

June 19, 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 Mark D. Double, Detlev Ansinn, Jr., Melissa Bond, David Bull, Lori Clipner, and Jennifer Corr. Also present were: Mayor Libby White, Borough Manager John H. Davis, Assistant Borough Manager/Zoning & Planning Director Philip Ehlinger, Director of Finance Caroline Leiter, Borough Solicitor Charles T. McIlhinney, Borough Engineer Robert G. Solarz, and Code Enforcement Officer/Fire Marshal David Cell. Mr. Darrin M. Hoffman was absent and Lieutenant Mike Cummings was sitting in for Chief James Donnelly who was on vacation.

APPROVAL OF MINUTES

1.) May 15, 2006 Council Meeting

Upon motion (Ansinn-White) to approve the minutes of the May 15, 2006 Council Meeting all Council Members present were in favor.

FINANCE AND ADMINISTRATION - Mr. White - no report

Mr. White said they had a meeting earlier in the month. They sat first as the Police Pension Board and got a report from PFM Advisors - our consultants for that plan. The returns are a little lower than we anticipated. We were looking at maybe a little more than 4% and they came out 3.68%. We did advise our consultant to make some changes in the funds that we are involved with. The changes will take effect as of tonight.

Mr. White said overall the Operating Budget is in good shape except for Police Overtime. It is about 20% over what it should be at this time. We are going to hear later that the Public Safety Committee is going to recommend hiring a full-time officer and hopefully that will help alleviate that problem. Otherwise I think we are in good shape.

WATER - Mr. Bull - no report

COMMUNITY AND GOVERNMENTAL AFFAIRS - Ms. Clipner

- 1.) **Fire Marshal's Report - May 2006**
- **Doylestown Fire Co. No. 1 Report - May 2006**
- 2.) **Code Enforcement Report - May 2006**

Ms. Clipner said Council had before them the Activity Report from the Fire Marshal/ Building Inspector for May 2006 which covers Building Permits, Reviews, and Inspections, Fire Prevention and Investigation. A copy of the Incidents Report is before Council from the Doylestown Fire Company showing twenty (20) incidents. Also, Council has before them the monthly Activity Report from the Deputy Code Enforcement Officer. The reports are available to the public if anyone wishes to see them.

PUBLIC SAFETY - Mr. Hoffman

In the absence of Mr. Hoffman, Mr. Douple said he would give the report.

- 1.) **Consideration of Ordinance #2006 - 6; Placing Stop Sign on Scout Way at Pine Street**

Mr. Douple said this ordinance was approved for advertising at the May Council Meeting. The ordinance is to place a Stop Sign on Scout Way at the intersection of Pine Street.

Upon motion (Douple-White) to adopt Ordinance #2006 - 6 to place a Stop Sign on Scout Way at the intersection of Pine Street all Council Members present were in favor.

- 2.) **Consideration of Ordinance #2006 - 7; Adding Definition Of Removal and Storage Charge for Car Towing**

Mr. Douple said this ordinance was also approved for advertising at the May Council Meeting. The ordinance will add the definition of the phrase "Removal and Towing Charge" to the current ordinance for towing companies removing vehicles from private lots.

Upon motion (Douple-Ansinn) to adopt Ordinance #2006 - 7 adding the definition of the phrase "Removal and Towing Charge" to the current ordinance for towing companies

removing vehicles from private lots all Council Members present were in favor.

3.) Approval to Hire 2 Part Time Police Officers

Mr. Douple said at the committee's regular meeting they approved the hiring of two (2) part time police officers. The candidates are Harry Vitello and Thomas Hotham, II.

Upon motion (Douple-White) to approve the hiring of Harry Vitello and Thomas Hotham, II, as part time officers, pending the results of physical and psychological evaluations all Council Members present were in favor.

At this time Mayor Libby White swore in Harry Vitello and Thomas Hotham, II.

4.) Authorization to Create New Full Time Police Officer Position

Mr. Douple said the Public Safety Committee is recommending that Council approve the hiring of one full time police officer. Hiring one full time officer will bring the department's manpower to sixteen (16) full time officers.

Upon motion (Douple-White) to approve the hiring of one (1) full time officer all Council Members present were in favor.

5.) Results of Vehicle Bids

Mr. Douple said the Public Safety Committee at its regular meeting requested that Council accept the highest bid for each vehicle. The 1999 Ford Crown Victoria bid was for \$1,907 by Joe Friel. The second bid was for the 1998 Jeep Cherokee. Although the minimum bid requested was \$1,900, the highest bid we received was from US Properties in the amount of \$1,549. As there was no one that met the minimum bid requested, we recommend that Council accept the bid of \$1,549 from US Properties. The last vehicle was the 1995 Chevrolet Pick-Up. Again, Joe Friel was the high bidder at \$852.

Upon motion (Douple-Clipner) to accept the highest bid, as stated above, for each of the vehicles all Council Members present were in favor.

Mr. Thome said before they move on he would like to read something into the

record. It is a letter from an individual involved in our Town Watch Program. It is addressed to the Borough Manager, Council, and Mayor White.

“From the various news articles in the recent past, one could be left with the impression that the Borough’s attitude is one of keeping youth out of its downtown, and that the police department is charged with making this happen. Having spent the past three months involved in the new Town Watch initiative, I have seen firsthand that this perception is the complete opposite of the truth.

Through personal observations and discussions with several officers, all have exhibited a desire for Doylestown to be enjoyed by both youth and adults alike. The officers maintain a good rapport with our citizens and visitors, and their actions are clearly not those of harassment. This is not to say that there has been any hesitation to address situations involving inappropriate behavior. When doing so, it has been done quickly, firmly, and with respect.

I commend the Borough leadership and police department for the approach they have taken to this issue, and I am confident we will quickly turn around any incorrect perceptions of our community and its downtown environment.”

Mr. Thome said, with that, he would like to pass on the thanks of Council and appreciation to Lieutenant Cummings and the whole force. He said, we agree with the observations in the above letter and we certainly appreciate the Town Watch.

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

Mr. Douple said he had two (2) matters under this topic. Again this Summer he has been assigned to a number of basketball games that are being played at Central Bucks West and Lenape. It is the Doylestown High School Summer League. The Borough is the “sponsor” of the event. All the fees that are paid for the referees are paid by the teams but he would be receiving money from the Borough as a referee in the league. He said he just needed to let Council know that he is getting money from the Borough.

Mr. Douple said on June 4th they had their first annual Kids Triathlon. They had one hundred thirty-two (132) participants. All of the expenditures for the event were covered by the fees that were generated by the athletes.

Mr. White said it was a very successful event and he congratulated Mr. Douple.

STREETS - Mr. Ansinn

1.) 2006 Road Materials Bid

Mr. Ansinn said the Streets Committee did not have a quorum this month but he would like to recommend awarding the 2006 Road Materials Bid to Eureka Stone Quarry, Inc. at the prices referenced in the Bid. It is our local quarry and they happen to be cost effective in both materials and energy costs.

Upon motion (Ansinn-White) to award the 2006 Road Materials Bid to Eureka Stone Quarry, Inc. at the prices referenced in the Bid conditioned upon the receipt of a properly executed Performance Bond and compliance with the Bid Specifications all Council Members present were in favor.

2.) 2006 Paving Schedule

Mr. Ansinn said this has been impacted by the improvements to the Grove Plumbing Supply. It now appears that construction of the approved land development on the site of the former Doylestown Plumbing Supply at South Main Street and Hart Avenue will not commence this Summer. That project included calls for the installation of new curbs and inlets. The Borough Staff is proposing that the scheduled paving of South Clinton Street and Hart Avenue be postponed and that alternates South Franklin Street and Shewell Avenue replace them in the schedule. Although the estimated cost of these alternates is slightly higher than the streets they are replacing, a combination of the fund balance and likely cost savings from pothole patching will cover this cost. Again, the Streets Committee did not have a quorum this month but I do recommend the proposed change to the Paving Schedule.

Upon motion (Ansinn-Clipner) that the scheduled paving of South Clinton Street and Hart Avenue be postponed and that alternates South Franklin Street and Shewell Avenue replace them in the 2006 Paving Schedule all Council Members present were in favor.

ZONING AND PLANNING - Mr. Double

1.) Historic and Architectural Review Board Report

Mr. Douple said at its regular monthly meeting, the Borough of Doylestown Historical & Architectural Review Board (HARB) recommended the following.

7 Taylor Avenue - The Shops at Taylor Alley, Bridget Ansinn

Mr. Douple said it is his understanding that Councilman Ansinn does not wish to participate in this vote. Mr. Ansinn said he was recusing himself because he has a financial interest in said approval.

Mr. Douple said this application is for the approval of a new Business Sign that conforms with the Borough Ordinances. It is recommended to be approved as submitted by both the HARB and the Zoning and Planning Committee.

Mr. Douple recommended approval of this application and all Council Members present were in favor except Mr. Ansinn who had recused himself. Mr. Thome said it carries.

30 South Main Street - Forever Yarn

Mr. Douple said the applicant is seeking approval for a new A-frame Business Sign conforming with Borough Ordinances. Again, it is being recommended for approval by the HARB and the Zoning and Planning Committee.

Mr. Thome said he notices A-frame signs going up on sidewalks frequently. Are there any problems in that regard? Mr. Ehlinger said there have been no complaints about them in the last several months.

Mr. Thome said it is recommended that this application be approved. All Council Members present were in favor of approval.

60 East State Street - Kim Schneider

Mr. Douple said the applicant is recommending an addition of two (2) new windows. The application is recommended to be approved as submitted with the condition that the windows are constructed with wood trim and simulated divided light window panes. Again, this is being recommended for approval by the HARB and the Zoning and Planning Committee.

With no discussion, all Council Members present were in favor of approval.

196 Lafayette Street - Rosemary Bailey

Mr. Douple said the applicant is seeking approval to replace the existing wood

shingles on the dormers and gable walls with 6" hardiplank siding. The application is recommended to be approved as submitted by the HARB and the Zoning and Planning Committee.

With no discussion, all Council Members present were in favor of approval.

136 Lafayette Street - John and Diane Alexanderson

Mr. Douple said the application is presented to the board for recommendation for approval to construct a two-story deck on the rear of the residence. The application is recommended to be approved by the HARB and the Zoning and Planning Committee.

With no discussion, all Council Members present were in favor of approval.

175 East Oakland Avenue - Rick Battaglia

Mr. Douple said the applicant is seeking approval to remove the existing back porch and construct a new kitchen addition. The existing asbestos shingles will be removed and replaced with wood siding. The application is recommended to be approved as submitted by the HARB and the Zoning and Planning Committee.

With no discussion, all Council Members present were in favor of approval.

51 West State Street - Villa Capri

Mr. Douple said the applicant is requesting to replace the existing side porch as detailed on their architectural drawing. The application is recommended to be approved as submitted by the HARB and the Zoning and Planning Committee.

With no discussion, all Council Members present were in favor of approval.

142 East Court Street - Kim Rainey

Mr. Douple said the applicant is requesting a change in the previously approved roof replacement. The applicant proposes to utilize a rubber EPDM roofing material. This application is recommended to be revised to allow the proposed material because the roof is virtually flat and cannot be seen from the street. The application is recommended to be approved as submitted by the HARB and the Zoning and Planning Committee.

With no discussion, all Council Members present were in favor of approval.

300 Maple Avenue - Sharon Mowen

Mr. Douple said the applicant is seeking approval to construct a one story addition with a covered entryway. The application is recommended to be approved as submitted by the HARB and the Zoning and Planning Committee.

With no discussion, all Council Members present were in favor of approval.

1 Printer's Alley - Puck

Mr. Douple said the applicant is seeking approval and recommendation to construct

new accessory structures to the rear of the existing building and install a new business sign. The application for the accessory building is recommended to be approved as submitted. The application for the Business Sign is recommended by the HARB to be approved as submitted with the condition that the "Live" area on the sign is not flashing. The Zoning and Planning Committee is recommending that the application for the sign be denied.

Mr. Thome said regarding this application to the Historic and Architectural Review Board he understands the applicant is present this evening and prepared to make a presentation to Council as a whole.

Present were applicants Bill and Lynn Goldman and architect Rick Brown. Mr. Goldman said he was one of the co-applicants. The property they are seeking an indirectly illuminated sign for is 1 Printer's Alley. The business is known as "Puck". It occupies the basement of 14 East Court which is now being utilized on the first and second floor by Smith, Barney. The basement has some unique characteristics. When we decided to begin the project, we hired the firm of Andy Happ Contractors who have done a wonderful job. We hired the services of Rick Brown Architect to assist us in the design phase. Signage became an important factor, we learned, because of the uniqueness of this property. The basement has no windows to any street. It is entirely sub-grade. The main entrance is located about twelve feet (12') to fourteen feet (14') below street level. It is located on an alley. It is not located on a main thoroughfare such as State Street or Main Street but rather on Printers Alley which is a One-Way designation. People looking for the venue or identification for the venue that are traveling on State Street which is another One-Way Street, when they look right, may only come up a certain distance of about five (5) parking spaces because there is a Do-Not- Enter Sign that is configured there. Those that are motoring on Court Street have a very small window of opportunity to look down the alley. After consulting with numerous people, it became apparent that the signage itself became critically important for those looking for this venue. He calls it a venue because

they are inviting participation with such enterprises as WXPN to promote the site so they can bring people from outside the community to Doylestown. The difficulty with these characteristics are that signage requirements are such that it needs to be visible. What they have proposed and presented before the HARB is a crafted sign. It is not a readily commercially purchased sign but rather a handcrafted sign. It has a dark background and the letters "Puck" are red in color. The sign is metal. The letters are red vinyl and located within the red lettering itself. The tube is only one-half inch ($\frac{1}{2}$ ") wide. We propose the signage itself to be affixed to the side of the building at the rear of the edifice along the alley. At that location it is a commercial area where there are businesses all around us. It is a projecting sign and would be affixed with metal brackets to the side of the building.

Mr. Goldman said the building opened in 1929. It was in 1923 that this form of signage was introduced to the United States. It was invented in France and brought over to the U.S. in 1923 which is close in time to the period of this building. The illumination would afford people the opportunity to see where the venue is located and they would be directed to the venue.

Mr. Thome said every Council Member has a copy of what was presented to the HARB and the typed recommendation from HARB. Mr. Goldman explained the coloring of the sign to the Council Members and the tube. It is a single tube or a single "sweep" or something, some terminology they use in the making of these signs.

Mr. White said to Mr. Goldman that there seems to be some discussion as to whether or not this is an Art-Deco Building. Mr. Goldman said they asked the Heritage Conservancy to do research on the building. When they prepared what is known as "The History of the Bucks County Trust Company", Mr. Marshall of the Conservancy wrote; *"The Bucks County Trust Company located at 14 East Court Street was built in 1928 and is a fine example of Art-Deco Architecture with classical/Egyptian Revival influences. As early*

as 1926, the bank began acquiring land on East Court Street. -----” Mr. Goldman said hence that description. If it is not accurate, he apologizes but, that is what was furnished to them by the people at the Conservancy. None the less, it was a 1929 opening and the first introduction of this signage was in 1923. It became a popular form of lighting. Unfortunately it was later substituted by a lot of plastics and other cheaper materials.

In response to a question from Mr. Douple, Mr. Ehlinger said he would classify the architecture of the building as a Neo-Classical more so than Art Deco. Mr. Brown, in response to Mr. Douple said, knowing this was an issue, he contacted Mr. Mark Brach, Professor of Architecture History at Drexel University. He described the building as a Reduced Neo-Classical. In other words, it does not have the relevant ornamentation that a full blown Neo-Classical Building would have. It was typical of the buildings that were done at this point in time.

In response to a question from Mr. Douple, Mr. Brown spoke about the styles of some of the other buildings in the Historic Area. The old Intelligencer Building, the old Kraut Jewelers, and the County Theater which is an Art Deco Building.

Mr. Thome said it appears to him from the language in the decision from the HARB that at least part of the reason for their recommendation was and I quote “----- due to the location of the business in rear of building and along alley” goes to the visibility issue which the applicant has addressed. Mr. Thome asked Mr. Goldman if this is the only style of sign that would give them the visibility that they think they need? Mr. Goldman said yes, that is their belief.

Ms. Bond asked Mr. Brown if back in the late 1920's and early 1930's there was any prohibition against co-mingling the Art Deco and the other buildings? Mr. Brown said there was not. Mr. Brown said he questioned, if the Secretary of the Interior guidelines,

which is what the HARB uses to evaluate buildings within the Historic District, spoke to signage but unfortunately it only speaks to buildings and parts of buildings. Mr. Brown said he did not design the sign but, from his point of view, he is sympathetic with what the Goldmans are trying to achieve. They have a difficult situation down the alley which he thinks most people agree with.

Mr. Douple said to Mr. Brown that he knows he is familiar with the light that comes off the building now that the PUCK Sign is under, which is somewhat in character with the streetlights in the Borough, and he is also familiar with the signs for the parking lot where they talk about PUCK and Smith, Barney, and the two (2) black posts coming over with the light shining on them. Mr. Douple said they are wooden signs with metal posts and they are at both ends of the parking lot. They are also consistent with the lighting we have in the Historic District. Would there be anything to prevent that type of fixture to go above the sign and have everything with the sign except for the Neon to go on to this building? The light, which would be consistent with what we have in the Borough, would be shining down. Mr. Brown said physically it can be done. That is an indirect light source. We are relying on the reflective light off the sign itself to see it and as such it does not grab your attention.

Mr. Douple asked Mr. Ehlinger about the preference for Neon Signs in Historic Districts. Mr. Ehlinger said in his fifteen (15) years in the Borough it has not been the first choice to have directly illuminated signs, that means a light box with a light fixture behind a translucent face. It is not prohibited by any ordinance. A Neon Sign technically, because the light source is behind a translucent glass tube, does fall under the directly illuminated sign category. It is not prohibited but it has not been the first choice and there are other options to look at. That being said, he can quote several incidents where directly illuminated signs have been approved in the Historic District and it is done on a case by case basis.

In response to a question from Mr. Douple, Mr. Ehlinger said he did a lot of research

on Neon Signs and because neon was invented in 1920 and is considered period lighting some Historic District guidelines actually encourage it when that building is of that period. In his research, it is not prohibited in Pennsylvania specifically. It is not prohibited in any Historic District guidelines other than Swarthmore which is the only Borough he found that prohibited it. Many other municipalities' guidelines actually say it should be reviewed carefully and thoroughly. There is no outright prohibition except for Swarthmore.

In response to Mr. Douple, Mr. Ehlinger said in the Historic Districts he is only aware of the County Theater having an exterior fixture. We have several behind glass, behind windows and we have some others outside of the Historic District.

In response to Ms. Bond, Mr. Brown said it is a requisite for the HARB that one of its members be an architect, one of the members be a realtor, one of the members be an enforcement officer, and one a builder.

Mr. White said he was impressed by Mr. Ehlinger's comment that no other Historic District in the state, except Swarthmore, has any regulation about neon and that neon did not come on the market until the 1920's which coincides with the building of this building. Regardless of what style we say it is, it sounds like there is a fit with neon and the building. He asked Mr. Brown if he feels the design of the sign fits the architecture of the building? Mr. Brown said he thinks a case can be made for the sign being appropriate for what it is trying to accomplish which is what a sign is all about.

Mr. White said to Mr. Brown that he recalls, when they were having discussions about extending the Historic District, there were questions as to whether certain houses specifically on Maple Avenue qualified to be historic. Your comment was that the richness of Doylestown is the eclectic coming together of big houses, small houses, different architectural houses. In a way, even though this building is beside buildings with different architecture, this building stands on its own merits. If the sign fits the building, then it is

appropriate for the sign to be there. If neon came into the fore when this building was built, then whatever architecture it is apparently it fits the building.

In response to Mr. Douple, Mr. Ehlinger said in his internet research, which not everyone has their Historic District guidelines on line, but many states across the country do, he was looking at Houston and places in California which don't really come to bear under Pennsylvania law. Many districts actually encourage custom neon as long as it is a custom original fixture and not a stock fixture. There seems to be a strong preference toward creating a unique custom fixture for a particular building. Pennsylvania's towns are older and perhaps more conservative. Again, Swarthmore had their's on line and seemed to have a fairly strict prohibition. Bethlehem encouraged it as being entirely appropriate. They all said they should be designed carefully and it should be reviewed thoroughly and thoughtfully.

In response to Mr. Ansinn, Mr. Ehlinger said the Quiznos Sign was exempt, up until a recent zoning event that Council passed about six (6) months ago, because it was behind the glass. It was an exemption that existed for several decades. We decided, to a certain extent, because of the proliferation of signs behind glass, and our inability to regulate them, to amend our Sign Ordinance definition of signs to approve them. The sign above the window at Quiznos is what we call directly illuminated. There are many examples of that in town. There are several buildings on State Street next to the Doylestown Inn that have directly illuminated individual light boxes as we say. From a definition point of view, the illumination is considered the same as with the neon. The ordinance does speak to preferences.

Mr. Ansinn said the way he looks it is, if the hang up is that it is neon, it's a technology hang up, in which we don't have any ordinance that specifically prohibits that type of sign technology and we have plenty of precedence in town in the Historic District

for less historic internally lit signs.

Mr. White asked Mr. Ehlinger if there was anything in the Historic District regulations or the Zoning Ordinances that prevent this type of lighting? Mr. Ehlinger said he sees no regulation/ordinance that would prohibit this type of sign. He would also say that the Historic District Act of Pennsylvania has no specific prohibition from this and the Secretary of the Interior's guidelines also has no specific prohibition from this.

Mr. White said personally, for Council to countermand what the HARB has recommended, with the expertise they have, and for them also to be prohibiting something, which they may not have the grounds to prohibit, he thinks this project needs to move forward.

Mr. Double asked Mr. Ehlinger if one of the reasons they changed the requirements and incorporated these signs that hang directly behind the windows, as opposed to being affixed to the windows, is so that we have more control over signs like the Neon Signs that are going up in the Pizza Shops and that type of thing? Mr. Ehlinger said that was correct. There was no review at all. It was exempt from a Zoning Permit and HARB review previously. The requirements were changed so that the HARB would have a chance to review any new signs going up.

Mr. Double said another point he would like to make is that there is a very prominent Doylestown Attorney who comes before the Zoning Hearing Board and the HARB on various projects with clients all the time and he suggested to me on Friday evening that, if this sign comes in, we should never be trying to stand up and say that Neon Signs are not permitted or not appropriate in the HARB regardless of other things that we may believe.

Mr. Ansinn said it is not a matter that it is prohibited at this point. There is a preference and the HARB reviews each proposal based upon its merits, regardless of the

applicant, and it's a preference not a prohibition.

Ms. Clipner said she is impressed by the architectural expertise of Council but she said she is sorry to say she is relying on her own sensibilities and more importantly she is relying on the HARB. She thinks that is why we have them. She thinks they are thoughtful, careful, and considerate. Unless there was something that knocked her over the head, she would not be looking to countermand what they have to say. What she sees looks fine, it looks tasteful enough to her, and she would have no problem with it.

Mr. Thome said he had a question for the applicants which is intended to incorporate all of the concerns that we all know are out there. Would it be possible to tweak or redesign the sign to make it a little less Art Deco? Not with many changes, although he does not know what would make it less Art Deco. Mr. Thome said he also had a question for Mr. Brown. If the neon was retained, but incorporated like the Chico's Sign, which he understands is a Neon Sign but the tubes are actually covered up, would it cut down the light to such an extent that it would defeat the purpose of this sign? Would it make it not really visible from each end of the alley? Mr. Brown said he is not sure.

Mr. Thome said, if he could repeat the issues involved, which is the sanctity of our HARB, and that we should give all due respect to their recommendations, which is paramount in all of our minds. In that respect, however, it is a recommendation and Council does have the right to independently review.

Mr. Thome said the recommendation of the HARB is "Sign approval due to location of business in rear of building and along alley. Further approval based upon sign to be manufactured to standards of Art Deco time period. "Live" to flash before performance only. Information display approved as presented." The motion of one of the members of the HARB was "to recommend the application, as submitted, based upon the business location in the alley with no prominent door, the sign being manufactured in the Art Deco

time period, and the neon to be non-flashing.” (I guess their recommendation is with that one exception.)

Mr. Bull asked Mr. Brown if this sign were moved to the front of the building, from a purely aesthetic point of view, do you think that it actually fits with the front of the building? Mr. Brown said no. He said, if you look at the back of the building, and the brick wall, with the stairway that goes down, and then look at the windows and the door entrance in the front with the metal frame it is quite contemporary. That whole aspect of the building in the back, for him, makes it okay. He thinks it is justifiable with what is going on in the back at the entrance for PUCK.

Mr. Ehlinger said the handwritten portion at the top of the HARB recommendation, which Mr. Thome read, was what was suggested. What HARB voted for was to have no flashing at all which is consistent with our ordinance which does not allow flashing lights. The motion that was adopted, the recommendation was no flashing whatsoever.

Mr. Thome said the Solicitor reminded him that he should read the whole motion voted on by the HARB. “The applicant presented before the board seeking recommendation for approval to add a sign with the name “PUCK” in neon as well as a “LIVE” in neon with an arrow to direct customers to the entry way on Printer’s Alley. An informational display will also be added to announce the live entertainment and upcoming events. After much discussion, a motion was made to recommend the application, as submitted, based upon the business location in the alley with no prominent door, the sign being manufactured in the Art Deco time period, and the neon to be non-flashing. Informational display case recommended as submitted. It was seconded.” Mr. Thome said it appears to him that all HARB Members voted in favor of the motion subject to approval by Borough Council.

Mr. Thome said with no further questions/comments from the audience or Council

Members, and if the applicant agrees with the recommendation that he just read, he will put a motion on the floor to approve the HARB recommendation as he just read it. Ms. Clipner made the second. Voting for the motion were Ms. Bond, Mr. Ansinn, Ms. Clipner, Mr. White, and Ms. Corr. Mr. Hoffman was absent. Mr. Thome said the motion carries.

2.) Byers Minor Lot Line Change - 20 Easthill Drive

Mr. Charles Benner, Senior Land Surveyor for Boucher & James, Inc., was present representing the applicant. Mr. Douple said the Zoning and Planning Committee reviewed the above referenced application for Minor Subdivision Approval. The application involves a simple lot line change which will transfer a triangular piece of land from one neighbor to another. The proposal conforms with all Zoning Regulations. The Planning Commission recommended conditional approval at their May meeting. The Zoning and Planning Committee is recommending that Council grant Conditional Final Subdivision approval provisional on the applicant's agreement and compliance with the following conditions:

1. That the applicant resolve any outstanding issues in the Borough Engineer's review letter dated April 24, 2006, and any subsequent letters, to the satisfaction of staff.
2. That the new property corners be marked with concrete monuments.
3. That in all respects the project comply with the laws and regulations of the Borough, County, and Commonwealth.

Mr. Thome asked if the applicant agreed with the above conditions. Mr. Benner said he does.

Upon motion (Douple-Clipner) to grant Conditional Final Subdivision Plan Approval with the above conditions all Council Members present were in favor.

Mr. Benner said he had one question himself. There is an issue of creating ingress/egress easements one of which is on a portion of land off of East State Street belonging to the Doylestown Borough Waterworks. He is not sure who that is but he

believes it may be strictly the Borough of Doylestown. They are probably going to need permission to make an easement on a small portion. Mr. Thome said he could speak to Mr. Ehlinger.

3.) Gumper Land Development - 30 Swamp Road

No one was present at the meeting representing this application. Mr. Douple said they could go forth and make these recommendations with approval subject to these conditions. Mr. Douple said the Zoning and Planning Committee reviewed the application for Preliminary/Final Land Development Approval for the reconstruction of a building at 30 Swamp Road for retail use with 2nd floor offices. The project complies with all Zoning Regulations and received a Special Exception from the Zoning Hearing Board. The Zoning and Planning Committee is recommending that Council waive Preliminary Approval and grant Conditional Final Land Development approval provisional on the applicant's agreement and compliance with the following conditions:

Mr. Thome said the Solicitor advised him that all the conditions do not have to be read since the applicant is not present and all of Council has a copy.

Mr. Douple said there are eight (8) conditions and in consideration of the eight (8) conditions there are seven (7) Waivers of the Subdivision/Land Development Ordinance that are also being granted.

Upon motion (Douple-Clipner) to waive Preliminary Plan Approval and grant Final Land Development Approval provisional on the applicant's agreement and compliance with the above conditions all Council Members present were in favor.

ENGINEER'S REPORT - no report

SOLICITOR'S REPORT - no report

ZONING HEARING BOARD REPORT - Mr. Ehlinger - no report

PERSONNEL - Mr. Thome

Mr. Thome said on Tuesday, the 20th, the Personnel Committee will be interviewing three (3) young people who have applied for the juvenile position (newly created position) on our Park and Recreation Board. There were five (5) applicants but two (2) can not make it.

MAYOR'S REPORT

Mayor Libby White gave the report of the Police Activities in the Borough for the month of May 2006.

Mayor Libby White said she would like to make a brief report on the work of the Doylestown Clean and Green Committee which has been working now for two (2) Saturdays. Our last cleanup day was Saturday, June 10th. We did the downtown streets and the parks, sidewalks, and all areas along the Business District for a block or two (2). She thinks they collected close to a 100 pounds of trash. They had fifteen (15) volunteers; three (3) were young girls from C.B. East. We were so efficient that we worked from 8:30a.m. to 9:30a.m. and we were basically finished. We are thinking of having alternate Saturdays where we will also clean just to keep things in better shape. We will be approaching businesses soon to see if they can really put a little more effort in at certain parts of the downtown. The committee was also instrumental in helping Starbucks to arrange for five (5) hanging baskets. Their next cleanup day will be Saturday, July 8th starting at 8:00a.m and all are welcome. We encourage people in town to simply do their own cleanup as they feel inclined to do. Take along a plastic bag and, if you see something you look at as offensive, pick it up, take it home, and throw it out. We thank all of those who have been so helpful to this effort.

Mr. Thome thanked Mayor White for all the hard work she does on the cleanup and with the Police Department.

OLD BUSINESS

NEW BUSINESS

Mr. White said both he and other Council Members have heard rather frequently recently, and there have been some items in the paper, about pedestrian safety in town. He would like to propose a safe walking initiative that they would launch, with proper preparation, maybe some time next Spring when the walkers begin to come out. It seems that it is not known by most drivers that in Pennsylvania a pedestrian in the crosswalk has the right-of-way. His primary goal would be to get that message out. There are some related issues that he would like to see them work on. He knows the Revitalization Board has done a lot of work on identifying intersections which they feel are dangerous and need crosswalks and more yellow signs. They have also done some work on street lighting. (Streets that are darker than we would like them to be.) We have received calls from walkers about shrubs, hedges, and tree branches obstructing people's passage. Since this overlaps many committees, his request is that the Community and Government Committee take this on, with the understanding that where it does overlap with Public Safety or Zoning or other committees, they would coordinate their work with the other committees and come up with a full fledged project to be launched in the Spring to see if we can't make walking safer in our town.

Mr. Thome said he is prepared to refer the matter to the Community and Governmental Affairs Committee as the coordinating body.

PUBLIC COMMENT

TREASURER'S REPORT - Ms. Leiter

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

Upon motion (White-Clipner) to approve the expenditures all Council Members

present were in favor.

EXECUTIVE SESSION

1.) Real Estate

2.) Litigation

Upon returning from Executive Session Mr. Thome said there were two (2) matters to be discussed. Mr. McIlhinney said one was the acquisition of real estate and the other is litigation involving the appeal of Ilex Investment, Inc., trading as Chambers, the decision of the Doylestown Borough Zoning Hearing Board.

Upon motion (Douple-Ansinn) to approve the Stipulation in Settlement of the Zoning Appeal of Ilex Investment, Inc., all Council Members present voted in favor of the motion except Ms. Bond who abstained. Mr. Hoffman was absent. Mr. Thome said the motion carried.

Upon motion (Douple-White) to adopt Resolution #2006 -6 authorizing the filing of a Declaration of Taking with respect to a portion of T.P.N. #8-5-27 (Dairy Queen) Property, all Council Members present voted in favor of the motion. Mr. Hoffman was absent. Mr. Thome said the motion carried.

ADJOURNMENT

Upon motion (White-Clipner) to adjourn the June 19, 2006 Council Meeting all Council Members present were in favor.

Respectfully submitted,

John H. Davis

Borough Manager