

Allegheny County Council

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Meeting Minutes

Thursday, May 25, 2017

5:00 PM

Conference Room 1

Committee on Public Works

*Bob Macey, Chair; Patrick Catena, Samuel DeMarco, Jim Ellenbogen, Nick Futules,
Cindy Kirk, Paul Klein, Denise Ranalli-Russell and DeWitt Walton - Members*

I. Call to Order

The meeting was called to order at 5:02.

Invited Guests:

William D. McKain, CPA, Allegheny County Manager or designee(s)
Stephen Shanley, Director, Allegheny County Department of Public Works
Robert Hurley, Director, Allegheny County Department of Economic Development

Mr. McKain was present from the Office of the County Manager.

Mr. Hurley, Mr. Earley and Ms. Pierce were present from the Department of Economic Development.

Mr. Evanto was present from the Department of Administrative Services.

Mr. Shannon and Mr. Davis were present from Baker International.

Mr. Cope was present from Picklesburgh.

Mr. Howard was present from the PDP.

Ms. Dixon was present from Animal Friends.

Mr. Barker was present from the Office of County Council.

II. Roll Call

Members Present: 3 - Sam DeMarco ,Cindy Kirk andMacey

Members Absent: 4 - Patrick Catena,Nick Futules,Paul Klein andDenise Ranalli-Russell

Members Phone: 2 - Jim Ellenbogen andDeWitt Walton

Members 2 - Sue Means andTom Baker

Non-Members:

III. Approval of Minutes

IV. Agenda Items

Ordinances

[10165-17](#)

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the grant of a temporary license agreement to Pittsburgh Vintage Grand Prix Association, Inc., a Pennsylvania nonprofit corporation, for the purpose of staging a vintage car show and related activities on the Roberto Clemente (6th Street) Bridge to be known as “Grand Prix Tune-Up” on Wednesday, July 12, 2017.

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill and Mr. McKain briefly summarized its provisions, noting that the fundraiser has been successful in the past,

and that if the County should have any out of pocket expenses, the Grand Prix would reimburse the County for those costs, over and above the license fee. Mr. McKain noted that appropriate insurance would be in place.

In response to a question from the Chair, Mr. McKain discussed river safety.

The Chair expressed support for the event, as did Mr. DeMarco.

In response to a question from Ms. Kirk, Mr. Evanto noted that the event fee is \$80.

A motion was made by Kirk, seconded by DeMarco , that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.

10166-17

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the grant of a temporary license agreement to Pittsburgh Downtown Partnership for the purpose of staging a food festival and related activities on the Roberto Clemente (6th Street) Bridge to be known as “Picklesburgh 2017” between Thursday, July 27, 2017 and Sunday, July 30, 2017.

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill and Mr. Evanto gave a brief summary of its provisions, noting that the event has been successful in the past, and that this year the proposal is for closing the bridge after Thursday morning rush hour and reopen the bridge in time for Monday morning rush hour. Mr. Evanto noted that the Pirates do not have home games scheduled during the event timeframe.

Mr. Howard discussed media attention and crowds generated by the event in its first two years and indicated that he believes the event has become quite well-loved in a fairly short time.

Mr. Evanto noted that the County also promotes the parks and other amenities at the event, as well.

In response to a question from Ms. Means, Mr. Evanto noted that the Warhol Bridge is currently closed for construction, and Mr. McKain noted that traffic alleviation is one of the reasons that the event is scheduled when the Pirates are out of town, as well as the primary reason that more setup and takedown time is not allotted to the event. Mr. Howard noted that the event had been on the Carson Bridge in previous years, but that the Carson Bridge is now the detour route for the Warhol Bridge closure and that this motivated the move to the Clemente Bridge.

Mr. DeMarco expressed support for the event.

A motion was made by DeMarco , seconded by Kirk, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.

10167-17

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the grant of a temporary license agreement to Animal Friends, Inc., a Pennsylvania non-profit corporation, for the purpose of staging a public fundraising event and related activities on the Roberto Clemente (6th Street) Bridge to be known as “Bark n’At” on Saturday, June 24, 2017.

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill and Mr. Evanto gave a brief overview of its provisions, noting that the event has taken place in various parks in prior years and incorporates a number of activities and does entail some setup and takedown, but the total bridge closure should be about 9 hours on Saturday, June 24.

Ms. Dixon noted that Animal Friends originated in Pittsburgh, which is why the city was chosen for the fundraiser.

In response to a question from Ms. Kirk, Ms. Dixon described some of the specifics of the pet walk and other activities.

Mr. DeMarco noted that his wife has been an Animal Friends volunteer for over 20 years, and that he has four dogs, all of which are from Animal Friends.

A motion was made by DeMarco , seconded by Kirk, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.

Resolutions

[10104-17](#)

A Resolution of the County Council of Allegheny County approving the attached document as 2017 Allegheny County Storm Water Management Plan pursuant to 1978, Oct. 4, P.L. 864, No. 167, known as the Stormwater Management Act, 32 P.S. § 680.1 *et. seq.* (“Act 167”).

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill and Mr. Hurley provided a brief overview of its provisions, noting that Commonwealth law requires that the County have a stormwater management plan and that not having one is a potential liability issue. Mr. Hurley indicated that the stormwater management plan is a component of other planning initiatives. Mr. Hurley described the public meetings and comment period, and suggested that, while there may be a few issues that are not universally agreed upon, there appears to be at least some degree of consensus regarding the plan as drafted. Mr. Hurley noted that the County's ordinance is based upon the Commonwealth's ordinance, and that the County's ordinance would become effective for those municipalities that do not have their own. Mr. Hurley noted that the model ordinance as drafted applies only to new development or redevelopment.

Mr. DeMarco noted that the Commonwealth's DEP has promulgated a draft ordinance, and that the County significantly altered the DEP draft. Mr. DeMarco noted that Section 305 of the DEP draft is optional, and in no way restricts sanitary sewers, but that the County's Section 305 is very different. Mr. DeMarco reiterated his concern from the public hearing that the restrictions contained within the County's draft may render significant areas of the County - which may well lie within business districts - impossible to redevelop. Mr. DeMarco suggested that the best course might be to adopt the Commonwealth's model ordinance and let the municipalities tailor it to their individual needs, rather than imposing a significantly stricter standard through the County model ordinance. Mr. DeMarco also indicated that his understanding is that it was not possible to do computer modelling of the effects of the model ordinance as drafted, and that this causes him some concern.

Mr. Hurley noted that many of the changes from the Commonwealth's ordinance were made in response to public comments.

Mr. DeMarco and Mr. Hurley discussed the potential variation between the proposed 35 foot riparian buffer and the 100 year floodplain. Mr. Hurley indicated that federal law already prohibits development within the 100 year floodplain. Ms. Pierce indicated that the riparian buffer standard was the only optional provision in the Commonwealth's ordinance, and agreed that the County had made it non-optional. Mr. DeMarco noted that he is concerned that making one or the other standard mandatory may be inappropriate. Ms. Pierce suggested that the waiver process could accommodate variation.

Mr. DeMarco indicated that he has concerns about the easement prohibition, as well, as he is not clear how underground sanitary sewers could impact a riparian buffer. Ms. Pierce noted that easement areas are graded and cleared and that vegetation is intentionally kept to a minimum, and Mr. Hurley suggested that the waiver process would be a valid tool for addressing variations.

In response to a question from Mr. DeMarco, Ms. Pierce noted that the County is not empowered by Act 167 to create fees for processing waivers and Mr. Hurley noted that this was a primary reason that the County was not willing to take on the responsibility due to the funding implications.

Ms. Kirk noted that the WPAC meetings had largely taken place in the South Hills, and that she had been told by at least some engineers that concern about the draft model ordinance was perhaps minimized because there was no thought that it would impact sanitary sewers, because that provision was not added until after the WPAC meetings.

Ms. Kirk, Ms. Pierce and Mr. Hurley discussed the process through which the sanitary sewer prohibition came into being, as well as the comparative wisdom of relying upon the waiver process to varying degrees.

Mr. Hurley noted that the sewer provision was added because a question was asked about it, but that the riparian buffer provision had always been intended to exclude utility easements. Ms. Kirk noted that sewers are a gravity-dependent utility, which makes it very different than gas or electric, and that water and sewer authorities would not have regarded the model ordinance as problematic until the sewer provision was added after the last WPAC meeting.

Mr. Hurley noted that the general response to the draft ordinance has been overwhelmingly positive, but that there absolutely are a few contentious issues, and noted that he has extensive experience with municipal planning and that it is not uncommon to place restrictions or exclusions on utility easement locations. Ms. Pierce noted that, in the majority of cases, subdivision utility easements tend not to lie near streams because of the way that subdivisions are typically arranged. Mr. Hurley discussed the interaction between municipality, homeowners' association, owner, and other parties regarding utility easements.

Ms. Kirk suggested that it would be wise to attach a hard copy of at least the draft ordinance to the approval resolution.

Mr. Ellenbogen discussed his experience with stormwater issues, and noted that he is comfortable with the model ordinance as drafted.

Ms. Means asked to add a letter from the McCandless Township Sanitary Authority to the written comments from the public hearing, and the Chair agreed.

Ms. Means noted that the approval resolution does not contain the model ordinance as a

physical attachment, but rather is incorporated by reference to a website, and indicated that she is not comfortable with voting to approve the model ordinance under those circumstances.

Ms. Means noted that she had attended the WPAC meetings and the public hearing, and suggested that there may be wisdom in having the transcript of the public hearing available to all of the Council members prior to their vote on the resolution.

Ms. Means suggested that it might be wiser to approve a less stringent model ordinance, because the municipalities would remain free to enact their own, more stringent ordinances.

Ms. Means expressed reservations about relying on the waiver process too frequently, that it was not yet clear how the waiver process would be handled, that making Section 305 mandatory rather than optional would have the effect of significantly increasing the number of waiver applications, and that this provision has the potential to discourage or at least slow economic development by creating a need for the waiver process to be employed.

Ms. Means suggested that WPAC may not have been the most effective advisory structure, as individuals who were part of the process were not necessarily experts in the field.

Ms. Pierce noted that the Law Department had suggested incorporating the supporting materials by reference to the website due to their length, and Ms. Means indicated that this was a valid consideration in her opinion, but that there probably would be wisdom in attaching at least the language that the County is adopting as the model.

In response to a question from Mr. DeMarco, Ms. Pierce noted that the Conservation District is gaining the capacity to handle the waiver process.

Mr. Walton noted that he had attended the WPAC proceedings, and indicated that he is satisfied with the model ordinance and plan as drafted.

Mr. Ellenbogen noted that balancing development and stormwater concerns is a delicate process, but that uncontrolled stormwater is an extremely dangerous condition.

A motion was made by Walton, seconded by Ellenbogen, that this matter be Affirmatively Recommended. The motion carried by the following vote:

Members Yes: 1 - Macey

Members No: 2 - DeMarco and Kirk

Members Absent: 4 - Catena, Futules, Klein and Ranalli-Russell

Members Yes Phone: 2 - Ellenbogen and Walton

Members 2 - Means and Baker

Non-Member:

V. Adjournment

The meeting was adjourned at 6:11.