

ORDINANCE REVIEW COMMITTEE MEETING MINUTES

Pottstown Borough Hall Council Chamber Room and Go-To Meeting
100 E. High St Pottstown, PA 19464
Wednesday, July 19, 2023, 2:00 pm

Councilors Present: Ryan Procsal, Trenita Lindsay, Dan Weand

Additional Present: Matthew Hovey, Assistant Borough Solicitor; Justin Keller, Borough Manager; Michael Markovich, Chief of Police; Michael Narcowich, Montgomery County Community Planning Commission; Keith Place, Director Licensing & Inspections; Winter Stokes, Zoning/Planning Administrator; and Peggy Lee-Clark; PAED

Meeting called to order by Mr. Procsal at 2:00 p.m.

I. Call to Order

II. Public Comment- None offered.

III. April 19, 2023 meeting minutes

A. Mr. Weand made a motion to approve the April 2023 meeting minutes, seconded by Ms. Lindsay. All in favor.

IV. Status of Recommended Ordinance Amendments:

A. Mr. Hovey advised the Committee that the Limited Lodging Rental Ordinance is pending administrative review.

V. Ordinance Review – Current Projects and Topics

A. Sidewalk Obstructions

Chief Markovich explained that complaints have been received about people setting up tables on High St and giving away free cell phones. The phones are a part of a government program. The phones are free, as is the service; however, they must use a phone provider to activate this free service. They were not selling anything or obstructing the sidewalk.

The Committee discussed the limitations of § 5507 of the PA Crimes Code, which relates to obstructing highways and other public passages, and § 214, Obstructions, of Part 2, Sidewalks, of Chapters 21, Streets and Sidewalks, of the Borough's Code of Ordinances. Neither of these enforcement options, as presently written, directly address the issue raised by Chief Markovich. Given the importance of this issue to Council, there is concern that the Borough's ordinance needs to be clarified to ensure that violations can be effectively prosecuted.

Mr. Hovey distributed a proposal which the Committee discussed at length.

Chief Markovich suggested revising the proposed language to substitute the word "use" for "obstruction" to avoid any confusion with § 5507 of the PA Crimes Code.

Mr. Keller proposed that expanding the exception to the prohibition to include an administrative approval by three departments (Police Chief, L&I Director, and Borough Manager) prior to obtaining a waiver from Council. Any use would require an annual permit, which must be displayed.

Mr. Keller also noted that the Solicitation Ordinance needs to be re-written in order to comprehensively address the issue of items being sold or distributed on sidewalks.

Mr. Weand made a motion to recommend a draft ordinance amendment prepared by Mr. Hovey which incorporates the discussed revisions to be sent to Borough Council for their review, seconded by Ms. Lindsey. The vote passed 3-0.

B. Sign Ordinance

Mr. Keller, Ms. Lee-Clark, Mr. Narcowich, Mr. Hovey, and Ms. Stokes next reported on a walking tour of the 0 -400 blocks of the Downtown to view existing business signage.

They shared the following observations and conceptual updates based on the tour:

- The tour helped in the understanding of the current code where we must consider both the number of sizes, percentage of coverage, AND a limit to the total square footage.
- “Total sign area” should be proportionate to the building.
- Consideration will be given to historic architectural signage. (Not counting them towards new signage installation.) These are signs which are an actual part of the building’s architecture.
- Consideration of using the Conditional Use process to allow flexibility is being considered.
- It was also discussed to use the architecture of the building when installing signage. Rather than cover it, work within it.
- Other municipalities incentivize the use of an image/logo (Target bullseye) rather than using words in signs. County Planning can provide more information on this if interested.
- Flag, sandwich board, and temporary signs (60 days) were discussed on this tour.
- Vacant store window film/signage was also discussed during the tour.
- Consideration of creating a street scape to use as a visual guide for new/existing businesses.

The goal is to have the new ordinance ready by the end of the year.

C. Electric Vehicles Charging Stations

The Committee next considered whether any ordinance amendments are needed to address the use and location of vehicle charging stations. Because of the built-out nature of the Borough which is densely populated, there are many properties which could not locate a private charging station in the rear of the property. Based on research performed by Mr. Keller, Ms. Stokes, and Mr. Place, the consensus was that no ordinance amendment is recommended. These property owners will need to utilize public charging stations similar to people who use gas stations. The Borough will research grants to place charging stations in municipal parking lots; however, placement of charging stations along public sidewalks will not be permitted. Mr. Keller said he has been speaking with PECO and state representatives on this issue to prepare for installation. Mr. Narcowich said municipalities that he has spoken with are focusing only

on public parking lots also. The group discussed the option of providing an incentive to install charging stations during future development projects.

D. Traffic Studies

Mr. Narcowich noted that our Code does not provide what is required to be included in a traffic study report. County Planning can provide a list of items that the feel be included, such as mitigation measures, etc. He will provide information for consideration.

E. Grocery Store vs Convenience Store Definitions

Ms. Stokes suggested that the definition of each be reviewed and clarified. This will be reviewed at a future meeting.

VI. Future Ordinance Amendments

A. Corner Lots

Ms. Stokes noted that other municipalities provide options for corner lots when considering the location of the rear yard vs side yard. This change is suggested to provide clearer guidance when placing a shed or other accessory structure.

B. General Licensing

This Ordinance deals with solicitation and should be updated in general.

Motion to Adjourn at 3:30 by Mr. Weand, seconded by Ms. Lindsay.

The next meeting is advertised for October 18, 2023, at 2:00pm.

WLS