice was provided and the proof of publication will be included in the meeting record. The proposed text change requires six parking spaces for each professional working in the facility.

Mr. Gilroy addressed Borough Council on behalf of the applicant. Mr. Gilroy indicated that both the County and Borough Planning Commissions have given favorable recommendations on the proposed change. He indicated that he, and his clients are here to answer any questions from Borough Council or the public. Councilman Seagrist asked if any part of this ordinance pertains to blood borne pathogens or bio-hazardous waste. Mr. Gilroy indicated that the ordinance does not address any of those issues. He indicated that the history on the request is that the doctors wanted to expand the building, not the practice. They could not meet the setback requirement for a medical center, which they would be considered under the current ordinance as it is 25 feet. This setback requirement is unusual and hard to meet for a small office in a downtown location. This change treats a small office as such, and separates it from a larger medical care facility. Councilman Seagrist asked if the proposed change would have any impact on Seidle Hospital or the dialysis center they operate there. Mr. Gilroy indicated that the change would have no effect on a medical center, such as Seidle Hospital, it would just remove smaller offices from having to meet some of the constraints of a larger, higher traffic facility, such as Seidle.

Solicitor Schorpp informed Borough Council that the original definition of medical centers included the verbiage "other Health Care Professionals". The Planning Commission recommended that the phrase "health care professional", be deleted from the definition of medical center and doctor's office. The reason for this change is that the phrase could be interpreted to include nursing staff, which would mean a doctor and a nurse would be two "health care professionals" and would preclude having a second doctor when determining the size of the practice. Council will need to decide to adopt the ordinance, with the change recommended by Planning Commission, or as originally advertised. Council can adopt the ordinance, with the proposed change, without re-advertisement. The Planning Commission also recommended that medical center be prohibited from certain zoning districts, but this would be a substantial change, which would require re-advertisement. Solicitor Schorpp indicated if Council wants to address that change they can re-advertise this ordinance or wait and address that with other zoning changes at a later date.

Mr. Gilroy asked that Council consider the requested changes this evening, as his client has some other deadlines to meet in regard to their proposed expansion.

Solicitor Schorpp asked one more time for public comment, and there was none.

Vice President Whitcomb closed the public hearing at 7:15 PM

Regular Council Meeting

CALL TO ORDER:

At 7:30 PM Vice President Whitcomb called the Council meeting to order.

PLEDGE OF ALLEGIANCE:

Vice President Whitcomb led those assembled in the Pledge of Allegiance to the flag.

ROLL CALL: Roll call taken with the following present: Vice President Whitcomb, Councilmen Humes, McDermott, Ryder, Seagrist, Jr. Councilperson Ravindraraj, Mayor Ritter, Solicitor Schorpp, Engineer Barber, Chief Spotts, Chief Seagrist, Manager Stough and Assistant Secretary Boyer. President Winchell and Councilman Kautz were absent.

Also in attendance: Cress – Sentinel, Bob Dietrich, Roger Ciecierski, Kirk Corliss, Kris Gentile, Nancy Hanlon, David Hoover, Chris Knarr, Melissa Manning, Jack Neibert, Terry Reese, Jay Stoner and William Warren.

GUESTS: None

CITIZENS COMMENTS:

Christine Gentile, 280 Heaney Road, addressed Borough Council regarding her perception that the Police Department is targeting her excavating business for enforcement, creating a financial hardship on her business. She reviewed several incidents where vehicles with her business logo were “singled out” for enforcement. Chief Spotts responded to Ms. Gentile’s concerns.

ADDITIONS TO AGENDA:

Manager Stough asked that the following be added to the agenda:

1. Consider request of the West Shore COG to participate in a joint contract to have Dan Cohen approach verizon regarding their possible cable television franchise in this area.
2. Discussion and direction to the COG delegate regarding the proposed COG bi-law amendment to admit municipalities from the Dauphin area.
3. Request for a bond reduction for Mechanicsburg Storage.
4. Request for a bond reduction for Trindle Station.
5. Authorization for Staff to submit two 902 recycling grant applications.

APPROVAL OF AGENDA:

Councilman McDermott made a motion to approve the agenda with the additions noted. Councilman Seagrist seconded the motion, which passed with no dissenting votes.

CORRESPONDENCE:

1. Dillsburg Borough contacted the Manager regarding possible inclusion of their leaves at the new joint compost facility. They would be delivering the leaves to our facility and their residents could also access the product. Manager Stough indicated that Silver Spring Township would have to agree and an intergovernmental agreement would be required.
2. A contract agreement for Burkholder Consulting was received and will be in Council packets this week. Councilman Ryder asked that the Manager review the contract and outline any changes for Borough Council.
3. An e-mail was received regarding the parking situation at Alison and Darla.
4. A letter was received from Silver Spring Township indicating that their Board of Supervisors agreed to share the professional services costs for the Compost site with the Borough.
5. Received a letter from the Cumberland County Treasurers Office thanking the Borough for selling dog licenses during the first four months of this year.
6. An invitation was received for the retirement party, of Ray Rhoads, Lower Allen Township Manager, on July 1st.
7. A letter was received from Mark Passaro regarding a proposed addition at the Senior Adult Center.

APPROVAL OF MINUTES:

Councilman Ryder made a motion to approve the May 16, 2005 minutes as submitted. Councilman McDermott seconded the motion which passed with all in favor.

MANAGER’S REPORT:

Manager Stough reported:

- ◆ He and Ms. Boyer met with PNC bank regarding a VISA purchase card with cash rebate back. A contract agreement was received and will be forward to Council for review. This would provide the Recreation Department with a credit card.
- ◆ The Borough was contacted by WITF about production of an “Our Town” segment in Mechanicsburg for spring release. They are looking for three or four people to shoot video for the production.
- ◆ The \$50,000 grant agreement was received for playground equipment for Koser Park. Recreation Commission members were contacted for input on the equipment pieces to be purchased.

MAYOR'S REPORT:

- May 18th – Mayor Ritter attended the lunch and learn at the Passenger Station, Barbara Franco, Executive Director of the PA Historical and Museum Commission, was the guest speaker. The topic was “Museums Bridging Cultures.”
- May 19th – DARE Graduation was held at the middle School. Officer William Demmy was awarded a citation by Chief of Police David Spotts for participating in the DARE program for 12 years. Students know Officer Demmy as their friend Officer Bill.
- May 20th – The swearing in ceremony for Anson T. Myers as Mechanicsburg’s newest police officer.
- May 27th – The Mayor was a guest at the Filbert Street School field day. These students will go to the Elmwood building in the fall of 2005.
- May 30th – Parade and Memorial Day Ceremony was conducted by the Mechanicsburg Area Veterans Council, followed by lunch at the VFW Post 6704. Later a ceremony at the Lincoln Colored Cemetery coordinated by the Vietnam Veterans of Mechanicsburg. There are about 80 graves at the Lincoln Cemetery, twelve of them at civil war Soldiers.
- June 6th – The Mayor was guest speakers at the AARP luncheon.

Officiated four weddings and gave oath of office to Community Service and Park Security Officers, Ryan Hughes, Laura Tipton and Zethan Weary.

The June 13th Crime Watch speaker will be Borough Manager Jon Stough.

Trivia Question: The tables at the back of the William Sunday Council chambers were used at the Borough Office on Strawberry Avenue. Who was the local wood crafter that made these tables?

Answer: David Hilsinger. Nancy Hanlon knew the correct answer and won a Mechanicsburg Wrench key chain.

CHIEF OF POLICE REPORT:

Chief Spotts had no report.

SOLICITOR'S REPORT:

Solicitor Schorpp had no report.

FIRE CHIEF REPORT:

Chief Seagrist reported that hose testing is complete and pumper testing will take place in September. The ladder and Aerial Truck testing will be done in late August or early September.

JR. COUNCILPERSON REPORT:

Jr. Councilperson Ravindraraj reported:

- Two weeks ago the Battle of the Bands was held at Memorial Park which gave an opportunity for students involved in their own bands to perform for the community and students.
- Officer elections were held this week for the 2005-2006 school year.
- Field Days were held at the Elementary Schools throughout the District.
- Last Senior day was May 25th.
- A powder puff football game was held last week between the Jr. Girls and Sr. Girls and the game was tied.
- Senior awards night at the High School was held last week.
- Review for final exams was held last week and final exams are being given this week.
- Messiah College graduation was held.
- Tomorrow is the last day of school for Mechanicsburg students.

COUNCIL COMMITTEE REPORTS:

Community Development– Humes- Councilman Humes reported that Main Street Mechanicsburg had its first public meeting on May 18th and committees were formed and have scheduled follow up meetings. Councilman Humes commented on the wonderful articles recently published in the Sentinel regarding Mechanicsburg events.

Ordinance/Administration/Legislative Action – Vice President Whitcomb noted that Ordinance 1070 is on the agenda this evening.

Finance/Appropriations/Insurance – Winchell- Manager Stough indicated the Finance Committee will meet on June 21st at 6:45 PM.

Property/Buildings – Kautz – No Report.

Fire Committee – Ryder – The EMS formation committee met and discussed who might be on the committee to select an Emergency Service Coordinator. A request was placed in the Newsletter for interested residents to apply for the position.

Councilman Ryder indicated that this will be an agenda item next meeting. Solicitor Schorpp noted that this issue could be discussed under executive session.

Public Communications – McDermott - Councilman McDermott noted that the 2004 newsletter won 1st place in the PSAB annual newsletter contest for the fall 2004 edition. The PRINT promotional maps are done and will be mailed out to residents this week.

Health/Recreation – Seagrist – Councilman Seagrist reported that he will meet tomorrow at 7:30 AM with the Silver Spring Township Supervisors regarding the pool. The Recreation Commission will meet on June 14th at 7 PM. June 27th is the official pool opening date. July 2nd is the grand opening of the new pool facility.

Recycling Committee – Ryder – Councilman Ryder reported that the Citizens Advisory Recycling Committee met this evening and heard a proposal on a contract extension with Penn Waste with the addition of a bag option, which was included but not awarded in the original bid. A recycling presentation from a Middle School student will be shared at the end of the meeting, under the Citizen Comment section of the agenda. The presentation was made for the Citizen’s Advisory Recycling Committee at their meeting this evening.

Highway/Public Safety – Kautz – Manager Stough opened the floor for discussion and direction on the parking situation at Alison and Darla. Councilman Rdyer asked that Manager Stough have the highway department check the yellow curbing and see if it is within our ordinance to enforce and then repaint the lines, if applicable. Manager Stough will check with the Highway Department on the matter. If it is not provided for in the Ordinance an ordinance revision may be required. Some discussion followed on the matter and it will be added to the next agenda for further clarification and discussion.

School Board – Ryder – Councilman Ryder reported that the business office has moved over to Elmwood and the academic side will move when school is out.

Loan Review Committee- Humes – No report.

W.S.C.O.G. – Councilman McDermott reported the next meeting is June 20th.

AGENDA ITEMS – June 7, 2005

- ◆ **Resolution 12- 2005 in memory of Mary Jane Ent.**
 Councilman McDermott made a motion, second by Councilman Ryder, to adopt Resolution 12-2005 in memory of Mary Jane Rider Ent. The motion passed with all in favor.
- ◆ **Discussion and possible adoption of Ordinance 1070 changing the text of the Zoning Ordinance related to the definition of a medical center.**
 Councilman Seagrist made a motion to adopt Ordinance 1070 with the changes recommended by the Planning Commission. Councilman Ryder seconded the motion.

Humes	Yea	Seagrist	Yea
Kautz	Absent	Whitcomb	Yea
McDermott	Yea	Winchell	Absent
Ryder	Yea		

The motion passed with all in favor.

- ◆ **Discussion on Shade Tree Fee Resolution and possible authorization to advertise the Shade Tree Ordinance as revised.**
 Manager Stough indicated that the proposed revision includes fees for permits and penalties for infractions. Manager Stough noted that currently there is no charge for a permit or any penalties for failure to comply. Manager Stough noted that the penalties are needed to enforce the ordinance, however, he has no opinion on the decision to charge for permits or not. Manager Stough will contact the Shade Tree Commission for a recommendation on fees and penalties. Councilman Humes made a motion, second by Councilman Seagrist to table discussion until additional information can be obtained from the Shade Tree Commission.
- ◆ **Authorization to forward the proposed Bed & Breakfast Zoning Ordinance addition to the Borough Solicitor for review.**
 Councilman Seagrist made a motion, second by Councilman McDermott to forward the proposed changes regarding Bed & Breakfast as a use by right in the Zoning Ordinance to the Solicitor for review. The motion passed unanimously.
- ◆ **Authorization to forward Sections 1-5, and part of Section 6 of the Subdivision and Land Development Ordinance to the solicitor for review.**
 Councilman McDermott made a motion, second by Councilman Ryder to forward the proposed changes of Sections 1 through 5 and part of section 6 of the Zoning Ordinance to the Solicitor for review. The motion passed unanimously.

- ◆ **Consider request of the Mechanicsburg Chamber to waive the requirement for yard sale permits on July 16th for a Borough Wide Yard Sale event and downtown sidewalk sale day.**
Manager Stough explained the intent of this request is to waive the requirement for all residents to get a yard sale permit on July 16th if holding a yard sale. This will be held on the same day as downtown side walk days. After discussion, Councilman Ryder made a motion, second by Councilman McDermott, to approve the request of the Chamber for a Borough wide yard sale event. The motion carried with all in favor.
- ◆ **Request of the Wildcat Foundation for a banner over East Main Street from September 1st through October 3rd.**
Councilman Seagrist made a motion, second by Councilman Ryder, to approve the request of the Wildcat Foundation for a banner across East Main Street from September 1, 2005 through October 3, 2005. The motion passed by a vote of 5 in favor and none opposed.
- ◆ **Consider request of the Pool Capital Campaign to erect a banner on East Main Street promoting the campaign.**
Manager Stough asked for Council to approve a banner over East Main Street during the Pool Capital Campaign, during times when no other group has requested the use of the space. Councilman Humes made a motion, second by Councilman McDermott, to approve the request to erect a banner over East Main Street publicizing the Pool Capital Campaign. The motion carried with all in favor.
- ◆ **Discussion on change to metered or flat sewer rate fee.**
Engineer Barber asked if information has been received from United Water Company on resident usage. Manager Stough indicated that he has not received the information. Councilman Seagrist made a motion, second by Councilman McDermott to table this until the information is received. The motion passed unanimously.
- ◆ **Update on sale of Train Station Property.**
Manager Stough indicated that he is still investigating the option regarding the underground tanks. The Manager then turned the floor over to the Engineer for a report on the required subdivision plan to separate the Station from the Borough parking area. Engineer Barber indicated that he is proposing the dividing line to be between the Station Master's house and the passenger car. The Station's Master's house and Passenger Station will be conveyed to the Museum, and the Borough will retain the parking area and lot where the Chamber Passenger Car is located. Since waivers will be required, the Borough must notify all property owners within 200 feet of the proposed change. The plan will then have to be reviewed by the Planning Commission and will be ready for consideration of Borough Council at the July 19th meeting. Manager Stough indicated that Council will need to authorize staff to notify the property owners thirty days prior to the July 19th meeting. Councilman Seagrist made a motion, second by Councilman McDermott, to authorize staff to notify the property owners within 200 feet of the Passenger Station of the proposed subdivision. The motion passed with all in favor.
- ◆ **Discussion on possible West Shore COG contract with Dan Cohen.**
Manager Stough reviewed with Borough Council the intention of West Shore COG to contract with Dan Cohen to work on behalf of all member municipalities in negotiations with Verizon for the newly proposed cable television service. Councilman McDermott made a motion, second by Councilman Seagrist, to authorized staff to inform the West Shore COG of the Borough's intention to participate in the joint contract for the services of Dan Cohen in regard to a cable franchise agreement. The motion passed with all in favor.
- ◆ **Discussion and direction for the West Shore COG delegate regarding the proposed changes to the COG by-laws to admit East Shore municipalities.**
Councilman Humes made a motion, second by Councilman Ryder, to authorize the West Shore COG delegate to vote in the affirmative in regard to the proposed changes to the by-laws to admit Dauphin County municipalities. Councilman Seagrist asked Councilman McDermott to ask the West Shore COG if the County Governments of Cumberland, Perry and York could join the COG as municipal entities, to increase potential purchasing power. Councilman McDermott will check on that at the next meeting. The motion passed with all in favor.
- ◆ **Request of Mechanicsburg Storage and Transfer for reduction of their improvement bond.**
Engineer Barber reviewed the request of the developer for a bond reduction in the amount of \$9,768.00. He recommended approval of this request, as per his June 3rd memo (attached). Councilman Ryder made a motion to approve the bond reduction as recommended by Engineer Barber. Councilman Seagrist seconded the motion which passed with all in favor.
- ◆ **Request of Trindle Station development for a bond reduction.**
Engineer Barber reviewed this request with Borough Council, noting that the Borough was never contacted to perform inspections during the construction phase of this project. Engineer Barber recommended rejection of the developers request, until staff can verify the construction inspections and quality of the work performed as per his memo of June 3rd (attached) Councilman Ryder made a motion to deny the bond reduction request for the Trindle Station development. Councilman McDermott seconded the motion, which passed with all in favor.

◆ **Request to authorize staff to apply for 902 grant funding.**

Manager Stough reviewed the grant applications that he would like to submit, which includes a joint application for additional funding for the joint compost site and a separate grant for downtown recycling receptacles. After review of the proposed application by the Manager, Councilman McDermott made a motion, second by Councilman Ryder, to authorize staff to apply for funding for these two projects under the 902 grant application process. The motion passed with all in favor.

Stough reported to Borough Council on the FEMA meeting he attended today where flood maps were discussed. The new maps are going to be County wide. They will be digitalized and it will overlay GIS, which will allow the Codes Officer to easily identify construction in flood plain areas.

CITIZEN COMMENTS - None

ANY OTHER BUSINESS

Councilman Ryder asked if the set of sneakers on a wire at the corner of Keller and Frederick, could be taken down. Manager Stough will ask the Highway Department to see if they can remove them.

Councilman McDermott reported on the Municipal Advisory Board meeting reporting that a lot of great information was presented. Chief Spotts indicating that he will be receiving a power point of the information presented.

Vice President Whitcomb reported that he asked Engineer Barber to look at restricted parking on the south side of Simpson Street, as part of the traffic signalization project.

Executive Session:

AT 8:33 PM Vice President Whitcomb adjourned into Executive Session on a personnel matter.

At 8:50 PM, Vice President Whitcomb reconvened the public meeting and stated that no action would be taken on the matter this evening.

Kaitlyn Mariano presented a slide show for Borough Council on the ISO14000 Environmental Management System.

ADJOURNMENT:

At 9 PM Vice President Whitcomb adjourned the meeting.



Jonathan S. Stough
Borough Secretary