UPPER MERION TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING AUGUST 15, 2019

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, August 15, 2019, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:44 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway, Greg Philips, Carole Kenney, and Tina Garzillo. Also present were: Anthony Hamaday, Township Manager; John Walko, Solicitor's Office; Rob Loeper, Township Planner; Mike Joyce, Assistant Township Engineer.

MEETING MINUTES:

It was moved by Mr. Jenaway, seconded by Ms. Garzillo, all voting "Aye" to approve the following meeting minutes: March 7, 2019 Workshop, June 20, 2019 Business, July 11, 2019 Zoning and July 11, 2019 Workshop as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Mr. Waks stated that an executive session was held prior to this meeting to discuss a legal and personnel matter.

NEW BUSINESS

CONSENT AGENDA RE:

- 1. Resignation of Todd Brown from the Planning Commission
- 2. Equipment Replacement Request re: Additional funds for the purchase of a plow package for truck to be used at Matsunk WPCC \$13,580.00
- 3. Resolution 2019-31 re: Resolution Accepting Deed of Dedication for Lafayette Ambulance Property 180 N. Henderson Road
- Resolution 2019-32 re: Disposition of Township Vehicles to Auction for a minimum sale value of \$16,650.00
- 5. Resolution 2019-34 re: Approve Sidewalk Maintenance Agreement with PennDOT 422 Schuylkill River Bridge, North Gulph Road at First Avenue
- 6. Approve Lease Agreement with Jules and Associates, Inc. for the Fitness Equipment at the Community Center 3-year lease in the amount of \$141.723.50
- Motion to Approve the Budget Guidelines for the 2020 Operating and Capital Budgets
- 8. Citizen Board Appointments:
 - a. Moira Ryan Student Position
 - b. Pepper Francis Student Position

Board Action:

It was moved by Ms. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 5-0.

RESOLUTION 2019-33 RE: UPPER MERION READY FOR 100 RENEWABLE ENERGY

Senator Daylin Leach spoke in favor of the resolution, noting such resolution has been considered and passed in a number of municipalities.

Senator Leach also expressed great appreciation to the Board for considering this resolution as it sets an example for other municipalities and people to make a difference.

Mr. Zachary Davis stated Ready For 100 is a campaign launched nationally by the Sierra Club that encourages municipalities to adopt an equitable and socially inclusive transition to a 100% clean and renewable energy that is mainly wind and solar based. The Sierra Club will provide tools and support for volunteers across the country to advocate for their municipalities for clean energy. To date over 120 municipalities as well as five states, Washington, D.C. and Puerto Rico have all adopted this resolution. There are 19 out of 120 municipalities in southeastern Pennsylvania as well as 10 in Montgomery County alone. Mr. Davis stated the need for Ready For 100 is due to the extreme weather across the country that is being caused directly by climate change and presented images showing intense flooding, wildfires, melting polar icecaps and the Gulf Coast during a hurricane. The extreme weather in our region is hitting hard. It was noted that southeastern Pennsylvania is relatively subject to heat waves, humidity, increased precipitation and inland flooding. Over the past few years alone there has been an increase in 21 inches of rain per year as well as a drastic increase in average temperature. Mr. Davis noted that this is a very pertinent issue to the region and showed pictures of a storm from last August in the King of Prussia area.

Ms. Alex Moulton explained the consequences if action is not taken. Climate change is changing the climate here in Upper Merion and that is having an impact on our health and ability to enjoy the outdoors. Climate change around the world will start to decrease the availability and raise the cost of food in our area. The expenses in maintaining our infrastructure and mitigating flood damage. Taking the next step to start to change the way energy is created and received will that lead to safer, cleaner and healthier communities. Over time there will be reduced costs and an increase in career opportunities.

Montgomery County as whole has committed to 100% wind energy. There are programs in place focusing on energy management, sustainability and resiliency. It was noted that there are similar state level efforts. Governor Wolf has established a Green Government Council which aims for a 26% reduction greenhouse gas admission by 2025 and 80% reduction by 2050. In additional, Penn Environment has helped draft and advocate for PA House Bill 1425 and Senate Bill 630 which will devise a statewide plan to transition to 100% renewable energy by 2025. Both of these measures are supported by our local State Representative and Senator Leach.

Board Comments:

Mr. Waks mentioned that at the most recent Workshop Meeting a more expended version of this presentation was given. He also noted that a resident messaged him a link where it stated that July was the hottest month ever recorded on Earth. Mr. Waks mentioned that the United States Department of Defense called global climate change one of the top national security threats of the twenty-first century.

Ms. Kenney expressed how pleased she was to have this resolution in front of the Board for action. Ms. Kenney also briefly went over some things the Township has done such as buy electricity from a 100% renewable electric company, green roofs at the Community Center, a free electric charging station for electric cars, LED light throughout the Township, and are a bronze member as part of the SolSmart to help residents and businesses who want to install solar on their homes or businesses. Ms. Kenney stated taking this step sets an example for anyone trying to get into renewable energy.

Mr. Philips stated he was in support of this resolution for similar reasons but more so from a security standpoint. In Norfolk, Virginia, the piers are often

underwater because of the high-water levels and that is a problem from a security standpoint. The warmer temperatures mean burnout crops and in turn that means less food to go around and so food security is at risk. Mr. Philips made an emphasis that this is hitting home and expressed pleasure that the Township is taking action.

Mr. Jenaway also announced his support for this resolution but also wanted to make the public aware that with every type of new technology comes some new associated risk with it. He urged those interested in solar panels to work with a reputable firm and take into consideration the risks involved.

Public Comments:

Mr. Bill Saby, a non-resident from Plymouth Township, stated he has been involved with Ready For 100 for about two years and expressed his excitement with Upper Merion Township being the 20th community in southeast Pennsylvania, the 11th in Montgomery County to adopt the resolution.

Board Action:

It was moved by Ms. Kenney, seconded by Ms. Garzillo, all voting "Aye" to approve Resolution 2019-33 and adopt Ready For 100 as presented. None opposed. Motion approved 5-0.

TOP GOLF DEVELOPMENT PLAN: 588 N. GULPH ROAD, DEMOLITION OF EXISTING ABC CENTER AND CONSTRUCTION OF A 68,000 SF TOP GOLF ENTERTAINMENT/RESTAURANT FACILITY. 23.61 ACRES, KPMU KING OF PRUSSIA MIXED USE DISTRICT. PLAN EXPIRATION 8/16/19 RESOLUTION 2019-30

Mr. Loeper stated the application was submitted by Provco Pinegood Golph, LLC which is a local company based in Villanova in conjunction with TopGolf, a national company. The location is at the corner of North Gulph Road and First Avenue, directly across the casino and hotel. The proposal is to demolish the American Baptist Center and build a 68,000-sf three-story building, with associated parking, and stormwater management. The facility will have 102 bays for hitting which will look similar to a bowling alley and each can accommodate six people. The idea is to hit balls to targets that are in the outfield. The scoring is done electronically. In additional to golf, the facility will have various meeting spaces as well as patio restaurants and bars for the convenience of the guests.

Mr. Loeper noted that in working with the applicant, they worked very diligently to work with the Township and to work with various people to get this plan to a position where they actually got support from groups that were once in opposition that included the National Park and the KOP Bid. It was also mentioned that the applicant is proposing a rather extensive portion of the trail along their property line. The applicant technically has a waiver from the sidewalk provision but it is a partial waiver in that it is not a traditional sidewalk. It will be an asphalt trail as opposed to a concrete sidewalk. Lighting was also a major concern and it was stated that the playfield is all lighted from within the building from lights that shine down onto the field. The applicant has also agreed to provide a pedestrian crosswalk midblock on First Avenue and would connect to the Valley Forge Casino. The crosswalk would have to be built in accordance with PennDOT standards. The impervious coverage of the plan is going to be reduced significantly. Currently it is 473,000 sf and it will be going down to 405,000 sf which is about an acre and a half of impervious space. The building coverage is also reduced from 143,000 sf to the proposed 22,000 sf.

Mr. Todd Waldo from Top Golf, 8750 North Central Expressway, Dallas, Texas, stated this project would bring in one of the first Top Golf's to the greater Philadelphia area in partnership with Provco. Mr. Waldo expressed gratitude and

commended the Township staff for their level of professionalism stating they were a pleasure to work with during this process. Mr. Waldo went over information about Top Golf stating Top Golf is a global entertainment community with over 19 years of operating history and over 20,000 associates. Since the last time Top Golf met with the Board of Supervisors, two new venues have been opened in the United States. There are 56 total venues with 52 in the United States and four international locations. Over the past few years there has been a growth pattern with goals of opening seven to ten venues per year. Top Golf has strategic partnerships with the PGA Tour, PGA of America, LPGA and First Tee. The applicant is looking to invest over \$35 million in this proposed development. As a result of this, there will be a creation of up to 450 permanent jobs with a third of those jobs being fulltime positions, and 270 jobs in addition would be created during construction. Over a ten-year period, the direct fiscal impact of Top Golf is upwards of \$30 million and the local economic impact of the same period of time is upwards of \$250 million.

Top Golf has been known for becoming a premier destination for corporate charity and group entertainment. Top Golf is committed to growing the game of golf and it appeals to all ages and skill levels. It was noted that over 50% of guests are non-golfers. The bays are charged on a hourly basis making it affordable along with all golf equipment being provided. Mr. Waldo also stated the Directors of Operations try to engage the local community prior to the grand opening to determine local non-profit organizations and charities for all of associates to become involved in. There are various events hosted at Top Golf such as corporate events, specialty fundraiser nights, birthday parties, weddings as well as a Tour that is promoted on the Golf Channel. Mr. Waldo briefly reviewed the prototype that is being proposed stating it is a very contemporary, modern design, with a lot of articulation with some of the exterior building design.

Chairman Comments:

Mr. Waks mentioned that this presentation was also seen at a Workshop meeting and had initially heard about Top Golf potentially coming to King of Prussia in an article he read about a year or two ago. Mr. Waks commented on how thorough and comprehensive the presentations have been at both the Workshop and tonight's meeting. He then asked why the King of Prussia location was chosen and Mr. Waldo responded it is a great market and suburb. It was also noted this market has been evaluated for many years. Mr. Waldo stated they were thankful to have found a partner and a site that meets all the parameters. Mr. Waks asked if approved tonight, when is construction expected to begin and Mr. Waldo stated if approved there is still a long way to go however they are hopeful to open sometime in 2022.

Ms. Garzillo also reiterated what Mr. Waks stated regarding the presentations being very thorough and expressed appreciation for the time and effort that went into the presentation. She also stated she was very pleased with the asphalt walkway that goes around the perimeter of the property. Ms. Garzillo asked for a breakdown of the 450 jobs that will be offered and Mr. Waldo responded a third of those jobs are fulltime jobs, manager level, director level, and part time positions as well. Ms. Garzillo asked what events the venue can be rented for and Mr. Waldo stated different organizations have rented the entire venue, typically there is 3000 sf of event space that can be used for private parties. He also noted the restaurant experience its top-notch with executive chefs and a high quality of food. Ms. Garzillo asked if personal equipment could be brought and it was stated that people are encouraged to bring their equipment however equipment is provided at the venue for the general public. Ms. Garzillo inquired about hours of operation and Mr. Waldo stated that on average standard hours of operation are Sunday through Thursday from 8 a.m. to midnight and Friday and Saturday have extended hours from 8 a.m. to 2 a.m.

Mr. Jenaway commented that he saw Mr. Waldo at three Planning Commission meetings and at each meeting the Planning Commission would find a new challenge for him to overcome but he went beyond with each challenge in particular with regard to the trails and sidewalks. Mr. Jenaway expressed gratitude for taking the time to address all those questions and challenges.

Ms. Kenney expressed gratitude for the presentation and asked how many people would be coming to Top Golf on a daily or weekly basis and how that would impact traffic and if a traffic study would be done. Mr. Waldo responded a traffic study has been submitted and are a very low intensity traffic use and that is because peak hours are off peak hours for office and retail and so users are captured on their way home from work or on the weekends after the rush of the 8 a.m. to 12 p.m. hours. Generally, after lunch is when the bigger crowds come in upwards of a few hundred to at capacity on the weekends a thousand people at the venue.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve Top Golf Development Plan, Resolution 2019-30 as presented. None opposed. Motion approved 5-0.

PUBLIC HEARING RE: ORDINANCE FOR RENEWAL OF THE KOP BUSINESS DISTRICT

Mr. Walko opened the hearing by stating this is a public hearing pursuant to the Pennsylvania Neighborhood Improvement District Act to consider a plan for the reestablishment and five-year renewal of the King of Prussia Business Improvement District for a period from May 27, 2020 to May 27, 2025 and for the appointment and re-designation of the King of Prussia Business Improvement District as the Neighborhood Improvement District Management Association including but not limited to improvements, programs, services under the plan as well as boundaries and mapping of properties subject to assessment within the service area of that proposed district. Mr. Walko then introducing the following Exhibits: Board Exhibit 1 is the Renewal Plan Packet that was circulated by the King of Prussia District, it includes an introductory letter to the impacted land owners, the Renewal Plan itself, the King of Prussia boundary map, a list of assessed properties, the King of Prussia District bylaws which includes the amendments and revisions and the 2019 King of Prussia District Annual Report to the Community; Board Exhibit 2 is the Legal Notice for tonight's hearing; Board Exhibit 3 is the Proof of Publication of Tonight's Hearing in the Times Herald which was Published on July 31, 2019. Mr. Walko turned it over to Mr. Goldstein the Executive Director of the King of Prussia District to provide an overview of the purpose of this hearing.

Mr. Goldstein stated the King of Prussia District was created in 2010 by the Upper Merion Township Board of Supervisors and a concerned group of property owners at the time coming out of the recession of 2007-2008. After a couple of years of talking it was determined that the way forward for King of Prussia was to try to put together a group that engages public and private partners to improve the economic environment in King of Prussia by making it more vibrant, attractive and prosperous. The area that was laid out back in 2010 included 1900 acres which included the Business Park at First Avenue and Allendale Road, the King of Prussia Mall and all the surrounding commercial property, the Village at Valley Forge, the entire Route 202 corridor from Gulph Road intersection to Saulin Boulevard and all of South Henderson Road from Route 202 down to the intersection of Gulph Road and all of South Gulph Road. Currently there are 306 commercial properties owners that pay a fixed assessment fee which has never increased nor is it being proposed to increase that in the next five years. One of the commitments the Board and Staff made to all of the stakeholders was that they would use their resources to leverage other

resources so they would go after grants, corporate sponsorships to leverage their dollars and make projects a whole lot better. In 2010 there were five programs that were laid out by the Board of Supervisors at the time and the initial Board of Property Owners. The programs were what everyone thought at the time were the right things to address to help fix the challenges that were occurring in 2010 in Upper Merion Township. Those include transportation, land use and zoning, physical improvements, marketing and communications and tax policy. It was noted these are very different from what business improvements districts typically do. In fact, this business improvement district (BID) is highly unusual and in the United States they are one of a handful operating in a suburban setting. Most business improvement districts operate in urban settings or small-scale main streets.

Mr. Goldstein went over the business improvement district's accomplishments such as the King of Prussia Rail because it helps reduce traffic and congestion especially since Upper Merion Township is not going to stop growing. One of the ways to control growth is to have that growth occur along infrastructure that can handle it. The BID has been a major driver of the King of Prussia Rail Coalition which just put together a Regional Coalition with members including Downtown Philadelphia, University City, colleges and universities along the Mainline, unions, non-profit organizations, and the King of Prussia District are all partnering together to fund an advocacy campaign. The BID has also successfully raised money for and designed and paid for engineering services and helped managed the implementation of that First Avenue road dial. This was in partnership with the Township. Moore Park slim ramp is another project worked on to try and get more cars off the road by delivering a couple thousand cars per day directly into the business park without having to use all the local roads.

Back in 2011 conversations began regarding rezoning the business park and after three years, the BID finally worked with the Township to pass the King of Prussia Mixed Used Zone. Mr. Goldstein noted this was a terrific way to add value and residents as well as give employees in the business park housing which is critical to reduce traffic and congestion. In regards to business tax, through a study it was found that King of Prussia was the sixth highest tax burden on business out of the ten largest centers. This effected the growth of the Township and so now King of Prussia is the third lowest tax burden on businesses. The BID has developed a number of other programs to help enliven the business community area such as Beer Fest, Yoga Happy Hour, Restaurant Week and the concert series in the business park. In addition to supporting the BID's programs, they also support other organizations in the community through sponsorships and participation in community activities like Upper Merion Township Concert Under the Stars, National Night Out, the Valley Forge Revolutionary Run, the Holiday Drive. The BID also provides scholarships to students and teachers on a competitive basis. In 2014, when the first survey was done, there were only 385 outdoor dining seats in King of Prussia, today there is almost 1200. Mr. Goldstein stated eight multifamily housing communities have been added in Upper Merion Township. It was further noted that prior to the development of the first one there has not been a family residential housing development built in Upper Merion Township in almost twenty years.

For 2020 to 2025 the BID is asking the Board of Supervisors to actually allow the BID to expand by adding the Renaissance portion of Upper Merion Township and the GSK site which represents about 2 million square feet. It is also being asked to approve expanding the land use classification codes. Geographic expansion as well as the inclusion of industrial properties and multifamily residential properties that are located within the BID's boundaries only. There has to be other means for increasing the revenue for the organization so expansion and growth can continue. The expansion will take the BID from a little over \$1.2 million in base assessment revenue to a little under \$1.8 million in base assessment revenue. It will bring the BID's properties from 306 up to 434. Mr. Waldo stated the BID will continue to work in all these areas mentioned. Mr.

Waldo recognized his staff as well as the members of the Board of Directors and presented a video his team prepared. With no further comment from the Board or public, Mr. Walko closed the public hearing, adjourned back into the public meeting and stated this ordinance is now in the position to be voted upon by the Board as presented as final.

Board Comments:

Mr. Waks discussed the great many benefits the BID has brought to the community including job growth and amenities for the residents as well as the fact that taxes have not increased in nine years mainly due to the increased revenue which is driven by the businesses coming into Upper Merion Township. Mr. Waks also stated that back when the BID first came to the Board of Supervisors, the Board then was thrilled to approve and support it and he feels the same way now.

Mr. Philips stated that when he first moved to Upper Merion Township, the mall was the main biggest driver along with two business parks. Today there is more than the mall and a major reason for that is due to the BID. Mr. Philips expressed how he hopes to see more growth to benefit the community's future generations. He also expressed gratitude and stated his support for the BID.

Ms. Kenney also stated she supports the BID renewal but when it was first established she was not convinced on the project and this was mostly due to the vacancies at that time. Since then the vacancies have dropped tremendously and in 2015, she was in support of the renewal due to the benefits it brought. Ms. Kenney mentioned a few things she wants to see from the BID such as more effort to go out and proactively get more retail and restaurants people can walk to from the new apartments, hotels and office buildings that are missing. Also, for the BID to look into businesses to fund the Connector rather than the Township. Ms. Kenney also asked for the BID's support in the RF 100 as this is the wish of the Board, to improve the environment for the entire Township.

Mr. Jenaway congratulated the BID for all its successes over the past decade. He also expressed gratitude to the BID for everything they have done to make the Township outshine peer communities and metropolitan Philadelphia. Mr. Jenaway did mention that he would like to see the Board and BID get together on the vision moving forward.

Ms. Garzillo mentioned that the BID has brought diversity and there is more than just the mall for tax revenue. She stated there must be more focus to the current, as in the Connector because even if the King of Prussia Rail does happen, is way down into the future. Ms. Garzillo stated she loves the plantings that were done along the corridors and it makes an impact on the community. She also agreed with Mr. Jenaway's comments regarding more dialogue between the Board and the BID would be more helpful.

Public Comments:

Mr. John Bounder, from Industrial Investments, representing 711 First Avenue, 201 S. Gulph Road and 450 S. Henderson Road, which are three industrial properties that are proposed to be added to the BID. He commented on the hard work from the BID over the past ten years and stated that although their properties were not within the district, they have always been included in the discussions that involved their properties. Mr. Bounder then asked how would he know that his properties interests are being presented and Mr. Waks responded that he can always reach out to the Board of Supervisors. It was then asked if industrial representation would be added to the Board and Mr. Waldo responded that should the renewal be approved, discussion regarding how to add representation based on the new land use classification and new geographical area will have to be addressed. Ms. Kenney added, there is no reason they

would want to hurt the stakeholders in the Township as they are a very important part of the businesses in the Township.

Ms. Alice Budno Hope, President of the Upper Merion Area School Board of Directors and the current Vice President of the Upper Merion Area Community Covert, expressed her support of the BID and all the support the BID has given the organizations she is involved in.

Mr. Edmound Campbell, resident and representative of the owners of GSK West Campus and owners of 14 buildings in Renaissance, congratulated and expressed gratitude to the BID on the work that they have done over the last 10 years and the present and prior Boards for thinking outside of the box for recognizing the BID as a vehicle to strengthen the community.

Mr. Dan Hershberg, owner and founder of Workhorse Brewing Company, expressed appreciation and support for the BID and the support they received from them.

Mr. Andy Rall, legal counsel for the King of Prussia District, expressed gratitude to the Planning staff, the Solicitor's office and the Board of Supervisors for working with the BID. He also stated the approval of the plan as final would be the action point requested tonight as it has to be forwarded to all 400 plus properties.

Ms. Holt, representing a multi-family housing owner, expressed support and how supportive the BID has been organizations.

Board Action:

It was moved by Mr. Philips, seconded by Ms. Kenney, all voting "Aye" to approve the Ordinance for Renewal of the KOP Business District as presented. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Philips, seconded by Ms. Kenney, all voting "Aye" to approve the Accounts Payable and Payroll. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS:

National Wellness Month

Mr. Philips encouraged residents to take advantage of any of the 25 classes or programs at the Community Center.

Philadelphia Police Officers

Mr. Jenaway, on behalf of the Board, expressed heartfelt care and concern for all the police officers and other personnel in the city of Philadelphia for the terrible incident that occurred and hope for their recovery.

Planning Commission Vacancies

Mr. Jenaway announced with the resignation of Todd Brown from the Planning Commission, there are now two openings in Upper Merion Township Planning Commission and encouraged residents to apply.

Smoke Alarm Blitz

Mr. Jenaway announced that August 24, 2019, Upper Merion Township

Fire & Rescue Services will be holding the final Smoke Alarm Blitz for this year and will be held in the Candlebrook Elementary. They hope to complete their goal of installing 1000 smoke alarms in Upper Merion Township for 2019.

Concert Under the Stars

Ms. Garzillo stated the 35th year of Concert Under the Stars has now been completed with a record crowd of approximately 600. She congratulated the Park and Recreation department for their success.

First Day of School

Ms. Garzillo announced the first day of school is August 26, 2019 and reminded the public to be aware of the children walk and school buses. She also wished students a successful school year.

Community Pool

Ms. Garzillo reminded the public that with school starting, the Community Pool's hours have changed. It will be open through Labor Day weekend, Saturday through Monday and then the hours will be shifting.

Upper Merion Foundation

Ms. Garzillo stated the Upper Merion Foundation is once again doing some restaurant fundraisers and the next two coming up will be at Chili's on September 24, 2019 and the California Pizza Kitchen on August 29, 2019.

EAC Network Conference

Ms. Kenney announced that Upper Merion has been chosen to be the site for the EAC Network Conference on May 2, 2020. This is a statewide conference and all EAC members are invited as well as municipal representatives who are interested in environmental matters.

National Night Out at the King of Prussia Mall

Mr. Waks expressed appreciation to the Upper Merion Police Department and Upper Merion Police Association and everybody who participated in that event.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 10:31 p.m.

ÁNTHONY HAMADAY TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered:

