

**REGULAR MEETING MINUTES
CAMP HILL
BOROUGH COUNCIL
December 11, 2019**

**Call to Order
Pledge of Allegiance
Moment of Silent Reflection
Roll Call**

Richard Guerin
Peter Robelen
Carl Schultz
Leigh Twiford
Deb Donahue
Zach Williard
Erin Vroman

Mr. Robelen called the meeting to order at 7:04 pm. After the Pledge of Allegiance and a Moment of Silent Reflection, Borough Manager Dennis led roll call. All council members were present.

MINUTES

Mr. Robelen called for a motion to approve the regular November 11, 2019, meeting minutes. Mr. Williard made a motion to approve the minutes. Mr. Guerin seconded; the motion passed with all in favor.

MAYOR'S REPORT

Mayor Simpson had no report this month.

PUBLIC COMMENT

Steve Knaub, 120 S 31st Street: Mr. Knaub urged council to adhere to the recommendations of the Planning Commission and vote against the Chick-fil-A plan.

Patrice Pickering, 2807 Harvard Avenue: Ms. Pickering stated that she is proud of Camp Hill citizens and thanked those who fought for safe streets. She also urged council to listen to the citizens whom they represent and vote no on the Chick-fil-A plans.

Jennifer Manlove, 2920 Dickinson Avenue: Ms. Manlove urged council follow the recommendations of the Planning Commission and vote against the Chick-fil-A plan. She also spoke of the additional vehicles a fast food restaurant would bring to the area daily and of the many generations of her family who have lived in the borough.

Melissa Schoettle, 1915 Walnut Street: Ms. Schoettle cited the many extensions the Chick-fil-A developer had already been given and the developer's lack of amendments based on recommendations and comments from Camp Hill. She asked council to respect the recommendations of the Planning Commission and vote against the Chick-fil-A development.

Burke McLemore, 323 N. 27th Street: Mr. McLemore thanked Peter Mr. Robelen for his service as a council member and president.

Roy Hanson, 122 S. 31st Street: Mr. Hanson noted that meeting agenda should have been changed to include the presentation from the Chick-fil-A developer/attorney. He also urged council to clarify and post the rights on use and ownership of alleyways in the borough.

Katie Mace, 156 S 31st Street: Ms. Mace asked council to do their job to represent the residents and the residents' interests in regards to voting on the Chick-fil-A development.

Chris Courogan, 3025 Mayfred Lane: Mr. Courogan stated that a \$3,000 donation to the Lion Foundation or façade grants cannot be made with taxpayer money. He also stated he has invoices for past donations that he can share with council and expects reimbursement from council members who voted in favor of those donations. Mr. Courogan also thanked the council members who are ending their terms and asked the remaining and new members to follow the law.

PUBLIC SAFETY

Ms. Donahue asked the Mayor to provide the monthly police department report. The Mayor reported 891 police calls in November 2019. Mayor Simpson noted the upcoming Coffee with a Cop on Friday, December 13 at Cornerstone Coffeehouse.

The Mayor also provided the monthly fire report: 27 fire calls (55 man hours) and 123 EMS calls in November 2019.

Ms. Donahue made a motion to promote John Kidman to Lieutenant of the Camp Hill Police Department, contingent on the approval of the 2020 budget by council vote and to take effect January 2, 2020; Ms. Vroman seconded. The motion passed with all in favor.

Ms. Donahue made a motion to promote patrol officers Scott Cornelious and Todd Harrer each to the rank of Sergeant for the Camp Hill Police Department, contingent on the approval of the 2020 budget by council vote and to take effect January 2, 2020; Ms. Twiford seconded. Ms. Twiford asked Chief Margeson if he was satisfied with the qualifications and readiness of the officers to be promoted, in addition to each passing the exam. Chief Margeson stated he was. The motion passed with all in favor.

BOROUGH MANAGER'S REPORT

Borough Manager Dennis provided his report and included union negotiations with public works had been conducted and hopes to have the contract to review at the January council meeting.

PLANNING & ZONING

Mr. Robelen made a change to the order of the agenda for Planning & Zoning to follow the Manager's Report. The discussion on possible action on the land development plan for Consolidated Properties located at 32nd and Chestnut Street began with Ms. Vroman abstaining from the discussion and vote on this particular plan based on advice from her solicitor that a previous comment may potentially be viewed as biased. Ms. Vroman explained that she is not biased against this plan and intended the comment to be neutral but that she would abstain to avoid any appearance of impropriety.

Counsel for Consolidated Properties, Charles M. Courtney, discussed the entire timeline of this development plan, from December 2018 to the present. Mr. Courtney addressed some of the comments made by the Camp Hill zoning officer in August 2019 regarding revisions to the development plan. Mr. Courtney explained why the developer chose not to submit a revised development plan. Mr. Courtney explained that Chick-fil-A will not agree to submit a plan that is compliant with Borough ordinances and that the Borough needs to work with the developer.

Mr. Bonn asked Mr. Courtney why these comments were not made sooner at the Planning Commission meeting on November 19, 2019 and asked why Mr. Courtney nor anyone from the developer's agency attended that meeting. Mr. Bonn stressed that council was legally obligated to vote at this December

council meeting on this plan, regardless of the reasons the developer decided not to submit a revised development plan. Mr. Bonn asked Mr. Courtney what he hoped as an outcome for the vote. Mr. Courtney replied that the developer would be open to an extension if council members agreed to not be biased against the plan.

Mr. Robelen opened this portion of the meeting to public comment related specifically to the land development plan for Consolidated Properties.

PUBLIC COMMENT RELATED TO CONSOLIDATED PROPERTIES

Bill Cluck, attorney for Safe Streets Camp Hill: Mr. Cluck urged Council to deny the development plan, stating that the developer has not replied to a substantial number of comments from the various safety and traffic studies.

Brett Miller, 848 Wynnewood Road: Ms. Miller reminded council that the developer initially asked for land to be donated at the early stages of this process and wondered why if these plans have been in the works for 14 years that the developer avoided attending Planning Commission meetings at the end of the process and urged council to deny the plan.

Beth Kozicki, 116 S. 31st Street: Ms. Kozicki noted that existing maps show that alleyways are not owned by the developer.

Chris Courogan, 3025 Mayfred Lane: Mr. Courogan wondered why the developer chose not to attend Planning Commission meetings and called their actions "extortion." He urged council to deny the plan.

Brian Stever, 2920 Dickinson Avenue: Mr. Stever spoke of Limerick, PA as small town in the past but has since grown considerably. Mr. Stever worries Camp Hill will also lose its small town feel with Harrisburg sprawl. He urged council to deny this development plan and any other fast food facility in that location.

Steve Eberly, 24 S. 29th Street: Mr. Eberly mentioned average national drive-through times for fast food chains as quoted in QSR Magazine. The Chick-fil-A average time is 5 minutes, and Mr. Eberly noted that it was bad faith on the part of the developers to claim to be faster than that in their studies.

Roy Hanson, 122 S. 31st Street: Mr. Hanson said it was bad faith for the developer to ask for time to make a presentation on the morning of the council meeting and they were only dragging out the process by asking for extensions.

David Carmichael, 2424 Lincoln Street: Mr. Carmichael said he trusts council to understand how the community feels and they will vote accordingly. He mentioned a 4th option for the developer, which was to withdraw their development plan entirely.

Melissa Schoettle, 1915 Walnut Street: Ms. Schoettle expressed frustration at the process and the way Camp Hill was being portrayed by the developers. She offered a 5th option for the developer, which was to build something that fits within the community.

Becky Kane, 3033 Chestnut Street: Ms. Kane expressed her agreement with other public comments made earlier.

Jim Keiser, 115 S. 31st Street: Mr. Keiser reminded council that the developer already owns the land and probably won't just walk away from it, but their plan is flawed and urged council to deny it.

Jennifer Hoover, 127 S. 31st Street: Ms. Hoover expressed frustration that active community engagement was being described as political pressure by the developer and she urged council to vote against the development plan.

CONTINUED COUNCIL DISCUSSION REGARDING CONSOLIDATED PROPERTIES

Mr. Bonn spoke of two waiver requests from the developer. The first is a request for a waiver of requirements of Camp Hill SALDO Section 403 regarding preliminary plan. Mr. Bonn stated that the Planning Commission recommended denying the request. Mr. Bonn explained that Section 901 of the SALDO allows for modifications of the standards of the SALDO where literal enforcement will exact undue hardship due to peculiar conditions on the land in question. The developer's written request for waiver asserted that this waiver was appropriate because "existing supporting infrastructure [is] already in place. No new streets or significant utility improvements are needed." This statement is not consistent with the proposed plan. The TPD report submitted with the original plan included a recommendation to "widen and improve the alley to a three-lane road which will operate as the site driveway." Therefore, Mr. Bonn recommended that Council deny the waiver of requirements of Camp Hill SALDO Section 403 regarding preliminary plan. Mr. Guerin made a motion to deny the waiver request; Ms. Twiford seconded. The motion passed with all in favor.

The second request was for a waiver of requirements of Camp Hill Stormwater Management Ordinance Section 174-18 regarding groundwater recharge requirements. The Planning Commission recommended council grant this waiver. Engineer Eric Mains provided further explanation and recommended that council grant the waiver. Mr. Guerin made a motion to approve this waiver request; Mr. Schultz seconded. The motion passed with all in favor.

Mr. Bonn explained that Borough Council must decide to approve, conditionally approve, or deny the plan. If the plan complies with all objective provisions of the Borough's Subdivision and Land Development Ordinance (SALDO), as well as all other applicable regulations, the plan must be approved. However, if the plan does not comply, Council has discretion to deny the plan. Council may also approve the plan with conditions. For example, if permits are required from other government agencies, Council should not deny the plan but should require the developer to obtain the appropriate permits as a condition of approval.

The Borough's professionals have reviewed and offered comments on the plan. The comment letters were provided to the developer and posted on the Borough's website.

The Planning Commission reviewed the Plan in August. At that meeting, the developer offered to extend Council's deadline to act on the plan, to give the developer time to meet with Borough representatives, respond to professional review comments, and submit a revised plan. Borough representatives met with the developer the following week. Legal counsel for the Borough and the developer negotiated a new schedule for submission and review of a revised plan, which was approved by Borough Council in September. However, on October 22, the developer's attorney notified the Solicitor that a revised plan will not be submitted.

The Planning Commission met on November 19. The floor was opened, but no one from the developer appeared or made a presentation to the Planning Commission. The Planning Commission recommended that Council deny the Plan. The Planning Commission cited the outstanding comments in: (i) the review letter of the Borough engineer dated August 19, 2019, (ii) the review letter of the transportation impact study dated August 19, 2019, (iii) the zoning officer memorandum, amended August 29, 2019, (iv) the review letter of the Post Construction Stormwater Management Plan, dated August 28, 2019, and (v) the Cumberland County Subdivision and Land Development Review Report dated December 20, 2018.

The Planning Commission's recommendations are advisory and non-binding on Council.

Further discussion among council included a question from Mr. Schultz regarding comments made by engineers and whether the development plan in its current states complies with SALDO. Engineer Eric Mains and Mr. Bonn answered no based on the outstanding comment letters. Ms. Twiford asked the Engineer Eric Mains if the developer's traffic study complied with the Borough's SALDO and Zoning Ordinance. Mr. Mains replied no because there are still outstanding traffic issues identified in the Engineer's review letter of the TIS.

Mr. Guerin made a motion deny the Preliminary/Final Subdivision & Land Development Plan for the proposed Chick-fil-A at 3115-3133 Chestnut Street, for the reasons set forth in: (i) the review letter of the Borough engineer dated August 19, 2019, (ii) the review letter of the transportation impact study dated August, 19, 2019, (iii) the zoning officer memorandum, amended August 29, 2019, (iv) the review letter of the Post Construction Stormwater Management Plan, dated August 28, 2019, and (v) the Cumberland County Subdivision and Land Development Review Report dated December 20, 2018. Ms. Twiford seconded. Mr. Schultz requested clarification that the motion reflected that council denied the waiver for preliminary plan and Mr. Bonn confirmed that it did. The motion passed with all in favor.

Mr. Robelen announced a brief recess at 8:47 pm. Mr. Robelen called the meeting back to order at 8:53 pm.

Mr. Guerin provided the monthly report. He asked Chris Miller to speak on the new zoning software being implemented. Mr. Miller explained how it is working well for the department and hopes to have the first monthly plans generated from this software to share at the January council meeting.

Mr. Guerin led a discussion on advertising the final draft of the Sign Ordinance. Ms. Twiford asked what type or amount of changes would require another advertising. Mr. Bonn replied it would have to be a change of substance, something that is difficult to define until it changes are made. Mr. Schultz urged the committee to keep the wants and needs of the business community in mind when making decisions on changes to the Sign Ordinance. Mr. Guerin made a motion to advertise the ordinance; Ms. Donahue seconded. The motion passed with all in favor.

SPECIAL AWARD PRESENTATION

Mr. Robelen made an addition to the agenda. Mayor Simpson presented the annual Volunteer of the Year award to Lynette Pertschi.

FINANCE

Mr. Williard discussed the status of the bond refinancing.

Mr. Williard made a motion to approve the 2020 budget; Mr. Schultz seconded. The motion passed with all in favor.

Mr. Williard made a motion to approve the payment of checks for November 2019 in the amount of \$2,381,820.12. Mr. Guerin seconded. The motion passed with all in favor.

Mr. Williard made a motion to approve the Tax Resolution; Mr. Guerin seconded. The motion passed with all in favor.

Mr. Williard made a motion to approve the Sewer Rate Ordinance; Mr. Schultz seconded. The motion passed with all in favor.

Mr. Williard made a motion to approve a resolution to remove pension contributions for FY 2020; Mr. Schultz seconded. The motion passed with all in favor.

Mr. Williard made a motion to approve the Stormwater Authority Ordinance; Mr. Guerin seconded. The motion passed with all in favor.

Mr. Williard made a motion to approve the Stormwater Authority Articles of Incorporation; Mr. Guerin seconded. The motion passed with all in favor.

PUBLIC WORKS

The Borough Engineer Mike Hess provided the monthly report. Mr. Hess discussed status of ongoing Public Works projects.

Ms. Vroman made a motion to approve Pay Application #9 (final) for the Pump Station Improvements contract in the amount of \$117,690.77; Mr. Guerin seconded. The motion passed with all in favor.

Ms. Vroman made a motion to approve Change Order #2 for the 24th Street Air Release Valve Replacement project in the amount of \$455.31; Mr. Schultz seconded. The motion passed with all in favor.

Ms. Vroman made a motion to approve Pay Application #1 (final) for the 24th Street Air Release Valve project in the amount of \$88,988.00; Mr. Schultz seconded. The motion passed with all in favor.

Mr. Hess discussed sanitary sewer flow analyses were recently completed and engineers are reviewing the results.

Ms. Vroman made a motion to approve Pay Application #1 for the 2019 Sewer Rehabilitation project in the amount of \$80,421.75; Mr. Guerin seconded. The motion passed with all in favor.

Mr. Hess noted that the grant was submitted earlier in the day for the funds to remove the pump station inside Siebert Park.

Ms. Vroman made a motion to approve Pay Application #3 for the Compost Facility Improvements project in the amount of \$284,634.18; Mr. Guerin seconded. The motion passed with all in favor.

Ms. Vroman made a motion to approve Pay Application #2 for the 2019 Stormwater Improvements project in the amount of \$154,546.46; Ms. Twiford seconded. The motion passed with all in favor.

Ms. Vroman made a motion to approve Pay Application #3 for the Beverly and Schaeffer Park Enhancements project in the amount of \$257,087.86; Ms. Twiford seconded. The motion passed with all in favor.

Mr. Hess noted that the Goddard Trail project in Siebert Park is substantially complete and the contractor still needs to submit a final request for payment and expects that to come in January.

COMMUNITY & BUSINESS RELATIONS

Mr. Schultz stated that the committee is still planning on reviewing the borough's strategic plan and reminded residents that the survey to provide initial input is still open until December 18. The link is on the borough's website and Facebook. He noted the review and any revisions will reflect the will of the community.

Mary Beth Brath provided the monthly Downtown Camp Hill Association report and explained it was somewhat of a year in review, with the expectation that there will be more opportunities for comparing data from year to year, as this is the Association's first year. Ms. Brath also spoke about opportunities to work with Cumberland County Visitors Bureau.

PARKS & RECREATION

Ms. Twiford provided the monthly report.

Ms. Twiford made a motion to appoint Patti Gilroy, Doug Snyder, and Bill Forrey to the Recreation Commission for the term January 2020–January 2022; Ms. Vroman seconded. The motion passed with all in favor.

Ms. Twiford made a motion to accept a donation of \$2,500 from the Don Edwards Jr. Memorial Fund for the use of shade trees; Mr. Williard seconded. The motion passed with all in favor.

Ms. Twiford made a motion to approve Lynette Pertschi's request on behalf of the Earl Besch Project to hold a 5K in October 2020; Ms. Vroman seconded. The motion passed with all in favor.

Ms. Twiford made a motion to approve a request by Robin Jones on behalf of the Lion Foundation for a donation of a pool pass to be used for the Lion Foundation's Winter Celebration; Ms. Vroman seconded. The motion passed with all in favor.

Ms. Twiford led a discussion on a grant request to be submitted to the Fish and Boat Game Commission to fund the construction of recreational boat access facilities within Camp Hill, a project that will be in partnership with the Lion Foundation. The Recreation Commission has yet to meet and discuss this grant; however the application is due at the end of December and is moving forward with help from Borough Manager Pat Dennis.

PERSONNEL, POLICIES, PROCEDURES

No report.

BOROUGH/SCHOOL DISTRICT

Mr. Guerin reported there have been no additional meetings and no future meetings scheduled at this time.

COMMENTS FROM COUNCIL

Mr. Williard wished all Merry Christmas.

Ms. Donahue noted this was her official last meeting, thanked council and wished all good luck.

Mr. Guerin thanked Ms. Donahue and Mr. Robelen for all their service and work on the council.

Ms. Twiford thanked Mr. Robelen for his service, leadership, and integrity.

Ms. Vroman thanked Mr. Robelen. She also thanked the community members for attending the meeting and getting involved, and congratulated Lynette Pertschi on her award.

Mr. Robelen thanked everyone on council and borough staff.

PUBLIC COMMENT

Jennifer Hoover, 127 S. 31st Street: Ms. Hoover thanked council for their action this evening and thanked Mr. Robelen for his service on council. She also mentioned the Lion Foundation Winter Celebration is to be held in February.

ADJOURNMENT

Ms. Vroman made a motion to adjourn at 9:47 p.m.