

**BOROUGH OF GETTYSBURG
TROXELL COUNCIL CHAMBERS
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL WORK SESSION MEETING MINUTES
JANUARY 23, 2023**

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

Others present included: Jill Sellers, President of Main Street Gettysburg; Ross Hetrick, President of the Thaddeus Stevens Society; Attorney Samuel Wiser representing Scott English, owner of 66-68 West High Street; Bruce Bartz and McKenzie Johnson representing the York/Adams Mental Health Intellectual and Developmental Disabilities Program (MH-IDD); Scott English, owner of 66-68 West High Street; Brandon Stone, 358 Park 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*.

Special Presentation

Thaddeus Stevens Society – Ross Hetrick, President Thaddeus Stevens Society

Ross Hetrick presented Mayor Frealing with a statue of Thaddeus Stevens which marked 200 years since he joined the Council. Ross gave a brief history of Thaddeus's life noting that he helped to establish a water system for the Borough using a hollow log penstock. He was a state legislator who helped to obtain a charter and funding for the Gettysburg College and is also credited with preventing a repeal of free public education.

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

Scott English, owner of 66-68 West High Street addressed Council regarding his property and read a prepared statement (see attached).

Susan Cipperly, 314 North Stratton Street read a prepared statement regarding the proposed zoning text amendment for 66-68 West High Street (see attached).

Attorney Samuel Wiser representing Scott English, owner of 66-68 West High Street said that Borough Council has received a copy of his letter previously regarding the proposed amendment, so he will highlight a few of the items. The historic Gettysburg Academy is located in the Elm Street Overlay District in which the amendment is not just for this property, but any property located within this District. It will create a mixed-use that creates a sustained

level of activity within the neighborhood. The uses that are already permitted by right in the zone or cultural centers and historical and interpretive facilities could be done now. He said that the balance of what his clients are requesting to do at this particular property are already uses that are being conducted in neighboring properties right down the street. Churches are hosting weddings, social gatherings, fellowship dinners, Etc. and so there is not a different impact on the neighborhood because these things are already happening across the street and two doors down.

Attorney Wiser went on to say that it is also consistent with the Central Adams Joint Comprehensive Plan, the Borough's Joint Comprehensive Plan that was adopted shows this District to be in the Downtown Core District and designated growth area in the future expanding that downtown core which promotes those commercial mixed-use type uses. The Central Adams Joint Comprehensive Plan also shows this property as a designated growth area in which you want to encourage commercial uses and more activity within the neighborhood. The proposed Zoning Text Amendment as crafted is burdensome with two problematic provisions as last written. The first is the limit of two events per month which is not tied to any reasonable limitation but an arbitrary number picked out of the air. He pointed out that the Churches down the street are not limited to how many weddings or funerals or social gatherings they can do each month. The Borough also has a nuisance and noise ordinance in place that would make sure any events in the neighborhood are respectful. Another problem is the annual management plan which is not only burdensome for an applicant but also for the Borough to administer, and noted that oftentimes these events are not planned more than a year in advance making it difficult to manage. This is a unique property and it is the right thing for the property and a way that you can continue to preserve and utilize the historic properties in Gettysburg.

Old Business

Scott English –Zoning Text Amendments

President Heyser said that he would like this to be the last work session to discuss the Zoning Text Amendments so that this item can move forward to the February Council meeting to proceed for enactment. He explained that to reach a conclusion he will need to get Council members' opinions on each matter in question so that a draft ordinance can be completed to move forward. The issues to discuss are: events with outdoor activities limited to twice per month, tent setback restrictions, and change to a permitted use in the Elm Street Overlay.

Events per month discussion

Councilman Lawver said that two events per month are ridiculous and no other business has this type of limitation or how this would be enforced.

Councilwoman Butterfield agreed not to place a limitation on the number of events and also stated that she does not know what the purpose of this limitation would be.

Councilwoman Lawson agreed not to limit the number of events and said that it seems arbitrary to have such a limitation.

Councilman Carr also agreed not to limit the number of events per month.

Councilman Berger said to keep the limitation of two activities per month.

Councilman Moon has no opinion.

President Heyser said that he also agrees not to place a limitation on the number of events per month.

Events on Friday, Saturday or Sunday discussion

Councilwoman Lawson said that this seems really restrictive and unrealistic for a business and does not understand the rationale of restricting events to only Friday, Saturday and Sundays. People may want to have a reunion or gathering through the week and should be able to do so.

Councilman Lawver, Councilwoman Butterfield, Councilman Berger, Councilman Carr, and President Heyser all agreed not to restrict events to Fridays, Saturdays and Sundays.

Councilman Moon has no opinion.

Tent/Setback discussion

President Heyser said that when he reviewed the draft ordinance he did not notice anything specific related to tent size. He noted that it would be enforced by the code regulations already established with PA Municipal Code Alliance, and as Councilman Lawver noted before the tent size would be regulated under the fire code. There is also a 10 foot setback included with screening in the draft ordinance.

Councilwoman Lawson said that she has personally looked at the property and the placement of the fence and shrubbery and noted that the property actually has its own setback with a natural setback with the hill along the front of the property.

Councilman Lawver said that we received a recommendation from the Planning Commission regarding the tent size.

Councilman Carr responded yes the parcel size would dictate the size of the tent.

President Heyser said that he did not see a tent size specification in the draft ordinance as written and he feels the 10 foot setback is appropriate for a residential use. He asked if anyone wanted to make a change to the setback. No members expressed a desire to make a change.

Special exception or permitted use discussion

President Heyser asked Council what their desire is regarding changing from a special exception to a permitted use by right. He asked Solicitor Eastman to give an explanation of both of these uses.

Solicitor Eastman explained that both the special exception and permitted use are uses allowed by matter of right. A permitted use applicant does not require an applicant to have a Zoning Hearing Board proceeding, but would have the application reviewed by the Zoning Officer. The special exception will require the applicant to have a Zoning Hearing Board proceeding to determine if the proposed use meets all the criteria.

Councilman Carr said that it should be a permitted use and not a special exception.

Councilman Lawver agreed and said that other borough ordinances are already in place so it is not necessary to have the applicant go through the Zoning Hearing Board.

Councilwoman Lawson agreed and said that it only adds another layer.

Councilwoman Butterfield agreed and felt that Council has given enough thought to the ordinances and if they are followed it would be fine.

Councilman Berger said there are already four votes so nothing more to say.

Councilman Moon has no opinion.

President Heyser gave a recap of the outcome from these discussions as follows: no limitations on the number of events per month; no day of the week limitation; and it would be a permitted use in the Elm Street District Overlay.

At this time **President Heyser** ask Council if there are any other items they want to discuss within the ordinance.

Hours of operation discussion

Councilwoman Lawson asked about the operational hours ending at 10:00 PM noting that if an event such as a wedding is to end at 10:00 PM which is not unreasonable, but they would need to end the event earlier so that the cleanup would be completed by 10:00 PM. She feels that this should reflect the Boroughs Noise Ordinance already in place.

Councilman Moon said that it was determined by the Noise Ordinance so that the caterers, music, vehicles etc. would be out so that it would not affect people sleeping.

Councilman Carr asked since the Borough already has a Noise Ordinance then why is this being addressed in this draft Event Venue Ordinance.

President Heyser said that it is difficult to enforce the noise ordinance and would present a neighboring conflict. The time issue is because you are next to someone's home.

Councilman Berger said that the Churches do not have weddings at night.

Councilman Carr said that the Churches would be allowed to hold events at night if they want to.

President Heyser said that the current Noise Ordinance list the hours from 11:00 PM to 6:00 AM.

President Heyser proposed leaving the hours in the draft as written.

Councilman Berger supported leaving the hours in the draft as written.

Councilwoman Lawson proposed having the hours in the ordinance reflect the noise ordinance.

Chief Glenny mentioned that it is best to keep the ordinances consistent for better enforcement. If it is unreasonable noise the police would first look at disorderly conduct because it is more defined.

Councilman Carr agreed with altering the hour for ending activities to 11:00 p.m. to align with the noise ordinance.

Councilwoman Butterfield agreed with altering the hour for ending activities to 11:00 p.m. to align with the noise ordinance.

Councilman Lawver agreed with altering the hour for ending activities to 11:00 p.m. to align with the noise ordinance.

With a majority of council in favor, it was agreed to change the draft ordinance to reflect the current Noise Ordinance hours.

Standing/idling vehicles.

Councilwoman Lawson asked about shuttle buses, vans., etc. that transport attendees and drop people off for an event that they could park behind the building or along the street.

Chief Glenny noted that commercial vehicles are not allowed to park or run idling for extended periods of time in the public roadway or alley.

Radio, Audio Equipment, and/or Instrument hours.

President Heyser asked if there was a desire to change the outdoor event hours.

Councilman Lawver said to follow the Noise Ordinance and cease operation at 11:00 PM.

Councilman Carr said that he is okay with the music and noise stopping earlier so that they have time to end the event at 11:00 PM. He suggested 9:00 PM Monday through Thursday and 10:00 PM Friday and Saturday.

Councilwoman Lawson also agreed to end the music earlier so that they can end the event at 11:00 PM.

Councilwoman Butterfield agreed with utilizing 9:00 PM Monday through Thursday and 10:00 PM Friday and Saturday.

Councilman Lawver agreed with utilizing 9:00 PM Monday through Thursday and 10:00 PM Friday and Saturday.

Councilman Berger said that he is okay with this in other Districts, but not in the Elm Street District.

President Heyser asked if anyone had other items to discuss.

Councilwoman Lawson asked for clarification where it addresses non-compliant issues within a reasonable amount of time if this is to be enforced in writing or a verbal notice.

President Heyser said that it would be by a written notice.

Councilwoman Lawson asked what the nuisance management measures and procedures are that was added to the draft ordinance.

Councilman Moon said that Planning Director Marshall added this language and is not in attendance to clarify this for council.

Management Plan discussion.

Councilman Lawver asked what the purpose of the Management Plan is for noting that some events are not planned a year in advance.

Councilwoman Butterfield noted that petitions are not always valuable in making decisions because some people signed both petitions that approved and opposed the project. It is unfortunate that the people that signed these petitions do not attend the meetings.

President Heyser said that he will prepare the draft ordinance with tonight's amendments and submit to Planning Director Marshall and Solicitor Eastman for preparation.

PBS 2016-40 Satellite Dishes in Historic District

Director of Historic & Environmental Preservation Debra English explained that the purpose is to be able to clean up the non-operative satellite dishes that have accumulated throughout town. The ordinance would allow the Code Compliance Officer to enforce the satellite dishes.

Council members agreed to proceed with preparing the ordinance and asked that staff develop tighter regulations on buildings within the Historic District.

New Business

York/Adams Mental Health Cooperation Agreement

Chief Glenn explained that the Cooperation Agreement between the Borough Police Department, Wellspan Health, and the York/Adams Mental Health Intellectual and Developmental Disabilities Program (MH-IDD) is for the purpose of hiring and utilizing a Co-Responder to assist law enforcement with their response to the mental health needs of the community.

Bruce Bartz, Community Liaison for (MH-IDD) said that Wellspan would be responsible for hiring a qualified person as the Co-Responder, and noted that they would receive grants to fund this program. Some of the duties of the Co-Responder would be to accompany the police department when needed, train law enforcement on Crisis Intervention and De-Escalation, and to provide monthly reports regarding referrals and other contacts with community members. Mr. Bartz introduced McKenzie Johnson who would be the local Co-Responder. He said that she is employed by Wellspan Health and is a mental health clinician with crisis training.

Councilman Moon thanked Mr. Bartz for bringing this much needed program to the Gettysburg area. He asked what the times are that services would be provided. Mr. Bartz responded that they normally work during hours of increased police activity from 2:00 PM to 10:00 PM.

President Heyser asked that the Cooperation Agreement be placed on the February Council agenda for approval.

CIP 439-04 - Gettysburg Gateway Connectivity Project

Manager Gable said that the FLAP Grant Cooperative Funding Agreement with the Susquehanna Regional Transportation Authority (d/b/a Rabbittransit) and PennDOT is a \$10.7 million transportation and streetscape improvement project along Baltimore Street. It would link the Gettysburg National Military Park and the Gettysburg National Cemetery to downtown Gettysburg which would include the David Wills House on Lincoln Square and Rabbittransit located on Carlisle Street. He noted that the total cost for the design is \$1,567,397; received \$800,000 FLAP funds; and the Borough costs is \$313,480.

Chad Clabaugh, Borough Engineer, C. S. Davidson gave a brief overview of the engineering services for the design phase proposal for the Gettysburg Gateway Connectivity project. He said that this is a significant project and that it would take approximately 21 months to complete the design. The engineering contract highlights are attached.

Manager Gable said that the C.S. Davidson proposal will be placed on the February Council agenda for approval.

Intersection of Stratton Street and Middle Street

Chief Glenny said that in reviewing the crash statistics for the possibility of a traffic control signal at Stratton and Middle Street, there were only twenty crashes involving injuries or significant vehicle damage that required towing within the past five years. He said that it would fall below PennDOT's standards and therefore would be a waste of funds to pay for a formal traffic study which would be needed for signal authorization.

Public Comment (open to items not on the agenda)

There were no public comments.

President Heyser adjourned the meeting to at 9:15 PM.

Respectfully submitted,



Sara L. Stull
Borough Secretary

January 23, 2023 Council Workshop – ENGLISH comments

What is the purpose of current comprehensive plan or current zoning ordinances? I am asking for nothing outside of what is promoted and supported by these two existing plans that have been adopted by this Borough.

Elm Street plan and Central Adams Comprehensive plan were both commissioned, published for review, coordinated with the public and adopted by the Borough Council as either incorporated ordinances and or accepted planning documents. What I have applied for at The Gettysburg Academy fits perfectly within these parameters as an adaptive reuse.

No business can successfully sustain itself operating only 2 days per month. Where did the 2 events (indoor or outdoor) per month originate? RTK request showed that the applicant did NOT request this limitation.

Churches on the same street and in the same zoning (ESO / R-2) will also be limited to 2 events per month and they continue to have Fellowship Dinners, Confirmations, Funerals, educational events during summer Bible school, Weddings, etc., in addition to multiple weekly services.

A church on High Street approached us about purchasing the lot to use it for outdoor activities instead of requiring all participants to drive out of town - let's reduce the carbon footprint and allow outdoor events on one of the only green spaces remaining in the Borough.

This property has been adaptively re-used since its construction as Adams County's first public school with Thaddeus Stevens on the Board. Seminary, College, Gymnasium, Female Institute, Hospital, Home, Motel and B&B.

Thank you for your consideration,
Scott English

410-937-6953

www.thegettysburgacademy.com website for more information and photos

fB: The Gettysburg Academy – Like and follow us

Focus keeps returning to one property that wants an event venue, rather than the bigger picture, and where such a use would best fit the surrounding uses.

At the last workshop meeting in November 2022, mention was made of allowed uses that could be installed on the English property if the event venue were not allowed. It was implied that these uses would be less desirable.

These included:

A 24/7 restaurant (with noise). Yes, it could happen if the building could meet the building code requirements and the noise ordinance. The likelihood at this location is virtually non-existent, though.

OR a three-story apartment building rented to so-called "Housing Authority" tenants or other renters.

The Housing Authority constructed the townhouse units across the alley from the English property, and they are now owned by individuals. This would be allowed in the R-2 zone, even without the Elm Street Overlay. Home ownership was one of the goals of the Elm Street Plan. To specifically mention Housing Authority tenants was unfortunate. There is a Housing Authority property in my neighborhood and the tenants fit in well with the neighborhood.

In any case, this is not an either/or situation. Any of the uses in the ordinance would still be allowed. The Event Venue would be additional.

Other things I've noted during the process for this amendment:

- Apparently, the Planning Commission did not see a copy of the Elm Street Plan when it was making its recommendation, even though it is called an Official Plan, and should have been part of their thought process.
- It seems that the Planning Commission and the Council may have been under the impression that Mr. English inherited the 68 High Street property, and is stuck with a problem property under the current zoning. In fact, he purchased portions of it from his siblings and now owns it together with his wife, Debra. Did they not investigate the zoning before purchasing?
- The property is currently approved for both a Bed and Breakfast and a Vacation Rental, so would not likely meet the standard for a Use variance, even if Event Venue were described in the ordinance.

Again, focus keeps returning to the desires of one property owner, rather than finding the most appropriate area for such a use within the borough.

I've considered the fact that despite being allowed to have small magnitude businesses, such as a coffee shop, bank, or limited commercial, it hasn't happened within the Elm Street Overlay. Maybe that's because owners and rental residents prefer the neighborhood to be primarily residential. Maybe this is something to consider during the upcoming zoning review process rather than doing piecemeal additions.