

PHOENIXVILLE BOROUGH COUNCIL
Tuesday, November 24, 2009
7:00 PM (MINUTES APPROVED BY BOROUGH COUNCIL ON DECEMBER 8, 2009)

REVISED AGENDA

- I. Invocation/Pledge of Allegiance – Chair – Mr. Wagner called the meeting to order at 7:03 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Ciruelos (arrived at 7:20 p.m.), Gill, Handwerk, Kirkner, Speck, and Wagner. Also present were: Borough Manager Krack, Chief Mossman, Solicitor Rau, and Mayor Scoda (arrived at 7:05 p.m.). Mr. Wagner stated that Mr. Senley let him know he would not be in attendance due to illness.
- III. Minutes of Previous Meetings: November 10, 2009 – Mr. Kirkner made a motion to approve the meeting minutes, seconded by Mr. Speck, and approved by a vote of 6 to 0.
- IV. Public Participation – 30 minutes – There were no members of the public wishing to speak.
- V. Appointments/Public Resolutions - None
- VI. Presentations - None
- VII. Communications
 - a. Mr. Speck announced that Larry Bengough will be returning home from Afghanistan.
- VIII. Council Participation
 - a. Mr. Kirkner said he has noticed that the sidewalks at Nutt Road, Lincoln, Gay, Main, and Starr are still messed up and the work is unfinished. He said what happens when the property owner does not replace it to the original state and can we assess penalties? (Mr. Watson reported that the contractor started working on it today).
- IX. New Business: Consider Approval of Waiving the Fees for the Colonial Theatre in the Amount of \$2,183.00 for the Third Floor Renovation and Pipe Organ Lift – Mr. Gill made a motion to waive the fees for the Colonial Theatre, seconded by Mr. Speck, and approved by a vote of 4 to 3.

ON THE QUESTION: Mr. Kirkner said he has a problem with doing this because it sets a precedent and knows we have done it for the fire companies. He said this takes us in another direction with fee waivers and understands the Colonial is a valuable community resource. He said as a municipal body we have to be very careful to whom we grant waivers to, especially since we are struggling with revenues and expenses as it is.

Mr. Buckwalter asked the manager if he was aware of any other non profits other than the ones Mr. Kirkner mentioned that we have given waivers to. (Mr. Krack responded that most of the time it is related to the fire companies and religious activities). Mr. Buckwalter asked Ms. Foote to share her input.

Ms. Foote said we were here about four years ago for a major renovation project and were granted the permit waivers. She said the theater is creating energy downtown which then translates into tax dollars. She said the cost of the project is \$150,000 and we are renovating the third floor so we can add more space for public programming. She said we would like to make it a partnership of some sort.

Mr. Ciruelos spoke in favor of waiving the fees because the theater has been a cornerstone in the community. Mayor Scoda also spoke about waiving the fees since it is key to the downtown. Mr.

Wagner said he also supports the waiving of the fees in the amount of \$2,100 even in this difficult budget year.

X. Resolutions - None

XI. Public Hearings – Consider Approval of a Resolution for the Submission of a Community Reinvestment Program Grant to the Chester County Department of Community Development for Streetscapes Enhancements or Any Other Purpose the Public May Desire

Mr. Wagner opened up the public hearing. There were no members of the public wishing to speak so Mr. Wagner closed the public hearing.

Mr. Ciruelos made a motion to approve a resolution for the reinvestment program grant and submission of application, seconded by Mr. Gill, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Kirkner said for clarification, his request was that we hold the public hearing to take ideas from the public. He also brought up the issue of the funding. (Mr. Krack explained where the Borough match will come from).

XII. Reports of Committees, Boards, Commissions and Authorities

A. Planning Commission

1. Consider Authorizing the Advertising of and Schedule a Public Hearing for the Purpose of Adopting a Zoning Ordinance Amendment to Provide for a Townhouse Development Use in the Multi-Residential (MR) District (Planning Commission Approved by a Vote of 3 to 2)
No action taken on this item. Mr. Knabb said the commission was divided on the wording of the ordinance.

Mr. Wagner requested this go back to the Planning Commission for further information on the action memo unless somebody here wants to make a motion.

2. Consider Scheduling a Conditional Use Hearing and Authorize the Solicitor's Office to Place Advertisements Giving Notice of the Scheduled Hearing Date for 333 Morgan Street to Operate a Massage/Wellness Center (Planning Commission Approved by a Vote of 6 to 0)

Mr. Gill made a motion to authorize advertising and scheduling a conditional use hearing for 333 Morgan Street, seconded by Mr. Ciruelos, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Kirkner made note of the Planning Commission's lack of direction in the action memo. Mr. Knabb from the Planning Commission gave a review of the conditional use. He noted that there was no reason seen by the board to deny the proposed use.

3. Consider Approval and Related Proposed Resolution for the Preliminary/Final Plan at 183 and 191 Bridge Street to Demolish Two Buildings and Construct One Building with Retail Space on the First Floor and Five Other Floors with 28 Residential Units (Planning Commission Approved by a Vote of 6 to 0) – Mr. Gill made a motion to approve the resolution and preliminary/final plan for 183 and 191 Bridge Street, seconded by Mr. Speck, and approved by a vote of 7 to 0.

Mr. Kirkner spoke again about the action memos and said it is good to have documentation on what is being asked by the Council for approval. He said the current action memo tells us nothing about what action is recommended and directed the Planning Commission to give more detail.

Mr. Kirkner made a motion for Council to direct that the Planning Commission give more detail in action memos on the issues that are legislative in nature, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

Mr. Buckwalter made a motion to authorize advertising and scheduling of a public hearing for the townhouse development use, seconded by Mr. Speck.

ON THE QUESTION: Mr. Kirkner said why should we do this if we don't know what it is for. He said lets get a little bit of information before we spend taxpayers money.

Mr. Mark Thompson said he represents the County Housing Authority as well as Pennrose Properties. He said we have been working with the Planning Commission on a proposed zoning ordinance.

Mr. Kirkner asked what the applicant is proposing and what they want? (Mr. Thompson responded that we would like a zoning ordinance amendment that would allow an exclusive townhouse development on less than 10 acres. He said we are proposing 48 townhomes). There was much more discussion.

Mr. Kirkner said the issue with advertising as he understands it is that once an ordinance is advertised it can either be voted down or if substantive changes are required re-advertising is necessary.

Mr. Speck said he is in favor of advertising.

Mr. Kirkner made a motion to table, seconded by Mr. Buckwalter, and approved by a vote of 4 to 3.

- B. Regional Planning Commission – Mr. Kirkner said he had nothing to share at this time.
- C. Parking Authority – Mr. Cassidy said he is working on a request for proposal for meters.
- D. Historical Architectural Review Board (No Action Memos for this Meeting)

E. Council Action referred from Council Committees

1. FINANCE COMMITTEE

a. Consider Approval of the Prepays in the Amount of \$1,368,283.37 (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to approve the prepaids, seconded by Mr. Kirkner, and approved by a vote of 7 to 0.

b. Consider Approval of the Budget Transfer in the Amount of \$6,248.31 (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to approve the budget transfer, seconded by Mr. Kirkner, and approved by a vote of 7 to 0.

c. Consider Approval of the Budget Increases in the Amount of \$8,616.84 (Approved in Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to approve the budget increases, seconded by Mr. Kirkner, and approved by a vote of 7 to 0.

d. Discussion Regarding the 2010 Budget - Council took a five minute break and then entered into an executive session at 8:30 p.m. Council returned at 10:10 p.m. Mr. Wagner said in executive session we discussed budget items regarding litigation, personnel, and contract items.

1. Consider Approval of a Motion to Renegotiate the CDC Contract to Reduce the Cost by 50% in the Amount of \$62,500 (Approved in Finance Committee by a Vote of 2 to 0) – Mr. Kirkner made a motion to renegotiate the CDC contract, seconded by Mr. Speck, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Kirkner said we have had discussion with Borough staff and that cost is about what it would cost to replace those services, if not less, so he will be voting yes for this motion.

2. Consider Approval of Removing the Leaf Collection from the 2010 Budget, a savings of approximately \$18,350. (Approved in Finance Committee by a Vote of 2 to 0) – Mr. Kirkner made a motion to remove leaf collection from the 2010 budget. (Motion died for lack of a second).

3. Consider Approval of Limiting Raises of non-uniform/non-union employees to 2%, a savings of approximately \$8,600 (Approved in Finance Committee by a Vote of 2 to 0) – Mr. Buckwalter made a motion to limit raises for non-uniform/non-union employees to 2%, seconded by Mr. Ciruelos, and approved by a vote of 7 to 0.

4. Consider Approval to Renegotiate the CTC Contract to require quarterly payments and quarterly re-evaluation of the program. (Approved in Finance Committee by a Vote of 2 to 0) - Mr. Gill made a motion to renegotiate the CTC contract, seconded by Mr. Kirkner, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Kirkner said just to clarify that, earlier we voted on the CDC (Community Development Corporation) and this is the CTC (Communities That Care) contract regarding funding.

5. Consider Approval of Eliminating the Video Taping of the Finance Committee Meetings, a savings of approximately \$7,500. (Approved in Finance Committee by a Vote of 2 to 0) – Mr. Kirkner made a motion to eliminate video taping the Finance Committee meetings, seconded by Mr. Speck, and approved by a vote of 7 to 0.
6. Consider other budget items from Finance Committee Executive Session

Mr. Kirkner made a motion to direct staff to execute personnel decisions as determined by Council to be incorporated into the 2010 budget, seconded by Mr. Handwerk, and approved by a vote of 6 to 1.

Mr. Kirkner made a motion to allocate \$36,550 from the fund balance for the 2010 general fund budget, seconded by Mr. Speck. (Motion withdrawn by Mr. Kirkner).

ON THE QUESTION: Mr. Buckwalter asked what that will accomplish? (Mr. Kirkner said this will hold our overall millage at .401 mills with a 0% increase).

Mr. Speck made a motion to reduce the police budget in the amount of \$45,956 for the two police officers that are on military leave, seconded by Mr. Handwerk, and approved by a vote of 7 to 0.

Mr. Kirkner made a motion to use \$34,200 from the fund balance for 2010, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

ON THE QUESTION: Mr. Buckwalter said this would result in no tax increase.

Mr. Kirkner made a motion to authorize advertising the proposed 2010 budget and a hearing for the tax ordinance at an overall millage of .401 mills at the December 8th Council meeting, seconded by Mr. Buckwalter, and approved by a vote of 7 to 0.

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

XIV. Executive Session

XV. Staff Reports

1. Manager's Report – No Report
2. Code Enforcement Report – No Report
3. Public Works Director's Report – No Report
4. Fire Chief's Report – No Report
5. Finance Director's Report – No Report
6. Mayor's Report – No Report

XVI. Old Business – Mr. Krack said at the last meeting you asked that we schedule a December 1st meeting given the nature of things.

Mr. Kirkner made a motion to cancel the December 1st meeting, seconded by Mr. Ciruelos, and approved by a vote of 7 to 0.

XVII. Adjournment – Mr. Gill made a motion to adjourn at 10:25 p.m. Meeting adjourned.

