

Minutes
Regular Meeting
Hummelstown Borough Council
Thursday August 18, 2022
6:00 PM

The Thursday, August 18, 2022, regular meeting of the Hummelstown Borough Council was called to order by President Brian Foster at 6:00 PM. Members in attendance included Dee VanGavree, Randy Lutz, Chris Black, Chad Lister and Robert Weber. Also in attendance were Theresa Eberly, Borough Manager, Chief of Police Hess, Mayor Dave Roeting, Erika Brown and Mike Miller Solicitor.

5. Announcements

None

6. Approval of the Agenda

Motion moved by Bob Weber and Second by Dee VanGavree. The motion was carried.

7. Public Hearings

- @ 6:00 PM

A. Terrence Vaughan presented on the Conditional Use Application 2022-CU-2

- Mr. Vaughan presented and provided documentation as to his compliance with current code requirements in order to request full approval and be considered to be in legal standing with the 2022-CU-2 for Short-Term Rental for his property at 449 Walton.
- Mike Miller asked if there would be a minimum nights stay.
- Mr. Vaughan responded that he would have a two-night minimum using Airbnb and that there would be screenings in place.
- No further comments by council.

- i. **Turn meeting over to Solicitor for the Public Hearing** – none
- ii. **Announce the closure of the Public Hearing**
- iii. **Motion to Approve Conditional Use 2022-CU-2** – moved by Bob Weber, seconded by Chad Lister. Motion passed.

@ 6:22 PM

B. Conditional Use Application – 2022-CU-3 from Talisman 7 Ventures, LLC for Demolition Permit for 33 N. Hanover Street.

- Solicitor Mike Miller set the standards for discussion related to the Conditional Use Application – 2022-CU-3 from Talisman 7 Ventures, LLC related to tax parcel, 31-019-009-000-0000.
- Dee VanGavree and Chris Black recused themselves.
- Chad Lister gave a brief presentation on historical buildings and property within the Borough of Hummelstown, including the history of the subject property (33 N. Hanover) and the house proposed for demolition, which included before and after historical images, demonstrating that the houses within the immediate vicinity and of the same period were previously demolished for private parking. Part of the presentation included a letter from a knowledgeable historical association affirming the findings.
- An authorized representative for Talisman 7 Ventures, LLC then gave a presentation plan, outlining their full intent to redevelop and utilize the subject property.

- i. **Turn meeting over to Solicitor for the Public Hearing** – *An estimated 70+ individuals came to support Maritza Patterson’s hair salon located at 33 N. Hanover Street. 30 of those individuals voiced their opposition to any approval for demolition and to ask questions.*

- *In responding to questions and comments put forth by public supporters for Maritza Patterson, the representative for Tailsman 7 Ventures, LLC indicated that they have put good faith effort into negotiating fairly with the Pattersons; citing a July 2020 rent rebate that was offered for the Pattersons to relocate their business, which was then rejected. Eventually notice was given to relocate.*
- *Council President Brian Foster asked a question related to any current court appeal proceedings related to civil litigation within the Supreme Court by and between the parties, and it was affirmed that Mr. Miller determined the matter of his question to be concluded – interpreted as a settled legal situation.*
- *President Foster then asked the owner’s representative if it is the owner’s pursuit with this hearing, to implore council to make a decision on approval based purely on facts as they relate to the codes, and the law, of which the owner represented to council as being in his favor based purely on facts to the cause.*
- *President Foster, after asking if there are any further questions or comments then closed the record in order to recess for a few minutes to meet with council so that they could discuss the legal factors.*
- *@7:39 meeting recessed*
- *@7:55 council reconvened*
- *Council President Brian Foster asked the owner’s representative (Mr. Powell) to submit any opinions rendered by the Dauphin County Court of Common Pleas by the Superior Court, and any acts of ejectment.*
- *Mrs. Patterson was then asked to submit any litigations that is ongoing between her and the Koons’*
- *Both parties were asked to submit any and all requested documents no later than Friday the 19th.*
- *Council President Foster then described the reasoning for postponing a decision for 45 days in order to investigate all legal matters, and disclosed that any pending litigation between the Patterson’s and the former owner, should not preclude the current owner from relief.*
- *Council President assured the public that any and all storm water management related to the redevelopment of the subject property would still require a land development plan, which would include detailed plans for managing storm water run-off in accordance with all current environmental laws and regulations.*

- ii. **Announce the closure of the Public Hearing**

- iii. **Motions:** Decision on Conditional Use 2022-CU-3 postponed until the Borough Workshop meeting scheduled for 9/8/2022.

@ 8:03 PM

C. Ordinance 2022-3 Revisions to Short Term Rentals

- Theresa Eberly presented and mentioned that all the underlined sections have been added and modified.

- i. **Turn meeting over to Solicitor for the Public Hearing** - none

- ii. **Announce the closure of the Public Hearing**

- iii. **Motion to adopt Ordinance 2022-3** – moved by Bob Weber, seconded by Dee VanGavree. Motion approved

8. Approval of the Minutes of the Following Meetings

A. Regular Meeting of July 21, 2022

Motion moved by Chad Lister and second by Dee VanGavree. The motion was carried.

B. Workshop Meeting of August 11, 2022

Motion moved by Chad Lister and second by Dee VanGavree. The motion was carried.

9. Citizen Hearings

None

10. Staff Reports:

A. Manager's Report, Theresa Eberly reported that:

-5 STMP applications were received and reviews and 3 were selected for interview.

B. Zoning/Code Enforcement Officer's Report

- None

C. Police Report

- Report as submitted

D. Fire Company Report

- Report as submitted

E. Mayor's Report, Mayor Roeting:

- Gave a recap on FFO Festival, announced that Voices in the Garden will be from 4-7pm on the 19th of August, along with the Grand opening of Crown Auto Motor on August 26th.

F. Financial Report

- A motion to accept the financial report was made by Bob Weber and seconded by Dee VanGavree. The motion was carried

G. Tax Collector's Report

- A motion to accept the tax collector's report was made by Bob Weber and seconded by Dee VanGavree. The motion was carried

H. Tax Exemption & Exoneration Report

- None

I. Parks & Recreation Board

- Was accepted as submitted.

J. Emergency Management Oversight Committee

- Report as submitted

K. Shade Tree Commission

- None

L. COG Report

- No August Meeting

M. Communication Committee

- Report as submitted

11. Ordinance 2022-04 Revised Stormwater Ordinance

A. Motion: To Approve Advertising for Public Hearing on September 15, 2022 was moved by Chris Black and seconded by Weber, motion carried

13. Veolia Water Agreement

- A. Discussion on the draft agreement between Veolia Water and Borough of Hummelstown concerning the paving of East High Street was discussed. Theresa Eberly provided the clarifications on the concerns brought up in 8/11/22 workshop meeting
- B. Motion: **To Approve** agreement between Veolia Water and Borough of Hummelstown subject to corrections by Solicitor and Borough Manager was moved by Chris Black and seconded by Chad Lister; motion passed.

14. Improvement Guarantee Reduction: Agadis- 403 East Main Street

- A. Motion: To Approve the full reduction of the Improvement Guarantee currently held for 403 E Main Street from \$55,994.40 to \$0 moved by Bob Weber, seconded by Chad Lister and Approved

15. Approval of Bills Payable List dated August 18, 2022 moved by Chris Black, seconded by Chad Lister and passed

16. Other Business - None

17. Executive Session – Personnel and Legal Issues 8:33pm

18. Adjourn

Respectively submitted

Erika Brown, Finance Director