

OFFICIAL MINUTES October 5, 2020

The Regular Meeting of October 5, 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 LaToya Myers
Councilmember Mayra Zavala

Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise

Absent: *Vice President Rosa Moore*
Councilmember Peter L. Waterkotte

ADOPTION of AGENDA

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

President Mercomes called for the vote on the agenda.

The motion carried unanimously.

CONSENT ITEMS

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

- Approval of Minutes – September 21, 2020
- Approval of Bills
- Parking Garage Change Order #8

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, asked if Council could answer questions that are brought up by the public. He noted he brought forward two (2) questions from residents at the last meeting which were not answered. He suggested that Council should answer questions from residents at the beginning or end of the meeting.

REPORTS

PRESIDENT'S

President Mercomes did not have a report.

FINANCE COMMITTEE

Councilmember Cramer reported that the Committee met this morning, Monday, October 5, 2020 at 9:00 a.m. He shared the Committee:

- Reviewed bills and are spot checking 10%, of the bills for review. All documents are available to Council.
- Reviewed the monthly financials and noted that our liens are down because fewer people are behind in their utility payments. We are also down on penalties and fines and are ahead on Earned Income Tax (EIT).
- Budget Direction: Mr. Cramer noted the:
 - Fire and EMS Regional Commission suggested we consider contributing 15% more to the Commission since the last four (4) budget years have remained the same.
 - Reserves are healthy, and having an anticipated gap, should we dip into the reserves. Council should consider our policy. Reserves are for unexpected things like COVID during a year of extraordinary expenses.
 - Consider an increase in public safety tax with the idea that it would be less than a mil, possibly offset by a decrease in the solid waste fund reduction.
- Historically Disadvantaged Business Enterprise listing was discussed and he shared the list comes from a process of certifying historically disadvantaged businesses, including those owned by people of color, veterans, disabled veterans and women. This list of certified vendors would receive special notice of RFPs and it could apply to residents of other states.
- Capital Improvement Plan was discussed and will soon be brought to Council.

PERSONNEL COMMITTEE

Councilmember Doerfler reported the Committee met last Thursday and noted the COVID weekly communications update continues to receive 2,500-3,500 hits and are clearly being seen. He noted that we are always looking for new COVID-specific information for the weekly updates and if you have suggestions, to please let us know. Councilmember Doerfler advised that the Committee discussed developing the broader communication plan and will delve deeper into that at their November meeting. He noted the Committee has also begun work on succession planning, by projecting potential retirement dates for all staff and considering the types of training that will be needed to bring new staff up to speed as staff retire.

HISTORIC KENNETT SQUARE

Bo Wright, Executive Director of Historic Kennett Square (HKS) reported that Nate Echeverria has resigned and his last day is Friday, October 16. He will be starting a new position out of the state and we are sad to see him leave. Mr. Wright noted that HKS intends to move forward with the MOU, which will be discussed at next the Finance Committee meeting.

ACTION ITEMS

ADMINISTRATION

STRATEGIC PLANNING DISCUSSION

Borough Manager Scalise shared that right before the pandemic hit, we had started to discuss a strategic planning retreat, but since we could not meet in person, we put it off, but seeing that we are not sure when we will meet again in person, Mr. Scalise contacted the Stanek's who have been running planning retreats virtually, most recently for up to 40 people in attendance. He asked if Council is comfortable moving forward with this virtual strategic planning.

Councilmember Doerfler motioned to authorize the Borough Manager to schedule Strategic Planning for Council and Staff; seconded by Councilmember Cramer.

Councilmember Cramer asked if Borough Manager Scalise could speak to what kinds of things would go into a strategic plan and where it fits into the State and County ideas of what the Borough should be doing, in terms of fitting in with a comprehensive plan. He also noted that past strategic planning retreats were not held in public and we would want to do this in public.

Borough Manager Scalise shared that all of the meetings would be open to the public. He noted there may be some individual homework for Councilmembers to staff to complete, like assessment activities, meetings and interviews critical to the success of the effort. In the Stanek's proposal, they suggest two (2) four (4)-hour retreat sessions to establish our mission, vision and core values, operating objectives, key performance indicators, marketing and communications initiatives, and through to a final strategic plan for approval.

Councilmember Cramer asked about the context for strategic plans and what is dictated by law for municipalities in Pennsylvania.

Borough Manager Scalise noted that he is not sure of the legalities, but he and the Department Heads use the strategic plan to guide their work. He explained that the Comprehensive Plan and Landscapes Three were used to develop our Borough's strategic plan. Manager Scalise commented that this is Council's way of taking the planning we have done and create a document with specific outcomes you would like to see over certain timelines, to make sure that we are on task and that our projects and responsibilities align.

Councilmember Cramer suggested that he would like to hear other points of view, but that he would like to avoid putting principles and policies into a plan that are not discussed individually, which he believes is what happened in the economic development planning process. He noted that although the process would be public, there will be policy decisions built in that he would rather see tackled individually. He also shared his feeling that a strategic plan is more the purview of staff and there should be a codification of resolutions that set policy. He also noted there is a potential to micromanage if Council dictates key dates and progress on tasks. Councilmember Cramer noted that he believes Council's role is to set legislative priorities, policies and laws. He suggested putting together a legislative agenda, a list of things we should consider and establish a procedure to add things to the list with target dates, and committees could add to the list by a vote. Councilmember Cramer invited others to share their opinions.

President Mercomes asked Councilmember Cramer to confirm that he sees the creation of the strategic plan as that of a task force and not Council.

Councilmember Cramer confirmed that was correct, that Council's goal is policy, ordinances and resolutions to set direction and that operationalizing should be the task of the staff.

Borough Manager Scalise noted one of the items that came up this evening came out of the 2015 Strategic Plan, as Council gave the objective to have all the reserve funds fully funded by 2020. He took that as his Council-directed goal and worked to make sure it was accomplished. He explained that staff has looked at the strategic plan as feedback from Council as to what is important but that he is happy to look at other options.

Councilmember Doerfler shared he has similar feelings about it as Councilmember Cramer and is not sold one way or another. He noted we need to respect the Sunshine Law, the process needs to move smoothly and include the public's input. He asked if we approach this as a legislative agenda, will it hold less weight than if we go through a strategic planning process, and noted how often a list would change, assuming every two years. He also suggested that because this is a vision for Council, that maybe this discussion should wait until all Councilmembers are available.

Councilmember Myers commented that she does not feel strongly either way but that having just recently gone through some robust strategic planning processes, she is not sure it is the most efficient or the best path forward.

President Mercomes shared that in her experience the administration gave the broad strokes, the mission etc., and the way forward would be articulated by staff, but she could go either way on this as well. She asked if there is anything that mandates a five (5) year plan and Borough Manager Scalise said there is no mandate.

PUBLIC COMMENTS

John Thomas commented that he is in agreement with Councilmembers Cramer and Doerfler, it is the Borough Manager and the staff that need to develop the strategic plan and that department heads should come to the Manager with a plan of what they think should be done every year. He believes it is important to put the responsibility on the staff.

Bob Norris, 221 South Union Street, shared that in his view, a strategic plan gives Council the opportunity to develop their priorities and helps to shape the big picture, the priorities and the Borough's direction for the future.

Luis Tovar, Chair of ACOLA, agreed with Mr. Norris, that a strategic plan is a mission statement and feels that everything Council does should be guided by a strategic plan, not carved in stone forever, but used as a guide as the priorities for our community. He noted that staff, Council, committees and the community are all resources to help put together a strategic plan and in years past we have seen friction, therefore this is an opportunity to get everyone on the same page. He also noted that we probably know what we do not want more than what we do want.

President Mercomes called for the vote.

The motion did not carry with a vote of 1 – 4 with President Mercomes voting yes.

CODES and ZONING**DRAFT ZONING AMENDMENTS**

Russell Drumheller, Zoning and Codes Enforcement Officer noted he sent a memo to Council regarding his suggested zoning changes. He would like to move them forward to the Planning Commission for further review. He read the three (3) changes as follows:

- (1) The OI-1 Office Industrial district along Birch Street: I am proposing to make a new C-3 commercial district—we have over the years rewritten the zoning there to allow more and more commercial uses along with the current industrial uses. We are not proposing to make any changes to the existing R-3 residential zoning along Birch street.
- (2) The OI-1 zoning along East South street from Church Alley to South Walnut street: Proposed change would be to R-3 Residential zoning - This proposed change would make all the residential homes that are located there now be conforming instead of non-conforming and expand the ability in that area to improve density by permitting garden apartments as a “use by right”.
- (3) The OI-1 district currently located over the former NVF site: Proposed change would be to make this area only industrial uses. Currently the OI-1 zoning district permits residential housing using the cluster option contained in the ordinance; I do not believe this option addresses the Borough Council’s wish for more affordable housing within the borough. By changing this district to Industrial, I believe will give the Borough time to explore more options for that large area of the Borough to meet the goal of providing housing and uses that will benefit all.

It was motioned by Councilmember Cramer to commit the draft zoning amendments to the Planning Commission; seconded by Councilmember Zavala.

Councilmember Cramer shared that preservation of the housing along the street is one of his highest priorities but also noted the need to ensure a place for light industrial operations as well. He shared that committing these zoning changes to the Planning Commission is a great choice and he looks forward to hearing the Commission’s recommendations.

Councilmember Myers thanked Mr. Drumheller for his work, noting that he took note of trends that Council has been discussing for several years and integrated them in a way that she feels comfortable with. She thanked him for listening and applying his knowledge and skills to what Council has been saying.

Councilmember Doerfler thanked Mr. Drumheller as well for bringing these changes forward.

PUBLIC COMMENTS

John Thomas commented NVF should be designated as a special zone, a reclamation site so that people understand that it is a dirty site.

President Mercomes called for the vote.

The motion carried unanimously.

PUBLIC WORKS**PENNDOT MASTER CASTING AGREEMENT and RESOLUTION 2020-2029**

Borough Manager Scalise explained that PennDOT has sent their Master Casting Agreement which provides for utility adjustments made as part of PennDOT projects with approved pricing subject to change every three (3) years. He explained this agreement is through 2029. Since Route 82 was just paved it is unlikely it would be used, as the only areas likely to be upgraded would be the four (4) bridges PennDOT owns. He noted it would be a benefit to have the agreement in place should it be needed in the future. The Resolution is only to assign signatories to the Agreement and as provided, it states the Borough Manager to authorize and the Borough Secretary to attest.

Councilmember Doerfler motioned to approve the Resolution and Master Casting Agreement as presented; seconded by Councilmember Myers.

PUBLIC COMMENTS

There were no public comments.

President Mercomes called for the vote.

The motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Councilmember Cramer addressed Mr. Thomas's concerns from the beginning of the meeting, noting that his questions should have been addressed to the Borough Manager via email or a phone call, because they are specific and individual questions can be addressed directly. He suggested if there are issues that could be potential agenda items or proposed motions, emailing Council is a great way for the public to get involved. Councilmember Cramer explained that these meetings are not the forum for back and forth questions. He thanked Mr. Thomas for always being engaged.

President Mercomes noted she forgot to mention that Council had an Executive Session at 6:30pm tonight regarding a personnel matter.

Borough Manager Scalise shared that the advertisement for the Public Works Director has been posted and we will be looking to fill that position in the near future.

ADJOURNMENT

There being no further business, President Mercomes adjourned the meeting at 8:06p.m.



Rachel J. Berkowitz, Borough Secretary