

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, May 9, 2023

7:00 PM

MINUTES

(Minutes approved by Borough Council on June 13, 2023)

- I. Pledge of Allegiance/Moment of Silence
- II. Roll Call – Borough Manager

Mr. Ewald, President	Present
Ms. Burckley, Vice President	Present
Mr. Carminito	Present
Ms. Dugan	Present
Mr. Moore	Present
Mr. Kirkner	Present
Ms. Webb	Present
Mr. Weiss	Present
Mayor Urscheler	Present
Mr. Krack, Borough Manager	Present
Ms. Getzfread, Asst. Borough Manager	Virtual
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Present
- III. Presentations
- IV. Public Participation

Dennis Fenstermacher, resident. He expressed his concerns with parking on Grant Street and asked the Council to consider not only measuring cars for their distance to the curb but to look into checking the cars for appropriate spacing on the street to make sure as many cars as possible can park.

Stephen Lufty, resident. He expressed his concern about the light coming from the adjacent property at 833 Main Street. He voiced his frustration with the response he had received from Staff and is very interested in speaking with Mr. Boelker to understand why the property is not in violation of the Ordinance for light shining on adjacent properties. He stated he has not been satisfied with the responses he has received and is hoping to have the issue addressed.

Thomas Gilhool, resident. He stated he is here in support of his neighbor Stephen as well as other neighbors who are experiencing the lights from 833 Main Street shining into their homes. He also commented on a tree that is on the property of 833 Main that is against his fence and is in danger of falling. He has attempted to reach out to the owners and has been unsuccessful. He has concerns if it falls that someone could be injured and he is willing to pay for half of the tree removal.

Andrew Kanowski, resident. He stated he is on the HOA Board for Fillmore Village and is here in support of approving the Odessa plan without the connection of Ashburn

Road. He asked Council to stand with him and the other residents in Fillmore Village in support of not connecting with Ashburn Road. He is hoping that another use can be found for the property that would connect Fillmore Village to Odessa. He suggested a Dog Park, a garden, or a rest stop area for users of the Schuylkill River Trail.

John McPhee, Diving Cat Studios. He thanked Council for the continuation of the road closure and provided Council with how the closure has helped to increase the sales at Diving Cat and can't wait to see what this season of PXV Inside Out will bring to them and the other restaurants and shops downtown.

Marilyn Harvey, resident. She echoed the sentiments of Andrew on the connection to Ashburn Road. She stated that two road crossings so close together on the Schuylkill River Trail could be dangerous to the trail users and, as a frequent user of the trail, she has never seen two crossings that would be this close together.

Dana Cook, East Pikeland Township. She expressed her concerns about the lack of information for the Recreation Center. She has had trouble finding the programs on the Borough's website and social media posts don't always agree with what is available. She was trying to enroll her child in a mini camp and was unable to find it on the website. Calls to the Rec Center and Borough Hall gave her information but it was not the same. She is hoping more information can be provided on the website so it's easier for residents to access the programs.

V. Consent Agenda

A. Approval of the April 11, 2023 Regular Meeting Minutes.

B. Items from Historical and Architectural Review Board:

1. Motion to approve the Certificate of Appropriateness for the sign installation at 24 South Main Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.
2. Motion to approve the Certificate of Appropriateness for the sign installation at 121 Church Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.
3. Motion to approve the Certificate of Appropriateness for the sign installation at 222 Bridge Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.

C. Items from Parks and Recreation Committee:

1. Motion to approve a Temporary Community Event Application for the Phoenixville Farmers' Market under the Veterans Memorial Gay Street Bridge weekly on Saturdays from May through Thanksgiving, 2023 from 9:00 am to 12:00 noon. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

2. Motion to approve a Temporary Community Event Application for Lemonade Day Phoenixville in the 100 and 200 Block of Bridge Street on Saturday, June 3, 2023 from 11:00 am to 2:00 pm. This will occur during the normal closure of Bridge Street.
3. Motion to approve a Temporary Community Event Application for Alianzas 13th Annual Diversity Festival Celebration in the 100 and 200 Block of Bridge Street and Bridge and Main Street Parking Lot on Saturday, July 29, 2023 from 1:00 pm to 5:00 pm. This will occur during the normal closure of Bridge Street. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

D. Items from Finance Committee:

1. Motion to recommend Borough Council approve the 2022 Pre-Paid dated 2/1/2023 - 2/28/2023 in the amount of \$387,605.54.
2. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 2/1/2023 - 2/28/2023 in the amount of \$687,855.14.
3. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 3/1/2023 - 3/31/2023 in the amount of \$807,736.18.
4. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 2/1/2023 - 2/28/2023 in the amount of \$20,251.19.
5. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 3/1/2023 - 3/31/2023 in the amount of \$77,520.03.
6. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 2/28/2023 in the amount of \$49,208.60.
7. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 3/31/2023 in the amount of \$38,337.32.
8. Motion to recommend Borough Council approve the Budget Increase 2023-10 in the amount of \$161,781.00 from Restricted General Fund Balance to General Capital Project Fund (French Creek Trail) for work on the French Creek Trail Project.
9. Motion to recommend Borough Council approve the Budget Increase 2023-12 in the amount of \$32,780.00 from General Fund Balance to General Fund – Legislative (Real Estate) for Just Compensation to Fillmore Village (\$10,544.00) and 425 Bridge Street (\$22,236.00).
10. Motion to recommend Borough Council approve the Budget Increase 2023-13 in the amount of \$8,405.00 from Parking Fund Balance to Parking Fund Capital (Body Cameras) for the purchase of body cameras.
11. Motion to recommend Borough Council approve the Borough Engineer's

proposal for engineering services for solar panels on Borough Hall.

12. Motion to recommend Borough Council approve a Resolution authorizing the submission of a Sewage Facilities Program (SFP) Grant to the Commonwealth Financing Authority.

Ms. Burckley made a Motion to approve the Consent Agenda. Seconded by Mr. Moore.

Motion Approved 8-0.

VI. Communications/Council Participation

Ms. Burckley reported on the 75th Annual Dogwood Festival and Parade. She stated they are still looking for volunteers to help with the festival and parade. She thanked our First Responders from Phoenixville Fire, the Police Department, and TowerHealth EMS for their assistance after she was involved in an accident last week. She also sent a big thank you to the people on Nutt Road for coming out to assist me. It just goes to show Phoenixville is a very special place.

Mr. Kirkner stated he is the Chairperson of the Policy Committee and he invited the residents of Dianna Drive to attend the May 23, 2023 meeting at 7pm to discuss the Ordinance they are concerned with as it relates to light from 833 Main Street.

Mr. Moore reminded the public the Primary Election is on May 16, 2023. Polls are open from 7am to 8pm. Those who voted at Franklin Commons will now be voting at the Recreation Center.

VII. Mayor's Report

Mayor Urscheler reported on the many events in the Borough, including the Earth Day Celebration at Reservoir Park, the volunteer tree planting by our Tree Advisory Commission, The LGBTQIA Alliance's courageous conversations at BlueBird Distillery, The Dogwood Parade with its new parade route, and he wished all the mom's out there a very Happy Mother's Day.

VIII. Appointments

- A. Motion to appoint Frank Markey to the Recreation Board for the vacant term expiring April 30, 2025.

Ms. Webb made a Motion to appoint Frank Markey to the Recreation Board for the vacant term expiring April 30, 2025. Seconded by Mr. Weiss.

Motion Approved 8-0.

- B. Call for Residents interested in being appointed to various Boards and Commissions.

Mr. Ewald encouraged residents to continue to apply for openings on the various

Boards and Commissions and stated openings can be found on the Borough's Website.

IX. New Business

- A. Motion to authorize the 2023 Constable Services Contract (Independent Contractor Agreement) subject to review by Borough Solicitor.

Ms. Burckley made a Motion to authorize the 2023 Constable Service Contract (Independent Contractor Agreement) subject to review by the Borough Solicitor. Seconded by Ms. Webb.

Motion Approved 8-0.

- B. Motion to authorize the submission of a Letter of Intent to DVRPC to participate in the submission of a Charging and Fueling Infrastructure (CFI) Program Grant.

Ms. Burckley made a Motion to authorize the submission of a Letter of Intent to DVRPC to participate in the submission of a Charging and Fueling Infrastructure (CFI) Program Grant. Seconded by Mr. Weiss.

Motion Approved 8-0.

X. Resolutions/Ordinances

Ms. Burckley made a Motion to recess to the Executive Session to discuss the land development plans. Seconded by Mr. Weiss.

Motion Approved 8-0.

Recessed at 7:45pm

Ms. Burckley made a Motion to resume the Public Meeting. Seconded by Mr. Weiss.

Motion Approved 8-0.

Returned at 8:15pm

- A. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Land Development Plan for the development known as "Bluebird Distilling Project".

Mr. Denlinger presented a background on the project and asked for a representative from the applicant to address the Council.

Jonathan Wise, Attorney for Bluebird stated they are seeking approval this evening for the expansion of Bluebird Distillery at 100 Bridge Street. The design is set to match the current steel and brick design of the adjacent properties with a warehouse factory feel. It will have a second story patio and the expansion is for

food service and not production.

Mr. Kirkner asked about the letter from the Chester County Planning Commission, specifically the blocking of the mural. Does the applicant intend to install a new mural on the building after the construction.

Mr. Wise stated they intend to install a mural and the second floor patio diners will still have a front row view of the mural.

Mr. Moore made a Motion to adopt a Resolution officially conditionally approving the Preliminary/Final Land Development Plan for the development known as “Bluebird Distilling Project”. Seconded by Ms. Burckley.

Motion Approved 8-0.

Mr. Ewald asked for confirmation that the brick on the building will be red and wouldn't change to another color after approval.

Mr. Wise confirmed the project will have red brick and look like the adjacent buildings to the project.

- B. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Land Development Plan for the development known as “Phoenixville Plaza Pad Site Land Development”.

Debra Shulski, Attorney for the applicant, explained the project and submissions made to the Borough, Mr. Andersen will comply with the conditions and is seeking approval this evening.

Mr. Denlinger reviewed the conditional uses already approved for a car wash and drive through for the potential Starbucks.

Mr. Ewald asked if the Resolution before us tonight has all the changes agreed to by the applicant.

Mr. Denlinger stated it is the one you are approving tonight.

Mr. Moore made a Motion to adopt a Resolution officially conditionally approving the Preliminary/Final Land Development Plan for the development known as “Phoenixville Plaza Pad Site Land Development”. Seconded by Mr. Weiss.

Motion Approved 8-0.

- C. Motion to adopt a Resolution officially conditionally approving/denying the Final Land Development Plan for the development known as “Odessa”.

Mike Bercek of BL Companies appeared for the applicant. He explained the revision to the plan that removes the Ashburn connection from the Odessa project. He stated there will be emergency access to the development via the Schuylkill River Trail, the applicant is willing to build the Ashburn Road connection and the developer agrees to comply with all the conditions.

Mr. Denlinger stated the waivers requested are the same as the previously approved project and remain part of the prior approval. Tonight Council is specifically looking at the changes to the plan.

Mr. Moore asked about the gray boxes on the plan near where the Ashburn connection would be.

Mr. Bercek explained they are the underground storm water basins.

Mr. Carminito asked what would be done with the apartment site during the interim.

Mr. Bercek explained it will be subdivided and ownership will go to the apartment builder and there will be a graded hill until the apartments are built.

Mr. Moore made a Motion to adopt a Resolution to officially conditionally approve the Final Land Development Plan for the development known as "Odessa". Seconded by Ms. Webb.

On the Question:

Ms. Dugan asked for clarification on the approval tonight is just for the changes.

Mr. Denlinger confirmed that is correct.

Motion Approved 8-0.

- D. Motion to adopt a Resolution seeking exemption from the Liquor Code Statute regarding amplified music being heard off the licensed premises.

Mr. Krack explained the Resolution and this is the third time we will be seeking this exemption. It was approved in 2012 and 2015 and was missed due to Covid-19 in 2020.

Mr. Denlinger explained this is an exemption from the PLCB Noise Code and allows for the use of the Borough's Noise Ordinance in it's place.

Ms. Burckley made a Motion to adopt a Resolution seeking exemption from the Liquor Code Statute regarding amplified music being heard off the licensed premises. Seconded by Mr. Weiss.

On the Question:

Mr. Kirkner stated this would be a good way to put the updated Noise Ordinance to work.

Mr. Moore asked why our Ordinance is better to use.

Mr. Krack explained the process with a complaint and that the officer would have to be dispatched from West Chester. In most cases, the disturbance is over, since the officer came out, a citation is written anyway. This cuts down the response time and is better for everyone involved.

Mr. Moore asked that we could substitute our Ordinance.

Mr. Krack explained we submit the petition with a map of the affected area, a hearing is held after it is advertised and then the petition is normally approved.

Motion Approved 8-0.

XI. Hearings - None

XII. Reports of Committees, Boards, and Commissions

- A. Planning Commission - Mr. Moore
- B. Historical and Architectural Review Board – Ms. Dugan
- C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner provided an update on the consistency review for Paradise Village which included five items for the consistency with the regional plan and five items relating to Ordinance policies. The commission felt there is a number of issues with this project.

- D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the upcoming programs and events for the Recreation Department, including Parents Night Out, Blood Pressure screening, a Blood Drive, Ultimate Frisbee and Soccer Shots.

- E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley reported there would be a planting of a Dogwood Tree at the conclusion of the Dogwood Parade.

XIII. Council Action referred from:

- A. Personnel and Public Safety Committee (**Burckley**, Webb, and Weiss)

1. No additional action to report.

B. Parks and Recreation Committee (**Moore**, Carminito, Dugan, Weiss)

1. Motion to approve a Temporary Community Event Application for the Phoenixville Car Show at Reeves Park on Saturday, June 17, 2023 from 11:00 am to 3:00 pm. Street closure – Third Avenue between Main Street and Starr Street from 9:00 am to 4:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Phoenixville Car Show at Reeves Park on Saturday, June 17, 2023 from 11:00 am to 3:00 pm. Street closure – Third Avenue between Main Street and Starr Street from 9:00 am to 4:00 pm. Seconded by Ms. Dugan.

Motion Approved 7-0-1. Ms. Burckley abstained due to conflict of interest.

2. Motion to approve a Temporary Community Event Application for the Bed Races Event on Saturday, November 4, 2023 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street and B Street & Park Alley between Third Avenue and Fourth Avenue from 9:00 am to 2:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Bed Races Event on Saturday, November 4, 2023 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street and B Street & Park Alley between Third Avenue and Fourth Avenue from 9:00 am to 2:00 pm. Seconded by Mr. Weiss.

Motion Approved 7-0-1. Ms. Burckley abstained due to conflict of interest.

3. Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 9, 2023 from 5:00 pm to 10:00 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 9, 2023 from 5:00 pm to 10:00 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Seconded by Ms. Dugan.

Motion Approved 7-0-1. Ms. Burckley abstained due to conflict of interest.

C. Policy Committee (**Kirkner**, Burckley, and Ewald)

1. Motion to schedule and advertise an Ordinance amending Chapter 15 – Motor Vehicles.

Mr. Kirkner made a Motion to schedule and advertise an Ordinance amending Chapter 15- Motor Vehicles. Seconded by Mr. Weiss.

Motion Approved 8-0.

2. Motion to schedule and advertise an Ordinance amending Chapter 1 Administration and Government, Part 4 Bureaus, Boards, Commissions and Agencies, A – Beautification Advisory Commission.

Mr. Kirkner made a Motion to schedule and advertise an Ordinance amending Chapter 1 Administration and Government, Part 4 Bureaus, Boards, Commissions and Agencies, A – Beautification Advisory Commission. Seconded by Mr. Weiss.

Motion Approved 8-0.

D. Infrastructure, Technology Transportation & Sustainability Committee - (**Weiss**, Burckley, Carminito, and Webb)

1. No additional action to report.

E. Finance Committee (**Dugan**, Ewald, Kirkner, and Moore)

1. Any Item removed from the Consent Agenda.

XIV. Public Participation

Tom DeLuca, resident. He expressed his concerns about the lack of transparency about the intentions for Ashburn Road. He is concerned the Resolution for Odessa was passed with very little discussion after all the comments from the impassioned residents.

XV. Communication/Council Participation

Mr. Ewald reminded the public the Parks and Recreation and ITTS meeting will be held on Monday, May 15, 2023 as the Primary Election is on their regularly scheduled day.

XVI. Staff Reports

- A. Manager
- B. Police
- C. Fire
- D. Planning and Codes

E. Public Works

F. Finance

G. Human Resources

XVII. Executive Session – Personnel, Real Estate and Litigation

XVIII. Adjournment

8:54 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
May 2023