

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, May 14, 2024

7:00 PM

MINUTES

(Minutes approved by Borough Council on June 11, 2024)

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. Kirkner	Present
Mr. Moore	Present
Mr. Strenfel	Present
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 - None

IV. Public Participation

Mr. Ewald stated “Immediately before this evening's Council Meeting the Council met in an Executive Session to engage in quasi-judicial deliberation on the Nutt Road LP’s Conditional Use Application as well as Attorney/Client, privileged advice and discussion related to Borough sidewalks and ADA accessibility.”

Barbara Cohen, President of the Schuylkill River Heritage Center. She stated the Heritage Center is the owner of the oldest Phoenix Wheel, made here in Phoenixville in 1895 by the Phoenix Bridge Company. She explained the wheel was acquired by the Heritage Center in 2008 to be restored and preserved. Since then she has been working on securing a location for the wheel to be reassembled and placed on display. She thanked Jean Krack, Kelly Getzfread and Staff on their hard work in finding a home for the wheel. Currently Gern Jaeger of Specialty Metals is cataloging the pieces of the wheel, restoring and preparing the wheel for reassembly and installation. She invited the Council and Public to attend the October 7, 2024 Heritage Award presentation for the Phoenix Wheel.

John McPhee, Business Manager of Diving Cat Studio Gallery. He stated he provided a copy of an email he sent to Borough Staff and the Police Chief for each of the Council Members tonight. He explained far too frequently, police departments are not given credit for quality work and for being an awesome part of the community. From the email that he sent you'll see that at Diving Cat Studio Gallery, while it is very rare, recently had a very significant theft. Working with Chief Marshall, Corporal Gray and Officer Rondeau they were successful in tracking down the individual and were able to get all of the stolen merchandise back to the gallery. Corporal Gray and Officer Rondeau were professional, friendly and courteous. They did an awesome job and they are very grateful.

Nancy Thomas, resident and member of Diversity in Action. She read aloud a letter to Borough Council in follow up to recent comments made about the costs of community events. She stated; "This is an echo of what we talked about a month ago, and we're back to kind of continue the conversation. What makes for healthy communities? Persons are good, stewards of land and property, resources exist for everyone, everyone matters and has a voice. Leadership involves service to others and groups form to help the whole community thrive. Phoenixville is a growing and changing in complex ways, but it also has nearly 50 plus not-for-profit groups who, I believe, exist to create a healthier community. If you read the mission statements of the nonprofits, their purposes span environmental concerns, medical availability, equitable housing, job training, celebration of cultures, education for leadership, equity in all areas. the arts and the valuing of every person, every voice in this town. One of the significant ways Borough Council could affect the health of our community would be to become aware of what the nonprofits are doing daily, often without acknowledgement. They are working on the ground, with heart, so that all of us become the answers to each other's' needs, what we were created to be, after all."

Kris Keller, resident. She stated she has been to the Council Meetings the last two months and has asked for a task force or a group of people to get together to talk with the nonprofits that are holding events in town. To talk about the pricing the cost of security and police force to the costs of trash removal and setting up tents, those kinds of things. She stated she is being contacted from the nonprofit groups asking what she has heard from Council and she doesn't have anything to share. She stated an invitation was extended to participate in last month's Policy Committee Meeting. Originally, we believed the meeting would be on Tuesday, but it was Election Day and it was moved to Wednesday. On Wednesday we found out it was cancelled. Any rate, she stated she has been asked to follow up with you folks, and if someone could get back with her or with some of the nonprofits, they would really appreciate it.

V. Consent Agenda:

- A. Approval of the April 9, 2024 Regular Meeting Minutes.
- B. Historical and Architectural Review Board

1. Motion to approve the Certificate of Appropriateness for signage as represented in the application for 101 Bridge Street as recommended 6-0 by the HARB in their Action Memo of May 6, 2024.
 2. Motion to approve the Certificate of Appropriateness for signage as represented in the application for 209 Church Street as recommended 6-0 by the HARB in their Action Memo of May 6, 2024.
 3. Motion to approve the Certificate of Appropriateness for signage as represented in the application for 252 Bridge Street as recommended 6-0 by the HARB in their Action Memo of May 6, 2024.
- C. Items from Personnel and Public Safety Committee.
1. Motion to reappoint Randy Morin to the Tree Advisory Commission for the new term expiring June 30, 2029.
- D. Items from Parks and Recreation Committee.
1. Motion to approve a Temporary Community Event Application for the Kiwanis Patriotic Celebration at Reeves Park on Friday, May 24, 2024 from 9:30 am to 12:00 noon. No parking on the north side Third Avenue between B Street and Main Street from 8:30 am to 12:00 noon to allow school buses to park.
 2. Motion to approve a Temporary Community Event Application for the Phoenixville Car Show on Saturday, July 20, 2024 from 11:00 am to 3:00 pm at Reeves Park. Second Avenue and Third Avenue to be closed between Starr Street and Main 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.
 3. Motion to approve a Temporary Community Event Application for Phoenixville Police Department National Night Out on Tuesday, August 6, 2024 from 6:00 pm to 9:00 pm at the Recreation Center Parking Lot at 501 Franklin Avenue.
 4. Motion to approve a Temporary Community Event Application for the 42nd Anniversary Andre Thornton Day at Andre Thornton/C' Jon Saunders Park on Saturday, September 14, 2024 from 11:00 am to 7:00 pm. North Main Street to be closed between Vanderslice Street and High Street from 8:00 am to 8:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
 5. Motion to approve a Temporary Community Event Application for the SHRC – Phoenix Wheel Heritage Award Celebration at the Borough Hall Parking Lot on Friday, October 11, 2024 from 5:30 pm to 8:30 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
- E. Items from Finance Committee.

1. Motion to approve the 2024 Pre-Paid dated 3/1/2024 - 3/31/2024 in the amount of \$1,011,357.38.
2. Motion to approve the 2024 Pre-Paid Credit Card Statement dated 3/1/2024 - 3/31/2024 in the amount of \$83,318.44.
3. Motion to approve the 2024 Pre-Paid ACH dated 3/31/2024 in the amount of \$39,594.02
4. Motion to adopt a Resolution authorizing the filing of an application for funding under the Flood Mitigation Program for the Borough of Phoenixville's Third Avenue & Gay Street stormwater flood mitigation project.
5. Motion to adopt a Resolution for the sale and disposition of personal property valued at or above \$2,000.
6. Motion to approve Budget Increase 2024-04 from Waste Water Restricted Fund Balance in the amount of \$117,400 to Waste Water – Sewer Treatment (HTC Professional Services – Arcadis) for professional services to Arcadis for ongoing HTC project.

Ms. Burckley made a Motion to Approve the Consent Agenda. Seconded by Mr. Strenfel.

Motion Approved 8-0.

VI. Communications/Council Participation

Ms. Burckley reminded the public to come out to the Dogwood Festival and Parade. She stated the parade on Saturday, May 18, 2024 will also be part of the celebration of the Borough's 175th Anniversary and the Fire Department's 150th Anniversary.

Ms. Dugan reported on the Mental Health Awareness Day at the Recreation Center. She stated it was an amazing day and there are many programs for all ages. She stated she hopes these awareness days will continue to be offered at the Recreation Center.

VII. Mayor's Report

Mayor Urscheler reported on the Phoenixville Library's Adult Spelling Bee, the new business Fit Up Nutrition and Body Boutique on the 100 block of Bridge Street, PACS' Empty Bowl Event, the opening of Hankin Manor, the upcoming Patriotic Celebration at Reeves Park, The Senior Center's 45th Anniversary and of course the Dogwood Fair and Parade. He stated this year's parade will be as collaborative effort with Phoenixville Fire Department as they celebrate their 150th Anniversary. Mayor Urscheler congratulated Vivona Xu for her work on coordinating the Walk a Mile in Her Shoes Event in conjunction with the Crime Victims' Center of Chester County. He stated this event brings awareness to sexual assaults on women.

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions. Current vacancies exist on the Civil Service Commission, Human Relations Commission, Tree Advisory Commission, and Zoning Hearing Board.

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

X. Public Hearings

- A. Continued hearing on Conditional Use Application from Nutt Road LP – 1000 Schuylkill Road which proposes to add a restaurant with a drive-through to the property, in addition to the existing self-storage facility and the proposed coffee shop and carwash uses.

Ms. Burckley made a Motion to recess the Public Meeting and reopen the Conditional Use Hearing for Nutt Road LP – 1000 Schuylkill Road which proposes to add a restaurant with a drive-through to the property, in addition to the existing self-storage facility and the proposed coffee shop and carwash uses. Seconded by Mr. Weiss

Motion Approved 8-0

Mr. Denlinger reopened the Conditional Use Hearing at 7:25pm.

Mr. Denlinger asked Mr. Andersen is he wished to proceed with the hearing since the Court Reporter is not in attendance.

Mr. Andersen indicated he would like to proceed.

Mr. Denlinger explained the Borough received a Conditional Use Application from Nutt Road, LP. concerning the property located at 1000 Nutt Road commonly and collectively known as the Phoenixville Plaza requesting approval to operate a restaurant having a drive through on the property. He stated a hearing was opened and held last month on April 9, 2024, and the hearing was continued to this evening on the record of last month's hearing. He stated at the hearing, no one requested party status and the applicant presented its evidence and closed its case. The record was closed, public comment was accepted and the applicant had an opportunity to provide closing statements. No further testimony, evidence, argument, or comment will be accepted tonight. Typically, if there were any materials, conversations or communications between last month's hearing and this month's hearing, they would be entered into the record. Mr. Denlinger stated no additional evidence needs to be added to the record and he will entertain a Motion to close this hearing and resume our public meeting.

Ms. Burckley made a Motion to close the Public Hearing. Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Denlinger closed the Conditional Use Hearing at 7:27pm.

- B. Motion to approve/deny the Conditional Use Application from Nutt Road LP – 1000 Schuylkill Road which proposes to add a restaurant with a drive-through to the property, in addition to the existing self-storage facility and the proposed coffee shop and carwash uses.

Mr. Moore made a Motion to approve the Conditional Use Application from Nutt Road LP – 1000 Schuylkill Road which proposes to add a restaurant with a drive-through to the property, in addition to the existing self-storage facility and the proposed coffee shop and carwash uses subject to the following conditions:

1. The level of service of the intersections surrounding the Property shall not be decreased by the traffic visiting the Drive-Through Restaurant.
2. The development of the pad site with the Drive-Through Restaurant shall reduce the impervious coverage of the Property.
3. No less than two (2) parking spaces shall be reserved for vehicles waiting to be informed that their mobile orders are ready for pick up via the drive-through, and those two (2) parking spaces shall not count toward the required parking for the restaurant use.
4. In the event that the Drive-Through Restaurant modifies its drive-through from a mobile pre-order pick-up only drive-through to a drive-through with a menu board where orders are taken on-site, the Drive-Through Restaurant shall provide for vehicle stacking for not less than six (6) vehicles from the location of the menu board.
5. The location and extent of the pedestrian sidewalks, crosswalks and general pedestrian circulation shall be more fully evaluated and provided through the review process required by the Borough's Subdivision and Land Development Ordinance, but in no event shall less sidewalk or a less efficient pedestrian circulation design be provided.
6. An access and use easement for the benefit of the owner, tenants and invitees of the Property over the parcel identified as Chester County UPI No. 15-8-16 shall be valid and of record at all times during the operation of the Drive-Through Restaurant.
7. Nothing in this Decision and Order of Borough Council on this Application shall be construed as either an express or implied waiver of any provision of any applicable ordinance of the Borough of Phoenixville. No level of development is guaranteed by virtue of this Conditional Approval and the proposed improvements shall be permitted only if the fully- engineered plans for the Property can demonstrate compliance with

all applicable zoning, land development and subdivision regulations of the Borough as well as any relevant statutes or regulations of any other governmental entity having jurisdiction over development on the Property.

8. All development permitted by this conditional Approval shall be consistent with the testimony and exhibits submitted to Borough Council at the hearings held on April 9, 2024 and May 14, 2024, subject to any design modifications needed to the satisfaction of the Borough, Borough Engineer, Borough Traffic Engineer and Borough Planner.

Seconded by Mr. Weiss.

Motion Approved 8-0.

- C. Motion to adopt Ordinance amending Chapter 22 “Subdivision and Land Development,” Part 4 “Design Standards,” Section 22-417 “Vehicular Parking.”

Ms. Burckley made a Motion to recess the Public Meeting and open the Public Hearing for an Ordinance amending Chapter 22 “Subdivision and Land Development,” Part 4 “Design Standards,” Section 22-417 “Vehicular Parking.”
Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Denlinger opened the Public Hearing at 7:30pm.

Mr. Denlinger explained the current subdivision and land development ordinance allows some of the required parking spaces to have a reduced size of 8 feet in width instead of the typically required 9 feet of width. The prior justification for this was to allow for a certain amount of smaller compact car parking spaces. However, it is the Borough Engineer’s opinion that the size of vehicles on the road no longer generally meet the “compact car criteria.” Therefore, the reduced parking space size no longer provides adequate parking spacing. As a result, before you this evening is the consideration of an Ordinance Amendment that would eliminate the compact car sized parking spaces and remove the ability of new developments to install parking spaces with a width of less than 9 feet.

Mr. Denlinger stated the ordinance was advertised in the Pottstown Mercury, on April 29, 2024, and May 6, 2024, and copies of the proposed Ordinance Amendment were sent to the Chester County Law Library and the Pottstown Mercury, on April 11, 2024, for public access. This Ordinance was also sent to the Borough Planning Commission, which voted 7-0 to recommend approval of the Ordinance at their December 15, 2023. Meeting. The Ordinance was sent to the Chester County Planning Commission and via a letter dated April 1, 2024 supports the adoption of the ordinance.

The ordinance was sent to the Phoenixville Regional Planning Commission, which found the ordinance to be consistent with the Phoenixville Regional comprehensive plan in its March 29, 2024 letter

He stated he will enter all of those items into the record of this hearing and asked if the Council has any questions or comments regarding this proposed ordinance amendment.

Council Participation

Mr. Weiss stated he found the change to be a pretty common change occurring in municipalities across the board.

Public Participation

None

Mr. Denlinger stated he would entertain a Motion to close the Public Hearing.

Ms. Burckley made a Motion to close the Public Hearing. Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Denlinger closed the Public Hearing at 7:33pm.

Ms. Burckley made a Motion to adopt Ordinance amending Chapter 22 "Subdivision and Land Development," Part 4 "Design Standards," Section 22-417 "Vehicular Parking." Seconded by Mr. Moore.

Motion Approved 8-0.

- D. Motion to adopt an Ordinance amending Chapter 27, "Zoning," "Part 3 "Zoning Districts."

Ms. Burckley made a Motion to recess the Public Meeting and open the Public Hearing for an Ordinance amending Chapter 27, "Zoning," "Part 3 "Zoning Districts." Seconded by Mr. Strenfel.

Motion Approved 8-0.

Mr. Denlinger opened the Public Hearing at 7:34pm.

Mr. Denlinger explained as you all are aware the Ordinance Amendment was approved to be scheduled and advertised for tonight's meeting. The Council has discussed the increase in the submission of Conditional Use Applications to be

heard by the Council than have been submitted in the past and with all the other business that the Council has to consider, the proposed Ordinance Amendment changes many of these uses currently permitted by Conditional Use to Special Exceptions, thereby reassigning these matters to the Zoning Hearing Board, which specializes in the review of zoning matters. Special Exceptions are basically the same as Conditional Uses, except that the Zoning Hearing Board is the hearing body instead of Borough Council. As a result, this Ordinance changes all but three of the current Conditional Uses to uses by Special Exception.

Mr. Denlinger stated this ordinance was advertised in the Pottstown Mercury, on April 29, 2024, and May 6, 2024, and copies of the proposed Ordinance Amendment were sent to the Chester County Law Library and Pottstown, Mercury on April 11, 2024, for public access. The ordinance was also sent to the Borough Planning Commission, which voted 7-0 to recommend approval of the Ordinance at its April 12, 2024, meeting, to the Chester County Planning Commission, which supports the adoption of the Ordinance per its April 25, 2024, letter and the Phoenixville Regional Planning Commission, which found the ordinance to be consistent with the Phoenixville Regional Comprehensive Plan per its April 24, 2024 letter.

He stated he would enter these items into the record and asked if the Council has any questions or comments regarding this ordinance amendment?

Council Participation

None

Public Participation

Dr. David Saneck, resident. He asked about the changes to the Ordinance specifically if the change affects the uses by right, why the adult commercial and adult entertainment are not being changed to Special Exceptions, will the definition of Institutional Use be changed in this amendment, why are the Conditional Uses being changed to Special Exceptions and lastly, he asked if he missed a Public Hearing on this amendment.

Mr. Denlinger explained a Conditional Use and a Special Exception are basically the same. The only thing that changes is the body that holds the hearing. A Conditional Use and a Special Exception, or both uses that are permitted uses just have to meet certain elements. The Council has determined and the Borough finds them to be of a particular interest, that they want to review them with a bit more of a finer tooth comb. The difference, really the sole difference between a Conditional Use and a special exception is which body reviews these uses. Conditional Use Borough Council reviews and they typically only hold on to the uses that

they deem to be the most important that they need to have the most scrutiny over, and they allow the Zoning Hearing Board and in reality, the Zoning experts to review the remainder of the uses that are permitted in this type of manner. As far as the adult uses, adult uses are of such a particular nature and can be so inflammatory that Council wanted to retain its control to review those items. He stated the kind of Conditional Use reviewed earlier tonight with the drive through, those are the types of things the Zoning Hearing Board should review. There are more of a development and pure zoning type issue that the Zoning Hearing Board can review and The Council doesn't need to have a direct opinion on. He stated no changes have been made to the definitions of anything. He stated no uses have been added or removed from the Ordinance and the only modification is the body holding the hearings for the uses that were previously permitted by Conditional Use.

Mr. Denlinger stated he would entertain a Motion to close the Public Hearing.

Ms. Burckley made a Motion to close the Public Hearing. Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Denlinger closed the Public Hearing at 7:43pm.

Ms. Burckley made a Motion adopt an Ordinance amending Chapter 27, "Zoning," "Part 3 "Zoning Districts." Seconded by Mr. Strenfel.

Motion Approved 8-0.

XI. Resolutions/Ordinances

- A. Motion to adopt a Resolution acknowledging Robert House for his two years of service on the Phoenixville Recreation Board.

Ms. Burckley made a Motion to adopt a Resolution acknowledging Robert House for his two years of service on the Phoenixville Recreation Board. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald read the Resolution aloud for the record.

Motion Approved 8-0.

- B. Motion to adopt a Resolution acknowledging Christopher Book for his year of service on the Phoenixville Human Relations Commission.

Ms. Burckley made a Motion to adopt a Resolution acknowledging Christopher Book for his year of service on the Phoenixville Human Relations Commission. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald read the Resolution aloud for the record.

Motion Approved 8-0.

- C. Motion to adopt a Resolution acknowledging the Day of Community Service from the Students of Valley Forge University.

Ms. Burckley made a Motion to adopt a Resolution acknowledging the Day of Community Service from the Students of Valley Forge University. Seconded by Mr. Strenfel.

On the Question:

Mr. Ewald read the Resolution aloud for the record.

Motion Approved 8-0.

- D. Motion to adopt a Resolution regarding submission of a Chester County Community Development Block Grant (CDBG) for the Paradise Street Phase 2 Project.

Ms. Burckley made a Motion to adopt a Resolution regarding submission of a Chester County Community Development Block Grant (CDBG) for the Paradise Street Phase 2 Project. Seconded by Mr. Carminito.

Motion Approved 8-0.

- E. Motion to adopt an Ordinance amending Chapter 4, “Buildings,” “Part 4 “Abatable Structures.”

Mr. Kirkner made a Motion to adopt an Ordinance amending Chapter 4, “Buildings,” “Part 4 “Abatable Structures.” Seconded by Mr. Strenfel.

On the Question:

Mr. Denlinger explained the Ordinance Amendment does two things. The first clarifies that demolition is required if the land owner fails to remediate available issues and clean up the old Borough Contact information. He stated the Ordinance was advertised in the Pottstown Mercury on May 6, 2024 and copies were provided to Chester County Law library and the Mercury on April 11, 2024 for

public access.

Mr. Kirkner stated this Ordinance has been on the books for twenty-six years, and he thanked Staff and the Solicitor for updating the ordinance. He stated he noticed there were a few things in there like the address of Borough Hall, that was updated from Church Street to the current location on Bridge Street. He stated he appreciates the work that Staff and the Solicitor did to bring this ordinance into the 21st Century.

Mr. Ewald stated he looks forward to the Borough Staff enforcing this to help remediate the properties that are not being well cared for by their owners.

Motion Approved 8-0.

- F. Motion to adopt an Ordinance amending Chapter 15, “Motor Vehicles and Traffic.”

Mr. Kirkner made a Motion to adopt an Ordinance amending Chapter 15, “Motor Vehicles and Traffic.” Seconded by Ms. Burckley.

On the Question:

Mr. Denlinger stated the Ordinance was advertised in the Pottstown Mercury on May 6, 2024 and copies were provided to Chester County Law library and the Mercury on April 11, 2024 for public access.

Motion Approved 8-0.

XII. Reports of Committees, Boards, and Commissions

- A. Historical and Architectural Review Board – Ms. Dugan
- B. Planning Commission - Mr. Moore

- 1. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Subdivision Development Plan for St. Mary of the Assumption.

Mr. Denlinger invited the applicant up to the podium to address the Council.

Mr., Denlinger explained This application concerns a parcel of land in the vicinity of 212 Dayton Street, which is the part of the St. Mary's of Assumption Church, and more particularly identified as Chester County, UPI, Number 15-6-10. The applicant proposes to subdivide a single parcel of land into two resulting lots, the current parcel consists of 2.043 acres.

Lot A will be 0.7668 acres, and Lot B will be 1.2778 acres. The parcels are currently improved with a part of the parking lot for St. Mary's and the remainder of the surface areas are unimproved. However, there are some sanitary and storm sewer facilities running underground on the parcel for which easements are being provided. After reviewing the project, at several meetings, the Planning Commission at its March 14, 2024, meeting voted unanimously to recommend approval of the application.

Mr. George J. Ozorowski, attorney for the applicant. He stated the application before you this evening is to move the property line that currently bisects the parking lot and moving it over to create a separate parcel for Father Hutter to sell as he has been directed to do by the Archdiocese.

Mr. Moore asked for clarification that once the subdivision happens and the property lines are shifted, the remainder property which you say the Archdiocese has instructed the pastor to sell. He asked if this parcel accessible from a street.

Mr. Ozorowski stated the property is accessible from Penn Street. He clarified this is the means by which the Borough Staff accesses the site for their sewer line. He stated the process of subdivision has provided for the discovery of numerous easements that weren't necessarily on the records for the property. The property line will be moved to keep the paved parking area on the Church's property leaving the green planted area for sale. He stated a representative for their engineering firm is present if the Council has any questions for him.

Mr. Moore asked how the property is zoned in terms of what can be done with the property after it is sold.

Mr. Krack explained the property is zoned as Residential Infill and the application tonight does not involve any development. The development of the property would have to come back before the Planning Commission and Borough Council.

Mr. Weiss asked if the approval of the subdivision will change the ability of what can be done with this property from its current state to a different state. He asked if the same level of residential infill no matter what it's acreage.

Mr. Denlinger explained an applicant could present a plan to develop the entire parcel. He stated it sounds like they would prefer to do, and what he believes was discussed at the Planning Commission is the church wants to maintain the parking lot and divest themselves of the remain portion. If St. Mary's wanted to try to develop the entire parcel. What is permitted under

the zoning ordinance doesn't change, but they would have more land area to do.

Ms. Dugan asked if the subdivision is completed would there be a potential for another 300-unit apartment building on the site.

Mr. Denlinger stated he can't comment on any specifics because it will depend on the size of a development and the what the building size limitations would be on the property. Factors like matching the nearest block and what is big enough that a developer wouldn't have to match the nearest block.

Mr. Ozorowski stated there are some significant restrictions on development because of the steep slopes and easements on the property. He stated if you actually look at the property, and this is one of the things we did in front of planning, it's kind of a small building envelope that you could actually build on, at least preliminarily looking at it. He stated we didn't really study that because we're not proposing land development however, when we looked at it there is a lot going on there that's going limit whatever's going to be put there.

Ms. Burckley asked what is the square footage of the lot.

Mr. Ozorowski stated it is approximately 1.27 acres if you look at the plan for the subdivision you will see the easements on the property will decrease the buildable area.

Public Participation

None

Mr. Denlinger stated seeing no public comment he would entertain a Motion on this application.

Mr. Moore made a Motion to approve Resolution officially approving the Preliminary/Final Subdivision Development Plan for St. Mary of the Assumption. Seconded by Mr. Kirkner.

Motion Approved 8-0.

C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner reported the committee held there first in person meeting in 4 years at the Schuylkill Township Building and now the meeting will be returning to Zoom. He stated the committee continues to discuss trails in the region and at right now Phoenixville is pretty far ahead of the other municipalities.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the upcoming programs and camps at the Recreation Center including Yoga for all ages, Tennis, Snapology, Flag Football, Science Explorers and Chess Wizards.

E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito stated the commission met on Monday and they worked through some resident concerns about trees, and the commission is doing their best to keep up with the pruning schedule. Additionally, discussion was had about our tree replacement plan and one challenge is that as we're taking down some of these larger trees, the stumps remain for quite a long time. He stated the commission is problem solving some ways to try to dig those stumps out and be able to replace the trees a little quicker. Lastly, he invited the public to join the Jaycees on Thursday May 16, 2024 at 6:00PM for the planting of this year's dogwood tree. Bates Landscaping is donating the tree and the planting it in Reeves Park.

F. Human Relations Commission – Ms. Burckley

Ms. Burckley reported the commission does have an opening so any individuals who are interested in getting involved in that capacity can certainly reach out to her.

XIII. Council Action referred from:

A. Personnel and Public Safety Committee – Ms. Burckley

B. Parks and Recreation Committee – Mr. Moore

1. Motion to waive all fees associated with the rental and utilization of Reeves Park for the Kiwanis Patriotic Celebration on May 24, 2024.

Mr. Moore made a Motion to waive all fees associated with the rental and utilization of Reeves Park for the Kiwanis Patriotic Celebration on May 24, 2024. Seconded by Mr. Strenfel.

On the Question:

Mr. Moore asked Ms. Getzfread to explain and stated the event just uses the stage at Reeves Park for all of the school children that attend.

Ms. Getzfread explained there's really no Borough services requested for this event. They have buses that come to drop off the students. They use public parking spaces; the rest rooms are open and they go up on the stage,

and they do a celebration. She stated there really isn't any request for services needed and if they didn't tell us about the event, the Borough might not know that it actually happened. She stated they did pay the application fee and did not ask for that to be waived.

Mr. Ewald stated the event has been held for 31 years without any issues.

Mr. Burckley stated there are really no fees associated with the event since they haven't requested Borough services.

Ms. Getzfread stated the only fee would be the park user fee and the event is usually an hour to an hour and a half.

Ms. Dugan stated the Kiwanis holds this event every year and this is not an unusual request. Just as Ms. Getzfread was just saying the Borough doesn't really provide any services and wouldn't even know they were there unless they bothered to tell us.

Mr. Weiss stated he didn't vote for this coming out of Parks and Recreation. He explained he is a big fan of the Kiwanis Club and everything they do and he thinks this is a great event that they put on it. He stated the event does have a very low impact from a Borough perspective. However, he feels the Borough has a Schedule of Fees and established rules every event must follow, particularly now, as there's been a lot of sensitivity around the increase in fees for events. He stated he doesn't feel comfortable on a principal perspective to vote in favor of waiving the fees for this. However, he thinks we should find a way to not charge these fees. For instance, building the waiver of fees into a policy or in the interactions the Council asks organizations to have with the Borough so that these fees don't need to be charged in the future.

Mr. Kirkner stated he feels there is already a way of not charging these fees, and the Council is doing it right here. He explained as much as he hates to say it, this is how the Council has always done it and it works. He agreed there is no impact or cost involved for the Borough, so why can't the Borough pass that lack of cost on to the people of the community. He explained in the past the Council has even waived fees for religious organizations and not for profit organizations that were applying for building permits. He stated this is something that is done on a case by case basis for the last 175 years and hopefully, it will continue for another 175 years without me.

Ms. Burckley stated conversation did come up in the Parks and Recreation Committee and she did advocate for the Council to make it transparent for nonprofits, because there are nonprofits that have said the fees are changing, the cost of things are arising and she understands where the

organizations are coming from. She agrees there really is no cost to the Borough for this and its very different than an event requiring police Services and all of that. She explained that the Council and committees have discussed a policy before but, it's a slippery slope, and that's why there is not currently a policy. She believes we need to continue to have open conversations about what the fees are, why the fees are there, when the Council does choose to waive these fees, why the fees are being waived, and what fees are being waved. The Council is not waving 6 hours of overtime for 4 different police officers, it's an hour at Reeves Park and the band shell. She feels that is the nonprofits are aware they could potentially request the waiver of some of the fees and that the Borough makes sure its equitable, fair, and the public is made aware.

Motion Approved 7-1. Mr. Weiss voting No.

2. Motion to approve a Temporary Community Event Application for the Burn off the Bird 5K starting and ending at the Recreation Center on Saturday, November 30, 2024 from 8:30 am to 11:00 am. Franklin Avenue between Grant Street and Fillmore Street and Fillmore Street between Franklin Avenue and Cromby Road to be closed for approximately five minutes each. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Burn off the Bird 5K starting and ending at the Recreation Center on Saturday, November 30, 2024 from 8:30 am to 11:00 am. Franklin Avenue between Grant Street and Fillmore Street and Fillmore Street between Franklin Avenue and Cromby Road to be closed for approximately five minutes each. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured. Seconded by Ms. Dugan.

Motion Approved 7-0-1. Ms. Burckley abstained due to Conflict of Interest.

C. Policy Committee – Mr. Carminito

1. Motion to schedule and advertise an Ordinance amending Chapter 13, "Licenses," "Part 7 "Peddlers, Transient Retailers, Handbills, Advertising, and Banners."

Mr. Carminito made a Motion to schedule and advertise an Ordinance amending Chapter 13, "Licenses," "Part 7 "Peddlers, Transient Retailers, Handbills, Advertising, and Banners." Seconded by Mr. Strenfel.

Motion Approved 8-0.

D. Infrastructure/Technology/Transportation/Sustainability Committee – Mr. Weiss

1. Motion to approve Staff's recommendation to retain Bowman as the Borough Traffic Engineer.

Mr. Weiss made a Motion to approve Staff's recommendation to retain Bowman as the Borough Traffic Engineer. Seconded by Mr. Strenfel.

Motion Approved 8-0.

2. Motion to authorize Staff to apply to PennDOT for removal of the existing traffic signals at Washington Avenue and Gay Street and replace with all-way stop signs.

Mr. Weiss made a Motion to authorize Staff to apply to PennDOT for removal of the existing traffic signals at Washington Avenue and Gay Street and replace with all-way stop signs. Seconded by Mr. Strenfel.

Motion Approved 8-0.

E. Finance Committee – Ms. Dugan

1. No action to Report.

XIV. Public Participation

Will Davis, resident. He stated he agrees there should be stricter guidelines around, what exceptions would look like, for which organizations do and do not pay the rental fee for the park.

XV. Communications/Council Participation

XVI. Staff Reports are in the packets.

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

XVII. Adjournment

8:19 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
May 2024