

**Borough of Edinboro
Council Meeting Minutes
August 9, 2021**

CALL TO ORDER:

Monday, August 9, 2021 the regularly scheduled meeting was called to order by Mayor Aaron Gast at 6:33 PM.

Pledge of Allegiance

ROLL CALL:

Council members present were Jim Kiley, Fred Langill, Pat Davis, Aaron Gast, Mary Ann Horne, Alyssa Dobson, and Mark Eisert (via phone).

Other official present was Solicitor Tim Wachter. Citizens present were Lindsay Lewis, Curtis Hals, Brad Pattullo, M.L. Smith, Thad & Marcy Kiesnowski, Sheryl Lovell, Stephanie Berger, Janet Woods, Ryan Campa, Casey Ponsoll, John Ponsoll, Renee Thayer-Allison, Bea & Ed Kuchta, Dave & Dee Snyder, Allison Seppala, Laurie & Tim McKernan, Hannah Lovell, Pat Hargest, Karen Russen, R.M. Hanson, Jim Butts, Karen Willey, Mary Schenck, MJ Campbell, Nancy Crawford, Amy Adamski, Sarah Schoolcraft, and Rose Baker.

MINUTES:

Mayor Gast moved to approve the minutes of the July 12, 2021 regular meeting and CDBG hearing as presented. Mary Ann Horne seconded, and the motion passed 7-0.

PUBLIC PARTICIPATION:

Sheryl Lovell, 302 Jefferson Street. Ms. Lovell expressed concerns regarding AirBnBs on Lakeside and related parking issues. She mentioned news articles about other towns being affected by the same issue and said that the issue should be controlled. She also stated that signs should be posted regarding the boat trailer parking in Billings Park.

James Butts, 202 Mill Street. Mr. Butts expressed concerns regarding public safety. He mentioned speed limit concerns at four locations in Washington Township, he noted that the stop signs at Erie & Short Streets are often ignored, and he stated that the drainage culverts on Mill Street are too deep.

Ed Kuchta, 213 Hickory Street. Mr. Kuchta questioned if Hickory Street was going to be widened.

Barb Larson, 309 Elm Street. Ms. Larson expressed concerns regarding speed limits and stop signs on Lakeside, noting concern for people walking.

COMMITTEE REPORTS:

Finance Committee:

Mary Ann Horne moved to approve bills paid July 26 totaling \$127,804.61; and paid August 9 totaling \$516,483.97. Alyssa Dobson seconded, and the motion passed 7-0.

Mary Ann Horne moved to approve payroll paid July 15 totaling \$79,476.91; and paid July 29 totaling \$77,501.32. Jim Kiley seconded, and the motion passed 7-0.

Ordinance Review Committee:

Alyssa Dobson moved to approve Ordinance 621 as discussed in the hearing prior to this meeting and as recommended by the Edinboro Planning Commission:

HOME RULE BOROUGH OF EDINBORO ORDINANCE NO. 621

AN ORDINANCE AMENDING CHAPTER 27 OF THE EDINBORO BOROUGH CODE, PERTAINING TO ZONING, ELIMINATING CERTAIN REQUIREMENTS REGARDING STUDENT HOUSING REGULATIONS AND TO PROVIDE FOR CERTAIN NECESSARY CLARIFICATIONS TO EFFECTUATE THE ELIMINATION OF STUDENT HOUSING REGULATIONS; AMENDING CHAPTER 5, PART 2, OF THE EDINBORO BOROUGH CODE, TO AMEND THE DEFINITION OF AND REQUIREMENTS FOR THE TERM BEDROOM, TO AMEND REGULATED RENTAL UNIT OWNER'S DUTIES PERTAINING TO THE APPLICATION FOR RESIDENTIAL PROPERTY HOUSING LICENSE/REGULATED RENTAL LICENSE, AND PROVIDING FOR NOTIFICATION OF PARKING AVAILABILITY AND AMENDING REQUIREMENTS PERTAINING TO RENTAL LICENSES AND INSPECTIONS; PROVIDING FOR SEVERABILITY, A REPEALER, DIRECTIONS TO THE BOROUGH MANAGER AND AN EFFECTIVE DATE

WHEREAS, pursuant to Edinboro Borough Ordinance No. 585, adopted on or about September 12, 2011, the Borough of Edinboro codified it's Ordinances, including Ordinance No. 457, adopted on or about January 31, 1994, known as the Zoning Ordinance of the Borough of Edinboro (the "Zoning Ordinance"); and

WHEREAS, the Borough has the power and duty to enact ordinances that promote the health, safety and general welfare of the residents and visitors, including Zoning Ordinances; and

WHEREAS, the Edinboro Borough Council has determined that it would be in the best interests of the residents and citizens of the Borough of Edinboro to amend the Zoning Ordinance to remove certain requirements pertaining to student housing restrictions, and to clarify certain other matters; and

WHEREAS, to effectuate the amendments to the Zoning Ordinance, and to address parking concerns, the Borough Council finds that certain amendments to the Regulated Rental portion of the Property Maintenance Code, found at Chapter 5, Part 2 of the Edinboro Borough Code, are also necessary.

NOW THEREFORE, the Edinboro Borough Council hereby ordains and enacts the following:

Chapter 27 of the Edinboro Borough Code, which contains the Zoning Ordinance of the Borough of Edinboro, is hereby amended, with deletions shown by ~~strike through~~ and additions shown by underline as indicated below:

Chapter 27, Part 1, §202 entitled Specific Terms is hereby amended by inserting a new definition in the proper alphabetical order as follows:

BEDROOM

A room in a Dwelling Unit used primarily for sleeping purposes in either a dwelling unit or sleeping unit, and that meets the requirements for bedrooms contained in the Borough's International Property Maintenance Code at Chapter 5, Part 2, Subpart D, Section 227, Subsection 4, as may be amended.

FAMILY

A family is:

A single person occupying a dwelling unit and maintaining a household, including individual(s) who are "students" as defined and referenced in this chapter who also maintain dependents as part of a household.

Two or more relatives (as defined and referenced in this chapter) occupying a dwelling unit, living together and maintaining a common household, including not more than two boarders or roomers, including situations where one or more relatives are also "students," as defined and referenced in this chapter.

Two or more unrelated persons (see definition of "related") occupying a dwell unit, living together, and maintaining a common household.

Permanent group homes for the disabled or family-like living arrangements for disabled persons. Any number of disabled persons may be treated as a "family" if they are defined as handicapped or disabled under the Fair Housing Act Amendments to the Federal Civil Rights Act. Please note: Handicapped or disabled persons shall be those who are so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act of 1968.

STUDENT

A student is an individual who is matriculating or about to matriculate in undergraduate or graduate programs offered by colleges or universities, or who are on semester break or summer break. The definition of "student" shall include individuals who are related, married, or who maintain depends as part of a household while simultaneously qualifying as a "student" under this Section.

STUDENT HOUSE

A type of use which is a subgroup of a regulated rental unit. It is a living arrangement within a one or two family dwelling, a conversion dwelling or a townhouse by students matriculating or about to matriculate in undergraduate or graduate programs offered by colleges or universities, or who are on semester break, or summer break. The maximum number of occupants of a student house shall be limited to three persons whether related or unrelated and each students house must comply with the minimum area requirements established by the Property Maintenance Code.

Chapter 27, Part 4, Section 401, Subsection C, entitled Nonconforming Uses and Structures, is amended as follows:

C. Except as provided for in § 27-401, Subsection 1C(1) through (4) iIn the event that any nonconforming use conducted in a structure, or otherwise, ceases, for whatever reasons, for a period of 1 year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this chapter.

~~(1) For a period beginning on January 1, 2019 and terminating on January 1, 2022, the above § 27-401, Subsection 1C shall not apply to regulated rental unit(s), currently licensed as a "student house," located within the Edinboro Borough that currently maintain a noneconforming use status.~~

~~(2) If a noneconforming use in a regulated rental unit ceases during the three (3)-year period identified above, the regulated rental unit shall not lose its noneconforming use status.~~

~~(3) No later than January 1, 2021, the Borough Manager of the Edinboro Borough shall notify all affected owners of regulated rental units whether the period referenced in § 27-401, Subsection 1C(1) shall be extended and if so, the term for which it shall be extended.~~

~~(4) Unless the Borough Council acts to extend the period referenced in § 27-401, Subsection 1C(1) for an additional period of years, § 27-401, Subsection 1C(1) through (3) shall sunset as of January 1, 2022.~~

Chapter 27, Part 4, Section 415, Subsection 2, entitled Regulated Rental Units is amended as follow:

2. Notwithstanding any other provision of this Chapter, Bedrooms within a Regulated Rental Unit shall not be utilized by more than two (2) unrelated adults as their primary sleeping quarters. Student House. In addition to the licensing requirements for regulated rental units, student houses are subject to the following supplemental regulations:

A. No single family home, townhouse, duplex, or conversion unit, used as a student house, shall be located on a lot, any portion of which is closer to another lot containing a student house than a distance determined by multiplying 15 times the minimum lot width required for a single family dwelling in the district in which the student house is located. [Amended by Ord. No. 613, 1/7/2019]

B. No more than one dwelling unit in a two-family dwelling may be used as a student house.

C. At least one dwelling unit in a conversion dwelling must be owner-occupied.

D. No more than one structure on a lot may contain a student house.

E. For purposes of this section, the distance requirements as provided for in Subsection 2A shall be measured from the closest portion of the lot of an existing student house to the closest portion of the proposed student house lot.

Part 2, of Chapter 5 of the Edinboro Borough Code, entitled the Property Maintenance Code, is hereby amended, with deletions shown by ~~strike through~~ and additions shown by underline as indicated below:

Chapter 5, Part 2, Subpart B, entitled General, Section 214, entitled General Definitions, of the Borough Code, is hereby amended by amending the definition of Bedroom, as follows:

BEDROOM Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit and that meets the requirements for bedrooms included in Section 227, Subsection 4 of Chapter 5, Part 2, Subpart D of this Code.

Chapter 5, Part 2, Subpart D, entitled Minimum Conditions and Standards for Light, Ventilation and Space, Section 227, entitled Occupancy Limitations, Subsection 4, entitled Bedroom and Living Room Requirements, of the Borough Code, is amended through the inclusion of underlined terms and the deletion of terms struck out, as follows:

4. *Bedroom and Living Room Requirements. Every bedroom and living room shall comply with the requirements of paragraphs A through E.*

A. *Room Area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.*

Chapter 5, Part 2, Subpart I, entitled Regulated Rental, Section 249, entitled Owner's Duties, of the Borough Code is hereby amended, in applicable part, as follows:

3. *Application for Residential Property Housing License/Regulated Rental License. At the time of annual renewal for residential rental property licenses (formerly known as occupancy permits), which is set on or before December 31 of each year, the owner shall complete and sign the application form; prepared by or at the direction of the Code Enforcement Officer, and shall require the owner to provide:*

A. *The names and addresses of the owner and the responsible local agent, if applicable.*

B. *The address(es) and unit/room/apartment number(s) of the regulated rental unit(s).*

C. *A list of the names of all adult tenants or heads of family in each unit.*

D. *The actual number of tenants and the maximum number of tenants permitted per regular rental unit.*

E. *The number of smoke detectors per unit.*

F. *Fire extinguisher availability.*

G. *His/her signature attesting to the owner's compliance with the specified Borough Ordinances, including Subsection 4 of this section, that tenants have received the tenant information form.*

H. ~~*In the event that the residential rental property license is for property designated as a "student house," under the Borough Zoning Ordinance [Chapter 27], the owner shall provide an affirmative statement indicating the following:*~~

~~*(1) The lease agreement between owner and tenant(s) includes a clause mandating that tenant(s) shall remain students for the entirety of the lease agreement's term.*~~

~~*(2) The owner has received documentation (enrollment records, student identification, etc.) that verifies that each tenant is a student at the time of the execution of the lease agreement.*~~

...

9. Notification of Parking Availability. The owner shall provide tenants with written notice of the amount of available parking spots on the property, alternative parking availability, and any on street parking restrictions for those streets upon which the property has frontage, including, but not limited to, seasonal parking restrictions as adopted by the Borough.

Chapter 5, Part 2, Subpart I, entitled Regulated Rental, Section 251, entitled Rental Licenses and Inspection, is hereby amended, in applicable part, as follows:

(1) License Requirement.

...

B. The application for a license shall be made in writing in such form and manner, and in accordance with such instructions as may be determined by the Code Enforcement Officer, shall be signed by the owner and shall include at least the following information:

...

~~(8) In the event that the residential rental property license is for property designated as a "student house," under the Borough Zoning Ordinance [Chapter 27], the owner shall provide an affirmative statement indicating the following:~~

~~—(a) The lease agreement between owner and tenant(s) includes a clause mandating that tenant(s) shall remain students for the entirety of the lease agreement's term.~~

~~—(b) The owner has received documentation (enrollment records, student identification, etc.) that verifies that each tenant is a student at the time of the execution of the lease agreement.~~

2. Issuance of License, Annual License Term, and Fee

...

~~D. Type of Regulated Rental License. There are two types of regulated rental license as defined and further regulated in Borough of Edinboro Zoning Ordinance, § 27-415 [Chapter 27]. They are:~~

~~—(1) Student house.~~

~~—(2) Non-student house (family) (see definition).~~

Severability. The provisions of this ordinance are severable. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Repealer. Borough Council may repeal any part of this ordinance. Any part of this ordinance found to be inconsistent with law may be repealed without nullifying the entire ordinance.

Direction to Borough Manager. The Borough Manager is hereby directed to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the ordinance in the Borough Ordinance Book and to take all such actions as are required by the Home Rule Charter of the Home Rule Borough of Edinboro and to amend the Borough Code accordingly.

Effective Date. This Ordinance shall be effective on the tenth day following the enactment of this Ordinance, as indicated below.

ENACTED AND ORDAINED THIS 9th DAY OF August, 2021 by the Council of the Borough of Edinboro.

Jim Kiley seconded, and the motion passed 7-0 by roll call vote: Mark Eisert, yes; Alyssa Dobson, yes; Jim Kiley, yes; Mary Ann Horne, yes; Pat Davis, yes; Fred Langill, yes; and Aaron Gast, yes.

Alyssa Dobson moved to approve Ordinance 622:

HOME RULE BOROUGH OF EDINBORO ORDINANCE NO. 622

AN ORDINANCE AMENDING SECTION 207, ENTITLED "STOP INTERSECTIONS ESTABLISHED", OF PART 2 OF CHAPTER 15 OF THE EDINBORO BOROUGH CODE, ENTITLED "TRAFFIC REGULATIONS", TO ESTABLISH CERTAIN STOP INTERSECTIONS NORTH AND SOUTH BOUND AT THE INTERSECTIONS OF MONROE STREET AT CHERRY STREET, WASHINGTON STREET AT ELM STREET, AND JEFFERSON STREET AT WILLOW STREET, THE INTERSECTION EAST BOUND AT SOUTH SKYTOP ROAD AT NORTH SKYTOP ROAD AND THE INTERSECTION WEST BOUND AT HILLCREST DRIVE AT SHELHAMER DRIVE; PROVIDING FOR SEVERABILITY, A REPEALER, DIRECTIONS TO THE BOROUGH MANAGER AND AN EFFECTIVE DATE

WHEREAS, pursuant to Edinboro Borough Ordinance No. 585, adopted on or about September 12, 2011, the Borough of Edinboro codified it's Ordinances to create the "Edinboro Borough Code", which included, among other ordinances, Ordinance No. 545, adopted on or about November 24, 2008, which, among other things, established and authorized the installation of stop signs at certain intersections within the Borough; and

WHEREAS, the Borough has the power and duty to enact ordinances that promote the health, safety and general welfare of the residents and visitors of the Borough, including ordinances dealing with local traffic regulations; and

WHEREAS, the Edinboro Borough Council has determined that it would be in the best interest of the residents and citizens of the Borough of Edinboro, and would promote the general safety and welfare of those individuals who use the streets within the Borough, to amend the Edinboro Borough Code to add certain stop signs to further regulate traffic as more fully described below.

NOW THEREFORE, the Edinboro Borough Council hereby ordains and enacts the following:

Section 207, entitled "Stop Intersections Established," of Part 2 of Chapter 15 of the Edinboro Borough Code, entitled "Traffic Regulations" is hereby amended through the inclusion of stop signs at certain intersections, which are to be included alphabetically within the table included in Section 207, as more fully provided below:

Stop Street	Intersection or Through Street	Direction of Travel
Hillcrest Drive	Shelhamer Drive	West
Jefferson Street	Willow Street	North and South
Monroe Street	Cherry Street	North and South
South Skytop Road	North Skytop Road	East
Washington Street	Elm Street	North and South

***Severability.** The provisions of this ordinance are severable. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein..*

***Repealer.** Borough Council may repeal any part of this ordinance. Any part of this ordinance found to be inconsistent with law may be repealed without nullifying the entire ordinance.*

***Direction to Borough Manager.** The Borough Manager is hereby directed to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the ordinance in the Borough Ordinance Book*

and to take all such actions as are required by the Home Rule Charter of the Home Rule Borough of Edinboro and to amend the Borough Code accordingly.

Effective Date. *This Ordinance shall be effective on the tenth day following the enactment of this Ordinance, as indicated below.*

ENACTED AND ORDAINED this 9th day of August, 2021 by the Council of the Borough of Edinboro.

Mayor Gast seconded, and the motion passed 7-0 by roll call vote: Mark Eisert, yes; Alyssa Dobson, yes; Jim Kiley, yes; Mary Ann Horne, yes; Pat Davis, yes; Fred Langill, yes; and Aaron Gast, yes.

Personnel Committee:

Mayor Gast moved to enter Executive Session for a personnel matter at 6:54 PM. Council returned from Executive Session at 7:09 PM. Mayor Gast moved to amend the agenda to add action items of accepting the resignation of the Borough Manager and of appointing an Interim Manager. Alyssa Dobson seconded, and the motion to amend the agenda passed 7-0. Mayor Gast moved to accept the resignation of Borough Manager Kevin Opple. Alyssa Dobson seconded, and the motion passed 7-0. Council expressed their gratitude to Mr. Opple for his 4 years of service including grants he acquired. Mayor Gast moved to appoint Jason Spangenberg as Interim Borough Manager. Pat Davis seconded, and the motion passed 7-0. Solicitor Wachter noted that Mr. Spangenberg has served in this role before.

MANAGEMENT REPORTS:

Mayor Gast presented the monthly Manager's report prepared by Jason Spangenberg. The Mike Onda Beach Eagle Scout Project has been completed by Seth Edmonds. The street-facing wall has been reduced in height, the walls have been painted, and the tables have been refurbished. He did a great job improving this pavilion for the community.

We have been approved for the full ECGRA Parks Grant requested. This will include trash can enclosures and a drinking fountain for Billings Park and a new piece of playground equipment for Chestnut Park.

The free outdoor movie series continues this month on Thursday nights at Goodell Gardens. Madagascar will be screened on August 12, and The Sandlot will be on August 19. The movies in July on EU campus were well received.

Washington Township Manager Norman Willow is exploring the possibility of having a water line extended into the Township from the Borough border to Cunningham Auto. This would allow the businesses along that stretch to connect to the Borough water system. The formal Water Agreement needed to accomplish this goal continues to be discussed.

Plans are still moving forward for the PennDOT US-6N/PA-99 intersection improvement project. Utility work is underway, with Penelec installing new utility poles in front of Subway last week. The project engineer stated that the right of way for the project is still on-going and has not been cleared yet. A few property owners are challenging the takes, so it is difficult to estimate the construction start and completion. It is likely that at least a portion of the project will need to be delayed until next spring.

Since the large Arts & Music Festival had to be cancelled due to COVID, the organizers are hoping to have a small event on August 27 in the town center. There will be music from 6-9pm and include some vendors. This will include a closure of Short St. and Erie St. to Chestnut. This permit is on the agenda for approval later in the meeting.

The Non-Uniformed employees have agreed to a new contract for 2022-2025, which will be on the September agenda for Council review and potential approval.

The Basketball Court Lighting Project pre-construction meeting with contractor McCurley Houston Electric was held on August 6. Work will likely begin in September and should be completed this fall, pending timely receipt of the required materials. A system will be installed to prevent the lights from being used after a certain hour (exact time TBD).

Tar & chipping will take place August 11-13 on the following streets: Gibson, Billings, Orchard, Lorna, Schruers, Raspberry (south of 6N), School, and Perry. Street paving has been completed and the work looks great.

The sewer department has completed televising of lines of 99 and 6N in recent weeks. Sewer main lining will be completed this month. Superintendent Brian Osborn will be attending the PA Rural Water conference the week of the 23rd, along with Jason Campbell from the Water Department.

The roof and siding project on the Streets garage was completed last week; the overhead doors may be replaced next year. Additional electrical outlets have been installed downtown and in the Billings Park area for potential events in the future. The lake was sprayed for weeds again on August 5 due to this year's extreme growth.

Recreation:

Mayor Gast moved to approve the Art & Music event and road closing permit. Mary Ann Horne seconded, and the motion passed 7-0.

COMMUNITY LIAISONS:

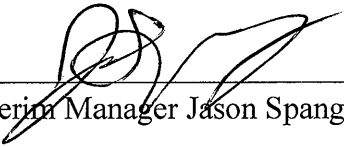
EVFD:

Mary Ann Horne mentioned grants that the fire department has received for forest fire fighting equipment.

ADJOURNMENT:

Mayor Gast moved for adjournment, and the meeting was adjourned at 7:19 PM.

ATTEST:



Interim Manager Jason Spangenberg



Mayor Aaron Gast