

OFFICIAL MINUTES June 1, 2020

The Regular Meeting of June 1, 2020, of Council for the Borough of Kennett Square was called to order at 7:00 p.m. via Zoom Video Conference 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

ADOPTION of AGENDA

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

It was moved by Councilmember Myers to amend the agenda to change item # 3 to request staff to develop and implement a full COVID-19 communication response; seconded by Councilmember Doerfler.

The motion to amend carried unanimously.

President Mercomes called for the vote on the agenda as amended.

The motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, shared his concerns about the loans to businesses. He believes that the concern should be for the citizens and businesses in the Borough, not for those in Kennett Township. He does not believe we should mingle money with the Township and feels that HKS should be calling every business in town to see how we can help them.

Borough Manager Scalise explained they are two completely separate funds; one is a Borough loan program and the other is a grant program with no Borough funds in it. He noted that Bo Wright and Nate Echeverria of Historic Kennett Square (HKS) will speak more about this later in their report.

Bo Wright, Executive Director of HKS shared that the fund Mr. Thomas referred to is a purely private effort which does not include any Borough funds and Mr. Echeverria will speak about that in his report on the small business response fund.

Luis Tovar, Chair of ACOLA, shared that the display this morning was awesome, and it would not have gone off as well without the leadership and efforts of Chief Holdsworth and his team, showing they are all on the same page with the community; is a great example today of how things should be done. He thanked the organizers and the Chief for their support and setting the bar so high for other locations.

Sandra and Joe Mulry, 302 North Broad Street, agreed with Mr. Tovar's comments and thanked the Chief for providing the perfect atmosphere for us to display our emotions and express our rights in a safe and civilized way. He shared it was wonderful to take part in and is what makes this such a special place to live.

Myra Miller, 301 Scarlett Street, shared her and her neighbors' concern regarding the likely increase in traffic in Stenning Hills due to the bridge closure and suggested increasing the police presence.

CONSENT ITEMS

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

- Minutes – May 18 and May 19, 2020
- Approval of Bills

REPORTS

PRESIDENT'S

President Mercomes shared that contrary to some fears, this morning's march was a peaceful assembly of people there to share their genuine concern about injustice. She thanked the organizers, the participants, Chief Holdsworth and his officers. They expertly controlled both car and pedestrian traffic and knelt in solidarity with the community for nine (9) minutes. She congratulated Kennett Square for demonstrating the proper peaceful way to conduct a protest march.

FINANCE COMMITTEE

Councilmember Waterkotte reported that the due to the demonstration today and wanting to give everyone the opportunity to participate, the Finance Committee opted to postpone their meeting to next Monday at 9 a.m. and the meeting is open to the public.

MUNICIPAL RELATIONS COMMITTEE (MRC)

Councilmember Zavala reported that the MRC has not met recently.

President Mercomes noted that Councilmember Zavala should let them know if the Committee should decide to meet again, but until that time, we will remove this Committee from the reports agenda.

PERSONNEL COMMITTEE

Councilmember Doerfler noted that the Committee meets this Thursday and he will provide a report at the Council meeting on June 15th.

HISTORIC KENNETT SQUARE (HKS)

Bo Wright, Executive Director of HKS shared that we are looking forward to helping businesses transition to the Yellow phase safely. Their big initiative currently in the works is a private efforts and funds collaborate with others in the community to create a grant fund and are calling it the Historic Kennett Square Small Business Fund.

Nate Echeverria, Director Economic Development noted that we have two (2) separate programs available for small businesses. He explained that the grant program, called the Historic Kennett Square Small Business Response Fund is a sort of partnership with Square Roots Collective who will provide matching funds, raising money from the community and foundations. Mr. Echeverria commented that HKS is working on the fundraising side and also making sure the businesses are aware of the program. Mr. Echeverria advised that the second program is the loan program administered through True Access Capital (TAC). He and Lorenzo Merino of TAC and a Borough resident, have been doing the outreach to businesses for this loan program to make sure businesses are aware of this option and understand the difference between the two programs. Mr. Echeverria shared that several members of the grant review committee are helping us provide program information and applications in Spanish. He thanked Mr. Merino for helping with so much of the outreach to businesses and thanked Councilmembers Zavala and Moore for helping to complete our list of Latinx businesses, noting that all of the businesses on the list have been contacted. He also thanked Edwin Constaneda, a Junior at the University of Pennsylvania who lives in New Garden has also helped a great deal with the outreach in the Latinx community.

DISCUSSION ITEM

BOND COUNSEL – POTENTIAL REFINANCING

Borough Manager Scalise introduced Brian Bradley of RBC Capital Markets, who we look to when we are interested in refinancing debt. He noted that Mr. Bradley provided a report that was included in the Council meeting packet.

Mr. Bradley shared that the point of tonight is to start a discussion regarding possible refinancing, because we are at historically low rates and we can refinance existing debt. He advised that the 2019 Series A (Parking Fund) and 2019 Series C (Sewer Fund) general obligation notes are the transactions that are most beneficial to refinance now with the bulk of savings to be seen in 2021 and will not extend the maturity dates of the loans.

Councilmembers Myers thanked Mr. Bradley for doing the analysis on the current debt. She suggested Council consider taking out additional bond money for underground water infrastructure and explore bonding for a new municipal building because the rates are historically low.

Councilmember Myers motioned to commit the Finance Committee to explore bonding for underground water infrastructure and a new municipal building; seconded by Councilmember Cramer.

Councilmember Doerfler commented he thinks this is a great idea.

Councilmember Waterkotte agreed that now is the time to explore these options with the Finance Committee and Mr. Bradley.

Councilmember Myers advised she would like to amend her motion to include a comprehensive review of the infrastructure, to include the streets as well.

Councilmember Myers motioned to amend by adding the streets infrastructure to the original motion as follows:

Councilmember Myers motioned to commit the Finance Committee to explore bonding for the infrastructure in totality, primarily including the underground water infrastructure, a municipal building and the street infrastructure; seconded by Councilmember Cramer.

The motion to amend carried unanimously

President Mercomes called for the vote on the motion as amended.

The motion carried unanimously

Brian Bradley noted this analysis will change considering these additional projects. He suggested that the bond market's largest redemption period for municipal funds is the June, July, August time frame and additional projects will help with liquidity. He commented that the Borough has an A3 rating and with insurance, it will move up to AA.

ACTION ITEMS

CONSIDER WHETHER BOROUGH COUNCIL WANTS to MOVE FORWARD with the LIBRARY REQUEST for TEXT AMENDMENTS to 23-65 PARKING

Borough Manager Scalise explained that the Library has filed a petition with the Borough Council to change the text in the Zoning Ordinance regarding 23-65(a)(5)(d). The amendment intends to increase the distance from 600 feet to 1,500 feet in the C-1, C-2 and TBO Districts. He noted that if authorized, their attorney has requested a simultaneous review by the County Planning Commission in an effort to expedite the process.

It was moved by Councilmember Cramer to send this item to the Planning Commission and to the County; seconded by Councilmember Doerfler.

Councilmember Cramer commented that the materials specifically spoke directly to the Library, which he appreciates. He reiterated his frustration with not having a parking study to rely on in this situation and would like to move forward with that. He noted that in the absence of a study, we must be clear and consistent throughout the Borough.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that Council would be changing zoning for one (1) business, which will affect two districts.

Councilmember Cramer advised that this situation is not spot zoning. He noted that if we think 1,500 feet walking distance works for one business, it should work for all areas of the Borough.

President Mercomes called for the vote.

The motion carried unanimously.

STATE STREET ROAD CLOSURES and BUSINESS REVITALIZATION OPPORTUNITIES for ALL KENNETT SQUARE MERCHANTS

Mayor Fetick provided an update on whether to close State Street to allow outdoor dining. He stated that Chester County is going to Yellow on Friday and restaurants are permitted to have outdoor dining. He explained we are looking at a revised approach, instead of a blanket request to close State Street for four (4) nights, we would take a phased approach that could work for any businesses in the Borough. He explained the following four (4) points:

1. We are looking for approval to allow businesses zoning relief to temporarily expand their business within the confines of their own private property, providing more retail space by operating outside, and restaurants could set up tables within their private property as well, following all CDC guidelines.
2. In two (2) weeks, we will see how this works and if it is helpful to businesses. We would then come back to Council with a plan to have road closures over the weekends. Mayor Fetick noted that he and Mr. Echeverria have reached out to as many businesses in the Borough as possible to collect additional data and to ask the major question “what relief (zoning) can Borough Council grant to help you generate more business”, both in Spanish and English.
3. We can then address any additional road closures, foot traffic and where we are with the COVID count. The Mayor suggested that council keep in mind that traffic will be re-routed for the bridge closure at Mill Road for three (3) months, which will naturally reduce traffic and PennDOT has already posted their detour signs.
4. Allow business to have temporary outdoor signage for 60 days as approved by Borough administration, rather than HARB.

Councilmember Myers asked what “their own footprint” means.

Mayor Fetick noted that zoning technically would not permit a business to expand into, for instance, their parking lot. He advised that we are still in a State of Emergency, which allows him to grant a 60-day temporary permit.

Councilmember Cramer commented that our second commercial district is by the high school, he is not sure about their ownership and parking is already a challenge in that location. He suggested that these businesses could benefit from outdoor dining as well and we need to invest aid in all areas of the Borough.

Mayor Fetick suggested the possibility of granting them a waiver on the number of required parking spaces so that when the weather is good, these businesses could operate outside.

Councilmember Cramer commented that we should consider aid to the landlords to beautify that parking lot and create better accessibility. He also suggested the possibility of allowing those businesses to use the parking lot behind them as well.

Mayor Fetick advised he will ask for a recommendation from the Public Safety and Infrastructure Committee at this Wednesday's meeting. This phased approach gives us a chance to see how people are handling the Yellow phase and where we stand with the virus count.

Councilmember Myers shared her concern on how we operationalize this and what we do if it becomes unsafe in some way.

Mayor Fetick noted that he and Mr. Drumheller, who is in favor of doing it this way, will discuss the flexibility of code enforcement during this time and suggested that businesses would send their requests to Mr. Drumheller and he will help monitor everything.

Councilmember Waterkotte motioned to allow businesses to temporarily expand within the boundaries of their private property/footprint, collect data to see what relief the Borough can offer to help businesses, revisit road closures within two (2) weeks and allow for temporary signage for 60 days as approved by Borough administration; seconded by Councilmember Moore.

Councilmember Cramer asked for the motion to be re-read before voting for clarity.

Mayor Fetick offered assistance to that end, stating he will amend the Emergency Declaration for the zoning relief item and suggested the motion could be that Council supports the Mayor's Emergency Declaration to temporarily amend zoning for 60 days to allow for businesses to operate within their footprint, as approved by the zoning officer and to allow for temporary signage, as approved by the Borough Manager.

Councilmember Waterkotte motioned that Council supports the Mayor's Emergency Declaration to temporarily amend zoning for 60 days to allow for businesses to operate within their footprint as approved by the zoning officer and to allow for temporary signage as approved by the Borough Manager; seconded by Councilmember Moore.

Councilmember Myers advised that for the next phase we will need something more concrete to review, noting this is a support to businesses and we need a concrete idea of what it looks like and how we will do it.

Councilmember Zavala commented that we need to continue to be vigilant because the Borough is a COVID-19 hot spot

PUBLIC COMMENTS

Corien Siepelinga, 559 Richards Road, the owner of the Square Pear, shared she is very supportive of the State Street closure idea and suggested we look at other communities considering similar ideas. She hopes the idea will be considered in the future, as foot traffic is very important. She suggested if we are able to close the street, businesses not located on State Street could be asked to join the businesses on State street.

Andrew Froning, 308 Marshall Street, commented that from a HARB perspective, temporary signage would not cause a problem.

John Thomas commented that he would like to see merchants have the opportunity to have sidewalk sales, even if it is not part of their own sidewalk.

Councilmember Cramer asked for the motion to be re-read before voting for clarity. He also noted that it should be clear this motion is made by Councilmember Waterkotte and seconded by Councilmember Moore. He believes motions should be very clean.

Councilmember Waterkotte motioned that Council supports the Mayor's Emergency Declaration to temporarily amend zoning for 60 days to allow for businesses to operate within their footprint as approved by the zoning officer based on individual inquiry and to allow for temporary signage as approved by the Borough Manager; seconded by Councilmember Moore.

The motion carried unanimously.

Borough Solicitor Crotty advised that if there are any restaurants that intend to operate outside, the one thing we cannot waive are the state alcohol requirements.

CONSIDER REQUESTING STAFF to DEVELOP and IMPLEMENT a FULL COVID-19 COMMUNICATION RESPONSE

Councilmember Myers suggested that we as a Borough did not present enough information on COVID-19 to the community. She would like to see the staff communicate to the public more regularly, using a variety of strategies. She charged staff to develop a communications plan with the hope that it can serve as a template for any communication we need to push out to the community in the future.

It was moved by Councilmember Myers to have staff develop and implement a full COVID-19 communication response plan; seconded by Councilmember Cramer.

Councilmember Cramer shared a rough document of statistics from the Mayor's YouTube channel, Councilmember Zavala's personal Facebook page, the Borough's Facebook page and the Kennett Square Police Department's Facebook page. He noted we have had some very successful posts via these avenues of communication but need to do more with consistency and regularity.

Councilmember Zavala advised that we have to do a better job to reach our constituents, that we have to proactively think on this and do better for the people. She feels that people are not getting the information they need from the Borough and believes it is our responsibility to reach all of the people.

Councilmember Moore shared this a great idea and however we decide to move forward with the protocol, we should have both physical and digital communication.

Councilmember Doerfler shared that he appreciates Councilmember Zavala's comments and Councilmember Cramer's statistical information.

PUBLIC COMMENTS

Andy Froning commented that the keys are consistency of messaging across all of your platforms, including print.

Councilmember Zavala agreed that various forms of communication are necessary, including print because of the different target audiences we must reach. She noted the Latinx population could benefit from video, since language and reading can be a barrier to good communication.

Councilmember Myers suggested we think about how we communicate, for example, by possibly by posting messages on water bills.

Councilmember Cramer commented there should be set standards with a singular message and it is critically important that we act as one body and not try to stifle anyone.

Councilmember Doerfler asked if the first step should be a recap of where we are and where we go from here.

Councilmember Myers noted we are moving into Yellow phase and there are rules and regulations with which we must comply including social distancing, requiring masks, and we must keep up with CDC guidelines and ensure we are putting information out on a regular basis to the public that is correct.

Councilmember Cramer advised that we now have 106 cases of COVID-19 in the Borough, which is 1.7 percent of the population.

President Mercomes called for the vote.

The motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Borough Manager Scalise shared that we had a great event this morning and other municipalities have reached out to him with their appreciation.

Councilmember Zavala thanked the Police and the high school organizers, particularly Naomi, who is living and breathing this pain and did a wonderful job organizing this protest.

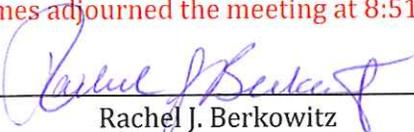
President Mercomes shared she was impressed with the number of young people at the protest.

Councilmember Cramer noted that many people took a lot of time to make it a peaceful event and he thanked Superintendent Blakey, Mayor Fetick, the Kennett Square Police Department and other departments for their work.

Councilmember Myers noted she would like to center us on why the protest happened, that the George Floyd incident was tragic. She shared her hope that as Council votes on issues, everyone should be aware of their conscious and unconscious bias, because every decision we make has consequences.

ADJOURNMENT

There being no further business, President Mercomes adjourned the meeting at 8:51 p.m.



Rachel J. Berkowitz
Borough Secretary