

OFFICIAL MINUTES NOVEMBER 5, 2018

The Regular Meeting of November 5, 2018, of Council for the Borough of Kennett Square was called to order at 7:00 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 Dalmatian Street, Kennett Square, Pennsylvania with President LaToya M. Myers in the Chair.

ROLL CALL

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

Borough Manager Joseph C. Scalise

Absent: *Councilmember James Mallon*
Mayor Matthew W. Fetick

ADOPTION of AGENDA

It was moved by Vice President Cramer to amend the agenda, by striking Item #15, Parking Lot Collateral Assignment. Seconded by Councilmember Braffman. Motion carried unanimously.

It was moved by Councilmember Doerfler to amend the agenda by changing the title of Item #17 to: "Consider for Adoption the Proposed Workflow for Developmental Projects including the Community Priorities Statements as Recommended by the Municipal Relations Committee". Seconded by Councilmember Braffman. Motion to amend the agenda carried unanimously.

It was moved by Vice President Cramer to strike Item #8, Professional Services Agreement. Seconded by Councilmember Doerfler. Motion to amend the agenda carried unanimously.

It was moved by Councilmember Braffman to approve the agenda as amended. Seconded by Vice President Cramer. Motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, referred to Magnolia Place and questioned why we are using taxpayer money to plow the streets that have not been dedicated. He also expressed his concern of the fight that occurred after the Brewfest this year in addition to the people who became sick.

Eileen Finneson, 241 North Broad Street, commented that over the past two (2) months people taking their pets to the dog park have been parking their vehicles on her side of the street making it difficult to back out of her driveway without assistance. This occurs outside the hours of residential permit parking and her neighbor is having the same difficulty as well. Ms. Finneson has spoken to the Police and vehicles have been ticketed however it continues to be a problem. She added that some people are walking their dogs without leashes.

Charla Watson, 523 Magnolia Street, recommended signs be installed directing people going to the dog park to use the main entrance to Anson B. Nixon Park. She shared her thoughts that the Municipal Relations Committee is being overzealous and should be disbanded. In addition, Ms. Watson commented the Borough should not have 50 employees because we are only one (1) square mile.

CONSENT ITEMS

President Myers announced that the following Consent Items are deemed approved if there are no objections:

- Minutes for October 15, 2018.
- Bills that were paid since the last Council meeting.
- Resolution No. 2018-15, Section 125 Premium Only Plan, Year 2019.
- Auction of Municipal Vehicles
- Special Event Applications – Holiday Parade and Tree Lighting, November 23rd; Holiday Carriage Rides, December 2nd, 9th, 16th and 23rd; Midnight in the Square, December 31st – January 1st.

There were no objections.

REPORTS

PRESIDENT'S REPORT

President Myers announced the Borough's representation on the Kennett Library Board has increased to two (2) now that we are contributing our fair share. Currently there is one (1) vacancy. This has been posted on the Borough's website and Facebook page. Any Borough resident who would like to be considered to fill this vacancy should submit their letter of interest.

FINANCE COMMITTEE

Councilmember Braffman, Chair of the Finance Committee, reported the following activity from their meetings on October 29th and November 5th:

- They continue to work on the 2019 Proposed Budget which is quite challenging this year.
- The final contribution payment to the Fire and EMS Commission for the year 2018 was planned to be made in 2019. With the new found money from checks we thought were uncashed, we are now looking at possibly making the final payment in 2018.

MUNICIPAL RELATIONS COMMITTEE

Councilmember Doerfler advised he has no formal report; the majority of their work has been regarding Item #17 on tonight's agenda.

PERSONNEL COMMITTEE

Councilmember Mercomes advised after interviewing several firms, the Committee has made a recommendation to Council and they will consider the appointment at their November 19th meeting.

Regarding the vacancy on the Library Board, Councilmember Mercomes advised the deadline to submit a letter of interest is November 16th.

HISTORIC KENNETT SQUARE

Mary Hutchins, Executive Director, advised her written report was included in the Council packet however she wanted to respond to the concerns expressed by John Thomas regarding the Brewfest. She advised Historic Kennett Square realizes there were some incidents this year and they are making changes to address them by cutting back the length of the event by 30 minutes in addition to decreasing the numbers of attendees as well as the number of brewers. It is successful and important fundraising event for Historic Kennett Square and they work very hard to keep it a success and safe.

PRESENTATION – PROPOSED 2019 BUDGET

Councilmember Braffman reported the Finance Committee has been meeting frequently because the Borough Manager advised them early on that we are looking at a sizable gap in the 2019 Budget of about \$200,000. It's going to be a challenge this year to present a balanced budget that does not include a tax increase. The direction the Finance Committee gave the Borough Manager and Finance Director is that all things are on the table including a tax increase, budget cuts in all services, cuts in contributions to all of our partnering organizations as well as other cuts in the General Fund Budget.

Prior to giving the first presentation of the proposed 2019 Budget, Borough Manager Scalise reviewed highlights from the 2018 Budget and projected revenues.

The Borough Manager presented his report the stating General Fund cannot balance in 2019 without the following:

- Decrease in services.
- Decrease in contributions to partner organizations.
- Increase in taxes.
- Identifying new revenues.
- Use of reserves.
- Or, a combination of the above.

Councilmember Waterkotte commented the Finance Committee does not have all of the answers and needs feedback from Council.

Vice President Cramer commented he would like to have some time to study the information and is not in the position to make a sound recommendation this evening.

A discussion ensued.

President Myers stated she cannot see a way to support a tax increase without a serious reason and cannot support cutting police services. Plus, the Senior Center has requested a contribution.

The Borough Manager agreed to have the first draft of the proposed 2019 Budget available to Council before the end of the week and to the public early next week.

Vice President Cramer requested the document be a searchable pdf.

HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATION CERTIFICATES of APPROPRIATENESS

305 EAST STATE STREET, STORE FRONT and AWNING

President Myers presented for approval the following HARB application:

- 305 East State Street – Store Front and Awning.

Clara Saxton, HARB Secretary, gave a description of the application and advised the HARB, by a unanimous vote, recommended the Certificate of Appropriateness (COA) be issued.

It was moved by Vice President Cramer to approve the application and issue the COA as presented. Seconded by Councilmember Waterkotte.

Patrick Clark, a partner of Cooper Hawk and owner of the property, stated the street level was originally a store and they would make it a commercial space again.

PUBLIC COMMENTS

John Thomas commented this is exactly what the Borough needs, expanding the commercial district on State Street. He would like to see this happen with other properties along State.

Motion carried unanimously.

SPECIAL EVENT APPLICATION TINSEL on the TOWN, DECEMBER 13TH

President Myers presented for approval the following special event application:

- Tinsel on the Town, December 13th, 6 to 9 p.m.

Mary Hutchins advised the idea came from the newly formed Marketing and Promotional Committee.

It was moved by Councilmember Doerfler to approve the application as presented. Seconded by Councilmember Waterkotte.

Vice President Cramer advised he will be voting no on application stating we already have too many events in the Borough which puts a burden on our Police and Public Works Departments and puts stress on our personnel. He suggested we make a comprehensive plan regarding the number special events we can have and prioritize them base on the monetary benefit to the merchants and the town.

Councilmember Braffman asked Chief Holdsworth if there is a problem with this event.

Chief Holdsworth replied no and stated HKS was considering holding the event on Friday however after consideration, the event was moved to a Thursday to make it easier on the Police and Public Works.

President Myers referred to Item #11, "*Are alcoholic beverages being served?*" on the application and stated it is marked "*no*", however the supplement page lists a small beer garden in the 100 block of East State Street.

PUBLIC COMMENTS

Charla Watson commented she does not support Third Thursdays or this event stating we have too many events in this town that disturbs residents.

John Thomas referred to the race this past weekend stating that it blocked everyone from getting out. The taxpayers are being inconvenienced but we are not getting anything from these affairs. He said a percentage of the proceeds from special events should go directly to the Borough.

Councilmember Braffman asked the Borough Manager to look into the legality of the Borough's ability to charge additional charge fees for events.

It was moved by Councilmember Waterkotte to amend the motion by correcting the answer to Item #11 to "yes". Seconded by Councilmember Doerfler. Amendment to the motion carried unanimously.

The motion to approve the special event application as amended carried with a vote of 4 to 2 with President Cramer and Councilmember Mercomes voting no.

WAIVER REQUESTS for LAND DEVELOPMENT 121 MEREDITH STREET, FIRST AMERICAN PARTNERS, LP

Russell Drumheller, Code Enforcement Officer, advised Frist American Partners, L.P. has applied for a land development of a parking lot at 121 Meredith. As part of the process, they are requesting six (6) waivers from the Borough's Subdivision and Land Development Ordinance and one (1) waiver from the Stormwater Management Ordinance. The Chester County Planning Commission, the Borough's Planning Commission and engineer, and William Gallagher have reviewed and support the waivers.

It was moved by Vice President Cramer to approve the waivers as requested. Seconded by Councilmember Doerfler.

Mr. Drumheller described the design of the fence that will be used in lieu of the buffer.

Mark Padula, the engineer representing the applicant, advised they cannot make adjustments to obtain the depth one (1) foot depth for the storm sewer pipe. To compensate for the depth, the Borough's engineer is requiring them to use a ductile iron pipe.

PUBLIC COMMENTS

Charla Watson questioned the waivers, the exact location of the property, and the height of the fence.

On the request of President Myers, Russell Drumheller advised the location is 121 Meredith Street and the fence is four (4) feet high. The request is for waivers from the following:

- Section 18-8(b) – Plans required for approval of subdivision or land development to allow the submission of final plans without preliminary plan approval.
- Section 18-10(a)(6) and Section 18-11(b)(1)(C) – Requiring all plan lettering words and numbers to be at least 0.1 inch in height.
- Section 18-10(c)(1) – Requiring existing features and associated information within 100 feet of the site be shown on the plan.
- Section 18-28(a) and Section 18-28(b)(1)(B) – Buffer yards to the construction of the parking lot adjacent to the public road without the installation of a landscaped buffer.
- Section 24-25(b)(6) – Requiring a minimum depth of one (1) foot between subgrade to the crown of pipe.

Motion carried unanimously.

LAND DEVELOPMENT

121 MEREDITH STREET, FIRST AMERICAN PARTNERS, LP

It was moved by Vice President Cramer to approve the land development for a parking lot at 121 Meredith Street, Frist American Partners' LP. Seconded by Councilmember Doerfler.

PUBLIC COMMENTS

There were no comments from the public.

Motion carried unanimously.

AUTHORIZE ADVERTISEMENT

2019 PROPOSED BUDGET and TAX ORDINANCE

President Myers presented the advertisement for the public meeting to consider the 2019 Preliminary Budget and the enactment of an ordinance establishing the Borough Tax Rate for Fiscal Year 2019. The meeting is schedule to be held on December 3, 2018, at 7 p.m.

It was moved by Councilmember Braffman to authorize the advertisement as presented. Seconded by Councilmember Doerfler. Motion carried unanimously.

PUBLIC COMMENTS

There were no comments from the public.

Motion carried unanimously.

AUTHORIZE ADVERTISEMENT – PUBLIC HEARING AMENDMENT to ZONING ORDINANCE

President Myers presented for authorization the advertisement for public hearing to consider an amendment to the Zoning Ordinance.

Russel Drumheller advised this is a text amendment regarding the setbacks of accessory buildings. It has been reviewed by both the Chester County Planning Commission and the Borough's Planning Commission. The public hearing will be held on December 3, 2018, at 7:00 p.m.

It was moved by Vice President Cramer to authorize the advertisement as presented. Seconded by Councilmember Waterkotte.

PUBLIC COMMENTS

Charla Watson stated she did not quite understand the amendment and asked for a recap from Mr. Drumheller.

Mr. Drumheller responded to Ms. Watson's request.

Motion carried unanimously.

AUTHORIZE STAFF to MOVE FORWARD on PROPOSED ZONING CODE AMENDMENTS making “PERSONAL SERVICES” a USE BY RIGHT in the C-1 and C-2 DISTRICTS

Russell Drumheller advised an applicant would like to install a barber shop in our C-2 District but currently, “Personal Services” are only allowed in the C-1 District. In addition, Mr. Drumheller would like to clean up the language regarding “Services” in the C-1 District.

It was moved by Vice President Cramer and seconded by Councilmember Waterkotte to authorize staff to move forward on the proposed zoning code amendments making “Personal Services” a use by right in the C-1 and C-2 Districts and clarify other zoning language to the Borough of Kennett Square Planning Commission and Chester County Planning Commission for their recommendations.

Vice President Cramer advised the applicant, Andres Avalos Sharon, is here this evening however this is not just his issue. This came up before when Council was approving the demolition permit for the barber shop on Willow Street and he brought it to the attention of our Economic Development Director. He suspects the reference to “Personal Services” use was removed as seen fit by former a Council and it needs to be fixed. Barber shops are a prime use in the C-2 District and serve the community well.

Councilmember Waterkotte thanked the applicant for his services in the active military and reserves. He noted that Mr. Scharon's family has opened two (2) successful businesses in the community. In addition, Councilmember Waterkotte stated we need more young entrepreneurs opening businesses in the Borough.

PUBLIC COMMENTS

John Thomas wished the applicant well but commented he feels Council is not correcting a problem but rather addressing a barber shop.

Charla Watson commented barber shops have always been along State Street as well as other parts of town. She would like to know who did this and when. Ms. Watson said the use must fit the equation.

Andres Avalos Scharon, 100 North Young Avenue, thanked Council by stating they are addressing an issue that was wrong. He advised Council that they are opening a door for many young people who want to work at a barber shop and maybe someday open their own.

Motion carried unanimously.

PROPOSED WORKFLOW for DEVELOPMENTAL PROJECTS including the COMMUNITY PRIORITIES STATEMENTS by the MUNICIPAL RELATIONS COMMITTEE

Councilmember Doerfler advised the document contains the proposed work flow for development projects including the five (5) community priorities statements for development in the Borough.

It was moved by Vice President Cramer to accept the proposed workflow as presented and priorities as presented. Seconded by Councilmember Doerfler.

Councilmember Doerfler advised this item was discussed at the last Borough Council meeting and the Joint Economic Development meeting last week. He thanked the public for their input as well. Councilmember Doerfler read aloud the five (5) priorities which is tied directly to the County's Landscapes3 Plan.

After a discussion, it was moved by Vice President Cramer to amend the motion by striking #5, "Developer shall appear before any Committee which has identified a concern to address potential deal breakers directly", under "Process". Seconded by Councilmember Doerfler. The motion to amend carried unanimously.

PUBLIC COMMENTS

Charla Watson shared her thoughts that the Municipal Relations Committee should be disbanded. The Planning Commission does the shaping of development and the members have a job to do and should be allowed to do it with Council having the final say. She feels Council is micro managing.

Clara Saxton, 120 West Linden Street, commented that with a better understanding of the ratio of the types of establishments, perhaps we can cap the number of establishments that serve beer and alcohol. She would like us to actively pursue more bakeries.

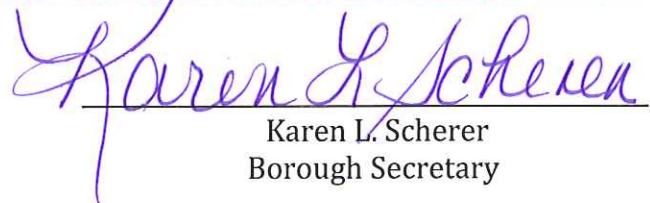
The motion as amended carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

There were no comments or announcements.

ADJOURNMENT

There being no further business, President Myers adjourned the meeting at 8:25 p.m.



Karen L. Scherer
Borough Secretary