

April 8, 2019

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, April 8, 2019 at 7:00 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Weand in the Chair.

### CALL TO ORDER

### INVOCATION

President Weand requested a moment of silence.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Councilors present were Ryan Procsal, Carol Kulp, Donald Lebedynsky, Trenita Lindsay, Dan Weand, Rita Paez and Joseph Kirkland. Also present were Mayor Stephanie Henrick, Manager Justin Keller, Solicitor Charles Garner and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

Motion by Councilor Paez, seconded by Councilor Lindsay to approve the March 11, 2019 Council meeting minutes as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

- a. Deb Penrod, 215 Amanda Smith Drive – provided an update on the Chair Auction at the Library, noting there are 19 chairs left.
- b. Theresa Wausnock Letterhouse, 22 East 2<sup>nd</sup> Street – expressed concerns regarding safety in the town for children and residents. She also complained about the trash and condition of the apartments at Manatawny and Beech Streets. Ms. Letterhouse noted that Council is responsible for the safety of the residents and demanded that Council make the changes.

Mr. Keller commented that he will have Licensing & Inspections address the apartment building and the Police Department is diligent in solving the crimes.

### SUBCOMMITTEE REPORTS

- a. Finance & Administration – President Weand reported that at the end of February, the revenues were at 7% and expenses at 15%. He added that revenues from the PILOT program are lower than last year, along with building permit fees. Interest earnings are higher. President Weand also noted that Health Care and Workers Compensation costs are now departmentalized. He also reported that the assessments increased from \$763,700 at the beginning of the year to \$764, 574.

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b. Methods Committee – Councilor Lebedynsky reported that the committee is establishing guidelines and a foundation for improvements to departmental procedures and requirements for residents and developers and also to tackle the workload of the employees.

#### COMMITTEE REPORTS

a. COG – Vice President Kulp noted the next meeting is April 9<sup>th</sup>.

b. EAC – There was no report.

c. Regional Planning – Councilor Procsal reported that there was a presentation from Grants Administrator Kourtney High, regarding the Pottstown Area Rapid Transit (PART) Transit Development Plan.

d. Blighted Property Review Committee – Councilor Procsal noted that the minutes were provided in the packets.

#### UNFINISHED BUSINESS

None.

#### NEW BUSINESS

a. Hill School Quadrivium - Motion by Councilor Kirkland, seconded by Councilor Procsal to grant preliminary/final approval of The Hill School Quadrivium Project, 717 East High Street, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering letter of November 16, 2018
- ii. Applicant paying a fee in lieu of open space in the amount of \$4,320 prior to issuance of any building permits
- iii. Preparation and execution of a Developer's Agreement in a form acceptable to the Borough
- iv. Payment in full of all Borough review fees

Solicitor Garner advised that the Hill School provided a calculation based on the SALDO and on the square footage of the project area. The acreage is .048 acres and the Fair Market Value of \$90,000 an acre, estimated the fee at \$4,320 for the fee in lieu of open space.

Motion carried: 7 ayes.

b. Hill School Quadrivium - Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to grant the following waiver request from the Subdivision and Land Development Ordinance for The Hill School Quadrivium Project:

- i. Section 22 – 400.2.C – requirement to show all existing underground features
- ii. Section 22 -400.3. A – showing physical and topography features on property within 100 feet of site
- iii. Section 22 – A.401.8 – requirement to provide abutting property information

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- iv. Section 22 – A402.1 - showing existing physical features and topography on property within 100 feet of site
- v. Section 22 – A402.2 - showing existing physical features and topography on property within 100 feet of site
- vi. Section 22 – A403.8 – requirement to provide abutting street information
- vii. Section 22 – A404.1 – requirement to provide property boundary information
- viii. Section 22 – A405.1 - requirement of layout drafting standards
- ix. Section 22 – 503.4.E – requirement to protect slopes in excess of 20%
- x. Section 22 – A504 - requirement for dedication of open space

Robin Rhoads, representing the Hill School, was present and confirmed that the conditions and waivers are correct and acceptable to the Hill School.

Motion carried: 7 ayes.

c. MontCo 2040 - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to adopt a Resolution approving the submission of an application to the MontCo 2040 Implementation Grant Program to provide funding for the Ricketts Roof Rehabilitation project.

#### RESOLUTION NO. 2019-12

#### MONTCO 2040 IMPLEMENTATION GRANT RICHARD J. RICKETTS COMMUNITY CENTER ROOF RENOVATION

Whereas Montgomery County has established the MontCo 2040 Implementation Grant Program as a competitive funding program to assist municipalities in implementing the goals of the County Comprehensive Plan, MontCo 2040: A Shared Vision; and

Whereas, the County is accepting applications for projects that advance specific goals under either of the County Comprehensive Plan's three themes: Connecting Communities, Sustainable Places, and a vibrant Economy; and

Whereas, applications and projects must meet all stated requirements within the MontCo 2040 Implementation Grant Program Guidebook; and

Whereas the Borough of Pottstown wishes to obtain \$119,000 from the MontCo 2040 Implementation Grant Program to provide funding for Richard J. Ricketts Sr. Community Center Roof Rehabilitation; and

Whereas the Borough of Pottstown has received \$200,000 from CDBG funding for this project and allocated \$30,000 to the project to be used as a match to the MontCo 2040 Implementation Grant Program.

ENACTED and RESOLVED this 8th day of April 2019.

Mr. Keller commented that there was a construction cost overage on the Ricketts Roof project. He added that Staff is seeking two grants for the cost overrun.

Motion carried: 7 ayes.

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c. CDBG Application - Motion by Councilor Lindsay, seconded by Councilor Kulp to authorize the submission of an application to Montgomery County for the Community Development Block Grant Program to provide funding for the Ricketts Roof Rehabilitation project. Motion carried: 7 ayes.

d. Ricketts Roof Bid Award - Motion by Councilor Lindsay, seconded by Councilor Kulp to award the Ricketts Center Roof and Mechanical Unit Replacement project to Spotts Brothers as per the bid tabulation of February 28, 2019, subject to review and approval of the Solicitor and the Parks & Recreation Director.

Solicitor Garner noted that Councilor Kirkland has an affiliation with the contractor and will be abstaining.

Motion carried: 6 ayes, 1 abstention. (See Memorandum attached.)

e. Noise Ordinance - Motion by Councilor Procsal, seconded by Councilor Paez to authorize the Solicitor to prepare and advertise an ordinance amending the Noise Ordinance.

Solicitor Garner requested guidance from Council regarding the times to be implemented in the ordinance, so as not require readvertisement if the times are changed significantly.

Ms. Lee-Clark commented that this is just for the downtown are, such as music and bar noises.

Solicitor Garner confirmed that other noise prohibitions, such as power tools and trash collection are already addressed in the Ordinance.

Chief Markovich commented that 11:00 p.m. during the week may be a little late.

After considerable discussion among Council, it was the consensus to prohibit certain noises in the downtown after 10:00 p.m. and prior to 9:00 a.m. Monday through Thursday and from 12:00 a.m. and prior to 9:00 a.m. on holidays, weekends and the day before a holiday.

Motion carried: 7 ayes.

#### PUBLIC HEARING – Zoning Ordinance Amendment – Outdoor Dining in Downtown District

Solicitor Garner explained the requirement for a public hearing for amendments to the Zoning Ordinance. He reviewed the completed advertisement and posting requirements. Solicitor Garner noted the Pottstown Planning Commission and the Montgomery County Planning Commission are in support of the adoption of the ordinance. He also summarized the provisions in the Outdoor Dining in the Downtown district draft ordinance.

There were no public comments and the hearing closed at 7:45 p.m.

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f. Outdoor Dining - Motion by Councilor Kirkland, seconded by Councilor Procsal to adopt an Ordinance amending the Zoning Ordinance to permit Outdoor Dining Areas throughout the Borough.

ORDINANCE NO. 2183

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PARTS OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN. IN ORDER TO PERMIT OUTDOOR DINING AREAS THROUGHOUT THE BOROUGH AND THE CREATION OF A REIMAGINED AND REVTTALTZED DOWNTOWN (CONSERVATTON) DISTRICT THROUGH THE PRESERVATION AND ENHANCEMENT OF POTTSTOWN'S HISTORIC CENTRAL BUSINESS DISTRICT WITH A WIDE RANGE OF RETAIL, BUSINESS. PROFESSIONAL. GOVERNMENTAL, AND URBAN RESIDENTIAL USES, AND BY PROVIDING DEFINITIONS FOR CERTAIN USES WHICH SFIALL BE RELOCATED OUT OF THE DOWNTOVN (CONSERVATTON) DTSTRTCT BUT PERMITTED IN OTHER SPECIFIC DISTRICTS.

Motion carried: 7 ayes.

g. Open Container/Sidewalk Ordinance – Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to adopt an Ordinance amending the Open Container and Sidewalk Ordinances to permit the consumption of alcohol within outdoor dining areas throughout the Borough.

ORDINANCE NO. 2184

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING PART 2, ALCOHOLIC BEVERAGES, OF CHAPTER 6, CONDUCT, IN ORDER TO PERMIT THE CONSUMPTION OF AICOHOL WITHIN OUTDOOR DINING AREAS THROUGHOUT THE BOROUGH, AND PART 2, SIDEWALKS, OF CHAPTER 21, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, IN ORDER TO EXEMPT OUTDOOR DINING AREAS FROM THE GENERAL REGULATIONS RELATED TO ENCORACHMENT UPON BOROUGH SIDEWAIKS.

Motion carried: 7 ayes.

h. Captain's Contract - Motion by Councilor Kirkland, seconded by Councilor Kulp to approve and authorize the execution of a Sixth Addendum to the Police Captain's contract. Motion carried: 7 ayes.

i. Gun Violence Rally - Motion by Councilor Lindsay, seconded by Councilor Paez to grant the request of Natasha Tinson, to conduct a Gun Violence Rally on May 11, 2019, resulting in the closing of West Street from Franklin to Hale Street from 2:00 p.m. -4:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

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j. Bark for Life - Motion by Councilor Paez, seconded by Councilor Kulp to grant request of American Cancer Society and Bark for Life of Pottstown to hold a beer garden from 1:00 p.m. – 5:00 p.m. at the April 27, 2019 event in Memorial Park, subject to review and approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes.

k. Memorial Day Parade - Motion by Councilor Paez, seconded by Councilor Lindsay to grant the request of the Pottstown Joint Veterans Council to hold the annual Memorial Day Parade on May 27, 2019 resulting in the closing of High Street from Adams to Manatawny Streets and Manatawny to Second Street from 8:30 a.m. – 12:00 p.m., subject to review of the Police and Fire Departments. Motion carried: 7 ayes

l. Independence Day Parade - Motion by Councilor Kulp, seconded by Councilor Lindsay to grant request of the Rotary Club of Pottstown to conduct the Independence Parade on July 4, 2019, resulting in the closure of High Street from Madison to Manatawny Streets, from 9:30 a.m. – 11:30 a.m., subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

m. GoFourth Festival Biergarten – Motion by Councilor Kirkland, seconded by Councilor Paez to grant the request of the GoFourth Festival to hold a Biergarten in Memorial Park on July 4, 2019, from 11:30 a.m. -10:00 p.m., subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes.

n. Deputy Emergency Management - Motion by Councilor Lindsay, seconded by Councilor Paez to appoint Kevin Yerger as the Deputy Emergency Management Coordinator for the Borough of Pottstown. Motion carried: 7 ayes.

o. HARB - Motion by Councilor Kirkland, seconded by Councilor Lindsay to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the property located at 1290 High Street. Motion carried: 7 ayes.

p. HARB - Motion by Councilor Kirkland, seconded by Councilor Kulp to deny a Certificate of appropriateness for the property located at 64 King Street as recommended by HARB. Motion carried: 7 ayes.

q. HARB - Motion by Councilor Procsal, seconded by Councilor Kulp to reappoint Julie Marburger to the Historic Architectural Review board for a five (5) year term to expire April 1, 2024. Motion carried: 7 ayes.

r. HARB - Motion by Councilor Kirkland, seconded by Councilor Paez to appoint Seth Hinshaw to the Historic Architectural Review Board for a five (5) year term to expire April 1, 2024. Motion carried: 7 ayes.

s. PDIDA - Motion by Councilor Kirkland, seconded by Councilor Kulp to appoint individuals to the Pottstown Downtown Improvement District Authority as follows:

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Joseph Cavallo, Amy Wolf, Scott Bentley and April Barkasi, for terms to expire December 31, 2019.

Mr. Keller explained that Council is working to resolve matters with PDIDA in light of the recent resignation of the current board and recommended these individuals, who either live or own a business in the downtown, to serve as fiscal stewards on the PDIDA Board. He added that another resident, Jennifer Keller Ryan, submitted an application and may be considered at the May meeting.

Motion carried: 7 ayes.

REPORT OF BILLS – Motion by Councilor Paez, seconded by Councilor Lindsay to pay the bills in the amount of \$1,861,916,91. Motion carried: 7 ayes.

### ANNOUNCEMENTS

Councilor Kirkland requested that Director Nick Phillippides of the Ricketts Center provide the monthly report and upcoming Saturday hours and the calendar.

Councilor Paez announced that a Saw Dust Carpet will be on display during Easter week at the Christ Episcopal Church and all are welcome.

Councilor Lindsay noted that she will be reading to first graders at the Rupert Elementary School on April 11<sup>th</sup>.

Councilor Procsal commented that he was at the Pottstown United Brewery, which was not as loud as music and ballroom dancing from the Eagles Building on High Street.

Mayor Henrick urged all to attend and support local vendors.

President Weand thanked Representative Tim Hennessey for his assistance in securing \$100,000 grant to approve additional safety measures on High Street.

### EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 7:55 p.m. for one item of potential litigation.

### ADJOURNMENT

President Weand adjourned the meeting at 8:10 p.m.

Submitted by,

Justin M. Keller  
Borough Manager