

July 16, 2018  
7:00 p.m.

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

### **PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATIONS:** None.

### **APPROVAL OF MINUTES**

Ms. West called for a motion to approve the **June 18, 2018 Council Meeting minutes**. (Margolis-Gordon) The vote was called and the minutes were unanimously approved.

**MAYOR'S REPORT:** None.

### **PUBLIC SAFETY - Ms. Gordon**

1. **Consideration of Ordinance No. 2018-8, Creating Two Residential Permit Holder Only Parking Spaces on North Church Street.** Ms. Gordon stated 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. The spaces would be located at 62 Church Street. 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 that at its June 18, 2018 meeting, Council authorized the drafting and advertising of an ordinance creating the two parking spaces. The ordinance was then drafted and properly advertised.

Ms. Gordon said that the Committee is recommending that Council adopt Ordinance No. 2018-8, and if Council wished to follow the recommendation, it could do so by motion. (Gordon-Flood)

Mr. Meisle extended his gratitude to Mr. Davis and the Public Safety Committee for listening to him endlessly about the parking problem on their street. With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Consideration of Ordinance No. 2018-9, Creating a No-Parking Zone on Belmont Avenue.** Ms. Gordon stated that 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 Council, at its June 18, 2018 meeting, authorized 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. The ordinance was then drafted and properly advertised.

Ms. Gordon said the Committee is recommending that Council adopt Ordinance No. 2018-9, and if Council wished to follow the recommendation, it could do so by motion. (Gordon-Brennan) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

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

### **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 then reported that this month they have been very busy with paving projects, the first being Belmont Square and the extension of Linden Avenue past Rohr Drive. [Visual aid provided.] He said next week they are doing Ashland Street from Franklin to Clinton, rebuilding the two speed tables that are there, as well as the little section between Green and Main in front of Hoagie Factory.

Mr. Ehlinger also reported they were excited to open the pump track in the beginning of this month at Chapman Park [with video presentation showing Councilperson Frederick using the track]. He said it was actually kind of magical seeing the little kids enjoy it. Mr. Ehlinger said we should be very proud of this new park amenity, the first in Bucks County and the region. He said it has been very well used so far and they're optimistic that what was created is a real feather in the cap of the park system.

Mr. Ehlinger said also going on this month is that they created two new speed tables on Chubb Drive, as well as a speed table on the bottom of the hill on East Street. He said speed tables are very precise work and they use a full size template.

Lastly, Mr. Ehlinger reported they opened one of the two charging stations in the Borough. He said this is another important community amenity and it also reenforces the Borough's leadership role in sustainable green technology. He said the Mayor, many Councilpersons, and others attended the opening, and electric automobiles were brought over from Thompson and Fred Beans to demonstrate the charging. [Visual aid provided.] Mr. Ehlinger stated that Zygmunt Muzylowski, a/k/a "Ziggy", donated the pedestals and he thought the Mayor was actually working on perhaps having Ziggy donate one or two more. Mr. Davis commented that Ziggy actually has a plan to install one at the Mercer Museum. Mr. Ehlinger said the two pedestals installed in the Borough lots were actually supposed go to the Mercer, but Mercer dragged their feet and delayed it for several years. He said he finally told them Borough Council would love to have them and he kind of stole that project from the Mercer because they delayed it so long, but he knows they want to do it. Mr. Ehlinger said our two stations are open and cars have been using them, and he thought we are on the vanguard of what we are seeing as a tectonic shift in transportation in this country.

Ms. Margolis commented that with regard to the speed tables Mr. Ehlinger spoke about on North Chubb Drive, she believed there is only one new speed table and there is another which is supposed to be repaired. Mr. Ehlinger confirmed that Ms. Margolis was correct in that the existing one is being repaired and they had created a second speed table.

Mr. Berk said Belmont Square repaving is beautiful, but asked about the entrance to it from Court Street. Ms. Margolis noted that Miller Avenue is a mess as well. Mr. Ehlinger suggested that Council members participate in the road tour in September.

Mr. Frederick said the Mayor is only the person he hasn't seen attempt the pump track and felt it wouldn't be complete unless he does. Mayor Strouse said the Bike and Hike Committee shared with him a photo of a dedication of a pump track in Germany where the Mayor dedicated it. He said that mayor had a few years on him and he thought that was part of the process of shaming him into showing up, but he said he's looking for right opportunity when no one has a cell phone with them to record the event. Mr. Frederick replied that will never happen then.

### **COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Berk**

1. **Bucks County Tour of Honor Donation.** Mr. Berk reported that the Borough had received a request from the Bucks County Tour of Honor for a \$100 donation to help fund their program. He said that the Bucks County Tour of Honor sponsors trips for World War II and Korea conflict veterans to the memorials in Washington, D.C.

Mr. Berk said the Committee has reviewed the request and is recommending that Council donate \$100 to Bucks County Tour of Honor, and if Council wished to follow the recommendation, it could do so by motion. (Berk-Flood) Mr. Flood commented that it's a great program and the Veterans really do appreciate it. 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. **Authorization to Advertise Grading Ordinance.** Mr. Brennan stated that this ordinance regulates grading, site disturbance, and tree protection. He said the ordinance requires a grading permit and site plan for projects which propose disturbance within the drip line of trees, projects which propose more than 500 square feet of disturbance, building additions, or new construction. He said the Committee recommends that Council authorize advertisement of the ordinance, and if Council wished to follow the recommendation, it could do so by motion. (Brennan-Gordon). With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **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 July 18, 2018 to hear the continued application for 425 South Main Street, by MC Doylestown, LLC/PM Doylestown, LLC, which challenges Borough Ordinance No. 2018-1 as being illegal spot zoning as it pertains to the subject property. The property was recently rezoned from R-3 Residential to Freestanding Commercial. She said it is her understanding that the applicant has requested a continuance for that application and the board will vote on whether or not to grant that.

3. **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 Applications: 69 East Oakland Avenue, Joseph Wagner and Regina Marino, for signs; and, Building Applications: (1) 258 East Court Street, Russell and Brooks Palmer, certificate recommended for removal and replacement of three windows and to alter the entrance with a 8/0 slider, and the barn doors to remain intact, (2) 22 South Main Street, Main Street DYL Associates, Richard Lyons, to paint the front of the building and add wood trim, (3) 44 South Clinton Street, Mercea Mears Hadigian and Richard Mears, for the revised submission for the front porch renovations with the following conditions: use spindles on the porch four inches on center with the noted repairs, sand, re-glaze, and paint all original windows.

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 recommendation, it could do so by motion. (Brennan-Gordon) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

4. **Code Enforcement Monthly Activity Report.** Mr. Brennan reported there were 70 residential and two non-residential use and occupancy inspections, 30 complaints were investigated, one building inspection, four recycling inspections, two sidewalk/paving inspections, no sidewalk/snow inspections, six litter enforcement, no graffiti, two fire company issues, and four tree removal permits/issues.

5. **Building Inspection Monthly Report.** Mr. Brennan reported there were 165 total permits and a total cost of permit fees of \$16,191.65.

## **ENVIRONMENT AND RECREATION - Ms. Margolis**

Ms. Margolis reported that the Committee meeting was postponed until this Thursday so they could meet jointly with the Shade Tree Commission to discuss the trees for the Broad Street Park.

## **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 main break, one water service repair, 37 water meter repairs, three fire hydrant repairs, four well house repairs, nine final readings, 14 house calls, 13 SCADA System Alarms, three bulk chemical deliveries, two power outages, and two emergency shutoffs. He said a second quarter wheeling invoice was sent to the Township for \$5,300, the VFD well pump controller was replaced at the Maplewood well house, and hydrant flushing was completed in just over two weeks. He also reported that the Old Waterworks well house improvements continue and three new chemical storage tanks arrived and will soon be in service. [Visual presentation depicting the water main break, water main repair, hydrant replacements, new hydrant installation, and water service repair.]

## **FINANCE/PENSION - Ms. West**

Ms. West stated there was no report this month and she then asked Ms. Brinker for the monthly finance report. Ms. Brinker reported that the total of all funds expended was \$975,074.90. Motion to approve the Finance Report. (Margolis-Gordon)

William Meisle said he is a member of the Fanny Chapman Pool. He said he asked one of the Fanny Chapman Pool Board members what does the Borough have to do with Fanny Chapman and he was told, "Nothing whatsoever, they don't do anything for us, this is our thing, the Borough has nothing to do with it." He asked what the \$6,477.88 is on the Finance Report. Mr. Davis replied that the Borough owns it and in terms of the actual management of the pool by dint of Fanny Chapman's bequeath, the pool has an independent board of managers who is appointed by Borough Council and includes representatives from the Borough and the Township. He said they hire a manager, prepare a budget, and manage the pool on a day-to-day basis. He said that Borough Council does approve their budget. Mr. Meisle asked if this was an approval and Mr. Davis replied yes. Mr. Brennan added that possession is nine-tenths of the law.

With no further comments from Council, Staff, or the public, the vote was called on the Motion to approve the Finance Report. All were in favor and the motion passed unanimously.

**PERSONNEL - Mr. O'Brien:** In Mr. O'Brien's absence, Ms. West stated there was no report.

### **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.** Captain Milligan stated the Police Activity Report was provided, showing that last month, there were 1151 incidents in the Borough and that year-to-date, they have spent \$2,482,537.44 and are at 45.81% of their yearly budget.

Captain Milligan said they sponsored and hosted, along with Bagel Barrel, their first "Coffee with a Cop" in Doylestown Borough this past Saturday, which was a very successful community event. He said they met numerous people from the community and received some great feedback.

**PRESIDENT'S REPORT:** None.

### **OLD BUSINESS**

Mr. Brennan commented that looking at the agenda, you see why we have such a great community: we had the electric charging station and the pump track, both of which originated from the public. He said we have great public participation and that says a lot about our community, which is great to see.

**NEW BUSINESS:** None.

### **OPEN PUBLIC COMMENT**

Joe Wagner introduced himself and said Regina Marino was sitting next to him. He said they purchased a property on the corner of Pine and Oakland in September and moved in in November 2017, as their residence. He said the property was previously used as an office by a consulting business and prior to that, it was used an office by Joe Greenwood. He said Jim Shute had problems selling the property because it is in a Central Commerce ("CC") zone and the property could not be sold or marketed as a single-family detached dwelling. Mr. Wagner said the Borough

Zoning Ordinance does not allow a single-family detached dwelling in the CC District. He distributed copies of page one of the Borough's Table of Use Regulations, as well as copies of the Zoning Hearing Board Decision and Order in the matter of Three Maples Associates, LLC. He said Mr. Shute spent some big bucks to Fox Rothschild to get a variance which was disallowed because he couldn't show a hardship. Mr. Wagner requested that the Borough consider changing the zoning, the Table of Use Regulations specifically, so that single-family detached dwelling may be in a CC District.

Mr. Ehlinger explained in broad terms that the purpose of Euclidean zoning, also known as single-use zoning, is the zoning scheme found in almost every community and it was really the first type of zoning established in the 1920s. He said that in single-use zoning, the intent is to separate incompatible uses and uses that may have had adverse impact on each other. He said that it was determined at some point by the Borough's forefathers that the CC District, perhaps because of the amount of noise, traffic, commercial activity, restaurants, and stores, that it was not necessarily a compatible place for quiet single-family homes – there may be some conflict between those two uses. Mr. Ehlinger said that in purely abstract terms, with no exceptions or specifics, it makes sense to keep houses out of your bustling CC District. He said the nature of zoning and real estate is no two properties are exactly the same and every property is unique in its own way, almost always. Mr. Ehlinger said there are certain circumstances where exceptions need to be made, for instance a property that is on the edge of a district or a property that is surrounded by perhaps a lot of compatible uses, so there is a variance process in place which has been successful for several applicants requesting single-family homes in the center of town, at least recently.

Mr. Ehlinger said the Borough does embrace mixed uses, there are certain elements of residential that are encouraged in the downtown, but generally, single-family homes are not. Mr. Ehlinger added, since he was asked, that it's not healthy for a downtown to have many buildings converted to single-family homes. He said it deactivates the sidewalk and the street, it reduces the amount of foot traffic and the vitality and presence of a downtown. Mr. Ehlinger said in many zoning schemes, first floor residential is actually prohibited and detrimental to creating an active downtown.

Mr. Ehlinger said other circumstances downtown where he has seen variances granted, there were unique physical circumstances such as that building was not compatible for any other reasonable use other than residential.

Mr. Wagner asked if somebody wants to have a single-family detached residence in the CC District and is willing to put up with the businesses and noise, why shouldn't they be allowed to do it. Mr. Ehlinger replied that he felt some flexibility is good in a district, but said one person's tolerance for downtown activity may not be shared by the person who next buys the property, or by the person who converts the zoning next door to the property.

Ms. West said this is really not a collaborative session where a decision can be made, so she suggested that Mr. Wagner go to the next Zoning and Planning Committee meeting, Mr. Brennan thought that was something they could at least talk about.

Mr. Brennan then asked with regard to our Comprehensive Plan, is this something that we look at where we have first floor, second floor zoning, are those all parts of that. He said he was trying to understand a separate topic that we're addressing and the benefits that come from that. Mr. Davis said it goes back to what Council defines as the parameters of a study to amend the Comprehensive Plan, if that's an issue you want to look at. Mr. Brennan said he was looking at the

idea of what are the broader goals. He said they are talking about that at the next committee meeting and he was hoping to get a better idea of what the broader goals are. Mr. Davis said he thought two things to remember are we would not just be permitting a single-family home in the CC District at a single location, but in the entire district.

Mr. Wagner asked if the church on the corner of Ashland and Main Street is being converted to a single-family detached home. Mr. Davis said yes, but it's not Ashland, it's Taylor and Main. He said that was a successful Zoning Hearing Board application. Ms. Hyland said they did receive a variance. Mr. Brennan added that he thought all of that rises and falls on individual applications, and couldn't imagine that having different facts. He thought the Zoning and Planning Committee could discuss this. Mr. Davis said there have been successful variance applications and given a little time before the meeting, could do some background to determine what the special circumstances were for successful ones versus this application.

Mr. Wagner said they certainly weren't looking for a particular property because they actually meet the zoning because they have a mixed use, but it's just "boggles my mind" as to why a single-family detached dwelling is disallowed in the CC District.

Ms. West stated the Zoning and Planning Committee meets the second Monday of every month at 7:00 p.m. Mr. Davis asked Mr. Wagner to leave his contact information and we would contact him directly.

## **EXECUTIVE SESSION**

At 7:33 p.m., Ms. West announced that Council would be going into Executive Session. Mr. Davis said that upon their return, there is a reasonable chance that there will be an announcement and action taken.

Upon return from Executive Session, the Solicitor stated that he and Staff have been actively in discussion with Crown Castle regarding a settlement agreement. A motion was suggested to authorize the Borough Manager and Solicitor to finalize the settlement agreement. (Berk-Frederick) Motion passed unanimously.

## **ADJOURNMENT**

At 8:06 p.m., Mr. Berk moved to adjourn, seconded by Mr. Flood. The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis  
Borough Manager

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