

## OFFICIAL MINUTES AUGUST 3, 2015

The Regular Meeting of August 3, 2015, of Council for the Borough of Kennett Square was called to order at 7:00 p.m. in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, Pennsylvania with President Leon R. Spencer, Jr. in the Chair.

Present: *President Leon R. Spencer, Jr.*  
*Councilmember Geoffrey R. Bosley*  
*Councilmember Brett M. Irwin*  
*Councilmember George P. Plumley, III*  
*Councilmember D. Lynn Sinclair*  
*Councilmember Patrick B. Taylor*  
*Borough Manager Joseph C. Scalise*  
*Solicitor Marc Jonas*

Absent: *Vice President Danilo P. Maffei*  
*Mayor Matthew W. Fetick*

### PUBLIC COMMENTS

John Thomas, 406 South Broad Street, reported that the Kennett Pool, which is owned by the Borough and leased by the YMCA, is in terrible need of repair. He shared his concerns that the Borough gives half of the proceeds to KAPA for the cell antenna rentals yet we do not receive credit for these contributions. Mr. Thomas said that he is happy that the Mayor opened up dialogues with the Library and encouraged Council to consider leasing the old Weinstein lot to the Library for 50 years for \$1; should the Library leave the Borough during that time period, then the property would go back to the Borough.

Cynthia Roth, 201 West Linden, referred to her recent request to the Shade Tree Commission to remove the two (2) Bradford Pear street trees from the narrow right-of-way in front of her property. The trees are fragile and have caused damage to the sidewalk; in her opinion, the Shade Tree Commission should have approved the removal of both trees. She advised that the Commission only approved the removal of one (1) tree contingent upon the applicant paying the \$350 escrow and from that escrow, a replacement street tree would be planted in the right-of-way on the south side of the roadway. Ms. Roth asked Council to consider evaluating the duties and power of the Borough's Shade Tree Commission. She does not think it should be mandatory to plant a replacement street tree.

Marie Voelker, 233 South Union Street, advised that she lives approximate two (2) feet from a house that is currently under some type of major construction. She stated that she did not receive any type of warning that this construction was going to take place and noted that the noise and dust generated from the construction is very bothersome. Ms.

Voelker suggested that Council establish a protocol that would require contractors to notify the adjacent residents of impending construction.

## **REPORTS**

### **CODES DEPARTMENT**

Russell Drumheller, Codes Enforcement Officer, reported the following activity in the Codes Department for the month of July, 2015:

- Completed 231 inspections.
- Received 291 telephone calls into the office.
- Received 90 visitors at the office.
- Processed 54 Building/Plumbing/Electrical/Mechanical Permits.
- Completed 14 Resale Use and Occupancy Inspections. Mr. Drumheller noted that a majority of the buyers are young couples moving back into the Borough.

### **HISTORIC KENNETT SQUARE (HKS)**

Mary Hutchins, Executive Director, reported the following:

- The Murder Mystery Art Stroll is this Friday.
- The Art on the Trail event needed to be postponed and will be rescheduled for some time in 2016.
- Abby Morgan, the long time Farmers Market Manager, has accepted a new full time position at the Kennett Food Cupboard.
- The Chester County Planning Commission is finalizing the contract with the economic development consultant Todd Poole; he is scheduled to begin work in September.
- Blown Away, 110 South Union Street, plans to open August 17<sup>th</sup> and Houppette, 101 West State Street, plans to open in mid August.
- Working on the next Third Thursday to be held on August 20<sup>th</sup>.
- The next issue of Fig is being finalized and will be available on Tuesday, August 18<sup>th</sup>. The launch party will be held at Kennett Brewing Company, from 5 to 8 p.m.

### **HISTORICAL COMMISSION (HC)**

Councilmember Sinclair, Chair of the Historical Commission, reported the following for the month of July, 2015:

- Reviewed and approved a building permit for 231 South Union Street due to a partial collapse. The owners, Pat and Silvia Mahon, are committed to building the new addition in a way that is sensitive to the historic character of the original house.

- Approved a replacement window application for 313 South Union Street, Melanie Boyd.
- Due to the financial burden on the new owner, Roberts Daniels, 315 West State Street, the Commission approved a pitched roof with dimensional shingles. The Commission recommended the use of Hardy board for the gable ends.

### **KENNETT AREA PARK and RECREATION BOARD (KAPRB)**

Claire Finrock, Program Director, reported the following activity for KAPRB:

- Improvements continue at Herb Pennock Park with the installation of a new split rail fence around the front of the Park and parking lot. They plan on replacing deteriorating trees at the back of the property and also planting additional trees.
- Summer Camp finishes up this Friday.
- Summer Clinics are underway and she thanked the Kennett High School students for helping.
- The Kids Cross Country Race was held on July 16<sup>th</sup> at Anson B. Nixon Park with 122 children participating.
- The Mushroom Festival 5K Run and 2 Mile Walk will be held on Sunday, September 13<sup>th</sup> beginning at 8:30 a.m.

### **CONSENT ITEMS**

#### **MINUTES of JUNE 15, 2015**

President Spencer presented the minutes from June 15, 2015.

**It was moved by Councilmember Bosley and seconded by Councilmember Sinclair to approve the minutes as presented. Motion carried unanimously.**

### **BILLS**

President Spencer presented the bills to be paid on August 3, 2015, and the bills that were paid since the last meeting.

**It was moved by Councilmember Sinclair and seconded by Councilmember Taylor to approve the bills as presented. Motion carried unanimously.**

Councilmember Bosley reported that with the installation of the new LED traffic lights, the monthly electric bills for this have reduced from approximately \$500 per month to \$144.

**PRESENTATION – PROPOSED OUTDOOR BEER GARDEN  
FORMER CANNERY BUILDING, 360 CREAM STREET  
401 BIRCH LLC, MICHAEL BONTRAGER**

Russell Drumheller, Codes Enforcement Officer, reported that he, Mary Hutchins and Joseph Scalise met with Sandra Mulry and Michael Bontrager to discuss the plans to conduct an outdoor beer garden at the former Creamery site, 360 Cream Street. Mr. Drumheller advised that the Borough's Municipal Code, Section 23-38 allows for a Temporary Use Permit to be issued. A permit could be issued for one (1) year and then extended on an annual basis until 2020. Mr Drumheller noted that this is the process that was used for both the District Court on North Broad Street and Garnett Ford at the old Weinstein building.

Both Sandra Mulry and Christa Bui were present to represent Mr. Bontrager. Ms. Mulry advised that the demolition is scheduled to begin this week of add-on portions of the old Creamery that are falling down. They are proposing the development of an outdoor beer garden.

Ms. Bui stated that they are unable to determine at this time the exact activities that would be available at the beer garden which she also considers a cultural center. From her travels throughout the United States, she shared aspects of similar family atmosphere projects which include natural playgrounds, Bocce Ball, musicians, etc. Ms. Bui advised that she was hired for this project to focus on being socially responsible by taking an unused industrial property and turning it into a place for people and families to come together and socialize.

Councilmember Sinclair questioned if the entire beer garden will be located outside of the building.

Ms. Mulry replied yes.

Mary Hutchins reported that the Philadelphia Horticultural Society has pop-up beer gardens for their fundraisers. They are done beautifully with flowers planted throughout the garden.

Councilmember Sinclair questioned if outdoor films would be shown there.

Ms. Bui advised that they have considered it but the uses will be dictated by who is coming to the garden and what they want.

John Thomas advised that he had been to a beer garden in Europe and commented that it was a very unique place for people to gather. Mr. Thomas expressed his support for this plan.

A discussion ensued between Council, Ms. Mulry and Ms. Bui regarding the activities at the garden, days of operation, in addition to safety and noise concerns.

Ms. Mulry advised that if this beer garden is successful then it could be made permanent. She added that it could evolve into anything but right now they want to create a space for an outdoor beer garden.

Councilmember Irwin questioned if this is a for profit business.

Ms. Mulry replied yes and stated that they are looking to partner with other businesses in the Borough.

Councilmember Irwin asked if there would be admission fee.

Ms. Mulry replied no.

Councilmember Bosley questioned the size of the property.

Ms. Mulry replied that it consists of 1.848 acres however the beer garden is in a "U" shape and only consists of 7,000 square feet. She will send more detailed layout of the property to the Manager to forward to Council.

## **TEMPORARY USE PERMIT – OUTDOOR BEER GARDEN FORMER CANNERY BUILDING, 360 CREAM STREET 401 BIRCH LLC, MICHAEL BONTRAGER**

President Spencer presented the request for a Temporary Use Permit from Michael Bontrager to conduct an outdoor beer garden at 360 Cream Street.

**It was moved by Councilmember Bosley and seconded by Councilmember Sinclair to approve the Temporary Use Permit as presented.**

**It was moved by Councilmember Bosley and seconded by Councilmember Sinclair to amend the motion to approve the Temporary Use Permit as presented with the inclusion of the physical address of 360 Cream Street, consisting of 7,000 square feet for a period of 365 days.**

Councilmember Irwin said this is a unique idea and believes it would be good for Kennett Square. He would like Council to take into consideration that this is a for-profit business and not just a cultural center.

President Spencer noted that some residents are concerned of adding another alcohol serving establishment in the Borough. He also noted a positive factor of taking a blighted property and transforming into something that would be attractive.

The Solicitor advised that an application like this is done in a certain sequence, and this (the order of the application) is a little reversed. At this point, the Solicitor said that he is not sure what Council is approving; the request is vague and he has concerns. The Solicitor would rather the applicant come back in a few weeks with more details.

Councilmember Plumley stated that he has the same concerns as the Solicitor.

Councilmember Irwin addressed Ms. Mulry and Ms. Bui stating that they have great intentions but he would like them to come back to Council next month with more details.

Councilmember Bosley said that this plan is really creative and we have heard a lot of positive comments and if we wait for the next meeting, then the year is gone.

Ms. Mulry stated that she understands the concerns and apologized for not having more detailed information.

President Spencer stated that "it", beer garden/cultural center, is the concern and what "it" is.

It was moved by Councilmember Bosley and seconded by Councilmember Sinclair to amend the amended motion to approve the Temporary Use Permit, 360 Cream Street, consisting of 7,000 square feet for a beer garden. The permit will expire on December 31, 2015.

The Secretary took the roll call of votes. The motion to approve the Temporary Use Permit carried with a vote of 5 to 1. President Spencer, Councilmembers Sinclair, Taylor, Irwin and Bosley voted yes, and Councilmember Plumley voted no.

## **SET PUBLIC MEETING DATE – SEPTEMBER 8, 2015 PROPOSED ORDINANCE AMENDING CHAPTER 11, MOTOR VEHICLES and TRAFFIC, METERED AND LONG TERM PARKING**

President Spencer presented the request from the Manager to set the public meeting for the proposed Ordinance amending Chapter 11, Motor Vehicles and Traffic, regarding Metered and Long Term Parking. The public meeting will be held on September 8, 2015, at 7 p.m.

The Manager advised that reconfiguring the parking spaces in the one hundred block of Center Street to metered parking and the addition of a loading/unloading zone and long term parking permits in the immediate area require ordinance amendments to adopt the changes.

It was moved by Councilmember Taylor and seconded by Councilmember Plumley to set the public meeting and authorize the advertisement as presented. Motion carried unanimously.

**RESOLUTION NO. 5-15**  
**APPROVE \$570,000 LOAN and LOAN DOCUMENT SIGNERS**  
**FULTON BANK, N.A. for the PURCHASE of FIRE APPARATUS**

President Spencer presented the resolution approving a loan in the amount of \$570,000 through Fulton Bank, N.A. and authorizing the signers for the loan documents for the purchase of fire apparatus.

The Manager advised that this resolution contains the approval of Council for the loan and authorizes him and Kathy Holliday, the Finance Director, as the signers to execute the loan documents.

**It was moved by Councilmember Bosley and seconded by Councilmember Taylor to adopt the resolution as presented.**

Councilmember Bosley advised that the Fire Company is doing as much as they can to help offset the cost related to the purchase of the fire truck.

**Motion carried unanimously.**

The resolution was assigned No. 5-15.

**PRESIDENT'S REPORT**

President Spencer announced that Nick Perigo, a former member of Council, lost his sister to cancer last week. The funeral will be held tomorrow.

President Spencer announced that the Annual National Night Out will be held tomorrow evening, August 4<sup>th</sup> at 6 p.m. The event will take place in front of the Bethel AME Church, 301 East Linden Street. In addition, the Advocacy Day and Camp Cheer Wars will be held at the Kennett Area YMCA on Friday, August 6<sup>th</sup>, from 2 to 4 p.m.

President advised that this is the only Council meeting in August; Council will reconvene on Tuesday, September 8<sup>th</sup>, due to Labor Day.

**COUNCIL, MANAGER and MAYOR**  
**COMMENTS and ANNOUNCEMENTS**

Councilmember Irwin thanked Ms. Mulry and Ms. Bui for their presentation. He believes that this property will be put to good use and is excited to see the improvements.

The Manager advised that the construction of the West Cypress Street Project should begin within the next couple of weeks; it will take three (3) to four (4) months to complete.

**ADJOURNMENT**

It was moved by Councilmember Bosley and seconded by Councilmember Plumley to adjourn the meeting at 8:11 p.m.

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Karen L. Scherer  
Secretary