

MUNICIPALITY OF MONROEVILLE

COUNCIL WORK SESSION

SEPTEMBER 6, 2022

MINUTES

The meeting was called to order by Mayor Nick Gresock at 7:09 p.m. immediately following the Citizens Night Meeting.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Mayor Gresock, Joe Hyzy, Eric Poach, Bob Stevenson, Steve Wolfram, Mike Adams, Bob Williams, Dennis Biondo, Tim Little, Bob Wratcher, Paul Hugus, Joe Sedlak and Paul Whealdon. Ms. Rock was absent.

APPROVAL OF MINUTES

Council then considered approval of the minutes of the Citizens' Night Meeting of August 4, 2022, Council Work Session of August 4, 2022 and the Regular Council Meeting of August 9, 2022.

Mr. Williams pointed out Henline was misspelled in the Citizens' Night Meeting minutes.

There were no other comments or questions at this time.

REPORTS OF TAX COLLECTIONS

Council considered approval of the Reports of Tax Collections. There were no comments or questions at this time.

LIST OF BILLS, BUDGET TRANSFERS AND PAYROLL

Council then considered approval of the List of Bills in the amount of \$1,553,124.38, Budget Transfers, and Payroll in the amount of \$1,097,057.13. There were no questions or comments at this time.

VACANCIES ON BOARDS, COMMISSIONS AND AUTHORITIES

There are vacancies on Boards, Commission and Authorities.

There was no discussion at this time.

BIDS AND PROPOSALS

SURPLUS EQUIPMENT

Mr. Sedlak reported there is one Expedition and two pickups on the auction which ends on September 9, 2022 at 1 p.m. on www.govdeals.com.

CONSENT AGENDAOLD BUSINESS

REZONING 22-1-Z

LAW FUNERAL HOME

The applicant is requesting to rezone the portion of Tax Parcel 857-M-195 that is currently zoned R-1, Single-Family Residential to C-2 Business/Commercial. The total area of the property is 4.11 acres. The property is located at 2555 Haymaker Road. (Public Hearing Item)

The Planning Commission recommended approval with conditions.

This applicant was tabled until the September meeting.

Mr. Thomas Lonich, attorney, came forward representing the applicant and he reviewed their request for a rezoning. He stated it was for the purposes of allowing a funeral home at the premises. He reviewed after two public hearings and a number of questions, documentation, information and statements by Mr. and Mrs. Law, the planning commission recommended approval. He submitted a packet of exhibits to the court reporter and solicitor. He reviewed each item. He requested the first one which is his entry for appearance on behalf of the applicant be accepted and made part of the record.

Mr. Lonich then referred to Exhibit Nos. 1 and 1A. He explained it is the zoning map from the municipal records showing the property in question which is a color map showing the difference in the zoning. He pointed out the property in question owned by Mr. and Mrs. Law as a triangle which is a lighter green color and all of the area surrounding it in red is commercial. He pointed out the Trinity Lutheran Church and the current building are remaining and there are no plans to change it except internal modifications. He asserted there would be no razing or extra construction concerning the building. He explained it was a church and there are a number of rooms in the current building including a large congregation area, smaller areas on the basement floor which includes a kitchen and breakout rooms for schooling. He also pointed out a small portion of the property that is zoned commercial and the property has a split-zoning classification from the residential to the commercial.

Mr. Lonich then reviewed a survey and pointed out the triangle that is zoned commercial, the church location on Lot 3 which is residential and another residential area which matched the area along Colgate Road. He stated the surrounding area is zoned commercial.

Mr. Lonich referred to Exhibit 2 which is the deed which reflects the Laws own the lots that is part of the application.

Mr. Lonich then referred to Exhibit 3 which are photographs taken in March and mentioned the vegetation was not as prominent as today. He suggested it showed the property is separated from the residential. He explained the first picture is taken from Haymaker Road and he mentioned the large guardrail that separates the church from the road. He explained Item 2 is from a viewpoint on Haymaker Road down toward to the property. He stated there is a gully to the left of 60 feet or more before it reaches the residents along that area and he mentioned how it is separated from any residential area. He stated it is Haymaker Road on one side and the buffer zone on the bottom half. He explained the next picture is taken straight down Haymaker Road with the guardrail to the right. He

showed a photograph of the back end of the property and the back entrance would be the edge of the parking lot before any of the residential homes.

Mr. Lonich stated there is an interior roadway that services the church which will allow traffic to come right off of Haymaker Road into the church and funeral home area and back out. He asserted there would not be any back up on Haymaker Road to accommodate any traffic from the funeral service. He showed a photograph of the back entrance of the building with a corner lot which is the point of the triangular tip of the drawing that are in Exhibit Nos. 1 and 2. He pointed out a small shed. He showed another photograph of the back portion of the property and pointed out a garage area and the area that leads up to a red light and abuts against the commercial property. He explained it showed the back end of the property which reflects how close it is located to commercial property. He pointed out the medical center which is located against this property. He showed another picture of the corner of the building, the medical center, the highway and parking for the medical center which is located just over the hillside. He explained it reflects the flat portion of the subject property and it leads down the hillside to the medical center and along the highway.

Mr. Lonich showed a picture of the parking lot away from the building so the lower left-hand corner will be where the residential homes begin. He explained how it showed the back entrance of the property and pointed out the gully. He stated there is a natural buffer that runs through the gully area of trees and bushes. He suggested whatever is required by the board and ordinances that the Laws would have to establish regarding buffer and the activities of a funeral home will be seen from those residential properties. He explained the residents start down in the corner which face the backs of the homes. He asserted the front of the homes do not even face this area.

Mr. Lonich showed a photograph reflecting the residences from the back end of the parking and showed a closer picture which reflect bushes and jagers before getting to the property lines of the residences located in the area. He showed a picture closer to the driveway area and stated the homes are a significant distance from the location of the parking lot for the funeral home. He noted that any requirements regarding a buffer would completely screen any of the funeral home uses. Again, he stated the residents would not be able to see it and they would be compliance with any of the lighting or noise. He suggested the funeral home located on this property would not be any intrusion to any of the residential areas along that roadway.

Mr. Lonich reported it is the applicant's position that the rezoning of this property from the residential to commercial does not create a spot zoning. He explained how the property is surrounded on three sides by commercial and it abuts or touches commercial. He stated the areas where there is residential character to the property are all delineated by Haymaker Road or a buffer zone along all the sides. He again stated it is not spot zoning where they are taking a piece of property and distinguishing as opposed to anything surrounding it. He asserted everything around it, including some of this property is zoned commercial and there would be a natural flow of the other commercial activities in the area if the property were rezoned to commercial.

Mr. Lonich then took testimony from Mr. Law who gave his full name and address and confirmed he is the owner of the business and property which is to establish a funeral home. He agreed there would be no changes to the building. Mr. Law explained their primary use of the property is a funeral home and he currently owns and operates the House of Law at 9406 Frankstown Road in Penn Hills. He reviewed his family has been in the funeral business for almost 100 years. He explained the

first establishment was in Washington, Pa then they opened up in Donora in 1950, in Brownsville in 1956, in Erie in 1970, in Wilkinsburg in 1994 and in Penn Hills in 2004. Mr. Lonich inquired whether funeral homes have to be licensed in the Commonwealth of Pennsylvania and Mr. Law answered affirmatively.

Mr. Lonich inquired why he felt a funeral home in this area is needed. Mr. Law reported the funeral industry is one of the last segregated industries and they do 90-95 percent Afro-American. He asserted they do a lot of business in Monroeville and the surrounding communities and they have had requests from clients who are tired of going to Penn Hills or Braddock. He stated they want to do something local.

Mr. Lonich referred to Exhibit No. 4 which is a proposed developer's agreement and pointed out the clause which states, "Law is willing to enter into this agreement and thereby assert that the above described property will only be used as a funeral home and any accessory use associated with a funeral home". Mr. Law concurred and stated he will sign it. He explained their current funeral home in Penn Hills on Frankstown Road has a similar stipulation in the deed.

Mr. Lonich referred to Exhibit No. 5 which is a proposed restrictive covenant and deed restrictions and explained it stipulates the property will only be used for a funeral home and accessory use. He inquired whether Mr. Law would agree to add this to a deed that the funeral home will only be used as a funeral home. Mr. Law concurred.

Mr. Williams inquired whether it would be a funeral home or funeral home and crematory. Mr. Law explained their primary purpose is the funeral home and a crematory would be something to consider in the future. Mr. William confirmed that they are not applying for a crematory at this time and Mr. Law answered negatively. Mr. Williams inquired whether they considered using that intersection at the hospital at the red light for the driveway and Mr. Lonich answered negatively. He explained that would be part of the land development use. He stated they are requesting a rezoning then they will consider the schematics and how it will be laid out.

Mr. Lonich reported sometime in the future the Laws may consider a crematorium as an accessory use to this funeral home. He suggested it was addressed to provide openness and public disclosure. He explained if it is allowed to have an accessory use, the Laws will comply with all municipal requirements. He stated the primary purpose at this time is a funeral home but they may never consider doing the crematory. He reported the request for rezoning is for the purpose of using it as a funeral home.

Mr. Poach referred to the buffer zone to the residential street on Colgate Drive and the commercial zone on the other side and stated there is nothing between the property and the residential area across the street. Mr. Lonich explained Haymaker Road separates the properties. Mr. Poach asserted there is nothing in front of the property. Further discussion ensued. Mr. Poach inquired whether there was any consideration for landscape additions to further screen that area and Mr. Law answered they would consider it. Mayor Gresock pointed out the parking lot is below the grade of Haymaker Road and there is a bank. Mr. Wolfram stated the grade is six feet. Mr. Lonich also mentioned the guardrail which separates it then it drops down and they would be open to any suggestions for screening or buffer.

Mayor Gresock questioned whether a measurement was available where the parking lot is located and ends to where the property lines are located on Colgate Drive. Mr. Lonich answered that he did not have an exact buffer which would be done at the time of land development. He estimated that from the gully to edge of the paved parking lot is 60 feet. Mr. Whealdon agreed and explained there is currently approximately 50 feet of vegetative buffer strip. He stated the actual distance from the rear property lines on Colgate Drive to the building is undetermined because it is not legible but it is at least 100 feet because it is three digits.

Mr. Biondo inquired about the number of other funeral homes the applicant has in operation and Mr. Law answered the one in Penn Hills. Mayor Gresock suggested this intention is to have both and Mr. Law concurred. He asserted they are trying to serve the people in the community. He reported last year they were one of the fastest growing funeral homes in Western Pennsylvania.

Mr. Wolfram inquired about the location in Washington County. Mr. Law answered the one in Washington was on Lincoln and the second one was in Donora.

Mr. Adams referred to the stipulation to keep this a funeral home and inquired what would happen if the property is sold and it is rezoned. Mr. Law stated it would only be allowed to be used as a funeral home and it is recorded in the deed. Mr. Biondo questioned how that could be enforced and who would have standing to enforce it. Mr. Lonich referred to Exhibit No. 6 which is a memorandum of law and shows a number of cases. He explained this is not an attempt at some kind of quid pro quo, a promise of contractual zoning or anything like that. He stated it is not something to impugn on the integrity of the board nor to challenge the credibility of the Laws. He explained he offered the developer's agreement which states it would only be used as a funeral home even though it is different because of the rezoning. He pointed out a neighbor could come forward if the municipality is unable to enforce that language and the restrictive covenant is in the deed so the neighbor could challenge it. He suggested he supplied that information to prove the serious nature of the Laws intentions and that the applicants only want to use it as a funeral home. He reported they offered that restrictive covenant deed to bolster the Laws' credibility.

Mr. Lonich then took testimony from Mrs. Chandra Law concerning her address, husband, the company and property. He inquired whether their intention for the rezoning is to use the property for the funeral home and possibly in the future an accessory use. He referred to Exhibit No. 4 which is a proposed developer's agreement with language stipulating that the property will only be used as a funeral home and an accessory use to the funeral home. He referred to Exhibit No. 5 which is a proposed restrictive covenant for a deed restriction which provides in the deed that the property would only be used as a funeral or accessory use purposes and Mrs. Law concurred.

Mr. Lonich then took testimony from Mr. Whealdon. Mr. Whealdon gave his name and title as Community Planner and Zoning Officer. A discussion ensued regarding the submittal of the application for rezoning to use this property as a funeral home with the possible accessory use. Mr. Lonich then covered general information concerning the application submittal and the meeting process. He again stated the only intention the Laws have expressed is to use the property for a funeral home and possibly a crematorium as an accessory use.

Mr. Biondo referred to the new zoning ordinance and questioned whether this use, a funeral home, would stay in the C-2 zoning district. Mr. Whealdon did not think it changes. Mr. Biondo inquired

whether the accessory use would go before the zoning hearing board to use as a crematorium. Mr. Whealdon reported there was a separate use for crematorium in the draft ordinance so it may not need to go to the zoning hearing board. He stated it may be a permitted or be a conditional use within the new zoning ordinance. Mayor Gresock inquired whether funeral homes are allowed in most of the other districts and Mr. Whealdon answered it is only allowed in the C-2 District. Mr. Biondo inquired whether that would change with the new zoning ordinance. Mr. Whealdon was uncertain but he thinks it stays in the C-2 District. Mr. Lonich inquired when the new ordinance would be adopted and Mr. Whealdon was hopeful that it would be adopted by early or middle of next year. Mayor Gresock asserted council has not seen a draft yet.

Mr. Wratsher questioned whether any of the map changes affect the parcel being discussed and Mr. Whealdon answered not yet. He reported there were certain areas in the new zoning map that are in question and this is one that is questionable. Mr. Biondo inquired whether it was related to this application under consideration and Mr. Whealdon answered negatively. He explained due to the proximity the whole area around North American Martyrs and Forbes Hospital it may become a medical office overlay or some other use other than strictly residential. Mr. Biondo questioned the rest of Haymaker Road from Colgate Drive to that large intersection. Mr. Whealdon stated that is the big question mark on the map currently. Mayor Gresock questioned whether the North American Martyrs Church property on Haymaker Road is zoned R-1 which is the same as this property and Mr. Whealdon answered affirmatively. Mayor Gresock questioned the zoning of Forbes Hospital Property and Mr. Whealdon answered it was zoned to a higher residential for building height similar to what was done for apartment buildings but it is not commercial. Mr. Wratsher suggested it may be R-4 or R-5. Mr. Biondo inquired whether there is an elevation drop where the small sliver of property is that is zoned commercial that is connected to this property and Mr. Whealdon answered affirmatively. He felt it was done for these purposes to keep one foot in the door so it could be advertised as fronting on Route 48. He stated it is a flag lot. Mr. Wratsher referred to Exhibit 1A which is a sewage and drainage easement which is 25 feet wide. He stated it is unbuildable and it cannot be accessed. Mr. Whealdon explained it may be labeled as an easement but it shows up as a property line. He stated if it was solely an easement it could cross multiple property lines. Mr. Wratsher suggested it may be because there is a 20-foot easement running behind the property that goes down to that point and there is a manhole marked on the drawing.

Mr. Lonich reported nothing could be done with it with that zoning and Mr. Wratsher agreed. Mayor Gresock referred to Lot No. 1, 2, 3 and 4 on the map and the current house of worship is on Lot 3 and Mr. Lonich concurred. Mayor Gresock inquired whether Lot Nos. 1 and 2 are still part of the whole area being considered for rezoning and Mr. Lonich answered affirmatively. Mr. Wratsher pointed out the applicant owns all three properties.

Mr. Lonich then took testimony from Dr. William Glaze. Dr. Glaze addressed the mayor and council and attested that he has known Dwight for a long time. He stated he has lived in Monroeville for 32 year, his children went to Gateway and his grandchildren are attending Gateway. He reported he pastors in the city and he is acquainted with the Law Funeral Home in Wilkinsburg and Penn Hills and the impact it made on the community. He suggested it is a place where people can feel good about sending their loved ones into eternity and the Laws do a first-class job. He stated they are people of integrity and felt more people will take advantage of it with the migration of a lot of Afro-Americans eastward. He asserted it would be an asset and blessing to the community.

Mr. Lonich then took testimony from Reverent James Hunt. Reverent Hunt reported he is a 40-year resident of Monroeville, was a teacher at Gateway and is a pastor in Penn Hills. He asserted the Laws are people of integrity and assured council there would be no change of intent for this property. He stated they have served families from his church which is First Baptist Church. He felt it would be a great addition to Monroeville to have them establish a funeral home. He pointed out it would be a good re-use of a church facility. He requested council support them in their application. He again stated it would be an asset to the community.

Mr. Lonich then took testimony from Ms. Jessica Owens. Ms. Owens read a letter into the record indicating she is a resident on Ramsey Road in Monroeville and attested to knowing the Laws for over 20 years. She reported she has used their funeral and burial service for countless friends and family including her parents. She supported the decision for a rezoning and felt it is a needed resource for this community and will be served by them for many years to come. She mentioned how this would service the unique needs of the community which has a diverse demographic and they are currently lacking in afterlife service options. She pointed out transportation is a problem getting to the other end of the city when a loved one has passed away. She stated they have a long history of being an asset to the communities that they serve and she looks forward to them being located in Monroeville.

Mr. Lonich referred to Exhibit No. 7 which is a letter from Pastors Curtis and Niecy White from the Lord's Church Family. He stated it is in support of this request to have the property rezoned to be used as a funeral home. Mayor Gresock clarified that church is located on Haymaker Road a few parcels away. Mr. Lonich reported it is located at 2517 Haymaker Road.

Mr. Lonich referred to Exhibit No. 8 which is a letter from Attorney Todd Hollis who is a resident of Monroeville. He reported the letter is in support for this rezoning and specifically to be used as a funeral home purpose. Mr. Biondo added Mr. Hollis lives on Haymaker Road.

Mr. Lonich explained the use of this property as a funeral home is a residential-in-nature use. He stated the operation of a funeral home is not a commercial activity and is the least intrusive commercial use of anything listed in the current zoning ordinance. He was uncertain why a funeral home was listed in the commercial zoning district. He reported he explained their purposes in providing that language of what they are willing to do to further bolster the credibility or enhance Mr. and Mrs. Law's testimony and the witnesses that the funeral home is their intention for the property and it is what they are going to do. He suggested any concerns about buffer, lighting or noise will be addressed and they will comply with the land development ordinance or any of the performance standards there that may be as part of the zoning ordinance. He asserted the building is existing and the interior will be retrofitted.

Mr. Lonich referred to Exhibit No. 6 which is the legal memorandum for the municipal solicitor to review.

Mr. Lonich reported their testimony shows there is a need for this funeral home in this area. He reviewed Mr. Law testified to why it is necessary and it fulfills a need for the community. He referred to one of the items of a rezoning which is whether the rezoning is detrimental to the health, safety, morals and welfare of the community. He submitted to Mayor and council from the testimony and how the property will be used that it will not be a detriment but enhances the community. He stated it provides a need and a service to the community and is a positive and plus nature for this area. He requested

everything presented be considered and that he be allowed to address any of the public comments as necessary. He requested council approve this request for rezoning and allow this property to be developed for the use as a funeral home.

Mr. Wratcher submitted into the record the entire zoning map of the community, the comprehensive plan and the zoning ordinance as Exhibits A, B and C respectively.

Mr. Lonich also agreed to all of the advertising of the property and any of the posting of the property.

Mayor Gresock inquired about the current hours of operation of the other funeral homes. Mr. Law stated the office is open from 9 a.m. to 4 p.m. and the viewings are typically 4 to 8 p.m. and funeral service start at 10 or 11 a.m. Mrs. Law explained they answer the telephone seven days a week but they are not open seven days a week. She added they have a live service that answers the telephone so the building is not open 24 hours seven days a week. Mayor Gresock inquired whether the viewings and services are seven days a week. Mrs. Law answered six days a week and Sundays only when necessary.

Mr. Williams questioned whether they are both funeral directors and Mrs. Law answered affirmatively. She reiterated that their intent is to be a funeral home and they hope their family members will move it forward in the future. She explained the restrictions are in place if the property is ever sold so it would be used as a funeral home or be converted to something that is a residential use. Mr. Law reported they hope to hire 15 to 20 people to work there. Mr. Williams inquired whether they would hire Monroeville Police to do the traffic control. Mr. Law answered currently in Penn Hills where it is more congested they do not have the need. Further discussion ensued.

Mrs. Law reported it is not their plan to do a crematory. She explained they currently do crematories but do not have one on site and they would comply with all of the requirements if that does happen. She asserted it does not hurt their business not to have a crematory.

Mr. John Kutz, a resident of Colgate Drive, came forward to report he has been a resident since 1967. He opposed the rezoning because he has always considered the property a buffer between the business community and the residential areas that branch off Haymaker Road. He disagreed that this business or any business would not impact the traffic on Haymaker Road. He mentioned the traffic on Haymaker Road and making a left turn off Colgate Drive can be exciting. He requested the application be rejected. Mr. Lonich requested that he point out his property and a brief discussion ensued. Mr. Lonich inquired whether his concern for traffic would be the same if the property was developed residentially with a number of homes. Mr. Kutz answered affirmatively and stated there would not be a lot that could be done.

Mr. Haum Kaplan, a resident of Drake Drive, came forward to strongly object to this business. He suggested there are reasons why some properties are zoned residential and some are zoned commercial. He reported Monroeville has plenty of empty commercial spaces and he agreed with the previous speaker about making a left turn off of Colgate Drive. He felt adding more travel will add undue hardship to the area and will reduce the values of all the properties. He asserted he did not question the integrity or intentions of the Laws but was concerned with what will happen in the future if they decide to sell the property. He questioned whether it could be a gas station, a department store or a commercial building. He was concerned that once it is zoned commercial it will stay commercial and

their intentions may change. He suggested because of the hardships with traffic, the negative effects on property values and that Monroeville has plenty of opportunities for a business to located in a properly zoned area, he did not agree with the business at this location. He asserted he wants to live in a residential area not a commercial area and he felt this would open up the opportunity for an unknown business to locate on this property. He urged council to reject this proposal.

Mr. Evan Frazier, a resident of Shalimar Court, came forward to speak on behalf of the importance of this rezoning. He felt it is critical to have businesses from an economical development standpoint for creation of jobs and activity. He suggested it is important to have Afro-American businesses. He supported the reasons and the need for the business of a funeral home for a family that is well established in this business. He welcomed them to his neighborhood and reported he travels through that area and has no concerns for this business. He felt there is an upside to it not a downside. He urged council to support this rezoning for the purposes stated.

Mr. Kaplan again came forward to report there were a few planning commission meetings that took place prior to this meeting and he found out about this application by accident. He inquired about the rule and why the residents were not informed properly about something this important. Mayor Gresock explained all the public meetings are advertised. Mr. Kaplan inquired whether he would have to check the website for meetings and agenda and Mayor Gresock answered affirmatively. He reported in some instances depending on the proximity of the location of a home, some residents may receive letters but all of the meetings are advertised. He pointed out it is the responsibility of the resident to pay attention to what is happening in the community. Mr. Kaplan stated this property is practically next door to where he lives. He estimated that he is 150-250 feet away but it is next door and it is important to him to be part of the discussion. Mr. Little inquired whether he received a letter that there would be a rezoning and Mr. Kaplan answered negatively. Mr. Whealdon asserted he may be outside the diameter of 300 feet. Mr. Stevenson stated the municipality has to follow very specific laws and if he is located outside of a certain distance then they are not responsible for it. Mr. Whealdon asserted that is why the orange placards are posted so anyone driving by can see there is a public notice. Mayor Gresock pointed out this is a public meeting, it is televised, it is recorded and put on You Tube but no voting is taken at this time. He also mentioned there is another meeting next week where residents can speak for or against the application. Mr. Kaplan felt this is an important discussion and everyone who spoke is in favor. He suggested it is a good idea to bring this business to Monroeville and it is a needed service but he disagreed with the location.

Mr. Otis Mills, a resident, came forward to report that he is familiar with the services that the Laws provide. He stated he has witnessed their business and dealt with their services. He pointed out Haymaker Road is a very busy area and he owns property on Haymaker Road and Colgate Drive. He suggested businesses drive Monroeville but those businesses vary in types and widths with schools and churches to serve the community on Haymaker Road especially in that area with the hospitals. He was in support of this application and felt it is a good thing to happen in the community. He mentioned Monroeville is genuinely integrated with people of all colors, sizes and beliefs. He reported he raised his children Garden City then they moved to the Haymaker Road area and his mother-in-law and sister still live in the Monroeville area. He believed this is a very integrated community which includes a lot of African Americans but there are not a lot of African American businesses in the area. He asserted these are very professional people and he has attended a couple of funerals and saw how they serviced the people. He explained how they always have managed to control the traffic flow at one of the busiest

intersections in Penn Hills and he was sure they would be able to handle the traffic in Monroeville. He was hopeful that this is one of many new businesses that will bring a breath of fresh air to Monroeville.

Ms. Dara Obozam, a resident of Colgate Drive, came forward to support the rezoning. She reported the property under consideration abuts her property in the back. She stated she has worked in the funeral business for 25 years outside of the community and there is none located in Monroeville. She mentioned the growth of traffic on Haymaker Road and the development of Haymaker Village and she agreed it is a growing concern but Monroeville is a growing community. She felt it could be handled and she has watched both churches have their activity on Haymaker Road with no big concerns. She fully supported the Laws because she knows it is a needed service in this community. She reported she and families from Monroeville have to get outside this community to do this business because there are none located here. She explained how traffic increases on the weekends in Monroeville and she did not feel this business would interfere with any traffic issues in the community. She again stated she is in full support of this rezoning.

Ms. Theresa Boguslawski, a resident of Colgate Drive, came forward to express her concerns. She reported they already deal with the left-hand turns and the traffic travels fast in that area where there is a slight curve. She stated her main concern is traffic and she mentioned Forbes Hospital with a lot of traffic and there is a light before the funeral home area. She felt it is congested in that area and the funeral home will increase the traffic. She was concerned with how they would handle the traffic when there is a funeral. She agreed it is needed in the community but was concerned with how the traffic would be handled.

Mr. Emeric Rubis, a resident of Colgate Drive, came forward to express his concerns about traffic. He reported he has seen traffic for 26 years grow since they moved there. He appreciated that council has the best intentions for the residents but it will affect the residents on Colgate Drive the most with the traffic. He had nothing against the people and their business and he believed they have the best intentions but with every new business that is approved it creates just a little more traffic. He reported UPMC created a lot more traffic which all flows down to Haymaker Road. He suggested getting in and out is difficult at certain times of the day and he mentioned how Forbes Hospital creates a nightmare at certain times then add the school buses makes it tough. He stated their concerns are the traffic.

Mr. Kevin Pollard, a resident of Monroeville for 17 years came forward in full support of the Laws rezoning for this business. He understands the concerns for traffic and he mentioned that he is a Port Authority bus driver for five years. He reported he has traveled on this road and he understood the concerns for traffic on Colgate Drive and that intersection. He mentioned Jobes Funeral Home on Beatty Road is located at a congested intersection and it is hard to navigate with a bus. He reported the Corl Funeral Home on Northern Pike is located on a busy road but it is dealt with. He suggested traffic will always evolve and make its way. He felt a left turn would have to be made when the services are let out which is before Colgate Drive. He supported the rezoning and the Laws and reported he has known them for 15 years and their families are close. He felt 100 years is a lot of integrity and was sure any issues raised, this family would address.

Ms. Dixie Rounds, a resident of Colgate Drive and Haymaker Road, came forward. She felt these are lovely people and they will be good neighbors. She suggested the problem with traffic getting out of Colgate Drive is if there is parking along Haymaker Road. She pointed out there are 50 parking spaces at

the current property. She reported if cars park on Haymaker Road it will obstruct the view getting out of Colgate. She was concerned with the traffic because she lives at the corner. She felt there will be no problem as long as no one parks on Haymaker Road. She did not want the traffic to get so bad that the street would have to be widened and take half of their lots.

Mayor Gresock explained Haymaker is a county road and parking could not be added. Mr. Hugus explained the county would have to do a restriction on Haymaker Road but the municipality would have to pass an ordinance which the county would have to agree.

Mr. Gail Mills, a resident of Haymaker Road and a property owner of Colgate Drive, came forward. She stated she is aware of the traffic on Haymaker Road and Colgate Drive but did not feel the funeral home would have much of an impact. She reported the property was used as a church without any problems with access. She felt having them repurpose this deteriorating building would be a plus for everyone and it will be an asset to the neighborhood.

Ms. Susan Delaney, a resident on Catalina, came forward to express her support. She commended the service of the Laws in Penn Hills. She mentioned the traffic is an issue off of Haymaker Road but it should not be denied because this type of business is necessary for the diversification of the community. She felt it would be an asset.

Mr. Lonich explained they have no intention of parking along Haymaker Road and would comply with any regulation. He inquired whether the funeral home would employ individuals who are trained concerning traffic regulations and Mr. Law answered affirmatively. He reported Frankstown Road is as busy as Haymaker Road and they have people trained to handle it. He added they currently have 60 parking spaces on the property and they are proposing to add an additional 50 parking spaces.

Mr. Lonich thanked the mayor and council for the opportunity to make the presentation and he thanked the staff Mr. Whealdon and Ms. White who responded in a timely manner and provided information.

Mr. Biondo pointed out the property is currently being used as a church so it is not on the tax rolls and a funeral home would put it back on the tax rolls. Mr. Lonich concurred.

Mayor Gresock inquired whether the parking lot conforms for the current church on the property and Mr. Whealdon explained he has never calculated the number of parking spaces. He added it would be considered an existing non-conforming use if it did not meet the requirements. He was unaware of any traffic issues with the current church. Mayor Gresock inquired whether the parking spots for a funeral home are calculated on the square footage of the building. Mr. Whealdon answered that is normally how it is done but there is not a separate parking calculation for a funeral home in the current ordinance. He asserted some funerals generate more than others. He pointed out this property has a governor's driveway which helps with the traffic flow.

Mr. Lonich reported if there is someone to be viewed at the funeral home that will generate large crowds arrangements could be made with neighboring property owners for parking and people could be shuttled over.

Mr. Williams pointed out the property currently has 60 parking spaces and they are proposing 50 more could be made. Mr. Law concurred.

Mr. Kaplan again came forward to point out many people present feel there would be no problem with traffic. He was concerned it cannot be changed back if this property is rezoned and there is a problem with traffic. He reported he lives in this area and turning left onto Haymaker Road is currently difficult.

Whereupon, Mr. Wolfram duly made a motion to close the public hearing and Mr. Biondo seconded it. Upon a voice vote, the motion carried unanimously.

Mayor Gresock explained this item will be voted on at the meeting next Tuesday at the regular meeting. He reported consideration for rezoning of any property is that council has to determine if the C-2 use for that area is proper.

(A brief break was taken at this time at 8:50 p.m.)

(The meeting was reconvened at 9:05 p.m.)

NEW BUSINESS

SUBDIVISION 22-3-SUB KUEHN ESTATE SUBDIVISION PLAN

The applicant is requesting Preliminary and Final Subdivision approval to subdivide and consolidate Tax Parcels 857-P-184, 857-P-186 and 857-P-214. Existing Lot 6-A2 and 6-B2 are to be consolidated into Lot 2 and the dividing line between newly created Lot 2 and existing Lot 7 is to be adjusted approximately 16 feet in a westward direction creating Lot 1. The property is located a931 MacBeth Drive in the R-4, Multi-Family Residential Zoning District.

Mr. Little pointed out this is a reverse consolidation.

Mr. Whealdon reported it is a small residential consolidation.

RESOLUTIONS

RESOLUTION

A resolution under Act 205 of 1984 known as the Municipal Pension Plan Funding Standard Recovery Act authorizing the 2022 Minimum Municipal Obligation (MMO) for the police and Non-Uniform Pension Plans.

Mr. Little reported this is a housekeeping item done every September. He pointed out the numbers have not been finalized yet but the Police Pension Plan MMO is on the pink sheet. He mentioned this is for next year.

RESOLUTION

A resolution recognizing the Garden City Swim and Tennis Club as a Civic and/or Service Association under the Local Options Small Games of Chance Act, as amended.

Mr. Little reported this is also a housekeeping item where people want to run games of chance and 50/50s and it has to be done with a resolution under the county.

REPORTS OF MUNICIPAL STAFFSOLICITOR'S REPORT

Mr. Wratcher reported an ordinance was prepared at the request of Councilman Williams to prohibit parking of vehicles on people's front lawns in residential areas. He explained this has been done more frequently and this is authorization to advertise that ordinance so future action can be taken.

MANAGER'S REPORTFIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

Mr. Little reported he was instructed by council last month to make a recommendation on what the municipality can afford under the debt service for the five-year capital improvement program without a tax increase. He referred to the amortization schedule he submitted to council with several different options. He reiterated there is Options 1, 2, and 3 and each column with Steps 1, 2 and 3. He reported Option 1 is for 10 years approximately \$10 million and each one is \$10 million, \$20 million and \$30 million respectively and Option 2 is the same for 20 years. He stated Option 3 is a pro-rata wrap which a smoothing for the debt service payment and he briefly reviewed it. He pointed out those are the nine different options depending on the term and the amount of money council would consider borrowing under a bond issue.

Mr. Little explained the municipality restructured its debt service two years ago from paying \$3.2 million for a number of years to \$1.4 million. He recommended Option 2, Column 2 which is for \$20 million for 20 years with the debt service which would be the same as currently being paid. He added it would come to term in 2043. He referred to Option 3, Column 2 which is two years shorter and the debt service payment goes to \$1.7 million. He suggested for a two-year difference the debt service would remain the same with entering into a bond issue for 20 years. He pointed out council could consider going to 15 years but he does not have the information. He recommended the municipality could continue and have a bond-issue for \$20 million with the same debt service until the Year 2043.

Mr. Little mentioned the capital improvements program is for five years from 2022 to 2026 which may need to be changed from 2023 to 2027. He pointed out there are \$26 million worth of projects over that period. He reported with the current fund balance and grants, the municipality would have a deficit of \$15.4 million but the \$20 million would cover it and the municipality could do the debt service moving ahead.

Mr. Adams inquired about the 15-year numbers and Mr. Little indicated he could get that information for the council meeting. He reviewed some of the information. He reported the rate is currently at 4 percent to issue a bond.

Mr. Little reported staff is currently putting a narrative to the capital improvements program for each project.

ANIMAL CONTROL POLICY

Mr. Little indicated he would discuss this item at the regular council meeting.

2023 BUDGET PRESENTATION

Mr. Little reported next month the 2023 Budget will be presented to council.

HOUSEHOLD HAZARDOUS WASTE AND ELECTRONICS COLLECTION EVENT

Mr. Little reported the Household Hazardous Waste and Electronics Collection Event will be held on October 8, 2022 at Public Works from 9 a.m. to 1 p.m. He indicated there is a fee and recommended everyone register on the website.

MONROEVILLE JAZZ FESTIVAL

Mr. Little reported the Monroeville Jazz Festival was held on Saturday. He stated it was the largest and most well attended one held. He estimated there were 2,500 people in attendance and there were three Jazz Bands which started at 2:10 p.m. and went until 8:30 p.m. He felt everyone had a great time and it was one of the best held.

COUNCIL MEMBERS' REPORTSFIRST WARD COUNCILMAN JOE HYZY

Mr. Hyzy thanked the library for inviting everyone over to the Fun Fest because it was a great event. He was surprised and shocked to see the number of people who attended. He commended the library on a great event.

Mr. Hyzy reported there have been some problems on Patton Street with the traffic. He explained he met with the county earlier that day and he has been notified that they are going to shut down the Tri-Boro Friday Night until Monday morning. He stated there will be patrols down there but he further explained the municipality has no authority over what the county does on their roads. He indicated the county can shut down any of their roads and the motorist have to find their way. He pointed out the municipality cannot just put speed bumps down without a traffic study but the municipality is doing the best they can. He reported he was informed the road should be open by mid or late October depending on the weather and it should be completed in November.

Mr. Hyzy also mentioned Haymaker Road where the milling was done and he suggested everyone to slow down.

THIRD WARD COUNCILMAN ROBERT STEVENSON

Mr. Stevenson reiterated that the municipality needs volunteers to step up to be appointed to the boards and committees. He suggested most of them are one meeting a month and he urged people to volunteer.

FOURTH WARD COUNCILMAN STEVE WOLFRAM

Mr. Wolfram was glad to be back and he thanked everyone who showed up when his father passed away.

SIXTH WARD COUNCILMAN ROBERT WILLIAMS

Mr. Williams commended the library for the great job done at the Fun Fest held on Saturday with the petting zoo and the tents and the participation. He stated it was fun.

Mr. Williams reported the Senior Citizens Center is having a fundraiser with a hoagie sale. He stated it would be a 6-inch submarine for \$5 and he encouraged everyone to order one because it is a big help to the senior center.

SEVENTH WARD COUNCILMAN DENNIS BIONDO

Mr. Biondo agreed the Fun Fest was a great time and it was fun to judge the Cupcake Contest. He reported his children had a great time at the Robot Petting Event that day. He encouraged everyone to use the library because it is Love Your Library Month and he mentioned there is a childrens' room and Facebook page that will keep people up to date on the activities at the library.

MAYOR NICK GRESOCK

Mayor Gresock echoed everything his colleagues stated about the recent events and mentioned the Jazz Festival. He gave special thanks to the Monroeville Foundation, the board, members, volunteers, vendors, public works and the parks and recreation department. He reported it was a well-attended event and was a nice showcase for Monroeville. He reported City of Pittsburgh Mayor Ed Ganev attended the Jazz Festival.

ADJOURNMENT

There being nothing further come before council at this time, Mr. Stevenson duly made a motion to adjourn the meeting at 9:23 p.m. and Mr. Poach seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Timothy J. Little
Municipal Manager

TJL/sam