

**ELIZABETHTOWN BOROUGH COUNCIL  
WORK SESSION MEETING  
February 6, 2020  
Minutes**

The Work Session Meeting of Elizabethtown Borough Council was held on Thursday, February 6, 2020 at the Borough Office. Present were Council members Bill Troutman, Tom Shaud, J. Neil Ketchum Jr., J. Marc Hershey, Phil Clark and Jeff McCloud. Also present were Borough Manager Rebecca S. Denlinger, Assistant Borough Manager Ann Roda, Public Works Director Jeff Kinsey, Planning and Zoning Director Pamela Roberts, Chief Cunningham and Mayor Chuck Mummert.

President Hershey called the meeting to order at 7:00 p.m. and stated that council met in Executive Session to discuss a personnel matter.

President Hershey asked for a moment of silence in for Wayne DeVan. Following the moment of silence Hershey stated that Elizabethtown Borough Council and staff are saddened with the news of the passing of Wayne DeVan. Wayne worked as the Director of Public Works for 42 years and recently retired in June 2019. He was an avid Penn State and Pittsburgh Steelers fan, a woodworking craftsman and a family man. He is most fondly remembered for his easy-going demeanor and his many contributions to this community. Wayne oversaw many projects in his years of service with the Borough with projects ranging from daily projects, routinely driving through the Borough observing road conditions, overseeing sewer repairs, the installation of pathways and the design and construction of the Public Works Garage. Wayne was very well-liked and surely many in the Elizabethtown community hold fond memories of their interactions with him. On behalf of council, President Hershey sent condolences to the DeVan family and friends.

Public Comment

1. Brian McElroy, 64 E High Street, commented on his observance of an illegal business that is operating within the borough. He added that R3 zoning does not allow a business to operate within the zone. He noted that each time borough staff have followed up they were told that the location is a hobby shop and they own the vehicles that they repair. He has observed these actions for at least two years, occurring nights and weekends sometime until midnight and wanted to bring the issue to Council's attention. President Hershey responded that Council would review and assess the situation and asked staff to follow-up with the property owner. Chief Cunningham added that with any noise associated with the work late at night a call can be placed to EPD and officers would respond as needed.
2. Richard Sheidy, 350 Lemon Street, asked if an open house would be planned for the new Public Works Garage. President Hershey responded that an open house would be planned as the Borough Manager transitions into her position.

Administration

1. Thomas Nehilla with Barley Snyder was present to introduce a Zoning Ordinance text amendment proposal for the Mixed-Use District. He noted that the presentation is meant to open a discussion with Council about the possibility of amending the Mixed-Use Zoning District and it was not a request for a formal text amendment. A presentation was also made at the January Planning Commission meeting.

The proposed draft amendment was created as a way to optimize development within the Mixed-Use district. 449 West High Street is an underutilized property within the Borough. The property consists of parking spaces for the neighboring apartment complexes, Lofts at Savoy and Whistlestop View Apartments. The potential buyer of 449 West High Street feels that the property would be better utilized as a residential property with a retail use on the first floor. 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. The draft amendment proposes changes to the zoning ordinance specifically for properties over one acre in the Mixed-Use district. Sidney Kime, ELA Group, reviewed the with Council the 10 properties in the Mixed-Use District that are over an acre. Eight of the properties are already fully developed. The two remaining properties that could benefit from the zoning amendment are 449 West High Street and the portion of Masonic Village that is within the Borough limits. 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. Attorney Nehilla noted that when presented to the Planning Commission the Planning Commission recommended that the height limit of 5 floors for a building be reduced to 4 floors to fit with the scale of surrounding buildings. Attorney Nehilla ended the presentation with a discussion of parking spaces in that there would be 1.5 spaces per unit suggested instead of 2 given the proximity to the train station and other transit options.

Following the presentation, Councilmembers asked a series of questions pertaining to parking, condition use request versus an ordinance change, building height and how it comes and zoning. In response, Attorney Nehilla noted that mix use and parking would be incorporated and this request for an ordinance change would reduce the need for additional variances and would narrow it to just those properties that are an acre. The size of the building and size of apartments are still under development and have not been determined yet. Council requested a side by side comparison of the language so that the possible revision is clear in the various sections and the change is specific. Once council had a chance to review the side by side comparison more feedback would be provided.

2. A discussion regarding the GEARS Agreement took place. President Hershey explained that the extended agreement expires December 31, 2020 and at the January 14, 2020 meeting the EASD took action to withdraw from the GEARS Agreement at its expiration on December 31, 2020. It is expected that written notification from EASD will be provided to the participating parties by the February 28, 2020 deadline. Elizabethtown Borough and Mount Joy Township have taken action to extend the

existing February 28, 2020 notification deadline to October 30, 2020. West Donegal Township will be taking action at their February 10, 2020 public meeting. Borough staff were asked to seek legal feedback from the Solicitor on what can and cannot occur with the agreement with the EASD withdrawal. Councilmembers also stated interested in understanding the expectation of EASD and if they would extend the existing February 28, 2020 notification deadline to October 30, 2020. The extension of the deadline will allow participating parties to determine the next steps for the GEARs agreement.

Borough Manager Denlinger asked council if someone should be brought into the discussion that can look at the programming and structural components of GEARs along with the agreement to assist with resolution of issues. This could occur through a grant with DCNR is needed. President Hershey noted that this suggestion may be helpful in addition to establishing a subcommittee of elected officials to work through this item over the next few months. Following the meeting, Borough Manager Denlinger would follow-up with the participating parties on the subcommittee as well as with EASD on extending the February date to October.

3. Council discussed possible options for 101. E. Plum Street. President Hershey stated that an appraisal has been done and there are several options to consider. One option, as explained by Chief Cunningham, would be for secure vehicle and large evidence processing and a training space that could also accommodate the EMA office and EOC. Several councilmembers indicated interest in selling the building to which Public Works Director added that there are a few items remain to be removed from the building and should be completed by spring 2020. It was discussed that if the property were to be sold, used for another borough function or used as greenspace then a Phase 1 Environmental Assessment should be completed.

It was motioned by Shaud, seconded by Troutman, for a Phase 1 Environmental Assessment be completed. Motion passed unanimously.

### Police Department

1. Chief Cunningham presented the monthly report for the month of January and noted nothing significant to highlight. The new officer is completing the necessary training and his previous experience has proven helpful with his training. The Department also held an awards ceremony and Detective Shuey was nominated by his peers to be the Officer of the Year for 2019. Several bravery and lifesaving awards were also given to selected officers.

The Chief also sought feedback and guidance on a grant opportunity offered by DOJ. If selected the grant would allow EPD to hire one additional officer and the grant would pay for 75% of the entry level salary and benefits with a retention requirement of at least 12 months.

Chief Cunningham explained that this would be a new officer to the complement. The hiring would allow for other staff modifications, such as the hiring of a detective, to occur because it would not reduce the officer complement.

It was motioned by Clark, seconded by Troutman, authorizing the Elizabethtown Borough Police Department to apply for the COPS Hiring Grant Program with DOJ. Motion passed unanimously.

Lastly, the Chief briefed council on the funding proposal that was included in Governor Wolf's 2021 Budget Proposal. The funding proposal would have municipalities pay in for state police rather than funding come from the Motor Vehicle fund. This payment would be about \$2.00 per resident or about \$23000 given that Elizabethtown Borough maintains police service. Currently the Borough seeks assistance from state police for some lab work.

Council asked that staff draft a formal letter to Representative Hickernell and Senator Aument the impacts this proposal would have on Elizabethtown Borough.

Prior to meeting adjournment, President Hershey stated that following the meeting council would meet in an Executive Session to discuss the 2020 Vincent O'Conner Award. He also wished Dan Robish all the best in his future endeavor and that he should be proud of the work he has done for the community and keeping the community aware of issues being discussed. Councilmembers McCloud, Ketchum and Clark echoed similar sentiments and all wished Dan well.

After a motion by Ketchum, seconded by Clark, the meeting was adjourned at 8:46 p.m.

Respectfully Submitted,

Rebecca S. Denlinger  
Borough Manager