

June 18, 2018
7:00 p.m.

The regular meeting of Doylestown Borough Council commenced in Council Chambers, with the following members present: President Jack O'Brien, Vice President Noni West, and Council Members Ben Bell, Don Berk, Tim Brennan, Joe Flood, Joe Frederick, Sue Gordon, and Wendy Margolis. Also present were Mayor Ron Strouse, Borough Solicitor Jordan Yeager, Borough Engineer Jim Dougherty, Borough Manager John Davis, Central Bucks Regional Police Department Chief Karl Knott, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, Director of Building & Zoning Karyn Hyland, Finance Director Caroline Brinker, and Water Director Chris Norris. Junior Councilperson Josie Hall was absent.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS: None.

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **May 21, 2018 Council Meeting minutes**. (West-Frederick) Mr. Flood commented that he did not second the motion for the parking garage. It was agreed that Mr. Frederick had done so. With that amendment, the vote was called and the minutes were unanimously approved.

MAYOR'S REPORT: None.

PUBLIC SAFETY - Ms. Gordon

1. **Consideration of Ordinance No. 2018-7, Establishing a 10-Ton Maximum Gross Vehicle Weight on Church Street.** Ms. Gordon stated that this ordinance establishes a maximum gross vehicle weight limit of 10 tons for the full length of Church Street with exceptions including school buses, trash trucks, utility vehicles, firefighting equipment, and local deliveries. She said the Public Safety Committee is recommending that Council adopt Ordinance No. 2018-7, and if Council wished to follow the recommendation, it could do so by motion. (Gordon-Flood)

Jim Aldredge, 53 North Church Street, thanked Council in advance if they passed this.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Authorization to Draft and Advertise an Ordinance Creating a No-Parking Zone on Belmont Avenue.** Ms. Gordon stated that the residents of Belmont Avenue attended the June meeting of Council's Public Safety Committee to express concerns about parking on Belmont Avenue near East Street. She said there was concern that parked vehicles on both sides of Belmont in this area dangerously restricted the passage of traffic, including emergency vehicles. Ms. Gordon said that as a consequence, the Committee is recommending that Council authorize the drafting and advertising of an ordinance creating a no parking zone on the south side of Belmont Avenue between East Street and a private alley 206 feet to the east. She said if Council wished to follow the recommendation, it could do so by motion. (Gordon-Frederick) With no

comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Authorization to Draft and Advertise an Ordinance Creating Two Residential Permit Holder Only Parking Spaces on North Church Street.** Ms. Gordon reported that Church Street residents attended the June meeting of Council's Public Safety Committee to request the creation of two residential permit holder only parking spaces on North Church Street between Court and State Streets to help accommodate two special needs residents. She said the spaces would be located at 62 Church Street, and all other spaces on the block would remain two-hour parking from 9:00 a.m. to 5:00 p.m., Monday through Friday, with residential permit holders exempted. Ms. Gordon said the Committee is recommending that Council authorize the drafting and advertising of the ordinance, and if Council wished to follow the recommendation, it could do so by motion. (Gordon-Flood)

Dick Patterson, 54 North Church Street, asked if the two spots would be in front of 62 North Church Street and would they be linear. Mr. Davis replied yes. Mr. Patterson then asked how the spaces would be marked. Mr. Davis replied that it would be marked by signage which reads, "Residential Permit Holders Only". He added that it's the same permit that Mr. Patterson has now and it doesn't change the permit holder's access to those spots. Mr. Davis said on North Church Street, people can park for two hours, 9 a.m. to 5 p.m., whether or not they have a permit. He noted that in these two spaces, no one without a permit will be able to park there for any duration. Mr. Patterson asked for confirmation that any North Church Street resident with a permit could park in those two spots. Mr. Davis said yes, that's perfectly legal. He said this doesn't exclude other North Church Street residents, it just shortens the odds of those two particular residents finding a spot close to their home.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

4. **Authorization to Issue Request for Proposals: Valet Parking Operator.** Ms. Gordon stated that the Request for Proposals seeks an operator for the three valet parking areas created by Council's Valet Parking Ordinance. She said the Committee is recommending that Council authorize the issuance of the Request for Proposals, and if Council wished to follow the recommendation, it could do so by motion. (Gordon-Margolis)

Mr. Davis clarified that the application and rules and regulations for the standard license agreement no longer make reference to a percentage to be payable to the Borough. He said it was determined in the first year experiment that the margins are so razor thin that the valet operator cannot even afford a five-percent cut to the Borough, so that reference was removed. Mr. O'Brien asked if essentially there's no revenue to the Borough. Mr. Davis said that was correct. He said the Borough made probably about \$70 the first year. He added that this has not been a terribly successful first year and the jury is out whether an operator is going to be able to make a go of this. Mr. Davis said he did not think the current operator is going to re-up.

With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

5. **Doylestown Fire Co. No. 1 Report**, which indicated that there were 19 incidents requiring their response in May.

PUBLIC WORKS AND ADMINISTRATION - Mr. Frederick

Mr. Frederick said he had no report and he then asked Mr. Ehlinger for the Public Works Department report. Mr. Ehlinger stated that the monthly Work Order Report and the Fleet Services Report were provided. He said the first round of paving would begin on Wednesday, with milling on Belmont Square, Taifer, Meyers, McConnell, and Linden. Mr. Ehlinger said that on the following Monday, the Public Works paving crew will be out to pave them, which will take about three days. He said residents have been notified and anyone in the area should expect delays.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Berk

1. **Comcast Cable Franchise Renewal.** Mr. Berk reported that in 2020, the Borough's current Cable Franchise Agreement with Comcast will expire. He said that as with the previous Franchise Agreement negotiations in 2006, the Bucks County Consortium of Municipalities is proposing joint negotiations to produce a single franchise renewal agreement for consideration by all municipalities choosing to participate. He said the Consortium has solicited a proposal from the Cohen Law Group of Pittsburgh, PA, to provide consulting services to the participating municipalities during the negotiations. Mr. Berk said that 12 municipalities are anticipated to participate in the joint negotiations with the Borough's per capita share amounting to \$5,553.59. He said the Committee is recommending that Council authorize participation in the Verizon Cable Franchise Renewal Consortium at a cost of \$5,553.59, and if Council wished to follow the recommendation, it could do so by motion. (Berk-West)

Mr. O'Brien asked what the Borough received in the past. Mr. Davis said our total franchise total fees for the year are split between Verizon and Comcast, and he thought last year was \$214,000, roughly \$100,000 from each. He said it is a finite number, the only difference is it splits between Comcast and Verizon as their competition goes back and forth.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

ZONING AND PLANNING - Mr. Brennan

1. **Consideration of Resolution 2018-9, Ratifying the 2018-2028 Bucks County Municipal Waste Management Final Plan.** Mr. Brennan said that this plan is a tool to provide guidance for solid waste management and provides for the regulation of haulers, the designation of disposal sites for municipal solid waste and recyclables, documents the flow of municipal waste generated in Bucks County, provides an assurance of capacity, and provides recommendations for maintaining the goal of recycling at least 35 percent of the waste stream. He said the plan relies heavily on the private sector to handle collection and processing municipal solid waste and recyclable materials, which approach is consistent with the previous Municipal Waste Management Plan. He said under this plan, Doylestown Borough is not obligated to make any changes to its existing operations.

Mr. Brennan said that the Bucks County Commissioners adopted the 2018-2028 Municipal Waste Management Plan on May 16, 2018, and the next step is for each municipality to consider the plan and respond to the county within the 90-day ratification period, which ends on August 21, 2018. He said the plan must be ratified by more than one-half of the municipalities, representing more than one-half of the county's population to receive approval from the DEP.

Mr. Brennan said the Borough is required to respond in one of the following ways: ratify the plan via resolution, disapprove of the plan via resolution, conditionally approve the plan via resolution, which shall be considered a disapproval, or do nothing, which will be considered an approval. He said a full copy of the plan can be found at https://app.sharebase.com/#/document/201853/share/129-o1MNm7vuj2MvOWI--GVHgYwYzSw4_.

Mr. Brennan said the Committee is recommending adoption of Resolution 2018-9 and if Council is in agreement, it could do so by motion. (Brennan-Margolis)

Ms. Margolis asked if there has been any discussion for lack of markets for the recyclables, as she knows this is changing right now. She also asked if this will affect the percentage that we've been able to achieve. Ms. Hyland replied that was not considered in the plan Council is voting on. Ms. Margolis asked if anyone has said anything about it outside of the plan and Ms. Hyland said no.

Mr. Aldredge asked if this would impact residents' ability to choose their own waste hauler and the response was no.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. Application for Preliminary and Final Subdivision and Land Development Center Square Towers Parking Lot Expansion and Driveway, TMP 08-005-008-003 North Broad Street. Mr. Brennan stated that Zencorr Properties, the agent for owners of 555 North Broad Street, Center Square Towers, is proposing to construct additional parking in support of the existing 350 dwelling unit high rise. Total parking will be increased from 237 stalls to 353 stalls. He said the applicant is also proposing associated landscaping, stormwater management facilities and sidewalks. Mr. Brennan stated that the applicant received zoning relief from parking setback and buffer requirements from the Zoning Hearing Board.

Mr. Brennan said the Committee is recommending preliminary and final approval of the application conditional on the following: 1) that the applicant resolve all outstanding issues in the Borough Engineer's and Borough Water Engineer's review letters to the satisfaction of staff; 2) that in lieu of installing all the required replacement trees required under Section 520.L, the applicant make a voluntary contribution for the Borough's shade tree and park planting and development programs in the amount of \$8,760; 3) that the applicant make necessary improvements to address capacity of the receiving drainage facility on TMP 08-005-008. The improvements will be designed and constructed to the satisfaction of the Borough Engineer; 4) that the applicant secure a drainage easement on TMP 08-005-008. The easement shall be in a form satisfactory to the Borough Solicitor; 5) that the applicant provide a "Local Traffic Only" sign to be installed at the northern corner of the Veterans Lane and Woodbridge Drive intersection; 6) that the applicant enter into the usual developers, maintenance, escrow, and operation and maintenance agreements in form satisfactory to the Borough Solicitor; and, 7) that in all respects, the project comply with all applicable local, state, and federal regulations.

Mr. Brennan stated that in consideration of the foregoing, the following waivers from the Subdivision and Land Development Ordinance and Storm Water Management Ordinance are recommended: 1) SDLDO §404, to permit concurrent Preliminary and Final Plan approval; 2) SDLDO §509.c., to permit a driveway slope greater than five percent with a change in slope greater than seven percent with the condition that the applicant shall demonstrate to the satisfaction of the

borough engineer that the proposed slopes will not interfere with visibility and that vehicles will not contact the pavement at grade break; 3) SDLDO §510.c., to permit a planting strip narrower than eight feet between parking areas; 4) SDLDO §510.d., to permit 18 feet of open space between the parking area and the outside wall of a dwelling unit; 5) SDLDO §510.e., to permit a parking stall depth of 18 feet; 6) SDLDO §520.L., to partially waive the tree replacement requirement; 7) SDLDO §524(e)(3) & §524(e)(6), to waive the requirement to make recommendations for intersections operating at a level of service D; 8) SDLDO §803(c)(2), to partially waive the requirement of showing all existing features within 400' of the property; 9) SWM §121.20, to allow the storm water storage capacity to infiltrate in 23 hours rather than the required 24-hour dewatering time; 10) SWM §125.2.C(2)(a)1), to allow a limiting zone separation of less than the required 24 inches as approved by the PA DEP and Bucks County Conservation District; and, 11) SWM §125.3.C.(10), to allow less than the required three feet of cover over storm drain pipes with the condition that the applicant comply with the manufacturer's specifications.

Mr. Brennan said that if Council agrees with the Committee's recommendation, it may grant Preliminary and Final Subdivision and Land Development approval by carrying a motion to do so. (Brennan-Gordon)

Mr. Bell clarified that regarding the 24-hour dewatering minimum mentioned, there is a range of 24 to 72 hours, with 24 being the minimum so the waiver for 23 is not an hour below the requirement, it is an hour below the minimum requirement.

Ms. Margolis confirmed there will be 353 spaces.

Mr. Frederick commented that area floods quite a bit. He asked what the reason is for that, is it because of where it backs up at Broad Street because those pipes are not large enough or are those pipes large enough and it's just the volume coming down. Mr. Dougherty replied that it is a combination of factors: that pipe, excessive amount of water in a 100-year storm, the size of the Cook's Run channel, and the grading in that area. He said this will not have an affect on it. He said they have a permit from DEP specifically for the stream crossing, which included an analysis of the floodplain.

Mr. Frederick asked about the vegetation along Veterans Lane and whether we will be addressing that the same way we addressed Broad Street where we removed invasive species. He said the applicant did a great job and asked if they are going to address the other side like that. The applicant replied that they did go all the way up to the property line and then down, without going into the creek. Mr. Frederick thanked the applicant for the work and said he just wanted to make sure they are committed to maintaining that. The applicant said absolutely.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Zoning Hearing Board Report.** Mr. Brennan said he would defer to Ms. Hyland for this report. Ms. Hyland reported that the Board will meet on June 20, 2018 to hear the application for 168 East Oakland Avenue, Lot 2, which had been continued for a few months, requesting a modification to the Board's August 16, 2017 Decision and Order so as to permit the removal of a large tree. She said the prior decision was the tree would remain and Borough Council already voted to have the Solicitor attend the hearing to represent the Borough; and, the applications for 300-360 North Broad Street, requesting to a special exception to expand a dog grooming business,

and for 258 and 260 West Ashland Street, requesting a special exception to construct 10 single-family attached dwelling units.

4. **Historic & Architectural Review Board (HARB) Report.** Mr. Brennan said that at their regular monthly meeting, the HARB recommended the issuance of Certificates of Appropriateness for the following applications: Business Sign Application: 22 S. Main Street, Urbanlux, a home décor and furniture store; Building Applications: 106 N. Hamilton Street, Barbara Brown, residential roof replacement, conditional on the following: gutters are to be half-round, fascia on the front porch is to be replaced using Boral or Azek material, the aluminum flashing will be replaced and will match the gray slate color of the roof; 174 Lafayette Street, Bruce Salkovitz and Linda Barlow, new residential detached two car garage, conditional on the following: the second level windows should be 3 over 1 and the siding should be a smooth finish; 163 E. Ashland Street, James and Robin Wagner, demolition and construction of new residential dwelling and detached garage, conditional on the following: applicant will return at a future date to clarify these items: 1) stone versus brick for the façade, water tables, and chimneys, 2) water table heights to be clarified, 3) wrought iron railings in lieu of aluminum, 4) trim details on the bump-outs, front yard and morning room, 5) increase the height of the windows in the main house to six feet, 6) finalize paint colors, 7) returns at roof to be flat painted metal, 8) possible removal of the front railing on the porch if code compliant and, 9) use of half-round gutters throughout.

Mr. Brennan said the Zoning & Planning Committee recommends that Council approve the applications in accordance with HARB's recommendations, and if Council wished to follow the Committee's recommendation, it could do so by motion. (Brennan-West) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

5. **Code Enforcement Monthly Activity Report.** Mr. Brennan reported there were 59 residential and two non-residential use and occupancy inspections, 55 complaints were investigated, no building inspections, two recycling inspection, two sidewalk/paving inspections, no sidewalk/snow inspections, five litter enforcement, no graffiti, two fire company issues, and three tree removal permits/issues.

6. **Building Inspection Monthly Report.** Mr. Brennan reported there were 148 total permits and a total cost of permit fees of \$27,261.50.

Ms. Margolis, with regard to recycling, asked why, since there were no violations and no corrections, is "Starbucks" mentioned at all. Mr. Davis said it was probably just carried over from a previous report.

ENVIRONMENT AND RECREATION - Ms. Margolis

1. **Appointments to Turk Road Trail Feasibility Study Committee.** Ms. Margolis reported that Doylestown Borough and Township have received a \$50,000 matching grant from the Pennsylvania Department of Conservation and Natural Resources to conduct a feasibility study for a possible future bike/hike trail that would begin near Bomaca Drive in Doylestown Township and weave its way to Scout Way in the Borough. She said that as required by DCNR, the feasibility study process will be spearheaded by a Study Committee, which is expected to meet for approximately 12 months. The Environment and Recreation Committee is recommending the appointment of the following individuals to the Study Committee: 1) herself, Councilperson Wendy

Margolis, 2) Borough Manager John Davis, 3) Lynn Goldman, Bike/Hike Committee Member, 4) Dick Patterson, Bike/Hike Committee Member, and 5) Al Krach, Green Street resident. She said that if Council wished to follow the recommendation, it could do so by motion. (Margolis-Frederick)

It was asked if the township has already approved this. Mr. Davis replied that they had and they've actually appointed members. He said they also have a tentative date for the opening meeting in July to be held at the Bucks County Library Center in Doylestown. Mr. Davis commented that Mr. Krach actually lives on Green Street, one of the six Borough residences that is along the theoretical path, and that's why he was selected.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Ms. Margolis next commented on an item not on the agenda which was that Design for Nature Garden Tour was held this past Saturday. She said it was a beautiful day and the event was very well attended. Ms. Margolis said the Women's Farm and Garden Association really appreciated the Borough's help in publicizing the tour, which she thought helped a lot with the attendance.

WATER UTILITY - Mr. Flood

Mr. Flood stated that the Committee did not meet. He then called on Mr. Norris for the Water Department Report. Mr. Norris reported that there was one water service repair, 20 water meter repairs, 14 well house repairs, 14 final readings, seven house calls, 11 SCADA System Alarms, one non-payment shutoff, two bulk chemical deliveries, three power outages, and five emergency shutoffs. He said a new terminal was added to the water lab to improve access to the SCADA system and to digitally record lab results.

There was a visual presentation which Mr. Norris explained was a very small hole, smaller than a penny, in the water service line on North Street, which put out a surprising amount of water.

FINANCE/PENSION - Ms. West

Ms. West reported that the Committee met and reviewed the Non-Uniform Pension first quarter report. She said they also started discussions on the financial impact of the PennDOT park and building purchase. Ms. West then asked Ms. Brinker for the monthly finance report. Ms. Brinker reported that the total of all funds expended was \$583,318.68. Motion to approve the Finance Report. (West-Margolis)

PERSONNEL - Mr. O'Brien: None.

PROFESSIONALS' REPORTS

Engineer's Report - Mr. Dougherty: No report.

Solicitor's Report - Mr. Yeager stated there was one item for Executive Session which was the Crown Castle litigation.

Central Bucks Regional Police Department (CBRPD) Activities Report. Chief Knott stated the Police Activity Report was provided, showing that last month, there were 1184 incidents in the Borough and that year-to-date, they have spent \$2,077,142.50 and are at 38.3% of their yearly budget.

PRESIDENT'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION:

At 7:33 p.m., Mr. O'Brien announced that Council would be going into Executive Session. Mr. Yeager said they did not anticipate any action upon their return

ADJOURNMENT

Upon their return from Executive Session at 8:33 p.m., Mr. Flood moved to adjourn, seconded by Ms. West. The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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