

## COUNCIL MEETING MINUTES MARCH 10, 2008

President Edwin Peterson called the meeting to order at 7:30 PM with the following Councilors present: Ms. Holliday Giles, Mr. Theodore Streeter, Ms. Caroline Smith, Mr. John Butterfield, Ms. Susan Naugle, Mr. Robert Krummerich, Ms. Alice Estrada and Mayor William Troxell. Mr. Michael Birkner was absent. Staff present included Manager John Lawver, Borough Secretary Sara Stull, Solicitor Harold Eastman, Chief Joseph Dougherty, Finance Director Ramona Overton, Rec Director Beth Corson, and Planner Merry Bush.

Others present included Patricia Lawson, Peter North, Daniel Konstalid and Jim Biesecker all representing Gettysburg College, Wayne Mayers, Radcliffe Schultz and Tom Kellam all Planning Commission members, Stacey Green,, Zoning Hearing Board member, Peggy Gustafson, Elwood Christ, and Gary Shaffer all HARB members, Attorney Bernard Yannetti, Eric Mains, KPI Technology, Helen Gemmill, McNees Wallace & Nurick, David Sites, Reality Leasing Management, Nick Vlahos, ERA Preferred Properties, Darlene Brown Tobey Hartman, Laura Northup all representing ACHA/PICPI, Megan Shreve and Cherry Arvin, SCCAP, Axa Jones, The Center/El Centro, Steve Barndt, Just For Today Recovery Services, Bob & Bonnie Wasel, Haunted Gettysburg Tours, Joe Svehla, Ghostly Images Tours, Mary Alice Nutter, Jean Green, Roberta Cooke, Suzanne Merkey, Mary Patrick, Third Ward Concerned Citizens, Gene Golden, Boro Vent, Dave English, 68 West High Street, Judie Butterfield, 999 Sunset Avenue, Chuck Teague, 125 E. Middle Street, Stan Clark, 915 Fairview Avenue, Robert DeFayette, 100 King Street, Peter & Meghan Wyatt, 300 E Middle Street and Connie Trump.

Representing the press were Scot Pitzer of the *Gettysburg Times* and Erin James representing the *Evening Sun* and Mark Wherley with *ACTV*

Moved Mr. Streeter seconded Ms. Giles to approve the agenda after adding Walton Davis, Zoning Board Appointment second after presentation by Cate Wyatt, Journey through Hallowed Ground. Motion carried unanimously.

Moved Mr. Streeter, seconded Ms. Giles to approve the February 11, 2008 minutes as presented. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Streeter to approve the February 27, 2008 Public Hearing minutes as presented. Motion carried unanimously.

Citizens in attendance:

President Peterson welcomed Cate Magennis Wyatt, Journey Through Hallowed Ground, who gave a brief presentation updating Council on the past 2 years of the successful outcome of this group. Ms. Wyatt announced their next meeting would be held on May 1<sup>st</sup> in Virginia at James Madison's Montpelier and all are welcome to attend.

Ms. Estrada asked what the next step is or if they are just seeking a letter of support from Borough Council. Mr. Butterfield said this is a very exciting concept and asked if they would take any properties by imminent domain. Ms. Wyatt responded no, the project would take fair market values and would have the option for families to move

onto estates. Ms. Wyatt thanked Borough Council for their time and support of this project.

Gene Golden read a prepared statement expressing his concerns with the Borough Sign Ordinance. He explained that over the years he has worked on trying to get the ordinance revised but it has been delayed for various reasons. The process involved to obtain a sign application and permit sometimes may take over two months. There needs to be an easier process in obtaining a permit. Mr. Golden is scheduled to meet with Manager Lawver and Solicitor Eastman in the near future and hope that it will be of benefit to all parties.

Chuck Teague expressed his concern with the walking tours and has observed them in the crosswalks; he feels the maximum amount of people should be 12 in a group.

Meghan Wyatt and her husband are new to Gettysburg and asked if the RPP program could be instituted on East Middle Street where they reside. They would like to park in front of their property. Mr. Peterson informed them this street is not part of the RPP program.

Gary Shaffer noted his concern in reference to the application submitted for landscaping and a stone retaining wall at the Monahan property at 119 Carlisle Street and recommended Council not approve it. When HARB approved the demolition of the property it was with the understanding they would construct another structure. The stone wall would be a permanent structure.

Gary Shaffer expressed his concern with a second Attorney to be appointed to the Zoning Hearing Board. He noted he has a great deal of respect for Wally Davis but doesn't feel this is necessary.

Bernie Yannetti representing the Monahan Group expressed concern for HARB's denial of their Certificate of Appropriateness. Mr. Streeter asked for clarification, a stone wall is a permanent fixture and a fence is not.

Solicitor Eastman read the definition of a Certificate of Appropriateness he received from the state. He noted the concern is the application and what is considered a structure. Solicitor Eastman asked for more time to review this matter and will give his opinion at a later date. Mr. Yanetti agreed to wait for Solicitor Eastman's opinion.

Bernie Yannetti representing the Gettysburg Little League asked Council to waive the Sign Ordinance pertaining to banners to allow them to hang banners at the Rec Park. Ms. Estrada noted this request came before the Public Works committee. Solicitor Eastman explained he would need direction from Council and Manager Lawver to make an ordinance change.

Mr. Streeter suggested waving the sign ordinance until it is revised. Solicitor Eastman expressed his concern that there isn't time to have the ordinance properly advertised and prepared for the April council meeting. He would not recommend waiving the Sign Ordinance.

Ms. Naugle asked if they would remove signs after each game. Mr. Yannetti responded no they would be kept up for the duration of the season.

Peggy Gustafson, HARB member asked Council to be cautious of the Monahan's Carlisle Street property that came before HARB and asked that they review the history before making any final decisions.

Ms. Naugle reporting for the Human Relations Committee recommended Walton Davis to fill the Zoning Hearing Board seat. She pointed out he is very knowledgeable of zoning law and is a Solicitor for other municipalities.

Moved Ms. Naugle, seconded Ms. Giles to adopt a resolution appointing Walton V. Davis to the Zoning Hearing Board to fulfill the unexpired term of John Butterfield. The term will expire December 31, 2008. YEA: Mr. Krummerich, Ms. Giles, Mr. Peterson, Mr. Butterfield, Ms. Naugle; NAY: Ms. Smith, Ms. Estrada, Mr. Streeter. The vote passed 5-3.

Ms. Giles noted Mr. Davis would not be acting as a lawyer for the Zoning Hearing Board and that he would defer issues to Solicitor Eastman. She will support him in the appointment.

Rad Schultz agreed with Ms. Naugle's remarks and would highly recommend him for this position.

Ramona Overton also supports Mr. Davis and reiterated his knowledge of zoning law. She has served on the Planning Commission for many years with him and he is fair in making decisions. Tom Kellam has served on the Planning Commission with Mr. Davis and pointed out Mr. Davis's expertise in planning and law make him a great candidate. Wayne Mayers also would support his appointment very highly.

Stacey Green expressed her concern as Chair to the Zoning Hearing Board that they don't need another lawyer on the board. She is fearful of having a powerhouse come on the Board. Ms. Green said she wished she would have been notified of the recommendation prior to the meeting.

Ms. Smith expressed her concern and noted she found Mr. Davis to be difficult when she served as liaison to the Planning Commission. There are other capable citizens interested in serving on zoning and asked that Council vote against Mr. Davis.

Ms. Estrada expressed her disappointment that the Zoning Board Chair was not notified about the appointment.

Mr. Krummerich noted he didn't know Mr. Davis but they met and discussed issues of interest.

Mr. Streeter noted he respects Wally Davis as an individual but doesn't approve the appointment on the Zoning Board. He feels the Borough should encourage new citizens to the boards and commissions. Mr. Streeter also expressed his concern with another lawyer on the Board and that Mr. Davis serves on Straban Township and may cause a conflict.

Ms. Naugle reported the Human Relations Committee continues to work on the procedures for boards and committees.

Mayor Troxell announced the Adams County Boroughs Association will meet on Monday, March 17<sup>th</sup> at 6:15 at the Pike Restaurant. The speakers will be the Adams County Commissioners. Contact Sara if you are interested in attending.

Ms. Giles reported the Main Street minutes are in the book if anyone has any questions. Mr. Streeter asked what the Main Street and History Meets the Arts agreement is. Ms. Giles responded they have developed an agreement with Gettysburg Partnership of Galleries who will hold the 2008 History Meets the Arts Production.

Mr. Streeter reported he sent the parking appropriations application in to Congressman's Platts office for the Gettysburg Hospital parking garage. The construction would not begin until 2010.

Mr. Streeter reported he and President Peterson will meet with the County Commissioners in the near future to discuss the parking garage. He noted the county now has their minutes on their website.

Ms. Giles asked if the county parking deck issues would come before the Finance Committee. Mr. Peterson responded yes.

Moved Ms. Smith, seconded Ms. Estrada to approve the Gettysburg Garden Club agreement between both parties for the downtown flower program. Motion carried unanimously.

Moved Ms. Smith, seconded Ms. Naugle to appoint Beatrice Savage as the Fair Housing Officer. Motion carried unanimously.

Ms. Smith announced the Gettysburg College is planning a spring breakfast, date to be announced later and that all of Council is invited.

Moved Mr. Peterson, seconded Mr. Butterfield to approve HARB consent agenda as presented. Motion carried unanimously.

Moved Ms. Estrada, seconded Mr. Butterfield to authorize the solicitor to prepare and advertise for enactment an ordinance vacating and closing a portion of Constitution Avenue, between West Broadway and West Lincoln Avenue. Motion carried unanimously

Mr. Butterfield asked for explanation of the Horse Drawn Carriage Ordinance amendments. Solicitor Eastman answered it is an amendment to regulate horse drawn carriage rides not Amish or other carriages passing through town.

Moved Mr. Butterfield, seconded Ms. Giles to adopt an ordinance amending Regulating Horse Drawn Carriages. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Krummerich to adopt a resolution setting the minimum liability insurance policy limit at \$1,000,000.00 per occurrence for all applications and renewals pertaining to the Horse Drawn Carriage Ordinance. Motion carried unanimously.

Moved Mr. Butterfield, seconded Ms. Giles to adopt an ordinance regulating Guided Walking Tours within the Borough of Gettysburg. Motion carried unanimously.

Moved Mr. Butterfield, seconded Ms. Giles to adopt a resolution setting the annual license fee for all applications and renewals pertaining to the Guided Walking Tour Ordinance at \$125.00 and setting the minimum liability insurance policy limit at \$1,000,000.00 per occurrence. Motion carried unanimously.

Ms. Estrada asked how the committee derived at this fee of \$125 for the guided walking tour license. Ms. Overton responded she used calculations based on administrative time and enforcement time.

Mr. Butterfield reported the Civil Service Commission have proposed changes to the rules and regulations; eliminate the 45 year age limit requirement and appointments would be made in 6 months instead of 6 weeks after the testing process.

Moved Mr. Butterfield, seconded Mr. Krummerich to approve amendment to Gettysburg Borough Civil Service regulations consistent with the recommendation of the Gettysburg Borough Civil Service Commission dated February 6, 2008 Motion carried unanimously.

Mr. Butterfield reported the Sister City Program would not be hosting the France exchange student program this year. However, the Mayor will welcome the group upon their visit to Gettysburg on April 7<sup>th</sup>.

Mr. Krummerich reported the County Commissioners attended the Finance Committee meeting to express their concern with the parking deck rate increase. Ms. Estrada asked how the rate increase of 50%-100% was determined. Ms. Overton explained in 2007 the Borough lost money so with the 2008 budget all cost pertaining to the parking deck were taken in to consideration.

Mr. Krummerich reported representatives from CENTAX attended the Finance Committee meeting to discuss tax collection services for the Borough.

Moved Mr. Krummerich, seconded Ms. Estrada to authorize the Manager and Solicitor to contact York Adams Tax Bureau (YATB) to cancel tax collection contract effective June 30, 2008 and hire CENTAX as the Borough's tax collector. The YATB requires a 90 day notice to cancel service. Motion carried unanimously.

Solicitor Eastman pointed out the ordinance would need to be amended designating CENTAX as the Borough Tax Collector.

Mr. Krummerich reported Theodore Robinson with the Pa State Association of Borough's attended the Finance Committee meeting to offer grant-writing services to the Borough. He would work with the Borough staff in determining what the Borough's needs are and apply for grants. Ms. Estrada was asked to contact Mr. Robinson to use their services to apply for and help secure grants.

Moved Mr. Krummerich, seconded Mr. Butterfield to approve all bills and payrolls for the month. Motion carried unanimously.

Ms. Estrada reported that Ms. Smith would now serve as liaison to the Shade Tree Commission.

Moved Mr. Streeter, seconded Ms. Estrada to set financial security for the construction of improvement in connection with the Gettysburg College Central Energy Plant Parking Lot project in the amount of \$550,189.64 consistent with the recommendation of C S Davidson Inc. dated February 8, 2008, said financial security to be in a form authorized by the municipalities planning code and to be approved by the Borough Solicitor. Motion carried unanimously.

Moved Mr. Butterfield, seconded Ms. Estrada to authorize Edwin R. Peterson, President or Holliday Giles, Vice President and Sara L. Stull, Secretary to sign land development agreement on behalf of the Borough of Gettysburg with Gettysburg College for it's Central Energy Plant Parking Lot Project. Motion carried unanimously.

Manager Lawver reported the repaving of alleys is scheduled to begin within the near future. It will be discussed further at the Public Works Committee meeting this month. He also reported the bridge #10 repair work has begun.

Moved Mr. Butterfield, seconded Ms. Naugle to authorize Manager Lawver to send a letter to the Civil Service Commission to begin the process for entry-level police officer testing and present Council with a list of eligible applicants. Motion carried unanimously.

Mr. Peterson appointed Mr. Butterfield, Mr. Streeter and Ms. Naugle to serve on a newly formed AD HOC Ordinance committee to review the ordinance book for any revisions that must be approved.

With no further business to come before Council moved, Ms. Giles seconded Ms. Smith to adjourn the meeting at 10:15 pm.

Respectfully submitted,

Sara L. Stull  
Borough Secretary