

WORK SESSION

October 7, 2008

7:30 p.m.

1. Roll Call: Council Members Crawford, Edge (ABSENT), Lynch (ABSENT), Raymond, Smith, Vike, Van Sciver and Mayor McGlone

2. Council President announces that copies of the Agenda are available at the Press Desk. This is a Work Session of Council and, as such, there is no public forum scheduled; however, citizens/taxpayers are invited to offer comments during the discussion phase of each agenda item.

3. Letter from Andrews Management Corp. – A letter was received from Andrews Management Corp. requesting to change the zoning on the building located at 101 Church Street from residential to commercial. Mr. Jerry Connor explained that the owner plans to gut the interior of the building and refurbish the exterior to its original design when it was the old fire house. They are also seeking a rezoning to commercial and add two loft apartments. The parcel is currently a non-conforming residential use with some commercial use. It is currently zoned R-

Council President Van Sciver stated that the concern had been the intermingling with commercial uses beyond King Street. That is why the zoning district was drawn as it was. If the Council thought the use was appropriate, would it be more appropriate for a variance or a zoning change.

Wendy McLean, Esq., stated that she did not feel that rezoning would constitute spot zoning because it would just mean changing the line one parcel to the south. It would be adjacent to the C-3 District.

Council Member Vike stated they are proposing that if it was in the C-3 District, a business or professional office with upper floor dwellings would be permitted.

Ms. McLean responded that it might be tight to have three apartments because of the parking situation.

Council President Van Sciver asked if they knew what their proposed use might be.

Mr. Connor responded that professional office space would be preferable and that they do plan to incorporate parking in the back of the building.

Council had no problem with the proposed use of the building but suggested that they retain a professional that could help them determine if they want to seek a variance for the parcel instead of seeking a change in zoning. Council also stated that the Planning Commission would want to see a plan of the site.

4. Moms Club Request for Playground Equipment.- Kristen Thomas, 326 E. Broad Street, a member of the Moms Club, distributed to Council a request for new playground equipment at Rubino Park.

Dale Levin, Chairman of the Park & Recreation Committee, stated that there is a section of the park that has old rockers on springs and that area could be updated with something new. He is in favor of the younger children using the parks.

WORK SESSION

October 7, 2008

Page 2

5. Request from Restaurant Alba – Sean and Kelly Weinberg, owners of Restaurant Alba, W. King Street, reported to Council that there is a new LCB license (Economic Development License) available that has only been available for about five years. This license will only be issued when an applicant has demonstrated that it has exhausted reasonable means of acquiring a license in the county. These licenses are only issued to premises located in an Enterprise Zone, A Keystone Opportunity Zone or in a municipality where the municipality has voted to grant the issuance of such a license for the purpose of economic development.

Mr. Weinberg explained that they have been at their location for about four years. Two years after they opened, they thought about looking for a liquor license. But after finding the cost for a liquor license to be approximately \$380,000+, they put the idea aside. They then came across this license about six months ago. This license was mainly set up for areas zoned for redevelopment.

Mr. Weinberg explained that he and his wife were here this evening to ask for Council's consideration in moving forward and to ask that Council consider adopting a Resolution in support of this license. Mr. Weinberg stated that this type of license requires that only 30% of your total sales come from the sale of liquor. They are not looking to install a bar in the restaurant right now but if they did sometime in the future, it would just be a small bar for their customers to have a drink before or after dinner. They would still have to meet the 30% requirement or they would lose their license. This license would allow them to expand what they do as a restaurant. With the BYOB, they have reached the level of what they can do. Mr. Weinberg stated that they like the town and like what they do, and they thought this would help them survive and complement them as a restaurant. He further explained that they are not looking to change the hours they are open but to cater more to their customers. Two permits per calendar year are issued in the County. One has been granted in Chester County so far this year. Mr. Weinberg stated that they do feel confident that if they are able to move forward in this last quarter, it would look good for them getting a license. This license would have to stay in the Borough and they could not sell this license. As far as they know, the license is not transferable.

Mr. and Mrs. Weinberg have retained a lawyer in Harrisburg to move on to the next step if Council approves their request.

Council Vice President Raymond stated that she could not see a reason why they should not at least try to obtain the license.

Council President Van Sciver stated that Council would be supportive.

Wendy McLean stated that she would look at Advisory Notice #19 and contact the LCB to determine exactly what information they would be seeking from the Resolution adopted by Council.

6. 1st Draft 2009 Budget

a. Civic Contribution Requests – The Finance Committee has requested that additional information be obtained before recommendations are made regarding the requests.

WORK SESSION

October 7, 2008

Page 3

b. Capital Reserve Considerations – the Manager reported that estimates had been received for the revitalization of both Church Street and Woodland Avenue. She explained that the original concept of Old Towne Malvern was to have the streetscape sidewalk (stamped concrete) continued into the first block of the streets running horizontal to King Street. The second and third blocks would have plain concrete sidewalks. The revitalization effort started out as a revitalization of the commercial district. If you are walking along King Street and look up the side streets, you would see a continuation of what was along King Street. However, beyond the first block, you probably would not be able to see the sidewalks well enough to know if they had stamped concrete or were plain concrete. The Manager asked Council's opinion as to what street, if any, they wanted to revitalize in the 2009 Budget. Council agreed that Church Street would be the street they would choose to apply for grant funding for their 2009 capital project. Council asked that both stamped concrete and plain concrete be estimated for the entire street.

c. MFC Contribution – Council Vice President Raymond felt that the Fire Company's contribution should not be increased at this time.

Council Member Smith stated that the second half of their annual contribution has not been forwarded to them and there are good reasons why it has not been.

Council Member Crawford stated that he felt we should maintain the status quo.

7. Burke Park – Dale Levin, Chairman of the Park & Recreation Committee, reported that when he was setting up for the Fall Fest, he noticed, besides the normal beer bottles, chewing tobacco containers and cigarette butts, several small baggies. The fact that they were laying out in the open tells him we may be having a drug problem. He stated that he does not know what the Borough can do to try to curb this behavior, but he's pretty forceful, and, if it was up to him, he'd spread them out and pat them down every night, then they would find someplace else to hang out. He stated that he was told that most of the kids don't live in the Borough but are from surrounding municipalities.

The Mayor responded that he and the Chief have discussed this situation but that they weren't aware of the baggies. He stated that it has been more recently that they have been congregating in Burke Park and he's confident that the Department will handle it within the children's rights.

The Chief stated that the Officers always contact the parent or guardian when a child is stopped. Most of the time the parents are happy they were called; there are a small group that say we are harassing the kids and a small group that say their kids aren't even supposed to be in Malvern.

The Police Department will continue to monitor the situation.

Dale Levin stated that following Trick or Treat on October 31st, the Park & Recreation Committee would be showing a Halloween Movie in Burke Park that will be geared towards the older kids.

WORK SESSION

October 7, 2008

Page 4

Mayor McGlone recognized Dale Levin for the hard work that he and his committee have undertaken with the borough park and recreation events. He stated that it is wonderful what Mr. Levin does for the community.

Dale stated that the Park and Recreation Committee is desperately in need of volunteers and would hope that there are a number of fathers who would be willing to assist on this Committee.

8. Spring Clean-Up – the Manager reported that in early September she met with a few people from the business community and Alex Coates of Malvern Realty had suggested a spring clean-up of the town. He felt that some clean-up could be undertaken along Paoli Pike, Warren Avenue, Sugartown Road and other designated streets in the Borough, in late March or early April. He suggested that we could consider purchasing T-Shirts for the volunteers, could gather at Burke Park, have supervisors for safety reasons, contact the radio and news media for publicity and provide pizza at the end of the event.

Dale Levin suggested that Alex give him a call and he would assist with this event.

9. Comcast Agreement – the Manager reported that copies of the proposed Comcast Agreement were e-mailed to Council and that it would be on the November Work Session Agenda for discussion and comments.

COUNCIL RECESSED TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

Following the Executive Session, the Council reconvened the meeting and adjourned at 9:41 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager