

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
May 19, 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., Wilkinsburg, PA.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, Ms. Evans requested a moment of silence in memory of John Metzler, Urban Tree Forge. Ms. Trice requested a moment of silence in memory of Mr. Yarborough who was a Borough resident involved in a fatal incident in Washington County.

PUBLIC COMMENT

Ernest Jones – 563 Princeton Blvd. – Expressed concern regarding an incident on Princeton Blvd wherein an authorized vehicle was towed from a handicapped parking space. He requested that the ticket be voided and that the towing costs be paid.

Art Hicks – 571 Princeton Blvd. – Expressed concern about the same issue as Mr. Jones and the reaction of the police officer. He advised that there are vacant houses in the 600 block of Shelbourne Street with handicapped parking spaces. Ms. Macklin advised that she met with the Chief and officer involved in this incident and that the officer understands that any person with a handicapped placard or plate can park in a designated handicapped parking space. She commented that she felt the towing fee should be refunded to Mr. Jones.

Linda Law 908 Wood St. – Ms. Law advised that Youth Places will host their kick-off for summer events in Wilkinsburg June 21, 2010- June 26, 2010. She distributed copies of Women's Yellow Pages to Council. She advised that Youth Places is requesting a street closure of Mulberry between South Ave. and Franklin from June 21 through June 26, 2010 between the hours of 12-5 PM. Concerns were expressed by several Council members on the length of the proposed closure and options for an alternate location. Ms. Macklin suggested that the matter be referred to the Borough Manager to follow through with administratively and circulating the request to all departments.

Kate Luxemburg 432 Rebecca Ave. – Commented on the Vacant Property Recovery Program application for 176 Rebecca and its proximity to the other properties slated for

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redevelopment on Holland Ave. She stated her intention to get information on properties in Wilkinsburg out to the public. She expressed concern regarding the amendment to the Tenant Registration Fee and the reinstatement of a fee.

Alfred B. Carl 901 William Penn Ct. – Expressed interest in serving on the Citizens Advisory Committee on Shade Trees if a vacancy exists.

Barbara Burley – 2054 Kendon Dr. W. –Ms. Burley expressed concern regarding the operation of a barber shop business in a residential zoning district. Ms. Marcinko advised that two cease and desist letters had been sent to the property owner and the property was visited by a Code Enforcement officer and the property owner advised that they were not operating a business but occasionally cut hair for friends. Ms. Burley advised that the property owner showed her his barber shop chair and “shop” and stated that “he was trying to make a living”. Ms. Burley suggested that the Code Enforcement Officer knock on the garage door. Mr. Burley thanked Council for the paving of Douglas Dr. and section of Graham Blvd. at Laketon Rd.

Council recessed to executive session at approximately 7:52 PM.

Council came out of executive session at approximately 9:12 PM and the meeting was reconvened.

ORDINANCES ON FIRST READING

Ordinance No. 2840

Amending Ordinance No. 2830 – Tax Compromise.

Moved: Ms. Evans

Second: Mr. Lefebvre

Mr. Lewis questioned if the fee is the only change between the current legislation and proposed legislation. Ms. Marcinko responded that the fee and the requirement that there be no tax delinquencies or code violations for properties within Allegheny County, not limited to Wilkinsburg Borough, are the two changes.

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

Motion carried

Ordinance No. 2841

Amending Chapter 248 of the Wilkinsburg Code relating to Handicapped Parking.

Moved: Ms. Macklin

Second: Ms. Trice

Mr. Lewis questioned off street parking requirements and the potential that off street parking may be less accessible than on street handicapped parking.

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Ms. Storch clarified that accessible parking would preclude the issuance of a handicapped parking space. The determination of accessible parking would be made evaluated upon the receipt of the application. Concerns were expressed with the subjectivity in defining "accessible" parking.

Ms. Macklin suggested sending a letter to all residents with handicapped parking spaces regarding the use of the handicapped space and new eligibility requirements.

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

No: Mr. Lewis

Motion carried 7:1

**Ordinance No. 2842
Amending Ordinance No. 2787- Tenant Registration.**

Moved: Ms. Ervin

Second: Mr. Lefebvre

Mr. Lewis questioned if the only change relates to the reinstatement of the fee. Ms. Marcinko confirmed that to be correct.

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

Motion carried

**Ordinance No. 2843
Remove Handicap Parking Space – 564 Princeton Blvd.**

This legislation cannot be enacted as the requirements in the new legislation cannot be applied to spaces permitted under the current legislation.

ORDINANCES ON SECOND READING

**Ordinance No. 2839
Eliminating Residential Parking – 1100 Block of South Ave.**

Moved: Ms. Ervin

Second: Ms. Trice

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

Motion carried

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RESOLUTIONS

10-055

Approving Council Meeting Minutes of 04/07/10, 04/21/10, 04/28/10.

Moved: Mr. Lewis

Second: Mr. Lefebvre

Ms. Macklin commented on Page 3 of the April 21, 2010 minutes and requested that they be amended to reflect that she had questioned why the approval process had not been explained in prior Council meetings. For the April 28, 2010 Special Meeting Minutes; Ms. Macklin commented that the minutes did not reflect the questions and answers and discussion during that meeting. Ms. Macklin requested a friendly amendment to the motion to reflect these additions. Mr. Lewis and Mr. Lefebvre had no objection.

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

Motion carried.

10-056 Approving April Checks Issued.

The Wilkinsburg Borough Council hereby approves the April Checks Issued in the amounts as follows:

Regular Distributions 04/01/10-04/30/10	\$ 965,755.41
Payroll Disbursements	\$ 348,293.52
Voided Checks	\$ (-0-)
Total	\$1,314,048.93

Moved: Ms. McCarthy-Johnson

Second: Mr. Lefebvre

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

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

Tie Vote 4:4

Ms. Marcinko commented that checks for the April bill list have already been issued. Voting "no" does not affect the issuance of payment. Mr. Lewis commented on Ms. Macklin's issues of paying bills before Council's approval. Ms. Evans questioned whether there were specific issues with the bill list or blanket objection. Mr. Lefebvre commented that Mr. Cohn had clarified the process at the last meeting. Mr. Lewis stated that his objection is to the approval process as explained by Mr. Cohn. He suggested a pre-paid bill list for recurring bills. Solicitor Storch will look at the approval process.

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10-057

Requesting that the Borough Civil Service Commission terminate the current eligibility list for police officer hiring and immediately commence the retesting process due to a lack of eligible candidates.

Moved: Ms. Macklin

Second: Ms. McCarthy-Johnson

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

Motion carried

10-062

Authorizing the execution of the Mutual Aid Agreement for the provision of police services and between the Borough of Wilkinsburg and the Borough of Forest Hills.

Moved: Ms. McCarthy-Johnson

Second: Ms. Macklin

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

Motion carried

10-063

Reappointing A. B. Carl to the Wilkinsburg Community and Industrial Development Authority to serve a two-year term commencing on February 1, 2010 and continuing through January 31, 2012.

Moved: Ms. Trice

Second: Ms. McCarthy-Johnson

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

No: Mr. Lewis

Motion carried 7:1

10-064

Authorizing the sale of 1316 North Ave., 233-C-211, to Toni Ervin in the amount of \$7,000.00. The sale is contingent upon the execution of the Assignment of Residential Lease between Ms. Ervin and the current occupants of the property.

Moved: Mr. Lewis

Second: Ms. Trice

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

Abstain: Ms. Ervin

Motion carried 7:0 with one abstention.

CONSENT AGENDA – Vacant Property Recovery Program Applications

- 10-058 Vacant Property Program Application – 835 Holland Ave.**
- 10-059 Vacant Property Program Application – Rebecca Ave. Lot/Block # 176-H-65**
- 10-060 Vacant Property Program Application – 176 Rebecca Ave.**
- 10-061 Vacant Property Program Application – 831 Holland Ave.**

Moved: Ms. Macklin

Second: Mr. Lefebvre

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

Motion carried

CONSENT AGENDA – Appointments Community Art & Civic Design Commission

- 10-065 Appointing Dee Briggs to the CACDC – 3 year term**
- 10-066 Appointing Tracey Evans to the CACDC – 3 year term**
- 10-067 Appointing Cordell Harris to the CACDC – 3 year term**
- 10-068 Appointing Yvonne James to the CACDC – 2 year term**
- 10-069 Appointing Lazae LaSpina to the CACDC – 3 year term**
- 10-070 Appointing Carin Mincemoyer to the CACDC – 1 year term**
- 10-071 Appointing Maria Riley to the CACDC – 2 year term**
- 10-072 Appointing Iris Whitworth to the CACDC- 2 year term**
- 10-073 Appointing Harold Young to the CACDC – 1 year term**

Moved: Ms. McCarthy-Johnson

Second: Mr. Lefebvre

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

Motion carried

OLD BUSINESS

None at this time.

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NEW BUSINESS

A motion was made by Ms. Macklin, second by Ms. McCarthy-Johnson, to reimburse Ms. Jones one hundred thirty-five (\$135.00) for vehicle towing fee and to expunge the parking violation ticket.

Mr. Lewis suggested that it first be confirmed what the citation was issued for before issuing a refund or voiding the ticket. Ms. Macklin withdrew her motion.

Solicitor Storch advised that there were four (4) properties that were the subject of the Public Hearing for Condemnation and Emergency Demolition held this evening: 1515 Wood St., 1521 Wood St., 7962 Tioga St. and 7966 Tioga St. There were several residents who spoke that were all in support of the demolition. One neighbor was interested in acquiring 1515 Wood St. but changed his mind after learning of the costs involved to rehabilitate the property. He will be speaking with Ms. Marcinko about acquiring the lot once the property is demolished. There were no objections to the condemnation and demolition of these properties.

RESOLUTION

10-074

Approving the condemnation and demolition of 1515 Wood St., 1521 Wood St., 7962 Tioga St., and 7966 Tioga St.

Moved: Mr. Lewis

Second: Ms. Evans

Ms. Macklin questioned the source of the funding for this project. Ms. Marcinko responded that application has been made to Allegheny County Economic Development for emergency demolition funds.

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

Motion carried

Ms. Evans questioned the estimated cost. Ms. Marcinko advised that \$70,000 is being sought.

Discussion was held on the Nine Mile Run Watershed Association street closure request for "Love Your Watershed Day". The original street closure request was approved for Ross Ave between South and Peebles St. The request was expanded to include Trenton Ave between Ross Ave. and South and Ross Ave and South between S. Trenton Ave and Peebles Street. Ms. Evans commented on what was proposed for the event. Following the discussion, it was the consensus of Council to authorize the closure of Ross Ave

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between Peebles and Trenton on Saturday, June 5, 2010 between the hours of 12:00 PM and 5:00 PM.

President Moore thanked everyone who exercised right to vote. She also thanked the Renewal Center workers for their labor, Kate Luxemburg for her donations and Council members for donations of hard labor, mulch, and tools.

ADJOURNMENT

Being no further business, on motion by Ms. Macklin second by Ms. Ervin the meeting was adjourned at approximately 10:25 P.M.

Eugenia Moore, Council President