

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, November 14, 2023

7:00 PM

MINUTES

(Minutes approved by Borough Council on December 12, 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 Excused
 - Mr. Weiss Present
 - Mayor Urscheler Present
 - Mr. Krack, Borough Manager Present
 - Ms. Getzfread, Asst. Borough Manager Present
 - Chief Marshall, Police Chief Present
 - Mr. Denlinger, Solicitor Present
- III. Presentations
- IV. Public Participation

Susan Meadows, resident and business owner. She presented additional information on the survey the businesses submitted asking for the elimination or reduction of the number of weekends when the roads are closed for PXV Inside Out. She stated none of the businesses were bullied to sign the petition and that the closure has run its course. It reduces available parking, rainy weather with the closure is a complaint by many of the restaurants, and the small businesses cannot afford to stay open if they have to try to operate at a financial loss.

Caroline Duffy, business owner of House of Jerky. She expressed her concerns about the closure every weekend and stated that her business is directly impacted negatively when the roads are not open. She stated that when it was just First Friday on Main Street, her business was busy and profitable. With the closure, the crowd is not shopping and the loss of parking and access has decreased her business every weekend.

Sarah Howell, resident. She expressed her support of the closure and was disappointed it was not more often. She and her family took advantage of the closure because of the lack of cars. It makes walking in the downtown a more pleasant experience. While she agrees fifty-five people are not in favor of the closure, how many are in support of it?

John Keenan, resident and President of the Historical Society. He stated at the recent

board meeting of the Historical Society concerns were raised about Church Street becoming the new Bridge Street bypass, and he feels that if the Borough Council is interested in getting the truth they should have a ballot referendum on the next election ballot to see what the voters in Phoenixville want as it relates to PXV Inside Out.

Dave Meadows, resident. He expressed his concerns about pursuing a grant to take away the thirty-five parking spaces in the Main and Bridge Street Lot. He stated the lot provides handicapped access to th downtown and the creation of the lot came from special taxation from businesses in the district to fund the parking in the downtown.

Chris Hackey, Mont Clare resident. He stated he loves Phoenixville and thanked them for all they did for Mont Clare during the flooding. He stated he is here in support of PXV Inside Out. In has become the center of his family's weekend. Being able to eat outside and enjoy the town with his toddler is something he would not be able to do on a weeknight at 7pm.

Richard Devaney, resident. He shared his experience with the Inside Out closure. While he agrees many people enjoy the weekend closure, the residents on the small streets find the weekend closure pretty bad. The noise and traffic disturb all the peace on the 100 block of Prospect Street. People travel at a speed of 30 miles per hour on a road posted at 15 miles per hour. He would never have bought his house on Prospect if he had known this was going to happen. The enjoyment of visitors to the downtown is coming at a cost to the residents of the Borough.

Joanne McCracken representing the Senior Center. She stated that programs have to end at 1 pm on Fridays when the road is closed. The seniors need to get out of the building before the traffic congestion starts. She does enjoy the walkability of the closure, but not every weekend. She expressed concern about the traffic on Gay Street and the ADA Accessibility to Bridge Street with the loss of the Main and Bridge Parking Lot during the closure.

Katherine Gascon, resident. She is in support of the continuation of the closures. She stated she was sad when the season was shortened this year. She took advantage of the closure in the mornings as well as in the evening. She feels it's easier to shop downtown when the road is closed. In fact, she purchased her bike at Twisted Cog this summer and is more likely to shop downtown when the road is closed.

Theresa Brewer, resident and business owner. She stated she has lived here her whole life. She remembers when the town died and was brought back. She feels the closure once a month is plenty and every weekend of the same thing is no longer unique, and it makes the small businesses struggle to pay their bills and stay open.

Keely Wrigley, business owner. She stated this dialogue could go on forever, but she believes there is still room for compromise that will work for everyone.

Tracy Tackett, resident. She stated she would like to see the parking lot at Main and

Bridge remain as parking and suggested the LSA Grant could be used to build an elevated space above the parking for the public open space.

Jason Beatty, resident. He stated he has a lot of respect for the representatives of Borough Council, and he enjoys the closure. He would like to see it happen at least twice a month, if not every weekend. He also agrees that more parking is needed throughout the Borough.

V. Consent Agenda

A. Approval of the October 10, 2023 Regular Meeting Minutes.

B. Items from Historical and Architectural Review Board:

1. Motion to approve the Certificate of Appropriateness for a sign request for 106 Bridge Street as recommended by the HARB 4-0 per their Action Memo of November 7, 2022.
2. Motion to approve the Certificate of Appropriateness for a sign request for 115 Main Street as recommended by the HARB 4-0 per their Action Memo of November 7, 2022.
3. Motion to approve the Certificate of Appropriateness for a sign request for 21 Gay Street as recommended by the HARB 4-0 per their Action Memo of November 7, 2022.

C. Items from Parks and Recreation Committee:

1. Motion to adopt a Resolution approving the submission of a Local Share Account Statewide (LSA) grant funds from the Commonwealth Financing Authority for the Bridge and Main Street Parking Lot.

D. Items from Finance Committee:

1. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 9/1/2023 – 9/30/2023 in the amount of \$1,068,663.54.
2. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 9/1/2023 - 9/30/2023 in the amount of \$38,414.58.
3. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 9/30/2023 in the amount of \$41,5884.42.
4. Motion to recommend use of Fund Balance to install solar panels on Borough Hall.

E. Items from Personnel and Public Safety Committee:

1. Motion to appoint Jon Ichter to the HARB for the vacant term expiring August 31, 2025.

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

Motion Approved 7-0.

VI. Communications/Council Participation

Ms. Burckley reported on the Human Relations Commission's rebuilding and working on an inclusivity index. She attended the Chamber of Commerce's round table at the Colonial Theatre and the Code Blue Shelter at Ann's Heart will be opening on Monday, November 20, 2023.

Mr. Weiss thanked the public for their public participation.

Mr. Ewald stated the PXV Inside Out conversations would continue during the Parks and Recreation Committee meetings.

Mr. Moore reported on the strong voter turnout and thanked the poll workers for their hard work.

VII. Mayor's Report

Mayor Urscheler reported on the Wall That Heals and stated that Bill Peters laid a wreath at the wall in honor of Phoenixville's Veterans. He stated we had a successful Fall Fest. Citizens Police Academy and Veterans Day tribute at the Memorial in Reeves Park. He wished everyone a Happy Thanksgiving and reminded the community of the upcoming tree lighting and Firebird Festival.

VIII. Appointments

- A. 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. Review of the 2024 Enterprise Funds and General Fund Draft Budgets

Mr. Krack presented the 2024 Draft Budget for both the Enterprise and General Funds Draft Budget.

Ms. Dugan stated the Finance Committee and Staff are still working on the budget and the numbers presented tonight are expected to decrease.

- B. Motion to authorize the advertisement of the 2024 Draft Budget.

Ms. Dugan made a Motion to advertise the 2024 Draft Budget. Seconded by Mr. Weiss.

Mr. Moore stated the addition of Full-Time Fire Fighters is a commitment that was made when the new Fire Station was constructed and he thanked Chief Brazunas for his presentation at the Finance Committee meeting.

Ms. Burckley stated additional personnel should be considered if the taxation level lowers enough to recommend it.

Motion Approved 7-0.

- C. Motion to schedule and advertise an Ordinance for the adoption of the 2024 Tax Levy.

Ms. Burckley made a Motion to schedule and advertise an Ordinance for the adoption of the 2024 Tax Levy. Seconded by Mr. Weiss.

Motion Approved 7-0.

X. Resolutions/Ordinances

- A. Motion to adopt a Resolution Appointing an Independent Auditor for Fiscal Year 2023.

Ms. Burckley made a Motion to adopt a Resolution appointing an Independent Auditor for Fiscal Year 2023. Seconded by Mr. Weiss

Motion Approved 7-0.

- B. Motion to adopt a Resolution approving the 2024 Master Schedule of Fees.

Ms. Burckley made a Motion to adopt a Resolution approving the 2024 Master Schedule of Fees. Seconded by Mr. Weiss

Motion Approved 7-0.

- C. Motion to adopt a Resolution accepting the sale of a 2001 Pierce Contender Pumper.

Ms. Burckley made a Motion to adopt a Resolution accepting the sale of a 2001 Pierce Contender Pumper. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald asked what the sale price for the pumper was.

Mr. Krack stated it sold for \$72,500.00.

Mr. Denlinger explained there was no auction on the pumper as it did not apply. The buyer is another governmental agency in Delaware County.

Motion Approved 7-0.

- D. Motion to adopt an Ordinance amending Chapter 22, "Subdivision and Land Development."

Ms. Weiss made a Motion to adopt an Ordinance amending Chapter 22, "Subdivision and Land Development." Seconded by Ms. Burckley.

Motion Approved 7-0.

- E. Motion to adopt an Ordinance amending Chapter 24 "Taxation, Special," Part 8 "Neighborhood Improvement District."

Ms. Burckley made a Motion to adopt an Ordinance amending Chapter 24 "Taxation, Special," Part 8 "Neighborhood Improvement District." Seconded by Mr. Weiss.

On the Question:

Mr. Ewald explained the NID applies only to the Steelpointe development.

Motion Approved 7-0.

- F. Motion to adopt an Ordinance amending Chapter 24 "Taxation, Special," Part 4 "Discount and Penalties."

Ms. Burckley made a Motion to adopt an Ordinance amending Chapter 24 "Taxation, Special," Part 4 "Discount and Penalties." Seconded by Mr. Weiss.

On the Question:

Ms. Burckley explained why it may seem we are moving through the items very quickly. They have been fully vetted in the various committee meetings.

Mr. Denlinger explained the collection of attorney fees and court costs on delinquent taxes can be recouped, but it must be reflected in an Ordinance indicating such.

Motion Approved 7-0

- G. Motion to adopt an Ordinance amending Chapter 5 “Code Enforcement, by adding a new Part 4 “Blasting.”

Ms. Burckley made a Motion to adopt an Ordinance amending Chapter 5 “Code Enforcement, by adding a new Part 4 “Blasting.” Seconded by Mr. Weiss.

On the Question:

Mr. Denlinger explained the PA law regulates blasting across the state. This Ordinance is to protect the Borough, and its reservoir from blasting, which could potentially cause damage to the Borough's water supply.

Motion Approved 7-0.

XI. Hearings

- A. Motion to approve/deny that the structure located at 209 High Street is a public nuisance constituting a danger or hazard to public safety and that said nuisance be abated by demolition or destruction of said structure.

Ms. Burckley made a Motion to recess into Executive Session. Seconded by Mr. Weiss.

Motion Approved 7-0.

Recess at 8:15 PM

Return at 8:23 PM

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

Motion Approved 7-0.

Mr. Denlinger stated the Executive Session was to discuss the abatement of 209 High Street.

Ms. Burckley made a Motion to approve the abatement of 209 High Street with the following conditions. Within sixty (60) days of this Order, demolish the structure and remove the resultant debris in order to remove the nuisance conditions; and obtain any and all necessary permits and approvals in order to demolish the structure on the property. In the event that the owner fails to comply with the requirements set forth, then the Borough may demolish and remove the structure on the Property as follows any and all personal property remaining in the structure shall be considered abandoned; any and all fees and costs associated with the demolition of the structure and removal of debris (including attorneys fees) shall

be changed against the owner of the Property and become a municipal lien in accordance with the laws of the Commonwealth until the Borough received reimbursement in full therefor. Seconded by Mr. Weiss.

Motion Approved 7-0.

XII. Reports of Committees, Boards, and Commissions

A. Planning Commission - Mr. Moore

1. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Subdivision and Land Development Plan for the development known as 640 Ringold Street Subdivision.

Mr. Moore made a Motion to adopt a Resolution approving the Preliminary/Final Subdivision and Land Development plan for the development known as 640 Ringold Street Subdivision. Seconded by Mr. Weiss.

On the Question:

Mr. Moore explained the subdivision and stated the project has 1 waiver to allow for the removal of 16 trees. The developer stated they will make every effort to retain trees that have a 24-inch diameter.

Motion Approved 7-0.

B. Historical and Architectural Review Board – Ms. Dugan

1. Motion to approve the Certificate of Appropriateness for a sign request for 35 Bridge Street as recommended by the HARB 3-1-1 per their Action Memo of November 7, 2022.

Ms. Dugan made a Motion to approve the Certificate of Appropriateness for a sign request for 35 Bridge Street. Seconded by Ms. Burckley.

On the Question:

Ms. Dugan stated she voted against in order to keep the item off of the Consent Agenda, so discussion could be had on the face image on the garage doors at the building.

Mr. Kirkner stated the image is on the back of the building and he agrees that the image is unusual.

Mr. Weiss asked if the image met the HARB guidelines.

Ms. Dugan stated it does meet the guidelines. It was just an item she wanted all the Council to have the opportunity to comment on.

Motion Approved 7-0.

2. Motion to approve the Certificate of Appropriateness for a three-story addition request for 119 Main Street as recommended by the HARB 4-1 per their Action Memo of November 7, 2022.

Ms. Burckley made a Motion to approve the Certificate of Appropriateness for a three-story addition request for 119 Main Street. Seconded by Mr. Weiss.

On the Question:

Ms. Dugan stated her biggest concern with the project is that it has not gone through planning yet and she has no idea how the parking will be addressed at the property. She knows the residents in that area struggle with parking and it is like we are putting the cart before the horse by approving the appearance of an imaginary structure.

Mike Murray, Attorney for the applicant. He stated the applicants went through HARB before the Planning Commission to ensure what they are proposing on the site from an aesthetic meets with the HARB requirements. He stated there was a discussion about the window casings and whether they should be white as shown or black. An exhibit was submitted for tonight to show what it would like with Black instead of white and he stated his client is willing to go with black if that is the preference.

Mr. Ewald asked what is being proposed for the building. Is it just the third floor addition and nothing added to the back of the building?

Mr. Murray stated the third floor addition is what will be presented at the Planning Commission and they are working closely with the Borough to ensure it complies with the Zoning and HARB regulations. The owners have been in discussion with the Planning Director, Mr. Boelker and it was agreed that the third floor is the better and more appropriate option for the building.

Mr. Denlinger asked Mr. Murray if it is acceptable to his client that the approval be for the white windows as shown at the HARB meeting or the Black as presented tonight.

Mr. Murray stated his client is amenable to either white or black.

Mr. Denlinger wanted to note to the Council that we don't normally modify the recommendation of the HARB, but as they are a recommending body, if the Council prefers the black they could choose to make that modification.

Mr. Murray stated in what was presented to HARB was that the lower doors were already black and a Historical Society photo of the building was found showing the original windows of the building were black.

Mr. Ewald stated it is not often the Council gets to select a color for a building and he much prefers the black windows with the brick building. He stated he understood Ms. Dugan's concerns but reassured that she will have all of her concerns addressed through the planning process.

Ms. Burckley stated she is not opposed to the third floor addition and she feels the black is quite lovely.

Mr. Carminito asked how much they can deviate from what is being proposed here.

Mr. Denlinger stated, from a design perspective not a lot, they still have to present a land development plan and if the land development changes the aesthetics of the building, they would have to go back through HARB for a new certificate.

Mr. Krack stated that they could not install hardy boards on the building, they have to install what is approved by the HARB.

Mr. Denlinger stated he understands Ms. Dugan's concerns, but when applicants go through the Planning Commission they will be asked why they didn't go through HARB first and at HARB they are asked why they did not go through planning yet. He stated from a legal perspective that having the HARB approval ahead of the Planning Commission recommendation allows him to incorporate the HARB requirement into the Resolution.

Mr. Kirkner asked Mr. Murray how much height the addition will add to the structure.

Mr. Murray stated it adds another 8' 4" to the building,

Mr. Ewald asked if the motion needed to be amending stating that the color of the windows should be black.

Ms. Burckley amended the motion for the window frames to be black, Mr. Weiss seconded the amendment.

Mr. Moore stated he thought they had gone to HARB with the black and that is what was approved.

Mr. Denlinger clarified it was the opposite. At HARB it was white and it was

changed to Black after the HARB Approval.

Motion Approved 6-1. Ms. Dugan voting No.

C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner stated he had nothing to report. He reminded the public that the next meeting on November 29, 2023 is the combined November and December meeting.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported blood pressure screenings are continuing at the Rec Center as well as various programs, including Youth Yoga, golf lessons, co-ed volleyball and Pickleball.

E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley reported the fall planting will be on November 18, 2023 and volunteers should meet at Reeves Park at 8am.

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. No additional action to report.

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

1. Motion to schedule and advertise an Ordinance Redistricting of Wards/Precincts.

Mr. Kirkner made a Motion to schedule and advertise an Ordinance Redistricting of Wards/Precincts. Seconded by Ms. Burckley.

Motion Approved 7-0.

2. 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 Ms. Burckley.

On the Question:

Mr. Kirkner clarified this ordinance will regulate permit parking in lot

number 9.

Motion Approved 7-0.

3. Motion to schedule and advertise an Ordinance changing the name of a Borough Street.

Mr. Kirkner made a Motion to schedule and advertise an Ordinance changing the name of a Borough Street from Coll Avenue to Coll Drive. Seconded by Ms. Burckley.

On the Question:

Mr. Kirkner stated the change is to correct the Ordinance to match the current street name.

Motion Approved 7-0.

4. Motion to authorize the submission of a Letter of Intent to DCED to participate in the formation of a Council of Governments.

Mr. Kirkner made a Motion to authorize the submission of a Letter of Intent to DCED to participate in the formation of a Council of Governments. Seconded by Ms. Burckley.

On the Question:

Mr. Weiss asked for an explanation on the Council of Governments.

Mr. Krack stated that Staff has been during the last eighteen months in dialogue with our neighbors in Upper Providence, who have brought in other municipalities like Trappe, Royersford and Spring City to look at how, on a larger scale, to fund projects and make purchases that would benefit us all as a group. The Deputy Secretary of State for the Department of Community and Economic Development came to a meeting about a month ago to listen and figure out what this is. It is a letter of intent and does not obligate us to anything. It will allow DCED to come down and rigorously talk with us about the things we could do to serve the entire region.

Mr. Moore asked if this had been done anywhere else in the commonwealth.

Mr. Krack explained there are other COGS and Mr. Kirkner sits on a version of a COG that is the Phoenixville Regional Planning Commission that focuses on planning. While the PRPC focuses on zoning and planning, this would focus more on purchasing things we could mutually share like road salt.

Mr. Kirkner stated there is a COG in the Pottstown area.

Mr. Ewald stated there is a rather large COG in the West Chester area as well.

Motion Approved 7-0.

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

1. No Action to Report.

Mr. Ewald commented that the improvements at Starr and Nutt look fabulous and the work on Paradise Street is almost complete.

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

1. No additional action to report.

XIV. Public Participation

None

XV. Communication/Council Participation

None

XVI. Staff Reports

- A. Manager
- B. Police
- C. Fire
- D. Planning and Codes
- E. Public Works
- F. Finance
- G. Human Resources
- H. Recreation

XVII. Council met in Executive Session on October 10, 2023 to discuss Real Estate and Litigation

XVIII. Executive Session – Personnel, Real Estate and Litigation

XIX. Adjournment

8:53 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
November 2023