

February 6, 2019

COMMITTEE OF THE WHOLE MEETING

The February 6, 2019 Committee of the Whole meeting was called to order at 7:00 p.m. by President Weand in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, PA.

ATTENDANCE

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

INVOCATION

Bishop Everett Debnam provided the invocation.

PLEDGE ALLEGIANCE TO THE FLAG

SUBCOMMITTEE REPORTS

- a. Infrastructure – Vice President Kulp noted there was no meeting.
- b. Economic Development – Peggy Lee-Clark, PAID Executive Director, advised that she had a call from a realtor who was disturbed that there were no properties for sale in the downtown. She also reported that the three County Commissioners recently toured Pottstown and visited three thriving businesses. Ms. Lee-Clark updated Council on the sale of commercial properties. She also announced the opening of the Bock Bar in the Farmer's Market and the Pottstown Integrated fitness center formerly known as the YMCA. The YMCA was rated #1 throughout the Freedom Valley's locations and was rated #1 for new members and member satisfaction.
- c. Transportation – There was no meeting.
- d. Ad hoc Zoning – Councilor Procsal advised that discussion on the downtown dining amendments are listed on the agenda.
- e. Ad Hoc Financial Sustainability Oversight Committee – Mr. Keller reported that a review meeting with the consultants was held on January 28th and discussed the public and employee surveys to be issued next week. He added that a public meeting will be held late February and a final report scheduled for the April 8th Council meeting.

BOARDS & COMMITTEE REPORTS

- a. Emergency Services Reports – There were no reports.
- b. Human Relations Commission – Marcia Levengood advised that the Martin Luther King, Jr. Day activities were discussed. She also acknowledged February as Black History month. The next meeting is February 12th.

February 6, 2019

c. Land Bank Report – Deb Penrod noted that two items are listed on the agenda for discussion. She added that a conflict of interest policy will be drafted and will address the public comments received. Ms. Penrod noted that the next meeting is February 25th.

d. Library – Ms. Penrod reported on new programs, upcoming events and fundraising activities. She confirmed that tax forms are available at the Library and a grant was received from the Health & Wellness Foundation in the amount of \$8,500.

e. Olivet Boys & Girls Club – There was no report.

f. Pottstown School District – Councilor Lindsay reported that she attended the January 17th School Board meeting, which included an award ceremony. She added that there was a discussion of reopening the former Edgewood School for the 5th graders.

MAYOR'S REPORT

Mayor Henrick reported on recent activities and the events she attended, including a meeting with students at the Library and the Elk Charity Ball. She added that she met with the Mayor of Royersford for a tour of Pottstown. The Mayor provided updates on the Rock the Block events and Americare. She also wished Weitzenkorn's well with its new endeavor and noted a yard sale at Hobart's Run on February 23rd.

MANAGER'S REPORT

Manager Keller reported on the productive meeting with the Montgomery County Tax Claim Bureau in conjunction with PAID and the School District regarding the declining assessments in the Borough. He also explained the submission of a Violence Prevention Grant, through the Pennsylvania Crime and Delinquency program, with the requirement that it be submitted through the municipality. Mr. Keller added that \$30,000 would be targeting for police foot patrol on nights and weekends.

Manager Keller advised that PECO will be replacing five miles of gas lines in 2019 beginning with High Street and portions of Hanover Street and paving will be coordinated accordingly.

POTTSTOWN'S TREE PROPOSAL

Thomas Hylton provided a brief outline of the history of the Shade Tree program since 1954. He added that for the last 35 years, he has been trying to maintain trees and keep an inventory of the trees and has used approximately \$225,000 of his own contributions. Mr. Hylton also noted that the \$500,000 was received through the Waste Management settlement and \$100,000 was geared for tree maintenance and provided to Trees, Inc. He added that he was advised by Mr. Keller that the Borough's tree fund exists for the maintenance of trees and there is presently \$30,000 in the fund. Mr. Hylton requested the \$30,000 to be provided to the Pottstown Tree Fund for the planting, removal and maintenance of trees in the public right-of-way. He further requested that any further funds be provided to Trees, Inc. which has been existence since 1984. Mr. Hylton confirmed that he will continue to provide documentation and correspondence to the Borough and any effected property owners.

February 6, 2019

PUBLIC HEARING LIQUOR LICENSE – MONTGOMERY LODGE, 605 WALNUT STREET

Solicitor Garner opened a public hearing at 7:30 p.m. to address the request of the Montgomery Lodge, 605 Walnut Street for approval of the transfer of the liquor license from the Gilbertsville Fire Company, identified as Catering Club Liquor License #CC1566LID3171. He stated that Borough Council is not the final decision maker but a necessary step under the Liquor Code as a pre-requisite prior to the transfer.

Solicitor Garner further advised that the completed request was received by the Borough on January 16, 2019 and Council has 45 days to act or render a decision to approve or deny the transfer of the license. Solicitor Garner requested comments from the applicant.

a. Salvatore D. Gambone, Real Estate Broker, 323 West Johnson Highway – commented that he has been selling liquor licenses for over 55 years and noted that he has never participated in the sale of a liquor license where it had been revoked. He explained that approximately 10 years ago, the officials of the Club turned operations over to a younger group of members, which resulted in mismanagement and the Liquor Control Board revoked the license. He also advised that the Club is owned by the members with no mortgage and is recommending that the members get a small mortgage to pay for the liquor license, pay outstanding taxes and make improvements to the outside of the building. Mr. Gambone confirmed that he is not a member of the Club and if approved, will work with an Attorney to prepare the necessary paperwork.

b. Vincent Artis, 604 North Charlotte Street – stated that he has been a resident of Pottstown for over 50 years and acknowledged mistakes have been made by the past administration of the Club. He added that he has met with the former and present Police Chiefs to discuss the new Action Plan for the Club. Mr. Artis also provided his background and participation in various committees within the Borough. He also reviewed and acknowledged the police statistics regarding the Club. Mr. Artis outlined the ongoing community activities for children and families conducted at the Club.

Solicitor Garner noted that Council may wish to establish a time limit for comments regarding the subject of the Montgomery Elks liquor license request.

President Weand requested a roll-call vote on setting a three-minute time-limit on comments.

Kirkland	no	Paez	yes
Kulp	no	Procsal	yes
Lebedynsky	yes	Weand	yes
Lindsay	no		

Motion carried: 4 ayes, 3 nays.

Solicitor Garner confirmed that there will be a three-minute time limit for comments.

a. Enid Dunmire Swinson, 661 Walnut Street – stated that she respected the community outreach of the members of the Elks Lodge. She added that the community has improved over the last several years since the Lodge had lost its liquor license. The late-night crimes, shooting and

February 6, 2019

home robberies have lessened. Her fear, without knowing the actual Action Plan, is if they would obtain a liquor license, the neighborhood would revert to its old ways and doesn't want to see that happen.

b. Dianne Krumm, 275 North Hanover Street – also congratulated the Club on its children-oriented events over the last five years. She added that as the Club's procedures are not completely set, there would be no reason to give the members a liquor license at this time and recommended a large bond be set in place and revoked when and if the first incident occurs.

c. Mary Walsh, 636 Walnut Street – stated that she has lived at this corner property for approximately nine years. She added that it has been quite quiet over the last four or five years. Ms. Walsh also suggested a proper plan wherein the Elks would close earlier so as not to hear police sirens in the middle of the night.

d. Preference Watts, 622 Walnut Street – stated that she works with Pottstown Score on cleaning up the community and helping veterans and the homeless within Montgomery County. She added that there is always a lot of chaos and noise around the Elks Club, including physical fights. She does not agree with allowing a liquor license on the premises, noting that there are already enough places around town to buy alcohol, including Redner's and Giant.

e. Christopher Carter, 622 Walnut Street – commented that he feels the Club should not get a liquor license, adding that they don't act as upstanding citizens when coming out of the Lodge. He added that there have been fights, with individuals left unconscious and others get in their cars and leave, with no assistance granted.

f. Gary Clifford, 605 Walnut Street – stated that a lot of things that happen in Pottstown are blamed on the Elks, even if a block or two away. He also noted that the kids leaving the Middle School on Franklin Street are tearing up property, police cars are coming by and asked who is getting punished if kids are walking in the street, the kids, driver or the Middle School. Mr. Clifford also stated that years ago, the Logan Bar got all the blame, but is no longer here. He added that the Lodge has been in the 600 block of Walnut Street for 50 years and those that just moved in knew that the bar was there.

Solicitor Garner noted the end of citizens' comments.

Councilor Kirkland advised that his wife went door to door to obtain comments and 75% of the neighbors complained about the club, vulgar language, disruptions during the night and all 75 % were against the liquor license.

Solicitor Garner noted that Councilor Kirkland is the ward Councilor of the ward, wherein the Club is located.

Councilor Paez stated that she lives near a bar on High Street that has constant fighting, adding that the Elks Club should be given at least another chance.

Councilor Procsal advised that he consulted with former Councilor Mark Gibson and

February 6, 2019

advised that there are many good people in the community, adding that the issue with the Club is when it rented space for private parties. He added that Chief Markovich also canvassed the neighborhood for comments.

President Weand questioned as to why there are still 16 police calls when the license was removed in 2014. He also questioned if the 35 active members can sustain the Club and the possibility of a temporary license.

Mr. Gambone responded that the 35 active adult members, along with their association of national organizations, be able to sign in social members. He also noted that the members have agreed to close at 11:00 p.m. and obtain background checks on members. Mr. Gambone noted that if not controlled, the Club could be closed quickly and lose its license again. Mr. Gambone added that there is no temporary license available and urged Council to provide a second chance.

Mayor Henrick commented that Mr. Artis met with the Police Chief and the former Chief and then the Club put a plan in place.

Chief Markovich added that Mr. Artis may have met with former Police Chief Drumheller to establish a plan. He added that he met with Mr. Artis and shared the statistical reports with him. He also noted that the public nuisance calls are not with the members but with participants of private parties on the weekends. It becomes an after-hours night club until 2:00 a.m. to 3:00 a.m. with no club members present.

Solicitor Garner advised that the Chief's written report will be part of the record.

Bishop Everett Debnam, 79 North Hanover Street – commented that he has been aware of the request as discussed with former Chief Drumheller, along with conversations with new Chief Markovich regarding the proposed action plan. He stated that he has seen improvements in the Club's organization and his concern is with the atmosphere of the community. Bishop Debnam acknowledged that the Club is in a busy residential area, but it is an organization of color and noted that any other organization under new management has been resolved and this Club is under new management and should be give another chance. He also stated that statements have been made by PDIDA members that individuals won't come downtown because of "those people." Bishop Debnam added that if this situation were three blocks down the street, this conversation would not be happening. He acknowledged the Club's accomplishments and past mistakes but it should be given a second chance.

Solicitor Garner closed the public hearing at 8:15 p.m. and advised that it should be listed for action on Monday, either to approve or deny the request.

ZONING ORDINANCE AMENDMENTS

Brian Olzak, Montgomery County Planning Commission, was present to provide an outline of the proposed amendments addressing use changes for permissions and restrictions. In addition, Mr. Olzak noted that the amendments will add additional definitions to new and existing uses. He also outlined the art, personal care uses, types of restaurants and establishments and to allow outdoor dining in the downtown. Mr. Olzak explained the proposed prohibitions in the downtown, such as pawn shops, check cashing establishments and tattoo parlors.

February 6, 2019

Solicitor Garner added that the drive-through prohibition will not affect existing establishments. He requested authorization to move forward with advertising a public hearing regarding these changes.

HANOVER SQUARE COMMERCIAL GROUP

Tom Burleigh, Project Manager for the Hanover Square Commercial Project, was present to request Council's approval regarding revisions to the building façade and elevation for Building B. Mr. Burleigh presented a rendering depicting the welcome sign to be erected in front of the building. He also explained the potential agreement with Ross, Quinn & Ploppert, Attorneys at Law for the first floor of the 192 South Hanover Street building. Mr. Burleigh advised that he and Attorney Ross have agreed on certain specifications on the building, one being to allow only one door opening to the building for clients on the south side of building and eliminating three retail entrances and retaining two emergency exits in the rear of the building.

Attorney Stephen Ross commented that his business has been in Pottstown since 2005. He noted that his proposal for the South Street building is to be unique and vintage and requested Council's support for this revised plan.

Solicitor Garner provided a brief background on the building as approved in 2006 with a former developer. He added that this plan may have certain zoning issues regarding the wall, windows and cutouts and will need approval through Licensing & Inspections Department.

President Weand commented that Council is not impressed with the proposed white siding visible to the entrance into the Borough and requested that applicant consider raising the amount of brick on the Hanover Street side to approximately 13 feet.

Mr. Burleigh agreed to consider revisions within costs and will request Council's consideration on Monday evening.

PRESENTATION – SCHUYLKILL RIVER GREENWAY

Elaine Schaeffer, Executive Director of the Schuylkill River Greenway and associates Le'Santha Naicher and Jody Wenzel, were present to outline two upcoming events. Ms. Naicher requested authorization from Council to establish a mural on the Schuylkill River Trail at Riverfront Park on April 27th. Two public meetings are scheduled for March 7th and March 20th.

Ms. Wenzel provided the proposed design on the trail, namely a tessellation.

Ms. Schaeffer requested Council's approval of a Parks on Tap event to be held in Riverfront Park, June 26th – June 30, 2019 and to authorize the use of alcohol in the Park. The event will also include free bike and free kayak rides. She added that a contract agreement is being finalized with the Philadelphia Park and Recreation and the Fairmount Park Conservancy.

President Weand noted that these would be listed for approval on the regular agenda.

February 6, 2019

GREATER POTTSTOWN TENNIS & LEARNING

Michael Lenhart provided an outline of the revised lease agreement with the Borough for the renovations at the Maple Street Park. He advised that an enclosed structure is being proposed to allow additional use of the courts. He added that mailings have been sent to neighboring residents and advised that one concern was noted regarding the view of the enclosure. Mr. Lenhart requested approval of the revised plan.

BID AWARD – POTTSTOWN MEMORIAL PARK – PHASE III

Mr. Keller advised that the bids were received last week and will have a recommendation for Monday's meeting.

MANATAWNY GREEN/MINIGOLF PROPOSAL

Mr. Keller reviewed the request of the Carousel to allow a lease agreement with the Borough for the operations of the Manatawny Green/ MiniGolf. He reviewed the statistics of the MiniGolf for the last few years, which has operated in a deficit, due mostly to staffing through a third party.

Solicitor Garner added that a draft agreement has been prepared to lease the golf course and surrounding areas for a three-year lease with additional terms and reviewed the terms of the agreement. He noted that the Carousel is under time constraints as the MiniGolf season is approaching.

ZONING REQUEST – SUPERIOR CREDIT UNION, 930 NORTH CHARLOTTE STREET

Solicitor Garner explained the zoning variance request of the applicant for an electronic sign at the 930 North Charlotte Street location.

President Weand requested that this be listed for a letter of support to the Zoning Hearing Board.

LAND BANK POLICIES AND PROCEDURES

LAND BANK INTERGOVERNMENTAL COOPERATION AGREEMENT

Mr. Keller reviewed the Land Bank documents and requested approval of the Policies and Procedures as approved by the Land Bank. He also referred to the Intergovernmental Agreement as approved by the School District.

Mr. Kirkland reiterated his concerns regarding a conflict with a member serving on this Board and the Hobart's Run Board.

MASTER TRAFFIC ORDINANCE AMENDMENT

Mr. Keller requested Council's authorization for the Solicitor to advertise the amendments associated with the implementation of the Park Mobile System.

February 6, 2019

KEIM STREET OVERLAY PROJECT TASK FORCE

Mr. Keller advised that a TCDI grant was received to work on the overlay district for the Keim Street corridor in preparation for the Keim Street Bridge 2020 construction. He requested Council's approval of the task force.

PLANNING COMMISSION APPOINTMENT

President Weand noted that Brian Hydier is requesting to be reappointed to the Planning Commission. No other applications have been received at this time.

HILL SCHOOL STREET CLOSURE – MAY 25, 2019

President Weand also referred to the request of The Hill School to close portions of Beech Street for its commencement exercises on May 25, 2019.

HALLOWEEN PARADE – OCTOBER 22, 2019

Mr. Keller referred to the application from the Parks & Recreation Department to request the closure of High Street for the Halloween Parade, October 22, 2019 and requesting a waiver of the \$100 fee as it is a Borough sponsored event.

These matters will be listed for action on the regular agenda.

COMMENTS FROM CITIZENS PRESENT

Councilor Kirkland reminded all the February is Black History month and provided a history and biography of Norma Sklarek, the first African American registered female architect.

COUNCILORS' GENERAL DISCUSSION

a. Michael Mauger, 822 Brookside Avenue – urged Council to not support the proposed Land Bank Policies and Procedures. He noted that he is in favor of the Land Bank but has concerns as to whom are eligible buyers of properties owned by the Land Bank. Mr. Mauger also referred to the Pennsylvania Land bank handbook by David Feldman and guidelines written by Winifred Branton.

EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 10:00 p.m. for a personnel matter.

ADJOURNMENT

President Weand adjourned the meeting at 10:15 p.m.

Attested,
Justin M. Keller, Borough Manager