



**JENKINTOWN BOROUGH COUNCIL
SPECIAL PUBLIC MEETING
June 20th, 2018
6:30 P.M.
700 Summit Avenue, Jenkintown Pennsylvania**

MINUTES

1. **Call to Order:** President D. Pancoe called the meeting to order at 7:30 p.m.
2. **Pledge of Allegiance:** Mayor A. Dobbs led those present in the Pledge of Allegiance
3. **Roll Call:**
 - **Council members present:** President D. Pancoe, Vice President R. Bunker, Councilor J. Conners, Councilor A. MacHaffie, Councilor M. Golden, Councilor J. Lugar, and Councilor K. McGlonn.
 - **Council members absent:** Councilor C. Whitney, Councilor C. Soltysiak, Councilor K. Farrell, and Councilor M. Ashton Young
 - **Others Present:** Manager G. Locke, Solicitor P. Hitchens, Mayor A. Dobbs, Fire Marshal K. Lynch, and Director of Finance R. Ware.
4. **Public Comment:** Alexandria Khalil, 514 Greenwood Avenue, appeared before Council to express her support of the Taco Bell project at 459-471 York Road. Ms. Khalil noted that the Borough has multiple empty buildings and cannot continue to turn away developers as the Borough will get the reputation that it does not welcome businesses and the Borough could use the tax money that is brought in.

Hiliary Fuelleborn, 300 Mather Road, appeared before Council to ask Council to withdraw support from the Taco Bell project at 459-471 York Road. Ms. Fuelleborn noted that the proposed project is asking fourteen variances and noted that the independent tax audit the Borough completed shows a loss in tax revenue for the Borough. Ms. Fuelleborn noted that the Borough welcomes new development that will further benefit the community however believes that this development will not benefit the community.

Felisa Armento, 260 Mather Road, appeared before Council to ask Council to withdraw support from the Taco Bell project at 459-471 York Road. Ms. Armento noted that this “isn’t a save the building campaign” however that the residents and business owners would like to reuse and repurpose the existing building that currently has five leasable spaces.

Adrienne Redd, 462 Leedom Street, appeared before Council to ask to be a “party of interest” and wanted to cede her time to the attorney that which she has hired so that he can speak in opposition of the fourteen variances in which Taco Bell is requesting.

Michael Yanoff, attorney for a group of neighbors who oppose, appeared before Council to discuss the Zoning Hearing Board application for Taco Bell. Mr. Yanoff noted that there are fourteen requested variances, many of which are dimensional variances, from the Zoning Code. Mr. Yanoff noted that the burden of proof is on the applicant.

Alyson Fritzges, attorney for Summerwood, appeared before Council asking that they continue their support of the project. Ms. Fritzges noted that Summerwood has been discussing this project with Council since late 2017 and the hearing is currently scheduled for next week, June 28th. Ms. Fritzges noted that Summerwood has been appearing before Council to help alleviate and work with the Borough regarding concerns they may have of the proposed project. Ms. Fritzges also noted that they have completed their own tax assessment study at the cost

of the developers which was completed by an expert. If the assessment comes in lower than that on the study, the Borough can take the assessment report to the Board of Assessment to have it changed.

Chrissy Leech, 434 Leedom Street, appeared before Council to allow Mr. Yanoff to speak on her behalf. Mr. Yanoff wanted to make one point, that he has represented many developers over the past 40 years where he hasn't raised the tax issue. Mr. Yanoff wanted to make clear that it is not the tax issue that is before Borough Council or the Zoning Hearing Board, it is the appropriateness of the use that the Zoning Hearing Board has to make a decision on.

Scott Hummel, equitable owner of the proposed development, appeared before council to note some restrictions of the potential uses of the property. Mr. Hummel noted that there are not only the concerns of the sustainability of the potential uses, as well as the tax issues, but there is also a deed restriction placed on the property to prohibit alcohol on the property, which eliminates uses such as a restaurant.

President D. Pancoe asked Mr. Hummel if he has spoken with the tenants about the use and the purchase of the property. Mr. Hummel noted that he has not spoken directly to the tenants as he did not want to disturb or interrupt the Helwegs existing business. Mr. Hummel noted that the Helwegs have applied to the Board of Assessment to have the property reassessed as their experts have shown that the property is worth half of what it is currently assessed at.

Councilor M. Golden noted that he would like to receive more information regarding the current deed restriction for alcohol and how that could be lifted.

Solicitor P. Hitchens noted briefly how to enforce the deed restriction and noted that it is not the Borough's responsibility to enforce the deed restriction, however believed that this is beyond the scope of tonight's discussion.

Alyson Lester, 315 Greenwood Avenue, noted that in the beginning of this process she was under the impression that the building was a "lost cause" however since going through the process and seeing the building, Ms. Lester believes that not to be the case.

Before the vote, it was noted that Councilor K. Farrell and Councilor M. Ashton Young are both on the phone for the following votes:

ORDER OF BUSINESS

- 1. Proposed Taco Bell Project:** Councilor K. McGlenn made a motion, seconded by Councilor M. Golden, to withdraw of Borough Council support for the proposed Taco Bell Project at 459, 463 and 471 York Road.

Vice President R. Bunker noted that he believes it is a terrible decision to change the position as the reasons why the Borough supported the project are still applicable such as the tax revenue. Vice President R. Bunker noted that the proposed project would improve stormwater management on that site as well as place a full traffic light on York Road slowing down 611, and create jobs for teenagers. Vice President R. Bunker noted that the developers have been very accommodating to the Borough's concerns and would probably be willing to reduce the hours of drive thru operation until midnight should the Borough ask. Vice President R. Bunker noted that even though a drive thru is not a permitted use within the Neighborhood Commercial Residential District, it is permitted by conditional use a few hundred yards away within the Gateway District.

Councilor D. Ballard noted that he agreed with everything Vice President R. Bunker stated. Councilor D. Ballard noted that they have heard that the owners of the Art Partnership love Jenkintown, and there are other locations within Jenkintown that would be able to accommodate the Art Partnership, which would allow the Borough to keep the Art Partnership and the newly proposed Taco Bell.

Councilor K. McGlenn noted that as an elected official who represents the voices of Ward one, she is concerned about the amount of negative feedback and vocal impact she has received regarding the proposed business.

Councilor K. Farrell asked for clarification of the motion and that this motion was not to oppose the project but rather stay neutral.

Councilor M. Golden noted that his opposition is that the Borough was pressed in time to discuss this as an application was going to be made, however the opportunity to receive additional information and reflect on all of the information received, Councilor M. Golden noted that the Borough should not support this project.

President D. Pancoe noted that she “feels bad that the developers have been led on” however has been listening to her constituents in Ward one and the strong opposition of the drive thru, large setbacks and hours of the drive thru.

Motion approved 8-2

2. **Potential Acquisition of Real Property:** President D. Pancoe made a motion, seconded by Vice President R. Bunker, to approve Resolution #2018-18 authorizing a property/building feasibility and assessment study not to exceed \$25,000 as well as authorize the execution of the option agreement with Church of Our Saviour for the potential acquisition of real property

Motion approved 10-0

NEW BUSINESS AND DISCUSSION: None at this time

ADJOURNMENT: On motion of Councilor J. Conners, seconded by Vice President R. Bunker, the motion adjourning the meeting passed unanimously.