

**ELIZABETHTOWN BOROUGH COUNCIL**  
**REGULAR MEETING**  
**June 18, 2020**  
**Minutes**

The regular meeting of Elizabethtown Borough Council was held on Thursday, June 18, 2020. To best comply with Governor Wolf's COVID-19 orders (but still conduct regular business) this Borough Council meeting was held with the absolute minimum number of individuals gathered at the Borough Office. Participants included Tom Shaud, J. Marc Hershey, Phil Clark, Borough Manager Rebecca S. Denlinger and Police Chief Ed Cunningham. The remaining members of Borough Council including Jeff McCloud, Bill Troutman, and Mayor Mummert as well as staff members Assistant Borough Manager Ann Roda, Public Works Director Jeff Kinsey and Planning and Zoning Director Pamela Roberts joined the meeting remotely using Zoom. Absent from the meeting was J. Neil Ketchum Jr.

President Hershey called the meeting to order at 7:00 p.m. and stated that prior to the meeting an Executive Session was held to discuss a nonuniform personnel matter. He also reviewed the use of the Zoom technology.

Public Hearing – Proposed Chapter 27 Zoning Ordinance Amendments

President Hershey called the public hearing to order at 7:04 p.m. and Planning and Zoning Director Pam Roberts introduction to the ordinance amendments.

Thomas Nehilla with Barley Snyder was present to review the Zoning Ordinance text amendment for the Mixed-Use District. Attorney Nehilla stated the Zoning Ordinance text amendment was created as a way to optimize development within the Mixed-Use district.

The amendment was proposed to allow for a potential buyer of 449 West High Street which is an underutilized property within the Borough. To utilize the property as a residential property with a retail use on the first floor and apartments on upper floors. Compliance with the current zoning requirements for the Mixed-Use district would be very restrictive for this type of development and would result in an odd building that is not cost effective. Attorney Nehilla outlined the proposed revisions to the zoning ordinance for properties over an acre in the Mixed-Use District, which included reducing the required lot area, increasing permitted lot coverage, and creating a consistent front yard setback. Attorney Nehilla also explained proposed revisions to apartment regulations, including increasing the number of dwelling units in an apartment building to 48 units and increasing the allowed number of floors in a building to 5.

President Hershey asked about parking. Planning and Zoning Director Roberts responded that in the concept plan there are 2 spaces per apartment shown.

With no questions from other councilmembers or the public the hearing was closed at 7:19 p.m.

President Hershey modified the agenda and council considered the ordinance amendments. It was motioned by Clark, seconded by McCloud, to approve Ordinance 999 amending portions of

Chapter 27, Zoning, of the Borough Code of Ordinances. Following a roll call vote the motioned passed unanimously.

Prior to Public Comment President Hershey read the following statement on behalf of Borough Council:

*Elizabethtown Borough joins with communities across the nation to denounce racism, discrimination, and hate. We were proud of the outpouring of support from both within and outside of our community for the rally against such injustice held in our downtown on June the 6<sup>th</sup>. We are indeed grateful for the members of the Elizabethtown Police Department as they worked together with the community toward a peaceful demonstration. As Chief Cunningham noted in his message to the community immediately following, the event was welcoming, including some who hold differing opinions on the matter of police brutality and systemic racism in our society. We all had the opportunity to witness a collective assembly of several groups, some with differing opinions and beliefs, all while exercising their first amendment right to peacefully assemble.*

*The safety of our community, residents, and visitors is our highest priority. We understand that there is concern surrounding the decision by a few local businesses to engage additional security for this event and other armed civilian groups who chose to legally assemble. While Elizabethtown Borough and the Police Department were not party to this choice, Officers diligently monitored all activity during the event to ensure the safety of everyone in attendance.*

*Going forward, we know that we will need to open our eyes, ears, and hearts, and be willing to engage in difficult conversations, if we truly want to see positive change occur. We want Elizabethtown to be a community that is welcoming to all and we will commit ourselves and our resources to continuous improvement. We will listen and seek to make those positive improvements. We will work toward solutions focused on creating a better Elizabethtown, for everyone.*

*As part of our commitment, beginning tonight, Council will be considering Resolution 2020-06 which is in response to and in solidarity with those demanding racial justice, equity, and action.*

#### Public Comment

1. David Terrell, 67 Orange Street, commented on the semi-automatic weapons on roof tops during the protest and found the statement read troublesome. Council should discourage nor condone the intimidating action and agrees that Elizabethtown is a welcoming community, but a loaded weapon is the least welcoming thing he could imagine.
2. Pam Terrell, 67 Orange Street, commented on the protest. She commented on the Las Vegas shooting and the ability to have first amendment rights and that it is outrageous business community will not stand up. She added that if Elizabethtown is welcoming then there should be protection.

3. H. Eugene Rice, 32 Cottage Avenue, commented on having a first amendment right and a second amendment right.
4. Kristy Moore, West Donegal Township Resident, commented on her attendance at the protest and the experience of the militia overhead. She stated that one should take a stand against this kind of behavior that undermined Elizabethtown Police Department. She asked to know who brought the militia in and finds it difficult to patronize the downtown businesses. She called to condemn the actions.
5. Louise Darlington, West Donegal Township Resident at 12 Silver Drive, commented on her experience at the protest and stated support for the police department. She commented that she was scared of what was on the rooftop and stated that the police were exemplary with their actions.
6. Tamerly Bell, West Donegal Township Resident, commented about her experience at the protest. The militia with assault rifles was unsettling and disturbing and the police did not do anything about it. She raised issue with the business not trusting the police and that the actions was bullying of first amendment rights. She added that an ordinance that highly discourages this behavior is needed and that the business should give an apology.
7. Tim Runkle, 15 Teakwood Drive, thanked the Elizabethtown Police Department for reaching out, engaging the community and showing a good example.
8. Bill Troutman, 142 E. Park Street, provided comments concerning the protest on June 6, 2020. Has received considerable messages from community members. He shared one conversation from a family who attended the rally. Their young daughter noticed the armed individuals and her reaction was to flee and seek shelter as they are taught through active shooter training that happens in school. This training appears to be in conflict with the message that adults are sending by bringing weapons into the public space. What is our message with these actions? Run and hide or trust that those carrying weapons are there for everyone's protection? The only accomplishment by the so-called security groups was that they risked compromising the response of our police officers and made hundreds of people nervous. People were coming to the protest to demand better of all of us – not to protest the police. The police and everyone in attendance have since claimed that the event was a success. There are many remaining questions about the armed individuals present that we should be looking to answer. He cited a protest in Albuquerque, NM with militia members in attendance that ended in gunfire and hampered the police response. That could have happened here. That said, he acknowledged that nothing that what those groups who attended the event in Elizabethtown on June 6 was illegal and there is very little that Borough Council can do. He urged Borough Council to take steps through official actions and legislation to prevent or discourage the activity of armed militia in the community. He also recommended Borough Council to officially commend and thank the police department, our chief, and the organizers for their efforts in organizing and running the event. Elizabethtown needs to be on the right side of history not just because it looks good but because the future demands it.

9. Jeff McCloud, 708 S. Locust Street, stated that the peaceful protest was a strong statement of the community but the photos of the men on the roof tops was threaten and unsettling and that should not define the community.

#### Approval of Meeting Minutes

After a motion by Shaud, second by McCloud, minutes of the following meetings were unanimously approved:

1. Regular Meeting – May 21, 2020
2. Work Session Meeting – June 4, 2020

#### Reports

1. The Financial Report was unanimously approved after a motion by Shaud and second by McCloud.
2. EPD Chief Cunningham stated that the call volume is back to normal. President Hershey stated that he appreciated the work and professionalism of EPD for the peaceful demonstration on June 6, 2020.
3. There were no questions on the Code Enforcement report.
4. The Fire Company responded to 26 calls during the month of May, of which 16 were in the Borough, with an average response time of 4 minutes 9 seconds.
5. Northwest EMS responded to 583 calls during the month of May, of which 77 calls, roughly 14%, were within the Borough. Year to date Northwest EMS has responded to 2862 calls and 419 within the Borough.
6. There were no questions on the Elizabethtown Area Water Authority Report.
7. There were no questions on the GEARS Report. Borough Manager Denlinger stated the next meeting of the GEARS board will be held at the Community Center. The September meeting will be held at the Borough Office.

#### Old Business

1. Borough Manager Denlinger stated even though the PA General Assembly passed HR 836 which some thought would end the statewide emergency disaster declaration the declaration has not ended. It was clarified that until the issue is settled in the courts, all of the governor's current orders remain in effect.

Denlinger added that the office is open and borough operations are fully functioning. For CARES Act Funding Denlinger noted that the county has put out a survey to gather current and projected expenses which is the first step for the county-based funding. She

added that Borough staff are working to respond to the survey. Denlinger stated that Borough staff had recently done some outreach to the business community, mostly restaurants, within the Central Business District to learn what if any assistance is needed from the borough. Feedback received included, making information available to businesses on resources that might be available as well as current requirements, encouraging use of the tables in the square and continuing the current incentive to visit businesses with the reduced parking enforcement of parking meters. Denlinger added that staff will continue to discuss and determine next steps in efforts to support the businesses in Elizabethtown borough.

2. Denlinger provided an update on the borough's CDBG Application for Funding for East Willow Street Improvement Project. Notification from Lancaster County was received that Elizabethtown Borough's application was approved for \$200,000 project funding. She added that staff would begin to plan for this as a 2021 project.
3. It was motioned by McCloud, seconded by Clark, to approve Resolution 2020-05 to approve the franchise agreement with Comcast. The motion passed unanimously.

Prior to the motion, Denlinger noted the Cohen Law Group responded to borough councils' question that broadband fees are not included as part of the gross revenues per the federal law and they apply solely to cable service.

#### New Business

1. It was motioned by Clark, seconded by McCloud, to approve a 90-day time extension for the AutoZone Preliminary/Final Land Development plan with a new expiration date of September 19, 2020. Motion passed unanimously.

Planning and Zoning Director Pam Roberts stated that the AutoZone Preliminary/Final Land Development plan is a new plan. The previous plan was withdrawn by AutoZone.

2. President Hershey announced that there was an additional agenda item to add for discussion. This agenda item was a draft resolution (2020-06) which would be a resolution of the Borough of Elizabethtown in response to and in solidarity with those demanding racial justice, equity and action. He stated that this was the first time since the protest that council had met and that there has been no prior discussion of the draft resolution. And, he added that this was a sensitive discussion. Residents and community members are requesting an ordinance banning individuals from bearing arms and council has the obligation to uphold constitutional rights.

Councilmember Clark added that he would support the resolution but would like to ensure all councilmembers can review and suggest revisions. Councilmember McCloud spoke to building in addressing issues of diversity and equity into daily business. Councilmember Shaud stated that the specific names should be removed to which Councilmember McCloud responded that the names are important. Councilmember Troutman stated he would like more time to review and that it should be worded carefully not to violate rights.

A member of the public asked if the Borough can condone the carrying of guns or of militia gathering at a public event. President Hershey responded that Borough Council needs to be careful not to violate Second Amendment rights. The member of the public then asked why not an ordinance. President Hershey responded that a resolution meets the broader intent whereas an ordinance is finer in detail.

President Hershey stated that the resolution would be discussed at the next meeting and asked council to review and provide comments to the Borough Manager.

#### Bills Payable

It was motioned by McCloud, seconded by Troutman, to approve the list of monthly bills and budgeted transfers as presented:

General Fund	\$206,451.61
Sewer Fund	\$116,948.37
Capital Reserve Fund	\$9,343.37
Train Station Fund	\$3,371.93
Subdivision Escrow Fund	\$4,336.25
Health Insurance Fund	\$146,077.17

The motion carried unanimously.

#### Adjourn

Following a motion by Shaud, seconded by Clark, the meeting unanimously adjourned at 8:35 p.m.

Respectfully Submitted,

Rebecca S. Denlinger  
Borough Manager