WILKINSBURG BOROUGH
Council Legislative Session
May 8, 2013

CALL TO ORDER

President Cohn called the meeting to order at approximately 7:05 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 (via telephone connection), Ms. Evans, Ms. Moore, Ms. McCarthy-Johnson, Ms. Macklin, and President Cohn. Marla P. Marcinko, Borough Manager and Michael Witherel, Borough Solicitor were also present. Ms. Ervin, Ms. Trice, 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.

PUBLIC COMMENT

Millie Segreti- 104 Angela Drive – Ms. Segreti stated that she tried to call President Cohn several times and the calls were not returned. She stated this was very disappointing to her. She commented on the settlements of lawsuits wherein monies were paid to officers who she alleges perjured themselves in a legal matter involving her. President Cohn stated that it is frustrating for Council members to be in a position of not being able to discuss litigation and settlements. Ms. Marcinko described the process relating to how litigation is handled in the Borough. Ms. Marcinko explained that claims are referred to the Borough's insurance carrier and legal counsel is assigned by the carrier. Proposed settlements are referred to Borough Council by legal counsel for consideration. Ms. Segreti inquired as to how to obtain a copy of the tape recording from the meeting. She was advised to submit a request for public information through the Right to Know process. She was advised that the tape is not available until after the meeting minutes are approved by Council.

Kate Luxemburg- 432 Rebecca Ave. – Ms. Luxemburg commented that the meeting agenda was not posted on the website. She appreciates being able to view the agenda in advance of the meeting. Ms. Luxemburg commented on the proposed occupancy permit ordinance. She expressed concern that the process could be used for retaliatory purposes and stated that Council should be looking at ways to encourage investment. Inspection for sale versus inspection for occupancy is the issue.

AGENDA ITEMS

1. **Approving Council Meeting Minutes of 04/3/13, 04/10/13, and 04/17/13.**

Moved: Ms. Evans **Second:** Ms. McCarthy-Johnson

All voted in favor of the motion. Motion carried.

2. **Approving April checks issued:**

Regular Disbursements 4/01 – 04/30/13	**$ 969,935.38**
Payroll Disbursements	**279,655.30**
Voided Checks	**(182.50)**
Total Disbursement	**$1,249,408.18**

Moved: Ms. McCarthy-Johnson **Second:** Ms. Moore

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

No: Ms. Macklin

Motion carried 4:1

3. **Authorizing the advertisement of Ordinance No. 2904 Vehicles and Traffic providing for:**
   a. **One way restriction on Burns St. in a westerly direction.**
   b. **Restricting parking on Plato Way, Horace Way and Virgil Way**
   c. **Eliminating residential permit parking at various locations.**

Moved: Ms. McCarthy-Johnson **Second:** Ms. Evans

All voted in favor of the motion. Motion carried.

Ms. Macklin questioned whether the residential permit parking at various locations is the areas discussed by Council at the last meeting and Ms. Marcinko responded that they were. Ms. Macklin asked whether the blocks would be posted of the impending change and Ms. Marcinko advised this would occur following the advertisement of the proposed legislation. Ms. Moore asked if Burns Street is off of Swissvale Avenue and Ms. Marcinko advised that it is.

All voted in favor of the motion. Motion carried.

4. **Authorizing the advertisement of Ordinance No. 2905 – Occupancy Permit Requirements.**

Moved: Ms. Evans **Second:** Ms. McCarthy-Johnson

Ms. Macklin expressed concern that the legislation may impede the sale or transfer of properties. She was assured it would not and that is not the intent. The title of the ordinance states that an occupancy permit must be obtained. She is concerned that this will discourage buyers from purchasing property for rehabilitation and residing in the property prior to the time in which it is permitted to be occupied according to Code. President Cohn referred to language in Section I (2). The language provides that the property must meet Code before it can be occupied but not necessarily before it can be purchased. Ms. Marcinko explained the intent of the legislation. The Borough has no legal authority to delay a sale of property unless taxes or fees are owed. Mr. Witherel agreed and explained that there can't be a change in occupancy without an occupancy permit. The property can be purchased but not occupied. A change in occupancy, for whatever the reason, requires an occupancy permit. The Borough has been enforcing a similar ordinance which was repealed in 2004. The repeal occurred with the adoption of the UCC in 2004 and did not come to the attention of the Borough Manager until a couple months ago. Ms. Macklin believes the ordinance is a deterrent to potential buyers of properties which are not move-in ready. Ms. Evans questioned whether Ms. Macklin believes the Borough should allow people to occupy properties which don't meet Code. Ms. Macklin stated that she believes an inspection should be performed and that persons should be allowed to occupy the property while it is being brought up to Code. President Cohn commented that people have been living in unsafe properties for years. Ms. Macklin stated that a practical approach is needed. She suggested deferring payment for a permit until there is an intention to do the work. Properties must be deemed safe before they are occupied. Ms. Evans commented on efforts in other communities to establish registries wherein a fee is paid to hold property owners responsible for vacant property. Ms. Moore commented on work being performed on a house at the corner of Center Street and North Avenue. Ms. Macklin commented on Section 1 (6). Mr. Witherel stated that this section was intended to cover changes in occupancy and applies to re-inhabiting the property. A new permit is required when changing occupancy. This provision does not prevent the sale of the property. President Cohn suggested that the language be revised. Mr. Witherel suggested that it be revised to read: "before the dwelling unit is re-inhabited a new occupancy permit must be issued". Ms. Evans and Ms. McCarthy-Johnson agreed to a friendly amendment to amend the motion to include this change.

All voted in favor of the motion. Motion carried.

5. **Authorizing the advertisement of Ordinance No. 2906 – Establishing Handicap Parking 1127 Wallace Avenue.**

Moved: Ms. Macklin **Second:** Ms. Moore

All voted in favor of the motion. Motion carried.

6. **Approving Resolution No. 13-040 – Approving VPRP Application 507 Coal St.**

Moved: Ms. Macklin **Second:** Ms. Evans

President Cohn stated for the record that the applicant is Gerald Brandt and the proposed use is rental property.

All voted in favor of the motion. Motion carried.

7. **Approving Resolution No. 13-041 – Approving VPRP Application 215 Center Street.**

Moved: Ms. Evans **Second:** Ms. Moore

President Cohn stated for the record that the applicant is Ariel Alexander and the proposed use is a side lot.

All voted in favor of the motion. Motion carried.

8. **Approving Resolution No. 13-042 – Reappointing Tracey Evans to the CACDC.**

Moved: Ms. McCarthy-Johnson **Second:** Ms. Moore

All voted in favor of the motion. Motion carried.

9. **Approving Resolution No. 13-043 – Reappointing Rose Morris to the CACDC.**

Moved: Ms. McCarthy-Johnson **Second:** Ms. Moore

All voted in favor of the motion. Motion carried.

OLD BUSINESS

1. **Regent Square Artist and Music Festival – Request for vendors.**

Vice-President McCarthy-Johnson stated that she was not clear on the "request for vendors". She stated that the event sponsor was to have another discussion with Chief Coleman regarding beer sales and security but did not. Ms. Marcinko put the request on the agenda because Council action was needed for the street closure. There was a request for an opinion from the Solicitor on sale and consumption of beer at the event. Mr. Witherel stated that there is an open container law in PA for vehicles but open containers in public areas are covered by each individual municipality. The City of Pittsburgh has an open container law which is used primarily on the South Side. Wilkinsburg does not have an open container law and the PLCB controls whether someone can obtain a license for a special event permit for the sale of alcohol. Restrictions can be placed on the vendor such as limiting consumption to minors and intoxicated individuals and having a security officer on the premises. Mr. Witherel suggested reviewing the City of Pittsburgh legislation for regulations in the event future requests are received. Ms. Macklin questioned how this reconciles with the Borough being a "dry" municipality. Mr. Witherel stated that would be up to the PLCB as to whether special event licenses are issued in "dry" communities. President Cohn questioned whether beer could be given away with the purchase of

a ticket for food and drink. Mr. Witherel stated this would be handled by the PLCB. President Cohn suggested approving the request provided a license is obtained from the PLCB. Ms. McCarthy-Johnson inquired about non-profit organizations obtaining a 24 hour permit to sell liquor. Mr. Witherel stated that the decision rests with the PLCB. President Cohn commented that the issue relating to security is outstanding and the applicant needs to meet with Chief Coleman.

NEW BUSINESS

1. **Approving Memorandum of Understanding – Sewer Improvement Project – M-47 Nine Mile Run Sewer shed.**

Moved: Ms. Evans **Second:** Ms. McCarthy-Johnson

Ms. Macklin commented that the document has not been discussed. President Cohn suggested having the engineer attend a future meeting to address any concerns.

Ms. Goodman arrived at approximately 7:50 p.m.

Ms. Marcinko commented that the email exchange between the Borough Engineer and Borough Solicitor was provided in the agenda packet and explained the basis for the MOU. The MOU must be submitted with the Feasibility Study by July 31, 2013. Ms. Macklin questioned the impact on additional flow with the use of permeable pavement. She questioned how the percentages were calculated. Ms. Marcinko commented that the agreement is not binding. Ms. Macklin referred to page four, C-2 and the conversion point. Ms. Macklin questioned how the costs were allocated. Ms. Marcinko explained that the facilities and municipal participation is limited to the Nine Mile Run Watershed. Ms. Macklin requested additional information regarding the financial commitment and how that commitment will be met.

Ms. Macklin and Ms. McCarthy-Johnson withdrew the motion and second, respectively.

Ms. Moore questioned the status of the KABOOM project. Ms. McCarthy-Johnson stated that it is moving forward with a build day planned for September or October. Ms. Macklin stated that Mr. Phelps, from the PUCS, had spoken at the Trash-a-thon luncheon about not reinventing the wheel and consulting with those who had worked on the Homewood project.

Ms. Moore provided the Library Report:

An ACLA consultant will meet with Betsey regarding strategic planning
Work is continuing on the summer reading program

Ms. Moore inquired as to whether there were any plans to replace/install anti-littering signs as the current signs are old and outdated. Mr. Cohn agreed that would be a good idea. President Cohn commented that what is needed most is enforcement. Ms. Moore commented that calls regarding noise were not being answered by the Police Department. Mr. Cohn commented that specifics would need to be obtained for follow-up.

Ms. McCarthy-Johnson commented that there is construction debris at the corner of Coal & Walnut. The lot is located in Edgewood.

Ms. Macklin received complaints from residents regarding drug dealing and shooting on Foliage.

Ms. McCarthy-Johnson commented that the City of Pittsburgh received a grant for the Sure Shot System.

Ms. Macklin commented that guns are being introduced by drug users from outside communities. This was confirmed by Chief Coleman and a commander in the City of Pittsburgh Police Department. This was discussed in a recent public forum on gun violence. Guns are being exchanged for drugs.

ADJOURNMENT

Being no further business, on motion by Ms. McCarthy-Johnson, second by Ms. Evans, the meeting was adjourned at approximately 8:37 P.M.

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Jason Cohn, Council President