

**PHOENIXVILLE BOROUGH COUNCIL**

**Tuesday, August 13, 2024**

**7:00 PM**

**MINUTES**

**(Minutes approved by Borough Council on September 10, 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 – None

Mr. Ewald announced immediately before this evening's Council Meeting, Council met in an Executive Session for the purpose of attorney, client, privileged advice, and discussion related to the Zoning Hearing Board application for 200 Kimberton Road, and to discuss matters of personnel related to the Police Department.

V. Consent Agenda:

A. Approval of the July 9, 2024 Regular Meeting Minutes.

B. Historical and Architectural Review Board

1. Motion to approve/deny the Certificate of Appropriateness for hardscaping for 153 Church Street as recommended by the HARB in their Action Memo of August 5, 2024.

C. Items from Parks and Recreation Committee.

1. Motion to approve a Temporary Community Event Application for the 2<sup>nd</sup> Annual Mrs. Roper Romp in the 100 and 200 Block of Bridge Street and Bridge and Main Street Lot on Saturday, September 21, 2024 from 11:00 am to 11:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

D. Items from Finance Committee.

1. Motion to approve the 2024 Pre-Paid dated 6/1/2024 - 6/30/2024 in the amount of \$1,338,342.60.
2. Motion to approve the 2024 Pre-Paid Credit Card Statement dated 6/1/2024 - 6/30/2024 in the amount of \$110,679.82.
3. Motion to approve the 2024 Pre-Paid ACH dated 6/30/2024 in the amount of \$39,517.82.
4. Motion to approve Budget Increase 2024-08 from Water Fund Balance in the amount of \$23,500.00 to Water Treatment (Fork Lift) to replace the current 50-year old and inoperable fork lift.

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

Motion Approved 8-0.

VI. Communications/Council Participation

Ms. Burckley thanked the Civil Service Commission, Borough Staff and the Mayor for their guidance to the commission as they continue to update the Civil Service Rules and Regulations and for the appointment of a new Solicitor for the Civil Service Commission. She thanked Staff for their assistance with the 1<sup>st</sup> Annual Blueberry Bash and a special thanks to Sweet Brew and Michael Weiss and his family, who own Sweet Brew. They really championed the bash, and went to every business to get them engaged. She stated it was really a wonderful event and was happy to participate as a judge for the Blueberry Bake Off. She reported the Police and Fire Departments had to postpone National Night Out and thanks to Chief Marshall it will be folded into the 1st Responders Barbecue on September 3<sup>rd</sup>, so keep an eye out for updates from the Borough. Lastly, she shared that Council Members and Staff mostly hear the negative comments and concerns from residents and visitors. However, she and Ms. Getzfread got a really good compliment about our staff members on the second floor, Donna Yashura and Marilyn Bilson. If you've ever dealt with them, they're amazing to deal with, and they deal with a lot because people have questions or concerns and we got a lot of comments and compliments about them recently.

Mr. Ewald stated he moved to the Borough in the early 80's and it was then the 500 Block of Bridge Street looked it's best. Since then, the condition of the houses in that area has rapidly diminished in appearance and general upkeep. He asked Staff to examine whatever tools there are available to mitigate the issues of the housing located there at

present as it is just a boarded up stretch of houses with approved development plans that are not moving forward.

## VII. Mayor's Report

Mayor Urscheler congratulated The Colonial Theatre on the 25<sup>th</sup> Anniversary of Blob Fest and their mention in the New York Times, and Alianzas de Phoenixville on their multicultural festival and to all the caregivers who received recognition from Miss Kitty's Care. He welcomed all the new teachers in the district and a safe return to school for students. He offered recognition to Lieutenant Bryan MacIntyre and Corporal Kyle Place, both of whom attended Northwestern University's command school, a several month program for the latest techniques in law enforcement. Lieutenant MacIntyre, Officers Stabilo and Rondeau participated in Camp Cadet with the Pennsylvania State Police to encourage young people to consider careers in law enforcement. He encouraged residents to sign up for the Citizens Police Academy, held a few times a year he explained the program is held on Thursdays and has openings for 15 residents.

## 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, and Tree Advisory Commission.

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 ZHB Application from 200 Kimberton Road requesting a Special Exception to use the existing building (and squaring off the northeast corner) to provide a 11,272 sq. ft. Automated Car Wash and to determine whether to send representation to the August 21, 2024 Zoning Hearing Board Meeting.

Mr. Denlinger explained the Borough has received a Zoning Hearing Board application from Flagship, Pennsylvania, Propco, LLC. for the property located at 200 Kimberton Road. The application requests a special exception to engage in a car wash operation pursuant to Section 27-301.2. B. (1) of the Zoning Ordinance. As you know, Council recently changed this use from a Conditional Use, meaning that Council would have held the hearing on this application to a special exception, meaning instead that our Zoning Hearing Board holds the hearing. As a result, tonight's discussion of the application is for informational purposes only, He stated the applicant's counsel is here, so he turned it over to her to briefly describe the project.

Ms. Bernadette Kearney of Hamburg Rubin stated also present with her tonight are Kestra Kelly from BL Companies who prepared the plans, and John Lombardo on behalf of the applicant.

She explained this is a special exception request for the automated car wash, the project does meet all the criteria of the CD Zoning District, so there is no request for any zoning relief. The dimensions of the existing Rite-Aid Building and they are reskinning, for lack of a better word, the building there. The accesses will remain the same, and this is a car wash where you'll go in one tunnel. The car will be washed, and you have the option of going through two other tunnels. Someone will dry and slightly detail your car. Customers will have access to vacuums located outside of the building.

Mr. Moore asked for clarification on what will be happening to the cars in the two tunnels after the car is washed.

Ms. Kearney clarified it will be for drying and vacuuming of the vehicles.

Mr. Moore asked if the second tunnel is required or if it is the decision of the vehicle owner.

Ms. Kearney clarified this second tunnel is optional it is not required of the car wash customer.

Mr. Denlinger stated the Council is not required to take action on this item as this was presented for information only. He stated if none is taken it will mean the Borough will simply allow the Zoning Hearing Board to handle the hearing in its normal course.

B. Motion to authorize a conditional offer of employment for Patrol Officer.

Ms. Burckley made a Motion to authorize a conditional offer of employment for patrol officer to Elizabeth Moran, based on our standard conditions. Seconded by Mr. Weiss.

Motion Approved 8-0.

X. Public Hearings

A. Motion to adopt an Ordinance amending Chapter 27, "Zoning," "Part 6 "Supplemental Regulations."

Mr. Denlinger entertained a Motion to recess the Public meeting and open a Public Hearing.

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

Weiss.

Motion Approved 8-0.

Public Hearing opened 7:15 pm.

Mr. Denlinger explained the Ordinance amendment is to allow occupants of properties in the town center and neighborhood commercial districts to display sandwich board signs on the public sidewalk. He stated the Ordinance was advertised in the Pottstown Mercury on July 29 and August 5, 2024. Copies of the proposed Ordinance amendment were sent to the Chester County Law Library and the Pottstown Mercury on June 12, 2024 for public access. He introduced the exhibits for the hearing. Exhibit B 1 is a copy of the Ordinance, B 2 is an action memorandum from the Borough Planning Commission, dated June 14, 2024, unanimously recommending that the borough adopt the proposed ordinance, B 3 is the review letter from the Phoenixville Regional Planning Committee, dated June 26, 2024 and found the proposed ordinance to be consistent with the Phoenixville Regional Comprehensive Plan, B 4 is a review letter from the Chester County Planning Commission, dated July 1, 2024 and found the proposed Ordinance to be acceptable with consideration of its comments, B 5 is a copy of the public notice for the consideration of the Ordinance, B 6 while not yet in hand, will be the proof of publication from the Pottstown Mercury for the two advertised dates and, B 7 is the letters from the Borough to the Pottstown Mercury, and the Chester County Law Library, dated June 12, 2024, providing copies of the ordinances for public access.

Mr. Denlinger stated as Council may know to support the local business community, the borough has recently allowed for the display of sandwich board signs on the public sidewalk. However, our zoning ordinance does not actually permit any signage on the public sidewalk except for temporary event signage. The Borough realized that should Council wish to continue to allow these signs, an update to the Ordinance to match our practice is necessary. In order to do this sandwich board signs needed to be added to the Zoning Ordinances Definition of terms, Section 27-202, is amended to add a new Subsection "T1." to the definition of "Signs" and in Section 27-606.5., is amended to add a new Subsection "27-606.5.H" of the zoning ordinance. The language to permit sandwich board signs as a type of temporary sign, in accordance with certain common-sense guidelines that match the Borough's current expectations. For example, some of these conditions are sandwich board signs must be brought indoors overnight, Sandwich board signs shouldn't be taller than 3 and a half feet, and ADA accessible use of sidewalks should not be negatively impacted.

Mr. Denlinger asked if the Council has any questions or comments regarding this proposed ordinance amendment.

## Council Participation

Mr. Kirkner stated he can't see what is not clear as it relates to the comment from the Chester County Planning Commission regarding the phrase "measured in a straight line 6 feet on either side of the sign" is unclear and should be clarified. The CCPC suggested a planned view sketch could clarify this requirement. He asked if this change would be a substantive change in the ordinance as advertised or considered a minor edit.

Mr. Denlinger stated while he tends to agree with Mr. Kirkner the information is clear, but because it's a substantive change. He stated it is not something the Council should consider trying to amend at this point, and then re-advertise. Should the Council decide to examine that and potentially clarify it. He stated it is better to get this in place to make sure the Council is allowing sandwich board signs in concert with rules that allow the Borough to allow sandwich board signs, and then the comments from the CCPC could be addressed in the future.

## Public Participation

None

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

Motion Approved 8-0.

Public Hearing closed at 7:20 pm.

Ms. Burckley made a Motion to approve the Ordinance amendment to adopt an Ordinance amending Chapter 27, "Zoning," "Part 6 "Supplemental Regulations." Seconded by Mr. Weiss.

On the Question:

Ms. Burckley thanked the Policy Committee and Borough Staff for addressing this issue for the local businesses.

Motion Approved 8-0

- B. Motion to adopt an Ordinance amending Chapter 27, "Zoning," to Amend the Official Zoning Map of the Borough of Phoenixville to rezone fifteen (15) properties in the vicinity of and including the existing train line along the Schuylkill River to "MI" Mixed-Use Infill District.

Mr. Denlinger entertained a Motion to recess the Public meeting and open a Public Hearing.

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

Motion Approved 8-0.

Public Hearing opened 7:22 pm.

Mr. Denlinger asked for the Zoning Map to be displayed while he explained the Ordinance amendment. He stated this ordinance is to enact a zoning map amendment which would rezone 15 properties along the Schuylkill River between French Creek and our sewer plant to the MI. Mixed Use infill district. This ordinance was advertised in the Pottstown Mercury on July 29, 2024, and August 5, 2024 copies of the proposed Ordinance amendment were sent to the Chester County Law Library and Pottstown Mercury, on June 12, 2024, for public access. He introduced the exhibits for the record Exhibit B 1, a copy of the ordinance, with its attached legal description and map, B 2, an Action Memorandum from the Borough Planning Commission, dated June 14, 2024, unanimously recommending that the Borough adopt the proposed map amendment, B 3, a review letter from the Phoenixville Regional Planning Committee, dated June 26, 2024, that found the proposed Map Amendment to be consistent with the Phoenixville Regional Comprehensive Plan, B 4, a review letter from the Chester County Planning Commission, dated July 2, 2024 that found the proposed map amendment to be acceptable with consideration of its comments, B 5, a copy of the public notice for the consideration of the ordinance, B 6, proof of publication from the Pottstown Mercury, for the two advertised dates, again, as with the last hearing. This is not yet in hand, but will be an exhibit upon receipt, B 7, letters from the Borough to the Pottstown Mercury and the Chester County Law Library, dated June 12, 2024, providing copies of the ordinance for public access, B 8, an Affidavit of Posting of notice of the proposed ordinance, and B 9, affidavit of direct mailing of the proposed ordinance to affected property owners. He explained this Ordinance effectively proposes the rezoning of properties along the eastern boundary of the Borough's Town Center district, and the MI District is seen as a good transition from Town Center to the RI district and other districts which, if you look at our current Zoning Map, the Borough has already done on the western end of our Town Center District.

These properties are identified as Chester County UPI numbers. 15-9-157.1, 15-10-3, 15-10-4, 15-10-5, 15-10-6, 15-10-7, 15-10-8, 15-10-103, 15-10-104, 15-10-105, 15-10-105.1, 15-10-106, 15-10-123, 15-10-124, AND 15-14-404. The current zoning of the properties is as follows, three of the properties proposed to be rezoned to MI are currently zoned MG District Nine and a half of the properties are zoned Town Center district one and a half are zoned, Industrial district, and in the last two and a half, because UPI number 15-10- 124 is split zoned between TC and I district and one is zoned RI district. Having MI Mixed-Use Infill in this location will also allow the Borough to more easily modify the

district moving forward in the event that a train station comes to Phoenixville which the Borough expects would be somewhere in the area that we are proposing to rezone. Rezoning was initially discussed by our Zoning Task Force as a good idea, and two of the affected property owners being the school district and Brook Venture, LLC. have requested that the Borough accelerate its consideration of the proposal from the Zoning Task Force as that process of completely updating the Borough Zoning Ordinance is likely another twelve months away. In addition, adoption of this ordinance tonight will allow tweaks and changes to this newly rezoned area to be discussed by our Zoning Task Force while it's still actively meeting to discuss its Zoning Ordinance changes. This process would be in line with the comments made by the Chester County Planning Commission, and he stated the most substantive comment was that we add and tweak the MI district to account for that potential train station, as the county knew that that was one of our driving forces. In passing this rezoning or considering this rezoning does the Council have any questions or comments regarding this proposed ordinance amendment.

#### Council Participation

Mr. Moore asked Mr. Denlinger to clarify based upon his remarks that the map amendment does not lock in the uses that are currently envisioned, that it would be adopted tonight and the Zoning Task Force will continue to work towards updating of our Zoning and adjust the Zoning Map again. I'm particularly responding to the PRPC Letter which notes that there would be a loss of the ability to have a hotel or bar as a primary use. which was a little surprising to him. He stated while the Council considers adopting this Mixed-Use infill it doesn't mean the Council can't further improve upon that or make further modifications as the Zoning Task Force goes through its process.

Mr. Denlinger stated that's exactly right, and he believes not only does it allow the Borough to potentially do that he expects the Borough will make additional changes.

#### Public Comment

None

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

Motion Approved 8-0.

Public Hearing closed at 7:29 pm.

Ms. Burckley made a Motion to approve the Ordinance amendment to adopt an Ordinance amending Chapter 27, "Zoning," to Amend the Official Zoning Map of

the Borough of Phoenixville to rezone fifteen (15) properties in the vicinity of and including the existing train line along the Schuylkill River to “MI” Mixed-Use Infill District. Seconded by Mr. Weiss.

On the Question:

Mr. Kirkner stated when this amendment came out of Policy he cast the lone vote against it, and the reason is that he is having a lot of difficulty rezoning that the one whole industrial parcel on Second Avenue. He feels strongly that this should remain industrial by maintaining the industrial zoning you don't have to worry about houses being built on it and putting a burden on our schools. Residential uses is a very tax intensive use while the industrial use is not. He stated he is on the Phoenixville Regional Planning Commission and a letter was sent stating that this is consistent with the regional plan however, he stated if this parcel were to remain industrial, that would also be consistent with the regional plan. He cited from the letter from the Chester County Planning Commission made the point in its letter with item 5 d, The Borough should evaluate its remaining inventory of industrial zoned areas to ensure that sufficient areas will remain after this rezoning. He stated he believes that after this rezoning we will have one industrial zone left out on West Bridge Street, which is surrounded by residential areas. He stated he thinks that you could put a different type of industrial on Second Avenue next to the Waste Water Treatment Plant than you could on West Bridge Street, next to the Little League fields and those residential areas there.

Secondly, he stated he read where New York is looking at its Zoning at this point, trying to create more affordable housing, but also trying to create pockets for industrial and manufacturing and it seems this amendment has the Borough going in the other direction. He expressed his concern with the site's proximity to the Waste Water Plant and he feels the industrial zone there acts as a nice buffer between residential mixed use and the Waste Water Treatment Plant.

He stated he has been in this area for over twenty years and he recalled a similar situation in Penn or Kennett Township. There was a subdivision that was approved, and residents moved in there and you know what they grow mushrooms in that area of Chester County. He explained he remembers reading about a number of residents in this new subdivision going to the Township Supervisors and complaining about the smell coming from the farms. The Township Supervisors basically said, look the farms were here first. He stated he feels the people are going to be in here. or whatever, and they're going to complain about the smell. He stated he believes this is great foresight for the Borough and the Zoning Task Force to look at this to be proactive in this zoning. He further explained there's a superfund site right there across from that industrial site. It's the old PNYC field kids were playing football on there for decades and by extending this zoning onto that industrial site. You're extending potential residential use across the street from a superfund site, which, again he doesn't think is a good idea.

Mr. Kirkner made a Motion to table and send this back to policy committee to excise the full industrial parcel. Seconded by Ms. Dugan.

Mr. Moore stated Mr. Kirkner raised these concerns and at that time the Policy Committee moved this forward so he believes taking this back to Policy will not change the outcome. He confirmed the he would not be voting in favor of tabling the motion.

Mr. Denlinger explained the Motion to Table is a competing motion with the Motion to approve. He reviewed the procedure for addressing the motions and it which order they should be voted on. He stated discussion on both Motions could continue.

Ms. Dugan expressed her concerns with making more land available to these huge complexes and adding even more residents to crowd the roadways even more. Residents already complain about the available parking in town and she agrees with Mr. Kirkner on the potential issue the Zoning change may produce.

Mr. Denlinger explained that nine and a half of the properties are currently zoned Town Center moving them to MI reduces the intensity of certain development options. The three properties currently zoned MG moving them to MI reduces the intensity of what can be developed on those properties. The Industrial district that Mr. Kirkner has been addressing is a little difficult to compare and he stated it would be a greater residential intensity, but a decreased commercial intensity. There is one parcel that's currently zoned Residential Infill, and that is the only one that the intensity would clearly be increased.

Mr. Moore stated he has the opposite opinion about growth in that he thinks it makes us stronger. He reminded everyone that the Council made a commitment to our Comprehensive Plan to become a 15-minute walking town and converting these properties to mixed growth would be consistent with the plan. He enjoys the addition of more residents in Phoenixville, he believes people are moving here to stay not just for a few years.

Ms. Dugan expressed her view on the walkability of town and her interactions with residents of the Borough. She stated not all people coming to town can walk all that well and if they want to visit the downtown they struggle to find somewhere to park.

Mr. Kirkner expressed his concerns that this change is not in the best interest of the community and benefits the property owner of the industrial parcel. Phoenixville's history is one of an industrial heritage and he feel the Council should keep this parcel industrial so that should an industry have an interest in opening in town there would be available land to do so. Industrial use would add to the tax base without adding to the school district with more children and driving up the school taxes. He feels the industrial property there is a good buffer

between the Waste Water Plant and superfund site with the rest of the town.

Mr. Ewald stated in the time he has lived in the Borough the property has been the site of an empty building that is falling in on its self and there has been no interest from any industrial company on this property.

Mr. Denlinger called for the vote on the Motion to Table.

Motion to Table fails 2-6. Ms. Dugan and Mr. Kirkner voting Yes.

Mr. Denlinger called for the vote on the Motion to Approve.

Motion Approved 6-2. Ms. Dugan and Mr. Kirkner voting No.

#### XI. Resolutions/Ordinances

- A. Motion to adopt a Resolution officially accepting the dedication by Bill of Sale, the Phoenixville Senior Housing, LP improvements at 115 Buchanan Street.

Ms. Burckley made a Motion to adopt a Resolution officially accepting the dedication by Bill of Sale, the Phoenixville Senior Housing, LP improvements at 115 Buchanan Street. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald asked if this is not actual sale but the Borough taking dedication of the sidewalks and public improvements at the location.

Mr. Denlinger stated that is correct.

Motion Approved 8-0.

- B. Motion to adopt a Resolution authorizing the submission of a PCCD – Drug Recognition Expert Marijuana Grant.

Ms. Burckley made a Motion to adopt a Resolution authorizing the submission of a PCCD – Drug Recognition Expert Marijuana Grant. Seconded by Mr. Weiss.

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 and Land Development Plan for the development known as 375 Morgan Street.

Mr. Denlinger explained the application concerns a parcel of land located at 375 Morgan Street, which is more particularly identified as Chester County, UPI Number 15-9-572, which is currently improved with an existing 3 to 4 story warehouse building and parking area. The applicant proposes to renovate the existing building into twenty-nine, one- and two-bedroom apartments. The reconfiguration of the existing parking lot and installation of lights, planting stormwater management facilities and related improvements. The applicant has requested some waivers related to the existing slope and floodplains, environmental impact studies and certain technical stormwater management adjustments. In addition, the applicant has offered to contribute funds to affordable housing initiatives and the downtown economic revitalization program in lieu of the dedication of recreational space. After reviewing the project at several meetings, the Planning Commission voted 5-0, with one abstention to recommend approval of the application.

Mike Murray, Attorney for 375 Morgan Street. He explained the plan was submitted to the Borough Planning Commission where the applicant and he made two appearances to refine the submission for approval. Last month the plan was presented to the Historical and Architectural Review Board Tom Carnevale, presented the HARB application, and that received the unanimous recommendation for Certificate of Appropriateness which Borough Council, he believes, approved last month in July. With regard to the architectural aspects of the proposed project. No new buildings or additions are happening to the building. The stair towers are being removed and additional landscaping is being installed to the extent possible. As you indicated. The waivers are being requested are with respect to this being an already developed site, no additional buildings are being built on, and it's has to work within the constraints of the infrastructure that surrounds it. Our consultants are here if there are any questions.

Mr. Denlinger clarified that compliance with the HARB Action Memo is a condition of the Resolution.

Ms. Dugan stated she did see this plan through the HARB process and asked about the available parking at the site.

Bridget Maguire, Wilkinson Apex Engineering Group. She stated the project proposes twenty-nine parking spaces which is compliant with the Zoning Ordinance and under the advisement of the Borough Engineer and Borough Planner.

Mr. Moore asked if Ms. Maguire could you describe the stormwater management improvements that will be done at the site.

Ms. Maguire explained there are no storm water management controls on the existing site. As Mr. Moore mentioned this site is in an existing floodplain and the downstream infrastructure is already reaching capacity. The flows are being drastically decreased by the storm water management practices that are being proposed by the applicant with a managed release concept basin, which is designed in accordance with the PADEP regulations and Borough regulations, with the exception of the waivers requested.

Mr. Ewald asked about the placement of the HVAC units and if the intent is to still have twenty-nine units on the site.

Mr. Murray explained the units will not be clustered together and will be both shielding and concealed with landscaping where possible. He also noted the units will not be on Morgan or Walnut Streets but, positioned along the sides of the building to shield them from being visible from the street.

Mr. Moore made a Motion to adopt a Resolution officially conditionally approving the Preliminary/Final Subdivision and Land Development Plan for the development known as 375 Morgan Street. Seconded by Ms. Burckley.

On the Question:

Mr. Kirkner stated he will be abstaining from the vote because a member of my family, immediate family has retained the law firm of the applicant's legal counsel in an unrelated matter.

Motion Approved 7-0-1. Mr. Kirkner abstaining do to conflict of interest.

C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner reported there was a consistency review of a Schuylkill Township's revision of their Ordinance on the placement of gas tanks in proximity to residential properties. It may be too late for the Wawa that's going in, but it may be in time for the Sheetz that's going in, because he's getting conflicting information as to whether there's a plan for that or not.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the various camps and program at the Recreation

Department including Yoga, Jump Start Sports, Women's Volleyball, Fundamentals of Tennis, Snapology and Science Explorers. She reminded the public that the Chester County Food Bank's Mobile Market is at the center on Wednesdays from 10 am to Noon.

E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito reported the commission is preparing for the fall planting, the Streets Department demoed a new stump grinder and he hopes that a new member will be appointed later tonight.

F. Human Relations Commission – Ms. Burckley

Ms. Burckley thanked Lt. Bryan MacIntyre for coming to speak with the commission on Mental Health training for the Police Department.

XIII. Council Action referred from:

A. Personnel and Public Safety Committee – Ms. Burckley

1. Consider request from Justin Gordon for appointment to the Tree Advisory Commission for the open vacancy with term expiring June 30, 2028.

Ms. Burckley made a Motion to appoint Justin Gordon to the Tree Advisory Commission for the open vacancy with a term expiring on June 30, 2028. Seconded by Mr. Carminito.

Motion Approved 8-0.

2. Consider request from Brian Slater for reappointment to the Historical and Architectural Review Board for a new term expiring August 31, 2028.

Ms. Burckley made a Motion to reappoint Brian Slater to the Historical and Architectural Review Board for a new term expiring August 31, 2028. Seconded by Ms. Dugan.

Motion Approved 8-0.

B. Parks and Recreation Committee – Mr. Moore

1. Motion to approve the concept of the Annual Independence Day Celebration taking place on the First Saturday of July each year and to schedule the 2026 celebration on July 4 in honor of the Nation's 250th Anniversary.

Ms. Dugan made a Motion to approve the concept of the Annual Independence Day Celebration taking place on the First Saturday of July each year and to schedule the 2026 celebration on July 4 in honor of the Nation's 250th Anniversary. Seconded by Mr. Moore.

On the Question:

Ms. Dugan explained over the years we have had issues trying to figure out when we're going to, have our fireworks display, and that the date changes every year. She stated she gets questions all the time and she is certain other Council members have fielded these as well. In choosing to always hold them on the First Saturday on July everyone will know when the celebration will be. She explained the idea is to be similar to the Fall Fest with vendors, activities, food truck and the Rec Center open from like at 6 pm to about 9 pm. We are looking to have a DJ or band at the event so the crowd can be directed for the Fireworks Display, where to face to view them etc.

She stated that 4th of July just so happens to fall on a Saturday for the 250th Anniversary of America. By selecting the same day each year brings consistency to the event.

Mr. Moore stated he feels having the event on the same day of the week every year, makes it easier to plan and to staff the Recreation Center.

Mr. Kirkner stated he receives a lot of comments on why the event is not always on the 4<sup>th</sup> of July.

Ms. Dugan explained having it on the first Saturday of July every year is helpful for planning, costs and consistent booking of vendors and food trucks.

Motion Approved 8-0.

C. Policy Committee – Mr. Carminito

1. Motion to schedule and advertise an ordinance Repealing and Replacing Chapter 22 – SALDO, Part 6 – Impact Statements.

Mr. Carminito made a Motion to schedule and advertise an ordinance Repealing and Replacing Chapter 22 – SALDO, Part 6 – Impact Statements. Seconded by Mr. Strenfel.

Motion Approved 8-0.

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

1. Mr. Weiss reported the Borough is the 63<sup>rd</sup> Municipality in Pennsylvania to be awarded the designation of Bird Town.

E. Finance Committee – Ms. Dugan

1. No action to report.

XIV. Public Participation

Father Peter of Holy Ghost Church asked about the Zoning change and how it would affect the Holy Ghost Parcel as it is the largest parcel effected by the change.

XV. Communications/Council Participation

Mayor Urscheler corrected his earlier statement on the First Responders and clarified it will be on September 6<sup>th</sup> at 5pm in conjunction with the Phoenixville Area School District's Community Picnic. Also, he reminded the public of the upcoming pierogi sale at Holy Ghost Church.

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

8:20 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack  
Borough Manager

Transcribed by: Jennifer Logan  
Administrative Assistant  
August 2024