

## PHOENIXVILLE BOROUGH COUNCIL

Tuesday, August 25, 2009 (Minutes Approved by Borough Council on September 8, 2009)  
7:00 PM

- I. Invocation/Pledge of Allegiance – Mr. Wagner called the meeting to order with a moment of silence followed by the Pledge of Allegiance to the flag.
- II. Roll Call – Borough Secretary – Those present were as follows: Buckwalter, Ciruelos, Gill, Handwerk, Kirkner, Senley, Speck, and Wagner. Also present were: Mayor Scoda, Borough Manager Krack, Solicitor Rau, and Chief Mossman. (Mr. Kirkner arrived at 7:25 p.m.)
- III. Minutes of Previous Meetings: August 11, 2009 – Mr. Gill made a motion to approve the meeting minutes, seconded by Mr. Speck, and approved by a vote of 5 to 0 to 2 with a correction on page five 5, question 3, Mr. Buckwalter made the motion and the motion failed by a vote of 4 to 2. (Mr. Senley and Mr. Handwerk abstained from voting as they were not present at the meeting on August 11, 2009).
- IV. Public Participation – 30 minutes
  - a. Mr. Paul Wentworth of 338 Church Street said he represents the Church Street Homeowners Association and would like to thank the Police, Codes and CDC for working on helping to address the problems on Church Street. He also put a plug in for the rental ordinance that is in the Policy Committee and encouraged Council to participate.
  - b. The female resident at 31 Main Street said she would like to clarify the signage for the old bank building on Bridge Street.
  - c. Mr. Michael Howell said he is here representing himself and Wesley Hollis for the proposed special exception and variance for 59 North Main Street. He said he is asking for Council approval of the barber shop. He said it has been approved in the past as a commercial business. He said he is planning to have an apprentice program.
  - d. Ms. Tina Shoemaker of 414 Carlisle Avenue said she is not against the middle school but opposed to the location of the new school. She said she is a lifelong resident of Phoenixville and has lived in her home for 50 years. She said we are asking for the auditorium to be moved next to the gym and the tennis courts would have to be moved.
  - e. Ms. Renee Marino of 403 City Line Avenue said school starts Monday and asked if the lights will be working. She said she is hoping to see police presence on Monday. She also is asking for the stop sign at City Line and Carlisle Avenue.
  - f. Ms. Amy Ballantine of 415 Carlisle Avenue said she seconds what Tina was saying and we would very much appreciate having the chance to look at what might be new drawings.
- V. Appointments/Public Resolutions – There were no appointments/public resolutions.
- VI. Presentations – There were no presentations to come before Council this evening.
- VII. Communications

### VIII. Council Participation

- A. Mr. Wagner asked if the 15 mile per hour signs will be ready for the start of school. He said he expects the police presence will be there.
- B. Mr. Speck said he saw around Barkley School where the curbs were painted and the spaces for vehicles were lined out. He said a resident in the 200 block of Washington Avenue approached him about the trash being picked up in the rear. He said a resident on Second Avenue asked him about a crosswalk at Second Avenue/Starr Street. (Chief Mossman said the request would have to come from the Borough Manager to PennDot).
- C. Mr. Senley said he would like to comment on the naming of Gay Street Bridge. He said we devalued the importance of it by not sending it through committee. He said he sent an e-mail about the appointment of Ron Knabb to the Planning Commission. He said he is concerned about how it was approved. (Mr. Speck said it was public knowledge that the position was open for more than a month and both individuals who applied had been interviewed previously).
- D. Mr. Handwerk said he felt there was no need to appoint right away and sides with Mr. Senley on this issue.
- E. Mr. Wagner said he opened a letter from William Marchionne of 303 Grant Street whose property abuts Friendship Field. He said he is concerned with the surface water runoff that floods his property and is asking that the issue be addressed. (The pictures were shared with Council).

IX. New Business – There was no new business to come before the committee.

X. Resolutions – There were no resolutions to be adopted this evening.

### XI. Public Hearings

- a. Consider Adoption of Ordinance Amending the Code of Ordinances of the Borough of Phoenixville, in particular Chapter 27, the Phoenixville Borough Zoning Ordinance of 1989, Ordinance No. 1601, as amended, to provide for a Mixed Use Village Center Use within the Light Intensity Commercial District  
Mr. Rau said this ordinance has been advertised and has gone through the Planning Commission referrals. Council continued this to later in the meeting since Mr. Costello was not yet at the meeting. (Mr. Kirkner asked if this went to the Regional Planning Committee and Mr. Krack said it didn't have to and then Mr. Buckwalter asked if we received any input from the county).
- b. Consider Adoption of Ordinance Authorizing the Borough to Incur Lease Rental Debt in the Maximum Principal Amount of \$100,000 by Guaranteeing a Note of the Phoenixville Parking Authority for the Purpose of Funding Capital Projects and Paying Costs Related to Project Operations – Mr. Rau said this has met the advertising requirements. Mr. Wagner opened up the public hearing.
  - 1. Mr. Richard Breuer of 225 Washington Avenue said he did not get a chance to prepare something written for you; however, he does have some things that he would like to talk about. He said we are being asked to back up \$100,000 worth of debt to be incurred by the Parking Authority and there are a couple of things you need to start looking at. He said what is the nature of the entity that you are backing and what is the nature of the project

<sup>st</sup>. He said the entity of the members does not understand the baseline level of what is required of them as public officials. He said you have all received something called the Parking Authority narrative which is unsigned and supposedly describes the project you are backing. He said this was not adopted by the Parking Authority. He said the documents are all dated after the last public meeting which was on the 12<sup>th</sup>. He said there is no way that the Parking Authority as a public body engaged in any public review of this narrative. He said there is budget information - some are recurring items, some are not. He said the recurring items total \$132,000. He said why are you doing a study if you have already committed yourself to a 16 week go live program. He said he was on this Council once and he has a recollection of the downtown merchants lobbying very hard for the elimination of the much cheaper metered parking that we had in the lots. He asked if there has been any dialogue by the Council or Parking Authority with the merchants to see what they think the affect will be of \$1.00 per hour parking by customers, employees, and owners. He said if you look at the budget there is supposed to be a meter attendant for 72 hours per week. He said there is a quote for insurance and asked if anybody has considered adding the authority on the Borough's existing policy. He said he would suggest paying off the loan in six months. He said the excess of the revenues that are not needed for basic monthly expenses should be required to pay down the loan. He said it is really disturbing to discover that the Public Works Director and the Parking Authority Director can't even agree on the number of parking spaces. He said all the Parking Authority information has been thrown together and was not the subject of any public meeting or dialogue so how Council can support the Parking Authority at this juncture is misbegotten.

2. Mr. Horenci of 228 Griffen Street said he wishes Council would have done half the preparation that Mr. Breuer did and wished Council's professional help would have advised Council of some of this stuff. He said you need to pay attention to this and do the right thing. He said this is not playing games. He said make the Parking Authority do it right.
3. Mr. Joe Rooney of 491 Onward Avenue said this is a very serious matter with a lot of money at stake. He said there is a lack of professionalism on this issue. He said the parking issue is not one that we have to solve tomorrow. He said he hopes that Council puts this on the back burner and does what they have to do.
4. Mr. Jim Lolli of 1100 Gay Street, Vice Chairman of the Parking Authority, said he has heard all the comments. He said we have been in existence for a year and are still getting all our ducks in a row. He said what we have presented is a draft and we are meeting tomorrow evening and will be refining it. He said we are sincere. He said you have my word that we will make this successful.

c. Questions from Council

1. Mr. Kirkner said he has been open minded about this and what we have before us is a draft. (Mr. Lolli responded).
2. Mr. Buckwalter said on June 6<sup>th</sup> the Harmon Group submitted a proposal to the group and asked Mr. Lolli if he was familiar with that. (Mr. Lolli responded yes). Mr. Buckwalter said he wouldn't be adverse to funding the Parking Authority from the Borough to conduct this study. Mr. Buckwalter asked if there is a stream of revenue to meet this issue.
3. Mr. Handwerk said these documents were received yesterday and he did not receive them.
4. Mr. Kirkner said this is our decision, not the Parking Authority and we should be asked what we think about this.
5. Mr. Speck said does this cause a problem with the ethic statements not being filed. (Solicitor Rau suggested that the signed document only be done upon completion of the ethics forms). Much more discussion ensued.
6. Mayor Scoda said he is not in a position to vote here but somebody who can vote on this should have more time to look at it and study the details.
7. Mr. Wagner asked how we are going to go about putting any conditions on the ordinance? (Mr. Rau said you can just continue this hearing to the next meeting on September 8<sup>th</sup> to see if the authority has any more input. He said if you are going to change the document you will need to re-advertise).

Mr. Buckwalter made a motion to end discussion, seconded by Mr. Senley, and approved by a vote of 6 to 2.

Mr. Kirkner made a motion to continue this hearing to September 8, 2009, seconded by Mr. Buckwalter, and approved by a vote of 5 to 3. (Mr. Gill asked for a roll call vote).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Buckwalter, Ciruelos, Handwerk, Kirkner, and Speck

NO - Gill, Senley, and Wagner

Mr. Buckwalter made a motion for Council to authorize \$5,500 for a revenue study to be done on behalf of the Parking Authority, seconded by Mr. Kirkner, and approved by a vote of 4 to 4 with the Mayor breaking the tie making it a 5 to 4 vote.

ON THE QUESTION: Mr. Senley said he has stated before that there is no money in the budget this year for this type of thing so he made a motion to table for which there was no second.

Mr. Senley made a motion to refer this to the Finance Committee for discussion as to where the \$5,500 would be coming from. (Motion died for lack of a second).

Mr. Kirkner asked where this money will come from? (Mr. Wagner said it should come out of the Planning Commission). There was much discussion regarding this.

Mr. Kirkner called for the vote, seconded by Mr. Senley, and approved. (A roll call vote was asked for).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Handwerk, Kirkner, Wagner, and Buckwalter

NO - Ciruelos, Gill, Senley, and Speck

XII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission

**Phoenixville Middle School**

1. Consider a Motion to Grant Preliminary Plan Approval for the New Phoenixville Middle School Plans in Accordance with the Planning Commission Action Memo Dated July 15, 2009 – Mr. Ciruelos made a motion to grant preliminary plan approval for the Phoenixville Middle School with the conditions, seconded by Mr. Speck, and approved by a vote of 8 to 0. (The School District gave a visual presentation and discussion ensued with Council)
  - a. shift the configuration to parallel.
  - b. Option A design which would reduce parking to 507 spaces
  - c. Maximize the use of sidewalks and adjacent residential connections
  - d. Option B for Lincoln and City Line entrance
2. Consider Adoption of Ordinance Amending the Code of Ordinances of the Borough of Phoenixville, in particular Chapter 27, the Phoenixville Borough Zoning Ordinance of 1989, Ordinance No. 1601, as amended, to provide for a Mixed Use Village Center Use within the Light Intensity Commercial District

Mr. Ryan Costello said he is representing the 113 Corporation and briefly explained the project.

Mr. Wagner opened up the public hearing for anyone wishing to speak. No one wished to speak so Mr. Wagner closed the hearing.

Mr. Ciruelos made a motion to adopt the ordinance to provide for a mixed use village center, seconded by Mr. Gill, and approved by a vote of 8 to 0.

Mr. Senley asked Council to only deal with items 2 and 3 and refer everything else to the September 8<sup>th</sup> meeting.

3. Consider Whether or Not to Oppose the Application for 59 N. Main Street to Operate a Barbershop (Planning Commission Voted in Favor of Council not Opposing the Application by a Vote of 6 to 0) - Mr. Kirkner made a motion to not oppose the application, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.
4. Consider Approval of Subdivision and Land Development Plan for St. Peters Place as Recommended by the Planning Commission – Mr. Kirkner made a motion to consider approval of the subdivision and land development plan for St. Peters Place with the terms and conditions stipulated in the August 11<sup>th</sup> Council decision as well as incorporating recommendations from the June 18, 2009 action memo from the Planning Commission, seconded by Mr. Buckwalter, and approved by a vote of 8 to 0.

ON THE QUESTION: Mr. Buckwalter made an amendment to the motion for a condition of a traffic light at Church and Starr should PennDot approve the light the Borough would support that and have the applicant pay for the light. (Motion maker was agreeable with the amendment after some discussion).

B. Regional Planning Commission

- C. Parking Authority
- D. Historical Architectural Review Board – There were no action memos this evening.
- E. Council Action referred from Council Committees

XIII. Public Participation (con't) – There were no more members of the public wishing to speak.

XIV. Executive Session – No executive session was held this evening.

XV. Staff Reports (Carried Over to the September 8, 2009 Meeting)

1. Manager's Report
2. Code Enforcement Report
3. Public Works Director's Report
4. Fire Chief's Report
5. Finance Director's Report
6. Mayor's Report

XVI. Old Business – There was no old business to come before Council.

XVII. Adjournment – Mr. Buckwalter made a motion to adjourn. Meeting adjourned at 11:01 p.m.