

TOWNSHIP OF O'HARA
COUNCIL VIRTUAL WORKSHOP MINUTES
DECEMBER 1, 2020

I. OPENING PROCEDURES

A. Call to Order by President Smith at 7:05 p.m.

B. Roll Call

Council Members Present: Robert John Smith, President of Council; Charles A. Vogel, Vice-President of Council; George H. Stewart, Second Ward; Allison Berger, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Also Present: Julie A. Jakubec, CPA, CGMA, Township Manager; Dan Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Loren R. Kephart, Public Service Superintendent; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

II. REVIEW AND DISCUSSION

A. Application for Preliminary Land Development – Miramar Landing

Manager Jakubec stated the Township Planning Commission reviewed the Plan at its November 16th regularly scheduled meeting and is recommending to Council that the Plan be approved subject to 13 conditions as listed in the proposed resolution. The Manager acknowledged Don Housley and Dom Ricciuti were in attendance to answer questions.

Mr. Housley recalled a prior approved plan was Bell Harbor. This proposed plan is similar to that plan. Mr. Housley noted the Miramar Landing proposed plan includes fewer single-family attached dwelling units, a private boat launch with signage, boat docks and gravel fishing area. He also indicated they were working to satisfy the 13 conditions of approval recommended by Planning Commission.

Mr. Housley stated the developer is paying to upsize the existing storm sewer, but Sunoco is engineering the design. He noted an improved concrete patio for residents to look at the river. They are working with a landscape supplier to provide the same number of trees and shrubs, but the types of trees and shrubs depend on availability. A list of plants would be submitted for approval by the Township.

Mr. Housley noted some setback requirements cannot be met. Instead of earth mounds they will be installing vinyl fencing. Street lights and cutoff details would be provided at a later date. The developer will mill and pave River Road by the development site.

It was noted the dwelling units are two-story, with a 2-car garage, and patio or deck on the back of the unit.

Mr. Stewart questioned if there was any way to meet the setbacks and spacing criteria. Mr. Steinert, Jr., P.E. explained the setbacks and spacing are comparable departures and were approved with the prior plan. The spacing is 15 feet, but was 12' on the prior plan. In addition to the setbacks and spacing comparable departures, the developer is also asking for comparable departures for the plants, and fencing in lieu of an earth mound.

Mr. Stewart questioned if the new plan has any bearing on the prior plan that was approved. Mr. Steinert Jr., P.E. explained if the plan is not developed in five years, the entire approval process begins again. Council would need to reapprove the comparable departures. President Smith added that the developer has to prove why the comparable departures are necessary and requested something in writing explaining why the proposed plan is in the public's interest. Mr. Housley noted the plan is less dense, but with larger structures; ten-acres was not available to purchase; the setback requirement is 50-feet and the comparable departure request is 25-feet; spacing between the buildings in the prior plan was 12-feet, and it has been increased to 15-feet; an asphalt curb is proposed instead of concrete, but the road currently does not have any curb, and asphalt will not negatively impact the adjoining properties.

Mr. Denny, Jr. reviewed the approval process. Mr. Steinert, Jr., P.E. noted no changes can be made to the final plan. Only corrections can be made to the plan.

President Smith noted he did not see anything from Planning Commission indicating the comparable departures were necessary.

Mr. Stewart requested discussion about limitations and the benefit to ignore the departures and what happens if the developer has to adhere to the requirements, and why would it keep the developer from constructing the plan. He noted some standards are more expensive. Vice President Vogel stated Council has allowed asphalt curbs with other developments.

Mr. Ricciuti stated Marimar Drive will be a private road and River Road does not have any curbs. President Smith explained private roads have to be constructed to Township standards, as they could be offered for dedication to the Township in the future.

Mr. Housley noted some utilities are under the private road and there is no intention to ever turn the road over to the Township.

Manager Jakubec inquired about stormwater. Mr. Steinert, Jr., P.E. noted a rain garden and private underground system are proposed.

Vice President Vogel clarified the public and private amenities. President Smith inquired about a bikeway. Mr. Housley indicated future discussions would occur with Friends of the Riverfront, but it would not be the responsibility of the developer. Mr. Ricciuti indicated the topography is not conducive to a bikeway and the adjacent ALCOSAN property could be an issue.

Ms. Eccles questioned if the road to the river would be maintained by the Home Owners Association, which Mr. Housley confirmed. Manager Jakubec noted concern of a gravel road being washed away, which Mr. Ricciuti indicated was being addressed.

The consensus of Council was to include a resolution on the December 8th regular meeting agenda for consideration.

III. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Ms. Cindy Harris, Fox Pointe, questioned the status of the Township's website. Manager Jakubec indicated a partial website should be up by the end of the week, with a fully functioning calendar. In the mean time she is posting agendas on Facebook.

President Smith requested the link to the Long Range Comprehensive Plan Review meetings.

Ms. Harris stated it would be nice to have O'Hara Township Council Members attend the Long Range Plan meetings. She noted a lot of the Fox Chapel Borough Council Members attend the meetings. She also recalled discussions of prior meetings.

II. REVIEW AND DISCUSSION CONTINUED

B. Authorizing the Execution of a Cable Franchise Agreement with Verizon Pennsylvania LLC

Manager Jakubec referenced a summary of the cable franchise renewal and agreement with Verizon. The agreement is the result of negotiations with Verizon as part of the North Hills COG joint project for franchise renewal involving fifteen (15) of the member communities. The franchise fee percentage has been negotiated to match the same percentage as in the prior agreement.

The consensus of Council was to include the ordinance for consideration on the December 8th regular meeting agenda.

C. Continued Review and Discussion of Proposed Township Year 2021 Budget

President Smith recalled Council had reviewed the proposed 2021 budget during a special workshop in November. Manager Jakubec stated the LST will be close to coming in on point. She would continue to tweak the numbers as revenue is received. She anticipated a slight increase in revenue in 2021, but noted businesses in RIDC may leave the Township. The Manager intended to have a conversation with Jordan Tax about real estate taxes.

D. Certification of Volunteer Fire Fighters and EMS Personnel to Receive Act 172 Earned Income Tax Refund

The Manager stated Township volunteer fire departments will provide a list to the Township Manager of Eligible Volunteers for the Local Tax Credit in accordance with Act 172 of 2016. She

noted eligible volunteers include Firefighters and Emergency Medical Service providers. If eligible, they could receive a refund of their Earned Income Tax.

The consensus of Council was to include a motion for consideration on the December 8th regular meeting agenda.

E. Proposed Amendment to the Township Nuisance Ordinance

Manager Jakubec recalled Council had requested staff to share the letter received concerning fireworks with the Solicitor, and for the Solicitor to compare how it relates to other ordinances. She noted a discussion with Solicitor Garfinkel about decibel level and lengths of time. Solicitor Garfinkel stated fireworks are different than a machine or equipment. Fireworks are instantaneous and go away.

Ms. Berger recommended fireworks stop at 11:00 p.m. on July 4th, Independence Day, instead of at 11:59 p.m. to which Mr. Denny, Jr., President Smith, and Vice President Vogel were in agreement.

The consensus of Council was to include the amended ordinance on the December 8th regular meeting agenda for consideration.

F. Proposed Amendment to the Use of Tobacco and Other Forms of Smoking in Certain Areas of Township Parks and Prohibiting All Forms of Smoking in Certain Township Parks

Manager Jakubec recalled Council had discussed the possibility of making all Township Parks Smoke-Free. After discussion the consensus of Council was to allow smoking in shelter areas only at Meadow Park, O'Hara Township Community Park, and Woodland Park with a shelter rental, and banning smoking in all other areas in the parks, and banning smoking entirely in parks without shelters.

Ms. Berger recommended if the parks are smoke free they should all be smoke free regardless of shelter rental.

The Manager stated certain areas are designated 'No Smoking', such as play areas, and signs are posted.

Vice President Vogel anticipated enforcement to be a nightmare. He noted smoking is a legal activity. He was acceptable to areas of no smoking, but not the whole park.

Mr. Stewart stated anyone trying to enjoy the park should not be exposed to smoke.

President Smith questioned how smoking is addressed in the current ordinance. Vice President Vogel stated the ordinance references 'Young Lungs At Play'.

Police Superintendent Slagel stated a citation would be issued for a summary violation. A person can pay the fine or go to court. The Police use a lot of discretion and warn/advise people before issuing a citation.

Mr. Denny, Jr. noted this would be complaint driven. Vice President Vogel stated by the time Police arrive they will be done smoking. He stated littering is more annoying. Mr. Denny, Jr. acknowledged smoking is legal, but felt prohibiting smoking in Township parks the right thing to do.

President Smith asked why staff was suggesting the amendment, which the secretary explained.

Mr. Denny, Jr. suggested the Parks and Recreation Commission review the matter and provide a recommendation to Council.

Vice President Vogel stated you cannot stop people from smoking. Ms. Eccles stated if it is on the books, it can be enforced. Solicitor Garfinkel stated it is at Council's discretion.

The consensus was to have the Parks and Recreation Commission review the subject matter.

G. Proposed Resolution Recognizing the Services of Scott Frankowski

Manager Jakubec stated Scott Frankowski has served on Council since November 2012. Traditionally Council has recognized the service of elected officials and volunteers.

The consensus of Council was to include the resolution on the December 8th regular meeting agenda.

H. Solicitor's November 7, 2020 Invoice

No comments.

I. Proposed December 8, 2020 Regular Meeting Agenda

It was noted the 'No Smoking' ordinance would be removed from the agenda.

IV. CONCERNS OF COUNCIL

Mr. Stewart commented about the community center's income and Mr. Denny, Jr. commented about staff's sanitary practices in the office.

V. CONCERNS OF STAFF

Manager Jakubec reminded Council of the Special Meeting on December 7th at 6:00 p.m. to interview applicants for the Council Third Ward vacancy.

The Manager announced a Share the Cheer Food Drive to be held in the Township Municipal Building Parking Lot on Saturday, December 12th from Noon to 3:00 p.m. She stated the local food bank is in dire need.

Mr. Denny, Jr. suggested having the Police deliver the collected food to get some positive publicity. Police Superintendent Slagel indicated something could be worked out.

Ms. Harris inquired about a toy drive. Manager Jakubec explained the Township was not collecting toys due to the COVID Pandemic. She noted the Pittsburgh North Optimus Club is having a toy drive at the Laurie Ann West Community Center on December 5th from Noon to 3:00 p.m. They are requesting unwrapped toys and gift cards. She also intended to post that toy drive on the Township's social media.

Manager Jakubec requested Council to remain after the workshop to discuss personnel and legal matters.

VI. ADJOURNMENT

The workshop adjourned at 8:11 p.m. and Council entered into Executive Session.

Cathy Bubas, Manager's Secretary