1. **ROLL CALL**

   **PRESENT**
   - Council President Grossman
   - Council Vice-President Uzman
   - Council Member Finkbiner
   - Council Member Laney
   - Council Member Meisel
   - Council Member Raynor
   - Council Member Sinquett
   - Mayor Burton

   **ABSENT**

   Council President Grossman announced prior to tonight’s regular meeting, Borough Council met in executive session to discuss real estate.

2. **RECORDING OF MEETING**

   Council President Grossman asked in accordance with Resolution No. 714 if any member of the audience was recording the meeting.

   No member of the audience identified themselves as recording the meeting.

3. **APPROVAL OF MINUTES**

   A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the minutes of the meeting held on Tuesday, February 19, 2019, as submitted.

4. **ORDINANCE NO. 2019 – 1: AMENDMENT TO CHAPTER 48 (SHADE TREE COMMISSION) OF THE MALVERN BOROUGH CODE OF ORDINANCES**

   Council President Grossman announced that Borough Council will now open a public hearing to consider Ordinance No. 2019 – 1. This ordinance would amend Chapter 48 of the Malvern Borough Code of Ordinances as it pertains to the functions of the Shade Tree Commission.

   The Notice of Public Hearing was published in the February 26, 2019 edition of the Daily Local News, as required, and posted on the Borough website.
There being no public comment, Council President Grossman closed the hearing.

5. **ADOPTION – ORDINANCE NO. 2019 – 1 AMENDMENT TO CHAPTER 48 (SHADE TREE COMMISSION) OF THE MALVERN BOROUGH CODE OF ORDINANCES**

   A motion was made by Council Vice-President Uzman, seconded by Council Member Sinquett, and carried by a vote of 7-0, to adopt Ordinance No. 2019 – 1, amending Chapter 48 of the Malvern Borough Code of Ordinances pertaining to the functions of the Shade Tree Commission.


   Borough Manager Bashore stated that proposed Resolution No. 785 would endorse the update to the Comprehensive Plan for Chester County, *Landscapes3*. A copy of the plan and the executive summary were circulated to Borough Council via email. Representatives from the Borough participated in the review process of *Landscapes3* by providing comments and attending public meetings. Chester County is requesting that all municipalities endorse *Landscapes3* in order to encourage a consistent approach across the County for addressing growth and preservation.

   A motion was made by Council Vice-President Uzman, seconded by Council Member Finkbiner, and carried by a vote of 7-0, to adopt Resolution No. 785, endorsing *Landscapes3*, the Comprehensive Plan for Chester County.

7. **UNFINISHED BUSINESS**

   a. **Borough Council Initiatives – Zoning Ordinance Amendments**

   Borough Manager Bashore stated on February 22, 2019, Councilor Finkbiner, Councilor Sinquett, Neil Lovekin, and he met with John Snook and Meredith Mayer from the Brandywine Conservancy. The purpose of this meeting was to review the additional analyses that were completed for the remaining residential zoning districts. The report outlined the impact that reductions to maximum allowable building and lot coverages would have on each zoning district as it relates to creating additional non-conforming properties. At this time there is no action needed to be taken by Borough Council.

   b. **Community Installation Policy**

   Borough Manager Bashore stated before Council this evening is a proposed policy governing proposals for projects that are intended for Borough property (e.g., municipal parks, open spaces, etc.). Recent examples of projects that may have fallen under this policy would include the little free library in Burke Park, the Eagle Scout ramp installed in Quann Park, and the swing set in Burke Park. This matter was tabled at the February 19, 2019 meeting.

   The policy sets forth requirements for such proposals (notification to neighboring
property owners), an evaluation criteria, and a review process. All projects must be endorsed by a Borough taxpayer, including residents and/or business owners. Initial reviews of applications will begin with the Public Works Committee of Borough Council and may be referred to other relevant boards and committees at their discretion.

Council President Grossman would prefer if the Policy had a defined radius for neighbor notifications.

Council Vice-President Uzman stated that the Finance & Administration Committee decided to make it a case-by-case basis because depending on the size of the installation, this may affect more or less neighbors.

Council Member Finkbiner suggested setting a specified radius, then giving the Public Works Committee the ability to adjust as needed.

Council Member Sinquett recommended the notification be met by a Public Notification through the Daily Local newspaper. Council Vice-President Uzman agreed with the notification process made through the Public Notification process.

Borough Solicitor McLean noted that the Community Installation Policy addresses Borough-owned property, not private property owners and cautioned Borough Council to not set a standard that is restrictive or may raise First Amendment concerns and does not raise bipartisan issues.

Borough Council agreed to table discussion and Council President Grossman directed the Finance & Administration Committee to reconsider the neighbor notification parameters and to submit a revised draft for Borough Council to reconsider.

8. **NEW BUSINESS**

a. **King St. Closures – 2019 Festivals (Malvern Blooms and Summerfest Block Party)**

Borough Manager Bashore stated Lisa O’Neill of Growing Roots Partners is requesting approval for the closure of King Street for the 2019 Malvern Blooms and Summerfest Block Party Festivals. The events are scheduled for Sunday, May 5, 2019 and Sunday, September 8, 2019, respectively, and the purpose of the closure is for the Beer Garden component of the festivals. Borough Council approved the closure last year.

A motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0, to approve the closure of King Street for vehicular traffic for the 2019 Malvern Blooms on Sunday May 5, 2019, and the 2019 Summerfest Block Party Festival on Sunday, September 8, 2019 with the following conditions:

I. King Street will be closed from 6:00 a.m. to 6:00 p.m. on Sunday, May 5, 2019 and Sunday, September 8, 2019 in order to allow for set-up and tear-down of vendor tables and tents.
II. The Beer Gardens will be set up in the municipal parking lot on King Street.

III. The area will be fenced off to contain beer consumption in the Beer Garden only.

IV. No open containers will be permitted in the street.

V. All required Certificates of Insurance from all relevant participants be obtained and these will be made available to the Borough.

VI. The Malvern Business and Professionals Association and Growing Roots Partners will issue Certificates of Insurance to the Borough, with the Borough being named as an additionally insured on their policies.

b. Zoning Hearing Board – Appointment Consideration (alternate member)

Borough Manager Bashore stated before Borough Council this evening is consideration of an appointment for an alternate member to the Zoning Hearing Board. There is currently one (1) vacancy on the Zoning Hearing Board for an alternate member. This vacancy was created by the appointment of John Kohler as a full voting member of the Zoning Hearing Board. On February 25, 2019, the Zoning Hearing Board met with Aaron Abel, a resident of Raintree Condominiums, in regards to this vacancy. The Zoning Hearing Board is recommending that Mr. Abel be appointed to fill this vacancy.

Joe Rubino, 1 Raffaela Drive, and member of the Zoning Hearing Board stated the Board voted unanimously to recommend Aaron Abel to fill the vacancy. Mr. Rubino stated the Board was impressed with Mr. Abel’s credentials, including being a founding board member of East Whiteland Business Partnership.

A motion was made by Council Member Sinquett, seconded by Council Member Laney, and carried by a vote of 7-0, to appoint Aaron Abel to the Zoning Hearing Board with a term to expire on January 1, 2021.

c. Zoning Hearing Board

Borough Manager Bashore stated that there the Zoning Hearing Board is scheduled to hear the appeal of 331 Old Lincoln Highway on March 25, 2019. The applicant is appealing a Notice of Violation issued by the Zoning Officer for violations against sections 220-201, 220-701, and 220-2309 of the Zoning Ordinance. These sections pertain to the use of the property as a junk yard. The attorney for the applicant contacted the Borough Solicitor in regards to reaching a settlement. As settlement discussions are underway, the Zoning Hearing Board agreed to grant a continuance.

No action was taken at this time.

9. PUBLIC FORUM

Council President Grossman informed all present that Public Forum is the time to offer comments on any item not on the agenda and to bring any issues/concerns before Council.
Borough Manager Bashore provided an update regarding the mold remediation occurring in the Police Department. Borough Manager Bashore stated that additional mold was discovered when work began. This resulted in additional construction costs of approximately $24,000.

Joe Rubino, 1 Raffaela Drive, stated that he believes the property owner at 363 East Broad Street is operating an auto repair service based on the fact that he recently counted eight (8) vehicles being stored in the rear yard. Borough Manager Bashore stated his staff is aware of the possible code violation(s) and is conducting an investigation.

Kel Schmitt, 17 Channing Avenue, announced that the Upper Main Line Memorial Association asked if the association should request road closures for the Memorial Day Parade. Borough Manager Bashore said that the coordination of road closures are not necessary since there will be no alcohol served.

10. ADJOURNMENT

All business having been discussed, a motion was made by Council Vice-President Uzman, seconded by Council Member Laney, and carried by a vote of 7-0 to adjourn the meeting at 8:13 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Secretary