

Manheim Borough Council Meeting
1/30/2024 at 7:00 PM
15 E High St., Manheim, PA 17545

ROLL CALL: President Jared Longenecker, Vice President Jim Blanck, Pro Tempe Steve Gergely, Brad Roth, Jared Zeamer, Keith Hatfield, and Mayor Scot Funk.

STAFF: Borough Manager/Secretary James R. Fisher and Recording Secretary, Lindsey Kirchner

This meeting was held in person and via Zoom. The information for public viewing via Zoom was provided on the Borough's website. These proceedings were recorded for the purpose of preparation of meeting minutes.

The meeting was called to order by President Longenecker at 7:00 PM followed by the Pledge of Allegiance and a Moment of Silence.

1. Approval of the 1/9/2024 Borough Council Meeting Minutes:

A motion to approve the 1/9/2024 Borough Council Meeting Minutes was made by Mr. Roth, seconded by Mr. Blanck, passed unanimously.

A motion was made to formally approve the employment offer of Police Chief to OIC Sergeant Riggle by Mr. Blanck and seconded by Mr. Gergely, passed unanimously.

Mayor Funk proceeded to swear Chief Riggle into office. Once completed Mayor Funk shared how the police department has grown over the years and he is looking forward to seeing the growth under Chief Riggle.

Chief Riggle thanked the council for the opportunity to continue to serve the community as police chief.

HEARING OF VISITORS:

1. George Schwartz, the chair of the Manheim Veterans Memorial, shared with the council updates on the new Veterans Memorial Project. He shared that the dedication went well, two monuments were relocated, and the Fulton Bank monument cannot be moved without damaging it. Mr. Schwartz asked the council to continue to let the Honor Roll be housed in the borough hall. He continued by sharing that they initially placed 400 dedication bricks for the path of honor with an additional 160 plus to be installed in the next two to three weeks weather permitting. Mr. Schwartz discussed the Time Capsule and the need for new hardware. He asked the council to allow public works to help lower it when the time comes. Mr. Schwartz asked council to include in these minutes a clarification of the specific terms of the previously approved from 9/26/2023 which stated "A motion was made to confirm that the cannon is in Veterans Memorial Park which is borough property and is still allowed to remain on borough property by Mr. Roth and seconded by Dr. Phillips, passed unanimously." It was noted that the specific terms are: "M5 Series Towed Gun, 76mm on Carriage is US Army owned property and cannot be relocated without prior approval from the US Army, Army donations Program office."
2. Claudia Zug asked the council to consider her comments regarding creating an atmosphere that is welcoming to bring new businesses in. Claudia Zug shared the circumstances that occurred regarding the change of use zoning application for a property that she is leasing to a new business. She expressed her disappointment and concerns in how the process was handled. It was noted during the discussion that the zoning officer followed the proper procedure as outlined in the zoning ordinance to require a permit for the change of use, and to require a special exception for the event space use. Claudia Zug continued by sharing that she has heard many complaints circulating around town regarding the friendliness codes department. David Zug asked the council to completely review the commercial zoning and associated ordinances to make it easier for businesses to come to Manheim Borough. He also concurred with Claudia Zug that the borough office should strive to be more proactive in helping new businesses through the process, and that only explaining what is necessary with regards to the ordinances to obtain approvals is not sufficient. There was back and forth discussion between the council and the residents in attendance. Mr. Dale Peters shared his concern over the lack of a welcoming environment at the borough office because of the security buzz-in system. It was explained that this is a safety measure due to the unique configuration of the building. There was

continued discussion. Mr. Blanck stated that these concerns will be addressed on the agenda further into the meeting.

3. Chamber of commerce – Kristie Schmid, Executive Director for the Chamber of Commerce, shared that the Chamber of Commerce is seeking conditional approval for a Mural on 38 S Main St. A motion was made by Mr. Roth and seconded by Mr. Blanck to conditionally approve the proposed mural subject to the reviews required by the zoning ordinance from the Historic Commission and Planning commission, passed unanimously.
4. Resident John Eshelman shared how his e-check had been returned and he received a \$35 return check fee and asked council to waive the fee due to what he stated was technical errors on the payment processing site. A motion was made to waive the \$35 fee by Mr. Blanck and seconded by Mr. Zeamer, passed unanimously.

Financials (Bill Lists, Budget YTD, reports in packet):

- a) Approval of Contractor Invoices: Pay App #3 – Flyway Excavating \$12,935.00

A motion to pay the Flyway Excavating Invoice in the amount of \$12,935.00 was made by Mr. Roth and seconded by Mr. Blanck, passed unanimously.

Payment of bills presented for approval-

- 1) Ratified General Fund - **\$584.36 (Cap Fund), \$3,732.39, \$23,615 (GF)**
- 2) General Fund - **\$95,534.82**
- 3) Capital Fund - **\$14,658.39**
- 4) Liquid Fuels - **\$-0-**

A motion to approve the payment of the bills was made by Mr. Roth and seconded by Mr. Blanck, passed unanimously.

MAYOR AND POLICE CHIEF REPORTS:

- a) Mayor Funk asked the council to consider gifting the side arm to former police chief Stauffer. A motion was made by Mr. Gergely to gift Chief Stauffer his side arm and seconded by Mr. Blanck, passed unanimously.
- b) Chief Riggle read his report highlighting a few yearly stats. He also shared that new officer Cole Warren will be starting in February. The police department will continue to look for an additional new hire as well as interview for sergeant promotions from within the department.

STAFF/CONSULTANT/COMMITTEE REPORTS:

1. **Borough Engineer (in packet)** – Ben Craddock shared with the council that the Oak St subdivision plan is seeking waivers to continue the process for plan approval.

Mr. Gergely recused himself from voting on the motion since his firm prepared the plans.

A motion was made to approve waivers SALDO 4.2 – Preliminary plan, SALDO 5.2.2.B.5 – Existing features, SWMO 187-21(2) – Existing features, and approve the plan conditioned on satisfying comments of the 12/14/2023 engineer letter by Mr. Roth and seconded by Mr. Zeamer, passed unanimously.

2. **Borough Manager (in packet)**

Mr. Fisher shared that the borough is progressing with the flood ordinance and FEMA recommendations.

Mr. Fisher continued by asking the council for guidance on how they would like to proceed with snow and ice violations. The current ordinance states that the residents have 24 hours to clear a 3-foot path and remain clear. There was some discussion about what the definition of cleared would be as well as should snow drifting be a consideration. Pictures were shown to council and the public of the conditions that received initial violation notices for review to ensure that the codes officer is enforcing the ordinance in accordance with council's expectations. It was also noted that the codes officer allows for a full day to go

through the borough to check for violations, and therefore in most instances, such as the most recent storm, residents have more than the required 24 hours to clear their sidewalks.

A motion was made by Mr. Roth to continue to enforce the snow and ice sidewalk clearing as stated in the ordinance and has been done in the past and seconded by Mr. Blanck, passed unanimously.

- 3. Public Works Director (in packet)**
- 4. Borough Codes Officer to present at the next meeting.**

Mayor Funk introduced the police department's newest hire Usiel Reyes.

NEW BUSINESS:

1. A motion was made to allocate the ARPA funds to 2024 stormwater, street and sidewalk capital projects by Mr. Roth and seconded by Mr. Gergely, passed unanimously.
2. Mr. Fisher shared that there were four residents that inquired and submitted letters of interest for the open spot in the Planning commission. He also shared that while the planning commission can only have 5 members, the council can also appoint 3 alternates. These alternates do not have a vote but can participate in the planning and review processes.
 - a. Donna Hlavacek shared her experience from prior years in retail management as well as her current involvement in the Historic Commission. She also shared that she is licensed in flood insurance.
 - b. Andy Nelson shared that he is a lifelong resident of the borough and has served on the Manheim Rec. board. He also shared that he is the building codes inspector with Commonwealth code.
 - c. David Wells shared that he was raised in the borough and has worked in the construction field for a long time. He would like to serve the community on the planning commission.
 - d. Richard Briskie shared that while he does not have a lot of experience, he has worked for Griener industries. He also loves the history of the town and old brick buildings.

Mr. Roth made a motion to appoint Donna Hlavacek to the planning commission with Andy Nelson, David Wells and Richard Briskie as alternates, seconded by Mr. Gergely. A roll call vote was held:

Yea: Mr. Roth, Mr. Hatfield, and Mr. Gergely

Nay: Mr. Zeamer, Mr. Blanck, and Mr. Longenecker

Mayor Funk broke the tie with a Nay vote.

A motion was made by Mr. Blanck to approve the appointment of Andy Nelson to the planning commission with Donna Hlavacek, David Wells and Richard Briskie as alternates, seconded by Mr. Zeamer, passed with 5 yea to 1 nay vote.

3. A motion to approve the Ephrata National Bank special event application was made by Mr. Gergely and seconded by Mr. Blanck, passed unanimously.
4. A motion was made to enter into a contract with Cohen Law Group to prepare a Right-of-Way Management Ordinance along with several other Lancaster County municipalities to allow for the borough to have greater control over our rights-of-way by Mr. Blanck and seconded by Mr. Roth, passed unanimously.
5. A motion was made to authorize the planning commission to review the zoning ordinance and make recommendations for amendments by Mr. Roth and seconded by Mr. Zeamer, passed unanimously.
6. Mr. Fisher explained that the borough is looking for guidance on the current policy for processing zoning applications. Mr. Gergely suggested hiring a consultant to help with the number of applications coming in. Mr. Roth stated that the applications should be completed first come first serve and issued no later than two weeks later. Mr. Blanck countered that business zoning applications for change of use should take priority, along with time management of processing the applications. There was more discussion around the processes of zoning applications and the amount of time and workload associated.

A motion was made to the policy for processing zoning applications to prioritize change of use zoning permits for businesses as well as have zoning permits processed no later than two weeks from the date of receipt of a complete application by Mr. Gergely and seconded by Mr. Blanck, passed unanimously.

7. Mr. Fisher asked the council for input on the current rental inspection checklist. There was discussion about what should be required on the checklist. Mr. Fisher shared that, unlike the zoning ordinance which requires administration in accordance with its literal and defined terms, the property maintenance code contains provisions related to "clean, safe, and sanitary" which are to be administered at the discretion and professional judgement of the codes official. Mr. Longenecker suggested reaching out to surrounding codes

departments to see what their checklists look like. Mr. Longenecker continued by asking Mr. Fisher to add it to the next meeting's agenda for further review.

8. A motion to appoint David Wells to the UCC Appeals board was made by Mr. Blanck and seconded by Mr. Gergely, passed unanimously.

OLD BUSINESS:

1. Market Square improvement Project – PennDOT was informed of council's decision on how the borough was going to proceed with the project, which was to no longer pursue the mid-block crosswalk was based on opposition to the conditions that PennDOT imposed to allow for a mid-block crosswalk (widening the center island and the resulting need to change to reverse-angle parking). Subsequent to that PennDOT contacted the Borough and Representative Fee to state that they would reconsider, and then changed their position on their original conditions. PennDOT is now willing to reconsider approving a mid-block crosswalk without those conditions. We are still working through the details to get a determination from PennDOT on if they will approve this and what conditions, if any, they may impose on us. When we receive that information additional updates will be provided.
2. Ms. Lundgren of Market Sq. asked the council if anything such as Line painting will be done to the long crosswalks. Mr. Fisher shared that the line painting will begin in the Spring.
3. NWEMS building acquisition – A motion was made to approve the Joint Stipulation, and authorize its execution and filing with the Lancaster County Court of Common Pleas by Kozloff Stoudt, by Mr. Roth and seconded by Mr. Zeamer, passed unanimously.

CORRESPONDENCE IN PACKETS: (None)

PUBLIC COMMENTS: Mr. Briskie asked if the pool is taken over by the YMCA, if they would take volunteers to help with some of the projects to get it up and running. Mr. Fisher shared that the borough is still waiting to hear from the YMCA on their decision.

Mayor Funk asked the council to look into a junior council member for 2024.

EXECUTIVE SESSION: A motion to move to executive session for enforcement personnel matter was made by Mr. Roth at 10:23 pm and seconded by Mr. Blanck, passed unanimously.

ACTIONS FROM EXECUTIVE SESSION:

The meeting reconvened from executive session at 10:57 PM.

ADJOURNMENT: With no further business, a motion was made to adjourn the meeting at 10:57 PM by Mr. Roth and seconded by Mr. Blanck, passed unanimously.

Respectfully submitted,

Lindsey Kirchner
Recording Secretary
1/30/2024