

**BOROUGH OF GETTYSBURG**  
**59 EAST HIGH STREET, GETTYSBURG, PA 17325**  
**COUNCIL MEETING MINUTES**  
**JANUARY 14, 2019**

President Susan Naugle called the meeting to order at 7:00 PM with the following Councilors present: Vice President Jacob Schindel, Mr. Wesley Heyser, Ms. Patricia Lawson, Mr. Christopher Berger, Mr. Charles Strauss and Mr. John Lawver. Staff present included: Mayor Theodore Streeter; Borough Manager Charles Gable; Borough Secretary Sara Stull; Borough Solicitor Harold Eastman, Puhl Eastman & Thrasher; Interim Police Chief Carl Segatti; Planning Director Becky LaBarre; Parking Manager Richard Miller; Finance Director Nicolette James; Public Works Director Robert Harbaugh, and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present include: Linda Atiyeh, Attorney Joel Wiener, Allentown, PA, Peggy Rock, Alison Izard, Betty Davis, Michael Weiss, Kathy Shirey, and John Davis representing Gallery 30, 26 York Street; Chad-Alan Carr, 49 York Street; Scott Wallace, owner, of LARK 17 Lincoln Square and Nerd Herd 10, York Street; Deb Adamik, President, Main Street Gettysburg; Nancie Gudmasted, Shriver House, 309 Baltimore Street; Kathy Gilbert, President and Jennie Dillon, representing the Gettysburg Area Retail Merchants Association (GARMA); Tim and Rebecca Woodward, Gettysburg Polish Pottery, 102 Baltimore Street; Alexandria Escalera, owner of Raphael Inn, 32 East Lincoln Avenue; Peggy Gustafson, 429 Carlisle Street; Attorney Steve Rice, 18 Carlisle Street; Stacey Green, Borough Zoning Hearing Board; Sarah Kipp, 126 Baltimore Street; Mike Shestok, 264 Baltimore Street; Rebecca Brown, owner of Civil War Tails Museum, 785 Baltimore Street; Phil Goble, 132 East Middle Street; Carol Miller, 47 North Hay Street; Kristi Anderson, 982 Sunset Avenue; Jerry and Sally Allinger, 432 Heritage Drive; James Paddock, 1777 Fairfield Road; Glenn and Jane Blocher; 51 Hanover Street; Cathy Leedy, 49 Hunters Trail; Judi McGee, 256 Baltimore Street; Mike Tallent, 811 Johns Avenue; Kurt and Nancy Kramer, 12 Wade Avenue; Donald Marritz , 61 East Broadway; Sue Cipperly, 314 North Stratton Street; Amie Gibson and Kyle Maier, representing Kamio Media, 100 York Street, York PA; Dana Stinson, Becka Fissel, Borough Parking Enforcement Officer and Karen Mesher, Planning Management Assistant. Representing the press was Jim Hale with the *Gettysburg Times* and Mark Werley representing Community Media-ACCTV.

President Susan Naugle announced that a public hearing is scheduled for Thursday, January 17, 2019 to hear comments regarding the upcoming franchise renewal with Comcast Cable.

President Susan Naugle announced that the Gettysburg Inner Loop project recently completed the plaza at the Gettysburg Post Office.

President Susan Naugle announced that executive sessions of the Borough Council were conducted immediately prior to the commencement of the December 10, 2018

monthly general business meeting and immediately prior to the commencement of a special meeting of the Borough Council held on January 3, 2019 pursuant to section 708(a)(1) of the Sunshine Act.

President Susan Naugle announced that an executive session of the Borough Council will be conducted immediately prior to the adjournment of this evening's meeting consistent with section 708(a)(1) and section 708(a)(4) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment and appointment, the terms and conditions of employment and the hiring of a prospective public official or employee of the Borough; and (2) to consult with its professional advisors regarding information and strategy in connection with issues on which identifiable claims or complaints have been or are expected to be filed.

President Naugle acknowledged the interest from the community in proposed changes to our parking rules with respect to meter bagging. She provided a brief explanation of the nature of a motion to publish an ordinance and the overall process for bringing an ordinance change to Council for review and action. She asked that all in attendance be respectful of others as they express their opinions.

Solicitor Eastman added that it's not mandated for Borough Council to conduct a public hearing. He noted that Borough Council and staff began reviewing the parking ordinance in early 2018.

**Moved Mr. Lawver, seconded Mr. Schindel to approve the January 14, 2019 agenda as presented. Motion carried unanimously.**

**Moved Ms. Lawson, seconded Mr. Heyser to approve minutes of the Council Meeting of December 10, 2018 and Special Council Meeting of January 3, 2019 as presented. Motion carried unanimously.**

### **Special Presentation**

**Linda Atiyeh, Gallery 30, 26 York Street, along with her Attorney Joel Wiener and Public Relations Representative Alison Izard**, stressed the investments that Ms. Atiyeh has made in downtown Gettysburg. Her business plans included reserved parking spaces for pick-up at her businesses. Attorney Weiner said that they believe the legislation as it pertains to Linda is discriminatory.

Ms. Izard presented diagrams that showed how traffic could back up on Lincoln Square if patrons double parked on York Street to pick up items at Gallery 30 or the Upper Crust. Large signs that are sold at Gallery 30 were also brought in to show the types of merchandise patrons' purchase.

## **Public Comments**

**Mike Shestok, 264 Baltimore Street**, said that he believes there are no loopholes in the ordinance, that Ms. Atiyeh played by the rules and brought businesses to Gettysburg. He felt that Council should support her, but said that whatever Council decides he would support.

**Chad-Alan Carr, Gettysburg Community Theatre, 49 York Street**, said that his business is located near Gallery 30, and is not affected by the reserved parking spaces.

**Scott Wallace, Owner, LARK 17 Lincoln Square and Nerd Herd 10 York Street**, said that he was denied parking permits and asked that Council have equality for everyone. Mr. Wallace suggested that Council consider 10 to 15 minute parking in designated areas for people to load and unload.

**Peggy Rock, Manager Gallery 30**, noted the investments that Ms. Atiyeh has made in Gettysburg, and spending millions of dollars to renovate old buildings. She said that the proposed ordinance should be rewritten to be fair and equitable for everyone.

**Dana Stinson, Freedom Systems, 2550 Eisenhower Avenue, Eagleville, PA**, said that she is a vendor for several municipalities and several is in Gettysburg often. She said that she is a member of the lesbian, gay, bisexual and transgender community; and was appalled with Ms. Atiyeh claiming in her ads placed in the *Gettysburg Times* that she was being discriminated against. She said that Ms. Atiyeh and her associates have taken the words and twisted them to her liking.

**Sue Cipperly, 314 North Stratton Street**, said that the parking ordinance is old and needs updated. She asked Council to determine whether they want suburban type parking in an urban area. Ms. Cipperly said that it may not make sense for a restaurant in downtown Gettysburg to expect the same type of parking availability as one on York Road in Straban Township. She also suggested designated parking areas around the square for people to load and unload.

**Donald Marritz, 61 East Broadway**, said that he disagrees with Ms. Atiyeh claiming she is being targeted by Council and the Borough Manager. He said that he doesn't know of anything that Council or staff done improperly; and doesn't feel the manager has his own agenda. The manager does what's best for Gettysburg. Mr. Marritz pointed out that the meters are tied to the revenue, and the Borough needs it to keep taxes from rising.

**Phil Goble, 132 East Middle Street**, said that he has three meters in front of his house that he feeds to unload his groceries. The businesses pay less when renting spaces than if they were to constantly pay the meter fees. Mr. Goble urged Council not to do anything that would create less revenue and then raise taxes for the residents. He also said to improve the parking garage signage.

**Sally Allinger, 432 Heritage Drive**, said that she owned a business outside Gettysburg for many years and is glad to see that women have changed this town by opening businesses. She asked that Council have fairness to all businesses.

**Peggy Gustafson, 429 Carlisle Street**, said that it would be great to have parking at every business but that is not feasible. She said that if the Borough didn't receive revenues from the meters, the residents would be burdened with more taxes or services may be cut, such as public works and police.

**Rebecca Brown, owner of Civil War Tails Museum, 785 Baltimore Street**, said that Ms. Atiyeh's claim in the newspaper advertisements that the Borough caters to businesses that pay amusements taxes is not true. She said that people that pay admissions tax must pay for metered parking. Ms. Brown agreed that the parking ordinance needs to be updated and Council should decide what types of loading and unloading are permissible.

**Carol Miller, 47 North Hay Street**, said that businesses should pay the cost of the meter per month, approximately \$474.00 if they wish to reserve a space.

**Kristi Anderson, 982 Sunset Avenue**, pointed out other restaurants in the downtown area that don't bag meters are doing well. She suggested that renting meters should only be used for things such as events, parades, construction etc. Ms. Anderson urged Council to use common sense when making their decision.

**Alexandria Escalera, owner of Raphael Inn, 32 East Lincoln Avenue**, said that she was shocked at the advertisements Ms. Atiyeh placed in the *Gettysburg Times*. She said that the parking stanchions placed in front of Gallery 30 are disgusting. It's not possible for everyone to have reserved spaces, and pointed out that this is a tourist town and residents also like to patronize businesses. Ms. Escalera noted that the meters were bagged at the Upper Crust during the construction period.

**Judi McGee, 256 Baltimore Street**, said that she doesn't feel Ms. Atiyeh is asking for anything special, and suggested that the Borough charge her for the cost of the meter for the month.

**Kathy Gilbert, President, GARMA**, said that they initially supported a two-hour limit, but is finding it may not be enough time. She said that they plan to take a survey from the businesses to see what they want. Ms. Gilbert said that all businesses should be treated fairly and there should be no special privileges.

**Attorney Steve Rice, 18 Carlisle Street**, wondered if the Gettysburg College and Gettysburg Hotel got special treatment since they are allowed to bag meters. He also pointed out that there are no meters in front of the Majestic.

## **Finance Department**

**Moved Mr. Lawver seconded Mr. Schindel to approve all bills and payrolls for the month as presented. Motion carried unanimously.**

**Moved Ms. Lawson, seconded Mr. Schindel to accept the J. P. Harris Tax Exoneration report for tax year 2011 as presented. Motion carried unanimously.**

## **Planning Department/Zoning/Code Enforcement/HARB**

Planning Director LaBarre acknowledged Planning Management Assistant Karen Mesher who celebrated her 25 years of service with the Borough recently.

**Moved Mr. Heyser, seconded Mr. Schindel to accept the recommendations of the Borough of Gettysburg Historic Architectural Review Board (HARB) following its review on Wednesday, December 19, 2018 and grant Certificates of Appropriateness for the following applications as presented: COA-18-0119, 344 Baltimore Street – Gettysburg Anniversary Committee for alterations at rear elevation to construct ADA-compliant entry; COA-18-0120, 217 N. Stratton Street – Katherine Crandall & Reuban Kline for construction of a new two-story garage at rear of lot; and COA-18-0125, 127 N. Washington Street – Apex Holdings LLC for installation of custom-sized vinyl replacement windows, with the nine (9) historic windows most visible from the public way to be retained and rehabilitated. Motion carried unanimously.**

**Moved Mr. Strauss, seconded Mr. Schindel to authorize the solicitor to prepare, finalize and publish for subsequent enactment an ordinance amending Chapter 13, Part 1 of the Gettysburg Borough Code of Ordinances in order to change the expiration date of amusement licenses issued by the Borough from January 31<sup>st</sup> to March 31<sup>st</sup> of the following year. Motion carried unanimously.**

**Moved Mr. Schindel, seconded Mr. Berger to authorize the solicitor to prepare, finalize and publish for subsequent enactment an Ordinance amending and updating Chapter 5, Part 2 of the Gettysburg Borough Code of Ordinances in order to adopt the International Property Maintenance Code (IPMC), 2015 Edition, as the Property Maintenance Code of the Borough of Gettysburg. Motion carried unanimously.**

**Moved Mr. Heyser, seconded Mr. Schindel to reappoint Sarah Kipp as a member of the Gettysburg Borough Planning Commission for a four-year term, and expiring on the first Monday in January 2023. Motion carried unanimously.**

## Parking Department

Parking Manager Miller reported that the 2<sup>nd</sup> block of Chambersburg Street was not included in the free holiday parking and produced \$4,090.10 in meter revenue.

President Susan Naugle announced that “for many months, this Council has been listening to input from community members and businesses about parking issues and how the Borough manages parking, specifically regarding meter bags and blocked parking spaces. Tonight, the Council is addressing that issue with proposed ordinance changes that would more clearly state when and how meter bags can be used. We want those rules to:

1. be in line with the intent of managing parking to meet the needs of various businesses, residents, shoppers, visitors, etc.; and
2. recognize the role parking plays in providing revenue to the Borough and reducing the tax burden on Borough property owners. Its importance as a revenue source to the tune of more than a \$1mill per year cannot be ignored.

To be sure, we will never please everyone when it comes to parking! However, the Borough has the exclusive right to manage our public rights-of-ways. And, it is the responsibility of Council to make decisions based on the best interest of all our businesses, residents and taxpayers. That is what voters sent us to these seats to do. And, they expect we will do so in a respectful, fair and civil manner. Recent accusations of favoritism, discrimination, vindictiveness and even terrorism surrounding this issue demean the process, demean this council and demean the community. And, just like at the National level, they can poison legitimate and reasonable discussion on important issues. Council will address some of these accusations as we discuss the merits of the proposed changes and, in so doing, we can correct any misinformation that may be out there. Going forward, I hope we can ignore the voices that seek to divide and listen to those who understand that our strength and resolve to solve problems is in working together to the greatest benefit to our community, our businesses and our residents.”

Manger Gable read his prepared remarks in regards to the Upper Crust/Gallery 30 paid advertisement attacking Borough Staff that appeared in the *Gettysburg Times* on January 14, 2019 (see attached).

**Ms. Lawson, seconded Mr. Schindel to authorize the preparation, finalization and publication for subsequent enactment by the Borough Council of an ordinance amending Chapter 15, Part 4 of the Gettysburg Borough Code of Ordinances relative to removing areas on the north side of East High Street from the on-street metered parking zones and designating areas on the north side of East High Street as a reserved metered parking space for use by persons with disabilities, as reserved unmetered parking spaces for use by Borough employees, and as reserved unmetered parking spaces for use of the general public while conducting business at the Borough Municipal Office Building. Motion carried unanimously**

Parking Manager Miller gave a brief explanation of the amendments to ordinance changes in Chapter 15, Part 7 as recommended by staff. He noted that staff along with Solicitor Eastman have been working on the parking ordinance for approximately a year. The recommendation would be to allow temporary parking for special purposes such as: funerals, weddings, construction, events, etc. for metered and unmetered spaces.

**Moved Mr. Schindel, seconded Mr. Heyser to authorize the finalization and publication for subsequent enactment by the Borough Council of an ordinance amending Chapter 15, Part 7 of the Gettysburg Borough Code of Ordinances relative to the temporary reservation and use of parking spaces in unmetered and metered parking zones of the Borough of Gettysburg and the placement of open-top refuse containers in unmetered and in metered parking zones of the Borough.**

**After a lengthy Council discussion moved Mr. Heyser, seconded Ms. Lawson to post pone the enactment of the prior motion and asked that the proposal be placed on the Borough Website so that residents can read and provide feedback. The motion passed 6/1 with Mr. Schindel the dissenting vote.**

#### **Borough Engineer**

Chad Clabaugh reported that the Federal Emergency Management Agency (FEMA) published notices in the *Gettysburg Times* in December regarding the Proposed Flood Hazard Determinations for Adams County. He said that the floodplain mapping could affect some residents and that there is a 90-day period provided for appeals.

Chad also reported that the major work on the Stratton Street project is completed, and that they are working on completing the curbs and sidewalks.

**Moved Ms. Lawson, seconded Mr. Strauss to Approve Change Order No. 4 to the Stratton Street Storm Sewer Improvements Contract in the amount of \$11,505.58. Motion carried unanimously.**

**Moved Ms. Lawson, seconded Mr. Heyser to approve application for payment No. 4 in the amount of \$115,079.79 for the Stratton Street Storm Sewer Improvements Contract. Motion carried unanimously.**

**Moved Mr. Lawver, seconded Mr. Schindel to authorize the Borough Engineer to advertise Stratton Street Pavement Improvements project for construction bids. Motion carried unanimously.**

**Moved Mr. Berger, seconded Ms. Lawson to approve application for payment No. 1 to Lobar Associates, Inc. for the 2018 Bridge Maintenance Program in the amount of \$47,531.75. Motion carried unanimously.**

## **Borough Manager**

Manager Gable reported that Ty Wilkinson was recently hired in the Public Works Department as a mechanic.

Manager Gable reported that Destination Gettysburg has committed donating \$2,500 for the PML Conference to be held in October.

**Moved Mr. Heyser, seconded Mr. Lawver to appoint John Seilhamer to the Shade Tree Commission for a five-year term expiring in October 2023. Motion carried unanimously.**

**Moved Ms. Lawson, seconded Mr. Heyser to authorize the advertisement of Borough meetings for 2019 as follows: The monthly Borough Council Meetings on the following dates at 7:00 PM, prevailing time, in the Municipal Building and authorize the Borough Secretary to advertise the same in the Gettysburg Times: Monday, February 11, Monday, March 11, Monday, April 8, Monday, May 13, Monday, June 10, Monday, July 8, Monday, August 12, Monday, September 9, Tuesday, October 15, Tuesday, November 12, and Monday, December 9.**

**Hold the 2019 monthly Borough Council Work Session meetings on the following dates: Monday, January 28, Monday, February 25, Monday, March 25, Monday, April 22, Tuesday, May 28, Monday, June 24, Monday, July 22, Monday, August 26, Monday, September 23, Monday, October 28, Monday, November 25, and Monday, December 23.**

**Hold two Special 2020 Budget Work Session meetings on the following dates: Monday, October 21 and Monday, November 4.**

**Hold two Public Hearings regarding the use of Community Development Block Grant Funds (CDBG) on the following dates at 6:30 PM: Monday, August 26 and Monday, September 9. Motion carried unanimously.**

## **Liaison Reports**

### **Gettysburg Municipal Authority**

**Council President Naugle** reported that GMA approved the water and sewer budget with a 10 percent increase in water rates. Both water towers were approved for Herrs Ridge Road and Natural Springs Road with the construction to begin this year.

**Moved Mr. Strauss, seconded Mr. Heyser to adopt a resolution appointing Susan Cipperly as a member of the Board of the Gettysburg Municipal Authority for a five-year term, commencing in January 2019 and expiring on the first Monday of January 2024. Motion carried unanimously.**



## **Elected Official's Comments**

**Councilman Schindel** said that he has some ideas for parking that can be discussed at the upcoming Council Work Session.

**President Naugle** announced that she would not be seeking another term on Borough Council.

## **Public Comment**

**Kathy Gilbert, President, GARMA**, said that GARMA chose not to include the 2<sup>nd</sup> block of Chambersburg Street in the free holiday parking since no other streets get the 2<sup>nd</sup> block for free.

**Jennie Dillon, owner of Art Works**, suggested better advertising for the parking garage so that people can find it easier. She urged Council to consider allowing parking for the Antique Market that has been in downtown Gettysburg for many years when making changes to the parking ordinance.

**Mike Shestok, 264 Baltimore Street**, urged Council to discuss parking at the Lefever Street school parking lot with the school district.

**President Naugle dismissed the meeting to an executive session at 10:35 PM. The meeting reconvened at 11:05 PM.**

**Moved Ms. Lawson, seconded Mr. Heyser to authorize the solicitor to prepare and file, in the Court of Common Pleas on behalf of the Borough of Gettysburg in an action to quiet title filed to Docket No. 2018-SU-1324, a stipulation or responsive pleading to be signed and attested by the President of Borough Council and the Borough Secretary confirming that the Borough has never ordained as a public alley a certain strip of land located between certain properties in the Borough identified as 59-61 East Water Street and that the Borough does not make any claim of any right, title and interest to said strip of land as a public alley of the Borough or otherwise. Motion carried unanimously.**

**Moved Mr. Lawver, seconded Mr. Schindel to adjourn the meeting at 11:06 PM. Motion carried unanimously.**

Respectfully submitted,

Sara L. Stull  
Borough Secretary