



CITY COUNCIL

Committee of the Whole

Monday, December 14, 2009

Council Office

5:00 pm

Agenda

- I. Review 2010 Budget as adopted and proposed amendments**

- II. Agenda Review**



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
November 23, 2009
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, S. Marmarou, V. Spencer, J. Waltman, M. Goodman-Hinnershitz, S. Fuhs

OTHERS IN ATTENDANCE:

L. Kelleher, S. Katzenmoyer, C. Younger, R. Hottenstein, C. Kanezo, C. Jones

Mr. Spencer called the Committee of the Whole meeting to order at 5:02 p.m.

I. VACATION OF BEECH ST

Chris Hartman and Tom Ludgate appeared on behalf of Opportunity House.

Mr. Hartman explained that Opportunity House has applied for the necessary zoning permits and planning permits for an upcoming project. The vacation of Beech St is necessary to move the project forward. He noted that an easement will be granted to the City for sewer and storm water utilities. He noted that the draft easement agreement was sent to the Law Department for review.

Mr. Hartman explained that Beech St would be used as a drop off and pick up area for children using the daycare and technology center. He noted that there would be parking for two busses, two high efficiency vehicles and two handicapped spaces. This land would tie the Opportunity House campus together and provide the necessary

parking.

Ms. Goodman-Hinnershitz questioned if traffic would be better regulated under this plan. She described the current problems with congestion on Beech St. Mr. Ludgate noted that it would be much better regulated.

Mr. Fuhs questioned why the street needed to be vacated for the project. Mr. Ludgate noted that the vehicles planned to be parked here would not fit if it remained a public street.

Mr. Fuhs noted that Opportunity House approached the City for a similar street vacation several years ago. Ms. Kelleher stated that at that time the plans were preliminary as Opportunity House had not yet gained enough control of properties on Beech St and that request was withdrawn.

Mr. Fuhs questioned if a condition could be placed on the vacation prohibiting development in the street area. Mr. Hartman stated that the easement would allow use of the surface only and that no building could be placed on the land. He stated that if future development would change the use of this area that Opportunity House would need to apply for zoning and planning permits.

Mr. Fuhs questioned who owned the land if the street were vacated. Mr. Younger replied that it would be the property owner on either side of the street, which in this case is only Opportunity House.

Mr. Fuhs noted that this is a large area. He questioned how wide the easement would be. Mr. Hartman explained that it would be the same as the current right of way. He again stated that the land would be used for surface parking only.

Mr. Fuhs questioned if the street would be blocked from use in any way. Mr. Ludgate stated that it would not; however, it would be posted as being parking for Opportunity House only.

Mr. Fuhs questioned if the intent was for the City to give this land to Opportunity House for additional parking. Mr. Ludgate noted that the large vehicles would not be able to park in this area if it remained a public street. He also noted that traffic flow would improve as access would become one way.

Mr. Waltman noted that Beech St is not heavily used except by those accessing Opportunity House. He noted that there would still be access to all other streets.

Mr. Marmarou questioned the ability of fire apparatus to reach neighboring properties if this street is vacated. Mr. Jones noted that the Fire Dept has reviewed the plans and has given their approval.

Mr. Fuhs questioned if there is legal precedent for public land being vacated to private entities. Mr. Younger stated that there is.

Mr. Fuhs questioned if the public would still be allowed to use the street. Mr. Ludgate noted that they would.

Mr. Spencer questioned if the neighborhood was notified of this change. Mr. Hartman noted that they should have been notified during the planning and zoning processes.

Ms. Goodman-Hinnershitz questioned if the property was posted. Mr. Hottenstein noted that it was not.

Mr. Younger questioned if there were any other property owners on Beech St. Mr. Ludgate noted that all properties on Beech St are now owned by Opportunity House.

Mr. Fuhs questioned if the Law Dept had reviewed the utility easement. Mr. Younger noted that they had and distributed copies for Council review.

Mr. Waltman noted that this does not interrupt the larger traffic loop which can be used in this area.

Mr. Hartman again noted that Opportunity House would not be able to build on this area without the City releasing them from the utility easement. He noted that a building project on this property would be extensive as it would require the relocation of all utilities.

Mr. Fuhs questioned if zoning and planning had rendered decisions on the project. Mr. Hartman noted that the zoning decision is pending. He noted that planning has approved the vacation of Beech St but that the decision on the project is pending the street vacation.

Mr. Fuhs questioned if the project is not approved, if the street would revert back to the City. Mr. Younger noted that it would not.

Mr. Fuhs questioned if Opportunity House would agree to a clause reverting ownership

back to the City if the project is not approved or does not move forward in a timely manner. Mr. Hartman noted that if the current plan is not approved, Opportunity House would submit a new plan.

Mr. Fuhs stated his belief that public land should not be given to private entities without knowing if the plans will receive approval.

Mr. Waltman noted that Opportunity House has a high level of commitment to the community and has given the community much support over the years. He noted his endorsement of their efforts.

Mr. Hartman noted his willingness to draft an agreement stating that if no action is taken on a project in this area that Opportunity House will designate the street back to the City.

II. UPDATE WASTE WATER TREATMENT PLANT PROJECT

T. Votsay, D. Hoag, J. Miravich and a representative of Black & Veatch joined the meeting at this time.

Council entered executive session at 5:45 pm to discuss contract negotiations.

Mayor McMahon arrived at this time.

Council exited executive session at 6:25 pm.

III. AGENDA REVIEW

Council reviewed this evening's agenda, including the following:

- Contract amendment allowing Black & Veatch to add the tunnel project to the original contract

Mr. Jones stated that the original design contract did not include the tunnel project. He noted that Council passed a resolution authorizing the project and the contract needs to be amended.

Mr. Spencer noted that the amendment has a not to exceed \$5 million clause. Mr. Jones noted that the expense may be less but that it will not exceed \$5 million.

Mr. Fuhs noted that the design as already been contracted. Mr. Jones noted that neither the tunnel project nor the pumping station upgrade were included in the original design contract. He noted that the subsequent break in the force main brought this issue to the foreground.

Mr. Marmarou questioned if any conditions had changed regarding the tunnel project since the public meeting. Mr. Jones replied that they had not.

Mr. Spencer questioned the cost of the plant design to date. Mr. Jones and Ms. Hoag noted that it was approximately \$10 million.

Mayor McMahon questioned if the progress was keeping up with the cost. Ms. Hoag noted that it was.

Mr. Spencer questioned if the design had hit 60%. Mr. Votsay noted that it had. The representative of Black & Veatch stated that 60% was accomplished in September. He estimates that 90% will be complete by January.

Mr. Fuhs questioned if it will be complete within the \$13 million originally contracted. Mr. Jones noted that it would.

Mr. Fuhs questioned if \$13 million for the entire plant design and \$5 million for the tunnel project was reasonable. Ms. Hoag noted that it was a different type of project and will entail many more geo issues.

- Award of Contract for web casting project

This will need to be added to this evening's agenda.

Mr. Spencer questioned the funding for this project. Mr. Hottenstein stated that it was part of the City Hall improvements in the Capital Improvement Budget.

Mr. Spencer noted that this is the project to have video streaming for web casts in Council Chambers and the Penn Room.

Ms. Goodman-Hinnershitz questioned who would control the cameras. Ms. Kelleher stated that there would be three cameras in Council Chambers and one in the Penn Room. She stated that the shots for normal meetings will be preset and controllable during the meeting. She also noted that other events can also be recorded.

- Two ordinances dealing with easement for Schuylkill Valley School District and Ontelaunee Township

Mr. Jones stated that these easements are temporary for a construction project currently underway at Route 73 and Ontelaunee Road.

- Resolution approving exoneration of tax penalties for 1452 N 10th St

Mr. Marmarou explained the situation of this property owner.

Mr. Spencer questioned if there was a way to accomplish this without taking a public vote. Mr. Hottenstein noted that the Administration empathizes with this property owner but that this would set a precedent that many would take advantage of.

Ms. Goodman-Hinnershitz noted her understanding but noted it was a tricky situation. She noted that many others must pay the penalty in these situations.

Mr. Spencer questioned the amount of the penalty. Mr. Hottenstein noted that it was approximately \$50.

- Resolution approving a conditional use for a student home at 1524 Palm St

Mr. Spencer reminded Council that the conditional use hearing was held in October.

Ms. Kelleher stated that she wrote the resolution to approve the use with four conditions. She stated that the resolution was reviewed by the Law Dept.

Mr. Marmarou explained that this property sits in the middle of a block with two other unpermitted student homes.

Mr. Waltman noted that this neighborhood is already under too much stress and strain in regards to this issue. He noted that Albright needs to do more to provide on campus housing. He noted that the neighbors are very upset about this issue.

Ms. Kelleher noted that approval of this student home allows enforcement of the 500 foot rule and would give grounds for enforcement of the two unpermitted student homes in this block.

Ms. Goodman-Hinnershitz noted that this was a good starting point for enforcement of this issue.

Mr. Waltman noted his confusion regarding the rental and student home overlap. He noted that this overlap needs to be addressed.

Mr. Spencer questioned the timeframe of a decision. Ms. Kelleher stated that a decision must be rendered within 45 days of the hearing.

Mr. Marmarou noted that if this student home receives this conditional use, two other homes can be enforced and removed.

Mr. Waltman questioned if the neighbors understand this. Mr. Marmarou and Ms. Kelleher noted that the neighbors do understand this issue.

Mr. Sterner questioned if Mr. Marmarou supports the conditional use. Mr. Marmarou noted that he did.

Mr. Spencer questioned if enforcement of the other properties could begin immediately. Mr. Younger noted that if these other properties are not registered as a non-conforming use he would need to research the issue.

- Resolution authorizing the modification Settlement Agreement relating to the consent decree with the PSLC

Mr. Spencer noted that the agreement cannot be disclosed at this time. He noted that Council must agree to the new terms before the issue is reviewed by Federal Judge Rufe.

Mr. Waltman noted that this has not been a transparent process.

Mayor McMahan noted that Federal Judge Reed was very direct about the agreement remaining confidential until it is approved by Judge Rufe.

The meeting adjourned at 7:06 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC
City Clerk