

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, November 10, 2009 (Approved by Borough Council November 24, 2009)
7:00 PM

- I. Invocation/Pledge of Allegiance – Chair – Mr. Wagner called the meeting to order at 7:00 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Gill, Handwerk, Kirkner, Speck, and Wagner. Also present were: Borough Manager Krack, Chief Mossman, and Solicitor Rau. Mr. Wagner said Mr. Ciruelos let him know he would be unable to attend the meeting this evening as well as Mr. Senley due to illness. Mayor Scoda was also not in attendance.
- III. Minutes of Previous Meetings: October 27, 2009 – Mr. Kirkner made a motion to approve the meeting minutes, seconded by Mr. Gill, and approved by a vote of 6 to 0.
- IV. Public Participation – 30 minutes
 - a. Mr. Paul Wentworth of 338 Church Street said he is speaking on behalf of the town watch regarding the rental ordinance. He said he is looking forward to the legislation for rental properties and building inspections.
- V. Appointments/Public Resolutions – None
- VI. Presentations: Communities That Care – Ms. Stephanie Zdrzil, Principal of Barkley Elementary School, said she is here as the President of CTC to make a presentation. She said the funding has been cut in half. She said we are here this evening to ask that you respectfully continue with the partnership. She said we provide multiple programs.

Ms. Lois Gould of 904 Gay Street said she is on the executive board of the CTC. She said we were able to raise money for the summer programs. She said the agreement was to be paid ½ by the Borough and the other half by the CTC. She said our funding source was lost and we are not able to keep up with that money. She said the CTC pays for itself and ending in June 2009 we raised \$40,000 to have money for these programs. She said our operating money is what disappeared and we need your partnership.

- VII. Communications
 - a. Mr. Kirkner read a letter from Jeff Senley into the record about how we will be proceeding with the budget (see attached).
 - b. Mr. Wagner read a letter from Pat Nattle, Thomas Amond, and Bethel Baptist Church regarding the CTC.
 - c. Mr. Wagner read a letter from the East Vincent Township Board of Supervisors withdrawing from the Regional Planning Commission.

- VIII. Council Participation
 - a. Mr. Kirkner reminded everyone that the Finance Committee is November 23rd at 7:00 p.m. to discuss the 2010 budget. He said there will also be a special meeting on December 1st.

Mr. Kirkner made a motion to schedule a special meeting on December 1st to discuss the 2010 budget, seconded by Mr. Speck, and approved by a vote of 6 to 0.

Mr. Kirkner said there are many residents here this evening from French Creek Manor and asked Mr. Krack for an update on the parking. (Mr. Krack said he does not have an answer one way or the other

tonight because of the amount of paper that has come out of this. He said he can see the 53 parking spots and six or seven handicapped spaces).

IX. New Business – There was no new business to come before Council this evening.

X. Resolutions - None

XI. Public Hearings – Consider the Proposed Consistency Review Report and Proposed Resolution as Drafted by the Phoenixville Regional Planning Committee and the Proposed Amendments to the Phoenixville Regional Comprehensive Plan as Recommended in the Report – Mr. Rau gave an overview of the exhibits. He said this requires five of eight votes. He said if you adopt this report you are adopting an amendment to the regional report and how you implement that is up to Council. He gave an overview of the recommendations.

Mr. Kirkner said the consistency review came back with three recommendations to encourage the revitalization of the Phoenix steel site, regional transfer of rights, and review of the zoning ordinance. He said there are also guidelines to support mixed use.

Mr. Wagner opened up the public hearing.

Mr. David Saneck of 299 Fillmore Street questioned page 66 of the review with how that will be accomplished because it refers to commercial industrial areas and how the Borough addresses these issues. (Mr. Rau said that will be up to Council and Planning Commission). Mr. Wagner said it will be addressed in the comprehensive plan. Mr. Kirkner said a lot of things need to be worked out but this is part of the process of working it out. He said the regional plan is an advisory document.

Mr. Kirkner made a motion to approve the consistency review report and proposed resolution as drafted by the Phoenixville Regional Planning Committee and the Proposed Amendments to the Phoenixville Regional Comprehensive Plan as Recommended in the Report, seconded by Mr. Speck, and approved by a vote of 6 to 0.

XII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission – No Action Memos to come Before Council for this Meeting

B. Regional Planning Commission – Mr. Kirkner said earlier this evening Mr. Wagner read a letter from East Vincent Township notifying us of their intent to withdraw from the Regional Planning Commission. He explained the process of how this happens. He said he is asking the supervisors what their concerns are. He said this will not jeopardize the grant.

C. Parking Authority – Mr. Cassidy had nothing to report on at this time.

D. Historical Architectural Review Board

1. Consider Approval of the Application for 158 Bridge Street to Install a Projecting Sign to the Front of the Building Attached to a Wall Mounted Support – Mr. Gill made a motion to approve the application for 158 Bridge Street, seconded by Mr. Buckwalter, and approved by a vote of 4 to 2 with Mr. Kirkner and Mr. Handwerk being the dissenting votes.

ON THE QUESTION: Mr. Kirkner said he looked at the HARB guidelines on signs and the usage of materials for both of the applications and suggested we vote both down. (Mr. Buckwalter and Mr. Gill both commented on the applications).

2. Consider Approval of the Application for 221 Bridge Street (rear) to Install a 36” x 60” with Oil Based Vinyl Letters V-Carved Sign Attached to the Front of the Building – Mr. Gill made a motion to approve the application for 221 Bridge Street, seconded by Mr. Buckwalter, and approved by a vote of 4 to 2 with Mr. Kirkner and Mr. Handwerk being the dissenting votes.

E. Council Action referred from Council Committees

1. **COMMUNITY DEVELOPMENT COMMITTEE**

- a. Consider Approval of a Motion to Accept the Report and the Findings that the Parking Authority is Able to Repay a \$100,000 Loan as Guaranteed by the Borough (Approved in Committee by a Vote of 2 to 0) – Mr. Gill made a motion to accept the report for the Parking Authority, seconded by Mr. Speck, and approved by a vote of 4 to 2 with Mr. Buckwalter and Mr. Handwerk being the dissenting votes.

ON THE QUESTION: Mr. Kirkner asked if we could get an explanation of why. (Mr. Wagner said we have a letter from the Parking Authority regarding what was to be acted on and the committee was okay with those recommendations).

- b. Consider Approval of the Borough Manager Moving Forward with the Contract for CGI Communication, Inc. to Set up the Video Process for the Website (Approved in Committee by a Vote of 2 to 0) – Mr. Handwerk made a motion to approve the contract for CGI Communication, seconded by Mr. Gill. (Mr. Handwerk withdrew his motion).

ON THE QUESTION: Mr. Kirkner said he has a question because we do have a .org address and there will be advertising on our website. (Mr. Krack said there would be a header from the company that does this).

Mr. Speck said he would be one of the first ones to jump at something when it is for free but he is not impressed with what they are offering us. He said the advertising turned him off.

Mr. Buckwalter said he would like to ask the solicitor about making a commitment for future councils and asked if that is something we can do. (Mr. Rau said a successor council can reject multi-year year contracts that bind them). Mr. Buckwalter said he would like to find out if they would entertain a two year contract and have this discussion again in January.

Mr. Krack said this came to us through PLCM and is supported by them. He said he is not dedicated to doing this tonight. (There was further discussion on the topic).

- c. Consider Approval of Moving Forward with the DVRPC TCDI Grant for a Way Finding Study (Approved in Committee by a Vote of 2 to 0) – Mr. Gill made a motion to approve the TCDI grant, seconded by Mr. Kirkner, and approved by a vote of 6 to 0. (Mr. Krack gave an overview and said it is once every two years and is for signage. He said the match doesn't have to be cash. He said the grant is \$30,000 with \$25,000 from DVRPC and \$5,000 from outside sources).
- d. Consider Scheduling and Advertising a Public Hearing for November 24, 2009 for the Submission of a Community Reinvestment Program Grant to the Chester County Department of Community Development for Streetscapes Enhancements (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to schedule and advertise a public hearing for the submission of a grant, seconded by Mr. Gill, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Kirkner said he would like to offer a friendly amendment that we schedule the public hearing for the streetscapes enhancements or any other purpose that the public may care to comment on. (Amendment accepted by the motion maker and the second).

2. **POLICY COMMITTEE**

- a. Consider Scheduling and Advertising a Public Hearing for a Proposed Change to the Rental Property Ordinance (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to schedule and advertise a public hearing for the rental ordinance, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

1. Mr. Kirkner thanked the Policy Committee. Mr. Wagner asked who will be taking care of tracking this. Mr. Krack said this would be a function of our Codes Department. Mr. Wagner said he wants a plan regarding when and how this will be implemented.

- b. Consider Scheduling and Advertising a Public Hearing for a Proposed Change to the Property Maintenance Code Ordinance (Approved in Committee by a Vote of 2 to 0) Mr. Buckwalter made a motion to schedule and advertise a public hearing for the property maintenance code, seconded by Mr. Handwerk, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Kirkner said on page three there is an itemization of things and said there is a board of appeals.

- c. Consider Approval of a Motion to have Staff Draft a Change to the Zoning Ordinance Regarding Electronic Signs (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion for staff to draft an ordinance for electronic signs, seconded by Mr. Gill, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Kirkner said regarding what about electronic signs? (Mr. Wagner said signs outside of the HARB district). There was further discussion on this topic.

- d. Consider Approval of a Motion to have Staff Draft a Change to the Zoning Ordinance Removing Tattoo Facilities from the Downtown Business Area (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to have staff draft an ordinance to remove tattoo facilities, seconded by Mr. Gill.

ON THE QUESTION: Mr. Kirkner said currently tattoo facilities are allowed in the D-Comm. District as an ancillary use and this would remove them completely. He said he would oppose this. Discussion ensued. Motion withdrawn and sent back to committee

- e. Consider Approval of a Motion to have Staff Draft a Change to the Fire Escrow Ordinance (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to have staff draft an ordinance for the fire escrow, seconded by Mr. Gill, and approved by a vote of 6 to 0. (Mr. Buckwalter gave an overview of the ordinance).
- f. Consider Approval of a Motion to have Staff Draft a Change to the Peddler Permit Ordinance (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to have staff draft the peddler permit ordinance, seconded by Mr. Kirkner, and approved by a vote of 6 to 0. (Mr. Krack gave an overview of this ordinance).
- g. Consider Approval of a Motion to have Staff Draft a Community Event Policy (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to have staff draft a community event policy, seconded by Mr. Speck, and approved by a vote of 6 to 0. (Mr. Buckwalter gave an overview of this). Mr. Handwerk asked staff to work with the solicitor.

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

Mr. Wagner said we are going to switch staff reports and have them come before the executive session.

XIV. Staff Reports

1. Manager's Report

a. Discussion Regarding the 2010 Draft Budget – Mr. Krack gave an overview of the 2010 budget. (Mr. Wagner had to excuse himself due to an emergency at work).

2. Code Enforcement Report

3. Public Works Director's Report

4. Fire Chief's Report

5. Finance Director's Report

6. Mayor's Report – Mayor Scoda was not present. Mr. Kirkner brought up concerns about Franklin Commons and the school bus stop. He also asked for speed monitoring devices in that area.

Other Reports

- 1. CDC Report – Mr. Cassidy said we are waiting on grants for the water plant improvements. He said he gave you a copy of the Main Street fundraiser and on the back are all the grants the CDC has secured. He said we are applying to the County for the streetscapes funding.

2. Fire Liaison Report – Mr. Buckwalter said the long range planning that we've been doing over the past 15 months is coming to a conclusion and we should have the report to share with Council in the next couple of months.

XV. Executive Session

- a. Discussion Regarding Personnel
- b. Discussion Regarding Real Estate
- c. Discussion Regarding Legal Matters

Council entered into an executive session at 9:18 p.m. Council reconvened from executive session at 10:09 p.m. Mr. Kirkner said in executive session Council discussed personnel, contracts, and real estate.

Mr. Buckwalter made a motion to direct staff to engage Gannett Fleming to perform an asset evaluation of our water distribution facilities outside the Borough for a fee of \$9,500, seconded by Mr. Speck, and approved by a vote of 5 to 0.

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

XVII. Adjournment – Mr. Speck made a motion to adjourn. Meeting adjourned.