

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

January 17, 2006

7:00 PM

PUBLIC HEARING

President Whitcomb called the meeting to order at 7 PM and turned the meeting over to the Solicitor Schorpp for review of this proposed ordinance change. Solicitor Schorpp noted that the ordinance has been properly advertised and the County and Borough Planning Commissions have both reviewed the ordinance and provided comments for Borough Council. Solicitor Schorpp then reviewed the proposed changes (ordinance attached). He stated that the County Planning Commission had recommended removing §22-617.C, the requirement for an Archaeological Resources Study and Report for sites that are listed on the Cumberland County Historical Society Register.

President Whitcomb called for public comment on the proposed ordinance change.

Dale Edwards, 702 Sharon Avenue, asked if the Hess tract would have to conform to the provisions in this newly adopted ordinance and the Solicitor indicated that they would.

Councilman Humes questioned the change requested by the County Planning Commission. Councilman Ryder asked Councilman Humes why she was concerned and she stated that she was afraid historically significant structures, may fall through the cracks if the County list is removed.

At 7:09 PM President Whitcomb adjourned the public hearing and turned the floor over to Councilman Ryder.

Councilman Ryder made a presentation to the Mechanicsburg High School Environmental Club thanking them for their help in distribution of the recycling packets. He presented Lauren Bailey, President of the club, with a framed Resolution adopted by Council and a copy of the Resolution was given to each student in the club.

Paul Garrett thanked Councilman Ryder and invited everyone to consider attending the newly formed Environmental Club for adults, which meets the 2nd and 4th Wednesday of the month from, 1-2:30 at the Shiremanstown Elementary School.

January 17, 2006

Regular Council Meeting

7:30 PM

CALL TO ORDER:

At 7:31 PM President Whitcomb called the Council meeting to order.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL: Roll call was taken with the following present: President Whitcomb, Vice President Winchell, Councilmen Humes, McDermott, Ryder, Seagrist, and Stoner. Jr. Councilperson Nauss, Mayor Ritter, Solicitor Schorpp, Chief Spotts, Chief Seagrist, Manager Stough and Assistant Secretary Boyer.

Also in attendance: Cress – Sentinel, Forest Baker, Jr., Lauren Bailey, Sam Berg, Ken Bretzer, Liz Carmody, Chelsea Crist, Kirk Corliss, Bob Dietrich, Dale Edwards, Paul Garrett, Lisa Hake, Nancy Hanlon, Linda Hinkie, Jim, Lori & Sara Hoenas, Eric Hughes, Herb Lebo, Aimee Morgan, Anna May Nauss, Jack Neibert, Jenna Norris, Rachel Porter, Lee & Rosalie Roland, Jeff Sanders, Alyse Sferlazza, Andy Sheely, Michelle Smiley, Brenda & Keith Smith, Jim VanKirk, Bill Walker, Glen Weber, Jim Wever and Chad Wise.

CITIZENS COMMENTS:

Jeff Sander, 501 North Market Street, addressed Borough Council speaking against the proposed Rental Property Inspection ordinance on this evening's agenda. He indicated that he feels this proposed legislation would penalize landlords that maintain their property. He suggested that the Borough only inspect units that have existing problems as defined under the Property Maintenance Code. President Whitcomb indicated that Council was considering this proposed ordinance as rental property conditions are a public health and safety matter.

Kirk Corliss, 600 South York Street, addressed Borough Council on behalf of the Planning Commission inviting Borough Council, Mayor, Chiefs, Jr. Councilperson, Borough Staff and the public assembled to participate in the town hall meeting scheduled for February 4th from 9:30 AM to 4 PM at Elmwood Elementary. He indicated that the purpose of this meeting was to gather public input for the revisions to the Borough's Comprehensive Plan. Mr. Corliss reviewed the topics that would be discussed.

ADDITIONS TO AGENDA:

Councilman Seagrist asked that pool salaries be added to the agenda for consideration of Borough Council, as per the request from the Recreation Commission.
Manager Stough asked that the Executive Session be changed to include a matter of litigation, with no action to be taken on either matter.

APPROVAL OF AGENDA:

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

CORRESPONDENCE:

Manager Stough reported the following correspondence was received:

- ◆ Cliff Ressler provided Borough Council with a memo in their packets Friday, which included a report generated with the new software purchased in 2005.

APPROVAL OF MINUTES:

Councilman Stoner made a motion to approve the January 3, 2006 reorganization and regular council meeting minutes.
Councilman Ryder seconded the motion, which passed with all in favor.

MONTHLY REPORTS:

Councilman McDermott made a motion, seconded by Councilman Ryder to approve the monthly reports as submitted. The motion carried.

MANAGER'S REPORT:

Manager Stough reported that the Borough has a new web address, www.MechanicsburgPA.org. He indicated that the original Borough website is still operational, and the new site links to it. He indicated he secured this web address to make it shorter and easier for users to remember.

MAYOR'S REPORT:

January 9th – Crime Watch presenter was Constable Bill Hesse. It was a great meeting up until they put the Mayor in leg irons, transport belt and hand cuffs and tried to auction off the key.

January 11th – opening of the new exhibit, Alexander Hamilton, at the Mechanicsburg Museum's Passenger Station.

Trivia Question – Where was the post office located from 1903-1906.

Answer – Three West Main Street – Later to be Pete Ulrich's Men's Shop. Nancy Hanlon had the correct answer and won the stationmasters house figurine.

CHIEF OF POLICE REPORT:

- ◆ Chief Spotts reported that Officers Demmy & Vincent received letters of commendation for their work at recent incidents.
- ◆ Officer Bitner celebrated 5 years with the Department on January 8th.

SOLICITOR'S REPORT:

Solicitor Schorpp had no report.

ENGINEERS REPORT:

No report was submitted from the Borough Engineer.

FIRE CHIEF REPORT:

The Fire Chief noted that council received the monthly report this evening and the 800 MHz radios for the Fire Companies have begun to arrive. Chief Seagrist reported that he and other Fire Officials were given a tour of Elmwood Elementary last week by Mr. Kauffman.

JR. COUNCILPERSON REPORT:

Jr. Councilperson Nauss

- Course selection was completed this week for the 06-07 school year.
- All winter sports are going well.
- The School orchestra and band have both competed in district competitions'.

- The Middle School student participated Monday in Martin Luther King, Jr. day of service. They volunteered to work through the community helping others.

COUNCIL COMMITTEE REPORTS:

Community Development– Humes – No report.

Finance/Appropriations/Insurance – Winchell – No report.

Fire Committee –Ryder – Councilman Ryder reported that the Fire committee will meet next month to continue to work on the Standard Operating Guidelines.

Health/Recreation –Seagrist – Councilman Seagrist reported that the Recreation Commission meet January 10th and discussed the 2005 end of year financial reports. Councilman Seagrist stated that the Recreation Commission would like to know how the additional money for the park equipment was being spent, as the equipment costs were only \$31,500. Manager Stough indicated that there were equipment and labor costs for the preparation of the site and installation of the equipment and the balance was used to install bedding around playground equipment at the park. Councilman Seagrist also asked that the park or highway workers move the markers along Shepperdstown Road at Koser Park to the entrance of Koser Park near Chestnut Street, due to the stormwater accumulation at their present location. Councilman Seagrist inquired if staff had received any additional information on Jubilee Day weekend. Manager Stough indicated that they have not at this time. Councilman Seagrist relayed that the Recreation Commission would like the telephone at the pool disconnected during the winter months. Manager Stough will look into doing that. The next Joint Recreation Committee meeting will be February 23rd at Elmwood, 7:30 PM.

Highway/Public Safety – Stoner - No report.

Loan Review Committee- Humes – No report.

Ordinance/Administration/Legislative Action – Humes - No report.

Property/Buildings – Stoner – Manager Stough advised Council that a portion of the 902 grant for the Compost Facility could be used for a backhoe, and a memo would be out regarding this impending purchase in packets next week. He also reported that the roof is being replaced at the Senior Adult Center and also at 34/36 West Allen Street, as both were leaking.

Public Communications – McDermott- Councilman McDermott reported that February 3rd is the deadline for the Spring newsletter.

Recycling Committee – Ryder – Councilman Ryder reported on the Recycling Committees desire to place two, ½ page ads in the program for the spring musical at the High School outlining the changes to the Borough’s refuse and recycling program. The money would be taken from the budgeted monies set aside for recycling education. The deadline for advertisement is January 25th, so Councilman Ryder moved, seconded by Councilman Humes, to reopen the agenda. The motion carried. Councilman Ryder made a motion to place approval of the purchase of two, ½ page ads in the musical program. Councilman Humes seconded the motion, which passed with all in favor. Councilman Ryder also reported that he attended the first meeting of the Kindergarten Recreational Committee which is exploring the concept of having a half day program with a focus on art, music and physical education for Kindergarten students.

W.S.C.O.G. – McDermott – Councilman McDermott reported that he and Councilmen Ryder and Seagrist attended the Annual West Shore COG dinner last night, which celebrated 35 years of service to member municipalities. He also reported that COG is sponsoring a road materials seminar on Friday morning.

AGENDA ITEMS – January 17, 2006

- ◆ **Consider Ordinance 1075 revising the Subdivision and Land Development Ordinance of Mechanicsburg Borough parts 1 through 6.**

Councilman Seagrist made a motion, seconded by Councilman Humes, to adopt ordinance 1075 as advertised, without the changes recommended by the County Planning Commission. President Whitcomb opened the floor for discussion, and seeing none, called for a vote as follows:

Humes	Yea	Stoner	Yea
McDermott	Yea	Whitcomb	Yea
Ryder	Yea	Winchell	Yea
Seagrist	Yea		

The motion passed with all in favor.

- ◆ **Consider Ordinance 1076 enacting the Rental Property Inspection Ordinance.**

Councilman Seagrist made a motion, seconded by Councilman Ryder, to adopt Ordinance 1076 as advertised. President Whitcomb opened the floor for discussion. Councilman Seagrist spoke in favor of the ordinance, citing the number of rental units owned by non residents and the potential health and safety problems for residents, when properties are not maintained. Councilman Ryder noted that many landlords do maintain their structures, however, this would help the Borough to identify properties that pose health and safety risks and abate the problems, improving the quality of life for residents. Councilman Stoner asked if rooming houses would be covered by this ordinance and Solicitor Schorpp indicated that they would be covered.

President Whitcomb then opened the floor for comments from the public.

Jeff Sanders, 501 North Market, spoke again against the proposed ordinance, stating that it was unfair to rental owners that maintain their property. Discussion followed about how property maintenance issues are currently addressed by Borough staff.

Herbert Lebo, 1496 Shughart Road, Carlisle, asked what the objective of the Ordinance was. President Whitcomb indicated that it was being adopted to insure the health and welfare of residents renting within the Borough. Solicitor Schorpp added that while some owner occupied dwellings may be substandard, only the health and safety of the owner is at risk, and the rental property owners should not have the right to jeopardize the health, safety and welfare of others. Mr. Lebo asked if costs would be prorated for vacant properties, and the Solicitor stated that the inspections would be good for three years, vacant or occupied, there would be no change in the fees.

Bill Walker, 170 Brindle Road, asked if the fee would be \$20 per unit per year or per inspection. Manager Stough noted that Council has not set the charges yet. He asked if the inspection would be similar to a HUD housing inspection. Manager Stough indicated that he is not familiar with the HUD inspection requirements, but landlords would be provided with a check list, well in advance, to assess and make repairs to their properties before the inspections began. Discussion followed on specific inspection requirements.

Gayle Elder, 101 Orchard Street, asked how the Borough would deal with tenants that sabotaged their landlords. Manager Stough indicated that the inspectors would be able to determine if a violation was created by the tenant.

Chad Wise, 124 N 36th Street, owner of 321 West Main, indicated that he feels this ordinance will discourage small investors from buying and fixing up older dwellings within the Borough. Mr. Wise indicated that he was working on his property and would not have had enough money to make all the needed repairs at one time, but has been able to make them gradually. Mr. Wise asked if there would be a maximum dollar amount of repairs the Borough could require as a result of the inspection. Manager Stough indicated that there would not be a maximum dollar amount. Solicitor Schorpp asked Mr. Walker how he could put a dollar amount on the safety of a tenant. Manager Stough indicated that owners would be given time to make the needed repairs, after the inspection was completed.

Councilman Stoner questioned the fee structure and Manager Stough indicated that staff would put together a memo for Council and Council may want to table the fee resolution until we have some more information on the cost to the Borough for the inspections. Seeing no more public comment, President Whitcomb called for a vote as follows:

Humes	Yea	Stoner	Yea
McDermott	Yea	Whitcomb	Yea
Ryder	Yes	Winchell	Yea
Seagrist	Yea		

The motion passed unanimously.

◆ **Consider Resolution 01-2006 setting rates for the Rental Property Inspections.**

Vice President Winchell made a motion, seconded by Councilman Ryder, to table resolution 01-2006 until the next Council meeting. The motion passed with all in favor.

◆ **Consider Ordinance 1077 changing the parking regulations along Railroad Avenue.**

Manager Stough indicated that this proposed ordinance includes the changes in parking discussed for Railroad Avenue and a handicapped parking space approved by Borough Council. Vice President Winchell made a motion, seconded by Councilman Ryder, to adopt Ordinance 1077 as presented. President Whitcomb called for discussion and seeing none he called for the vote, as follows:

Humes	Yea	Stoner	Yea
McDermott	Yea	Whitcomb	Yea
Ryder	Yea	Winchell	Yea
Seagrist	Yea		

◆ **Consider request of the Citizen’s Advisory Recycling Committee to have the Solicitor draft an ordinance for the formation of an Environmental Advisory Council.**

Councilman Ryder made a motion, seconded by Councilman McDermott to authorize the Solicitor to review and draft an Ordinance establishing an Environmental Council and provide that Ordinance to Borough Council for review.

Councilman Seagrist questioned the inclusion of a paragraph in the ordinance that stated the Borough would provide a staff member to act as Secretary for the Board. Councilman Ryder indicated that the Recycling Committee members asked that be added, as it is difficult to find a member willing to take the minutes. Councilman Humes asked if this Committee would replace the Recycling Committee. Councilman Ryder indicated it would replace the Council Recycling Committee, as an Environmental Committee, but the group proposes having a subcommittee of volunteers that would focus on recycling. After some additional discussion, President Whitcomb called for a vote and the motion passed, 6 in favor (Humes, McDermott, Ryder, Stoner, Whitcomb and Winchell) and one against (Seagrist).

◆ **Discussion and possible authorization to advertise TND Ordinance.**

Manager Stough indicated that the Solicitor's comments on the draft have been sent to Council and the Planning Commission for review. Councilman McDermott made a motion, seconded by Councilman Seagrist, to table this until the Planning Commission reviews the Solicitors' recommended revisions. The motion passed with all in favor.

◆ **Consider acceptance of time extension for Washington Fire Company's Land Development Plan through April 20, 2006.**

Councilman McDermott made a motion, seconded by Vice President Winchell to accept the time extension for the Washington Fire Company through April 20, 2006. The motion carried with all in favor.

◆ **Consider Certificate of Appropriateness for 10 West Simpson Street, door and roof replacement.**

Councilman Winchell made a motion, seconded by Councilman McDermott to approve the Certificate of Appropriateness for door and roof replacement at 10 West Simpson Street, as recommended by the HARB. The motion passed with all in favor.

◆ **Consider award of bids for renovations of the pool bathhouse.**

Manager Stough reviewed the bid results with Borough Council as reported in his memo of January 17th (attached). After review and some discussion, Councilman Ryder made a motion, seconded by Vice President Winchell, to award the bids for bathhouse reconstruction as recommend by staff in the total amount of \$370,326.00, based on the bid opening. The motion passed with all in favor.

◆ **Consider authorizing staff to apply to Cumberland County for Growing Green grant funding.**

Manager Stough reviewed the grant request he would be submitting to Cumberland County. He indicated he would be applying for an additional \$50,000 for the pool renovations and \$15,000 for ordinance improvements. Councilman Ryder made a motion to authorize the Manager to apply to Cumberland County for grant funding. Councilman McDermott seconded the motion, which passed with all in favor.

◆ **Consider request of Saint Mark's for two handicapped parking spaces along High Street.**

Manager Stough indicated that Saint Mark's is requesting four spaces, two on High and two on Keller, but would be happy with two spaces along High Street. Councilman Ryder asked if the neighbor's have been contacted. Manager Stough indicated that has not been the practice in the past, but noted that staff could use some direction from Council in the criteria for these types of requests. After discussion, Vice President Winchell made a motion, seconded by Councilman Humes, to authorize the Solicitor to draft revisions to the Borough Ordinance providing for two handicapped parking spaces along High Street adjacent to the Saint Mark's Church entrance ramp. The motion passed with all in favor.

◆ **Settlement of the 2005 Per Capitia Tax with Barry Heckard.**

Councilman Ryder made a motion, seconded by Councilman Stoner, to accept settlement of the 2005 Per Capitia Tax bills in the amount of \$2,475 and to forward the 495 bills to G.H. Harris for collection. The motion passed unanimously.

◆ **Settlement of the 2005 Real Estate Tax with Barry Heckard.**

Councilman Ryder made a motion, seconded by Councilman Stoner, to accept settlement of the 2005 Real Estate Tax in the amount of \$36,262.69 and to forward the 76 bills to Cumberland County for collection. The motion passed with all in favor.

◆ **Discussion on pool salaries.**

Councilman Seagrist indicated that at the last Recreation meeting, lifeguard retention was discussed. Councilman Seagrist indicated that the Recreation Commission is concerned that the Borough is paying to train guards and they then leave to take positions at other facilities with higher starting salaries. Councilman Seagrist indicated that the Recreation Commission is recommending that Council raise the pay rate for guards and clerks at the pool by \$2.00 per hour for the 2006 season. Discussion followed on the matter. Councilman Ryder asked Manager Stough if we had information on the pay rates at other pools in the area. Manager Stough indicated that he thought the Recreation Commission would be providing that information, but he has not received any rate survey. After some additional discussion, Vice President Winchell made a motion, seconded by Councilman Humes, to raise the rates for lifeguards and clerks by \$2.00 per hour from the rates for last year. The motion passed with all in favor.

◆ **Request for Recycling Advertisements to be placed in High School musical program.**

Councilman Ryder explained that the Recycling Committee asked to place two, ½ page educational pieces in the High School Musical program. Discussion followed on the cost of the advertisements. After discussion, Vice President Winchell made a motion, seconded by Councilman Humes to authorize the placement of two, ½ page ads promoting recycling. The motion passed with all in favor.

APPROVAL OF EXPENDITURES PAID:

As the financial reports for December were not available due to the vacation of the Treasurer, Councilman Humes made a motion, seconded by Councilman McDermott not to act on the expenditures at this time. The motion carried.

CITIZEN COMMENTS:

Bill Walker, 170 Brindle Road, asked why Council has not removed the handicapped parking spots at 235 W Locust Street, as the applicant can no longer drive. Manager Stough indicated that some applicants do not drive, but need the space to allow people to pick them up to go out for appointments.

Jeff Sanders, 501 N. Market Street, suggested Council give more money to the Fire Companies, instead of spending so much on the pool. He also advised Council that the deduct mentioned on the bid review for aluminum verses copper may not be a wise choice due to dampness at this location. Council advised Manager Stough to look into to this.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL:

There was no other business to discuss.

ADJOURNMENT:

With no further business, President Whitcomb adjourned the meeting at 9:35 PM to an executive session on a matter of litigation with no action.



Jonathan S. Stough
Borough Secretary