

July 11, 2016

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, July 11, 2016 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

Mayor Thomas provided the invocation.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Ryan Procsal, Carol Kulp, Sheryl Miller, Dennis Arms, Dan Weand, Rita Paez and Joseph Kirkland. Also present were Borough Manager Mark Flanders, Mayor Sharon Valentine-Thomas, Assistant Borough Manager Erica Batdorf, Solicitor Charles Garner and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

- a. Council Meeting – June 13, 2016 - Motion by Councilor Miller, seconded by Councilor Arms to approve the June 13, 2016 Council meeting minutes as presented. Motion carried: 7 ayes.
- b. Joint Meeting – June 21, 2016 – Motion by Councilor Kulp, seconded by Councilor Procsal to approve the June 21, 2016 Joint School Board and Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Jon Yoder, 709 Hamilton Street – requested Council's consideration in addressing the property at 707 Hamilton Street. He stated that he has had numerous correspondence with Management, Licensing & Inspections and Council regarding the dilapidated, roach and rodent infested property, which was posted December 2014. Mr. Yoder explained that it has become necessary to temporarily relocate his family and requested an answer to the status of this property.

President Weand commented that the property at 707 Hamilton Street is under the legal process and noted that Staff would contact him.

CITIZENS LEADERSHIP ACADEMY GRADUATION CEREMONY

Assistant Manager Batdorf noted that Administrator of the Academy and Borough Grants Administrator Kourtney High, was unable to attend this evening. Ms. Batdorf presented the Graduation Certificates to the following class members: Marlene Armato, Theodore Conner, Eileen Dautrich, Twila Fisher, Harold Heacock, Tom Hylton, Edward Kelly, Sheryl Miller, Madison

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Morton, Michael Paules, Deb Penrod, Ashley Rose, Amy Rossman, Abigail Weller-Hall, Denise Williams and Isiah Williams. Jennifer Ridgway, Laura Justiniano and Kurt Holloway were absent.

The consensus of the graduates was that the course was quite informative and impressive.

President Weand, on behalf of Council, congratulated the class and noted it would be offered again in the fall.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that 60% of the revenues have been received and 45% of expenses have been expended. He also noted that the Finance Department is working with Department Heads for mid-year budget adjustments. President Weand added that Solicitors are addressing the unfair property assessments.

b. Safety – Chief Drumheller reported that K-9 Officer, Taz, returned to work the same day of his injury and is doing well. He requested that areas of speeding vehicles be reported to him in order to be addressed. Chief Drumheller reported that the July 10th bike race was quite successful and well-coordinated. The Chief also noted the successful Hill School event resulted in a few traffic complaints and will be working with The Hill School for future events. He also noted that speed signs will be ordered to reduce speed in various locations throughout the Borough from 35mph to 25 mph. Chief Drumheller introduced Assistant District Attorney, Brianna Ringwood, Captain of the Community Prosecution Unit.

Attorney Ringwood invited all to a press conference with District Attorney Kevin Steele scheduled for July 19th, 10:30 a.m. at Borough Hall to introduce new initiatives and objectives for the new Community Prosecution Unit.

COMMITTEE REPORTS

a. Library – Arthur Green announced a fund raiser to be held at the former West End Alley, now the Act 107 and hosted by Vantage Insurance, scheduled for July 13th, 5-7 p.m. He also reminded all of the August 20th Duck Race. Mr. Green also announced a Go-fund –me page through NBC 10 for contributions to the Library and provided an update on the construction project.

b. Human Relations Commission – Councilor Paez advised that a report was provided in the packets.

Vice President Miller commented that the changes included a provision that any member being removed shall be in consultation with the Chairman of the Commission and questioned the dismissal process if the chairperson were the one being considered for removal.

Mayor Thomas questioned Councilor Paez if she would recuse herself for certain Borough matters while on the Commission and as a Council member.

Councilor Paez stated that the goal is to protect the community and the Borough and prevent damage in the future.

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- c. PDIDA – The report was distributed.
- d. COG – Councilor Kulp noted that the minutes were provided.
- e. EAC – The minutes were distributed.
- f. Regional Planning – Councilor Procsal noted that there was no meeting.
- g. Blighted Property Review committee – Councilor Procsal advised that the minutes were provided.
- h. Emergency Services Reports – Mr. Pierce provided the monthly activities and an overview of upcoming events and training opportunities. He advised that the Phillies will be participating in a MiniGolf event on September 16th in conjunction with the Senior Center. Mr. Pierce also outlined new incentives to recruit new members.

Mayor Thomas apologized for not attending the balloon race on July 2nd at 6:00 a.m. She was not aware of the time change.

7:30 P.M. – LERTA – PUBLIC HEARING

Solicitor Garner explained the advertised public hearing required for the Local Economic Revitalization Tax Assistant Act (LERTA) to inform and take public comment for the potential boundaries for the area included in a LERTA district in the Borough. The regulation would allow the value of certain improvements to real properties to be temporarily deferred and staged in over a period of time. He added that from preliminary discussions, the consensus of Council and the School District is to allow the entire Borough to be a LERTA district, primarily business and commercial properties in the downtown area.

There was no public comment and the hearing closed at 7:35 p.m.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. LERTA - Motion by Councilor Miller, seconded by Councilor Arms to authorize the Solicitor to prepare and advertise an ordinance establishing a Local Economic Revitalization Tax Assistance (LERTA) District in the Borough of Pottstown. Motion carried: 7 ayes.

b. Conditional Use – Carbo - Motion by Councilor Kulp, seconded by Councilor Paez to grant Conditional Use request of Thomas Carbo to permit a photography studio and office at property located at 16 North York Street, 1st Floor, with conditions as stated in the order dated July 11, 2016.

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Solicitor Garner noted that the hours of operation are outlined from 9:00 a.m. to 8:00 p.m. and the applicant would comply with all state, federal and local ordinance.

Motion carried: 7 ayes.

c. JAG Grant – Motion by Councilor Kirkland, seconded by Councilor Miller to adopt a Resolution authorizing a Memorandum of Understanding with the Municipality of Norristown and Cheltenham Township for the submission of a grant application for the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$16,663 to be used for equipment, overtime costs and programs to enhance Quality of Life issues and to initiate the thirty (30) day open comment period.

RESOLUTION NO. 2016-18

RESOLUTION OF POTTSTOWN BOROUGH COUNCIL

MEMORANDUM OF UNDERSTANDING FOR 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM APPLICATION

WHEREAS, the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has approved the submission of a joint application from the Municipality of Norristown, Cheltenham Township, and Pottstown Borough for the 2016 Edward Byrne Memorial Justice Assistance Grant Funds contingent on a Memorandum of Understanding as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED by the Burgess and Town Council of the Borough of Pottstown, as follows:

1. The Borough of Pottstown hereby honors the request of the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance as outlined in the Memorandum of Understanding (MOU) for the 2016 Edward Byrne Memorial Justice Assistance Grant Application, designating the Municipality of Norristown as the applicant/fiscal agent for the allocation of the joint funds. The MOU is attached to the grant application as Exhibit “A”.

RESOLVED, ENACTED and APPROVED by the Burgess and Town Council of the Pottstown Borough this 11th day of July 2016.

Motion carried: 7 ayes.

d. Crossing Guards - Motion by Councilor Kirkland, seconded by Councilor Kulp to accept the proposal and enter into an agreement with All City Management Services, Inc., (ACMS) for the Pottstown Crossing Guards Program for the 2016-2017 School Year, subject to review and approval of the Borough Manager and Borough Solicitor.

Councilor Arms commented that nowhere in the contract does it guarantee jobs for the current crossing guards at the current rate. He is also opposed to outsourcing the jobs to California.

Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

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e. Master Traffic Ordinance – Motion by Councilor Miller, seconded by Councilor Kulp to authorize the Solicitor to prepare and advertise an ordinance amending the Master Traffic Ordinance to change the speed limit on various streets to 25 mph, establish bike lanes and cycle tracks, one-way streets and stop intersections, and changes as outlined in the July 6, 2016 Pottstown Police Department memorandum.

Chief Drumheller confirmed the speed limit on unposted streets in the Borough is 25 mph.

Motion carried: 7 ayes.

f. Kenel Policy - Motion by Councilor Miller, seconded by Councilor Kulp to adopt a policy establishing rules and procedures for the Pottstown Borough Animal Kennel, located at 1269 Industrial Highway as recommended by the Animal Committee and date July 6, 2016.

Vice President Miller advised that effected townships and participants will be notified in advance when appropriate.

Motion carried: 7 ayes.

g. Zoning – Convenience Stores – Motion by Councilor Miller, seconded by Councilor Procsal to authorize the Solicitor to advertise a public hearing for the proposed Zoning Ordinance amendments related to Neighborhood Convenience Stores, with the distance between stores to be no less than 1,200 feet and no longer be allowed by Conditional Use in Traditional Town or Neighborhood Residential districts.

Vice President Miller commented that there was previously no regulations for convenience stores and were not defined and with no zoning district. She added that after review and discussions with the committee, it is recommended to change the distance between stores from 1,000 feet to 1,200 feet.

Councilor Arms noted that convenience stores in the Borough are an issue and the distance between them is not a factor.

Solicitor Garner advised that if the stores were not allowed in a municipality, it would be considered Exclusionary Zoning. He added that existing stores would be allowed to continue operations if approved before any zoning regulations and would be considered a legal pre-existing non-confirming use.

Motion carried: 7 ayes.

h. YMCA Easement – Motion by Councilor Miller, seconded by Councilor Kulp to approve and authorize execution of an Easement Agreement between the Borough of Pottstown and the Philadelphia Freedom Valley Young Men's Christian Association (YMCA) for the installation of a permanent bus shelter to be located on Adams Street.

Ms. Batdorf confirmed that PART will pay for the improvements.

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Motion carried: 7 ayes.

i. HARB - Motion by Councilor Miller seconded by Councilor Paez to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- i. 848 High Street
- ii. 125 King Street

Motion carried: 7 ayes.

j. HARB – Motion by Councilor Miller, seconded by Councilor Kulp to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the property located at 421 King Street. Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Miller, seconded by Councilor Kulp to pay the outstanding bills in the amount of \$2,915,949.58 Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Procsal commented on the success of the Pottstown Criterium Bike race held on July 10th.

Councilor Kulp stated that it has been a pleasure working with Erica Batdorf.

Vice President Miller noted that she attended the First Responders Appreciation Sunday at the Heart of God Family Worship Center. She also reminded all residents and businesses that they are responsible for weeds on their properties out to the curb line. Vice President Miller added that Ms. Batdorf will be missed but will not be let go completely.

Councilor Kirkland read a prepared statement regarding the political, racial or other tensions throughout the nation and the lack of willingness to negotiate or understand other views towards resolution. He commended the job of police officers and the experiences they endure daily, adding that the vast majority are caring individuals. Councilor Kirkland commented that as the only African American on Council, he felt it his duty to speak out in a small way in support of not only police officers but for the black community as well.

Councilor Paez requested assistance for Mr. Yoder for the quality of life issues he is experiencing.

Councilor Arms noted that at the recent Committee of the Whole meeting, comments were made regarding a mere 4% increase, adding that is more than most citizens enjoy, including himself. He also commented on the Hamilton Street issue causing good residents to have to leave the Borough.

Mayor Thomas advised that she also attended the First Responders Program at the Heart of God Worship Center, along with Chaplain Bishop Everett Debnam and Pastor Mark Malizzi. She congratulated Pastor Malizzi on his *Key to the City* initiative. The Mayor also commented that

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citizens around the globe are concerned about America imploding internally. She also noted that Ms. Batdorf will be missed.

Assistant Borough Manager Erica Batdorf provided comments on her last Council meeting and thanked the Mayor and Borough Council for their leadership and support. She noted that the responsibility of the leaders of the community are to enhance the safe and effective welfare of the community. Ms. Batdorf advised that she had been a life-long Pottstown resident, Pottstown High School Alumni and graduate in Political Science. She added that growing up in Pottstown was her greatest gift, adding that touring the Steel River Playhouse and seeing the steel beams stamped Bethlehem Steel, brought memories of her grandfather who worked at the former Bethlehem Steel. Ms. Batdorf commended the efforts, support, persistence and collaborative measures of developers improving the Borough even if projects take months, possibly 15 years to complete. She praised the leadership of Borough Manager Mark Flanders and thanked him for the values she has learned.

Ms. Batdorf received a standing ovation.

ADJOURNMENT

The meeting adjourned 8:20 p.m. on motion by President Weand.

Submitted by,

Mark D. Flanders
Borough Manager