

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP MINUTES
JANUARY 6, 2020**

I. OPENING PROCEDURES

A. Call to Order by President Smith at 8:05 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

Absent: Scott Frankowski, Third Ward

Also Present: Julie A. Jakubec, CPA, CGMA, Township Manager; Brendan Lucas, 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 Conditional Use – 109 Kittanning Pike – Two Rental Units

Manager Jakubec stated the Township Planning Commission completed its review of the subject Conditional Use Application at its December 16, 2019 regularly scheduled meeting. Planning Commission is recommending to Council that the conditional use be approved. A Public Hearing to receive public comments has been scheduled for January 14, 2020.

President Smith inquired about parking, which Mr. Newt Pringle, owner of the property, explained.

The consensus of Council was to include a resolution on the January 14th regular meeting agenda for consideration.

B. Application for Final Land Development – Chick-fil-A

The Manager noted the Township Planning Commission completed its review of the subject application at its December 16th meeting. Planning Commission is recommending to Council that the plan be approved subject to seven remaining conditions as noted in the proposed resolution. She verified with the applicant that no changes to the plan had been made and the applicant was aware of the conditions.

It was noted condition number 6 had been satisfied.

Mr. Stewart presented questions regarding traffic and parking which Mr. John Kamin, Attorney representing the applicant, answered.

Mr. Denny, Jr. compared the O'Hara location to the McKnight Road and Monroeville locations noting the O'Hara location is along a two-lane highway and McKnight and Monroeville restaurants are along four to six-lane highways. He questioned how the traffic study could indicate no change in traffic. Mr. Kamin stated the restaurant is not generating new trips, to which Mr. Denny, Jr. disagreed. Mr. David DiGioia, of McMahon Associates, explained there is a component of both new trips and existing trips. Though there are a lot of cars, they are not all new trips. There are only 132 new trips. He referenced the ITE Trip Generation Manual is the standard used for generating traffic. At the Township's request, McMahon Associates actually performed a traffic count of local Chick-fil-A restaurants and used those numbers as well in the study. Mr. Denny, Jr. asked if they did the traffic studies for the other Chick-fil-A restaurants. Mr. DiGioia stated they did not do the studies for the McKnight Road, Monroeville or North Fayette area Chick-fil-A's. Mr. Denny, Jr. requested verification that the new Chick-fil-A will not cause any problems and traffic will be smooth. Mr. DiGioia clarified the traffic will not increase the delay on the existing facility based on the study. Mr. Denny, Jr. did not believe the Chick-fil-A would not be a real problem traffic-wise. Mr. Kamin explained the standard they are referring to is the level of service standard and what mitigation is necessary by the addition of the new restaurant. Mr. DiGioia stated they are extending a storage lane on Freeport Road for the left turn into the plaza. Mr. Denny, Jr. stated he does not believe the study and would like to invite them back in a year after the Township does a new study of the traffic with the restaurant and make sure the study holds up. Mr. Steinert, Jr., P.E. added that Penn D.O.T. is installing adaptive signals all through the Freeport Road corridor, and explained how adaptive signals work.

Mr. Stewart stated the location setup is different than the McKnight Road and Monroeville restaurants. He noted there are no restaurants in RIDC, and anticipated employees from RIDC Park and St. Margaret Hospital would travel to the new restaurant. He questioned if there is a game plan for what to do until the new traffic signals are installed. Mr. DiGioia indicated they can put detectors in and monitor what is going through the system. Mr. Stewart suggested they work with Penn D.O.T.

Ms. Eccles requested a comparison of the traffic when Community Market occupied the Plaza. Mr. DiGioia stated they actually included the numbers in the study with a grocery store there. Mr. Steinert, Jr., P.E. stated he had not seen the plans for the Community Market. Ms. Eccles was wondering if the traffic would be the same, and anticipated more traffic during the lunch time. Mr. Kamin reiterated that the grocery store was built into the study to be fair.

President Smith noted one of the drawings indicate a que for 22 cars. Mr. DiGioia explained that is the maximum number of cars that they saw in any Chick-fil-A in the area in five-minute intervals. Manager Jakubec questioned where other cars would be if there were more than 22 cars. Mr. DiGioia indicated the cars would be in the plaza, heading toward the drive thru.

Mr. Stewart requested the Township Engineer about any highlights for the residents. Mr. Steinert, Jr., P.E. recalled Oakhurst residents expressed concern about the car headlights shining into homes, which Chick-fil-A addressed with fencing around the drive thru. He also noted currently the property has no stormwater controls as it is asphalt. There will be some stormwater remediation due to the addition of a lot of greenery.

Manager Jakubec stated Chick-fil-A did agree to help Mr. Condrón beautify the area.

Mr. Stewart questioned the final size of the weather protection. Mr. Justin Thornton indicated the awning measures 7' x 6' and is 7" thick. It is 7' from the pole that supports the menu, out into the drive thru. It covers about half of a vehicle width. President Smith verified the Zoning Hearing Board was aware of the weather protection. Manager Jakubec recalled the Zoning Hearing Board determined equipment (order boards and weather protectors) is not subject to front yard setback requirements. Mr. Steinert, Jr., P.E. recalled the original plan called for a large canopy covering two lanes, which the Manager indicated was for employees standing in the rain to take orders. Staff was assured no employees would be standing under the weather protection; it is just for customers that roll the vehicle window down to be protected.

Mr. Stewart reiterated the importance of removing the Styrofoam cups.

President Smith confirmed the applicant was acceptable to the conditions of approval.

Manager Jakubec requested staff be informed of the franchisee.

The consensus of Council was to include the ordinance on the January 14th regular meeting agenda for consideration.

III. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

No comments.

IV. REVIEW AND DISCUSSION CONTINUED

C. Proposed Ordinance Accepting Dedication of Property Along Field Club Ridge Road

Manager Jakubec stated the proposed ordinance accepts a Deed of Dedication of the hammerhead constructed by the Township and reimbursed by Massucci for the Field Club Estates Plan of Lots. She verified with the Township Engineer that the hammerhead is acceptable.

Mr. Stewart noted the property owner is giving up land so people are able to turn around.

The consensus of Council was to include the ordinance for consideration on the January 14th regular meeting agenda.

D. Ratifying Clerical Labor Agreement

The Manager explained staff is requesting Council to consider ratifying the Clerical Labor Agreement this evening due to the timing of payroll and avoiding having to calculate retroactive pay.

Motion by Mr. Stewart to adopt ordinance Bill No. B-63-2019 was seconded by Vice President Vogel and carried unanimously.

It was noted the raises are in line and a minor tweak was made to the pension fund, which is fully funded.

E. Request for Reduction of Penalty/Interest and Lien Cost for Property Located Along Saxonburg Boulevard

Manager Jakubec referenced a letter received from Giuseppe (Joseph) Francioni and back up documentation explaining the payments of taxes. Mr. Francioni is requesting Council's consideration of reducing the penalty/interest and lien costs. She explained Mr. Francioni bought land from a family member without having a title search done. He subsequently satisfied County liens, but not Township liens. He wishes to sell the vacant property. Solicitor Lucas explained the buyer would find out about the liens through a title search.

Mr. Denny, Jr. asked if Mr. Francioni has the same issue with school district taxes. The Manager had asked Mr. Francioni, but he did not elaborate.

Mr. Denny, Jr. questioned what if another such case is presented. Manager Jakubec stated she has a list with multiple pages of delinquent taxes which people could come to Council seeking relief.

Mr. Stewart stated Mr. Francioni did not do his own due diligence and Council should not grant a reduction in the lien amounts, to which the consensus of Council concurred.

F. Comments and/or Questions on Proposed Changes to Restated Zoning Ordinance

The Manager noted adoption of the Restated Zoning Ordinance is anticipated on January 14th following the Public Hearing to receive public comments. She questioned if Council had any additional comments or questions about the proposed changes.

President Smith recalled Doug Zaenger wrote a letter to Council with questions concerning the zoning ordinance, which he believed to have answered satisfactorily, except for one questions. President Smith noted Mr. Zaenger expressed concern for older communities and how the Township can keep those areas from further deteriorating. President Smith suggested Mr. Zaenger contact the Township Manager. He also suggested Mr. Zaenger volunteer on the Long Range Plan Committee.

Mr. Stewart indicated anyone that lives in such an area can go through the process. He suggested sending a letter to residents explaining if they want to improve their home, there is a process.

Manager Jakubec noted it depends on the zoning area. Residents have to submit an application and plan for review. Staff sends a letter if the application or plan is incomplete.

President Smith indicated Mr. Zaenger was not happy going through the process and lacked confidence in the Zoning Hearing Board. Mr. Stewart noted a personality conflict between a Zoning Hearing Board member and Mr. Zaenger. Manager Jakubec recalled Mr. Zaenger's history with the Zoning Hearing Board with prior applications.

Mr. Denny, Jr. confirmed staff was seeking other comments or concerns from Council.

President Smith questioned if mediation was necessary. Solicitor Lucas stated mediation is required by the Pennsylvania Municipalities Planning Code (“MPC”). He also noted mediation is voluntary. President Smith questioned who would be the mediator on behalf of the Township. Solicitor Lucas explained a lot of retired attorneys and Judges provide independent mediation services. He would verify whether or not ‘mediation’ should be included in the zoning ordinance. Mr. Denny, Jr. asked if ‘mediation’ is removed from the ordinance would Council need to wait again to vote. Solicitor Lucas explained technically the ordinance would have to be reviewed by Planning Commission. Manager Jakubec indicated it could be addressed the next time the ordinance is amended based on the Solicitor’s recommendation at that time.

The consensus of Council was to leave ‘mediation’ in the ordinance for now. Mr. Stewart offered to inform Mr. Zaenger of Council’s decision. President Smith clarified Mr. Stewart may inform Mr. Zaenger that Council discussed the matter.

The consensus of Council was to include the ordinance on the January 14th regular meeting agenda for consideration.

G. Appointing Delegates to Various Boards and Agencies

Motion by Vice President Vogel to reappoint the following Delegates to the respective Boards and Agencies, was seconded by Mr. Stewart and carried unanimously.

North Hills Council of Governments Board of Delegates	Ted Curran, Delegate Allison Berger, Alternate Delegate
Municipal Risk Management Board of Delegates	Scott Frankowski, Delegate George Stewart, Alternate Delegate
Fire Funding & Safety Committee	Charles A. Vogel, Council Representative Dempsey D. Bruce, III, Citizen Representative
Northern Basin Advisory Board	Charles A. Vogel, Council Representative
Community Center Association Board	Mark Rothert, Council Representative Cassandra Eccles, Alternate Council Representative
RIDC Business Alliance	George Stewart, Council Representative Allison Berger, Council Co-Representative

H. Solicitor’s December 5, 2019 Invoice

Manager Jakubec noted Philip Weis is the Township’s Senior Solicitor, and Dan Garfinkel and Brendan Lucas are Junior Solicitors. She also noted the Solicitors have not increased their fees for several years. Solicitor Lucas indicated the Township receives a 40% discount on fees.

I. Proposed January 14, 2020 Regular Meeting Agenda

It was noted the Motion to appoint Delegates to Boards and Agencies was to be removed from the Regular Meeting Agenda.

V. CONCERNS OF COUNCIL

Ms. Eccles questioned why the speed limit on Alpha Drive drops from 35 m.p.h. to 25 m.p.h. at the top. Staff indicated they would research ordinances.

Mr. Stewart requested the Police to slow people exiting on the ramps from Route 28. Superintendent Slagel indicated he would assign patrol cars at the exit ramps.

Ms. Berger noted the bus stop by the exit ramps for RIDC were eliminated and questioned if Mr. John Kight wanted the trail extended there. Manager Jakubec would not encourage anyone to walk on the Route 28 exit ramps.

Mr. Stewart requested an update on the Kittanning Pike sink hole. A representative from Senator Lindsey Williams' office noted changes the Pringles requested were not acceptable to Penn D.O.T. In order to get the project moving, a discussion with the Pringles and Penn D.O.T. must occur. Manager Jakubec recommended the Pringles meet with State Representative Lori Mizgorski and Senator Williams and request they mediate a discussion with Penn D.O.T. Mr. Stewart indicated there used to be a three-sided containment to guide the water, and the Pringles would like Penn D.O.T. to put concrete blocks to channel the water away from their property. President Smith stated that would be a temporary solution.

Mr. Denny, Jr. inquired of the process to change the Organizational Meeting to begin at 7:00 p.m. instead of 8:00 p.m. Manager Jakubec indicated a referendum would need included as a ballot question to the voters. President Smith suggested moving the Organizational Meeting to Tuesday.

Mr. Stewart stated he would tell the Pringles that a) the Township has been told they were doing both sides, and b) who told us there would be no payment necessary. Manager Jakubec recalled the highest individual, Regional Manager from Penn D.O.T., but reminded Council the discussion was verbal. She suggested the Pringles work with Representative Mizgorski and Senator Williams to help negotiate with Penn D.O.T.

VI. CONCERNS OF STAFF

No comments.

VII. ADJOURNMENT

Motion by Mr. Denny, Jr. to adjourn the workshop was seconded by Ms. Eccles and carried unanimously. The workshop adjourned at 9:27 p.m.

Cathy Bubas, Manager's Secretary