

MUNICIPALITY OF MONROEVILLE

REGULAR COUNCIL MEETING

SEPTEMBER 13, 2022

MINUTES

The meeting was called to order at 7:05 p.m. by Mayor Nick Gresock.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence was observed.

ROLL CALL

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

PUBLIC COMMENT

No one came forward to make public comment at this time.

EXECUTIVE SESSION ANNOUNCEMENT

Council conducted an executive session before the council meeting from 6:15 p.m. to 7 p.m. for personnel and litigation reasons. Council legislative action, if any shall be taken at this September 13, 2022 Regular Council Meeting.

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.

Whereupon, Mr. Poach duly made a motion to approve the minutes and Mr. Hyzy seconded it. Mr. William confirmed that the misspelling was corrected on Nicole Henline's name in the citizens' night meeting minutes. Upon a roll call vote, the motion carried unanimously.

APPROVAL OF REPORTS OF TAX COLLECTIONS

Council considered approval of the Reports of Tax Collections. There being no discussion, Mr. Williams duly made a motion to approve them, as submitted, and Mr. Biondo seconded it. Upon a roll call vote, the motion carried unanimously.

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.

Whereupon, Mr. Wolfram duly made a motion to approve the list of bills and budget transfers and Mr. Williams seconded it. Upon a roll call vote, the motion carried unanimously.

Further, Mr. Biondo duly made a motion to approve the payroll and Mr. Wolfram seconded it. Upon a roll call vote, the motion carried unanimously.

VACANCIES ON BOARDS, COMMISSIONS AND AUTHORITIES

POLICE CIVIL SERVICE COMMISSION

Whereupon, Mr. Hyzy duly made a motion to appoint Mr. Jonathan Pawlowski to the Police Civil Service Commission and Mr. Adams seconded it. Upon a voice vote, the motion carried unanimously.

HUMAN NEEDS AND RESOURCES ADVISORY BOARD

There being no discussion, Mr. Poach duly nominated Mr. Michael Parr to the Human Needs and Resources Advisory Board.

LIBRARY BOARD

Further, Mr. Poach duly nominated Ms. Cindy Lucas from Ward Two to the Library Board.

BIDS AND PROPOSALS

SURPLUS EQUIPMENT

Mr. Little reported the assets sold on www.govdeals.net was a 2004 Ford SUV, 2006 Chevrolet Silverado and a 2009 Silverado for \$7,676 with a fee to GovDeals of \$575.70 and the municipality received \$7,100.30.

Whereupon, Mr. Hyzy duly made a motion to approve and Mr. Williams seconded it. Upon roll call vote, the motion carried unanimously.

CONSENT AGENDA

OLD BUSINESS

ORDINANCE 2764

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. A public hearing was held.

The Planning Commission recommended approval with conditions.

This applicant was tabled until the September meeting.

Whereupon, Mr. Biondo made a motion to remove it from the table and Mr. Williams seconded it. Upon a roll call vote the motion carried unanimously.

After a brief discussion, Mr. Biondo duly made a motion to approve Rezoning Application No. 22-1-Z and Mr. Williams seconded it.

Mr. Poach expressed his appreciation to the applicant for his preparation at the previous meeting. He stated it was mentioned at the last meeting that this was the last segregated industry and Mr. Law concurred. Mr. Poach inquired how the applicant decided about locating a funeral home on this property. Mr. Law indicated that he had numerous families that have requested to locate in Monroeville. He stated he is aware of the migration flow and more of their families have moved to Monroeville and the surrounding communities. Mr. Poach questioned the expectation of the normal business flow on a weekly basis. Mrs. Law explained they initially looked at space to locate in the city and a lot of people were requesting that they move to Monroeville. She reported they will not close the Penn Hills location and servicing Monroeville will help them spread out more of what they have to increase. Again, Mr. Poach inquired what they expect the activity would be at the funeral home per week. Mr. Law answered it would not be comparable to what is happening in Penn Hills and he projected 30-40 per year. He reported there are doing approximately 300 per year in Penn Hills. Mr. Lonich clarified that it would be approximately one service per week and Mr. Law concurred.

Mr. Poach inquired about the closing of the Wilkinsburg location. Mr. Law explained they moved to Penn Hills from Wilkinsburg and they maintained both for a couple of years. He reported people felt safer in Penn Hills than Wilkinsburg.

Mr. Poach referred to the traffic and information. He inquired how long the current church at this location has not been in operation. Mr. Law suggested it was in operation last year and they just closed when they purchased the property. Mr. Poach questioned whether they own the property and Mr. Law answered affirmatively. Mr. Lonich pointed out Exhibit No. 2 which was the deed showing the property.

Mr. Poach inquired whether the applicant felt they could limit the future use of the property to just a funeral home. Mr. Lonich explained the additional language in a deed of a restrictive covenant would restrict the use. He stated the enforceability may come from a neighbor or an outsider who may say it can only be used as a funeral home. He suggested that language preserves the use as a funeral home. He stated the proposed restrictive covenant language and the proposed developers' agreement was to bolster the representations given by the Laws to indicate that is what they intend to do. He pointed out they would sign the agreement as proof of what they intend to do with the property. He suggested the testimony of the Laws was clear that their only intent is to use it as a funeral home. He stated they may consider a crematorium in the future but it is currently only intended to be used as a funeral home at that facility.

Mayor Gresock indicated there are questions about enforceability of the restrictive covenant. He inquired whether it would be done prior to a rezoning if both parties agreed or during a site plan approval. He questioned when it would be appropriate to enter into such an agreement or to change the deed. Mr. Wratcher explained the deed would have to be changed when the property changes property owners. He felt the deed would have to be done with the previous owners but the enforceability is questionable.

Mr. Poach suggested his concern is that when the municipality changes a property from residential to commercial. He mentioned an incident with the police and a day care center.

Mr. Poach disagreed with their interpretation of a buffer zone from the commercial and residential. He mentioned the buffer between Giant Eagle and Target with the residential.

Mr. Poach was concerned because it is a seven-acre piece of property and the property owner could build houses on it or could place a gas station at this location and make more money from it and the municipality would have no recourse.

Mr. Law explained the difference between their business and a day care is that they have been in business almost 100 years and they had six other funeral homes in other communities that were successful. Mr. Poach reported he researched the Law business and every piece of information was extremely positive. He asserted that is enticing to Monroeville and he wished everyone was as prepared. Mr. Law explained their business is built on integrity and his father taught him to treat people good and it will catch up with you. Again, Mr. Poach stated he got a positive response from everyone he contacted.

Mr. Biondo mentioned there was testimony at the previous meeting about the migration of the African-American community to the eastern suburbs. He questioned whether that is something that is occurring and Mr. Law answered affirmatively. Mr. Biondo inquired whether that would give him the motivation to move to Monroeville and Mr. and Mrs. Law answered affirmative. Mr. Biondo questioned whether they thought the eastern suburbs to be an underservice community in their business. Mr. and Mrs. Law answered affirmatively. Mrs. Law explained that is why they chose to look in Monroeville instead of purchasing towards Pittsburgh because of the need. She pointed out they do not only serve Afro-Americans but that is their majority. She could not promise on what will happen in the future but they have no intention of moving here and not doing this business. She had no doubt about their integrity but she understood his concern. She stated they would do something with the property because they own it but there will still be traffic there with anything.

Mr. Poach asserted their use would generate less traffic than the church. He reported they ran a report on reportable traffic accidents from 2016 and there have been two within the last 18 months. Mr. Lonich stated one happened at 5:30 a.m. Mr. Poach explained the municipality does not really know volume of information because there is no statistical data in place but he did look at the information.

Mr. Biondo pointed out that at the last meeting Mr. Lonich stated, a funeral home is the least intrusive commercial use in the zoning district. He questioned whether the Laws would have put the funeral home in a different zoning district other than commercial if it were permitted in Monroeville and Mr. Lonich answered positive. Mr. Biondo inquired whether they would have asked for a different zoning. Mr. Lonich stated from a legal perspective and if they were looking at a zoning of a municipality then he would have considered taking a funeral home and placing it in addition to commercial but also in a different zoning district. He again stated a funeral home is the least intrusive but it has a residential character to it that should not be in a commercial. Mr. Biondo asserted it is more like a church or a school and Mr. Lonich agreed. Mr. Biondo stated they are permitted in the residential zoning district. Mr. Lonich reported when he considered this case, he pointed out how funerals are conducted at that church and the difference is the service and the viewing. He suggested a funeral viewing may be an accessory use to a church because there would be the services of a funeral that day.

Mr. Law referred back to the question of whether they looked at other areas for a funeral home but when the church became available they were ready to enter into an agreement for a building on Northern Pike by McDonalds. Mr. Lonich added this property has a lot of amenities that is conducive to

less traffic and families and the area. He suggested there is no detriment to the health, safety or welfare of the community but it enhances the activity.

Mr. Biondo mentioned the municipality is in the process of rezoning. He inquired whether the applicant would have an objection if the municipality allowed funeral homes in a different zoning district and the property in question would change to a different zoning district other than C-2. He questioned whether they would object to it being an R-1 or a special use. Mr. Lonich could not see any reason why they would object if the funeral home is allowed in the area that is rezoned. Mr. Poach explained that is the issue because the municipality does not know who will be here in a few years and who would remember it. Further discussion ensued. Mr. Lonich reported he addressed the problem of changing the zoning and opening it up to any rezoning at the first planning commission. He also mentioned if something other than what is approved is done, it will feel like a trick. He stated they submitted everything up front and were cooperative with anything that would be needed from Mr. and Mr. Law. He suggested they tried to take that sense of uneasiness and fear out of the equation. He felt it is a matter of whether council trusts their word.

Mr. Poach pointed out the municipality entered the comprehensive plan into evidence and he questioned the staff on where they see that developing. He stated Mossie Boulevard was considered business and the Haymaker Road was considered residential. Mr. Whealdon explained the municipality is not doing anything with the comprehensive but is updating the zoning ordinance. He stated the map in that area has not yet been set and the North American Martyrs parcel and Forbes Hospital is questionable. He asserted there are a lot of big players in that area. He reported it is on the boundary line of a couple different zoning district and it has not been decided yet.

Mr. Biondo requested the staff consider putting a funeral home in another zoning district other than C-2 because it would resolve this issue if it would arise again. He stated Monroeville is a hub for the eastern suburbs and he is proud to live in Monroeville because it is a very diverse community. He felt council believes all the evidence submitted but there are concerns about changing it to a C-2 zoning district. He pointed out it is uncertain what will be done with those properties and the North American Martyrs and the Forbes Hospital properties. He supported this application and felt having another Afro-American business in Monroeville would be a great thing and it will serve an underserved community. He welcomed them and requested his colleagues to approve the rezoning.

Mayor Gresock agreed with Councilman Biondo. He explained no one likes to think about death and suggested it was interesting that this is one of the last segregated businesses. He stated Monroeville is a diverse community and it is sad that there are Afro-American residents in the community that have to leave town for their final good bye. He suggested this is an opportunity to have this type of business in the community. He mentioned the concerns for C-2 long term and the restrictive covenant but it has been a good faith effort. He felt this is a good reuse of a church facility and he was concerned with what would happen to it if this is not approved. He agreed that the locations of funeral homes needs to be reviewed in the next zoning. He mentioned they could be conditional use in some other district but he felt they are in the same category as houses of worship and they have a residential character. He suggested it is good for Monroeville on many levels and encouraged council to approve it and welcomed this family and business into the community. Again, he mentioned the next zoning map needs to be approved regarding these matters.

Upon a roll call vote, the motion carried with five affirmative votes and one negative vote by Mr. Adams. Mr. Adams commented that he is not against this business but he was concerned with the rezoning to commercial in that district. He stated no ones knows how long it will be a funeral home and he did not want any other type of business at that location.

Mr. Lonich thanked the mayor and council. He requested anyone to contact him with any questions or issues. He asserted the Laws are proud to be here and will do what they can to help the community.

NEW BUSINESS

RESOLUTION 22-36

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 Lots 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 at 931 MacBeth Drive in the R-4, Multi-Family Residential Zoning District.

The Planning Commission recommends approval with conditions.

Whereupon, Mr. Hyzy duly made a motion to approve Subdivision Application No. 22-3-SUB and Mr. Poach seconded it. Upon a roll call vote, the motion carried unanimously.

MOTIONS

MOTION

A motion to authorize to advertise an ordinance prohibiting the parking of vehicles on front lawns of residentially zoned property and providing penalties for violation of such regulations.

There being no discussion, Mr. Hyzy duly made a motion to approve and Mr. Wolfram seconded it. Upon a roll call vote, the motion carried unanimously.

RESOLUTIONS

RESOLUTION 22-37

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 for next year for budgetary purposes. He pointed out on the resolution the allocation from the state has not been included because it is unknown. He mentioned last year's amount was \$1.17 million. He referred to the MMO and reported the nonuniform is \$1.4 million and the police is \$1.9 million which totals \$3.4 million that the municipality pays for the pension

plans. He added the municipality get \$1 million from the state. Mayor Gresock clarified that it is \$2.4 million from the municipality and \$1 million from the state.

Whereupon, Mr. Wolfram duly made a motion to approve the resolution and Mr. Williams seconded it. Upon a roll call vote, the motion carried unanimously.

RESOLUTION 22-38

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 for raffles at the Garden City Swim Club which is required by the county.

Whereupon, Mr. Biondo duly made a motion to approve the resolution and Mr. Poach seconded it. Mr. Hyzy questioned whether this is just for this swim club and none of the others. Mayor Gresock answered affirmatively. Mr. Williams inquired whether those clubs have their own license and do not go through the municipality. Mr. Wratcher answered affirmatively and stated it is issued directly to them. Mayor Gresock added they need the municipality's support. Upon a roll call vote, the motion carried unanimously.

REPORTS OF MUNICIPAL STAFF

MANAGER'S REPORT

FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

Mr. Little reported council discussed the amortization sheet and the different options at the work session. He recommended Option No. 2, Column No. 2 which would be a \$20 million bond with a debt service ending in the Year 2043 with a debt service of \$1.5 million. He suggested that would continue the current debt serve which is \$1.44 million. He reported council requested another option for 15 years. He referred to the information in the packet for Option No. 4, Column 2 which is approximately \$1.9 million or an increase of \$400,000. He stated there would be a bigger debt service in 2025 of \$3 million and one in 2024 of \$2.5 million and it would end in 2038 at \$982,000. Again, he stated that would be Option 4, Column 2 in the amortization level.

Mr. Little referred to Option 3 which is the pro-rata wrap which smooths out the debt service over an 18-year period and the debt service is similar to the 15-year.

Mayor Gresock requested staff's recommendation. Ms. Rock indicated she needs additional time to review the information. She mentioned the Option No. 4 with the \$2 million per year which is a doable figure based on the existing.

Further discussion ensued. Mr. Little pointed out the deficit is approximately \$15 million. He referred to all the things the capital would cover and how the municipality has worked through the

circumstances. He asserted there are things that need to be done and they are included in the capital improvement program.

Mr. Poach inquired about the fund balance. Ms. Rock indicated it is ever changing but the municipality is maintaining it. She estimated it to be \$26 million as of the audited financial statements for the end of 2021. Further discussion ensued. Ms. Rock reported sometimes the fund balance gets confused with cash balance. She explained the fund balance is the cash assets minus the liabilities. She added the municipality has been increasing the fund balance for the past two or three years and Mr. Little added the municipality received the AARPA money from the second tranche last Friday of \$1.4 million. He stated it is part of the budget.

Mayor Gresock inquired about the time period to have this approved. Mr. Little felt the ideal time would be when council would feel comfortable moving ahead with all of the capital items. He reported the home rule charter says it should have a capital improvements program passed by the end of this month but that has not happened in the last four years. He felt the capital improvements program should be tweaked every year before June or July to make the budget process smoother because most of the items are fixed costs. Mayor Gresock encouraged council to review the entire packet and he was hopeful that the municipality would move forward.

Mr. Poach stated the only thing that is holding it back is the final analysis and review and suggested council target for the next meeting. Mr. Little stated he is having the department heads put narratives into the capital program because once it is passed he wants it to be a spiral bound capital improvement program document for public disclosure and it would be available at the meeting. He suggested it could be in the process in October and possible action in November. Further discussion ensued. Mayor Gresock recommended November be targeted for approval but to deliberate more in October to hammer it down.

Mr. Biondo inquired whether there has to be a public hearing and Mr. Little answered one public meeting has to take place. Mayor Gresock suggested it could be at an agenda setting meeting. Further discussion ensued regarding the meetings, deliberation, consideration and approval. Mr. Adams recommended the staff can do the analysis of the options to determine what is best for the municipality.

ANIMAL CONTROL POLICY

Mr. Little reported the animal control policy has been reviewed regarding the control of domestic and wild animals. He asserted the municipality only has the resources to do so much but the municipality has the best animal control and kennel of any municipality in Western Pennsylvania. He explained the staff did some tweaking of the animal control policy. He stated it would mostly be the same but there are highlights the public should be aware of and it would be available on the website. He read the seven different items including: 1) domestic animals, only dogs or cats (also feral cats) and includes in traps; 2) any wild live or dead animals on private property which includes traps. Mr. Little reported one of the single biggest issue to change is the municipality shall not remove wild animals from private traps on private property. He stated the ACO will provide contact information of private firms that provide the service. He pointed out there will be three private firms on the website or residents should contact the public works department for information on the private firms; 3) any dead domestic

animal, dog or cat, on a public roadway the ACO will respond; 4) any dead wild animal on public roadway; 5) any dead animal, deer or skunk, on the property of business; 6) any dog or cat bite the ACO will respond; 7) any neglected dog or cat; and 8) any dead animal on a place or worship; and any non-Monroeville request except Pitcairn. He explained council has reviewed this animal control policy and it will be on the website the following day in more detail.

PUBLIC WORKS' REPORT

Mr. Storey reported the milling and paving program would begin the next day. He listed it would start on Cottage, Wilther, Hydro and Sunnyfield Drives. He suggested if residents know their street is on the list for paving they should check the website for additional information. He recommended everyone watch for signs, not park on the road and be careful with access and it should be done in a few weeks. He reported it is a temporary inconvenience for a long-term improvement.

REPORTS OF COUNCILMEN

FIRST WARD COUNCILMAN JOE HYZY

Mr. Hyzy reported Patton Street will open by the end of the week between Johnson and Thomas Streets but it will close the following week between Jefferson and Howard Streets. He stated that is the flat section going into Wilmerding and people will have to detour up through Thomas Street next week back down over the hill.

Mr. Hyzy reported there is an injured buck down in the Wilmerding area and it has a disease. He stated the game commission has been looking for it and he encouraged anyone who sees it to notify the game commission. Further discussion ensued.

SECOND WARD COUNCILMAN ERIC POACH

Mr. Poach reported he along with the mayor and Councilman Biondo met with the school district for the intergovernmental on some security related items. He expected to jointly move that information forward soon.

Mr. Poach reported it is quiz night at the library on Saturday and times are available.

FOURTH WARD COUNCILMAN STEVE WOLFRAM

Mr. Wolfram wished everyone a good night and thanked everyone for doing a good job.

SIXTH WARD COUNCILMAN ROBERT WILLIAMS

Mr. Williams reported the Monroeville Senior Citizens Center is having a fundraiser of selling hoagies at a cost of \$5. He reviewed the contents and stated they will be made fresh. He stated the deadline to order is September 26, 2022.

SEVENTH WARD COUNCILMAN DENIS BIONDO

Mr. Biondo reported the pickup for the hoagies is September 30, 2022.

Mr. Biondo reported the fall catalog for the parks and recreation department is available. He stated there will be a QR code on the website and everything is on line. He pointed out the Monroeville

Parks and Recreation is teaming with the school district for after school activities at Cleveland Stewart Elementary in University Park in the fall and they are hoping to expand the program.

MAYOR NICK GRESOCK

Mayor Gresock reported the new website is now available and looks great. He felt it is very user friendly and good for the community.

Mayor Gresock referred to a letter distributed to council from the Allegheny Land Trust which is a notice to submit a grant application to Department of Conservation and Natural Resources (DCNR) for acquisition of a variety of parcels totaling 100 acres. He reported they are located around the community park along Tilbrook Road and bordering Pitcairn Road. He reviewed they are hilly slopes and are undeveloped and cannot be developed. He felt it is good for the Land Trust to move forward and they requested a letter of support from Monroeville. He indicated he would like to draft a letter with the consent and agreement of council. It was the consensus of council to submit the letter.

Mayor Gresock welcomed the Laws to the community and thanked council for their support. He felt they would provide a good service to the community.

ADJOURNMENT

There being no further business to come before council, at this time, Mr. Williams duly made a motion to adjourn the meeting at 8:17 p.m. and Mr. Biondo seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Timothy J. Little
Municipal Manager

TJL/sam