

Bill No. 3444-07

No. 52-07-0R

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Chapter 215, entitled "Boards, Commissions and Committees," and providing for the creation of an Allegheny County Countywide Riverfront Park Commission to assist in the administration of County policy with regard to the creation of a countywide riverfront park.

WHEREAS, one of the greatest regional assets of Allegheny County consist of the riverfronts along our four great rivers – the Ohio River, the Monongahela River, the Allegheny River and the Youghiogheny River; and

WHEREAS, a countywide riverfront park extending along one side or the other of each river from one end of the County to the other – the longest linear park of its kind in the world – would constitute a substantial economic development tool by increasing property values, encouraging investment in the region, spurring new development, and attracting employers and employees to our region; and

WHEREAS, the County has a unique opportunity presently to establish a linear park along its rivers because our riverfronts are no longer concentrated with heavy industry, manufacturing plants and related facilities; and

WHEREAS, the completion of a countywide riverfront park with substantial amenities and a comprehensive network of interconnected riverfront trails will result in a dramatic surge in use of our riverfronts; and

WHEREAS, a countywide riverfront park which includes convenient access to natural settings, recreation facilities, cultural opportunities and open space would be critically important in attracting new employers and retaining existing employers; and

WHEREAS, other urban areas throughout the world have invested heavily in their waterfronts in order to successfully compete for residents and jobs; and

WHEREAS, linear parks lead to healthier and happier communities and promote health and fitness; and

WHEREAS, the utilization of our rivers and riverfront areas for recreational and cultural activities would create the longest linear park in the world, and would greatly enhance the quality of life for all the residents of our region; and

WHEREAS, all along our riverfronts are towns and communities with a developed infrastructure of streets and roads, housing stock, churches, libraries and other amenities, but many of these towns and communities have suffered physical and economic deterioration because of the loss of heavy manufacturing jobs in the region; and

WHEREAS, preservation of green hillsides unique to the Pittsburgh region is an important need; and

WHEREAS, through the expenditure of an enormous amount of time, money and resources by citizens, volunteers, non-profit entities, developers, local and state government, our region's riverfronts have become more attractive and are contributing to a regional revitalization; and

WHEREAS, the concept of a comprehensive countywide riverfront park has been studied and a blueprint has been developed by the Allegheny County Council through its own efforts and through the efforts of the Riverlife Task Force; and

WHEREAS, the amenities to be included within such a countywide riverfront park should include parks; parklets; playgrounds; tennis, basketball, and shuffleboard courts; picnic groves; swimming pools; river access for fishing, boating, and water sports of all types; uninterrupted trails for walking, jogging, rollerblading, cross-country skiing and biking; hillsides for mountain biking, rock climbing, hiking and viewing; and undisturbed open space; and

WHEREAS, the Council deems it advisable to begin the process of acquiring certain properties located along the Ohio, Monongahela, Allegheny and Youghiogheny Rivers in fee simple absolute for the purpose of creating a countywide riverfront park system; and

WHEREAS, a comprehensive countywide riverfront park, with amenities, would substantially revitalize our region and lead to both a higher quality of life and economic development;

The Council of the County of Allegheny hereby enacts as follows

Section 1. Establishment of Allegheny Countywide Riverfront Park Commission.

The Allegheny County Code of Ordinances, Chapter 215, entitled "Boards, Commissions and Committees," is hereby amended and supplemented by the creation of a new Article IV, entitled "Countywide Riverfront Park Commission," and comprised of the following sections:

Article IV
Countywide Riverfront Park Commission

§215-15. Creation of Commission.

There is hereby established a five (5) member Allegheny County Countywide Riverfront Park Commission. The Commission generally shall be empowered to assist in the implementation of land acquisition and development plans, as well as to control revenues appropriated by Allegheny County Council for the Commission's use in acquiring or improving land for a Countywide Riverfront Park.

§215-16. Membership; terms of office.

- A. The President of Allegheny County Council shall appoint each of the five regular members of the Riverfront Park Commission no later than February 15, 2008. The caucus of the party occupying the majority of the seats on Council shall approve three of the Commission members, while the caucus of the party occupying the minority of the seats on Council shall approve two of the Commission members. The President of Council shall designate a Chair and Vice Chair of the Commission after the fifth appointment is approved. The terms of office shall begin with the appointment of the fifth regular member, and all regular members shall serve terms of four years. Any regular member may be removed by the President of Allegheny County Council at will.
- B. The Allegheny County Chief Executive shall sit on the Countywide Riverfront Park Commission as a nonvoting *ex officio* member.

§215-17. Member Qualifications.

Members of the Countywide Riverfront Park Commission shall be residents of the County at the time of appointment and throughout their service. No more than one regular member of the Panel may be a County Officer or employee at the time of appointment. Members of the Commission shall receive no compensation for the performance of their duties.

§215-18. Quorum, Minutes and Records, and Administrative Support.

Four (4) regular members of the Commission shall constitute a quorum for the transaction of business. The Commission shall conduct no business except in the presence of a quorum. The Chairman of the Commission shall ensure that appropriate measures are taken to keep minutes of the Commission's proceedings. Such records shall be kept and preserved in accordance with applicable law. The

Council shall furnish to the Commission such clerical assistance and supplies as may be deemed reasonable by the President.

§215-19. Filling of Vacancies.

In the case of a vacancy, the President of Allegheny County Council shall, within thirty (30) days of the vacancy, make an appointment to fill the unexpired term.

§215-20. Commission meetings.

- A. Regular meetings of the Commission shall be held, at a minimum, four times a year at a time and place to be determined by the Commission. Meetings shall be open to the public and shall be held within Allegheny County.
- B. Notice of all meetings and agendas shall be made available to the public prior to the meeting date. The Commission will set the agenda.
- C. The Commission may promulgate such rules and regulations for its conduct as it deems necessary. Robert's Rules of Order shall prevail in matters which are not addressed in such rules and regulations, or until such rules and regulations are implemented.

§215-21. Powers and Duties.

The Commission shall have the following powers and duties:

- A. Enhance citizen involvement in policymaking issues by advising the Director of Parks and Recreation regarding the budget, fees and charges, personnel recruitment and training, and general operation of the Allegheny Countywide Riverfront Park (the "Park").
- B. Subject to the terms of §215-20, conduct periodic public meetings to report to the community and to receive input on various issues pertaining to the Park from citizens.
- C. Recommend to the County Executive and the County Council plans for beautification and maintenance of the Park and its recreational areas and amenities.
- D. Investigate the acquisition or abandonment of lands, lakes, waterways, trails, utility rights-of-way, greenways, buildings or other facilities for the purpose of constructing or improving the Park.
- E. Investigate, recommend and implement construction of the Park in such a manner so as to maximize its value and use to existing riverfront

communities and, specifically, to enhance the quality of life and increase property values in existing riverfront communities.

- F. Work with public and private sector partners to connect the riverfront park to existing greenways and open space, and with local municipalities to preserve valuable open space lands adjacent to the Park.
- G. Review and recommend to the Director of Parks and Recreation plans for the construction or improvement of buildings or other facilities within the Park.
- H. Recommend fees and charges for Park services to the Director of Parks and Recreation for consideration, subject to the review and approval by Council and the Chief Executive.
- J. Assist the Law Department, the Parks Department and the Department of Economic Development in the implementation of land acquisition and development plans.
- K. Subject to the terms of §215-22 and §215-23, authorize expenditures of County revenue appropriated by Council to the Commission for the purposes of land acquisition for or development of the Park.

§215-22. Initial Study and Subsequent Activities.

- A. Subject to applicable law, including provisions of the Administrative Code of Allegheny County pertaining to the procurement process and securing professional services, the Commission shall select one or more entities to create a preliminary design for the proposed Countywide Riverfront Park, including linear pathways, bridge connections, and amenities. The entity or entities creating the preliminary design shall be selected no more than 180 days from the date of approval of a County budget in which sufficient funding for such preliminary design is appropriated for the Commission's use. The preliminary design authorized by this subsection shall include, but not be limited to:
 - 1. Proposed design standards for continuous and contiguous walkways, running paths and bikeways throughout the park; and
 - 2. Recommendations for amenity types, construction, and location; and
 - 3. Proposed design standards for bridge connections and recommendations regarding which bridges within the County should serve as Riverfront Park connectors.

- B. The preliminary design authorized in Subsection A shall, upon completion, be presented to Council and the Chief Executive, together with recommendations for future appropriations for the development of the riverfront park. The Commission shall, no less than once each year thereafter, submit additional and/or amended recommendations for appropriations for the development of the riverfront park.
- C. In any fiscal year after the presentation of the preliminary design authorized in this Section and in accordance with the terms of §215.21.K., the Commission may by majority vote authorize the expenditure of any revenues appropriated by Council for the Commission's use in acquiring property for or developing the riverfront park.
- D. For the purposes of this Section, the term "amenity" shall be deemed to include any improvement to existing property within the boundaries of the Park, such as parks, parklets, playgrounds, fishing or boating facilities, park shelters or picnic groves, rowing facilities, equipment rental facilities and any other recreational facilities.

§215-23. Requirement of binding resolution for commitment of County funds.

The Countywide Riverfront Park Commission shall be required to obtain a binding resolution from the County of Allegheny authorizing the request, application, or acceptance of any state or federal funds requiring a County match from the operating or capital budgets of the County prior to any such request, application, or acceptance of funds.

§215-24. Audit Requirement.

The Countywide Riverfront Park Commission shall be deemed subject to the audit requirements contained within §5-205.02 of the Administrative Code of Allegheny County in any calendar year(s) in which County revenue was appropriated for its use.

Section 2. Amendment of Allegheny County Code of Ordinances, Chapter 215, Article II.

The Allegheny County Code of Ordinances, Chapter 215, Article II, entitled "Parks and Recreation Commission," is hereby amended as follows:

* * *

§215-6. Responsibilities.

The Commission shall have the following powers and duties pertaining to all County parks, with the exception of the proposed Allegheny County Countywide Riverfront Park:

* * *

Section 3. Severability.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

PRIMARY SPONSOR: COUNCIL MEMBER FAWCETT

CO-SPONSORS: COUNCIL MEMBERS BURN, CLEARY, FITZGERALD, & FINNERTY

Enacted in Council, this 20th day of November, 2007,

Council Agenda No. 3444-07

Rich Fitzgerald
President of Council

Attest: John Mascio
John Mascio
Chief Clerk of Council

Chief Executive Office November 30, 2007

Approved: _____

Dan Onorato
Chief Executive

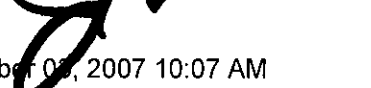
Attest: _____

Donna Beltz
Executive's Secretary

I do hereby certify that the foregoing Ordinance, duly engrossed and certified, was delivered by me to the Chief Executive for his approval or disapproval and that the Chief Executive failed to approve or disapprove the same, whereupon, it became law without his approval under the provisions of Section 311.07(E) of the Administrative Code of Allegheny County.

John Mascio
John Mascio
Chief Clerk of Council

Mascio, John

From: Mascio, John 
Sent: Monday, December 03, 2007 10:07 AM
To: Bob Macey; 'Brenda Frazier'; Burn, Jr. James; Caldwell, Susan; 'Charles Martoni'; Cleary, Joan; david.fawcett@bipc.com; Defazio, John P; Drozd, Matt; Fawcett, Dave; Finnerty, Michael J.; 'Jan Rea'; Jim Burn; 'Joan Cleary'; John Defazio; Lestitian, William E; Macey, Robert J.; Martoni, Charles; Mike Finnerty; 'Rich Fitzgerald'; Susan Caldwell; Vince Gastgeb; 'Vince Gastgeb'; William E. Lestitian; 'William Robinson'
Cc: Barker, Jared; Catanese, Joe; Liptak, Jennifer M
Subject: Riverfront Park Bill returned unsigned

Dear Members of Council,

This is to inform you that Bill No. 3444-07, entitled, "*An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Chapter 215, entitled "Boards, Commissions and Committees," and providing for the creation of an Allegheny County Countywide Riverfront Park Commission to assist in the administration of County policy with regard to the creation of a countywide riverfront park.*", which was passed in Council on November 20, 2007, was delivered by me to the Chief Executive for his approval or disapproval, and having failed to approve or disapprove of the legislation, it became law under the provisions of Section 311.07(E) of the Administrative Code.

Mr. Onorato did not provide a letter explaining his reasons for not signing the bill.

I will place a hard copy of this e-mail in your mail slots.

John Mascio