

SEPTEMBER 5, 2018
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:30 p.m. with the following in attendance:

Borough Council Members – Jarred Knott, Niccole Rolls, C. Harold Mumma and Dade Royer (Michael Cermak and Patrick Fleagle were absent)

Junior Councilpersons – Jacob Gearhart and Mya Graves (alternate)

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Chad Rooney, Administrative Services Coordinator
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)

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

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS: Mayor Starliper administered loyalty oaths to Junior Councilpersons Jacob Gearhart and Mya Graves.

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

PERSONNEL COMMITTEE: In Councilman Cermak's absence, Councilman Knott acknowledged the receipt of favorable performance evaluations for Kevin Grubbs and Ray Wagaman. No action was required.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Solicitor Wiser commented regarding the municipal golf course property. The Borough was notified by the entity operating the golf course (The Morning Tee Box, LLC) that it would be closing the course for the season. In conjunction with this, a title search of the property confirmed that the Borough owns the Borough farm property, and several things were necessitated by this information.

First, it was necessary to assign the golf course lease between The Morning Tee Box, LLC and the Waynesboro Borough Authority to the Borough of Waynesboro. Accordingly, Councilman Royer made a motion to authorize acceptance of the assignment of the lease from the Waynesboro Borough Authority. Councilwoman Rolls seconded; the motion passed unanimously.

In addition to that action, because the Borough was given notice by The Morning Tee Box, LLC that it was closing the course, The Morning Tee Box, LLC also offered to surrender the lease to the Borough, thereby terminating the lease. Accordingly, Councilman Royer made a motion to ratify the surrender of the lease from The Morning Tee Box, LLC to the Borough of Waynesboro. Councilman Knott seconded; the motion passed unanimously.

Finally, staff was directed to perform a survey of the condition of the course and Council has been notified of their findings ... in short, it is in deplorable condition. The Borough is considering all options that may be fiscally responsible, and they have received two (2) proposals for the operation of the course and property. However, the Borough would like to request any proposals for the operation of the golf course that would include a comprehensive business plan, a lease amount of no less than \$625 per month, and a plan to cover all utility costs associated with the operation. Proposals should be submitted no later than September 18, 2018. Councilman Royer made a motion as such. Councilwoman Rolls seconded. It was noted that formal advertisement for the proposals is not required and social media, etc. may be utilized. The motion then passed unanimously.

STREET COMMITTEE: Councilwoman Rolls reported that the Street Committee met on 08/23. The following items were discussed –

- Concern has been heard about truck traffic on Ridge Avenue (leaving the former cold storage facility). Discussion has been held with the management at Trident Enterprises, who will advise their drivers to take an alternate route to alleviate traveling through neighborhoods.
- Student parking on Clayton Avenue was discussed, and Chad Rooney suggested this might be an excellent project for the new Junior Councilpersons. Ms. Rolls will inform Deb Hoff that the matter will be discussed and reviewed during a 30-day time frame before any decisions are made to address her concerns.
- The 30-day trial for overnight parking on Main Street approved at the last Council meeting will begin on 09/01 and last until 09/30. The existing “no parking” signs will be bagged to alleviate any confusion. One (1) business owner has voiced his concerns and is requesting that three (3) parking 15-minute spaces be designated in front of his business at 2 E. Main Street in Center Square.

Rodney Cool (owner of Brio Coffeehouse) – Mr. Cool was present to explain his request. Firstly, he noted that they are not completely opposed to the overnight parking, but the period of time from 6:00 to 9:00 a.m. represents approximately 20% of their business. If those parking spaces are taken by residents, this would adversely affect their business quite a bit. Mr. Cool’s written proposal, as well as signatures from approximately 80 people in support of the proposal, is included with these minutes as “Attachment 1”.

After further discussion on the matter, Councilwoman Rolls made a motion to authorize one (1) 15-minute parking space in front of Brio Coffeehouse for a 30-day trial period. Councilman Knott seconded. Discussion continued and the feasibility of excluding the Square from the overnight parking trial, which would alleviate the issue at this location, was suggested. Councilwoman Rolls then rescinded her motion and Councilman Knott rescinded his second. Solicitor Wisner noted that Council will be considering a proposed ordinance regarding temporary parking regulations later in the meeting. The ordinance specifically allows Borough Council to enact temporary parking regulations, which doesn't exist in the current ordinance structure, and he recommended that any motion regarding temporary parking regulations be presented after that ordinance is adopted.

- The Rectangular Rapid Flashing Beacon (RRFB) crosswalk light program is moving forward, and it appears that additional RRFB lights will be added. Bids have been requested and will be opened on 10/04.
- Upgrades made to the traffic flow at Fairview Elementary School are a great improvement. Ms. Rolls thanked the School District for working with the Borough on this issue.

Street Committee meeting dates have been revised. Meetings will now be held on 09/27, 10/11, 11/08 and 12/13 at 6:30 p.m.

FINANCE COMMITTEE: No report.

RECREATION BOARD: Councilman Royer reported that the Recreation Board met on 08/22 and discussed the following –

- Denise Blake was nominated as Chairperson of the Recreation Board.
- Maps of proposed pre-determined 5K and 10K race routes were presented for the Board's consideration and discussion at their September meeting.
- Northside Pool and Memorial Park will be discussed later in the meeting.

The next Recreation Board meeting is scheduled for 09/26 at 6:30 p.m. in Borough Hall.

MAYOR'S REPORT: The Mayor's Report was as follows –

- On August 18th, along with Borough Manager and Council members, I attended the ribbon cutting at Wendy's.
- Later that morning, I attended and gave a proclamation to the Cal Ripken 12U baseball team for going to Alabama and winning 2 out of 3 games in the World Series. A great bunch of guys.
- On August 30th, there was a ribbon cutting ceremony for the Wonderland Store.

Mayor Starliper requested Council's support to establish Trick-or-Treat in the Borough on Thursday (10/25) from 6-8 p.m. Councilman Knott made a motion for approval. Councilwoman Rolls seconded; the motion passed unanimously.

SOLICITOR'S REPORT: No report.

DIRECTOR OF UTILITIES' REPORT: No report.

MANAGER'S REPORT: The Borough Manager's Report was as follows –

- Right-to-Know requests were completed for the following:
 - (a) Jennifer Fitch, The Herald Mail, Hagerstown, MD – Two requests: “Lease agreements for any non-municipal entity for Waynesboro Borough Hall (55-57 E. Main Street). Please include Waynesboro Borough Authority, private businesses etc.” and “Indenture Agreement April 6, 1967, between Borough of Waynesboro and Waynesboro Borough Authority” and “Borough Council meeting minutes January through May 1967”. An interim response was issued informing Ms. Fitch that a legal review is necessary to determine whether the record is a record subject to access under this act and the extent or nature of the request precludes a response within the required time period. Additionally, the Borough is requesting that she provide more specific information as to what records she is requesting. Ms. Fitch's request for “Lease agreements for any non-municipal entity for Waynesboro Borough Hall (55-57 E. Main Street). Please include Waynesboro Borough Authority, private businesses, etc.” is vague. Ms. Fitch has been asked to provide the Borough with a more specific timeframe, so the Borough can better locate and identify the specific documents she is requesting.
 - (b) Kegan Crider, Waynesboro, PA – Requested “I am requesting forms that would show any type of work that was being done at the site of my accident which was the intersection of Enterprise Avenue and East Second Street in Waynesboro, PA. There were people working inside the manhole located at this accident prior to it flipping over, and I would like to have any forms verifying the work that was being done to, or inside that manhole on March 29, 2018. I would also like to have any form that would show the name of the Borough Maintenance Employee who was dispatched to stop traffic and set up hazard cones prior to my accident. This is necessary because he was at the scene when the accident took place. The accident took place at approximately 11:13 a.m. on March 29, 2018. I would also like to have any form that would show the company/or people who were dispatched to flip the manhole cover back over and secure it properly after I had ran over it.” The request was denied pursuant to Section 705 of the Right-to-Know Law, “an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record.

- (c) Garrett Farmer, Denver, CO – Requested “The reference property is: 271 Alley #1 N Avenue, Waynesboro, PA 17268, Parcels 25-5A64-073 and 25-5A64-072A, please advise if there are any open code violations that need to be corrected and closed in your system. Please include any summons/fines/fees issued on the property for code violations.” The request was granted. We have no code issues or summons/fines/fees on the property.
- (d) Andy Grove, Waynesboro, PA – Requested “Golf course member list and equipment schedule.” The request was granted and documents provided.
- (e) Nicole Mijares, American Transparency, Boca Raton, FL – Requested “An electronic copy of any and all employees for years 2017 (fiscal or calendar year). Each employee record should contain the employer name, employer zip code, year of compensation, first name, middle initial, last name, hire date (mm-dd-yyy), base salary amount, bonus amount, overtime amount, gross annual wages and position title. This data should be broken down by employer, employee and year.” The request was denied pursuant to Section 705 of the Right-to-Know Law, “an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize a record.
- (f) Don Smith, Mainstreet Waynesboro, Waynesboro, PA – Requested “Documents regarding the lighting assessment report done for the Borough of Waynesboro by BRINJAC Engineering in the spring of 2018.” Request was granted.
- (g) Antonio Russell, Denver, CO – Requested “I am looking to verify if there are any open code violations for property 236 W. Main Street, Waynesboro, PA 17268.” The request was granted and there are no open violations at the property.
- (h) Lorena Costa or Bob Wenzlau, Terradex, Inc., Palo Alto, CA – Requested “Building permits applied or issued from February 21, 2018 to August 22, 2018 for the addresses listed below. The request was granted and associated building permits were provided.

727 S. Church Street
 24 E. Ninth Street
 22 E. Ninth Street
 2 E. Eighth Street
 614 Ringgold Street
 701 S. Church Street
 720 Ringgold Street
 703 Ringgold Street
 713 S. Church Street
 731 S. Church Street

16 E. Ninth Street
 20 E. Ninth Street
 18 E. Ninth Street
 225 E. Ninth Street
 E. Ninth Street
 Ringgold Street
 W. Ninth Street
 705 S. Church Street
 S. Church Street
 711 S. Church Street

12 E. Ninth Street
 9 E. Ninth Street
 732 Ringgold Street
 734 Ringgold Street
 97 Old Mill Road
 729 S. Church Street
 Clayton Avenue
 E. Sixth Street
 657 Ringgold Street
 730 Ringgold Street

- The Borough has issued transient/vendor licenses to the following:
 - (a) Russell Conn, Fat Russ' BBQ, LLC, Waynesboro, PA
 - (b) Shamar Hampton, APG&E Energy Solutions, Paulsboro, NJ
 - (c) Richard Roberts, III, Toys/Light-Ups, Hagerstown, MD
 - (d) Tarik Hooks, Spann, LLC, Philadelphia, PA
 - (e) Andrew Morton, Spann, LLC, Philadelphia, PA
 - (f) Dominic Smith, Spann, LLC, Philadelphia, PA
 - (g) Raymond Ford, Keystone Novelties Distributors, LLC, Lancaster, PA
 - (h) Deborah Swift, Keystone Novelties Distributors, LLC, Lancaster, PA
 - (i) Gary McPherson, C&K Ice Cream, Smithsburg, MD
 - (j) Kevin McCormick, Keep It Smokin' BBQ, Sharpsburg, MD

As there has been discussion recently about transient licenses, this is not a new policy of the Borough. Ordinance #1103 as enacted, ordained and approved May 4, 2011, provides for the regulation, licensing and the penalties for violation of transient retail business on all public sidewalks and streets throughout the Borough.

In the ordinance, a Person is defined as, "Any natural person, association, partnership, firm or corporation" and are required to have a permit, issued by the Borough for, "Engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or alleys, sidewalks or public grounds, or from house to house, within the Borough of Waynesboro and selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include but shall not be limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

The ordinance is clear in that any person or transient retail business must first obtain a license from the Borough Manager and pay the fee established from time to time by resolution. Currently the fee is \$35.00. The fee is waived for (a) farmers selling their own produce; (b) for the sale of goods, wares and merchandise, donated by the owners for the purpose of the proceeds of those items being applied to any charitable or philanthropic purpose; (c) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, milk or milk products; (d) for the sale of goods, wares and merchandise, sold by the owners for the purpose of profit at an event commonly known as a "sidewalk sale" conducted by any civic, charitable or philanthropic association. For example, Boy Scouts, Girl Scouts, sports teams may sell on the sidewalks or door-to-door as long as they have a license and there is no fee. Mainstreet Waynesboro could hold a sidewalk sale. All the businesses planning to participate would need to register and obtain a license, but there would be no cost associated. Food trucks parked on streets, alleys, sidewalks, or any public

location in the Borough would need to obtain a permit. The fee is not waived for a food truck.

There is a five (5) day waiting period for the Borough Manager to issue the license. Licenses may be denied and if the application is not awarded, it is deemed denied. The applicant may appeal to Borough Council if their request is denied by the Borough Manager, but must be appealed within ten (10) days of denial. The license fee shall not be refunded if the application is denied.

No person or transient vendor may engage in this business on a Sunday or any other day of the week after 7:00 p.m. In the case of someone in a stationary position such as a sidewalk or street, they may not engage in business after 9:00 p.m. Hours may be extended with special written permission from the Mayor or Chief of Police. The Mayor or the Chief of Police may also suspend any license for the benefit of the public health, safety, welfare or morals, or for violation of any provision of the ordinance. Appeals of suspended licenses may be made to Borough Council within ten (10) days of suspension. Violations of the ordinance include not being issued another license for two (2) years, a fine of \$600 and costs of prosecution or imprisonment for no more than thirty (30) days.

Mr. Stains noted that he and President Mumma met with Mainstreet Waynesboro, Inc. to discuss the requirements for vendors (specifically for Market Day). MSW will apply for a permit and provide the Borough with a list of vendors who will be setting up on Main Street that day. Food vendors are still required, however, to obtain a permit. The question was also raised regarding Food Truck Friday and the Farmers' Markets. He noted that, as those activities take place in Main Street Park, which is private property, those individuals are exempt from the permit requirement

- The Assistant Code Enforcement Officers have been active with the following properties:
 - (a) 50 Reservoir Avenue: Trash – The property was posted after the Borough received a complaint from Waste Management. The issue was remediated the same day.
 - (b) 123 N. Grant Street: Trash – The property was posted after the Borough received a complaint from Waste Management. The issue was remediated the following day.
 - (c) 28 W. Third Street: Notice of Violation issued for violating the Roll-off Dumpster Ordinance. The issue was remediated within 48 hours.
 - (d) 229 Hamilton Avenue: Courtesy Letter was issued for unlawful growth of weeds, grass and other vegetation. The issue was remediated within the specified time limit.

- (e) 221 W. Second Street: Notice of Violation was issued for Borough ordinances related to unlawful growth of weeds, grass and other vegetation, nuisances prohibited and International Property Maintenance Code sections related to unsafe conditions, protective treatment and roofs and drainage. The property owner has contacted the Borough and is working to remediate the issues, as they could not meet the specified deadline.
- (f) 133 N. Franklin Street: Notice of Violation was issued for unlawful growth of weeds, grass and other vegetation. The property was also in violation of the International Property Maintenance Code related to handrails and guards. The issues were remediated in the specified time limit.
- (g) 320 Commerce Street: Notice of Violation was issued for unlawful growth of weeds, grass and other vegetation. The property owner has been in contact with the Borough and is close to finishing the remediation work.
- (h) 52 W. Main Street: Notice of Violation was issued for multiple violations of the International Property Maintenance Code. The property is deemed unfit for human occupancy, the interior must be kept clean and sanitary, there is a large accumulation of garbage, infestation of insects and roaches, obstructed paths of travel for ingress and egress and failure of aisles to conform to approved fire code. The property owner has not conformed to the timeline set forth and it is necessary for the Borough to take further action on this property.
- (i) 218 Ridge Avenue: Notice of Violation was issued for unlawful growth of weeds, grass and other vegetation. The property owner did not comply with the specified deadline. The Borough remediated the issue and a lien has been placed on the property.
- (j) 224 S. Church Street: Notice of Violation was issued for unlawful growth of weeds, grass and other vegetation. The property owner has not met the specified deadline, but has been in communication with the Borough and is taking further steps to remediate the issue.
- (k) We have a Summary Trial on September 12, 2018 for Jeffrey W. Yeager for his property at the corner of S. Church and Fourth Streets. Mr. Yeager has entered a plea of Not Guilty for a citation issued in violation of the Nuisance Ordinance.
- (l) We have been invited into two (2) rental properties by tenants and are working on issuing Notices of Violation for those properties.
- (m) We have completed a canvas of the unit block of Cleveland Avenue; the 100, 200 and 300 blocks of W. Second Street; and the 100 block of

Hamilton Avenue, and are working on issuing multiple Notices of Violation for properties in violation of the International Property Maintenance Code.

- The Economic Development Committee met on September 4, 2018 and received updates from Mainstreet Waynesboro and the Arts Alliance on various activities. We have reached out to Waynesboro Area School District Superintendent Tod Kline and requested that our LERTA program be a topic on the next Community Summit agenda. We also discussed the pedestrian safety project for Main Street. We are still anticipating bidding the project this fall for an early 2019 groundbreaking. The flower baskets were discussed to see if new brackets will need to be designed or if the existing brackets will work with the new light poles. I have reached out to the engineer for an answer. The majority of the discussion for the remainder of the meeting focused on rental inspection. This concept has been proposed in the past but did not survive a vote by Council. Currently, the discussion surrounds the concept of a blanket, time specific inspection program or an inspection on sale or transfer of a multi-unit (three or more) apartment building.

Paul Gunder, 1814 E. Main Street – Mr. Gunder noted that he has been in the real estate business in this community for many years; and he has found that rental properties will only be as good as their management. Many things get overlooked; and many times when there are issues at the property, tenants are reluctant to make complaints because of any adverse effect to their residency there. Over the years, he has seen some deplorable situations. Although it is difficult to initiate rental inspections, he suggested (as many communities have chosen to do) that an ordinance be adopted, utilizing the IPMC, to require various inspections be conducted for new construction at the time an occupancy permit is requested and at the sale or transfer of existing construction. When a property is being sold, there are incentives for the seller to get the property ready to sell (and money is available for the work to be done). Mr. Gunder noted that, currently, there are 15 properties on the market which would fall into this category (and the average turnover is 10-20 per year). This would be a way of gaining compliance in at least that many each year. He added he feels that even two-family units should be considered in any inspection program.

President Mumma advised that an Inspection Committee (consisting of himself, Pat Fleagle, Niccole Rolls, Jason Stains, Mike Cermak, Sam Wisner and Stephen Monn) was appointed several weeks ago. They will be pursuing this matter in the near future.

- Northside Pool struggled operationally the last several weeks of the summer. The Administrative Services Coordinator did everything possible to keep the pool running, but was plagued by a lack of follow-through and communication from the Pool Manager. Rentals had to be rescheduled as a result of inclement weather which impacted some daily operations. On other dates, schedules were requested and not provided until the last minute without even asking staff of their

ability to work. Labor Day weekend was especially embarrassing with not opening as announced on Friday night, searching for guards to staff rentals and normal operations, and running out of toilet paper on Labor Day. Cleaning staff reported enough toilet paper was stocked for normal operations on Monday. The Administrative Services Coordinator was contacted at 1:42 p.m. that the pool was out of toilet paper. He immediately retrieved toilet paper to restock the pool. In an attempt to alleviate staff shortages, we reached out to Chambersburg and the YMCA in an effort to find additional guards when it was made clear that staff were not asked to work Labor Day weekend. Unfortunately, those organizations were struggling with shortages as well and I, in communication with the Administrative Services Coordinator, had to make the tough decision to close earlier than expected or desired in the interest of public safety, as we did not have enough guards to operate safely. We have already begun planning for 2019 in terms of scheduling, updating staff job descriptions, communications and screening for availability of staff.

- Regarding Memorial Park, a meeting will be scheduled with the general contractor for the project. A change-order is being reviewed by the state; and once that is done, they plan to break ground.

EXECUTIVE SESSIONS: Solicitor Wiser reported that Council held two (2) executive sessions prior to this meeting ... one on 08/22 from 6:00 to 7:30 p.m., and one from 6:30 to 7:30 p.m. this evening (09/05) ... both for the purpose of discussing real estate matters relating to the golf course situation.

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: Councilwoman Rolls made a motion to approve the Consent Agenda, as follows –

- A. Accept Report of the Fire Chief for the month of July, 2018
- B. Pay Bills – Check Detail(s) dated 08/20 and 08/27

Councilman Knott seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER ORDINANCE RE: STREET SWEEPING FOR ADOPTION: Manager Stains advised that the proposed ordinance updating general traffic and parking regulations has been duly advertised for Council's consideration at this meeting. Specifically, the ordinance provides the opportunity for Borough Council to modify

parking from time to time, as well as more detailed information on street sweeping and allowing the Mayor the ability to create polling place parking during election times. Councilwoman Rolls made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING ARTICLE 1 OF CHAPTER 280 OF THE CODE OF ORDINANCES OF THE BOROUGH OF WAYNESBORO, RELATING TO GENERAL TRAFFIC AND PARKING REGULATIONS

Complete copy on file at Borough Hall.

OVERNIGHT PARKING ON MAIN STREET: Pursuant to discussion earlier in the meeting, Councilwoman Rolls made a motion that the 30-day trial period allowing overnight parking on Main Street will exclude the parking spaces in Center Square. Councilman Knott seconded; the motion passed unanimously.

NEW BUSINESS

CHANGE IN BOROUGH COUNCIL MEETING SCHEDULE TO THIRD WEDNESDAY OF EACH MONTH AT 6:30 P.M.: Mr. Stains noted that, pursuant to a poll of Council members, it seems that Council is in favor of changing the meeting schedule from two (2) meetings per month to one (1) meeting per month, on the third Wednesday of each month, beginning at 6:30 p.m. (instead of the previous start time of 7:30 p.m.) This will free up the first Wednesday for budget workshops, etc. Councilman Royer made a motion for approval, beginning in October. Councilman Knott seconded; the motion passed unanimously.

REQUEST FROM CALVARY ASSEMBLY OF GOD RE: "LIGHT THE NIGHT" EVENT ON OCTOBER 25, 2018: Mr. Stains presented the annual request from Calvary Assembly of God to hold their "Light the Night" event on the evening of the Borough's Trick-or-Treat event (which is scheduled for 10/25). Their request includes the closing of Snider Avenue from Potomac Street to the alley adjacent to their church. Councilwoman Rolls made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

ACKNOWLEDGE MINIMUM MUNICIPAL OBLIGATION: Mr. Stains requested that this item be moved to Council's next meeting agenda, as he is still waiting to discuss the matter with the actuary.

AUTHORIZE ADVERTISEMENT OF ORDINANCE FOR EMINENT DOMAIN (137 W. MAIN STREET): President Mumma noted that this matter will be tabled until the next Council meeting when all of Council is present.

AUTHORIZE ADVERTISEMENT OF ORDINANCE RATIFYING USE OF THE 2015 IPMC (INTERNATIONAL PROPERTY MAINTENANCE CODE): Mr. Stains noted that the Borough ordained the International Property Maintenance Code (IPMC) several years ago; and as that Code changes over time, we must update our ordinance to ratify it in its latest edition. Accordingly, a draft ordinance was prepared for Council's review. Councilwoman Rolls made a motion to authorize advertisement of the proposed ordinance for action at Council's next meeting. Councilman Knott seconded; the motion passed unanimously.

FOR INFORMATION ONLY: None.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail

Question – are you taking any steps to put the golf course deed into the Borough's name and are you going to file that at the courthouse?

- Sam Wiser – It is in the Borough's name and it's been on file at the courthouse since 1936. It is in the name of the Burgess and Town Council of the Borough of Waynesboro.

Question – how did you get from \$1.00/year to \$625.00/month?

- Jason Stains – The Borough has never had a lease of \$1.00/year with any entity running the golf course. The \$625.00/month was an arbitrary figure based on the acreage, which was agreed upon by Council.

Question – can you refresh my memory on the process of eminent domain and how long it typically takes?

- Sam Wiser – The Eminent Domain Code requires the enactment of an ordinance or resolution, depending on the type of body (Borough Council can authorize it by ordinance). A Declaration of Taking is filed at the appropriate time, as well as a Notice in the Records Office that is filed in conjunction with the Declaration of Taking. Once the Declaration of Taking is filed, title passes to the condemnor (which, in this case, is the Borough of Waynesboro). The ordinance has to be advertised, and then there is action on the ordinance at a public meeting, and the Declaration of Taking can be filed immediately after the ordinance is passed (depending on the pleasure of Council).

Question – is this an effort to recoup the \$38,000 for the lien at 137 W. Main Street?

- Sam Wiser – I believe that is appropriate for the discussion of all of Council when it comes up as an agenda item.

Question – What would Council say about why they are pursuing eminent domain at 137 W. Main Street?

- Jason Stains – Council hasn't discussed it at this point.

Question – has Council discussed it in executive session?

- President Mumma – no, not yet.

Question – how did it end up on the agenda?

- Jason Stains – It was requested to be placed on the agenda, and Borough Council is not required to disclose anything that was discussed during executive session. President Mumma added that it was tabled until all of Council is present.

Question – I understand why it was tabled, but was just curious what prompted it to end up on the agenda.

- Solicitor Wiser – We can acknowledge that there is a sizable municipal claim for the property at 137 W. Main Street, and that is related to the cost of demolition and abatement of code violations at that property.

COUNCIL AND STAFF COMMENTS: Mr. Stains welcomed Jacob Gearhart and Mya Graves, and thanked Chad Rooney for his work in creating an electronic newsletter available to the public via email the first of every month. Residents may sign up via the Borough's website or by texting "Waynesboro" to 22828. Signs regarding the newsletter have been posted on various bulletin boards around the community.

Chad Rooney commented that, to date, approximately 100 residents have already signed up to receive the newsletter. He also welcomed Jacob and Mya, and requested pictures with the Council President and Mayor after conclusion of the meeting.

Kevin Grubbs requested clarification on Council's approval regarding parking on the Square. Councilwoman Rolls noted that parking spaces on the Square are exempted from the 30-day trial for overnight parking on Main Street. Information regarding this matter will be publicized via social media.

Solicitor Wiser corrected his comment earlier regarding the deed for the golf course – it has been on file at the courthouse since 1931; and the Franklin County Deed Book reference is 241, page 369. Mr. Wiser also requested an executive session following this meeting to discuss personnel and litigation matters relating to code enforcement.

Mya Graves thanked Council for the opportunity to serve as a Junior Councilperson.

Police Chief Sourbier reported that the program providing a mental health and social services community liaison in the Police Department, which was implemented several years ago, has proven to be a vital and indispensable program. He was told today that this program is now a funded position and it will continue in perpetuity, for which he is very pleased.

Bill Kohler (Mainstreet Waynesboro, Inc.) – Mr. Kohler provided an update as follows:

- The Main Street Park continues to be well-used, most recently for a vigil for victims of overdose. This was in conjunction with Overdose Awareness Month.
- Kids Vendor Day was held on 09/01. 45 vendors participated.
- A free concert by Lucky Punk will be held on 09/14 at 8:00 p.m.
- Market Day will be held on 10/06 from 9:00 a.m. to 4:00 p.m.; that is also the last day for the Farmers' Markets this year.

Mayor Starliper welcomed the new Junior Councilpersons. He advised that the Fire and Police Departments will hold a "Battle of Badges" for a Bloodmobile Drive on 09/06 from 11:30 a.m. to 6:00 p.m. He invited the public to stop in and donate a pint of blood for their preferred department.

Having no further business to discuss, Council adjourned to an executive session at 8:54 p.m. They reconvened to regular session at 10:19 p.m. and adjourned the meeting at 10:20 p.m. with no action.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary

PROPOSAL FOR 15 MINUTE PARKING

3 Spaces in Front of Brio at 2 E Main Street

WE SUPPORT OVERNIGHT PARKING

- There is plenty of off street parking, but since the old BB&T parking lot is no longer available parking can be far from the apartments.
- A lot of residence are not comfortable parking so far at night
- Main Street parking will provide a safer and closer place for them to park at night

OVERNIGHT PARKING WILL HURT BRIO

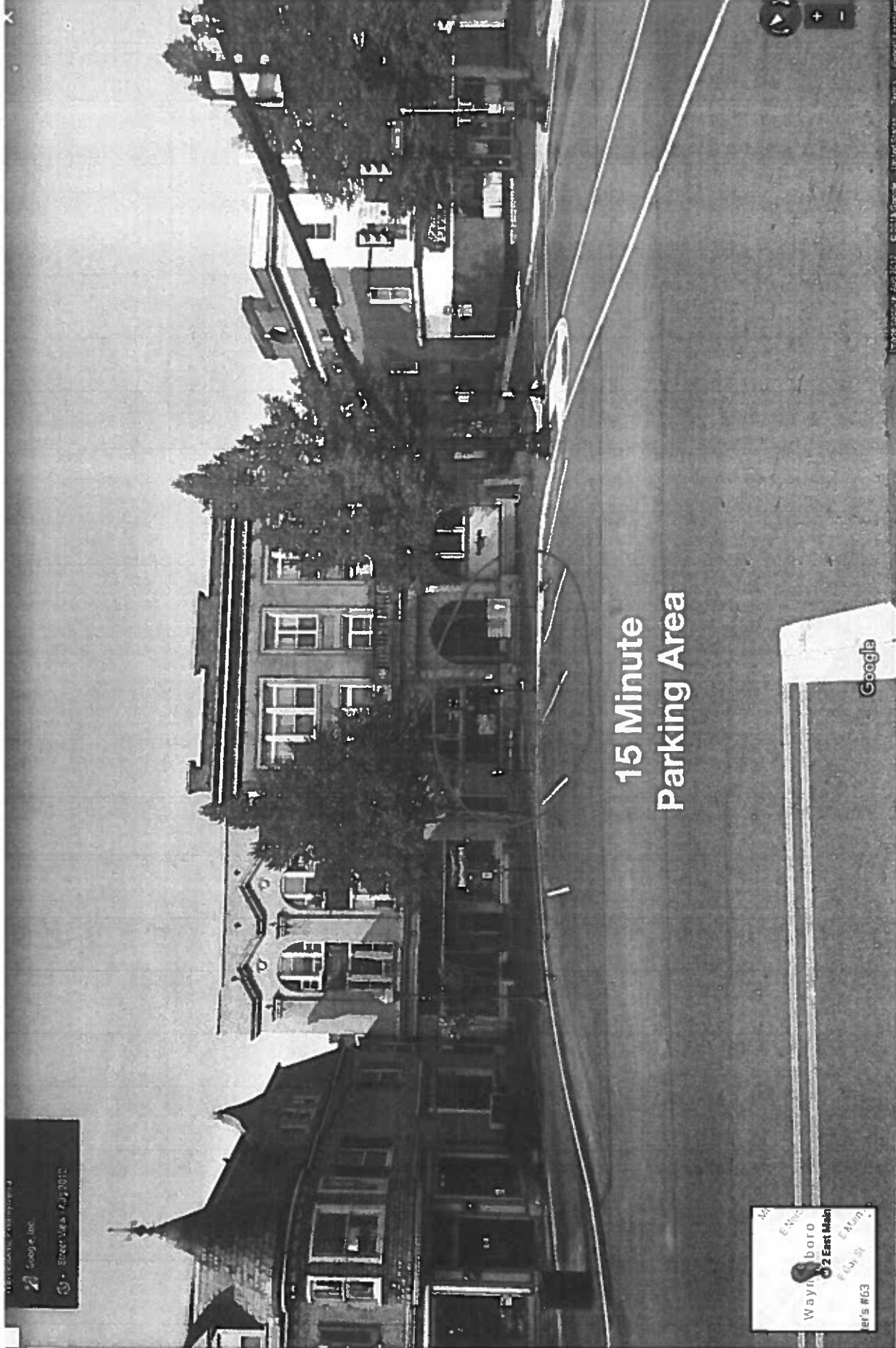
- The vast majority of our morning customers are commuting to work
- Almost all of them have said they do not have time to stop if they do not see available parking
- Our 6 am - 9 am customers make up almost 20% of our daily sales. In the past 90 days, that equates to \$4,800 per month
- The tenants around Brio will park in the square overnight. This would happen in the winter months on a regular basis and would result in lower sales.
- If parking is not available, our regular customers will just stop trying to come to Brio before work. This will result in the permanent loss of customers.

PROPOSED PARKING PLAN

- We are proposing protected parking for Brio so we can continue to grow and serve Waynesboro on Main Street.
- We are asking for 3 spots in front of Brio to be limited to 15 minutes and excluded from overnight parking.
- At our current volume 3 spaces would allow a continued flow ensuring one spot is open most of the time. We will have times where two spots are taken, but by the time the third space is parked in, one of the customers should be walking out.



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15 Minute
Parking Area

Wayneboro
2 East Main
Wayneboro, VA
Wayneboro, VA
Wayneboro, VA

er's #63

Google

Wayneboro, VA 22187 © 2011 Google. Street View July 2011

3 - 15 MINUTE SPACES

OTHER CHALLENGES FACING BRIO IN THE NEXT FEW MONTHS

- Dunkin Donuts
- Another potential competitor that could be opening by next year that could have a drive thru
- Winter weather - Following last year's trend we could be down close to 45% by January
- No drive thru option

HOW WILL 15 MINUTE PARKING HELP BRIO OVERCOME THESE CHALLENGES?

- These spaces will ensure close and convenient parking for our on the go customers, which makes up the vast majority of our sales
- They will help us provide a fast and efficient services for our customers on the go
- We are working on an app and online ordering. These spaces will allow us to have a guaranteed pickup point, which we hope will help us compete with drive thru locations.

SUPPORT

- Over the past few days we have received the signed support of 80+ customers. We choose not to put our petition online to avoid any negativity it could bring to Waynesboro.
- Bill Kohler of Main Street Waynesboro, Inc has voiced support for our proposal
- Our landlords, Josh Dell and Susan Beck, have voiced support as well. They stated they would provide written support if needed.
- There is precedence:
 - There are two 15 minute spaces in front of 13 E Main
 - The Farmers Market has several free parking spaces available on Saturday morning down Main Street

CONCLUSION

- 3 - 15 minute parking spaces will protect our business from overnight parking
- It will help us grow by giving us a way to compete with drive thru locations
- It will help us in the colder months by providing convenient parking
- This proposal is supported by our customers and our landlords
- Coffeehouses have a long history of bringing life back to downtown areas. Everyday at Brio you will find people who have come downtown who otherwise would never visit. Brio is Italian for energy and is a synonym for life. One of the reasons we choose this name is because we want to help bring life to Waynesboro.
- Brio is a place for community. We have students come in to study, business meetings are being held there, bible studies, and people are getting together to build relationships.
- Brio has also been a huge selling point for new residents moving to downtown Waynesboro, and tenants coming into our building. Susan, our landlord, has told us multiple times that it is easy for her to sell her apartments, because everyone wants to live in a space with a coffeehouse in their building.
- We are now asking for a little help to protect our morning business from overnight parking, and to help make us a little more convenient and competitive

Petition for 15 minute Parking

Name	Email Address	Name	Email Address
Wes Hurd Jr	whurdjr@gmail.com		
Johanna Kefer	j.kefer@vni.com		
Cindy Rife	cindy.rife@aoi.com		
Michelle Bickler	mbell21@hotmail.com		
Jay Wetzel	juetzel@comcast.net		
Stefanie Cook	srd186@gmail.com		
Jessica Watson	jiwatson322@gmail.com		
Maranda Metz	Maranda-Metz@yahoo.com		
George Mihalik	reality_consensus@hotmail.com		
Rose Blodgett	vermontmorgan@gmail.com		
Kara Pesanti	kpesanti@comcast.net		
Lisa Marie Sherrill	winter10471@gmail.com		
Kristi Adelman Ritter	kristi-adelman@gmail.com		
Alison Sanza	Alison17294@gmail.com		
Jennifer Wina	jennifereuw@gmail.com		
Meg Shuvaker	meghannhacc@gmail.com		
LORI SMITH	dougieswife@gmail.com		
Jerusa Carter	carter112457@gmail.com		
Taylor Kollman	taylor.kollman@gmail.com		
Beth Reecher	jreech@pa.net		
Keith Daugherty	daughertykt@gmail.com		
Lindsay Hebb	Phebb555@yahoo.com		
Samantha Williams	samantha@Hillroadshoolhouse.com		

The City of Waynesboro has opened Main Street to overnight parking. This could greatly reduce morning parking spaces at Brio Coffeehouse, Inc. As a result Brio Coffeehouse, Inc is petitioning the City of Waynesboro to change the first three parking spaces closest to Brio from 2 hours to 15 minutes. We believe this will give our customers better parking choices and negate any negative impact overnight parking will have. We believe this will also enhance the experience at Brio almost guaranteeing an open space ensuring fast and efficient service.

Petition for 15 minute Parking

Name	Email Address	Name	Email Address
William Price	will2492@comcast.net		
Debbie Grady	debbiegrady273@gmail.com		
Brandi Miller	ectsleepingrow@gmail.com		
Jessica Torres	jessietorres89@gmail.com		
Rebecca Scott	spunky857@comcast.net		
Mark Mitchell	" " "		
Hannah Stallard	hannah.stallard19@gmail.com		
Ethan Lash	ethanlash@gmail.com		
Anela Kerns	Anela0921@gmail.com		
Playne Sharp	pickers@yahoo.com		
Charles Dawson	clawsonpa@gmail.com		
Steele Kay	steelekay@gmail.com		
Courtney Ambery	courtneyambery@gmail.com		
Sean Buckstie	buckstie@gmail.com		
Victoria Shenzel	bambimommy@gmail.com		
Pammi Sims	pammisue30@yahoo.com		
Jesse Butcher	NXTUSPECS@gmail.com		
Amanda Shaw	amanda-kershner@hotmail.com		
Meghan Strick	meghanstrick@yahoo.com		
Kim Hite	kimmiery10@gmail.com		
Misty Bloom	kimisty243@gmail.com		
Natasia Koon	caupx14@hotmail.com		

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Name	Email Address
Angeline Johnson	arj911400@gmail.com
Brandy Spielman	spielmanmb@ymail.com
Victoria Young	victoria@ymail.com
Wendy Scarborough	littleharris17@gmail.com
Karen Wolff	4wolffs@comcast.net
Roy Trassler	
Lora Coul	debcoolsk25@yahoo.com
Olivia Pollicino	ivpollicino@gmail.com
MADALINE GARDNER	madalinekg@live.com
David Sanders	handyman9@comcast.net
Tiffany Wishard	tiffany-ann6714@yahoo.com
Paula Wishard	pkwishard635@gmail.com
MARCUS WOODS	mwoods13@su.edu
DAVID MUSOLINO	david.musolino@gmail.com
Bridget Musolino	bridgetmusolino@gmail.com
Anelakerns	anelakerns092@gmail.com
Alex Lit.	Alex.Lit@yaho.com
Lauren Perry	lauren.perry1@yahoo.com
Jodi Clark	jclark05@gmail.com
MAKISSA BURT	MARIS327@AOL.COM
Tom McCLOUD	TIM17268@GMAIL.COM
Monica Kline	Wktang09@gmail.com
David Shank	shank4715@gmail.com

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Name	Email Address
Taellor Kollman	tuellorkollman13@gmail.com
Ashley Morris	amorrisqueef@icloud.com
Paige Knott	paigeknott2010@hotmail.com
Ken Lee	kenleeval@aol.com
Teresa Kalmey	teresa.lorraine8@gmail.com
Glennys Blakely	717 658-9691

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