

OFFICIAL MINUTES MAY 6, 2019

The Regular Meeting of May 6, 2019, of Council for the Borough of Kennett Square was called to order at 7:15 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 Dalmatian Street, Kennett Square, Pennsylvania with President J. Douglas Doerfler in the Chair.

ROLL CALL

Present: *President J. Douglas Doerfler*
Vice President Peter L. Waterkotte
Councilmember Ethan L. Cramer
Councilmember James Mallon
Councilmember Brenda Mercomes
Councilmember LaToya M. Myers

Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise
Borough Solicitor Michael G. Crotty

ADOPTION of AGENDA

It was moved by Vice President Waterkotte to amend the agenda by changing the order of the items by placing the "Special Recognition of Moroleon Officials" and "Public Comments" before the first Action Item and Swearing In; seconded by Councilmember Mallon. Motion carried unanimously.

EXECUTIVE SESSION

President Doerfler announced that Council held an Executive Session at 6:15 p.m. on Monday, May 6, 2019. The session was held in the Red Clay Room of the Kennett Fire Company, No 1, 423 Dalmatian Street, Kennett Square, PA 19348. The purpose of this session was to discuss matters pertaining to the Collective Bargaining Agreement, personnel matters and potential legal action.

SPECIAL RECOGNITION – MOROLEON OFFICIALS

President Doerfler reminded everyone of the Sister City/Twinning Agreement of three (3) years ago that we share with Moroleon, Mexico which allows our governments to collaborate with each other. He welcomed the officials from Moroleon to Kennett Square and acknowledged the Mayor of Moroleon, Jorge Ortiz Ortega, Township Secretary Jorge Luis Lopez Zavala, Trustee Tinoco Perez, Mayor's Secretary Adriana Bustos Rodriguez, Aldermen

Alfonso Guzman Romero, Artemio Guzmán Zamudio and Josefina Espinoza Sandoval and the Director of Social Development, Jose Eduardo Pizano Pantoja.

The Mayor wished the visitors all the best for the remainder of their visit.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that current Council members should take into consideration each applicant's experience, education and involvement with the community when voting on this Council appointment. He feels we need someone with roots in the Borough. Mr. Thomas also shared his concern about the individuals who own a property on Meredith Street stating that they did not comply with the permit rules and should have already resigned from their seats on Historical Architecture Review Board (HARB) and Shade Tree Commission. He encouraged Council to do the right thing in this situation and expressed his opinion that the public has the right to know the amount of the fines applied.

Andy Froning, 308 Marshall Street, commented that the Borough's Comprehensive Plan is getting old and as we move forward with zoning changes, it would be a good idea to revisit the Plan.

Megan Walters, Executive Director of the Kennett Library shared that the Library has a special opportunity to host National Public Radio's (NPR) Story Corps program on June 5th. NPR will be taping conversations between two people, with a facilitator, talking about their shared experiences. In order for this program to work, Ms. Walters stated that she will need five (5) pairs of people who are willing to share their conversation on record and instructed those interested in participating to send her an email. She added that she would like to continue this program of recording oral history after NPR's taping.

Natalie Thomas, 630 Magnolia Court, spoke in support of Council applicant Rosa Garza Moore, sharing that Rosa will work hard to do the work of the Council and help to make a more inclusive community.

Joanne Dougherty, 640 Magnolia Court, shared that Rosa Garza Moore has been anchored in the Kennett Square community and is open minded, respectful and kind. She volunteers in the community and would be an excellent addition to Borough Council.

Charla Watson, 523 Magnolia Street, commented about the renovation on the Meredith Street house and is expecting to see vacancies on HARB and Shade Tree Commission. She feels that Councilmembers do more for businesses than citizens and suggested Council stop creating things in the Borough that lead to the need for additional parking permits. Ms. Watson does not think a town of only one (1) square mile should need any more liquor licenses than already exist.

Aline Frank, 111 Sickle Street, spoke in support of Rosa Moore, sharing that we are fortunate to have such a great candidate who has worked with The Garage, brought professionalism to Kennett Square and has helped young people thrive in the community.

Ken Edwards, 412 Meredith Street, agreed with John Thomas regarding the issues with the Meredith Street house and stated there is more going on there than just the demolition and renovation for which they received the permit. Mr. Edwards shared his concern that the property is not secured.

Isabella Zavala, 706 S. Lafayette St. Apt, 4, stated that when it is time for Council to vote, to please remember to vote for the person who is best for the community. The Hispanic community needs to feel their voices are heard.

VACANCY on BOROUGH COUNCIL

President Doerfler presented the resolution to appoint a registered elector of the Borough to fill the vacancy on Borough Council due to the resignation of Wayne Braffman. The term will expire January 1, 2020. He opened the floor for nominations from Council.

It was moved by Councilmember Cramer and seconded by Councilmember Myers to appoint Mayra Zavala to fill the vacancy as presented.

It was moved by Councilmember Mallon and seconded by Vice President Waterkotte to appoint Lorenzo Merino to fill the vacancy as presented.

Councilmember Waterkotte thanked everyone for applying for the position. He shared it is a tough position to fill and former Councilmember Braffman has left a vacancy on the Finance Committee. His main concern is that we have someone step up in the Finance Committee and Lorenzo Merino is his selection for that reason.

Councilmember Cramer stated he is a fan of Lorenzo Merino and is also in support of Rosa Garza Moore, who is a critical care nurse and has been very helpful in our community. He shared that his choice is Mayra Zavala, as she has worked in law and finance, and is involved with the Advisory Commission on Latino Affairs (ACOLA) and Municipal Relations Committee. He believes she is a leader and would be the best choice for Council.

Councilmember Mallon agreed with Councilmember Cramer in that there are five (5) strong candidates with strong backgrounds. He feels the finance piece is what is the clearest issue.

Councilmember Myers stated she has served on the Finance Committee with former Councilmember Braffman and runs a non-profit, so there is not a lack of finance experience on Council. She feels that Mayra Zavala has the qualities she is looking for in a Councilmember, someone who is engaged with the Municipal government.

President Doerfler shared this is a very tough decision. He explained that Lorenzo Merino's finance background is important, and he has witnessed how connected he is in the business community. He feels Mr. Merino has a collaborative approach and his rapport with the community is very important.

PUBLIC COMMENTS

John Thomas commented that he has only missed one (1) Council meeting in 20 years and he wants someone with experience and who has attended Council meetings. He expressed his support of Ms. Zavala who was born and raised here, works in finance and is active in the community. Mr. Thomas does not think it is fair that the Borough President is running in the upcoming election with Mr. Merino, because it gives him an advantage.

Charla Watson shared she wished this process had been done differently, that this discussion and vote should have been done in a closed-door session. She also stated that we need a qualified candidate who can do the job, who has been attending Borough Council meetings and who can be a voice to speak for all people.

Solicitor Mike Crotty stated that under the Sunshine Act, the Council discussion and vote must be done in public.

Luis Tovar, Chair of ACOLA, shared that the Borough created ACOLA to address the needs of the Latino community. He recognized the members of ACOLA and thanked them for their service. Mr. Tovar explained that as an advisory body, ACOLA's concerns are brought to Council and he believes the Borough is a better place because of our Latino Community.

Amy McKinley, 615 Magnolia Street, spoke in support of Rosa Garza Moore sharing that she has lived in the Borough for 18 months and worked at La Comunidad Hispana. She believes that representation does matter and that the Borough Council should reflect the diversity of the community.

Wayne Braffman, 472 East South Street, noted this is a big vote and pointed out there is currently no Latino representation on Council, but by the end of this vote, that will no longer be the case. He feels that finance is more than just numbers, it is making decisions about quality of life including what Borough services come, go and what is good for the future of the community. Mr. Braffman shared his support of Mayra Zavala because of her hard work in the community. He feels this should be a unanimous vote, sending a message to the community that we respect their choice.

Mayra Zavala, 706 S. Lafayette St. Apt, 4, stated she is deeply rooted in Kennett Square and has worked to make sure everyone is equally represented. She shared she is humbled and honored that her neighbors have come to support her and thanked them. She urged Council to hear the people in the room because she is the candidate who will serve them.

Ken Edwards, 412 Meredith Street, commented that he sees the two (2) sides of Council with half wanting one candidate and half the other. He feels that we have two (2) great candidates and Council needs to choose the person they think will do the best job.

It was moved by Councilmember Cramer to adopt the resolution appointing Mayra Zavala to fill the vacancy on Borough Council; seconded by Councilmember Myers.

At the request of President Doerfler, Borough Secretary Scherer took the roll call of votes.

Councilmembers Myers, Cramer and Mercomes voted yes; Councilmember Mallon, President Doerfler and Vice President Waterkotte voted no.

President Doerfler stated the vote is tied at 3 to 3 and asked the Mayor to break the tie.

Mayor Fetick shared that he hoped Council would choose a candidate who would not be running for Council. He feels that regardless of who he votes for, one group of people is going to be unhappy with his choice and the other group will be happy.

Mayor Fetick voted no.

President Doerfler announced the resolution to fill the vacant Council seat with Mayra Zavala did not pass with a vote 3 to 4.

**APPOINTMENT of LORENZO MERINO to
FILL VACANCY on BOROUGH COUNCIL
RESOLUTION NO. 2019-12**

It was moved by Councilmember Mallon to adopt the resolution appointing Lorenzo Merino to fill the vacancy on Borough Council; seconded by Vice President Waterkotte.

At the request of President Doerfler, Borough Secretary Scherer took the roll call of votes.

Councilmember Mallon, President Doerfler and Vice President Waterkotte voted yes; Councilmembers Myers, Cramer and Mercomes voted no.

President Doerfler stated the vote is tied at 3 to 3 and asked Mayor Fetick to break the tie.

Mayor Fetick voted yes.

President Doerfler announced the resolution to fill the vacant seat with Lorenzo Merino passed with a vote of 4 to 3.

SWEARING IN of COUNCILMEMBER LORENZO MERINO

Mayor Fetick administered the Oath of Office to Lorenzo Merino; the term expires January 1, 2020.

CONSENT ITEMS

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

- Minutes of April 15, 2019.
- Bills that were paid since the last Council meeting.
- Special Event Application – Victory Food Truck Festival, June 2nd.

REPORTS

PRESIDENT'S REPORT

President Doerfler announced that he has appointed Vice President Waterkotte as the Chair of the Finance Committee.

MANAGER'S REPORT

This written report was included in the Council packet.

Borough Manager Scalise announced there is a Birch Street Streetscape Planning meeting for the public to come and voice their opinions on what they would like to see on Birch Street on May 16th at The Creamery for two (2) sessions, one from 1 to 3 p.m. and the next from 5 to 6 p.m.

In response to comments made by the public, Mr. Scalise explained that any violations of ordinances are addressed by a Codes and Zoning Enforcement Officer and Council is not involved. He added that we do not make assessed fines available to the public.

Regarding the Borough's Comprehensive Plan, Mr. Scalise stated it is recommended that the plan is to be evaluated every 10 years and the current plan is only six (6) years old. The Borough's Strategic Plan will be reviewed next year with the new Council.

FINANCE COMMITTEE

Councilmember Waterkotte reported the following activity from their meeting on Monday, May 6th:

- The bills were reviewed.
- The 2019 Budget is on target.
- The committee is looking to put out a bid for the annual maintenance contract for the Borough's water tanks.
- The 2018 Audit was completed and looks to be in order; it was a smooth transition with the new Auditor.
- Parking Fees are being discussed.

HISTORIC KENNETT SQUARE (HKS)

In addition to her submitted written report, Mary Hutchins, Executive Director, HKS, reminded everyone that the Memorial Day Parade begins a 10 a.m.

Councilmember Cramer asked for the floor to speak about the VPP Task Force. He noted there are a set of documents going to the Planning Commission for which he has great concern, stating that we agreed to use a value-based design principle and the VPP Task Force is using an appearance-based design principle. Councilmember Cramer expressed his thoughts that we need to go back through these documents to make sure the needs of the Borough are met.

President Doerfler explained there has been significant debate with the Task Force and the Borough's Solicitor regarding these documents and we are hoping for a draft document by the end of June for public review and comment.

REQUEST for RELIEF from PARKING REQUIREMENTS 323 EAST MAPLE STREET

Borough Manager Scalise explained the property owner of 323 East Maple Street is requesting parking relief for two (2) space. They would like to add a basement apartment but are unable to provide the required parking.

It was moved by Councilmember Mallon to consider the request and seconded by Councilmember Waterkotte.

PUBLIC COMMENTS

Charla Watson questioned the property's location, noting that if the back of the house is on Linden Street, there is no more room for additional parking on that street. She stated that Council should stop allowing houses to be turned into rentals because it is creating a density that citizens do not want.

John Thomas commented that he is not in support of parking relief because the Borough has spent millions on parking and should not require further relief.

Councilmember Cramer noted this property has historically been a boarding house and the project has been approved for stucco, which is an improvement.

Councilmember Myers commented that typically when Council grants parking relief, alternatives are provided.

Borough Manager Scalise shared that we had hoped the requestor would be here to speak about his request, but he is not in attendance.

It was moved by Councilmember Myers to postpone this action item to the May 20th Council meeting and was seconded by Councilmember Mallon. Motion carried unanimously.

AUTHORIZING STAFF to MOVE FORWARD with SOL SMART

Borough Manager Scalise explained that a year ago the Delaware Valley Regional Planning Commission (DVRPC) began to work with Sol Smart to help our community become “greener”. In the effort to move forward, Sol Smart is now asking us to consider zoning changes. Prior to moving any further, he is requesting that Council provide acknowledgment that we should proceed.

It was moved by Councilmember Mallon to authorize staff to move forward with Sol Smart and was seconded by Councilmember Cramer.

PUBLIC COMMENTS

John Thomas commented that he is in full support of solar energy and Council should see what we can save. He also noted that there must be zoning regulations.

The motion carried unanimously.

MOVING FORWARD with EV CHARGING STATIONS

Borough Manager Scalise advised that the Borough was approved for a grant through the State to install two (2) dual port charging stations (4 chargers). Mr. Scalise suggested installing only one (1) port (2 chargers).

It was moved by Councilmember Waterkotte to move forward with installing one (1) Dual Port Charging Station and was seconded by Councilmember Myers.

Councilmember Cramer shared he thinks it is not a bad idea, but we should find money to complete a parking study.

Vice President Waterkotte noted that this is a very small step in becoming more of a green borough.

PUBLIC COMMENTS

John Thomas asked how the unit is protected from electricity theft.

Mayor Fetick explained that electric car owners have a membership card to swipe which only connects with a universal port from an individual’s electric car. There are also people in the community that offer charging to those who have electric cars.

Charla Watson asked for more information on the grant, specifically asking to know how much this would cost the Borough.

Borough Manager Scalise explained that the grant money would not cover the installation; that cost would come out of the parking fund.

The motion carried unanimously.

**AUTHORIZE ADVERTISEMENT – PUBLIC MEETING
PROPOSED ORDINANCE AMENDING CHAPTER 11, MOTOR VEHICLES and
TRAFFIC, RESIDENTIAL PERMIT PARKING**

President Doerfler advised that this advertisement for a public meeting is to consider the proposed amendment to Chapter 11, Motor Vehicles and Traffic, Residential Permit Parking.

It was moved by Councilmember Cramer to authorize the advertisement as presented; seconded by Councilmember Waterkotte.

PUBLIC COMMENTS

There were no comments from the public.

Motion carried unanimously.

**AUTHORIZE ADVERTISEMENT – PUBLIC HEARING
PROPOSED ORDINANCE AMENDING CHAPTER 23, ZONING,
ADDRESS REVITALIZATION/ ADDITIONAL USES within C-2 DISTRICT**

Borough Solicitor Crotty explained this is a draft ordinance that has come out of the Planning Commission and has been reviewed by Russell Drumheller, Zoning Officer. It allows for expanded Residential Uses in C-2 District with frontages on State Street. He noted that the draft needs to go to County Planning Commission for their review and Council needs to consider authorization for a public hearing.

It was moved by Councilmember Mallon to authorize the advertisement as presented; seconded by Vice President Waterkotte.

Councilmember Cramer then moved to amend the motion to instruct the Borough Solicitor to advertise for modifications of the Zoning Ordinance to address zoning overlays; seconded by Councilmember Myers.

Councilmember Cramer presented his proposed amendments to the draft ordinance, as an alternative to the draft recommended from the Planning Commission. In addition to eliminating the tall building overlay and other amendments, Councilmember Cramer indicated that his effort was to ensure that the proposed overlay was limited in scope. The project they discussed included the proposed buildings on Mill Road and State Street and

Councilmember Cramer prefers to include NVF in the overlay, to be in tune with town. He would like to preserve the special characteristics of the community and instead of making a change to the whole C-2 District and submitted his proposed changes to Council today.

Councilmember Mallon commented that when he looks at the overlay, it looks like spot zoning. He further explained that he does not like some of the changes in the zoning for the entire C-2 District. He noted that Councilmember Cramer's amendment takes the bad design elements and codifies them in one small area of town.

The Borough Solicitor noted that he has not had a chance to review the amendment. He also noted the draft that came out of the Planning Commission is also an overlay and restricted to properties with direct frontage on State Street which narrows it down. The overlay does not extend to the entire C-2 District by operation of its language.

The amendment to the motion passed with a vote of 6 to 1 with Councilmember Mallon voting no.

Further Council discussion thereafter followed as to the draft ordinance, with some noting confusion as to the procedural status of what has been presented. Ultimately, Solicitor Crotty explained the focus should be on two (2) issues, authorizing the advertisement and authorizing the draft to be forwarded to the County Planning Commission review, which takes 30 days.

John Jaros, Counsel for the Developer, commented that this process began in 2015 and it was at the asking of representatives in 2018 that they come back to continue the process. The Developers have met with everyone and have been to all of the necessary meetings to get full input on the text amendment. He stated this is not a request to amend the entire C-2 district, nor is it spot zoning. He suggested moving forward to authorize it to go to the Planning Committee and setting a date for a public hearing, which is when everyone can ask their questions. In the context of his comments, Mr. Jaros presented a map, which reflects the areas of the C-2 District to be covered by the overlay.

Further discussion was then held as to the map being incorporated into the draft ordinance, to visually depict the overlay and ensure that there are not any unintended consequences elsewhere in the underlying C-2 District.

In order to clarify the matter before the Council, Councilmember Cramer motioned to direct the Borough Solicitor to advertise the public hearing as it was originally sent, appending the overlay district mapping to ensure that the ordinance only applies to the hatched area shown on the map; the motion was seconded by Councilmember Mercomes.

PUBLIC COMMENTS

Andrew Froning commented that when we took the vote in the planning commission, it did apply to the whole C-2 District and noted there seems to be a lot of confusion.

John Thomas commented that this is spot zoning for one particular project and expressed he does not want five (5) floor buildings on State Street.

Ken Edwards noted we are talking about an overlay that will include Magnolia Place.

Carol Krawczyk, 521 West State Street, commented that when the Planning Commission was looking at this in April, they were considering the overlay and the effects these changes would have on other properties in this area.

Anthony Stancato, the developer of the project, shared this has been a long and frustrating process. He explained that he loves this town and feels this project is right for Kennett Square. He noted he has worked with other towns in Chester County and are willing to work with folks. He feels that a vibrant community requires change. All he needs to know is if this is a project that can move forward.

Charla Watson expressed her frustration that she believes the deal is already in place. She also commented that zoning should not have overlays and tall buildings really do change everything around them and is an inconvenience to residents.

The motion carried with a vote of 6 to 1 with Councilmember Mallon voting no.

AUTHORIZE ADVERTISEMENT – PUBLIC HEARING, TRANSFER OF LIQUOR LICENSE TO 148 WEST STATE, LIBERTY PLACE REFRESHMENTS, LLC

Borough Solicitor Crotty explained this authorization for advertisement is to transfer a liquor license from Tredyffrin Township into the Borough at 148 West State Street.

It was moved by Councilmember Cramer to authorize the advertisement for the public hearing as presented; seconded by Councilmember Waterkotte.

PUBLIC COMMENTS

There were no public comments.

Motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

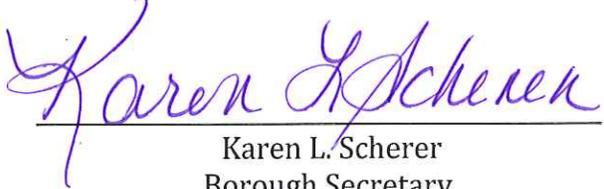
Councilmember Myers apologized to Councilmember Merino for not being present during his swearing-in earlier in the meeting. She welcomed him to Council and shared that she is looking forward to working with him.

Councilmember Waterkotte congratulated Councilmember Merino and reminded everyone to put politics aside.

Councilmember Merino thanked everyone for attending the meeting and stated that he is honored and humbled by this opportunity to be a Councilmember. He added that he is looking forward to representing everyone in Kennett Square and hopes that everyone will feel comfortable talking to him as a neighbor and a Councilmember.

ADJOURNMENT

There being no further business, President Doerfler adjourned the meeting at 10:10 p.m.



Karen L. Scherer
Borough Secretary