

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

June 20, 2006

6:30 PM

CALL TO ORDER:

At 9:10 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: Charles Suhr – Stevens & Lee, Ed LeClear, Susie Edwards, Dale Edwards, Ken Bretzel, Bernard & Phyllis Rhodes, Donna Davidson, Matthew Speicher, Karen Weber, Kirk Corliss, Lori Laskowski, Natalie Slembariski, Karen Blair, Mary Eberly, George & Karen Liddick, Linda Stoner, Colleen & Bob Elmer, Paul Calvanelli, Ed Geiger, Ken Magaro, Jim Van Kirk, Mary & Thomas McFadden, M'liss Halsey, Vu Nguyen, Jill Myers, Andrew Sheely, Glenn & Carol Huffer, Stephanie & Colleen Patterson, Daryl Ackerman, Lee & Rosalie Roland, Harry Baker, Kendall Parlette, Tim DeWire, Sylvia & Gary Emberger, Nancy & Guy Storm, Brenda Eckert, Mark Winger, Sally Holbert, Ralph Bailets, Kathy Hellam, Susan Poff, Linda Armitage, Steve Zentmeyer, Glen Weber, Jim Wewer and Bob Dietrich.

GUESTS:

There were none.

CITIZENS COMMENTS:

There were none.

ADDITIONS TO AGENDA:

Manager Stough added a special events application for closing of the Alley behind 43 West Keller Street for an Auction. Also, Manager Stough requested to change the Executive session to include a matter of potential litigation, with no action. Chief Spotts added considering acceptance of a donation in the amount of \$100 from Joseph Thompson for the DARE program.

APPROVAL OF AGENDA:

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

CORRESPONDENCE:

Manager Stough reported the following correspondence was received:

- ◆ A packet of information was received from the West Shore COG and included in Council packets.
- ◆ A letter was received from Cheryl Brady on High Street regarding several concerns. This was copied for Council and both the Fire and Police Chief.
- ◆ A note was received from Senator Vance, noting that PennDOT will conduct a Traffic Study at the intersection of Elmwood and Shepardstown Roads.
- ◆ A memo was in Council packets on Friday from Trish Hammaker regarding the handicapped parking space at 24 West Keller Street. The applicant is no longer driving and we have been unable to reach the applicant regarding disposition of the need for the space.
- ◆ The Cumberland County Open Space Plan was received today and is available to any Council member who would like to review it.

APPROVAL OF MINUTES:

Manager Stough noted that the Public Hearing minutes from June 6th should be amended to read that the County Planning Commission did not recommend approval of the proposed changes in the number of parking spaces required for a retail furniture store. Councilman Stoner made a motion to approve the June 6, 2006 Regular Council meeting minutes, as amended. Councilman Humes 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:

- Mechanicsburg Borough was awarded the PSAB Most Valuable Participant Cup and the traveling trophy will be on display at the Borough Office until next May.
- Manager Stough reported that he attended some great seminars at the PSAB conference including one on alternative fuels and energy grant funding.

MAYOR'S REPORT:

June 9th – The Naval Support Activity, Mechanicsburg hosted a Freedom Fest reception and concert featuring Hootie and the Blowfish.

June 10th – Officiated a wedding at the Union Church.

June 10th – Citizens Fire and Rescue Co #2 held their annual company banquet at the Mechanicsburg Club.

June 12th – Crime watch guest was Tonya Brown from Parks and Recreation.

June 15th – Jubilee Day – for one day our Borough is the largest in Pennsylvania.

June 16th – Officiated a wedding.

June 17th – The Mechanicsburg High School Alumni Association held their 113th Annual Dinner at the West Shore Country Club.

June 18th – Crisis in Mechanicsburg - captured by the confederates led by General Jenkins. Took the burgess into custody and demanded rations. Dr. Rev. Tom Herrold gave a history of the prayer of relief service at the Union Church.

July Crime Watch speaker will be Cumberland County District Attorney David Freed.

Trivia Question – If the fire hose from all the Mechanicsburg Fire Departments was placed end to end, how far would it reach?

Answer – Approximately 4.2 miles. This question was submitted by Fire Chief, Larry Seagrist.

CHIEF OF POLICE REPORT:

Chief Spotts reported that the Department got through Jubilee Day and letters of commendation were received from Citizens for Officers Anthony, Curtis and Dyer.

SOLICITOR'S REPORT:

Solicitor Schorpp had no report.

ENGINEERS REPORT:

Engineer Barber had no report.

FIRE CHIEF REPORT:

Fire Chief reported that the fire hose, the pumpers and the Aerial and ladders have all been tested and everything passed.

JR. COUNCILPERSON REPORT:

Jr. Councilperson Nauss provided her report:

- ◆ School is out and summer is going quickly.
- ◆ Last week Ross Kennedy-Shaffer, who is a freshman, competed in a National History competition at the University of Maryland and placed 9th in the nation.
- ◆ The National TSA competition will be held in Texas at the end of the month.
- ◆ Ms. Nauss announced that she will be unable to attend the next two meetings as she is leaving Sunday for Governors School.

COUNCIL COMMITTEE REPORTS:

Community Development – Humes – Councilman Humes – No report.

Environmental/Recycling Committee – Ryder – No report.

Finance/Appropriations/Insurance – Winchell – Councilman Winchell noted that he is going to set up a joint meeting of the Council Finance and Police Pension committees in the near future.

Fire Committee – Ryder – Councilman Ryder reported the next meeting is Thursday at 7 PM.

Health/Recreation –Seagrist – Councilman Seagrist reported that the June Recreation Commission was cancelled. The July meeting will be held on the 11th and the August meeting will be held on the 13th. On August 5th, Community Day will be held at the pool. August 31st is the next Joint Recreation Committee meeting at Elmwood Elementary School.

Highway/Public Safety – Stoner – President Whitcomb directed Councilman Stoner to look into the matter with the handicapped space at 24 West Keller Street. Councilman Stoner reported the Committee is still looking into the request to make King Alley one way. Councilman Stoner reported that he has a request from a resident in the 400 block of Alison Avenue regarding the change in parking regulations at that location. He suggested that the resident bring his idea of a three way stop intersection to Borough Council. Councilman Stoner reported that the Highway Department is having some difficulty with the installation of signs at that location due to underground utilities.

Loan Review Committee- Humes – No report.

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

Property/Buildings – Stoner – No report.

Public Communication – McDermott – No report.

School Board – Ryder – Councilman Ryder – No report.

W.S.C.O.G. – McDermott – Councilman McDermott reported a COG meeting was not held last evening as there was not a quorum, The COG picnic is next week and the annual auction is scheduled for next month. The committee presented several possibilities for a new name for the COG.

AGENDA ITEMS – JUNE 20, 2006

- ◆ **Consider Action on Richard Hart Land Development Plan at 1106/1108 East Simpson Street.**
 Vice President Winchell made a motion, seconded by Councilman Humes to deny the Land Development Plan of Richard Hart for his property at 1106/1108 East Simpson Street based on the outstanding engineer comments in the memo of August 2, 2005, (copy attached). The motion passed with all in favor.
- ◆ **Consider Action on Time Extension offered by Christine Walker for her Subdivision Plan at 131 East Simpson Street, through September 21, 2006.**
 Manager Stough reported that Ms. Walker required a time extension to apply for a variance from the Zoning Hearing Board. Councilman McDermott made a motion, seconded by Vice President Winchell, to accept the time extension offered by Christine Walker for her Subdivision Plan for 131 East Simpson through September 21, 2006. The motion carried with all in favor.
- ◆ **Consider Action on the Subdivision Plan of Mechanicsburg Borough for an Access Drive at the Wastewater Treatment Plant for the New Compost Facility.**
 Councilman Stoner made a motion, seconded by Councilman Ryder to approve the Subdivision Plan of Mechanicsburg Borough for the access drive to the compost facility. The motion passed with all in favor.
- ◆ **Consider Ordinance 1081 Setting the New Sewer Usage Rates.**
 Councilman Ryder made a motion, seconded by Vice President Winchell to adopt Ordinance 1081 setting new sewer rates as advertised with a base rate plus usage fee based on water consumption.

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

- ◆ **Consider Ordinance 1082 Establishing a Traditional Neighborhood Development Ordinance.**
 Vice President Winchell made a motion, seconded by Councilman Humes, to adopt Ordinance 1082 establishing the Traditional Neighborhood Zoning District. President Whitcomb then opened the floor for discussion. Councilman Ryder asked why an art gallery was eliminated from the allowable uses for the TND District. Ed LeClear, 128 East Portland Street and President of Main Street Mechanicsburg, stated that the developer had met with Main Street Mechanicsburg to discuss business mix in downtown. At that point in time, one of the major business clusters identified by Main Street Mechanicsburg for the downtown area revolved around arts and entertainment. These uses are appropriate for the historic buildings in the downtown, and this is why this type of use was excluded from the business mix in the new district. Councilman Ryder asked if all the County Planning Commission items have been addressed. Mr. LeClear indicated that all the questions raised, were addressed and that information was provided to Borough Council. Mr. LeClear indicated that the Borough is along a Heritage Corridor for arts and crafts and the Borough may want to tap into that resource in the future to bring visitors to our downtown.

Councilman Seagrist asked for clarification on the differences that the Planning Commission had with the County recommendations. Councilman Seagrist stated that he feels those differences need to be addressed prior to Council passing this ordinance. Councilman Humes indicated that Borough Council has received both the County Planning Commission comments and the Borough Planning Commission responses to those comments. Kirk

Corliss, Planning Commission Chairperson, indicated that on the April 5th memo the Planning Commission agreed with five County comments and disagreed with the others. The Commission provided Council with a written clarification on each item on the memo. On the last memo, the twelve items included had some items that were in the previous memo and were items that the Borough Planning Commission did not think that changes needed to be made as a result of any of those twelve comments. Chairman Corliss indicated that he sent the memo addressing the County comments out to Borough Council on June 8th.

Councilman McDermott stated that as a result of some of the comments heard this evening, he is not going to vote to support this ordinance change, at this time. He stated that he has concerns about traffic and does not feel that they have been addressed.

Councilman Ryder spoke in support of the ordinance as the traffic concerns will be addressed in the land development phase and a traffic study will be done to insure that they are addressed. Councilman Ryder indicated that the Borough has an excellent, knowledgeable Planning Commission that has worked very hard to prepare this ordinance and believes that Council should give weight to their recommendation in this matter.

Councilman Seagrist spoke against the motion, citing concerns about the Cedar Run Watershed and the fact that all the information provided relative to this project has been paid for by the developer and he cannot vote for this without independent collaboration of the figures provided in the Fiscal Impact Study. He also asked that the concerns of the residents from that neighborhood be addressed before any zoning change is made to that tract of land as it will impact their property values and quality of life.

Vice President Winchell stated that Councilman Seagrist was aware that this vote was coming and asked if he was uncomfortable with the data, why didn't he step up and ask for more data. Vice President Winchell asked if Councilman Seagrist was willing to spend Borough funds to pay a consultant to verify the data provided. Councilman Seagrist indicated that he has been asking questions, but he has not been able to get any answers for his questions. Much discussion followed on this issue. President Whitcomb indicated that these expenses are normally paid by the developer desiring to have the Zoning changed; this is not any different than any other development.

Councilman Stoner stated that he feels the Borough needs to move forward and do something which will financially benefit the Borough. The developer and Planning Commission have done a good job and made an effort to address the concerns raised by residents. He stated the Planning Commission has worked hard and he is in favor of moving forward.

Harry Baker, Planning Commission and Environmental Council Member, addressed Borough Council stating that the TND plan is a far better way of addressing the head water flood plain issue and will better insure protection of the Cedar Run Watershed. Mr. Baker also stated that the Ordinance before Council this evening is very different than the draft provided by the developer over a year ago. After some additional comment, a roll call vote was taken as follows and the motion passed:

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

◆ **Consider Ordinance 1083 Enacting an Intergovernmental Agreement for Operation of the Joint Compost Facility.**

Councilman McDermott made a motion, seconded by Councilman Seagrist, to adopt Ordinance 1083 establishing an Intergovernmental Agreement for the Operation of the Joint Compost Facility with Silver Springs Township. A roll call vote was taken as listed below and the motion passed:

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

◆ **Discussion on the EMS Tax Refund Policy.**

Solicitor Schorpp has sent several memos regarding the issues related to the EMS Tax Refund Policy. The Solicitor explained the reason behind preparing the ordinance in the manner in which he did and with respect to income from all sources. The Solicitor suggested that Council wait until Fall, due to pending changes and revisit the matter at that time. Councilman Humes made a motion to table the matter at this time. Councilman Stoner seconded the motion, which passed with all in favor.

◆ **Consider Request of Borough Staff to have the Handicapped Parking Space at 43 West Keller Street Removed, as both Residents are Deceased and the Property is going to be Auctioned.**

Councilman Seagrist made a motion, seconded by Councilman Ryder, to remove the handicapped parking space at 43 West Keller Street due to the passing of the residents and impending sale of the property. The motion passed with all in favor.

◆ **Consider Request of Mechanicsburg Historic Architectural Review Board for Certificates of Appropriateness for Several Applications.**

Councilman Ryder made a motion, seconded by Vice President Whitcomb, to approve the Certificate of Appropriateness for the Knepper property on West Main Street as recommended by the HARB. The motion passed with all in favor. Manager Stough noted that the application for C & J Catering was tabled until the HARB meeting in July. Councilman Ryder made a motion, seconded by Councilman McDermott to recommend approval of the Certificate of Appropriateness for Brian Lerew, 214 East Main Street, for replacement of shutters. The motion passed with all in favor.

◆ **Consider Request to Close King Alley during the Public Auction at 43 West Keller Street.**

Councilman Stoner made a motion, seconded by Councilman Ryder, to approve the closure of the alleyway, with the auctioneer agreeing to take care of the barricades, notify the neighbors of the closure and providing the Borough with a certificate of liability insurance. The motion passed with all in favor.

◆ **Consider Acceptance of a \$100 Donation from Joseph Thompson to the DARE Program.**

Councilman Ryder made a motion, seconded by Councilman McDermott, to accept the donation of \$100 from Joseph Thompson to the DARE Program.

APPROVAL OF EXPENDITURES PAID:

Councilman Stoner made a motion, Councilman Ryder seconded, to approve the expenditures from May 1, 2006 through May 31, 2006 in the following amounts:

General Fund: \$303,574.31 Highway Aid Fund: \$11,893.47 Capital Improvement Fund: \$110,540.55

The motion passed with all in favor.

CITIZEN COMMENTS:

Kirk Corliss invited Borough Council to attend the work session of the Planning Commission next Tuesday at 6:30 PM as the Comprehensive Plan Consultant will be making a presentation.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL:

President Whitcomb asked Chief Spotts to check on an open flag along South Market Street that is obstructing the view at the intersection of the alleyway that runs behind Ritters and South Market Street. Chief Spotts will check on that and take steps to correct the problem if there is a visibility issue.

Mayor Ritter noted that the Rotary Club, Welcome to Mechanicsburg sign is in place.

Councilman Stoner indicated that there is a dangerous situation at the corner of Locust and Arch Streets involving skateboarders letting blocks and rails in the street. Chief Spotts indicated that if the residents call the station when this is occurring an officer will come out and attempt to address the problem.

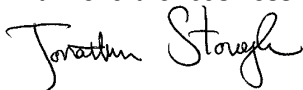
EXECUTIVE SESSION:

At 10:06 PM President Whitcomb recessed the meeting into Executive Session.

At 10:39 PM, President Whitcomb reconvened the public meeting.

ADJOURNMENT:

With no further business to discuss, President Whitcomb adjourned the meeting at 10:40 PM.



Jonathan S. Stough
Borough Secretary