

WILKINSBURG BOROUGH
Council Work Session
May 1, 2013

CALL TO ORDER

Vice President McCarthy-Johnson called the meeting to order at approximately 6:33 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. Present were Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, Ms. Moore, Ms. McCarthy-Johnson, Ms. Macklin and President Cohn (via telephone connection). Also present was Marla Marcinko, Borough Manager. Ms. Goodman and Mayor John Thompson were absent. A quorum was established.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, a moment of silence was observed to remember victims of violent crime.

SPECIAL PRESENTATION

Recognition of Retirees

- **Linda Jennings**
- **Joel Minnigh**

Ms. Marcinko provided an overview of Ms. Jennings' career with the Wilkinsburg Public Library. Ms. Jennings was honored for her accomplishments as an employee of Wilkinsburg Public Library, member of the Wilkinsburg Historical Society, and Wilkinsburg Womens' Club. She was thanked for her years of dedicated public service. Vice-President McCarthy-Johnson extended her thanks to Ms. Jennings for her thirty-nine years of service to the Wilkinsburg Community.

Ms. Marcinko stated that Mr. Minnigh had served the Wilkinsburg Public Library for thirty seven years. Ms. Marcinko provided an overview of Mr. Minnigh's accomplishments during those years and honored him for his years of service to the Wilkinsburg community. Mr. Minnigh was thanked for his years of service to the Wilkinsburg Public Library. Vice-President McCarthy-Johnson extended her thanks to Mr. Minnigh for his years of service to the Wilkinsburg community.

PUBLIC COMMENT

Jeff Thomas – 407 Franklin Ave. – Mr. Thomas thanked Council for the opportunity to speak. Mr. Thomas stated that he has lived in the Borough for two years. He commented on the negative perception of Wilkinsburg and dispels the poor reputation. Ms. McCarthy-Johnson informed Mr. Thomas of the upcoming public meeting on May 22, 2013 at 7:00 p.m. to discuss

the use of Whitney Park. Mr. Thomas commented that Whitney Field is an asset to the residents in the area and the use of the park by dogs builds a sense of community in the area. He stated that restricting dog activity at the park will adversely affect the community. He understands the concerns of some of the neighbors and believes a compromise can be reached. Ms. Moore asked if he is in favor of a dog park. Mr. Thomas stated he is and understands concerns regarding liability but has never observed any safety issues.

Liz Ebel – 533 Mifflin Ave. – Ms. Ebel echoed the sentiments of Mr. Thomas. She commented on an issue with parking which seems to be resolving itself. She understands concerns and has never observed an issue with dog feces not being removed. She stated that those who visit the park monitor activity and that the positives outweigh the negatives with the use of the park for dogs.

Mary Cathcart 518 Mifflin Ave. – Commented that the park is an asset to the community and believes the issues can be resolved. She commented on the heavy drug activity at the park prior to people bringing their dogs. She sees the park as an amenity for which she pays taxes.

CAPITAL PLANNING

1. Discussion – Proposed additional work – Police Department Renovations.

Vice-President McCarthy-Johnson turned the meeting over to Ms. Evans. Ms. Evans asked Mr. Gilliland to review the report which was provided to Council on April 26, 2013. Mr. Gilliland reported that the Police Department renovation project is in progress and as the project has progressed, there are additional work items to address. The project was reviewed by Plans Examiners and accessibility requirements were identified. Additionally, there were corrections needed to the electrical wiring which had been performed in-house. Water infiltration was discovered when floor tiles were removed which will need to be corrected with a French drain system. Finally, there were additional work items requested by Chief Coleman which were predominately aesthetic in nature. Ms. Evans commented that the original scope of work was approved in November, 2012 and the budget was \$120,000. She stated that the accessibility and electrical must be addressed and that some of the work items are practical and some are aesthetic.

Ms. Goodman arrived at approximately 6:55 p.m.

Ms. Evans inquired as to how the additional items would be funded. Ms. Marcinko stated from the Capital Improvement Fund. Ms. Macklin inquired as to when renovation work was last performed in the police department. Mr. Gilliland had no knowledge of renovations in the recent past. Ms. Macklin stated that the work should be done and done right. Mr. Lefebvre commented on an issue he observed with water infiltration at the front wall. Mr. Gilliland was not aware of any water problems except in the roll call room. Mr. Lefebvre commented on the need to make sure the infiltration issues are resolved before any more work is done. Mr. Gilliland stated that those issues may be addressed by the installation of the French drain. He will inspect same. The consensus of Council was to proceed with the modifications to the scope of work as presented and provided that confirmation is made that the water infiltration issue will be remedied by the French drain installation. President Cohn inquired as to whether renovations to the firing range were being considered. Mr. Gilliland stated that they were not. Vice President McCarthy-

Johnson asked if there were estimates for renovations to the firing range and was advised that there were not.

Mr. Gilliland reported to Council that the sewer liner project is complete. He stated that the CDBG monies were held up because the budget was not passed by Congress. Ms. Macklin requested clarification on the Wood Street Lighting project and asked if PA DOT was notified of the lights which were not working on Penn Ave. Ms. Marcinko stated that a letter was sent to PA DOT with no response received to date. Ms. Evans offered to follow-up. Ms. Marcinko stated that State and County elected officials were copied on the letter.

Ms. Evans commented that ARLE funding was not awarded for the traffic circulation study and that other funding may be sought from other sources in September. Ms. Macklin asked whether the Borough or WCDC would be applying. The applicant will depend on the program. The Borough was the applicant for the ARLE grant as the funding was provided through PA DOT.

Mr. Lefebvre inquired as to whether the issues with the design of the automatic doors had been resolved. Mr. Gilliland stated that they were and that the library drop box will need to be moved.

Vice-President McCarthy-Johnson asked about follow-up with the gas company on restoration work. The Code Enforcement Department is responsible for permitting and inspection. Mr. Gilliland stated that they will perform an inspection of each street when the work is close to being finished and prepare a punch list.

President Cohn requested that candidates for elected office refrain from posting signs on the decorative lamp posts in the business district. The paint is being damaged and nearly \$40,000 was spent on their refurbishment. Mr. Cohn asked Council members' to help spread the word to respect the investment made to beautify the business district.

PUBLIC SAFETY

1. Discussion – Review of residential permit parking.

Ms. Marcinko commented that requests have been received over the years for changes to residential permit parking. A review was conducted of the permits issued in 2012 and a summary provided to Council. Ms. Marcinko suggested eliminating residential permit parking on those streets wherein no permits had been issued. An informal request had been received from Hosanna House to eliminate residential permit parking in the 800 block of North Ave. Council may consider elimination of the restriction or establishing special purpose zone or time limit parking. It was stated that the apartment building in the 800 block of North has parking behind the building. Mr. Macklin commented that deliveries can be made from the driveway on the side of the Hosanna House, Inc. building. It was stated that cars often park there for extended periods of time. It was the consensus of Council to eliminate the residential parking at the locations listed in the summary. Ms. Macklin suggested posting the locations indicating that the residential parking restriction will be eliminated. Ms. Marcinko will prepare the amending ordinance.

Ms. Trice commented that commercial trucks are still being parked on Laketon Road. It was stated that the enforcement rests with the Police Department and Code Enforcement Department. If the vehicle is on the road, the Police Department must enforce the ordinance. Commercial vehicles may be parked on private property.

2. Discussion – Review of proposed parking restrictions – Plato, Virgil and Horace Way.

Mr. Lefebvre informed Council that these locations are currently posted for no parking but the restrictions are not provided for by ordinance.

3. Discussion – Proposed legislation relating to occupancy permit requirements.

Ms. Marcinko explained that the occupancy permit ordinance had been repealed when the UCC was adopted in 2004. A new ordinance is needed to restore the occupancy permit requirement. Ms. Macklin questioned when an occupancy permit is required besides the time at which a property is sold. Mr. Gramz explained that there are several types of occupancy permits. There are zoning, rental, and a UCC occupancy permit. The ordinance provides for reporting change of occupancy and annual inspections for rental units. Without this ordinance, it is difficult to ensure the health, welfare and safety of renters.

GENERAL MATTERS

1. Adopting Ordinance No. 2903 – Amending Civil Service Commission Rules & Regulations.

Moved: Ms. Evans

Second: Ms. Macklin

All voted in favor of the motion. Motion carried.

Ms. Marcinko informed Council that the advertisement has been prepared and the application packet has been updated. The advertisement will appear in the Pittsburgh Post Gazette, The Tribune Review, and the New Pittsburgh Courier. The advertisement will appear in the Pittsburgh Post Gazette and the Tribune Review on May 5, 2013. The advertisement will appear on Wednesday May 8, 2013 in the Tribune Review. The advertisement will also appear for two consecutive weeks in the New Pittsburgh Courier. The application period will close on June 14, 2013. The earliest date possible for the physical fitness test and the written test is July 1, 2013 and these have been scheduled at the Allegheny County Police Academy. The physical fitness test will take place at 9:00 a.m. on July 1, 2013 followed by the written examination for those candidates that pass.

Ms. Macklin inquired as to the number of vacancies to fill. Ms. Marcinko advised that there is one vacancy. Mr. Cohn questioned whether there will be an officer trained for truck safety inspections.

2. Discussion – Proposed amendments to ordinance relating to trees.

Ms. Marcinko commented on the discussion at a prior meeting on the recommendations from the Citizens Advisory Committee on Shade Trees for amendments to the ordinance relating to trees, Rules and Regulations for Arbor Work and the Heritage Tree document. The major change proposed was to have the Borough assume maintenance responsibility for those trees on public property and in the public right-of-way which are currently not maintained by the Borough but are the responsibility of the property owner. Most of the recommendations are reasonable and relate to fines and penalties and rules and regulations for arbor work. Additionally, there is a proposed amendment for Committee member attendance at the meetings of the Citizens Advisory Committee on Shade Trees. Council adopted this requirement by resolution back in 2012. Ms. Evans asked if private property includes the space between the sidewalk and the curb. Ms. Marcinko responded that it did and that a Borough tree is limited to a tree located on public property. Ms. Moore questioned the removal of trees by the Department of Public Works which were located on private, abandoned property. Mr. Lefebvre inquired as to whether a utility company can remove a tree. Ms. Marcinko stated that utility companies may remove or maintain trees in the public right-of-way. Mr. Cohn commented that he is in favor of moving forward with the recommendations from the Citizens Advisory Committee on Shade Trees. He agrees that the Borough does not have the funding to accept responsibility for the maintenance of trees. Ms. Ervin asked about trees located on Borough lots. A tree located on Borough property is the responsibility of the Borough to maintain.

3. Approve request for street closure – Regent Square Music and Artist Market Festival.

Ms. Macklin asked if the sponsors of the event will be providing their own portable toilets. Ms. Marcinko advised that they will. Ms. Macklin questioned whether they are permitted to have beer at the event. Vice-President McCarthy-Johnson informed Council that beer can be served if a caterer is being used who holds a liquor license. Ms. Macklin expressed concerns related to permitting beer consumption and suggested obtaining an opinion from the Solicitor. Ms. Marcinko explained that there is no open container prohibition in Wilkesburg and that each municipality must establish such a restriction by ordinance. Ms. Marcinko explained that restrictions on the sale of beer would be regulated by the PLCB. It was stated that Chief Coleman had met with the sponsors of the event. Council agreed that an opinion should be obtained from the Solicitor and a report from the Police Chief for the next Council meeting. President Cohn suggested conditional approval of the event pending additional information being obtained relative to beer distribution.

Moved: Ms. Evans

Second: Mr. Lefebvre

All voted in favor of the motion. Motion carried.

5. Approving Resolution No. 13-039 – WBA Opening Day Parade.

Moved: Ms. Trice

Second: Ms. Macklin

All voted in favor of the motion. Motion carried.

4. Approving Resolution No. 13-038 – Sponsoring a Banner PSO.

Moved: Ms. Evans

Second: Ms. Trice

All voted in favor of the motion. Motion carried.

Ms. Marcinko asked Council if they would like to meet on July 3, 2013. There is an advertised meeting on that day.

A motion was made by Ms. Macklin, second by Ms. Evans, to cancel the meeting scheduled for July 3, 2013.

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

No: Mr. Cohn

Motion carried 8:1

Mr. Lefebvre expressed concern that Whitney Park had been locked and that it should be open for legitimate use. Residents have complained about barking dogs, parking issues and feces in the park. Chief Coleman initiated directed patrols to deal with dogs in the park and then instructed that the park be locked. Ms. Moore stated that these types of occurrences are happening throughout the Borough. Mr. Lefebvre reminded Council that the park is public and should be open. Vice-President McCarthy-Johnson was amenable to unlocking the park but stated that dogs should be on leashes in accordance with the ordinance. Ms. Trice commented that this matter can wait until the public meeting is held on May 22. Mr. Lefebvre commented that Chief Coleman never cited safety concerns for the closure of the park. Mr. Lefebvre cited three emails which were issued, none of which mentioned a public safety issue. Ms. Macklin stated that the Police Chief needs to decide whether there is a public safety issue in using the park.

A motion was made by Mr. Lefebvre, second by Mr. Cohn, to unlock the Whitney Park ballfield and to post signs advising that dogs are to be kept on leash in the park.

Mr. Cohn commented that the intention behind locking the park was an effort to avoid issuing a large number of tickets. Ms. Macklin suggested having Chief Coleman in attendance at the meeting to speak directly to the issues at the park. She also commented on increased liability on the Borough in permitting dogs off leash. Mr. Lefebvre read aloud Chapter 191 (1E) from the Codified Ordinances. Ms. Marcinko commented that the liability for dogs off leash rests with the owner of the dog as the ordinance states that dogs must be on leash and under the control of their owner. Ms. Evans believes most of the problems relate to nuisance issues and not public safety issues. People living in the area near the park complain about noise in the park and issues related to parking.

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

No: Ms. Ervin, Ms. Trice, Ms. Moore, Ms. Macklin

Motion carried 5:4

Ms. Moore commented on dumping throughout the Borough. Ms. Moore cited the dumping of tires on Hill Avenue from a demolition project. Ms. Ervin commented on tires being piled behind the service station on Swissvale and South Avenues.

Ms. Macklin inquired about the hiring of DPW personnel. Ms. Marcinko stated that Mr. Clark is hoping to recruit from the seasonal laborer positions for a full-time laborer.

ADJOURNMENT

Being no further business, on motion by Ms. Evans, second by Ms. Trice, the meeting was adjourned at approximately 8:50 P.M.

Vanessa McCarthy-Johnson, Council Vice-President