

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL WORK SESSION MINUTES
FEBRUARY 24, 2020

President Jacob Schindel called the meeting to order at 7:00 PM with the following Councilors present: Vice President Wesley Heyser, Mrs. Judith Butterfield, Ms. Patricia Lawson and Mr. Matthew Moon. Mr. John Lawver and Mr. Christopher Berger were absent. Staff present included: Borough Manager Charles Gable; Borough Secretary Sara Stull; Borough Solicitor Harold Eastman, Puhl Eastman, and Thrasher; Police Chief Robert Glenn; Director of Historic and Environmental Preservation Debra English; Finance Director Nicolette James; Parking Manager Rebecca Fissel; Public Works Director Robert Harbaugh, and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present include: Deb Adamik, President, Main Street Gettysburg; Chad-Alan Carr, Gettysburg Pride President and Founder, 49 York Street; Jason Goodman, PA Youth Congress Executive Director, 413 Walnut Street, Harrisburg; Barry Decker, representing the Gettysburg Joint Veterans Memorial Day Commission; Bill Hewitt, Veteran, 110 Seven Stars Road; Chris Lauer, Director of Waldo's & Co., 35 York Street, Apt.#9; Jenny Dumond, 74 East Water Street; Mike Shestok, 264 Baltimore Street; Elizabeth Wills, 224 Victor Street; Carol Buckley, 208 South Stratton Street; and Susan Cipperly, 314 North Stratton Street; Jim Hale representing the *Gettysburg Times* and filming by *Community Media-ACCTV*.

Council President Schindel announced an executive session of the Borough Council was conducted immediately following the adjournment of the February 10, 2020 monthly general business meeting consistent with section 708(a)(1) of the Sunshine Act.

Council President Schindel announced an executive session of the Borough Council will be conducted immediately following the adjournment of this evening's work session consistent with section 708(a)(1), 708(a)(2) and section 708(a)(5) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment and the terms and conditions of employment of current and future employees of the Borough; (2) to discuss matters involving information relative to Borough collective bargaining agreement; and (3) to review and discuss Borough business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of confidential information.

Public Comment Restricted to Old Business and New Agenda Items (not tabled items)

Barry Decker, representing the Gettysburg Joint Veterans Memorial Day Commission addressed Council concerning shortening the parade route stating that after further review, it wouldn't be safe or enjoyable for spectators. He said that he learned that many participants and spectators wouldn't come if the parade were shortened. Mr. Decker said that the committee plans to keep the same route as 2019 keeping the cost at \$1,500 and would hope that the Borough could partner with them.

Mike Shestok, 264 Baltimore Street expressed his concern and frustration about the lack of communication regarding the Memorial Day Parade and the assessed fees. He urged Council to work with the veteran's commission so that the parade continues. He also expressed his concern regarding the Non-Discrimination Ordinance and suggested that Council prepare a strong resolution now and wait until the Supreme Court decides before preparing an ordinance.

Bill Hewitt, Veteran, 110 Seven Stars Road expressed his frustration with Council and said that members at the recent VFW meeting were amazed that Council would spend \$5,000 to prepare an ordinance, but not help fund the Memorial Day Parade. He feels that Council members don't appreciate the veterans. Mr. Hewitt said that the Club donates a lot of money throughout the year to many organizations such as the Soup Kitchen, The Garden Club etc.

Jenny Dumont, 74 East Water Street said that she appreciates Council creating a Non-Discrimination Ordinance.

Susan Cipperly, 314 North Stratton Street said that she sent Council her concerns regarding the proposed short-term rental ordinance revisions. She said that "she is concerned about the proposed short-term rental ordinance including Homestay as an accessory use in the R-1 and R-2 Residential Zoning Districts. I believe this contradicts the definitions of Family and Dwelling Unit, as well as the purpose of both zones. Gettysburg needs residential areas where people can really live, and do so safely and peacefully, without being impacted by the desire of investors to maximize profit, with potential dis-benefits to the neighborhood. If this change were made, there would be no residential areas within the borough that would not be impacted by AirBnB, VRBO, and other online rental businesses".

Chris Lauer, Director of Waldo's & Co., 35 York Street, Apt.#9 expressed his concern with rentals in Gettysburg noting that they have been dire the past few years and noted that the rent continues to increase but minimum wage doesn't.

New Business

PBS 2020-4 GIL B1/B2-Chambersburg Storm Sewer Grant

Manager Gable explained that Healthy Adams Bicycle/Pedestrian Inc. (HABPI) is applying for a grant from DCNR C2P2 to fund the design of Phase B2 of the Gettysburg Inner Loop (GIL) project. He pointed out that this is a key piece of the Inner Loop. A local cash match is needed for the PennDOT construction grant. HAPBI is requesting a formal written letter of commitment to contribute a local cash match for the construction grant.

After some discussion Council agreed to place this on the March agenda to approve a formal letter of commitment to contribute a local cash match not to exceed \$80,000.

Chapter 15 Parking Revisions

Parking Manager Fissel reported that there are a few minor ordinance revisions to be made in Chapter 15 to “clean up” particular sections. She suggested adding approximately 90 parking meters at a cost of about \$15,000, noting that the Borough already owns many meter housings, so the main cost would be to purchase the meter mechanisms. The locations that she recommended is along Long Lane, third block of West Lincoln Avenue near the Gettysburg College Dining Center, and West Broadway between Constitution and College Avenues near the athletic center.

Council members asked her to provide a report with a list of proposed locations and relevant statistics to present at the next Council workshop.

Request to Rename Mayor Alley

Councilwoman Butterfield said that a request was received asking about renaming Mayor Alley. She gave a brief history of the alley named for former Mayor Lightner. The alley was named in the early 70’s and that an ordinance change would be required to make any changes. Council President Schindel asked Judie to continue with the research and that Council can discuss this matter at another work shop.

Street Boxes

Planning Director Marshall said that she recently received a request to place distribution boxes containing tourism information. She said that she instituted a moratorium for placement of boxes until further research can be completed. Some boxes are not maintained or refilled, and they become unsightly. A consideration would be to place street boxes in a more desirable location with an appealing look. Solicitor Eastman explained that any regulations must be “content neutral”. Publications of all types must be treated equally in order to avoid any First Amendment issues.

Old Business

PBS 2020-3 Storm Water Ordinance Revision – Chapter 17

Director of Historic and Environmental Preservation English reported that an ordinance amendment to Chapter 17 is needed to give the Gettysburg Stormwater Authority approval to review all stormwater plans in lieu of the Planning Commission as it currently states.

PBS 2016-28 FEMA Floodplain Ordinance – CAV Report

Planning Director Marshall gave a brief review of the changes that are needed to update the Floodplain Ordinance to comply.

PBS 2019-10 Food Trucks

Parking Manager Fissel gave a brief review of the ongoing issue with food truck vendors not having designated parking meter reservations, with the recently revised Chapter 15 of the Borough Code of Ordinances. She gave the following three options for Council to consider: 1. temporary reservation of public parking spaces in unmetered zones; 2. make no changes; and 3. include a free meter bag with every transient retail permit purchased. She noted that staff would not recommend including a free meter bag because they feel it may be abused.

Council members discussed options, and some felt that vendors should pay for the meters and not use bags. Councilman Heyser suggested that vendors purchase the Local Privilege Parking Permit. Council agreed on option 2, no change.

PBS 2020-2 Non-Discrimination Ordinance

Manager Gable gave a brief overview of the draft Non-Discrimination Ordinance he prepared for Council using ordinances adopted by other Pennsylvania municipalities including Carlisle Borough. He proposed that the commission be made up of three Council members, the Borough Manager and solicitor. Manager Gable said that the Pennsylvania Human Relations Act (HRA) authorizes municipalities to adopt an ordinance and set up a local commission to handle all types of discrimination complaints.

Solicitor Eastman said that examples are helpful, but also recommended that Council rely on verbiage that's already in the HRA that grants the Borough power to pass an ordinance. He said that Council should also keep in mind any changes in law or new rulings by the U.S Supreme Court.

Jason Goodman, PA Youth Congress Executive Director said that the commission should be volunteers, because state law does not permit public officials or paid staff to serve on local commissions. He said that the Borough would have to appear before the commission if it were subject of a complaint.

Chad-Alan Carr, Gettysburg Pride President and Founder said that he has collected names of thirty-five residents that would be willing to be trained to serve on the commission.

Councilman Heyser expressed his concerns stating that Council has trouble finding residents to fill boards and commission seats now. He went on to say that he has faith in the courts, noting the extensive training of lawyers and judges as opposed to the state's training of commission members.

After Council discussion they agreed to favor the creation of a local commission consisting of Borough residents and referral to the courts of cases not settled by mediation. Manager Gable was instructed to make these changes and provide the draft ordinance at the next Council Work Session for further review.

PBS 2020-1 Special Events

Councilman Schindel said that he was offended by Mr. Hewitt's comments that Council doesn't appreciate the veterans, which is not true. He reviewed the timeline of the Council meeting and the Memorial Day Commission meeting noting that Council met after the Commission meeting.

Councilman Heyser said that he values patriotism and expressed his concern that the Memorial Day Commission blames the Borough if they must cancel the parade. He said that it's not fair to the Borough taxpayers to pay for these events.

Councilwoman Lawson expressed her concern and said that the Borough shouldn't be the ones doing the fundraising for parades. It should not be a burden to the Gettysburg Borough taxpayers. She suggested that the Memorial Day Commission contact other organizations for sponsorships and partnerships.

Barry Decker, representing the Gettysburg Joint Veterans Memorial Day Commission said that he spoke with Destination Gettysburg about helping to fund the parade, but hasn't had a response from them.

Manager Gable said that we still have not resolved the invoice to finalize the Halloween Parade for 2019. A revised invoice was prepared for Harry Hartman, *Gettysburg Times* reducing the amount from \$5,249.04 to \$2,250.00. He noted that the following consideration was approved to remove the cost of the light tower at the judges stand, that the Borough paid for; the rain date which increased the bill for staffing police officers; and waived the \$30 Special Event Permit Fee. Finance Director James reported that the Borough has not received any payments from the *Gettysburg Times* to date.

Councilman Heyser asked what happened with the \$10,000 donation from the Fraternal Order of Eagles to pay towards certain parades. Manager Gable responded that it was given to the *Gettysburg Times* and is not aware of what they used it for. It's not the Boroughs responsibility to manage those funds. He pointed out that Main Street Gettysburg paid the invoice for the Christmas Parade and that the *Gettysburg Times* was not invoiced for that parade.

After some discussion Council agreed to accept the estimate of \$2,250.00 for the 2019 Halloween Parade, and asked that a motion be placed on the March Council agenda for approval.

Manager Gable said that at the last meeting a request came in from Gettysburg Pride about permitting flags in the planters on Lincoln Square. He said that in the past the Borough has placed a prohibition on placement of flags. He noted that most people are supportive of Gettysburg Rising, but that other displays may not be acceptable. Manager Gable recommended that Council say no to every request, or if Council feels it's something that they want displayed they could approve the request on a case by case basis.

Chad-Alan Carr, Gettysburg Pride President and Founder said this is fine if no one else is permitted to place flags on the square. He asked why the Christmas Festival Banner was allowed to be placed on the square. Manager Gable responded that the banner was not placed in 2019 but was in 2018.

PBS 2018-3 Short Term Rental

Planning Director Marshall explained changes needed to address the issue of short-term rentals (STR's). These dwelling units are commonly referred to as Airbnb's, VRBOs, homestays, vacation rentals, etc., are transient dwellings subject to Uniform Construction Code (UCC) review, which culminates in issuance of a Certificate of Use and Occupancy on file with the Pennsylvania Department of Labor and Industry. STRs are also subject to the Adams County Hotel Room Rental Tax as meeting its definition of "Hotel". Currently, the Borough of Gettysburg has no policy or legislation in place to ensure STRs comply with local, state, and federal requirements. Staff requests that Council first adopt an amendment to Chapter 27: Zoning Ordinance as recommended by the Planning Commission to define lodging uses, set basic performance guidelines, and to stop the influx of new STR's in residential areas. Then Council should consider a standalone ordinance with inspection requirements similar to the Rental Unit Occupancy. Since this will take time and will need to have outreach to the community, the completion and enforcement wouldn't start until October 2020.

After some discussion Planning Director Marshall said that she will review the state regulations to determine differences between Homestays, B & B Rooms etc. and the building code standards and report her findings at the next Work Session.

Manager Gable suggested adding a few more work sessions since there are several projects that will take time to discuss.

There was no public comment at this time.

The meeting was adjourned at 11:40 PM to an executive session.

Respectfully submitted,

Sara L. Stull
Borough Secretary