

AGENDA

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

November 16, 2021
7:30 P.M.

As Chester County has been defined by the Centers for Disease Control & Prevention (CDC) as a county with substantial transmission of COVID-19, masks are required for all in-person attendees.

Virtual Meeting Participation Option

This evening's meeting of Malvern Borough Council allows for a virtual meeting option via Zoom. The information on how to participate virtually via telephone or video conferencing is provided below.

Borough Council Meeting Dial-In Information: 1-877-853-5247 (toll-free)

Meeting link: <https://us02web.zoom.us/j/84197019623>

When prompted, enter the following meeting ID, followed by the “#” symbol: 836 1838 7731. You will be placed in the waiting room and admitted by the host.

To unmute if using audio via telephone, please enter *6.

Malvern Borough is not liable for any computer security problems that participants may experience.

PRESIDING: Amy Finkbiner, Ph.D., President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
 - Council President Finkbiner
 - Council Vice-President Grossman
 - Council Member Bones
 - Council Member Laney
 - Council Member Niemiec
 - Council Member Phillips
 - Council Member Raynor
 - Mayor Burton

2. APPROVAL OF AGENDA:

MOTION: To approve the agenda for the November 16, 2021 meeting of Borough Council as presented.

3. ANNOUNCEMENTS

a. RECORDING OF MEETING

Anyone present who is recording the meeting shall announce so at this time, in accordance with Resolution No. 787.

- b. Borough Council met in Executive Session on October 24, 2021 and November 7, 2021 in order to discuss personnel matters.
- c. Borough Hall will be closed on November 25, 2021 and November 26, 2021 in recognition of the Thanksgiving holiday.
- d. Christmas on King (Evening Event) is scheduled for Friday, November 26, 2021 at 5:30PM for the lighting of the tree.
- e. Christmas on King (Daytime Event) is scheduled for Saturday, December 4, 2021 from 12pm to 4pm to encourage shopping along King Street.
- f. Wreaths Across America wreath laying ceremony, sponsored by Paoli Battlefield, will take place on Saturday, December 18, 2021 at 11AM.

4. MINUTES & REPORTS

a. APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting held on Tuesday, October 19, 2021 as presented.

b. APPROVAL OF REPORTS:

MOTION: To approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works, the Chief of Police Report, the Code Enforcement Department Reports (Building Inspector's Report, Housing and Property Maintenance Report, and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of October 2021, as submitted.

c. BOROUGH COUNCIL COMMITTEE REPORTS

- Finance & Administration
- Public Safety
- Public Works

5. SPECIAL BUSINESS

- a. Malvern Borough Police Department Proclamation in honor of Police Chief Marcelli and the Malvern Borough Police Department – Administered by Mayor Dave Burton

Borough Council would like to recognize the strides that the Malvern Borough Police Department has made over the past nine years. In 2012, Borough Council determined that the

department needed new leadership. That leadership has been provided by Chief Lou Marcelli, who joined us in March 2013, and Mayor Dave Burton, who took office in January 2014. Their close working relationship has been the foundation for building a professional, respected, trusted police department.

- b. Christmas on King scheduled for December 4, 2021 from 12PM to 4PM – Request for Approval for Yard Bar to be located on Malvern Borough Property as held in previous years

MOTION: To approve the Yard Bar location, associated with Christmas on King scheduled for December 4, 2021 from 12PM to 4PM, manned by the local brewery Locust Lane located in the Borough Parking Lot adjacent to Wolfe's Brass.

David Campli, on behalf of the Malvern Business & Professional Association, is requesting to have a Yard Bar manned by the local brewery Locust Lane located in the Borough Parking Lot adjacent to Wolfe's Brass.

- c. ORDINANCE NO. 2021-9: AN ORDINANCE TO AMEND CHAPTER 220, ZONING, SECTIONS 220-201, 220- 1201, 220-1301, 220-1401 AND 220-1501 OF THE CODE OF THE BOROUGH OF MALVERN IN ORDER TO PERMIT OUTDOOR DINING NOT WITHIN A PUBLIC RIGHT-OF-WAY AS A USE BY RIGHT IN ALL COMMERCIAL DISTRICTS AND TO PERMIT OUTDOOR DINING WITHIN A PUBLIC RIGHT-OF-WAY BY CONDITIONAL USE IN ALL COMMERCIAL DISTRICTS.

- **PUBLIC HEARING:** Borough Council will now open a public hearing to consider Ordinance No. 2021 – 9. This ordinance would amend Chapter 220 of the Malvern Borough Zoning Code entitled to permit outdoor dining not within a public right-of-way as s use by right in all commercial districts and to permit outdoor dining within a public right-of-way by conditional use in all commercial districts.

The proposed ordinance is to accommodate outdoor dining arrangements that became permissible under the Governor's Emergency Declaration that was in effect during the Pandemic and have remained since.

- **ADOPTION – ORDINANCE NO. 2021 – 9: AN ORDINANCE TO AMEND CHAPTER 220, ZONING, SECTIONS 220-201, 220- 1201, 220-1301, 220-1401 AND 220-1501 OF THE CODE OF THE BOROUGH OF MALVERN IN ORDER TO PERMIT OUTDOOR DINING NOT WITHIN A PUBLIC RIGHT-OF-WAY AS A USE BY RIGHT IN ALL COMMERCIAL DISTRICTS AND TO PERMIT OUTDOOR DINING WITHIN A PUBLIC RIGHT-OF-WAY BY CONDITIONAL USE IN ALL COMMERCIAL DISTRICTS.**
- **MOTION:** To adopt Ordinance No. 2021 – 9. This ordinance would amend Chapter 220 of the Malvern Borough Zoning Code entitled to permit outdoor dining not within a public right-of-way as s use by right in all commercial districts and to permit outdoor dining within a public right-of-way by conditional use in all commercial districts.

d. 2022 BUDGET FOR THE BOROUGH OF MALVERN – AUTHORIZATION TO ADVERTISE

MOTION: To authorize the advertisement of the proposed 2022 budget for the Borough of Malvern for public review.

Interim Manager Loomis will provide a presentation on the proposed 2022 budget for the Borough of Malvern. The proposed 2022 budget proposes a quarter mill (.25) tax increase, totaling 4.92 mills, as well as proposing an increase to the variable sewer charge. A public hearing on the 2022 budget will be held at the December 7, 2021 meeting and the final budget will be considered at the December 21, 2021 meeting.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

a. Zoning Hearing Board

There was one (1) application before the Zoning Hearing Board as of recent. The hearing for 128-142 E. King Street, appealing the Zoning Officer's Notice of Violation regarding the junk yard use of the property, has been rescheduled for Monday, November 22, 2021.

8. PUBLIC FORUM

Citizens/taxpayers are invited to bring before Borough Council any item not on the agenda.

9. ADJOURNMENT