

OFFICIAL MINUTES

January 21, 2020

The Regular Meeting of January 21, 2020, of Council for the Borough of Kennett Square was called to order at 7:18 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 Dalmatian Street, Kennett Square, Pennsylvania with President Mercomes in the Chair.

ROLL CALL

Present: *President Brenda Mercomes*
Councilmember Ethan L. Cramer
Councilmember J. Douglas Doerfler
Councilmember Rosa Moore
Councilmember LaToya Myers
Councilmember Peter L. Waterkotte
Councilmember Mayra Zavala

Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise

EXECUTIVE SESSION

President Brenda Mercomes reported that Council held an Executive Session at 6:15 p.m. on Tuesday, January 21, 2020. The purpose of this session was to discuss a potential legal matter.

ADOPTION of AGENDA

It was moved by Councilmember Waterkotte to approve the agenda as presented; seconded by Councilmember Doerfler.

It was motioned by Councilmember Zavala to amend the agenda to add a resolution on Council Access to Borough Records; seconded by Councilmember Meyers.

Councilmember Zavala shared her opinion that every person on Borough Council should have equal access to Borough records, regardless of whether they are a new Councilmember.

Councilmember Moore noted her concern regarding the legal responsibility of Councilmembers and possible litigation, commenting that some documents should remain closed for privacy.

Councilmember Myers advised that each Councilmember should have equal access to Borough records and this resolution should be added to the agenda.

Councilmember Doerfler commented that Councilmembers should have the information they need to do their job and noted he is not ready at this time to add the resolution to the agenda.

The motion was approved by a vote of 4-3 with Councilmembers Doerfler, Moore and Waterkotte voting no.

It was motioned by Councilmember Cramer to amend the agenda by removing the Zoning Presentation by LRK; seconded by Councilmember Waterkotte.

Borough Manager Scalise explained that the presenter was unexpectedly unable to attend this meeting and the presentation will be postponed.

The motion carried unanimously.

It was motioned by Councilmember Cramer to amend the agenda by removing Consideration of the Collective Bargaining Agreement; seconded by Councilmember Myers

Councilmember Cramer shared that this is due to practical matters that need to be completed regarding the agreement.

The motion carried unanimously.

President Mercomes called for the vote to adopt the agenda as amended.

The motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, applauded Council for providing equal access to all Borough records so they can do the best job possible for the Borough. He noted that about \$30,000 was spent on the credit card in 2019 and he would like to see the bills.

Charla Watson, 523 Magnolia Street, commented that she does not understand what happened in the beginning of the meeting with the amendments to the agenda and would appreciate an explanation. She suggested that Ms. Moore and Ms. Mercomes should have abstained from the voting at the last meeting because they live in Magnolia Place. Ms. Watson shared her hope that Councilmembers educate themselves on zoning laws because overlays are a concern. She feels we need zoning laws with clear definitions and descriptions.

Ken Edwards, 512 Meredith Street, shared his opinion that we need to update the zoning map, as he believes it is out of date. He noted that people buy houses because they are zoned in a particular way.

SPECIAL POLICE DEPARTMENT AWARDS CEREMONY

Chief Holdsworth shared that the promotional testing process for Corporal was completed in 2018 and a certified list of three (3) candidates (valid for one (1) year) was accepted by Borough Council on March 19, 2018. On February 27, 2019, the Civil Service Commission was asked to extend the Promotional Eligibility List for one (1) year. The Chief shared that at this time, he and Mayor Fetick ask Borough Council to promote Christopher Gravina (from the eligibility list) to the rank of Corporal for the Kennett Square Police Department.

It was motioned by Councilmember Cramer to approve the promotion of Chris Gravina as presented; seconded by Councilmember Moore.

Councilmember Cramer noted that Chris Gravina has the respect from his peers, he is acknowledged as a leader who conveys authority, and has respect for this community.

PUBLIC COMMENTS

There were no public comments.

The motion carried unanimously.

Chief Holdsworth recognized Officers Jacob Andress, Mark Todd, Frances Toth and Corporals Gravina and Rongaus with Certificates of Merit. He shared that these Officers and Corporals have each gone above and beyond their duties for the residents of the Borough.

Chief Holdsworth explained that the 2019 Officer of the Year award recognizes one officer for their excellence, dedication, determination and commitment to the Kennett Square Police Department and the Kennett Square Community for whom they serve. He noted this award is determined by a collective vote of the officer's peers, supervisors and the Chief of Police. Chief Holdsworth presented the 2019 Officer of the Year award to Officer Jacob Andress.

Chief Holdsworth explained the Chief of Police Award of Achievement is meant to recognize a special contribution an officer makes to the continued success and advancement of the Kennett Square Police Department and to recognize an officer who routinely goes above and beyond the expected level of performance even if it is outside that officer's assigned duties. Chief Holdsworth presented the award to Detective Christopher Gravina who currently serves as the in-house IT support for various day to day operations of the Police Department. He noted that this extra duty not only benefits the Police Department with financial savings, but also increases the efficiency of day to day operations to provide the best possible policing services to the residents of the Borough of Kennett Square.

Mayor Fetick congratulated and thanked the Officers and their families.

CONSENT ITEMS

President Mercomes announced that the following Consent Items are deemed accepted with the approval of the agenda:

- Minutes of January 6, 2020.
- Bills that were paid since the last Council meeting.
- Approval of Parking Garage Amendment to CRP Agreement.
- Approval of Resolution, RACP Funding Commitment – Parking Garage
- Approval of Special Event Application - Cinco de Mayo, May 2, 2020

Councilmember Cramer commented that he is appreciative we were able to add a rain date for the Cinco de Mayo event.

REPORTS

MANAGER'S

Borough Manager Scalise submitted a written report that was included in the Council packet. In addition, he explained that beginning Monday, workers will begin pouring the concrete for the parking garage and a crane will be set up on Broad Street. He expects seven (7) to eight (8) days of interruptions and asked residents to check the website and Facebook postings for updated information.

PUBLIC SAFETY & INFRASTRUCTURE COMMITTEE

Mayor Fetick reported that dedicated truck traffic enforcement fines collected in 2019 totaled \$25,000. He explained it is a deceiving number because individuals owing fines may be on payment plans which can be paid over two (2) years. Mayor Fetick advised that PennDOT has pushed the Route 82 paving to next year. He also noted that Borough Manager Scalise requested a speed study from PennDOT for South Union and Mulberry Streets, which will be completed over the next couple of weeks.

POLICE DEPARTMENT

Chief Holdsworth submitted a written report that was included in the Council packet. In addition, the Chief reported that six (6) trucks received out of service violations in November and four (4) received it in December. He also shared that the 2019 Prescription Drug Takeback Program resulted in 621.8 pounds of medications that were turned over for destruction. He noted these are medications that will not end up in the water/sewer system or in the wrong person's hands. Chief Holdsworth also shared they have received a grant for a larger medication container that will be installed soon.

FIRE COMPANY

Chief Mitchell submitted a written report that was included in the Council packet.

ACTION ITEMS

CONSIDER PRELIMINARY PLAN APPROVAL FOR RED CLAY MANOR

Andrew DeFonzo shared the Red Clay Manor land development plan which proposes 62 units on 2.3 acres of land with access to East Cope and South Walnut Streets. The units are designed for active adults, 62 years of age and older. Mr. DeFonzo noted that one (1) of the units is set aside for a 24-hour manager. He explained that the plan proposes the use of public water and sewer and is a use by right plan. Mr. DeFonzo noted the plan went through the Planning Commission and received a recommendation for preliminary plan approval and he hopes tonight to secure preliminary approval from Council.

Vice President Moore asked for the price range of the apartments.

Eden Roberts, Delaware Valley Development, explained that the units are affordable housing with a maximum rent of \$895.00 per month for market rate units. She explained the units are scaled down from there based on income with no tenant paying more than 30% of a household income towards rent.

Councilmember Cramer asked Russel Drumheller, Code Enforcement Officer, for more information on how the preliminary plan approval works.

Mr. Drumheller explained that preliminary approval does not allow you to go back and change what has been approved tonight, noting that from this point forward, if the preliminary plan is approved, you can only review the unresolved issues of the plan.

Councilmember Mercomes asked for the length of the project if they receive final approval.

Ms. Roberts noted that construction will take about a year from date of construction closing.

It was moved by Councilmember Cramer to approve the preliminary plan for Red Clay Manor; seconded by Councilmember Myers.

Councilmember Cramer shared his concern regarding the need for income qualification mechanisms and for assuring that mixed price housing becomes more available in the Borough.

Ms. Roberts commented that ten (10) of the units will be available at market rate to anyone age 62 and older.

PUBLIC COMMENTS

John Thomas asked if there will be enough parking for family, visitors, deliveries, etc. He commented that there is never enough parking for projects.

Mr. DeFonzo advised that there is one parking space per unit, or 62 spaces.

Charla Watson commented that she appreciates hearing about the proposed Red Clay Manor but would have liked to see a presentation on a screen to get the full understanding of the project. She noted she is happy to hear we will have units for seniors, but feels the monthly cost is unaffordable for many people on Social Security.

Carol Krawczyk, 521 West State Street, noted this project is on our bus line with a bus stop one block away.

Councilmember Waterkotte thanked Mr. DeFonzo and Ms. Roberts for their presentation. He sees this as opportunity for people who do not have the income to start a new adventure in life. He appreciates the efforts and it is a sign we are taking care of our seniors.

Councilmember Zavala asked what the income qualification application process looks like and hopes that the people who are in the most dire situations have an opportunity for housing.

Ms. Roberts explained there will be ten (10) market rate units and 16 units offered to households making 60% of the area median income, which is defined as two (2) individuals making under \$40,000 per year, at a rent of \$735 per month. Ms. Roberts explained rates are scaled down to households making 20% of the area medium income at a rental rate of \$257 per month.

President Mercomes asked for the square footage of the units and Ms. Roberts explained that the one (1) bedroom units range from 673-735 square feet and two (2) bedroom units are approximately 1,050 square feet.

President Mercomes called for the vote.

The motion carried unanimously.

CONSIDER AUTHORIZATION of CHANGE ORDER #004 for GARAGE EXPANSION PROJECT

Borough Manager Scalise explained that this change order is related to three (3) separate items: 1. The relocation of the Maple Street lighting circuit in the amount of \$2,475.00; 2. Assistance in repairing the broken water main in the amount of \$4,301.65; and 3. Re-routing the existing storm pipe amount of \$3,685.00. He noted the total of the change order is \$10,461.65.

It was motioned by Councilmember Doerfler to approve the Change Order #004 for the Garage Expansion Project; seconded by Councilmember Waterkotte.

Councilmember Waterkotte asked if we are still within the ten (10) percent range of the project budget for change orders.

Borough Manager Scalise advised that we are still under one (1) percent and we do not expect many more change orders.

PUBLIC COMMENT

John Thomas commented that there used to be underground tanks on the property.

Borough Manager Scalise advised he is not aware of tanks on the property, but suggested that if Mr. Thomas still has the plans, he would like to see them.

The motion carried unanimously.

CONSIDER ZONING TEXT AMENDMENT for TOWNHOUSES IN OI DISTRICT

Dennis Melton presented his small residential property concept for a two (2) acre parcel on 419 West South Street located in the OI-1 zoning district, which does not include residential use. He noted the concept includes nine (9) townhouses with green space and includes a portion of property owned by the Borough where they could put in a trail linking with the green space. Mr. Melton noted the units will have two (2) parking spaces in the rear, units will be over 2000 sq. feet, three (3) stories and have porches in the front. Mr. Melton advised he will need relief, help with zoning and asked if Council is interested in a residential use for this project in the OI district.

Councilmember Cramer advised that this is not an action item because Mr. Melton is just asking for feedback and discussion on a possible project. He suggested that the OI-1 district is an area that needs to be reexamined and it includes the NVF property. He noted that if we are going to create a model of mixed-use development, we will need to change the zoning. Councilmember Cramer shared that he likes the idea of mixed-use development and plans for green space. He encouraged Mr. Melton to make the townhouses mixed income.

Councilmember Waterkotte asked for the percentage of the green space that is Borough property. Mr. Melton shared that about 40 percent of the entire greenspace is Borough property.

Vice President Moore asked if we consider changing the zoning for this property, will the zoning change for the whole zoning district.

Mr. Drumheller explained that by changing the zoning of the particular parcel under discussion to R2 or R3, we would make all of those houses conforming and if we amend the zoning for the district, it changes for the entire district. Mr. Drumheller shared that under the VPP, residential uses are permitted in the OI district and there is no requirement for mixed uses. Mr. Drumheller advised that Mr. Melton is asking if Council is interested in pursuing the text amendment to add residential to the OI zoning district.

PUBLIC COMMENT

John Thomas commented that he likes the project. He suggested changing the zoning to fit the area and then build to suit.

Charla Watson shared she is not in agreement with this project. She feels that NVF is a big parcel and we need to look at the bigger picture. She does not think we should change the OI zoning district to R2 or R3 because she believes it has always been a residential area and the zoning maps need to be examined.

It was motioned by Councilmember Waterkotte to continue the discussions and the possibility of moving forward on Townhouses in OI District; seconded by Councilmember Doerfler.

Councilmember Waterkotte commented that we need more information on this project and it deserves further discussion.

It was motioned by Councilmember Cramer to postpone the motion indefinitely; seconded by Vice President Moore.

Councilmember Cramer explained that this motion to postpone will end the discussion and we will take no action. He shared his concern about setting a precedent with situations like these where we do not want to imply an official action on moving forward with projects.

The motion carried unanimously.

CONSIDER ZONING TEXT AMENDMENT for TINY HOME HOTEL IN OI DISTRICT

Russell Drumheller, Codes Enforcement Officer, noted Mr. John Hricick presented a sketch plan idea for a Tiny Home Hotel to be located on East Birch Street, in the OI-1 zoning district. He noted that the Tiny Home Hotel project would require a zoning text amendment to move forward. He advised that Mr. Hricick would like to know if Council is interested in pursuing this text amendment.

Mr. Drumheller suggested there should be some feedback for the applicant on whether Council is interested in pursuing a project and explained that applicants have a right to petition Council for a text amendment, but there is no requirement for Council to ever act on the text amendment. He would like to give the applicant a sense of whether Council is interested in the project before the applicant spends time, effort and money to file a petition for a text amendment that Council may never address.

Borough Manager Scalise asked for the applicant's next steps if they get the sense that Council is interesting in exploring an idea and Mr. Drumheller explained the applicant would file the application with a \$5,000.00 escrow, then they would draw up their plans to meet the zoning requirements of the district and go through the planning and zoning process.

Councilmember Doerfler suggested this is the same situation as the prior item and we can discuss the project, but no formal action is required at this time.

President Mercomes asked if Council is interested in further discussions on the Tiny Home Hotel.

Councilmember Doerfler commented that it is a new and unique idea and from an early standpoint he believes we should entertain and discuss the idea, but we are not giving an official approval on the project moving forward.

Councilmember Waterkotte suggested that this is an opportunity for growth in that area of town. He commented that the idea of having something in that space is good and he would like to hear more on the Tiny Home Hotel.

Councilmember Cramer shared that the idea of having a hotel for people who are interesting in visiting restaurants in town seems strange and feels it is a difficult model. He would convey to the applicant that he is skeptical, but open to idea and would like to have a very clear sense of the project.

Councilmember Myers noted she is open to the project and hearing more information. She suggested they come back to Council with a plan that addresses the five (5) priorities of the Borough.

PUBLIC COMMENT

John Thomas commented that tiny homes are trailers on wheels, and a group of them are essentially a trailer park, but the developer will call it a hotel. He would like to hear more information about the project but shared his concern over what it will look like in 20 years.

Ken Edwards suggested that a tiny home is a trailer and he does not think you can put a trailer park in the Borough, nor would he want to see that in the Borough.

Carol Krawczyk, 521 West State Street, noted there are various types of tiny houses and suggested having a competition for interesting ideas for tiny houses. She suggested galvanizing the community and asking for their ideas.

Andy Froning, 308 Marshall Street, commented that there are many communities of tiny homes across the country and this project is due consideration. He believes this an area where we need to be imaginative in thinking about how we offer different living spaces to people. He would like to see a presentation at the planning Commission.

Charla Watson shared that she wishes Council would make it mandatory to have PowerPoint presentations on these projects for everyone to see. She suggested we need to stop leading people on regarding these projects, noting that she has never heard of so many people coming to Council to talk about their project before going to the Zoning Board. She agrees that tabling the discussion as you did earlier in the meeting is best.

President Mercomes commented that it is an interesting project but questioned if it makes sense to change the zoning. She asked for a motion to table or postpone the matter.

Councilmember Waterkotte commented that he disagrees, based on the number of Air B & B's in town that are always sold out. He suggested that people come to this town for all sorts of reasons, including Longwood Gardens, festivals, museums, and other area activities. He believes we should be able to accommodate different types of housing, like tiny homes, in various ways.

Councilmember Doerfler advised that no action is on the table and no action is needed at this time.

Luis Tovar, Chair of ACOLA, commented that this was a good example of something that is not quite right. He noted that we are trying to save a developer or homeowner the expense if they want to build in our town and yet there was a Hispanic small business owner, who does not own the property, and wants to put in a drive-through window on his establishment and it was very easy to have Codes say it is not possible. He suggested that we will help someone who wants feedback on their project and help them to move forward, but that same help is not offered to other small business owners. He advised he would be happy to discuss the details of this situation so that we all understand the issue and the difference in treatment.

President Mercomes commented we are not taking an action on this tonight and asked Mr. Drumheller to relay the comments to the applicants.

Mr. Drumheller noted that it will be up to the applicant as to whether they choose to move forward with their projects.

CONSIDER RECORDS RESOLUTION

President Mercomes asked if there is a motion to adopt a policy with regard to Council access to Borough records.

It was motioned by Councilmember Zavala to approve the Records Resolution as presented; seconded by Councilmember Cramer.

Councilmember Zavala suggested that every Councilmember should have equal access to the Borough records and information in order to have an open and transparent government. She feels it is important that she and Vice President Moore have the same access to information as the Councilmembers seated prior to their election.

Councilmember Cramer noted this is about Councilmembers ability to gather information. He shared that this Resolution says there is principle that all records that are not barred by Federal or State law should be available to all Councilmembers.

PUBLIC COMMENT

There were no public comments.

The motion carried with a vote of 4-3 with Councilmembers Moore, Waterkotte and Doerfler voting no.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

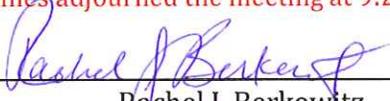
Borough Manager Scalise shared that the Census is coming and there will be local groups going door to door. The Borough is assisting as well to make sure we can get a complete count.

President Mercomes shared the Library is participating in the Census and allowing people to come to the Library for that purpose as well.

Councilmember Waterkotte thanked the Public Works Department for the great job with the pre-treatments of the roads before the icy conditions last week.

ADJOURNMENT

There being no further business, President Mercomes adjourned the meeting at 9:25 p.m.



Rachel J. Berkowitz
Borough Secretary