

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
July 21, 2010

CALL TO ORDER

President Moore called the meeting to order at approximately 7:10 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkesburg, PA.

ROLL CALL

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Ervin, Ms. Evans, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin and Council President Moore. Also present were Marla P. Marcinko, Borough Manager and Isobel Storch, Esquire from the Law Offices of Patricia McGrail, Borough Solicitor. Ms. Trice and Mayor John Thompson were absent. A quorum was established.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Lillian Hawkins – 1419 Sloan Ave. – (Ms. Trice arrived at approximately 7:12 PM) Ms. Hawkins advised that her homeowner's insurance company refused coverage for potential tree damage. Ms. Storch advised that the Borough is not responsible for trees on private property and differentiated between street trees and trees on private property. Mr. Lewis inquired as to the Borough's policy on expending resources to remove dangerous/hazardous conditions. Ms. Marcinko commented on a hazardous condition at 814 Holland Ave wherein a chimney was removed from a private property due to bricks falling from that chimney onto property which is designated for public use, specifically the community garden on Franklin Ave. The chimney was inspected by the Borough Engineer and its removal was recommended as it was considered to be a threat to public safety. Ms. Trice questioned the decision to remove trees on S. Braddock some time ago. Ms. Ervin questioned Council's intention with regard to Ms. Hawkins situation. Mr. Cohn commented that there are many situations similar to Ms. Hawkins and expressed concern that responses to every request of a civil nature may set a costly precedent. Ms. Storch commented on the liability concerns with tree removal on private property and recommending the Borough not engage in that activity unless there is a threat to public safety. Mr. Lewis commented on his concern with the process of determining the Borough's distribution of services. Ms. Evans suggested meeting with the magistrate and see what process may be available to residents. Mr. Cohn suggested there may be someone willing and able to assist Ms. Hawkins with removal of the tree. Ms. McCarthy-Johnson suggested KEYS AmeriCorps volunteers may also be able to help.

Roger Baker – 500 Todd St. – Presented a proposal for Children/Youth Housing Development Corporation. He requested that Council review the information and contact him with questions.

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Ernest Jones – 563 Princeton Blvd. – Questioned the amount of revenue generated for the Borough as a result of the recent film production using Borough streets. Ms. Marcinko advised that there is no fee for street closures and that the production company was charged for traffic control services and use of Borough parking lots. Ms. Marcinko further commented that it is her hope that the production company had a positive experience in the Borough and that there may be additional opportunities in the future with this production company and others. Mr. Lewis commented that the production crew would utilize the Borough's products and services to give local businesses a boost. Mr. Cohn commented on the need for a movie production fee structure.

Art Hicks – 571 Princeton Blvd. – Commented that improvement is needed on promotion of community events and questioned the status on discussions on contracted fire protection services with the City of Pittsburgh. He further commented that it appears that resources in the Department of Public Works are limited. He reported that there is a tree in the 500 block of Princeton Blvd which is leaning across the street. He reported large potholes at the intersection of Traymore and Shelbourne Streets and requested they be filled. He questioned whether the Borough has Code Enforcement Officers. He commented that the resurfacing on Graham Blvd. and Laketon Rd. looks good. Finally he reported that there is a swimming pool next door to his house with stagnant water.

Shirley Doubt – 1726 Wright St. – Expressed concern regarding the condition of 1800 Wright St which has a driveway full of debris. She commented that the owner of 1800 Wright Street was cited and issued a \$25.00 fine. Mr. Cohn commented that there may be volunteers who can help with cleanup of the property. Ms. Evans commented that the amount of the fine issued is not sufficient to force action.

Seth Cullens – 812 Hill Ave. – Director of Children's Martial Arts Program on the Northside is interested in bringing a similar program to Wilkinsburg. He is also interested in building a pen for hens in his backyard. Mr. Cohn commented that chickens are not currently permitted in the Borough but that he is working on legislation to permit poultry. Ms. McCarthy-Johnson commented on her efforts with after school programming and youth initiatives and suggested that Mr. Cullens attend the upcoming Youth Forum being sponsored by the Wilkinsburg Weed & Seed Initiative. Ms. Ervin inquired if there would be a public hearing on the proposed poultry ordinance and commented on the dangers of hazardous trees.

Wanda Young-Metz – 415 Kelly Ave. – Expressed concern regarding the flow of traffic on Kelly between Pitt and West Streets. She lives across from Kelly School and her car has been hit by vehicles. She stated that she had filed a police report. Ms. Moore suggested that these issues may best be addressed by the Wilkinsburg School Board or their administration. Ms. Evans commented on problems created when cars are double parked in the fire lane. Council President Moore will supply Ms. Metz' contact information to the Chief of Police.

Greg Whitted – PHDA – Shared with Council a publication from HUD through the Office of Policy Development and Research.

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Kate Luxemburg – 432 Rebecca Ave. – Commented on the expenditure of Borough funds for the chimney removal to benefit a profit-making business. She advised that she will be requesting list of complaints received on a quarterly basis.

Linda Law – Hosanna House is celebrating their 20th Anniversary on Aug. 20, 2010. Ms. Law shared posters advertising the event.

ORDINANCES ON FIRST READING

**Ordinance No. 2844
Removing Handicap Parking Space 1357 Laketon Rd.**

Moved: Ms. Ervin

Second: Ms. Macklin

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

ORDINANCES ON SECOND READING

**Ordinance No. 2843
Establishing Handicap Parking Space – 1004 Coal St.**

Moved: Mr. Lefebvre

Second: Ms. McCarthy-Johnson

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin, Mr. Lefebvre, Ms. Macklin, President Moore

Motion carried

RESOLUTIONS

**10-078
Approving Council Meeting Minutes of 06/02/10 and 06/16/10.**

Moved: Mr. Lewis

Second: Ms. Evans

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Mr. Lefebvre, Ms. Macklin, President Moore

Abstain: Ms. Ervin

Motion carried 8:0 with one abstention

10-079

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The Wilkinsburg Borough Council hereby approves the June checks issued in the amounts as follows:

Regular Distributions 06/01/10-06/30/10	\$ 554,133.97
Payroll Disbursements	\$ 342,810.09
Voided Checks	\$ (298.20)
Total	\$ 896,645.86

Moved: Mr. Cohn

Second: Mr. Lefebvre

Yes: Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre, Ms. Evans, President Moore

No: Mr. Lewis, Ms. Macklin, Ms. Ervin, Ms. Trice

Motion carried: 5:4

10-080

The Wilkinsburg Borough Council hereby authorizes the Turtle Creek Valley Council of Governments (TCVCOG) to award the CD 36 Singer Place Drainage project to Fracassino, LLC in the amount of \$6,040.00.

Moved: Ms. Trice

Second: Mr. Lewis

Yes: Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Evans, President Moore

Motion carried

10-081

Resolution of the Borough of Wilkinsburg authorizing the filing of an application for funds with the Allegheny County Department of Economic Development for Demolition in the amount of \$200,000.

Moved: Mr. Cohn

Second: Ms. Trice

Mr. Cohn questioned whether the abandoned structures inventory is being updated and suggested that it be updated bi-annually. President Moore questioned the need to review structure condition and amend the priority structures as need. Ms. Trice commented that she spoke with the Borough Engineer regarding the deteriorating condition of 1212-1214 Hill Ave.

Yes: Mr. Cohn, Mr Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Trice, President Moore

Motion carried

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Mr. Lewis requested a Consent Agenda for Resolution 10-082 through Resolution 10-087.

CONSENT AGENDA

10-082

Resolution of the Borough of Wilkinsburg authorizing the filing of an application for funds for Rosa Parks Playground Improvements with the Allegheny County Department of Economic Development in the amount of \$119,000.

10-083

Resolution of the Borough of Wilkinsburg authorizing the filing of an application for funds for LED Street Lights with the Allegheny County Department of Economic Development in the amount of \$170,000.

10-084

Resolution of the Borough of Wilkinsburg authorizing the filing of an application for funds for Engineering for Underpass Renovations with the Allegheny County Department of Economic Development in the amount of \$110,000.

10-085

Resolution of the Borough of Wilkinsburg authorizing the filing of an application for funds for the Wesley Street Slide with the Allegheny County Department of Economic Development in the amount of \$300,000.

10-086

Resolution of the Borough of Wilkinsburg authorizing the filing of application for funds for the Mill Street & North Avenue Retaining wall with the Allegheny County Department of Economic Development in the amount of \$12,000.

10-087

Resolution of the Borough of Wilkinsburg authorizing the filing of an application for funds for Street Reconstruction with the Allegheny County Department of Economic Development in the amount of \$480,000.

Moved: Mr. Lefebvre

Second: Mr. Lewis

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, President Moore

Motion carried

RESOLUTIONS

10-088

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Determining and declaring those structures on the CD 37 Demolition List, individually and collectively to constitute blighted property in the Borough as defined by the Urban redevelopment Law.

Moved: Ms. Macklin

Second: Mr. Lewis

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin, Mr. Lefebvre, Ms. Macklin, President Moore

Motion carried

10-089

Granting approval to Whitney Avenue Art Gallery for a street closure on July 31, 2010 between the hours of 4:00 p.m. and 9:00 p.m. on Whitney Ave. between Center Street and the busway for the purpose of celebrating the Whitney Avenue Art Gallery.

Moved: Ms. McCarthy-Johnson

Second: Ms. Evans

Yes: Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, President Moore

Motion carried

10-090

Granting approval to St. Stephen's Episcopal Church for a street closure on August 5, 2010 between the hours of 4:00 p.m. and 8:00 p.m. on Pitt Street for the purpose of the final celebration for Peace in the Park.

Moved: Ms. McCarthy-Johnson

Second: Mr. Cohn

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

10-091

Authorizing the award of the purchase of 2,400 smoke detectors at a unit price of \$9.55 (\$22,920.00) and 240 carbon monoxide detectors at a unit price of \$18.85 (\$4,524.00) to Scott Electric.

Moved: Ms. Trice

Second: Mr. Cohn

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Ms. Ervin questioned if this would be funded through grant proceeds. Ms. Marcinko answered affirmatively. Ms. Macklin requested a friendly amendment to include in the resolution that the equipment would be purchased using grant proceeds. Ms. Trice and Mr. Cohn agreed to the friendly amendment.

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, President Moore

Motion carried

10-092

Authorizing the award of the purchase of 816 vocal smoke detectors at a unit price of \$32.00 (\$26,112.00) to REDDCO, Inc. paid for through proceeds of a grant.

Moved: Ms. Macklin

Second: Mr. Cohn

Yes: Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Evans, President Moore.

Motion carried

10-093

Authorizing the Turtle Creek Valley Council of Governments to award the contract for the demolition of 7962 Tioga Street in Wilkinsburg to W&J Contractors in the amount of \$32,900.00.

Moved: Ms. Trice

Second: Ms. Macklin

Council President Moore questioned if this included all the structures and Ms. Marcinko replied that all structures are included under one property address. Mr. Lewis questioned whether the remaining funds, the difference between the approved amount and amount bid, could be utilized for another project. Ms. Marcinko advised that the Borough Engineer is pursuing this with the County.

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

OLD BUSINESS

Ms. Macklin commented that the magistrate dismissed the ticket issued to Ms. Jones on Princeton Blvd, as the issuing officer was not in attendance at the hearing. Ms. Macklin requested that the Borough reimburse the towing charge paid by Ms. Jones as she

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contended that the ticket was issued in error. Mr. Lefebvre advised that he spoke with the Chief of Police and the officer who initially issued the ticket will be reissuing it.

Ms. Trice expressed concerns regarding the accumulation of tires and debris at the DPW garage.

A motion was made by Mr. Lefebvre, second by Mr. Cohn, to authorize the advertisement of an ordinance to provide for the removal of metered parking on Wood St., between Stoner Way and Penn Ave., east and west sides, and replace no parking at all times.

Questions were raised regarding alternate parking for businesses and whether discussions had been held on this subject with the business owners.

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. Macklin, Mr. Lefebvre, President Moore

Ms. McCarthy-Johnson was not in the room to cast her vote.

Motion carried

Council President Moore requested an executive session to discuss a personnel issue.

NEW BUSINESS

Mr. Lefebvre announced that the Associated Artists of Pittsburgh is hosting their 100th anniversary. A local artist and Wilkesburg resident, Dirk Vandenberg, has been selected to display a piece of work in the show which will be on display from July 24, 2010 through September 17, 2010 at the Carnegie Museum of Art with the opening to be held on Friday. The name of the piece which is a photographic collage is "City Without Art".

Council President Moore read the Barbara Garlington story from the House of Bread Outreach in Wilkesburg. She is serving at risk men, women and children. The contact phone number is 412 731-6221. Mrs. Garlington is a Jefferson Award recipient.

Adult Library Report:

Council President Moore reported:

- The Library has two volunteers this summer.
- The Library Board met with Representative Joseph Preston last Monday to discuss the possible acquisition of the Eastridge branch building.

Ms. Ervin commented that Barbara Garlington is the wife of Pastor Garlington of Covenant Church.

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Ms. Marcinko advised Council that the Borough Engineer had conducted a study of the need for residential permit parking on the eastern side of Laketon Road between Marie and Winton and determined that same was warranted.

A motion was made by Mr. Lewis, second by Ms. Trice, to authorize the advertisement of an ordinance to establish residential parking restrictions on the eastern side of Laketon Road between Marie and Winton Streets between the months of April and November and between the hours of 5:00 PM and 12:00 AM.

Moved: Mr. Lewis

Second: Ms. Trice

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

Council recessed to executive session at approximately 9:05 PM.

Council came out of executive session and the meeting reconvened at approximately 9:37 PM.

ADJOURNMENT

Being no further business, on motion by Mr. Cohn second by Ms. Ervin the meeting was adjourned at approximately 9:38 P.M.

Eugenia Moore, Council President