

**BOROUGH OF GETTYSBURG  
TROXELL COUNCIL CHAMBERS  
59 EAST HIGH STREET, GETTYSBURG, PA 17325  
COUNCIL BUSINESS MEETING MINUTES  
JULY 11, 2022**

**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, Mr. John Lawver, and Mr. Chad Carr. Ms. Patricia Lawson attended via telecommunications. **Staff present included:** Mayor Rita Frealing; Assistant Borough Manager/Secretary Sara Stull; Borough Solicitor Harold Eastman, Barley Snyder; Police Chief Robert Glenney; Director of Historic & Environmental Preservation Debra English; Planning Director Carly Marshall; Planning Management Assistant Karen Mesher; Code Compliance Officer Peter Griffieon; Parking Manager Rebecca Fissel; and Public Works Director Robert Harbaugh. Borough Manager Charles Gable and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc. were absent.

**Others present included:** Jill Sellers, President of Main Street Gettysburg; Scott English, 66-68 West High Street; Susan Cipperly, 314 North Stratton Street; Rosemary Meagher, 44 West High Street; Amanda Day, 142 West High Street; and Jean Green, 4 Straban Court. Representing the press was Jim Hale with the *Gettysburg Times*; and filming by *Community Media-ACCTV*.

**President Wesley Heyser** had no announcements to make.

**Moved Mr. Moon seconded Mr. Berger to approve the July 11, 2022 agenda as presented. Motion carried unanimously.**

**Moved Mr. Moon seconded Mr. Carr to approve minutes of the Council Business Meeting of June 13, 2022; and Council Work Session on June 27, 2022 as presented. Motion carried unanimously.**

**Public Comment (Restricted to Items on the Agenda)**

**Rosemary Meagher, 44 West High Street** expressed her concerns regarding the proposed zoning changes to her neighboring property at 66-68 West High Street. She said that the privilege and security of these small town homes and the densely populated area of this residential district are important. An event venue would bring a lot of foot traffic and strangers to the area. She said that people say it would be good for this neighborhood, but no one answers how it would be good. Ms. Day said that the number of guests would be difficult to manage noting that people often show up that have not responded. Another concern is the portable toilets and how they would be managed.

**Susan Cipperly, 314 North Stratton Street**, asked that Council describe the process moving forward after they approve the drafting of an ordinance regarding the property at 66-68 West High Street. She noted that a petition was submitted at the June Work Session Meeting of people in the Elm Street District that are opposed to the event venue as a use. At that time, it was noted that Council asked citizens to call or email Councilors to address their concerns; and she said that this is not always possible and some people aren't comfortable doing this. Ms. Cipperly said that the purpose of the Elm Street Overlay has been discussed over the past few months and the uses were meant to revitalize the streetscape, façade repairs and encourage homeownership. The overlay reflects the state statute by including uses that could serve the neighborhood. They added uses such as museums with local input and said that large venues do not match the purpose of the Elm Street Program.

**Scott English, 1210 Pumping Station Road, owner of 66-68 West High Street** said that he is frustrated with the last minute event limitation change to the zoning text amendment from two large tent events per month to two events per month. A mixed use is permitted by right that supersedes the underlying zoning. He said that the focus should be on the future of Historic Gettysburg and the Historic Overlay District that regulates and determines the sustainability of the rich history of the Borough. Mr. English read a letter from the Pennsylvania State Historic Preservation Office regarding the Historical context of zoning (see attached).

## **Current and Old Business**

### **Department of Planning /Zoning/Code**

**Moved Mr. Moon seconded Mr. Carr to authorize the setting of a public hearing and special meeting of the Borough Council to be held on Monday, August 22, 2022, at 6:30 p.m. and to authorize the provision of public notice of the hearing consistent with section 609 of the Pennsylvania Municipalities Planning Code relative to proposed amendments to the text of the Gettysburg Borough Zoning Ordinance in order to clarify language for the regulation of short-term lodging uses within the Borough of Gettysburg. Motion carried unanimously.**

**Moved Mr. Berger, seconded Mr. Carr to authorize Borough staff and solicitor to proceed with the revision and finalization of the draft, proposed ordinance for the purpose of amending the Gettysburg Borough Zoning Map to revise the Tourist Commercial District, removing 49 parcels to be zoned R-1 Low Density Residential, removing 8 parcels to be zoned GC - General Commercial, and removing 3 parcels to be zoned R-2 - Moderate Density Residential. Motion carried unanimously.**

Moved Mr. Carr, seconded Ms. Lawson to authorize Borough staff and solicitor to proceed with the revision and finalization of the draft, proposed ordinance for the purpose of amending the text of the Gettysburg Borough Zoning Ordinance in connection with the regulation of events venue uses within the Borough. YEA: Mr. Heyser, Mr. Carr, Mr. Lawver, Mrs. Butterfield, Mr. Berger and Ms. Lawson. NAY: Mr. Moon. The vote passed 6 YEA/ 1 NAY.

Moved Mr. Carr, seconded Mr. Moon to authorize the setting and the provision of public notice of hearings of the Borough Council to be held on Monday, August 8, 2022 at 6:45 p.m. and Monday, August 22, 2022 at 7:00 p.m., for the purpose of receiving public comments and suggestions from residents of the Borough on community needs for the purpose of identifying projects for the Borough's use of 2022 Community Development Block Grant (CDBG) funds. Motion carried unanimously.

#### **Department of Historic & Environmental Preservation**

Director of Historic & Environmental Preservation English gave a brief update on the storm water billing process. All bills were mailed on July 1<sup>st</sup> with a discount period ending on August 15<sup>th</sup>, and final bills are due by September 30<sup>th</sup> before the delinquent status begins on October 1<sup>st</sup>. She reported that payments of approximately \$170,000 have been received.

Moved Mr. Moon seconded Mr. Berger to accept the recommendation of the Borough of Gettysburg Historic Architectural Review Board (HARB) following its review on June 15, 2022 and grant a Certificate of Appropriateness for the following application as presented: COA 22-0057 CRITICAL PROJECT: 51 E. Stevens Street – Orchard County Realty LLC to approve the replacement of the front steps leading to the structure, construct a retaining wall extending along the alleyway to the front of the property, and to repair the front porch using wood materials as presented in the application that is consistent with both the *Secretary of the Interior Guidelines* and the *Gettysburg Design Guide* as presented to the Board in the application dated May 2, 2022. Motion carried unanimously.

Moved Mr. Moon, seconded Mrs. Butterfield to appoint R. Clem Malot to the Gettysburg Historical Architectural Review Board for a five-year term, expiring in August 2027, to serve in the capacity of Code Enforcement Officer as required by Section 11-105.A. of the Historic District Ordinance. Motion carried unanimously.

Moved Mr. Moon, seconded Mrs. Butterfield to appoint Suzanne Christianson to the Gettysburg Historical Architectural Review Board for a five-year term which will expire in August 2027. Motion carried unanimously.

## **Parking Department**

**Parking Manager Fissel** reported that June was a busy month and noted that the parking garage was filled to capacity for a few hours.

**Councilman Moon** asked for clarification regarding all of the parking payment applications that are available. Manager Fissel responded that the Borough has used Passport for seven years and it was fantastic at first, but since then the customer service has not been satisfactory. The Borough has used Pay-By-Phone for two years and noted that they are more user friendly. She noted that we are currently planning to phase out the Passport Application.

## **Public Works Department**

**Public Works Director Harbaugh** gave the following updates: Columbia Gas, the lighting and storm water contractors have all completed their work on the South Street Project, but the curb and sidewalk contractor has a few punch list items yet to complete; Gettysburg Municipal Authority (GMA) and Columbia Gas project have been completed and streets have been paved and pavement markings were installed. Two manholes that need to be corrected will be completed as soon as GMA receives the manhole risers; and the milling and paving agility project with Mount Pleasant Township will begin the week of July 13<sup>th</sup>, and when complete they will begin prepping Wolf Alley and Sheely Alley to be paved.

## **Police Department**

**Chief Glenn**y gave the following report: The July 4<sup>th</sup> events and fireworks at the Gettysburg Area Recreation Park went well with the only issues that occurred when people were trying to get out of town after the event was over; and Gettysburg Bike Week held July 7<sup>th</sup> to July 10<sup>th</sup> was relatively incident free.

**Councilman Lawver** said that neighbors complained of the speeding traffic coming in to town on Route 116/ West Middle Street. Chief Glenn said that this has been a problematic area and he will have the police department address it.

**Councilman Carr** asked if the 395 calls for service noted on the chiefs monthly report included non-emergency calls. Chief Glenn responded yes. He pointed out that the quickest way to contact a police officer would be to contact Adams County Control at 717-334-8101.

Chief Glenn announced that Gettysburg National Night Out is scheduled for Tuesday, August 2<sup>nd</sup> from 5:00 PM to 8:00 PM taking place on East High Street. He said that they plan to have a dunking tank sponsored by Mason Dixon Distillery will have a

police officer in it for dunking. He noted that some members of the USS Gettysburg plan to be in attendance for the event.

**Office of the Manager/Treasurer/Secretary**

**Moved Mr. Moon seconded Mr. Lawver to accept all bills and payrolls as presented. Motion carried unanimously.**

**Moved Mr. Moon seconded Mr. Carr to make a budget modification to transfer the amount of \$68,425.00 from the designated appropriation account #01-492-018 for Capital Projects to the designated appropriation account #01-410-176 for Police Department overtime. Motion carried unanimously.**

**Moved Mr. Carr seconded Mrs. Butterfield to authorize a COLA increase for retired police pensioner Walter Gliem, to be paid from the Police Pension Plan effective June 1, 2022. Motion carried unanimously.**

**Moved Mr. Moon seconded Mr. Lawver to authorize a COLA increase for retired police pensioner William Laughman, to be paid from the Police Pension Plan effective June 1, 2022. Motion carried unanimously.**

**Moved Mr. Berger seconded Mr. Moon to designate the rank and create the position of Master Sergeant for the Gettysburg Borough Police Department and to request the Civil Service Commission to amend its Rules and Regulations accordingly to provide for the general qualifications and examination requirements for the position of Master Sergeant for subsequent approval by the Borough Council. Motion carried unanimously.**

**Moved Mr. Carr seconded Mr. Lawver to approve the 2022 Municipal Box Alarm Card information as submitted by the Gettysburg Fire Department Fire Chief for the Adams County Department of Emergency Services. Motion carried unanimously.**

**Moved Mr. Moon seconded Mr. Carr to authorize the Borough staff and solicitor to prepare an ordinance amending Chapter 20 of the Borough's Code of Ordinances, regulating municipal waste collection and disposal, for the purpose of prohibiting the unauthorized use of public municipal waste containers and receptacles of the Borough, and the municipal waste containers or receptacles of residential, commercial or institutional customers or establishments within the Borough, for the unauthorized disposal and deposit of any municipal, residential, commercial or institutional waste of and by another person, to also include unauthorized and illegal disposal and deposit of hazardous and infectious waste in such containers or receptacles. Motion carried unanimously.**

**Councilman Heyser** said that he and Solicitor Eastman will be drafting a letter to send to Waste Management addressing the ongoing issues that the Borough has had with the garbage service. He noted that they will be given seven days to respond with how to remedy the problems.

**Councilman Berger** noted that the garbage wasn't picked up in his area of town again. He contacted Waste Management and was told that they would pick the garbage up in the morning.

**Councilman Carr** said that he has noticed a problem with roaches along Chambersburg Street and Lincoln Square area when he is out walking at night.

**Chief Glenny** reported that a bear was spotted in the borough a few weeks ago.

## **Reports**

### **Gettysburg Municipal Authority**

**Councilman Berger** gave the following report: the proposed water tower at Herr's Ridge in Cumberland Township has created some controversy. GMA needs to add a text amendment to their ordinance to allow for emergency services. A zoning meeting is scheduled for July 14<sup>th</sup> and the Cumberland Township Supervisors meeting is on July 26<sup>th</sup> along with a public hearing in which Utilities Manager Mark Guise plans to attend.

### **Steinwehr Avenue Heart of Gettysburg Battlefield (SAHGB)**

**Councilwoman Butterfield** reported on the following: there is no meeting scheduled in July; the Big Belly garbage cans placed on Steinwehr Avenue are a chartreuse color, and they hope when the replacements arrive the color won't be as intrusive; a post that remains at the corner of Steinwehr Avenue and Taneytown Road should be removed since the work has been completed.

### **Adams County Boroughs Association (ACBA)**

**Mayor Frealing** announced that the remaining 2022 meetings for ACBA are scheduled for September 19<sup>th</sup> and November 21<sup>st</sup>.

### **Adams County Transportation Planning Association**

**Councilwoman Butterfield** reported that the 30-day public comment period for the draft 2022-2050 Adams County Long-Range Transportation Plan (LRTP) ends on July 25, 2022. It is expected to be voted on at their meeting on July, 27<sup>th</sup>.



## **Adams County Council of Governments (COG)**

**Councilwoman Butterfield** reported that they heard from a speaker about the importance of technology in disseminating Municipal information to our constituents. She attended the first meeting of the Adams County Collaboration Committee where they will discuss what the Adams County Council of Governments can do for us.

### **Overdose Awareness Task Force**

**Councilman Moon** gave the following report: NARCAN distribution to the public continues and anyone with questions can contact him. The Task Force has not met in June or July and they will convene again in August.

### **Other Reports**

#### **Recycling**

**Councilwoman Butterfield** reported that the next electronic recycling is scheduled for Saturday, September 17<sup>th</sup>. Borough residents interested can sign up by contacting her at 717-337-0724 or on the Borough Website [www.gettysburgpa.gov](http://www.gettysburgpa.gov).

#### **Public Comment**

There were no public comments.

**Moved Mr. Lawver, seconded Mr. Moon to adjourn the meeting at 8:40 PM.  
Motion carried unanimously.**

Respectfully submitted,



Sara L. Stull  
Borough Secretary



## Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

May 10, 2022

RE: Historical Context of Zoning

To whom it may concern,

Throughout the Commonwealth many municipalities employ the use of local zoning as a form of land use. It has been confirmed that municipalities are within their Constitutional right to plan for such uses to protect the public welfare and interests of a community. Zoning was initially a method to segregate incompatible land uses such as manufacturing from residential housing in the early 20<sup>th</sup> century due to noxious pollution from rapid industrialization. This was decided in a landmark Supreme Court decision in *Euclid v Ambler Realty Co.* in 1926. Euclidean zoning was almost immediately used as a tool of racial and cultural segregation which resulted in widespread discriminatory practices including redlining and low-density residential zoning.

This legacy continues into the 21<sup>st</sup> century as large swaths of valuable land are zoned in some shape or form "low density residential." The practice has "hyper-segregated" land-uses resulting in sprawl, failing infrastructure, and social inequality. These planning decisions are largely outdated remnants of the early 20<sup>th</sup> century and has contributed to various ongoing social, economic, and environmental issues that haunt our communities today. This type of planning intentionally segregates low impact uses and functions within historic neighborhoods which historically had various commercial and agricultural functions and uses other than "residential." Prior to the 20<sup>th</sup> century historic towns and Cities had all types of uses interspersed throughout the built landscape; some compatible and some not so. The lack of proactive planning, objective evaluation, and inclusivity has allowed this outdated practice to continue well into the 21<sup>st</sup> century.

Additionally, it is a practice that has a detrimental impact on the ability to adaptively reuse historic and cultural resources throughout the Commonwealth and elsewhere. Culturally significant spaces are vital to the health of any community and allowing them to adapt to new and creative uses while preserving their character ensures their long-term preservation. Far too often historic places are abandoned or demolished due to the inability to adaptively reuse them due to outdated local zoning ordinances and perceptions. For example, in many municipalities it is illegal to reuse a historic storefront for its original function as a small business.

It is important for municipalities to foster small business development, economic growth, and historic preservation while being realistic and flexible on how to manage this growth in an equitable and sustainable fashion.

Best,  
Frank Grumbine

Central PA Community Preservation Coordinator  
Pennsylvania State Historic Preservation Office  
717-772-5071  
[fgrumbine@pa.gov](mailto:fgrumbine@pa.gov)