

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE  
REGULAR VOTING MEETING  
August 1, 2007

Public Hearing on CU-4-07/TPRD-1-07, Shag Bark Grove, south side of Mamont Road approximately ¼ mile west of Hills Church Road, R-R Zoning District. The Public Hearing began at 7:02 pm. Present for the Public Hearing were Council members Jeffrey Franke, Nancy Kacin, Dennis Pavlik, Joan Kearns, Robert Brooks, Lawrence Nicolette and Theo van de Venne. Also present were Chief Administrator John Barrett, Solicitor George A. Kotjarapoglus and Mayor Joyce Somers.

Chris Rearick, Director of Community Development introduced Chuck Hergenroeder who is the attorney for the Developer of Shag Bark Grove.

Chuck Hergenroeder – Has requested a continuance for Shag Bark Grove. He would like this to be tabled for a period of 90 days. The developer is looking for alternatives from the Planning Commission and the engineers are working to terminate the PRD application and formulate it to a conventional subdivision plan. Chris Rearick stated that Council could stipulate that the DVD from the July 11, 2007 Council Meeting could be incorporated into the stenographic records and Mr. Hergenroeder has agreed to that. Mr. Pavlik moved to approve that the July 11, 2007 Council Meeting be incorporated into the stenographic records. Mrs. Kearns seconded. All present voted aye. Motion approved.

Mark Emerson – 4600 School Road South, representing the Westmoreland Conservancy as President. He is very appreciative of Mr. Killion to give them 10 acres of open space that borders the King Nature Reserve. This land would create a new public entrance into a now inaccessible part of the reserve. He is looking forward to working with Mr. Killion.

The decision was made by Council to continue the Public Hearing on October 3, 2007. The Public Hearing ended at 8:06 pm.

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Public Hearing on Ordinance No. 744-07, Z-2-07, Mary Neal Rezoning Request, 3289 Sardis Road, Present: R-3 Zoning; Proposed: MU Zoning District. The Public Hearing began at 8:08 pm. Present for the Public Hearing were Council members Jeffrey Franke, Nancy Kacin, Dennis Pavlik, Joan Kearns, Robert Brooks, Lawrence Nicolette, and Theo van de Venne. Also present were Chief Administrator John Barrett, Solicitor George A. Kotjarapoglus and Mayor Joyce Somers.

Chris Rearick – Stated that Sam and Marsha Park are owners of this property and Mrs. Neal is a potential purchaser. The Planning Commission made an affirmative recommendation for mixed use zoning at the June 19, 2007 Planning Commission Meeting and letters were sent to adjacent property owners. The Planning Commission did not see this as spot zoning.

Sam Park – 301 Park Lane – He is the owner of 3289 Sardis Road and would like to see this rezoning go forward.

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Sue Adamchik – 3485 Ivy Drive - She would like to protest the rezoning of 3289 Sardis Road. She attempted to have this property rezoned in 1997 and the board denied the request. To grant such a spot zoning change at this time would be favoritism and special interests.

Marsha Park – 301 Park Lane – There is difficulty in selling this property because of the surrounding businesses and the noise. A small business at the location would help the community.

The Public Hearing ended at 8:17 pm.

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Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday August 1, 2007 at 8:19 p.m. in the Municipal Building. Present at the meeting were Council members Jeffrey Franke, Nancy Kacin, Dennis Pavlik, Joan Kearns, Robert Brooks, Theo van de Venne and Lawrence Nicolette. Also present were Mayor Joyce K. Somers, Chief Administrator John Barrett and Solicitor George A. Kotjarapoglus.

**CALL TO ORDER:** Mrs. Kacin called to order the Regular Voting Meeting of Wednesday August 1, 2007.

**DETERMINATION OF VOTING ORDER – ROLL CALL:** Sharon Esquino determined the voting order and called the roll: Mr. Franke, Mrs. Kacin, Mr. Pavlik, Mrs. Kearns, Mr. Brooks, Mr. Nicolette and Mr. van de Venne.

**PLEDGE OF ALLEGIANCE:** Mrs. Kacin led the audience in the Pledge of Allegiance.

**ANNOUNCEMENT OF UNLISTED AMENDMENTS:**

- ✓ Under Consent Calendar Items –Remove Item No. 4B July 11, 2007, Meeting Minutes. Staff will revise the Meeting Minutes accordingly and return for Council’s consideration at the August 15, 2007, Council Meeting.

Mr. Nicolette moved to approve the amended agenda. Mr. van de Venne seconded. All present voted aye. Motion approved.

**CONSENT CALENDAR ITEMS:**

4A. JUNE 20, 2007, MEETING MINUTES TO BE APPROVED.

4C. JULY 18, 2007, MEETING MINUTES TO BE APPROVED.

Mrs. Kearns stated that Mr. Al Dover is the Assistant Fire Chief at the Murrysville Fire Company. There needs to be clarification in the July 18, 2007 Meeting Minutes. Mr. Franke moved to approve the amended Meeting Minutes. Mrs. Kearns seconded. All present voted aye. Motion approved.

**COMMUNITY INPUT:**

Shirley Turnage – 3924 Sardis Road – She has reviewed the proposed overlay ordinance. Who prepared this document? Is this an attempt to bypass open meetings? Ms. Turnage views this document as an attempt at “back door zoning” which can weaken Murrysville’s present zoning and Comprehensive Plan.

Frank Larimer – 4025 Saltsburg Road – He has previously voiced his concerns regarding the lock boxes. He feels that these lock boxes can be broken into and the keys will be in the hands of a wrong doer.

Larry Keller – 3907 Bridgewood Circle – Mr. Keller stated that there has been discussion regarding use of public records and capturing public hearings. Council has yet to resolve the use of Channel 19 and recordings. There was a resolution composed by Administration, but it was never passed by Council. Council should look at this resolution and enact that resolution to preserve, protect and index electronic recordings and meetings.

Further, Mr. Keller stated that the Municipality has never engaged in the extension of waterlines, 1 – too expensive, 2 – set dangerous precedence as to where you would stop with the water supply and 3 – the extension of the water supply and sewers especially, are conducive to development and that has been contrary to the expressed wishes of the community. Mr. Keller asked if the Municipality is extending the waterline and if the Municipality is acting as the developer out to the park. Only a few would benefit along the waterline route. These properties are still capable of being subdivided. Mr. Keller requested that Council weigh the precedence that may be set before taking deliberation.

**COMMENTS BY MAYOR SOMERS:**

The Mayor finished her six month report. The report will be placed on the web site next week.

The Westmoreland Chamber of Commerce Business Journal is heard once a month on Channel 1480 WCNS, Latrobe, PA. John Barrett and Mayor Somers have been invited to tape a show on Friday, August 3, 2007 and Murrysville will be featured Saturday, August 4, 2007 at 8:00 am.

**COMMENTS BY CHIEF ADMINISTRATOR:**

There has been discussion regarding the waterlines to the Murrysville Community Park. Mr. Barrett has communicated with the Municipal Authority of Westmoreland County and they are not willing to finance the project, but will help to provide other support for the project. Mr. Pavlik suggested that if there is no cost to prepare the bid specifications, proceed with the authorization to advertise. If there is a cost, the decision will be to engage the Municipal Authority of Westmoreland County to prepare the bid specs to bring back to Council. Mr. Barrett agreed to go forward with this procedure. Randy Marts, Fire Chief from the Murrysville Fire Company, spoke regarding the difference between a 4” waterline and an 8” water line. Chief Marts stated that if the waterline is used for sprinklers, the 4” line is fine, but if there are pavilions, bathrooms and concession stands, the 4” line is not adequate. George A.

Kotjarapoglus stated that an ordinance is required to identify the process before the bid specs can be advertised.

There have been meetings to replace the waterline on Old William Penn Highway. The Municipality has been working with the Municipal Authority of Westmoreland County for a traffic control plan. The Municipal Authority of Westmoreland County's goal is to have the plan to their board no later than September, 2007 with the intent to award contracting by October, 2007. The work will take seven to eight months. The plan is to overlay Old William Penn Highway next year.

The 5 year Capital Improvement program has been distributed. Mr. Barrett thanked the staff for working so hard in putting it together.

### **LIAISON AND COMMITTEE REPORTS:**

Mrs. Kearns stated that Environmental Advisory Council Meeting was canceled until the end of August, 2007 due to the lack of a quorum.

Mr. Brooks met with the Pension Committee and has had some discussion with Raulin Inc. on how they will do the performance reports. We know now that at the end of each month within 14 days, Raulin will produce a report showing performance and within 45 days from each quarter, we will have a detailed report illustrating our benchmark against our peers and the index.

Mr. van de Venne commented on the Overlay Subcommittee and the mixed use on the proposed overlay district. The Subcommittee sees its Charter as trying to quantify the changes that are being made. The Subcommittee wants to see how these changes are going from business to mixed use and from residential to mixed use. Are the effects in Murrysville in a quantitative way? The goal is to go beyond what the words are and quantify what impact this has on the community.

### **COMMUNITY DEVELOPMENT:**

9A. CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE NO. 744-07, AN ORDINANCE REZONING PROPERTY AT 3289 SARDIS ROAD, TAX ID 49-14-01-0-109, PRESENTLY ZONED R-3 MULTI FAMILY TO MU, MIXED USE. Mr. Brooks moved to approve. Mr. Franke seconded. Upon a roll call vote. Mr. Franke – yes, Mrs. Kacin – yes, Mr. Pavlik – no, Mrs. Kearns – no, Mr. Brooks – yes, Mr. Nicolette - yes and Mr. van de Venne – yes. Motion approved.

### **ENGINEERING:**

10A. CONSIDER RELEASE OF LETTER OF CREDIT FOR LAKE RIDGE PLAN OF LOTS PER ENGINEER'S RECOMMENDATION. Mrs. Kearns moved to approve the release of \$20,000 for construction of landscaping mounds. Mr. Franke seconded. All present voted aye. Motion approved.

10B. CONSIDER HERITAGE ESTATES PHASE III DEVELOPMENT BOND REDUCTION REQUEST PER ENGINEER'S RECOMMENDATION. Mr. Nicolette moved to approve the reduction from \$834,035.40 to \$752,184.00 as recommended. Mrs. Kearns seconded. All present voted aye. Motion approved.

10C. CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE NO. 745-07 – PARK SPEED LIMITS. Mrs. Kearns moved to approve. Mr. Franke seconded. All present vote aye. Motion approved.

**ADMINISTRATION:**

11A. CONSIDER ORDINANCE NO. 742-07, AN ORDINANCE REQUIRING KEY BOXES ON COMMERCIAL OR MULTI-RESIDENTIAL STRUCTURES. Mr. Franke moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

Mr. Pavlik moved to amend the ordinance that will state the rules and procedures for the security of the keys system within the fire department shall be written 30 days prior to the ordinance taking effect. Mr. Brooks seconded. All present voted aye. Motion approved.

11B. CONSIDER AUTHORIZATION TO ADVERTISE A PUBLIC HEARING AND WORKSHOP ON THE PROPOSED CAPITAL IMPROVEMENTS PROGRAM (CIP) FOR FY 2008-2012. Mr. Brooks moved to approve that the Workshop be held September 5, 2007 from 6:00 to 8:00 pm and the Public Hearing will be held September 19, 2007 at 7:00 pm. Mrs. Kearns seconded. All present voted aye. Motion approved.

11C. CONSIDER AUTHORIZATION TO ADVERTISE RFP NO. 24-07 FOR 2008 OFFICIAL NEWSPAPER-OF-RECORD AND ALTERNATE NEWSPAPER-OF-RECORD. Mr. Nicolette moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

11D. CONSIDER AUTHORIZATION TO ADVERTISE FOR THE 2008 MUNICIPAL AND ZONING HEARING BOARD SOLICITORS, LEGAL COUNSEL FOR LABOR ISSUES, AND EMERGENCY SERVICES CHAPLAIN. Mr. Franke moved to approve. Mr. Brooks seconded. All present voted aye. Motion approved.

11E. CONSIDER APPROVAL OF \$100 DONATION TO THE TURTLE CREEK WATERSHED. Mr. Brooks moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

**NEW BUSINESS:**

None

**OLD BUSINESS:**

Council has identified areas where crack sealing has been done. Council inquired if Public Works may be contacted and advised where the cracks are located. Mr. Connors stated that our contracted crack sealing will take place in October, 2007.

**OTHER BUSINESS:**

None

**EXECUTIVE SESSION:**

Council convened to an Executive Session (contractual issue) at 9:10 pm and returned at 9:30 pm. No voting resulted from the Executive Session.

**ACTION ITEMS:**

REVIEW OF OLD ACTION ITEMS:

- ✓ 20-07 – Council directed to revise the CODE to reflect proper retention period of electronic recordings. Create a Policy on retention of DVDs and audio electronic recordings. Solicitor is to render legal opinion of retention of items.
- ✓ 23-07 – Council directed to have an official stenographer that must be obtained for PRD Public Hearings and Zoning Hearing Board Hearings. All other Public Hearings will be transcribed in Summary Format and incorporated into the regular Council Meeting Minutes. The Meeting DVD will be hailed as part of the official Meeting Minutes.

NEW ACTION ITEMS:

- ✓ John Barrett stated that the key box procedures will be developed.
- ✓ John Barrett stated that the Murrysville Community Park water line procedures will be developed.
- ✓ Council directed Staff to **document** how the Municipality will obtain the funds for the Murrysville Community Park water line.

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**ADJOURNMENT**

Mr. Pavlik moved to adjourn the meeting. Mr. Franke seconded. All present voted aye. Motion approved.

Time: 9:40 pm

JOHN M. BARRETT  
CHIEF ADMINISTRATOR

Sme 8/22/07

cc: Mayor  
Council  
Community Development  
Finance  
Engineering

Police  
Public Works  
Solicitor  
Front Office/Library  
Recreation