

August 12, 2019

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, August 12, 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 Manager Justin Keller, Solicitor Charles Garner, Mayor Stephanie Henrick and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Paez to approve the July 8, 2019 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Rob & Janice Monger – 5 West 2nd Street – reiterated their concerns regarding the wood smoke from neighboring properties. She quoted the responsibility of Borough Council and questioned what Council has done to maintain the peace, health and safety and good government and welfare of the Borough and residents in allowing this unhealthy practice of creating wood smoke. She presented a petition with over 70 signatures and commented that she may be forced to sue the neighbors.
- b. Michele Chayson, 1252 North Evans Street – also reiterated her concern regarding fireworks displays, the use of firepits and spreading cinders throughout the neighborhood. She noted that due to the heat and humidity, there should have been an orange or red alert on the day in question. Ms. Chayson added that if one can smell the smoke it is in the air.
- c. Monica Smith, 1115 Center Avenue – complained about the Section 8 rental adjacent to her property. She stated she provided information to the Licensing & Inspections Department and was told the property failed inspection. Ms. Smith also advised that she is experiencing health problems due to the damages to her home from the smell and rodents coming into her home.
- d. Robert G. Biggins, 112 East Vine Street – referred to his recent letter to Council and also the Zoning Officer's opinion on the Conditional Use request of 601 and 619 West High Street. He requested Council's consideration in postponing a decision on this matter. He again noted the

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zoning code sections that were misinterpreted, and which does not allow for an automotive repair station. He added that the Zoning Officer should have consulted with the EAC prior to making a determination. Mr. Biggins requested additional time in order to meet with the applicants and provide additional notice to neighboring properties.

e. Hannah Davis, 1315 Queen Street – urged Council to approve and renew the four-year addendum to the Olivet Boys and Girls Club agreement to run the Ricketts Center. She thanked all involved with serving the children and the community at the Center. She recommended more goals and benchmarks and also individuals from Pottstown to be on Olivet’s Reading based board.

f. Kristina Esposito, 1105 Center Avenue – noted that the sewer drains on her corner repeatedly back up and requested that the street workers throw debris into their trucks and not in her yard.

g. Johnny Corson, 544 Jefferson Avenue – spoke as the President of the NAACP and commented that the Ricketts Center is a community center and not a club. He recommended that Council mandate that STRIVE and Olivet’s work together or direct Parks & Recreation to run the Center. He added that the Health & Wellness Foundation, Hobart’s Run and the School District are not the community. Mr. Corson also commented that the Center should not be leased out but should be run by Parks & Recreation and that is the position of the NAACP.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that income and expenses are on tract for mid-year and recommended that the adjustments listed on the agenda be approved.

BOARDS AND COMMITTEE REPORTS

- a. COG – Vice President Kulp advised there was no meeting.
- b. EAC – There was no report.
- c. Regional Planning – Councilor Procsal noted there was no meeting.
- d. Blighted Property – The minutes were provided in the packets.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Conditional Use 601 & 619 West High Street - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to grant the Conditional Use request of David Bailey, 3841 Green Hills Village Drive, Nashville, TN, to operate an automobile repair station/automobile collision repair, on property located at 601 and 619 West High Street with conditions in the Order dated August 12, 2019.

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President Weand commented that the motion is to approve only the Conditional Use as requested. Other details will be presented to the Borough Engineer and the Borough Solicitor at formal meetings through the Planning Commission.

Solicitor Garner added that the standard to approve a conditional use is that the applicant satisfy the conditions in the ordinance and he is of the opinion that the applicant satisfied those conditions. He also acknowledged Mr. Biggins's request for a delay and outlined the time limitations for Council. Solicitor Garner confirmed that the project will also come before the Planning Commission and neighboring properties will be notified of the meeting.

Motion carried: 7 ayes.

b. Olivet Boys & Girls Club Lease Addendum - Motion by Councilor Procsal, seconded by Councilor Kirkland to approve and authorize execution of an Addendum to the Agreement between Olivet Boys and Girls Club of Reading and Berks County and the Borough of Pottstown for the operation of the Richard J. Ricketts, Sr. Community Center, to begin January 1, 2020, subject to execution and approval by Olivet Boys & Girls Club on or before August 15, 2019.

Councilor Lindsay agreed with Mr. Corson that STRIVE and Olivet Boys and Girls Club should work together to run the Center for the sake of the children and for Latinos.

Councilor Paez commented that she is not happy with extending the contract for four years.

Councilor Kirkland commented that he believes the Center should be operated by the community that it serves. A mistake was made years ago in turning over to a third party and made another mistake by scaling back the Borough's contribution. He added that the Center is a historical and important part of the community and the Borough needs to change its hands-off approach.

Councilor Procsal also commented that he appreciates the efforts of David Charles and STRIVE and after speaking with parents and found they are happy with the present management, he will support the Olivet Boys and Girls Club.

Councilor Paez added that the children and the community need to be treated with respect and dignity.

President Weand commented that he heard from both the Olivet Boys and Girls Club and STRIVE, along with the present Council that they are willing to work together and committed to overseeing the operations of the Center. He also instructed the Manager to increase oversight and request a monthly progress report.

Mr. Keller agreed that Michael Lenhart will be attending more monthly meetings and provide any assistance as needed.

Motion carried: 7 ayes.

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c. Eligibility List - Motion by Councilor Lindsay, seconded by Councilor Procsal to authorize the Civil Service Commission to begin the process of developing an eligibility list for new candidates for the Pottstown Police Department. Motion carried: 7 ayes.

d. Colebrookdale Railroad Lease - Motion by Councilor Paez, seconded by Councilor Lindsay to approve and authorize execution of the Second Amendment to the License Agreement among the Redevelopment Authority of the County of Berks, the Colebrookdale Railroad Preservation Trust and the Eastern Berks Gateway Railroad Company to address and establish sewer line issues located on a portion of the Colebrookdale Line in Memorial Park, 75 West King Street. Motion carried: 7 ayes.

e. Vacant Property Ordinance - Motion by Councilor Paez, seconded by Councilor Lindsay to authorize the Solicitor to advertise an ordinance amending the Vacant Property Registration Ordinance. Motion carried: 7 ayes.

f. Zoning Ordinance Amendments - Motion by Councilor Procsal, seconded by Councilor Lindsay to authorize the Solicitor to prepare a draft ordinance to address proposed changes including Elimination of Zoning Requirements for Downtown Off-Street Parking, Master Plumber requirements for owner-occupied residences, Grading and Stormwater Permit Requirements and Swimming Pool Regulations, as recommended by the Ad hoc Zoning committee.

President Weand commented that not all are zoning matters and will require further discussion.

Motion carried: 7 ayes.

g. Fee Schedule Amendment - Motion by Councilor Paez, seconded by Councilor Procsal to adopt a Resolution amending the Fee Schedule to establish an outdoor dining one-time permit fee of \$25.

RESOLUTION NO. 2019-17

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING ITS FEE SCHEDULE TO ESTABLISH A ONE-TIME PERMIT FEE FOR OUTDOOR DINING.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown adopted a Comprehensive Fee Resolution on July 10, 1995; and

WHEREAS, through Ordinance No. 2183, the Borough has permitted Outdoor Dining Areas under and subject to the issue of a permit by the Borough to ensure compliance with the requirements for Outdoor Dining; and

WHEREAS, Borough Council wishes to establish a one-time permit fee in the amount of Twenty-Five Dollars (\$25.00) and include same in its Comprehensive Fee Schedule.

NOW, THEREFORE, BE IT AND IT IS HERBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, as follows:

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SECTION 1. It is hereby established a one-time permit application fee of Twenty-Five Dollars (\$25.00) to be submitted to the Department of Licensing and Inspections with the Application to permit Outdoor Dining Areas as described in Ordinance No. 2183.

SECTION 2. All future modifications of this and all other fees established in the Comprehensive Fee Schedule shall be made by Resolution from time to time duly adopted by the Burgess and Town Council of the Borough of Pottstown.

SECTION 3. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 12th day of August 2019.

Motion carried: 7 ayes.

h. Mid-Year Budget Adjustments – Motion by Councilor Kulp, seconded by Councilor Lebedynsky to approve the Mid-Year Budget Adjustments dated August 1, 2019 as recommended by the Finance Committee. Motion carried: 7 ayes.

i. PennDOT DBE Program - Motion by Councilor Paez, seconded by Councilor Kulp to approve and authorize execution of the Department of Transportation DBE Program for the Pottstown Area Rapid Transit System and delegate Kourtney L. High, Grants Administrator, as the DBE Liaison Officer. Motion carried: 7 ayes.

j. PennDOT Transit Development Plan - Motion by Councilor Kirkland, seconded by Councilor Paez to adopt the Pottstown Transit Development Plan as recommended by PennDOT Bureau of Public transportation, dated June 2019. Motion carried: 7 ayes.

k. Gravity Race - Motion by Councilor Lebedynsky, seconded by Councilor Kulp to grant request of Reading Gravity Racing League to conduct a racing event on August 18 and September 22, 2019 (rain dated August 25 and September 29), resulting in the closing of Wilson Street between Farmington Avenue and State Street, from 10:00 a.m. to 7:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

l. Kingdom Life Church - Motion by Councilor Procsal, seconded by Councilor Kulp to grant the request of the Kingdom Life Church to conduct a Church service on August 25, 2019, resulting in the closing of North Franklin Street, from 8:00 a.m. – 2:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

m. Victory Christian Life - Motion by Councilor Procsal, seconded by Councilor Kirkland to grant request of the Victory Christian Life Center resulting in the closing of North Washington Street between King Street and Buttonwood Alley for a community event, September 7, 2019, 10:00 a.m.- 6:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

n. Fete en Blanc - Motion by Councilor Lindsay, seconded by Councilor Paez to grant the request of the Pottstown Area Industrial Development to extend its Fête en Blanc event on September 13, 2019, resulting in the closing of High Street from 12:00 p.m. -10:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes

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o. Fete en Blanc/Alcohol - Motion by Councilor Procsal, seconded by Councilor Kulp to grant the request of the Pottstown Area Industrial Development for the use of alcohol in Smith Family Plaza for the Fête en Blanc event on September 13, 2019, 6:00 p.m. -9:00 p.m., subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes.

p. Cheesetoberfest/Biergarten – Motion by Councilor Kulp, seconded by Councilor Procsal to grant request of the TriCounty Active Adult Center to allow a Biergarten in Memorial Park at its October 5, 2019 Cheesetoberfest Grilled Cheese Competition from 12:00 p.m. – 3:00 p.m., subject to review and approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes

q. Barktoberfest/Biergarten – Motion by Councilor Lindsay, seconded by Councilor Kulp to grant the request of Tal’s Pets Company to allow a Biergarten for its October 19, 2019 Barktoberfest in Memorial Park from 12:00 p.m. - 5:00 p.m., subject to review and approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes.

r. Pottsgrove Cross Country - Motion by Councilor Paez, seconded by Councilor Kulp to grant request of Pottsgrove Cross Country to conduct its race on November 28, 2019 (rain date November 29), resulting in the closing of College Drive and Keystone Blvd, from 7:00 a.m. to 10:00 a.m., subject to review and approval of the Police and Fire Departments . Motion carried: 7 ayes.

s. Code Board of Appeals - Motion by Councilor Kirkland, seconded by Councilor Paez to reappoint Joseph Chrisman to the Construction code Board of Appeals for a three (3) year term to expire August 8, 2022. Motion carried: 7 ayes.

t. EAC - Motion by Councilor Paez, seconded by Councilor Procsal to reappoint Lynn Dewees to the Environment Advisory Council for a three (3) year term to expire August 10, 2022. Motion carried: 7 ayes.

u. EAC - Motion by Council Lindsay, seconded by Councilor Paez to appoint Lisa Miller to the Environment Advisory Council for a three (3) year term to expire August 10, 2022. Motion carried: 7 ayes.

REPORT OF BILLS – Motion by Councilor Procsal, seconded by Councilor Kulp to pay the bills in the amount of \$2,845,602.56. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Kirkland commented in the upcoming years, Parks and Recreation needs to be operating the Ricketts Center.

Councilor Paez wished good luck to the Ricketts Center.

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Councilor Lindsay reiterated her comment that she could not find any other municipality that leases its Recreation Center to a third party. She also requested that the Fire Marshal revisit the fire pit regulations.

Vice President Kulp noted that she visited the Blue Elephant restaurant and it is lovely.

Mayor Henrick thanked Ward 3 for having an awesome block party with bunnies and badminton and challenged each ward to participate for a best block party award. The winner be allowed to fly its flag on High Street. She also visited the indoor Farmer's Market where she had to wait quite a while for her order, which is a good thing for the downtown.

ADJOURNMENT

President Weand adjourned the meeting at 7:55 p.m.

Submitted by,

Justin M. Keller
Borough Manager