

Allegheny County Council

436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6490
Fax (412) 350-6499



Meeting Minutes

Thursday, November 30, 2017

4:00 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 4:03.

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

II. Roll Call

Members Present: 5 - Patrick Catena, Paul Klein, Macey, Denise Ranalli-Russell and DeWitt Walton

Members Absent: 3 - Sam DeMarco, Jim Ellenbogen and Cindy Kirk

Members Phone: 1 - Nick Futules

Members 2 - Sue Means and Tom Baker

Non-Members:

III. Approval of Minutes

IV. Agenda Items

Ordinances

[10339-17](#) An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to reconstruct Little Deer Creek Bridge No. 5 in Indiana Township and Harmar Township, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill and Mr. McKain summarized its provisions, noting that the easement is necessary for the bridge reconstruction, and that two of the three owners are deceased, while the third cannot be located.

In response to a question from Ms. Means, Mr. Dillon discussed the efforts that had been undertaken to reach the owners, and Mr. McKain noted that the bridge is in dire need of repair and too much delay in undertaking the project could jeopardize federal funding, which has deadlines attached.

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

[10367-17](#) An Ordinance authorizing Department of Public Works to take certain actions on behalf of County Council with respect to the issuance of highway occupancy permits, the grant of certain licenses, rights of entry and easements, and the amicable acquisition of certain real estate affecting County public work projects and other matters for calendar years 2018 and 2019.

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill and Mr. McKain summarized its provisions, noting that this would continue the County's practice from several years past, and generally involves things like small property uses for construction easements and the like. Mr. McKain noted that there had been about 115 such uses in the two years during which the prior delegation was in place.

A motion was made by Catena, seconded by Ranalli-Russell, 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.

The Chair discussed the history of the bill, noting that it had been introduced back in April of 2017, and indicated that he felt it was important to thoroughly vet the bill. The Chair indicated that the proposed plan had been shared amongst numerous stakeholders, and expressed his belief that it is now time to proceed with getting the bill in its final form and proceeding with it.

Ms. Means expressed appreciation for the public hearing process and the Chair and administration's willingness to work through issues that had been raised regarding the bill, and she noted that the bill has been made much better as a result. Ms. Means noted, however, that the plan is expansive, and that she would like additional time to review the full plan in detail, perhaps by hiring an independent engineering firm. Ms. Means also indicated that the riparian buffer provision in the Commonwealth's model ordinance is optional, while the County's is mandatory, and expressed some concerns regarding creating a one size fits all ordinance for municipalities that may have varying considerations.

The Chair noted that his understanding is that the municipalities and DEP are aware of the County's process, and that they have had the opportunity to express any concerns or reservations regarding the plan, and suggested that delaying the process longer might do more harm than good. The Chair also noted that the County's model ordinance could be altered if it proves unworkable.

Mr. Walton noted that the effort to create the County plan has been going on for years, and that the most recent round of concerns have been addressed and incorporated into the current iteration of the plan. Mr. Walton suggested that it might be impossible to make everyone 100% happy with the draft plan, and that, while reasonable minds may differ about the details of the plan, it would be unwise to hold up the entire thing.

Ms. Pierce discussed the history of the riparian buffer provision, noting that the WPAC members had expressed a desire for various buffer zone sizes, and that the 35 feet figure was selected as a workable compromise. Ms. Pierce also noted that there is a waiver provision that can come into play should the buffer become overly burdensome.

Mr. Walton moved to accept amendment Macey 1, and Mr. Futules seconded the motion.

Mr. Klein suggested that plans of this extent and detail are almost impossible to make entirely foolproof, and that there are almost certainly consequences that are impossible to foresee. Mr. Klein noted that these types of issues, while likely inevitable, can be worked through when they arise.

Ms. Means expressed understanding for Mr. Klein's position, but indicated that she is still not comfortable with the notion of a one size fits all solution, because relying upon a waiver procedure necessarily entails an assumption of consistent, equitable decisionmaking by those making decisions on waiver requests.

The motion to amend passed unanimously by voice vote.

A motion was made by Futules, seconded by Ranalli-Russell, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.

V. Adjournment

The meeting was adjourned at 4:33.