

**BOROUGH OF GETTYSBURG
TROXELL COUNCIL CHAMBERS
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL WORK SESSION MEETING MINUTES
NOVEMBER 28, 2022**

Vice President Matthew Moon called the meeting to order at 7:00 PM with the following **Councilors present:** Mrs. Judith Butterfield, Mr. John Lawver, Mr. Christopher Berger, Ms. Patricia Lawson and Mr. Chad Carr. **President Wesley Heyser** was absent. **Staff present included:** Borough Solicitor Harold Eastman, Barley Snyder; Borough Manager Charles Gable; Assistant Borough Manager/Secretary Sara Stull; Planning Director Carly Marshall; Parking Manager Rebecca Fissel and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc. **Staff absent included:** Mayor Rita Frealing; Police Chief Robert Glenney; Director of Historic & Environmental Preservation Debra English; and Public Works Director Rob Harbaugh.

Others present included: Jill Sellers, President of Main Street Gettysburg; Mike Malewicki, Chairman of the Gettysburg Storm Water Authority; Ted Hirt, 241 Baltimore Street; Scott English, owner of 66-68 West High Street; Susan Cipperly, 314 North Stratton Street; and Rosemary Meagher, 44 West High Street. Representing the press was Jim Hale with the *Gettysburg Times*; and filming by *Community Media-ACCTV*.

Announcements

Vice President Moon reported that the proposed draft 2023 Budget is available for public review at the Borough office and on the Borough's Website at www.gettysburgpa.gov.

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

Rosemary Meagher, 44 West High Street expressed her concerns regarding the portable restroom that was placed close to her property line and a newly installed fence that ends just short of the location of the portable toilet.

Susan Cipperly, 314 North Stratton Street said that she hopes that the 2023 Budget includes funding for a zoning comprehensive plan. She supports the zoning map changes as proposed.

Scott English, owner of 66-68 West High Street addressed his concerns regarding the proposed Zoning Text Amendments for the event venue and asked Council to review his suggestions to the language. There will be history talks at The Gettysburg Academy Tourist Home during the Gettysburg Christmas Festival and everyone is invited.

Ted Hirt, 241 Baltimore Street said that he has been following the plans for the English property which seem to be in order for an event venue. He asked Council for updates on the tabled items listed on the agenda.

Vice President Moon responded that the items listed as tabled old business on the agenda are still a work in progress and not ready for public review.

Special Presentation

There were no special presentations.

Old Business

Employee Complaint Policy

Vice President Moon reviewed the changes made to the Employee Transparency and Accountability Policy stating that all items requested by the police have been satisfied. The policy will be on the December Council agenda for approval.

Theft of Services Ordinance

Planning Director Marshall reported that after reviewing the Theft of Service Ordinance with the solicitor, it was recommended that the ordinance language be reviewed and to separate the two issues banning placement of household or business trash in public receptacles or residential receptacles which is covered in the Solid Waste Ordinance. She noted that all residential rental units must have trash pickup service.

Vice President Moon said that it is not necessary to proceed with the Theft of Services Ordinance since there is already a mechanism in place for tenants to contact the cable companies regarding a neighbor abusing the cable service.

Zoning Revisions RE: TC District Changes

Planning Director Marshall said that the proposed budget includes updating the Zoning Ordinance which has not been done since 2008, and asked Council if they wish to proceed with it.

Vice President Moon said that Council consensus is to proceed with updating the Zoning Ordinance which could take approximately two to three years to complete.

Zoning Text Amendments – 22001 Event Venue

Vice President Moon asked Council what they want to do regarding the Zoning Text Amendments: move forward as drafted start over and rewrite it, or place on hold until the Zoning Ordinance has been updated.

Councilman Lawver expressed his frustration with Council taking an enormous amount of time to finalize the zoning text amendments regarding the English property stating that it should have been voted on months ago. The applicant has been waiting approximately a year since they submitted their application with no completion in sight, and said that Council should be willing to help property owners. He pointed out that a vacant lot on Ridge Avenue was able to get their building plans approved quickly and has begun building their house, but has set up road blocks for the English property to proceed. Councilman Lawver noted that the adjoining

property owned by the English's may be sold and a three-story complex could be built and rented to anyone.

Councilwoman Butterfield agreed with Councilman Lawver and said that it is disturbing that it has taken so long to finalize the zoning text amendments. She asked if the reason for the revisions to the Zoning Comprehensive Plan would be for all the Borough or just this one property since this is when the revision discussion started.

Planning Director Marshall responded that it would be for everyone and not just this property noting that the last update was in 2008.

Manager Gable said that a consultant would be hired to review all layers of the Zoning Ordinance which could take a year to complete. After that the ordinance would need to be drafted before the Comprehensive Plan is completed.

Councilman Carr also agreed with Councilman Lawver stating that this has gone on far too long. He said that tented and outdoor events are okay noting that people have backyard parties all the time without any problems. He said that he is not ready to vote on the draft ordinance because it is too restrictive.

Councilman Berger said that he is ready to move forward with the draft ordinance stating Council eventually needs to vote on the proposed ordinance.

Councilwoman Lawson said that she supported the project at the beginning but has a few concerns after seeing the picture of the fence and portable toilet placed on the property. She didn't know if that was retaliatory against the neighboring property.

Councilman Moon said that he feels Council did the right thing by reviewing all aspects regarding setbacks, portable toilets etc. He said that this should have been a zoning variance and not a text amendment because it seems like it only applies to one property. He asked if it is appropriate to have events in a residential neighborhood.

Solicitor Eastman explained that for Council to move forward they will need to settle on an ordinance and then a public hearing would need to be scheduled. He pointed out that Mr. English provided language to consider for the ordinance that should be taken into consideration.

Councilman Moon said that the consensus of Council is to discuss and review the amendments at the January Work Session.

PBS 2022-06 Portable Restrooms

Planning Director Marshall said that with other pressing items that Council needs to finalize including the Subdivision and Land Development Ordinance (SALDO), and the Sidewalk and Sign Ordinance revisions, she asked Council to place the portable restrooms on hold.

Councilman Moon said that the consensus of Council is to place the portable restrooms on hold.

Councilwoman Butterfield pointed out that some businesses have contracts for their portable restrooms and they would be assessed penalties if cancelled, so this should be taken into consideration when discussing.

New Business

Gettysburg Storm Water Authority (GBSWA)

Mike Malewicki Chair of GBSWA explained that the Board plans to discuss options for funding for the restoration of the aging Tiber walls along Stevens Run. He said that there may be federal grants available which require a fifty percent local match. The GBSWA does not own the Tiber so research will need to be done to determine whether the property owners or the Borough owns the Tiber walls.

Chad Clabaugh, Borough Engineer said that the cost to repair the walls could range from \$3.7 to \$4.2 million. He noted that the Borough does not have a right-of-way for some of the Tiber walls. There are two grants that the Borough could apply for but the application deadline is on December 21st. GBSWA plans to conduct a special meeting on December 5th to discuss their options.

Councilman Moon asked Council if they are willing to commit to a fifty percent local match so that GBSWA can proceed with the application process. Council consensus was to proceed with the grant application.

Parking Holidays

Parking Manager Fissel said that the Parking Ordinance would need to be revised to include all Borough holidays. She noted that the Juneteenth holiday will be new for 2023 and asked Council if the holidays should be observed on the day of the Holidays. Council consensus was to make all Holidays for parking on the day of the holiday.

BID Tax Payment

Manager Gable explained that the Steinwehr BID issues assessments on properties within its district and the BID would submit the delinquent property owners to the Adams County Tax Services Office for collection. These delinquent property taxes were inadvertently submitted to the Borough as interim taxes. Recently all parties involved discovered the discrepancy of \$12,508.88 submitted to the Borough should have gone to the BID. He recommended the Borough apply \$9,705.92 to pay off the remaining balance of the PIB Loan that is owed by Steinwehr BID and the remaining \$2,802.96 balance the Borough pay to Steinwehr BID to settle the tax issue. He thanked Solicitor Eastman and Finance Assistant Tammy Murdorf for all the research regarding the delinquent tax issue.

Solicitor Eastman said that he and Attorney Todd King who represents the BID will prepare a settlement agreement for the Borough and Steinwehr BID for the next Council meeting to finalize the tax issue.

Adams County Conservation District MOU

Manager Gable said that a Memorandum of Understanding (MOU) with the Adams County Conservation District for the administration of the Pennsylvania Chapter 102 Erosion and Sediment Control rules and regulations to include the review of erosion and sediment control (E&S) plans and the administration of the National Pollutant Discharge Elimination System (NPDES) permit program will be placed on the December agenda for approval. He noted that the last time the municipal MOU was revised was in 2012.

Federal Lands Access Program (FLAP) Reimbursement MOU

Manager Gable said that a reimbursement agreement and memorandum of understanding between the Borough of Gettysburg and the Commonwealth of Pennsylvania, Department of Transportation in connection with the Borough's grant application made to the Federal Lands Access Program (FLAP) will be placed on the December agenda for approval.

PBS 2019-03 Investment and Debt Policy

Manager Gable reported that the Borough has been investing \$79,000 each month for a year into certificates of deposits as planned for with the Debt Service Policy. He said that the Pennsylvania Local Government Investment Trust (PLGIT) has significantly higher interest rates and asked Council if they wish to invest these funds with PLGIT. The Council consensus was to proceed with the investment plan and place a motion on the December agenda..

Public Comment (open to items not on the agenda)

There were no public comments.

Vice President Moon adjourned the meeting to at 8:55 PM.

Respectfully submitted,



Sara L. Stull
Borough Secretary