

October 16, 2006
7:00p.m.

The regular meeting of the Doylestown Borough Council was held on the above date at the above time in Council Chambers with the following members present: President John ("Chip") Thome, Vice President Lou White, Council Members Darrin M. Hoffman, Mark D. Double, Detlev Ansinn, Jr., Melissa Bond, David Bull, and Jennifer Corr. Also present were: Mayor Libby White, Borough Manager John H. Davis, Assistant Borough Manager/Zoning & Planning Director Philip Ehlinger, Chief James Donnelly, Director of Finance Caroline Leiter, Borough Solicitor Charles T. McIlhinney, Borough Engineer Robert G. Solarz and Code Enforcement Officer/Fire Marshal David Cell. Council Member Lori Clipner was absent.

SPECIAL PRESENTATIONS

- 1.) **Proclamation in Recognition of Community Service Project**
- **The Kennedy Family: Sue, Conor, Alayna , and Ian**

Mayor Libby White read the Proclamation thanking the Kennedy Family for donating their time and efforts to paint more than thirty (30) Borough Fire Hydrants this Summer. When accepting the Proclamation, Ms. Sue Kennedy said the children did all the painting themselves and thanked the Mayor and Borough Council.

- 2.) **Commendation**
- **Corporal Vsevolod Pospisil**

Mayor Libby White read the Official Commendation to Corporal Vsevolod Pospisil recognizing his outstanding actions in saving the life of a victim who had taken a heroin overdose.

- **Patrol Officer Paul Kreuter**

Mayor Libby White read the Official Commendation to Patrol Officer Paul Kreuter recognizing his outstanding actions when dispatched to an incident where an individual had

threatened a woman with a knife. She said, upon his arrival, the individual had fled but he located him. Even though he was armed with a knife and requested to be shot, you were able to maneuver to a position where you could deploy pepper spray which distracted him and enabled you to disarm the subject.

APPROVAL OF MINUTES

1.) September 18, 2006 Council Meeting

Upon motion (White-Ansinn) to approve the minutes of the September 18, 2006 Council Meeting all Council Members present were in favor.

FINANCE AND ADMINISTRATION - Mr. White

Mr. White said, as members of Council know, we have been working through the 2007 Budget and making good progress. He thinks they are drawing to a point where they can make some final decisions about what the budget will be like for next year. The next meeting of the Finance Committee will be on November 2, 2006 at 4:00p.m. We will hear again on the status of the Police Pension Fund followed by consideration of any other items in preparation for finalization of the 2007 Budget. All of Council has before them the Budget vs. Actual comparison as of September. Revenue is in very good shape. Expenditures are within bounds. Otherwise, the budget looks very good as of now.

WATER - Mr. Bull - no report

COMMUNITY AND GOVERNMENTAL AFFAIRS - Ms. Clipner

In Ms. Clipner's absence, Mr. White gave the report.

- 1.) **Fire Marshal's Report - September 2006**
 - **Doylestown Fire Co. No. 1 Report - September 2006**
 - **Central Bucks Ambulance and Rescue Unit Report**
- 2.) **Code Enforcement Report - September 2006**

Mr. White said Council had before them the above reports and they were available to the public if they would like to see them.

3.) Consideration of Ordinance # 2006 - 12; Amending Regulations for Cable Television

Mr. White said the above ordinance was authorized for advertisement at the September Meeting. The Borough Solicitor is recommending adoption of the ordinance, in conjunction with the approval last month of Resolution #2006 - 8, approving a Cable Franchise with Verizon in order to render that Franchise consistent with our Cable Ordinance.

Upon motion (White-Hoffman) to adopt Ordinance #2006-12 approving a Cable Franchise with Verizon in order to render that Franchise consistent with our Cable Ordinance all Council Members present were in favor.

Mr. White said he wanted to remind everyone of the Ambulance Squad Presentation this coming Thursday, which is a joint sponsorship of Doylestown Township and Borough Government, explaining to the public and to us their need for additional funding. We will then have to decide, if we go along with the request, how we will answer that funding requirement.

Mr. White said at their last meeting they discussed the Safe Walking Initiative. We are looking at probably a January Public Meeting about that. There is an announcement coming out in our November Newsletter. Preliminarily, at that meeting, we will ask the Chief to explain what the law is regarding pedestrians and drivers. We want to update the public on what it is the Borough has done so far to make walking safer. We are looking at an interactive project where we would use a large map of the Borough and give people little dots to place on the map at locations they feel walking is now not as safe as it might be. This will give us some focus, as to where we have to look, in order to respond to what may be unsafe conditions right now. We would then go back to the drawing board and look at the input we have from the residents. Our projection is maybe April, when active walking

begins again, to come up with a plan and try to implement it as soon as we can. That is another project we are working on.

PUBLIC SAFETY - Mr. Hoffman - no report

RECREATION, SHADE TREE AND PROPERTY - Ms. Corr - no report

STREETS - Mr. Ansinn

1.) 2006 - 2007 Consortium Salt Bid

Mr. Ansinn said Bids were opened and publicly read for the purchase of Rock Salt for the 2006 - 2007 season on Wednesday, September 27, 2006. Council has before them a tabulation of four (4) bidders and the lowest bidder was Cargill, Incorporated-Deicing Technology at \$44.03 per ton delivered.

Upon motion (Ansinn-Bond) to award the 2006 - 2007 Salt Bid to Cargill, Incorporated-Deicing Technology at a price of \$44.03 per ton delivered, conditioned upon receipt of a properly executed Performance Bond and compliance with the Bid Specifications all Council Members present were in favor.

Mr. Ansinn said at their meeting they had the Road Tour. He and John went around the roads in the Borough. This is something that is done annually to check the conditions. We came up with a recommended punch list of the streets that require repaving/resurfacing. As part of our budget, we came up with a list of ten (10) streets. We have an available budget for this repaving process of \$125,000. That is a function of the Road Tax that is currently in place and has remained at that amount for the past twenty (20) years. In discussion with Council in the context of the budget, we are looking at a situation where we are falling behind our repaving activities. Roads are starting to deteriorate faster than we can repair them. As part of our discussion on the budget, we have under consideration a Road Tax increase of .75 mills which would be \$26.00 a year on average for residents in the Borough.

ZONING AND PLANNING - Mr. Douple

- Consideration of Ordinance #2006 - 13; Amending Zoning Regulations Concerning Signs

Mr. Douple said Directly Illuminated Signs have always been discouraged in the Borough's Historic District. However, pre-existing vague language in the Zoning Ordinance regarding this issue was not written so that these types of signs can be restricted. The attached Ordinance 2006 - 13 is an amendment to the Zoning Ordinance Sign Regulations to clarify the long-standing policy of prohibition of directly illuminated signs in the Historic District. The ordinance has been properly advertised for adoption this evening.

Upon motion (Douple-Ansinn) to adopt Ordinance #2006 - 13 concerning Directly Illuminated Signs in the Historic District Mr. Hoffman said, for the benefit of the public, Directly Illuminated Signs are Neon type Signs. Mr. Ansinn said specifically the ordinance specifies LED and all other types of illumination.

With no further discussion from Council or the public, Mr. Thome called for a vote on the motion. All Council Members present were in favor of the motion.

- Historic and Architectural Review Board Report (Smith Appeal of Siding Request)

Mr. Douple said at its regular monthly meeting, the Borough of Doylestown Historic and Architectural Review Board (HARB) recommended the following for approval.

1. **38 East State Street - Nerice Kendter**
The applicant requested approval to install a new business sign conforming with Borough Ordinances.
2. **10 South Main Street - Artistic Eyewear**
The applicant was seeking approval to install a new awning sign on the front of the business.
3. **8-30 West Oakland Avenue - Worth & Worth**
The applicant was seeking recommendation for approval to install new business signs conforming with Borough Ordinances.
4. **76 South Main Street - Doylestown Investment Group**

The applicant was seeking recommendation for approval to install a new business sign and replace the existing front porch.

5. **69 East Oakland Avenue - Anne Shute**

The applicant was seeking recommendation for approval to replace the existing window on the rear of the house with new full glass patio doors.

6. **62 North Hamilton Street - Tracey and Andrew Ketterer**

The applicant was seeking recommendation for approval to renovate the existing front porch, replace the windows, and enlarge the doorway.

7. **47 Mary Street - John Hill**

The applicant was seeking recommendation for approval to replace the existing roof with slate line dimensional shingles.

Upon motion (Douple-Ansinn) to grant the above approvals as recommended by the Historic and Architectural Review Board all Council Members present were in favor.

Mr. Douple said the last item on the Historic and Architectural Review Board (HARB) list is: Kim & Pete Smith, 245 West Ashland Street. They are the owners of a single story home within the Historic District. They attended the Thursday, September 28th HARB meeting to seek approval of their proposed second floor addition. After extended discussion four (4) proposed changes to the design were considered:

1. Changing the roof lines to "Hipped Gable" to be consistent with the cottage style.
2. Align and relate new second story windows with existing first floor windows below.
3. Use vinyl-clad wood windows in lieu of all vinyl.
4. In lieu of vinyl siding, continue use of Stucco on second floor, or use Hardi-Plank cementitious siding.

Mr. Douple said the HARB approved a motion to recommend Council issue the Certificate of Appropriateness with the above referenced changes. The Smith's architect made the requested revisions to the plans, as outlined above, and they are submitted herewith. Upon subsequent review of the expenses associated with the proposed changes, the Smith's contacted the Borough seeking dispensation from condition #4 listed above which prescribes stucco or cementitious siding. The Smith's have asked to address Borough Council on this issue this evening. Mr. Douple said it should be noted that at the

Zoning and Planning Committee meeting the committee voted to approve the HARB's recommendation to grant the approval with all of the proposed changes.

Mr. Thome said Kim and Pete Smith were present at the meeting. In response to Mr. Thome, Mr. Ehlinger said the revised plans comply with all of the above four (4) conditions with a note indicating composite siding on the plan. What Kim and Pete Smith are asking for is a change in that note regarding composite siding and instead to utilize vinyl siding. Otherwise, the plan will look exactly the same and the building will look exactly the same - it is the material of the siding. Mr. Ehlinger agreed with Mr. Thome that items 1 through 3 have been taken care of but Council needs to address item #4.

Ms. Smith said they are before Council to appeal the recommendation for the Hardi-Plank or Stucco. They did look into both of those items and the expense is fairly extensive. The Stucco would be an additional \$12,500 and \$3,700 on top of that to paint and supplies and labor for that. The Hardi-Plank would be \$6,500 and again \$3,700 on top of that. In response to Mr. Hoffman, Ms. Smith said these costs are over and above what the siding would be. She also wanted Council to know that the second floor is a completely new structure. They are not covering over any existing wood or stucco.

At the request of Mr. Thome, Ms. Smith explained that their home is across from where Jim Carroll's Hardware Store was and what the surrounding neighborhood was like. She said she found several homes within the Historic District that do have vinyl siding on them and showed those pictures to Council along with a picture of their home.

Mr. Bull asked if there is an ordinance against vinyl siding? He said there are a significant amount of homes with vinyl siding down in that area including his. Mr. Hoffman said it has been the process of the HARB, whenever that issue has come up, to vote against vinyl siding. Mr. Ehlinger said there has been a policy over the years that it used to be discouraged where inappropriate but there were exceptions made. In the last couple

of years the HARB has been taking an increasingly stricter position on vinyl siding so that right now it is pretty much a prohibition. Mr. Hoffman said previously there wasn't an opportunity for the Hardi-Plank whereas now there is. Mr. Bull said the square foot cost is quite different. In response to Mr. White, Ms. Smith said two (2) sides of the house are visible from the street. The right side of the home is somewhat obstructed with trees. The front of the home and the left side of the home, where the front door is, are seen from the street. Mr. White said his own house has Hardi-Plank on the front and vinyl on the sides and back. The difference is, unless you look hard, you can't see the sides of my house. You are right, to do the whole house in Hardi-Plank, at least for me, would have been very expensive. If you look from a distance at the Hardi-Plank and vinyl it is very similar. His question is, if there is some kind of compromise use of these materials that would reduce the cost and still conform to HARB regulations?

Ms. Smith said the problem they are getting into is that they found out their basement is basically built on a slab which added another \$17,000 to the project above their budget to conform. They did work that obstacle out. Ms. Smith said between the roof changes, which is probably going to be about \$4,000, and the windows, which are going to be about \$1,200, it starts to turn into a monster. Mr. Smith said their budget was at, if not over, their limit before the foundation issues and they haven't even started.

Mr. Douple said to Mr. Ehlinger that, when they had their discussion, he indicated that although this is the Historic District it is on the fringe of what is in the Historic District and what is not and may not best be suited to be part of the Historic District. Mr. Ehlinger said it is on the farther Western "outposts" of the Historic District and the boundary there is fairly saw-toothed and this block got picked up. The block on each side of it is not in the Historic District. Mr. Douple said it might make sense to allow them to do what they want to do but the better way to do it, so that we don't set a bad precedent or we don't question

our HARB, would be to remove this neighborhood from the Historic District. Ms. Bond said she believes they have to look at each situation. They do not want to be in a position where they are pushing people out of the Borough because they don't have the resources to spend thousands of dollars on a project especially, when there are unforeseen circumstances such as in this case. Mr. Thome said he was at that meeting and there was healthy dialogue as evidenced by the revised plans. These applicants did indeed make some expensive concessions, which he thinks are architecturally significant, and will make the home look a lot better. He also believes they should support the work of the HARB and he thinks the HARB did its work in this case. They convinced the property owners to make some significant changes that will make this house look architecturally much nicer. As we have said here tonight, the fact is, there might be some second floor siding which probably is not discernable or distinguishable from the road. In response to Mr. Thome, Mr. Ehlinger said the house is not considered a contributing building to the Historic District nor is it adjacent or nearby any contributing buildings. Mr. Thome said Mr. Ehlinger's point earlier is well taken that perhaps this block should not even be in the Historic District. Mr. Thome said personally he does not think the HARB will take offense if they approve these modifications. They did their job, the applicants did their job, and he agrees with Ms. Bond that it is a case by case basis and this happens to be one of those cases where the HARB has done a good job as have the applicants. He thinks Council should approve it as submitted. In response to Mr. Hoffman, Mr. Ehlinger said there are excellent vinyl systems available now including the wide four inch (4") corner board, which he was talking about, and also a four inch (4") trim around the windows. A lot of the quality of the vinyl job depends on the system that is chosen. Mr. Hoffman said, if Council is of a mind to look at less expensive material and overturn the HARB on it, his opinion would be to send it back to the HARB on that issue, with those recommendations, and let them work it out. Mr.

Thome said the applicants are breaking ground tomorrow. Mr. Ansinn said he thinks the issue that Mr. Ehlinger pointed out is a good one that the existing property does not contribute to the Historic District. It strikes him that they are putting the applicant through a lot of difficulty here. As we look at all these possible scenarios and complexities that we can add, we want to make sure, as residents here, the development of your property is not impeded by Council. Mr. Thome's point is how can we come up with an expeditious answer here that allows the applicant to move forward with developing this property in a way that conceivably improves it.

Mr. Thome said he likes the concept of some additional work with the applicant on some of their options. He is not keen on sending this back to the HARB saying; "HARB, Council thinks they can do vinyl, now work with them on their vinyl." He would prefer if Council approved it, as submitted, on the condition that they continue working with Mr. Ehlinger on their selection and trim and the other issues raised. He has faith that Mr. Ehlinger can work with the applicant and come up with something appropriate.

Upon motion (Douple-Bond) to approve the Historic and Architectural Review Board recommendation with respect to items one (1) through three (3) and with respect to item four (4) that the applicant work with the Borough Zoning & Planning Director in regard to the appropriate type of vinyl siding all Council Members present were in favor of the motion.

Mr. Douple asked Mr. Ehlinger if they can, without going property by property, go back and look, especially at the sections of the Historic District that did not fall within the National Historic District, and reconsider some of those neighborhoods. Ms. Bond said some residents want to be in the Historic District. Mr. Bull said next month they can discuss that under an agenda item.

Mr. Douple said the other item he has is that The Freight House requested a Public Hearing pursuant to condition #5 of their June 18, 1999 memorandum. It is his

understanding that the public meeting is a request by them to waive, in whole or in part, the restriction to be permitted to have live music. That will be heard at the upcoming Zoning and Planning Committee. It will be a Hearing for the whole Council. There will be a special Council Session at the Zoning and Planning Committee on November 13, 2006. Mr. Ehlinger said on November 13th the Zoning and Planning Committee will commence at its regular 7:30p.m. time and the special Council Meeting will begin at 7:45p.m. Mr. Double said that will be to address The Freight House request for a public meeting. Mr. Double said it will be advertised. Mr. McIlhinney said separate notices will be sent to the neighbors and also, according to the condition in the Land Development approval, it is required that the husband and wife are given specific written notice.

ENGINEER'S REPORT - no report

SOLICITOR'S REPORT - no report

ZONING HEARING BOARD REPORT - Mr. Ehlinger

Mr. Ehlinger said Worth & Worth, Limited Partnership, owners of 22 North Main Street, have requested Variances from Section 801 Parking Requirements in order to divide an existing two (2) bedroom apartment into two (2) one (1) bedroom apartments. The Zoning District is Central Commercial (CC).

PERSONNEL - Mr. Thome

MAYOR'S REPORT

Mayor Libby White said she has given two (2) Voting Machine demonstrations; one (1) at Heritage Towers, the other at the Senior Center. She is continuing to work on the Senior Information. Information helpful to Seniors that will be delivered to six (6) polling places in the Borough on election day. Since January, she has performed forty-one (41) Weddings. She had a nice time at the Acme Ribbon Cutting about a week or so ago. This week she gave a presentation to Junior National Honor Society Students at Our Lady of Mt. Carmel School. That was a very nice dialogue between herself and the students on the

subject of leadership. She said she would like to comment on the many references in our Police News to cars being entered into. It seems like there is a rash of these going on. She hopes the public, as the Chief has tried to do before, will be reminded that they should really not leave their cars unlocked at any time, in any place. Chief Donnelly said they have made an arrest in reference to those thefts from autos. We will be able to clear up several of them but he really believes the person responsible is responsible for a lot more. That does not mean we have ended thefts from autos. Please lock your doors. Keep them locked at night.

OLD BUSINESS

NEW BUSINESS

PUBLIC COMMENT

TREASURER'S REPORT - Ms. Leiter

Ms. Leiter said the Treasurer's Report for the month of September is included in Council's Packet showing revenues and expenditures for the month and also vouchers payable after approval.

Upon motion (White-Ansinn) to approve the expenditures all Council Members present were in favor.

EXECUTIVE SESSION

1.) Litigation

Upon returning from Executive Session, a motion was made by Mr. Douple and a second by Mr. Hoffman to approve the Stipulation and Settlement in the appeal of Salvatore and Jacqueline Mannino from the decision of the Doylestown Borough Zoning Hearing Board denying Special Exception Approval. All Council Members present were in favor of the motion.

ADJOURNMENT

Upon motion (Bond-Bull) to adjourn the October 16, 2006 Council Meeting all Council Members present were in favor.

Respectfully submitted,

John H. Davis
Borough Manager