

**BOROUGH OF GETTYSBURG
TROXELL COUNCIL CHAMBERS
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL WORK SESSION MINUTES
FEBRUARY 26, 2024**

President Matthew Moon called the meeting to order at 7:00 PM with the following **Councilors present:** Vice-President Judith Butterfield, Ms. Patricia Lawson, Mr. Christopher Berger, Mr. Chad-Alan Carr, Ms. Alisha Sanders, and Mr. Peter Bales. **Staff present included:** Mayor Rita Frealing; Borough Manager Charles Gable; Borough Secretary Sara Stull; Borough Solicitor Harold Eastman, Barley Snyder; Police Chief Robert Glenney; Planning Director John Whitmore; Coordinator of Historic and Environmental Preservation Debra English; Parking Manager Rebecca Fissel; Public Works Director Robert Harbaugh, and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present included: Michael Malewicki and John Lawver, representing the Gettysburg Storm Water Authority; Brian Hodges, 137 Ridge Avenue and owner of The Brafferton Inn, 44 York Street; Linda Atiyeh, owner of The Upper Crust, 26 York Street; Scott English, owner of The Gettysburg Academy, 66-68 West High Street; Nancie Gudmestad, owner of Shriver House, 309 Baltimore Street; Shelley Knouse, owner of Fresh Boutique, 28 Chambersburg Street; Susan Cipperly, 314 North Stratton Street; Sharon Monahan, 114 West Broadway; Michael Wedlock, 38 East Stevens Street; and Darlene Brown, 355 West High Street. Representing the press was Jim Hale with the *Gettysburg Times*; and filming by *Community Media-ACCTV*.

President Matthew Moon announced an executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the February 12, 2024 Council Business Meeting consistent with sections 708(a)(2) and section 708(a)(5) of the Sunshine Act.

Public Comment (Restricted to items appearing on the agenda – not tabled items)

Shelley Knouse, owner of Fresh Boutique, 28 Chambersburg Street asked Council not to approve the bus parking stating that it discriminates against other business owners such as retail, insurance companies, etc. She feels that parking spaces should be reserved for parking spaces for anyone to use and not just for the buses.

Michael Wedlock, 38 East Stevens Street expressed his concerns about the expense of sidewalk replacement after the removal of two trees from his sidewalk, and asked Council if there is cost-sharing for sidewalk repairs.

Nancie Gudmestad, owner of Shriver House, 309 Baltimore Street said that the Borough Ordinance states that a business owner can place the parking meter bags for the reserved bus parking spaces and remove them when not in use. She asked that she be allowed to continue to do so as she has done for the past twenty-seven years. She suggested walking the streets during the busy months to see where the buses are parked before making any final decisions, and to also conduct a special meeting to include business owners and residents to discuss this issue.

Scott English, owner of The Gettysburg Academy, 66-68 West High Street feels that if the Borough places trees on the sidewalk then they should be responsible for making the repairs to the damaged sidewalks, pointing out that the Borough maintains the curb ramps at the intersections to comply with the American with Disabilities Act (ADA). Other than that, when property owners and businesses purchase property, they should know that they are responsible for maintaining their sidewalks.

Current and Old Business

1. PBS 2020-08 Code Enforcement Ticketing

Manager Gable said that the need to develop a Code Enforcement Ticketing process was discussed at the January Work Session; but before drafting a proposed ordinance for Council consideration, the staff would like some clarification on a few items envisioned for this process to include: type of infractions; procedure for the issuance of code violations for tickets; the fine amounts; and an appeals process envisioned for this program.

Planning Director Whitmore added that property maintenance would be beneficial to provide compliance especially for major property violations.

Code Compliance Officer Griffioen said that zoning violations would be important to add because there are times when construction work takes place without ever getting the proper permits. He would also like to address sign violations.

President Matthew Moon, after Borough Council discussion, asked that Council review and send him any comments or suggestions that they have.

2. PBS 2016-12 Sidewalk Ordinance Revisions

Manager Gable said that notices have been sent to residents regarding sidewalk violations, but pointed out that there will not be any fines issued at this point until Borough Council has time to review the Sidewalk Ordinance in its entirety. He said Borough Council has made the Sidewalk Ordinance a top legislative priority this year. Some of the issues surrounding the ordinance are: Lincoln Square Center Circle, Lincoln Square management, outdoor dining and furniture, sidewalk clutter, shade trees, stormwater management and a sidewalk repair program. He said that financial assistance could be considered to help property owners with their sidewalk repairs and replacement, and noted that Borough Council received a quote in 2016 from a company to provide cost-effective maintenance. Some options for assistance would be budgeting for small grants for sidewalk repairs and Main Street Gettysburg has zero-interest loans available.

President Matthew Moon read a section of the Policy Briefing Summary (PBS) that was originally drafted in 2016 as follows: "At the time, the Borough was, like today, struggling with maintaining adequately repaired and ADA compliant sidewalks. The initiative stalled due to political pressure, cost lack of resources to address the issue, and the rise of other pressing matters that needed the Council's attention. The Council seated in January 2024 once again made this issue a legislative priority for this term. Exhibit 2 is an exhibit calling attention to the need for the Council to address

the state of the Borough's sidewalks. As staff once again considering the state of the Borough's sidewalks to prepare policy options for Council consideration, it became very obvious that there are multiple ancillary, but related, issues that affect how a revised (amended) sidewalk ordinance would look and work. Accordingly, an amended sidewalk ordinance should be viewed holistically and contemporaneously with these other issues. The intersection of these issues related to an amended Sidewalk Ordinance can be seen in Exhibit 1. Each of the seven (7) issues shown in the Venn Diagram in Exhibit 1 have sub-issues that need consideration as each affects the broader Sidewalk Ordinance. They are: Lincoln Square Center Circle to include flagpole maintenance, utilities, fixtures and streetlights, flower Beds, and refuse cans; Lincoln Square Management to include management of public spaces, management of public rights-of-way, fixtures and streetlights, tree planters, and refuse cans; Outdoor Dining/Furniture to include ADA compliance and management of public rights-of-way; Sidewalk Clutter/A-Frame Signs to include management of street displays, and A-Frame sign proliferation (ADA compliance); Shade Trees to include clarification on purpose of shade trees, process for placing shade trees, maintenance of shade trees, and tree species and root protection(s); Storm Water Management to include Best Management Practices (BMPs), and gutters under sidewalks; Sidewalk Repair program to include financial assistance to bring derelict sidewalks into compliance. Exhibit 4 shows the Policy adopted in 2017 regulating the use of the circle in Lincoln Square and should be considered when created policies for all of public spaces in Lincoln Square."

Solicitor Eastman said that the law is clear that property owners are responsible if someone falls or gets hurt on the sidewalk.

After council discussion, it was suggested that a professional company be hired to provide a cost to repair the sidewalks.

Engineer Clabaugh said that a cost estimate for a sidewalk survey would be \$10,000 to \$30,000 dollars.

3. 2024 Fee Resolution Amendments (Towing Fees)

President Matthew Moon said that it would be beneficial to determine the towing fees tonight so that a motion can be placed on the March agenda for approval. He noted that Councilwoman Butterfield contacted other municipalities to gather information about their fees and sent the results to Council.

Manager Gable said that the items in question are: a drop fee which occurs when the tow truck arrives but is not needed; non-crash towing of disabled vehicle; and for towing of vehicle involved in a crash for the first hour and to add an additional amount for each additional hour thereafter.

After council discussion, it was determined to approve the fees as follows: drop fee \$50.00 which occurs when the tow truck arrives but is not needed; non-crash towing of disabled vehicle \$175.00; and for towing of vehicle involved in a crash \$250.00 for the first hour, and an additional \$150.00 for each additional hour thereafter.

New Business

1. Bus Parking Pilot Program

President Matthew Moon gave a brief overview and stated that the tourism buses dropping off and stopping to pick up passengers have become a major traffic issue in the downtown area. He noted that it is legal to stop amid traffic for this purpose but it causes safety concerns. He said that the closing of General Picketts Buffett has also generated more traffic in the downtown area along with school buses and the tourist coming for the attractions. He pointed out that Linda Atiyeh, owner of The Upper Crust, 26 York Street, has asked that buses be allowed to park at her business but said that other business owners have said they do not approve because it would impact their businesses. He said that the Parking Pilot Program would be in effect from March 25th to June 2nd, 2024 which would collect usage data to help with decision making later.

Councilman Carr said that it would be wise for Council to approve another Parking Pilot Program but he would like to get feedback from businesses. He said that he likes the buses to be able to come into the downtown area but certainly wants to make sure that it is safe.

President Matthew Moon said that he spoke with Nancie Gudmestad, owner of Shriver House, 309 Baltimore Street regarding her concerns about placing the bags on the meters herself. He said that in the past, the Borough had limited staff which allowed her to place the bags, but now with adequate staffing, the Borough is able to place bags on the parking meters.

Councilwoman Lawson asked how the data would be collected during the Parking Pilot Program.

President Matthew Moon responded that it would be by maintaining the usage of the meters used by the buses use. All issues would be collected by complaints received by the Brough.

2. Stevens Run Channel Wall Ownership - Role of GBSWA

Engineer Clabaugh gave a presentation on the status of the Gettysburg Borough Steven's Run Channel Wall Assessment (see attached).

Michael Malewicki, Chairman of the Gettysburg Storm Water Authority said that a decision on ownership of the Tiber will need to be determined. He said that he has been doing extensive research of old Borough meeting minutes and other records which is still ongoing. He pointed out that some of the history that he read about involved a property owner who approached Borough Council to build a wall and was told he could do so but that the Borough would need to inspect it. He also noted that there are several properties that have built their own walls that are now failing.

John Lawver, Vice-Chairman of the Gettysburg Storm Water Authority gave a brief history stating that in the 1970's the Borough received funds from the Federal Government which was used to repair the Tiber walls. After that time there was no preventative maintenance done on the Tiber except when there was failing walls that needed repaired. He said that the old stone walls

are the ones that are problematic and failing.

Engineer Clabaugh asked for Borough council feedback in order to develop a written policy regarding the ownership.

Solicitor Eastman said that a written policy could be in the form of an ordinance to include such items as maintenance and other requirements as required.

Public Comment (Open to items currently tabled or not listed on the agenda)

There were no public comments.

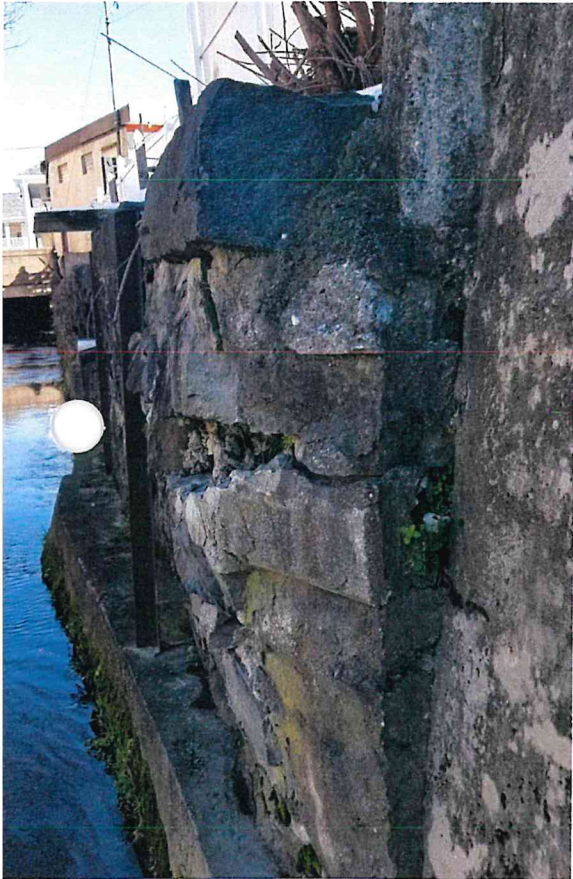
Adjournment

President Matthew Moon dismissed the meeting at 9:35 PM.

Respectfully submitted,



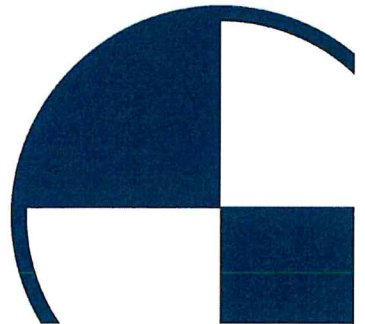
Sara L. Stull
Borough Secretary



GETTYSBURG BOROUGH

STEVEN'S RUN CHANNEL WALL ASSESSMENT

C.S. DAVIDSON, INC.



GETTYSBURG BOROUGH STORMWATER AUTHORITY

GBSWA Role

- MS4 Compliance
- Managing Infrastructure
- No ownership of Infrastructure

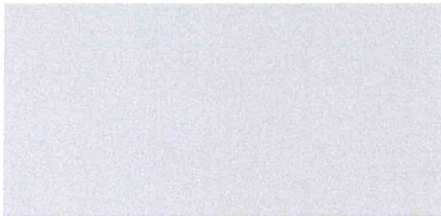
2019 Kuhn Alley Wall Collapse

- Clear ownership
- No loss of additional structures
- Borough needed emergency response

GBSWA completed a 3-year analysis of walls

- Results show deterioration, severe in some areas
- Potential significant impact to other structures

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WHO HAS (OR SHOULD HAVE) OWNERSHIP OF THE WALLS?

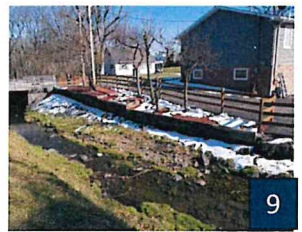
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- Research with inconclusive results
 - Expensive wall replacements
 - Design and permitting
 - Shared wall over multiple properties
 - Inaction has far-reaching impact to neighboring properties and municipal facilities



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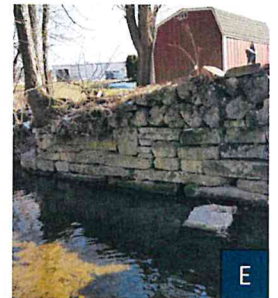
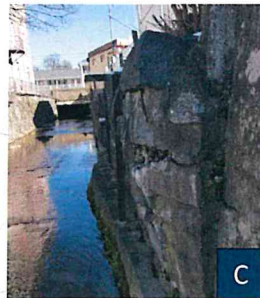
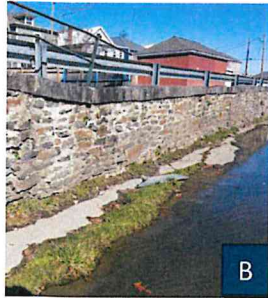
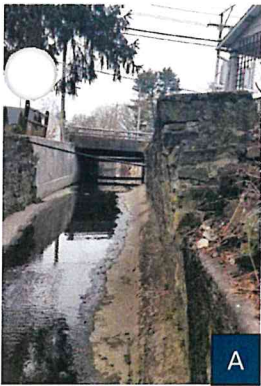
EXCLUSIONS



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LOCATIONS



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LOCATION A

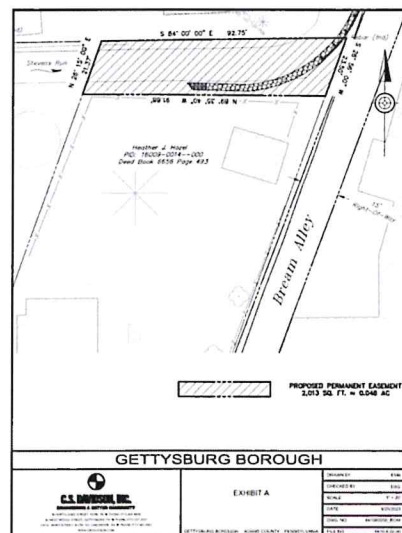
W MIDDLE ST – ROUTE 30

- 12" of rotation measured over 6' height
- Out-of-plumb rotation between 1 ½ and 4 inches over the exposed height of the wall requires action within 6 months per PennDOT Pub 100A



C.S. DAVIDSON, INC.

- Existing wall to be replaced with a concrete block retaining wall similar to Khun Alley.

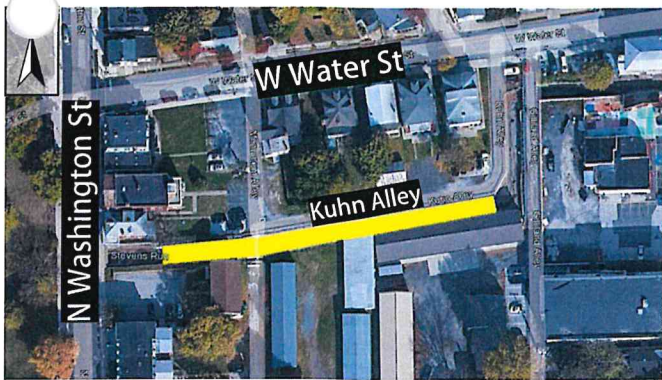




LOCATION C

N WASHINGTON – GILLILAND ALLEY

- More typical section
- Less severe deterioration
- Missing mortar, missing and loose stone still common



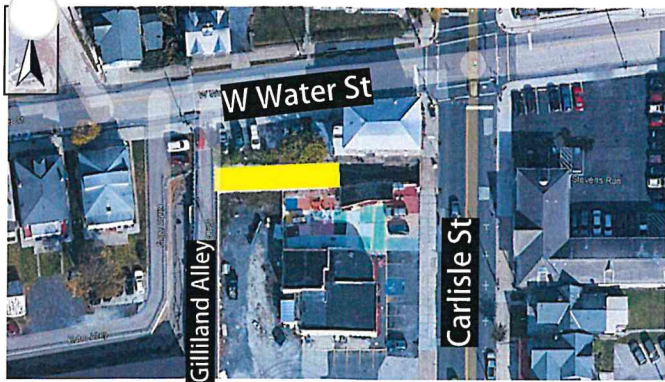
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LOCATION C

GILLILAND ALLEY – CARLISLE ST

- 8" of bulging measured across 6' height
- Bulging is considered out-of-plumb rotation - 1 ½ to 4-inch range applies



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LOCATION D

E WATER ST AND N STRATTON ST

- Multiple landowners in this section
- Areas of severe deterioration can impact homes and yards



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LOCATION D

E WATER ST

- 9" of rotation measured across 12' height (measurement taken Feb 2024)
- Wall has rotated 1" per year in the past two years (Feb 2022 measurement was 7-1/8")



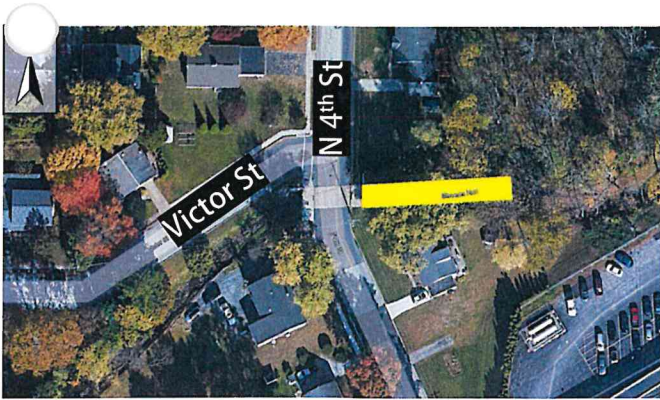
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LOCATION E

N 4TH ST

- Stacked stone with no mortar
- Another 12' concrete wall (no significant rotation currently)



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COST ESTIMATE

- \$5 to \$8 million for full replacement
- Based on Bream Alley estimate and other, smaller retaining wall projects



Middle Street




Kuhn Alley

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NEXT STEPS

1. If decision for Borough to accept/take ownership
 -  a) Develop written policy (vote)
 - b) Acquire Easements (Priority based)
 - c) Design/Permitting
 - d) Budgeting
 - e) Bidding and Construction

2. If decision to require private property ownership
 - a) Develop written policy (vote)
 - b) Govern private maintenance/replacement
 - c) May need funding mechanism

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