

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, August 11, 2009

7:00 PM

(MEETING MINUTES APPROVED BY BOROUGH COUNCIL ON AUGUST 25, 2009)

REVISED AGENDA

- I. Invocation/Pledge of Allegiance – Chair – Mr. Wagner called the meeting to order at 7:04 p.m.
- II. Roll Call – Borough Secretary – Those present on roll call were as follows: Buckwalter, Ciruelos, Gill, Kirkner, Speck, and Wagner. Also present were: Manager Krack, Chief Mossman, Solicitor Rau, and Mayor Scoda. Mr. Ciruelos arrived at 7:08 p.m. (Mr. Senley was not present this evening due to vacation). Also not in attendance was Mr. Handwerk.
- III. Minutes of Previous Meetings: July 28, 2009 – Mr. Speck made a motion to approve the meeting minutes, seconded by Mr. Buckwalter, and approved by a vote of 5 to 0.

Mr. Kirkner would like to correct the fact that the meeting for the Regional Planning Commission will be at the West Vincent Township Building instead of the Foundry Building on September 21st.

- IV. Public Participation – 30 minutes
 - a. Mr. Bob Noll of 105 Pennsylvania Avenue said he would like to recommend that the Gay Street Bridge be named the Veterans Memorial Gay Street Bridge upon completion. He said it would be nice to give recognition to those who serve this country.
 - b. Mr. Barry Ingle of 305 Starr Street said he is a department officer at the American Legion and he thinks veterans have been associated with Phoenixville since the beginning of the revolution. He said he thinks it would be an appropriate thing.
 - c. Mr. John Larusso of 584 Bridge Street said he is a desert storm veteran and highly recommends that we rename this bridge.
 - d. Mr. Richard Breuer of 225 Washington Avenue said it is clear from the agenda that the Council will be considering guaranteeing the obligations of the parking authority. He said this transaction has changed around and now requires a guarantee which is a very clear signal that the prospective lender looked at whatever it was that the parking authority proposed and decided they couldn't be assured of repayment because that is the reason somebody is insisting on a guarantee. He said if the parking authority is going to borrow \$100,000 and the Borough is going to guarantee it, how about the parking authority putting down in a clear document what they are going to do with it and how it will be repaid because he said he bets those documents don't exist. He said he would ask that Council insist that before you entertain action to vote that they get something specific as to how it will be repaid. He said people need to have the courage of their convictions before the vote is taken at the next meeting. He said why not advance smaller amounts to the parking authority with how it will be repaid and what it will be used for because that way you have control over what the potential expenditure to the Borough is. He said the debt service is at about 6% which is high with the guarantee of the Borough. He said you owe it to the public to actually ask where the money is going and how it is going to be repaid.
 - e. Nancy Shoemaker of 414 Carlisle Avenue said she lives on the property line where the proposed middle school is to be built. She said the quality of her life would be affected,

the value of her home will decrease, and the integrity of the neighborhood would be compromised. She said the open space that now exists would be replaced with a three story building 50 feet from her home. She is asking that you table the approval of the middle school until the School Board can consider other options.

f. Ms. Renee Marino of 403 City Line Avenue said she has been before you many times and has a concern about the traffic coming in and out of the school. She said the speed humps are a joke. She said we need a police officer at that corner in the morning and when they come out of school. She said nobody knows unless you live right there. She said Gay Street and Route 29 should be the main entrance into this school and if there isn't police presence, somebody is going to get hurt.

g. Mr. Dan Dvorak of 530 Virginia Avenue said he was here two weeks ago about the Borough selling properties for \$1. He said the Borough allocated \$625,000 to the CDC and he thinks the CDC should back the \$100,000 guarantee for the Parking Authority.

V. Appointments/Public Resolutions - Consider Adoption of Resolution for George Martynick – Mr. Buckwalter made a motion to adopt the resolution for George Martynick, seconded by Mr. Gill, and approved by a vote of 6 to 0.

VI. Presentations: Power Point Presentation by Mimi Ballantine regarding information on the middle school and how it will affect the properties around the school.

A. Mr. Ciruelos asked if a presentation was given to the School Board.

B. Mr. Kirkner asked when you first heard about the proposal. Ms. Ballantine said they first heard about the present design on August 3rd. She said we did have a meeting after this time with the property committee.

VII. Communications

Mr. Speck made a motion to name the Gay Street Bridge - Veterans Memorial Gay Street Bridge, seconded by Mr. Ciruelos, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Kirkner said he thinks it is a great idea but asked if it could be completed before the bridge is opened so it can be dedicated as such. (Mr. Speck said that is what we are hoping to accomplish).

Mr. Wagner read a letter by Mr. Handwerk where he suggested this go to the Community Development Committee.

Mr. Speck said he is not ashamed to make this motion.

Mr. Ciruelos said he appreciates Mr. Speck's view here and thinks this is for the best.

Mr. Gill said he is 100% behind this.

Mr. Buckwalter said he does not have a problem with it because his son is currently serving in the Marine Corps and has been in Afghanistan. He said maybe this should go to the Community Development Committee because this would give the community a chance to share other names.

Mr. Kirkner said nobody had the idea of naming this bridge until the VFW members came to Mr. Speck with the idea. He said can you really come up with a better name than veterans memorial?

VIII. Council Participation – There was no Council participation at this time.

IX. Resolutions: Consider Adoption of Resolution for Submitting the Borough of Phoenixville Nomination to the Delaware Valley Planning Commission its Nomination for Becoming a Classic Town and Authorizing the Financial Commitment of \$2,500 per year for Two Years – Mr. Ciruelos made a motion to adopt the resolution to become a classic town, seconded by Mr. Gill, and approved by a vote of 5 to 1 with Mr. Kirkner voting no.

ON THE QUESTION: Mr. Ciruelos asked the Borough Manager to give an explanation of what this means to Phoenixville. (Mr. Krack responded with his explanation and said we must remain a top 30 community).

Mr. Kirkner asked if this is a nomination process? (Mr. Krack said yes and stated we were nominated by the Chester County Planning Commission and said we are paying for the advertising, where it is marketed, and web presence).

Mr. Kirkner asked what does this do for us. Mr. Krack responded that it gives us an identity and further went on to say that we have done a great job making Phoenixville a community that people want to come to. He said West Chester's Main Street person said you can not buy this kind of advertising.

Mr. Kirkner said kind of signal are we sending to the communities and stated he has a hard time putting this under essential government services because it is a tough economy out there.

Mr. Ciruelos said in a tough economy we need this kind of marketing. He said there is a certain power to this.

Mr. Buckwalter said his family history goes way back and today people have a positive attitude for the town. He said the designation is a good thing for the residents and he is in favor.

Mr. Wagner said in marketing we are marketing that this is a great place to live for residents. He said he agrees it is a tough economy and we need to pool our resources.

X. Public Hearings

- a. Consider Conditional Use Application of St. Peters Place/St. Peters Housing Development Corporation to Construct a Senior Housing Project Upon Property Located Adjacent to the Holy Ghost Orthodox Church (55 Starr Street) – Continued from the July 28, 2009 Council Meeting – Mr. Verwey gave the details of the hearing and said this was continued so that the applicant could submit additional documentation. Mr. Withers stated his objections and the public hearing was opened.

Mr. Kirkner made a motion to approve the conditional use application for 55 Starr Street based on the Planning Commission action memo with six conditions, seconded by Mr. Speck, and approved by a vote of 5 to 1 with Mr. Buckwalter being the dissenting vote.

ON THE QUESTION: Mr. Buckwalter said it was brought up at the evidence hearing that there would be no traffic light at the entrance to Church and Starr. (The solicitor said this should be established during land development).

Mr. Kirkner said Council has been put in a difficult situation here because we can't decide who owns this property and we have to take some action on this. (Mr. Wagner said that some have suggested that the Council wait).

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

YES – Ciruelos, Gill, Kirkner, Speck, and Wagner

NO - Buckwalter

- b. Consider Conditional Use Application of John R. Williamson to Operate a Ballroom Commercial Dance School within the First Floor of the Building Located at 22 South Main Street – Mr. Verwey gave the particulars of this hearing and opened it up for public comment.

Mr. Buckwalter made a motion to approve the conditional use application for 22 South Main Street with the condition of Planning Commission hours in addition to midnight on Valentines Day and Halloween and 1 a.m. on New Years Day, seconded by Mr. Ciruelos, and approved by a vote of 6 to 0.

Mr. Kirkner said he would like to add an amendment that the applicant reimburses the Borough for the cost of the conditional use which was accepted by both the motion maker and the second.

XI. 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. Wagner asked the applicant to come forward and the applicant gave an overview of the project for the middle school.

Council spoke to the issue of parking and the building itself and the applicant responded to Council's concerns. (Council recessed at 10:00 p.m. and returned at 10:10 p.m.)

- B. Regional Planning Commission – Mr. Kirkner reported that the zoning ordinances are being reviewed by the Phoenixville Regional Planning Commission.
- C. Parking Authority – There was nothing to report at this time.
- D. Historical Architectural Review Board – There were no action memos to be brought before Council.
- E. Council Action referred from Council Committees - None

XII. Public Participation (con't) – There was no further public participation.

XIII. Executive Session – There was no executive session.

XIV. New Business

a. Consider Approval of the Land Lease Agreement with the Parking Authority

Mr. Gill made a motion to approve the land lease agreement, seconded by Mr. Speck, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Buckwalter asked what is the difference between this one and the one we voted on previously. (Mr. Wagner said this is to lease all the land so there is no sale of Borough owned property). Mr. Buckwalter said we would be leasing it at a rate of 15% of the parking fines. Mr. Buckwalter requested an amendment to cancel the approval of the prior agreement.

b. Consider Approval of the Cooperation Agreement with the Parking Authority

Mr. Gill made a motion to approve the cooperation agreement, seconded by Mr. Speck, and approved by a vote of 6 to 0.

ON THE QUESTION: Mr. Kirkner said there is a clause in there that says the parking authority shall secure \$100,000 in financing from a banking institution and based on what is coming up tonight he doesn't believe they are going to meet that condition of the agreement. He said there is a flaw in the agreement.

c. Consider Authorizing Advertising and Scheduling a Public Hearing for an

Ordinance Authorizing the Borough of Phoenixville to Assign \$100,000 as a Pledge of its General Fund to the Phoenixville Parking Authority – Mr. Gill

made a motion to authorize advertising, seconded by Mr. Speck, and approved by a vote of 5 to 1.

ON THE QUESTION: Mr. Buckwalter said this is disturbing because here we are causing the tax payers to back this up and we have no plan as to how they are going to repay this. He said we could give the Parking Authority \$10,000 to do the study. He also addressed the issue of whether the Borough can borrow for professional projects.

Mr. Kirkner assumed that this will be an action at the August 25th meeting which was confirmed by the solicitor. He said we are guaranteeing a loan and we don't know what it is. He said we should see an itemized list of how it will be used. (There was more discussion).

Mr. Buckwalter made a motion to table, seconded by Mr. Kirkner, and failed by a vote of 4 to 2.

Mr. Wagner asked Mr. Cassidy if the motion goes through, would the Parking Authority be willing to provide a rough estimation of whether it be revenue and cost and how you intend to spend the \$100,000. (more discussion ensued)

Mr. Kirkner asked what you are going to buy and said he would like to see it on a spreadsheet.

Mr. Buckwalter asked if new business could be after Council participation and there were no objections from the other Council members.

Mr. Speck made a motion to nominate Mr. Ron Knabb, seconded by Mr. Ciruelos, and approved by a vote of 4 to 2 with Mr. Buckwalter and Mr. Kirkner being the dissenting votes.

ON THE QUESTION: Mr. Kirkner said Mr. Knabb is the architect for the Holy Ghost project and may have a conflict of interest.

Mr. Kirkner made a motion to table until the next meeting, seconded by Mr. Buckwalter. Motion failed by a vote of 2 to 4 with Mr. Speck, Mr. Gill, Mr. Ciruelos, and Mr. Wagner voting no.

XV. Staff Reports

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 – Mayor Scoda briefly reported on his monthly activities.

Other Reports

1. CDC Report – Mr. Cassidy reported on the following: we received \$1.8 million for the water plant, downtown streetscapes, steel site, Northside streetscapes with the poles being delivered, Andre Thornton, enforce problem with signs on poles, and the ash bore infestation on trees now corrected.

2. Fire Liaison Report – Mr. Buckwalter said the meeting minutes were in your packet.

XVI. Old Business – Mayor Scoda asked where Morris Street being one way stands. (Mr. Speck said it is to be on the agenda for August 25th).

XVII. Adjournment – Mr. Buckwalter made a motion to adjourn. Meeting adjourned at 11:06 p.m.