

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

July 20, 2010

7:52 PM

CALL TO ORDER:

President Whitcomb called the regular Borough Council meeting of July 20, 2010 to order at 7:52 PM, following the Public Hearing on Member's 1st proposed Re-zoning and Comprehensive Plan revision which began at 6 PM.

PLEDGE OF ALLEGIANCE:

Boy Scout, Dustin Stoner, led those assembled in the Pledge of Allegiance to the Flag.

ROLL CALL:

Present were President Whitcomb, Vice President Ryder, Councilmen Ciecierski, Humes, Kiskis, McDermott, Seagrist, Mayor Ritter, Solicitor Schorpp, Engineer Barber, Secretary Dennis and Assistant Secretary Boyer. Chief Spotts and Chief Seagrist were absent.

Other Borough Staff Members/Volunteers present: Codes Officer Merryman, Planning Commission members Corliss, LeClear and Dewire, Recreation Commission member John Anthony, Emergency Management Coordinator Ron Trace, Police Officers Justin Myers, Justin Shutt and Rodney Temple Press Myers – Sentinel Quigley- Patriot Public: Please refer to sign in sheet attached.

GUESTS:

Bill Williams, 1303 Apple Drive, thanked Borough Council for allowing him to address them regarding his recent Zoning Hearing Board Variance Application, which was denied by the Zoning Hearing Board. Mr. Williams stated that the Zoning Hearing Board made it very clear that he did not meet the legal standards to obtain the requested variance, however, they suggested that he take up his request with Council, as a possibility Council would reconsider a Zoning Ordinance amendment or revert back to the prior ordinance. Mr. Williams introduced Dan Kreisler, his architect, who distributed copies of the Zoning Hearing Board transcript to Borough Council, which includes the opinions and direction of Zoning Hearing Board members. Mr. Williams shared the exhibits he prepared for his hearing in front of the Zoning Hearing Board. Mr. Schorpp stated that Mr. Williams could submit an application for a text change amendment to the Zoning Ordinance that there would be a public hearing at which time Mr. Williams would have the opportunity to present this information to Borough Council. Mr. Williams state that since the property set backs in a Residential Low Density Zoning District went from three feet setback, side and rear to a twenty five foot rear setback and twelve feet side setback, that this would adversely impact many residents in the borough, with no visible benefit. Mr. Williams stated that the new regulation of 25 ft from the rear lot line would put an accessory structure, such as the one proposed, in the center of the rear yard. Discussion followed on the previous requirements versus the current set backs. Mr. Williams closed by saying that he asks Borough Council to reconsider these setbacks as they are an undue hardship on many property owners and provide no benefit to residents. Manager Dennis noted that these set back requirements are for accessory structures in excess of 100 square feet, and that Mr. Williams would not have to meet these set back requirements to erect a smaller shed. President Whitcomb stated that if Mr. Williams would like to request a text change amendment to the Zoning Ordinance he would need to submit an application and appropriate fees to the Borough Council for consideration. Councilman Humes asked if the Planning Commission would look at this. Solicitor Schorpp stated that the Planning Commission would review the request when an application is filed.

CITIZENS COMMENTS:

Glenda Blair, 229 West Locust Street requested that the Air Conditioning be turned on.

Jeff Sanders, 501 North Market Street, inquired to Mr. Dennis on addressing the issue brought forth by Mr. Sanders last month regarding the retention pond at Northside. Mr. Dennis stated that in order to allow for more water flow, the only option would be to re-grade the pond the entire way out. This would remove the grass and change the appearance of the area. President Whitcomb directed Manager Dennis to obtain a price quote on what the grading would cost. Mr. Sanders thanked Borough Council.

ADDITIONS TO AGENDA:

None

APPROVAL OF AGENDA:

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

CORRESPONDENCE:

None.

APPROVAL OF MINUTES:

Councilman McDermott made a motion to approve, seconded by Councilman Kiskis. Councilman Seagrist asked that a correction be made on the vote to cancel the July 6th meeting to reflect the vote was three to three. President Whitcomb concurred with Councilman Seagrist and Councilman Humes stated that her minutes were correct. After discussion, Councilman McDermott amended his motion to include the correction stated by Councilman Seagrist and Councilman Kiskis amended her second. The motion to approve the June 15, 2010 minutes as amended passed with no dissenting votes.

MANAGER'S REPORT:

Manager Dennis reported:

Manager Dennis reported that the Environmental Advisory Council and the Shade Tree Commission are planning a planting at the West Simpson/South York Pocket Park on September 25th, with a rain date of October 2nd. The proposal includes raised beds for flowers and United Water will be installing a water fixture to provide water for the plantings. The American Legion will be approached about maintaining the plantings once they are completed.

At the next Council meeting, Manager Dennis reported he will be providing Council with several possible locations for the Community Garden proposed by the Environmental Advisory Council. Manager Dennis reported that he met with Recreation Director, Tonya Brown, and they looked at some possible locations within Memorial Park and started work on a park plan for Memorial Park.

The scope of work for Safe Routes to School was approved by PennDOT and Dewberry is beginning work on the design phase of the project.

The Mechanicsburg Community South Pool was closed from July 1st through the 3rd for some needed repairs. Memberships were honored at the Hampden and Camp Hill Pools and over 500 residents did visit the Hampden pool during the closure. The North pool and baby pool were open during the repairs to the South pool. The Highway, Fire and Sewer Departments all

worked cooperatively with the pool staff during the repair process, which involved draining and refilling the South Pool.

Manager Dennis reported that he and Engineer Barber met with Steve Westhafer, Cumberland Valley Development, to discuss completion of the public improvements at his land development site along West Coover Street.

On Thursday Engineer Barber and Superintendent Yinger will be meeting with Dennis Rudisil from United Water regarding an ongoing issue with water on Gale Street.

Leo Lutz, Columbia Borough Mayor, will address Borough Council, volunteers and staff on July 26th at 6:30 PM in the Council Chambers on Columbia Borough Downtown revitalization initiative. This presentation is sponsored by the Environmental Advisory Council. Manager Dennis encouraged everyone to attend.

Representative Cheryl Delozier will be providing a Legislative Update on August 11th at 7 PM in the Council Chambers.

Manager Dennis stated that Engineer Barber looked at the all red phasing option for pedestrian crossings as directed by Borough Council and is prepared with a report this evening. (The data is attached to the minutes) Engineer Barber explained that this option would provide a period, when the pedestrian crossing button is pushed, where all the lights at an intersection would be red, to allow a window for pedestrian crossing. Engineer Barber explained that he has provided data to Borough Council for seven intersections, with and without the Pedestrian Phasing. Engineer Barber stated that there are many variables in this type of data and some assumptions were used, such as the pedestrian traffic at five pedestrians per hour. Engineer Barber reviewed the data compiled with Council, stating that all the intersections are timed to work together and this type of change at one intersection would impact all the other intersections. Barber expressed his opinion that this change would significantly impact vehicular traffic and increase delays at the traffic lights. A change to all red pedestrian phasing would require a full traffic study and approval of PennDOT. Engineer Barber stated that PennDOT did not approve these for Shippensburg; however, they were approved for Millersville. President Whitcomb stated that Shippensburg has more pedestrian traffic than Mechanicsburg. Councilman Humes stated that she appreciates the time Engineer Barber took to provide Council with this information. Councilman Humes pleaded for more enforcement of pedestrian crossings as she was nearly struck crossing West Main Street by the Legion when the walk signal was displayed. Councilman Humes stated that the Borough really needs to be doing something to look out for the safety of pedestrians.

MAYOR'S REPORT:

June 17th – The 82nd Jubilee Day was a great success. Thanks to all who supported and helped the Mechanicsburg Chamber in this event. The charity of choice was MDA.

June 18th – The Mayor's Office donated to the Mechanicsburg Pool a new Old Glory to replace their old Old Glory.

Represented the Borough at the Change of Command and Retirement Ceremony at the Naval Sea Logistics Center. Captain Joseph Napoli was relieved by Commander Timothy Harrington. Joe Napoli is retiring in the Mechanicsburg Area.

Attended the Mechanicsburg Area School All Class Alumni Reunion held at the West Shore Country Club.

June 22nd – Honored Joseph Hood, Superintendent of the Mechanicsburg Area School District at his Retirement ceremony with a key to the city from the Mayor's Office.

June 25th – Officiated a wedding at the Union Church

June 28th – Celebrated the placement of a bench made from recycled plastic donated by Giant markets to the Mechanicsburg Museum. Plantings by the Cumberland County Garden Club set off the area.

July 1st – Officiated a wedding on the Appalachian Trail

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

July 12th – Crime Watch Speaker was Rod Wilbur talked about nuisance animals in the Borough.

July 16th & July 17th – Officiated three weddings.

July 17th – The Red Squirrels presented “The Oklahoma Story” on Brandy Lane to benefit Hospice of Central PA. The Mayor took part as Dr. Jack Quax, selling “Red Squirrel Elixer and Cure All” Great fun- Great Cause – raised \$4,438.00

Trivia Question – The Cumberland Garden Club is celebrating how many years of service this year?
Answer – Fifty Years. Marty Coover had the correct answer.

CHIEF OF POLICE REPORT:

President Whitcomb announced that Chief Spott’s is not here this evening as he is ill.

SOLICITOR’S REPORT:

No report.

ENGINEER’S REPORT:

No report.

FIRE CHIEF’S REPORT:

No report.

COUNCIL COMMITTEE REPORTS:

Capital Area COG - McDermott – No report.

Community Development – Humes – No report.

Environmental Committee – Seagrist – Councilman Seagrist reported that the Environmental Advisory Council meets this evening in the second floor conference room. Councilman Seagrist reminded everyone of the Rain Barrel Workshop tomorrow evening in Memorial Park, sponsored by the EAC. Councilman Seagrist reported that the EAC toured the Camp Hill Community Garden and that he would be happy to schedule a tour for Council.

Finance/Appropriations/Insurance – Whitcomb – No report.

Fire – Ciecierski – No report.

Health and Recreation – Ryder – Vice President Ryder stated there is an item on the agenda.

Highway/Public Safety – Whitcomb – No report.

Loan Review- Humes- No report.

Ordinance Administration – Ciecierski – Councilman Ciecierski stated that the Committee needs a third member as there are several matters that have been referred to them for review. President Whitcomb assigned Councilman Kiskis to that committee. Councilman Ciecierski stated he will be scheduling a meeting in the near future.

Property & Buildings – Seagrist – No report.

Public Communications – McDermott – No report.

School Board - Ryder – Vice President stated that MASD Superintendent Hood will be missed by his resignation from his position to do something he really wanted to do. Mr. Hood is going to be going to Wisconsin to be the Principal of a brand new Parochial School. His son is a priest living in that area of Wisconsin.

AGENDA ITEMS – July 20, 2010

- **Discussion and possible action on Resolution 08-2010 amending the Borough's Comprehensive Plan to reflect the change in Zoning designation of a portion of the property south side of East Simpson Street at Allendale Road.**
Councilman Ciecierski made a motion to approve Resolution 8-2010 as presented. The motion failed for lack of a second.
- **Discussion and possible action on Ordinance No. 1117 amending the Zoning Ordinance to change a portion of the property on the south side of East Simpson Street at Allendale Road from low density residential to Commercial General.**
Councilman Ciecierski made a motion, to adopt Ordinance 1117 as presented. The motion failed for lack of a second.
- **Resolution 09-2010 Honoring Joseph Hood.**
Vice President Ryder made a motion to adopt Resolution 09-2010 as presented. Councilman Kiskis seconded the motion which passed by unanimous vote.
- **Discussion and possible action to approve Certificates of Appropriateness for the following applications:**
 1. **Beverly Bone - 144 East Main Street for Exterior Alterations.**
Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for Beverly Bone, 144 East Main Street for exterior alterations as recommended by the Historic Architectural Review Board at their July 12, 2010 meeting. Vice President Ryder seconded the motion, which passed with all in favor.
 2. **W. F. Mumma- 34 West Main Street for Signage.**
Councilman Kiskis made a motion to recommend approval of the Certificate of Appropriateness for W. F. Mumma, 34 West Main Street for signage as recommended by the Historic Architectural Review Board at their July 12, 2010 meeting. Councilman Ciecierski seconded the motion, which passed with all in favor.
 3. **Steve Fisher – 7, 9 & 11 West Main Street for Gutter Replacement and Siding.**
Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for Steve Fisher, 7, 9 & 11 West Main Street for gutter replacement and siding as recommended by the Historic Architectural Review Board at their July 12, 2010 meeting. Councilman Ciecierski seconded the motion, which passed with all in favor.
 4. **Walker Realty – 243-245 East Main Street – Exterior Alterations.**
Councilman McDermott made a motion to recommend approval of the Certificate of Appropriateness for Walker Realty, 243-245 East Main Street for exterior alterations as recommended by the Historic Architectural Review Board at their July 12, 2010 meeting. Councilman Kiskis seconded the motion, which passed with all in favor.
- **Discussion and possible action to approve sending a letter of support to the Cumberland County Tourism Bureau for Wayfinding Signage.**
Vice President Ryder made a motion to send a letter of support for the Cumberland County Tourism Bureau Wayfinding Signage proposal. Councilman Humes seconded the motion, which passed with all in favor.
- **Discussion and possible action to approve the purchase of an ABI custom waterslide that is to be placed at the Mechanicsburg Community Swimming Pool.**
Manager Dennis reviewed the proposed slide and its location with Borough Council. Manager Dennis explained that the proposal would require the fence to be moved 10 feet to the east. Discussion followed on baseballs possibly going over the fence. Manager Dennis stated that even now a couple of balls currently go over the fence every year but there have been no injuries as a result as many times the pool is not open in the spring when baseball is being played. Vice President Ryder explained that they chose the double slide to reduce the size of

lines and provide more opportunities for patrons to use the equipment. Manager Dennis stated that there is money in the Pool Capital Campaign Account to cover the match for the grant. Councilman Kiskis asked if the grant will pay for the slide and the moving of the fence and if there will be any money leftover for maintenance. Manager Dennis stated that there would be no money left over and a change order will be required to cover the additional slide costs. Manager Dennis explained that the new slide was part of the original Capital Campaign in 2005, however, that grant funding did not cover both the slide and the upgrade costs. The intermunicipal pool agreement with Upper Allen Township provides funding each year towards facility upgrades and ongoing Capital Campaign Contributions are still coming in to help off set costs. Vice President Ryder stated that other area pools have similar equipment to the proposed slide. Councilman Kiskis asked the height of the slide and Manager Dennis stated it is 15 ½ feet. Councilman Seagrist stated that on June 7th a Joint Pool Committee meeting was held and at that meeting, Councilman Seagrist stated that he understood the existing slide was at the end of useful life and was going to be removed to accommodate the new slide and still allow room for swimming. With that stated, Councilman Seagrist asked if it would not be better to place the new slide where the existing slide is and allow the fence to remain in its current location. Vice President Ryder stated that at the Recreation Commission meeting the Commission felt that the existing slide was not in bad shape, and should remain to provide additional services to pool patrons. President Whitcomb stated if the current slide fails to be safe at a future time; the Borough can look to replace it with another slide of some type. Larry Noss, 602 West Keller Street, stated that he is against the installation of the slides as they are not handicapped accessible. Vice President Ryder made a motion to approve the purchase of the two slides as recommended by the Mechanicsburg Recreation Commission. Councilman Kiskis seconded the motion, which passed by a vote of six in favor (Ciecierski, Humes, Kiskis, Ryder, Seagrist, Whitcomb) and Councilman McDermott against.

- **Discussion and possible action to rehire Aaron Bayer as a Community Service and Park Security Officer.**

Vice President Ryder made a motion, second by Councilman Kiskis, to rehire Aarron Bayer as a Community Service and Park Security Officer, effective July 2, 2010. The motion passed with all in favor.

- **Discussion and possible action to hire Shelby Bradley and Isaac White as Community Service Officers.**

Vice President Ryder made a motion, second by Councilman Humes, to hire Shelby Bradley and Isaac White as Community Service Officers, effective immediately. The motion passed with all in favor.

Authorization to Approve Expenditures from June 1, 2010 through June 30, 2010 as follows:

Capital Fund:	\$ 97,302.89	Highway Fund:	\$ 5,609.71
General Fund:	\$ 143,659.15	Sewer Fund:	\$ 50,819.54

Vice President Ryder made a motion to approve the expenditures from June 1, 2010 for all funds as reported. Councilman Ciecierski seconded the motion which passed with all in favor.

CITIZENS COMMENTS:

Tim Dewire, 426 West Keller Street, addressed Borough Council as follow up to Councilman Humes concerns over pedestrian traffic. Mr. DeWire stated that at each Planning Commission meeting he adds to the meeting minutes that vehicle should yield to pedestrians in crosswalks. Mr. Dewire indicated that he believes enforcement is part of the equation, obviously the Police Department can not be everywhere all the time as the three members of the Department present this evening can attest to but the larger issue is education and making drivers aware that pedestrian have the right of way at cross walks and signalized intersections.

Mark Stoner, 408 N. Filbert, addressed Borough Council regarding the liability in regard to fly balls if they move the fence. Mr. Stoner stated that there is more of a chance of a pool patron being hit by a fly ball if they are standing on a platform 16 feet in the air. Mrs. Stoner interjected that the installation of the slide would place more pool patrons in the vicinity of the fence. Mr. Coover interjected that the pool is not open in the spring when most of the leagues with players that may hit the ball that distance would be playing. Mr. Stoner stated that the utility cut at 4 East Portland Street in front of the newly constructed single family dwelling has not been properly sealed.

Larry E. Noss, 602 West Keller Street, expressed his desire to see night time baseball at Memorial Park. He stated that he feels it would be great to have this type of baseball on the West Shore for residents. Mr. Noss stated that he loves Mechanicsburg and it is a good place to live.

OTHER BUSINESS:

Councilman Seagrist asked if the request of Mr. Williams, 1303 Apple Drive could be added to the next Council meeting agenda. Solicitor Schorpp replied that he has not submitted a formal application.

Councilman McDermott reported that the annual COG auction is tomorrow at 9 AM.

Councilman Ciecierski stated that the Borough needs to address the 53 foot truck traffic coming through the Borough. Councilman Ciecierski stated that the Borough needs to open dialog with PennDOT on turn regulations for these larger vehicles as they are causing property damage. Councilman Ciecierski stated that the corner of East Main and North Walnut has had accidents involving property damage twice in the last six months. President Whitcomb asked the Officers Temple, Shutt and Myers if the driver that hit the building on the corner causing property damage had been apprehended. The Officers did not know. A discussion followed about the possible improvement of the turn lane at the York and Simpson Street intersection.

Councilman Kiskis commended Manager Dennis and the HARB for their research into a downtown mural guidelines.

ADJOURNMENT:

At 8:48 PM President Whitcomb adjourned the meeting to an Executive Session on a matter of potential litigation and personnel with no action.



Patrick E. Dennis, Borough Secretary