

TOWN OF McCANDLESS
MINUTES – COUNCIL’S RECONVENED REGULAR BUSINESS MEETING
NOVEMBER 2, 2015 TOWN HALL

CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Vice Chairman Aufman with the following in attendance: Council Members Krey, Oliver, LeDonne and McKim; Town Attorney Ries, Town Manager Cordek, Police Chief Anderson, Land Use Administrator Betty and Marie Haller, Administrative Assistant. Excused: Councilwoman Potter and Assistant Town Manager Ebner.

ORDINANCE No. 1452
AUTHORIZATION OF AN AGREEMENT
FOR POTENTIAL ACQUISITION OF PROPERTY
ALLEGHENY LAND TRUST – RAVE PITTSBURGH NORTH, LLC.

Motion was made by Councilman McKim and seconded by Councilman Krey to adopt an ordinance tentatively identified as Ordinance No. 1452, an ordinance of the Town of McCandless, Allegheny County, Pennsylvania, authorizing the potential acquisition by the Town of a certain parcel of real estate approximately 26.72 acres in size and located at 9700 McKnight Road, the grant by the Town of one million two hundred fifty thousand dollars (\$1,250,000) to Allegheny Land Trust in connection therewith and authorizing the payment of certain reasonable costs ancillary to such acquisition; and further, to conditionally authorize the encumbrance on the property by a conservation easement.

A public hearing on the ordinance was held at the Town’s Regular Business meeting on October 26, 2015. This meeting was reconvened to provide citizens with an opportunity to comment on the proposed ordinance pertaining to the potential acquisition of the former Showcase/Rave Cinema property.

Councilwoman Potter stated that Council heard extensive public testimony last week and it was evident that more information is needed to address comments that mischaracterized this project. One comment suggested the Town would waste 1.25 million dollars, and she remarked that it would not be prudent for the Town to purchase this property on its own as there would be no way for the Town recoup funds. She shared that it is only through a partnership with ALT, who has a longstanding trusted reputation, and whose purpose is to conserve green space, which allows the Town to consider this project.

Another comment suggested the Town Council is rushing to approve this project. Councilwoman Potter noted that it is important to understand that once ALT entered into an agreement with Rave a timeline was established, specifying the time due diligence may occur. She also noted, if a vote is not taken, time would not be adequate for due diligence and a rare opportunity would be missed.

Some have suggested the Town build a community center. Councilwoman Potter stated that this concept is completely different and unrelated to the current project. The land proposed for the environmental park would not be suitable for a community center and these two concepts must be reviewed separately. She discussed several other comments including this project is being proposed to benefit Wal-Mart, there has been collusion between Speaker/State Representative Turzai and ALT, and there have been closed door meetings. She discussed these comments as being offensive and unfounded. Others have suggested the Town or ALT purchase all of the property on Blazier Drive, although she clarified, the Rave property is the only property available and it is estimated all of this property would cost over 30 million dollars and would not be a viable option. Councilwoman Potter expressed her displeasure with misinformation circulated by the group identifying themselves as the Citizens of McCandless. She thanked the ALT for considering this as a worthwhile project, Speaker/State Representative Turzai and ALT for bringing this project forward to the Town for consideration.

Councilman McKim shared that he is in agreement with Councilwoman Potter's comments. This is a unique opportunity as stated earlier, "to transform the site from a liability to a natural asset as a floodplain will help to improve the water quality of Pine Creek and North Park Lake, retain storm water, and reduce downstream flooding". He stated that this is clearly an excellent idea and should be supported.

Town Attorney Ries commented that it is known that the public generally is entitled to information on any municipal deliberations with a few exceptions, one of which is real estate negotiations. He stated there were very limited meetings held in Executive Session to determine if this project would be feasible. As soon as it was determined to be feasible, a public hearing was scheduled, advertised and posted in accordance with Town regulations, as per the Home Rule Charter. He also pointed out, if the property appraises higher or if it is determined not to be environmentally or economically feasible, ALT and/or the Town may withdraw from this project.

On behalf the Township of Shaler and the Borough of Etna, Tim Rogers, Shaler Township Manager, requested Council positively consider the adoption of Ordinance No. 1452. He discussed flooding that has occurred in Shaler and Etna, especially flooding after Hurricane Ivan, which resulted in Shaler purchasing 47 properties due to flooding. Any effort made by the Town of McCandless and upstream communities is welcomed. He remarked that the Town of McCandless is considered the gold standard, as Shaler has or plans to duplicate ordinances already adopted by the Town of McCandless. They are acquiring land in the same fashion as McCandless and requiring commercial establishments to restore a certain amount of flood protection on their properties. He expressed gratitude for Council's consideration to reduce asphalt and return land into green space.

Alan Schultz, 149 Nineteen North Court, discussed his concern regarding Wal-Mart benefiting from this project and suggests Wal-Mart contribute more money.

Attorney Dwight Ferguson introduced himself as the Attorney working on behalf of the Citizens of McCandless. He mentioned that he was unable to attend last week's public hearing although

Citizens of McCandless did, and he was aware of the comments they provided because he wrote most of them. He stated that this project is generally a great idea, these citizens live in the neighborhood adjacent to this and he doesn't think they really are opposed to the development of the Rave site for this purpose. He stated he instructed his clients to let Council know that it is nice to see the development of something that is appropriate next to where they live. He told Council they must take some responsibility for the gross distrust which they created by ramming the Walmart down their throats. He discussed their attempts to determine if this project and Wal-Mart are connected.

Mr. Ries clarified that the property is not immediately adjacent to the Walmart development. Rather it is next to the Park & Ride, owned by the Port Authority. Mr. Ries asked Mr. Ferguson if it was appropriate to talk about this case while it is currently in litigation and before the Commonwealth. Mr. Ferguson was argumentative and declared that he hoped this project to be an environmentally responsible development covering 26 acres immediately adjacent to one of the heaviest commercial retail developments in all of McCandless Township and declared it is a result of bad planning.

Councilman McKim made a brief comment to point out that Mr. Ferguson was a fine lawyer and undoubtedly knew that comments made by a lawyer do not constitute evidence.

Town Manager Cordek read into the record a letter received from the Borough of Etna.

Ruth Hosilyk, 8650 Winchester Drive, discussed stormwater issues on her property since the development of North Park and McCandless Crossing. She expressed concern regarding the transparency of the Wal-Mart development.

Tammy Wittmer-Bagby, 379 Gloria Street, discussed that she is not in support of the Wal-Mart development and has safety concerns.

Gary Rigdon, Chairman, Friends of North Park, Lake Marshall Drive, remarked that there is one thing all can agree on, McCandless is a wonderful place to live and attributed this to North Park Lake. He discussed the lake is what makes North Park special, though prior to the 22 million restoration project it was full of silt and the water quality was poor. He suggests doing everything reasonable in McCandless to protect the quality of the lake. He also stated that he is not in favor of the Wal-Mart development and would rather ALT purchase the Rave property on its own to make it a pocket park. He denounced the claim that Speaker/State Representative Turzai suddenly became involved with environmental projects and reported he knows of at least three projects he has previously been involved with including one in Franklin Park, Richland and Marshal.

Bill Moul, President of the North Area Environmental Council (NAEC), remarked that this is an astounding opportunity, and one he recommended to be done when it arises. He also commented that this is a great incremental increase in what can be done to reduce the flooding and improve the water.

John Harrison, 1473 Hedwick Drive, expressed concern about the property tax assessment and the loss of revenue for the NA School District. Attorney Ries confirmed the property would be removed from the tax rolls if a conservation easement is adopted. He shared that the tax assessment is completed by Allegheny County and tax will be imposed by Allegheny County, the Town and North Allegheny School District. Mr. Harrison also posed questions about stormwater management in the Town.

Town Manager Cordek stated the McCandless tax rate is 1.296 mills. He explained that the property will be removed from the tax rolls, but will provide a cost benefit to the community. The Town has over 60 stormwater detention facilities throughout the town, installed since the stormwater detention was invented here. In response to Mr. Harrison's question, Mr. Cordek confirmed there are significant stormwater facilities built in McCandless Crossing and across the street in the La Roche College Regional Stormwater Facility. He pointed out that it does not make sense to continue building individual facilities when a collective facility may be built. He also reported that North Allegheny School District donated 4.5 acres of property to use for stormwater management prior to the Duncan Avenue facility being built. The Town has analyzed that approximately 10 acres of the Rave property though difficult could be used, essentially by reconfiguring the site, losing valuable potential for stormwater management in a floodplain. He remarked that the Town has embarked on stormwater management throughout the Town and this site lends itself better to being restored back to a natural state with the creation of a nature preserve than to be reconfigured by a developer and damaging this sector of the environment, with which Council has concurred. Reclaiming this property has been estimated to cost 3.3 million or higher. Mr. Cordek noted the due diligence process must be completed prior to December 3, 2015. He also clarified the Town Hall property will be the first downstream beneficiary to stormwater management here. Wal-Mart does not benefit as it has its own stormwater management carefully designed by Wal-Mart engineers and approved by Town engineers, with no correlation to this project. Mr. Cordek reported he personally witnessed the effects of Hurricane Ivan at Town Hall with water overflowing and spreading 250 feet over the banks of Pine Creek, pulling out picnic tables in the adjacent parks.

John Harrison, 1473 Hedwick Drive, shared additional concern regarding other communities receiving benefits from this project and he suggested McCandless will pay for the improvements for those living downstream. Mr. Cordek shared that the North Hills Council of Governments (including Town Managers) met following Hurricane Ivan to partner together to establish a comprehensive plan and apply for a grant for the purpose assessing all of the watersheds within each individual community in the North Hills with each contributing funds proportionately. A grant was received exceeding \$300,000 to be used as seed money to assist NHGOG's expenses pertaining to the assessment, inventory and related costs for the collection of information and development of ordinances related to stormwater management.

Mary Wilson, referring to herself, as one of the several stewards of Pine Creek, reported that she has been working on the Pine Creek Watershed project. She commended the Town Council for considering this opportunity. She also complemented the Town and its engineers for the installation of an exemplary bioswale in front of Dick Sporting Goods in the McCandless Crossing. It was explained that a bioswale is a landscape element that includes a slope in the

pavement designed to remove silt and pollution before runoff drains into a watershed. Ms. Wilson also urged citizens to consider the flow of the three area watersheds, including Pine Creek that flows to the Ohio River and ultimately to Neville Island where the North Hills areas drinking water derives.

Michelle (sic), Kummer Road, asked if there was an upper limit to the amount money the Town will invest into this project. Town Manager Cordek noted this explanation was discussed at the previous informational meeting and is also included in the Q&A answer sheet distributed. McCandless will provide ALT with \$1,250,000 from Capital Reserves as a grant to purchase the Rave site. ALT will acquire the site and donate the land to McCandless, a conservation easement will be placed on the property once the Floodplain Restoration Plan is complete and the Town of McCandless is reimbursed \$500,000. ALT will apply for at least \$1 million in grants to help reimburse the Town. Town Manager Cordek explained that this is a unique opportunity and will be an ongoing process, if there is no grant money received the Town's maximum commitment for acquisition is \$1,250,000. The full sales agreement is posted on the website along with the ordinance.

William Sullivan, 815 Taft Place, requested clarification regarding stormwater management planning for the McCandless Crossing development. He surmised that the developments have exacerbated the problem.

Town Manager Cordek explained that McCandless Crossing and virtually all developments are required to manage stormwater onsite; if they don't, they contribute to a regional stormwater facility. The Rave property was developed prior to the enactment of Federal Floodplain regulations and an old stormwater prototype was utilized involving a lattice series of flip valves pipes that are likely not working anymore.

Kelly Sham, 1277 Heather Heights Drive, asked if Wal-Mart will benefit from this proposed project. She expressed concern that this project has followed approval of the Wal-Mart plan. Town Manager Cordek remarked that the Wal-Mart will be required to move forward with its own approved stormwater management plan.

Ms. Sham directed additional comments to Council, primarily speaking to Councilwoman Potter. She stated, at times you are disrespectful to the citizens of McCandless, roll eyes, raise eyebrows, shake heads and you chuckle. If you were not sitting there, and were sitting here, how would you feel if you were disrespected by doing facial expressions, we live here and are entitled to our opinions? You are condescending and disrespectful to us. She told Councilwoman Potter, she is not sure if she is aware of her facial expressions, she told her she did not have a pleasant face. Suggested she take more time to consider this, if she wants respect, she needs to have respect for us.

Lori (sic), Meadow Drive, asked if a match to the grants will be required. Mr. Kraynyk discussed potential grants and explained that there are many ways to match grant funding, which ALT intends to do all they can to coordinate the funding of this project. Ms. Steel also expressed concern that this process is being rushed.

Bridgette (sic), shared questions regarding the due diligence process and asked if the public will have access to the results of the environmental reports. Mr. Kraynyk explained that there is a confidentiality factor involving real estate transactions. She asked questions pertaining to notification of future development. Town Manager Cordek briefly discussed Town's the land development and subdivision process. He explained that when site plans come into the Zoning office and are a permitted use, it is all speculative until the plans are formalized and an application is submitted for review by the Planning Commission and advertised accordingly. He noted, per provisions established in the Home Rule Charter, individual notifications can be sent to individuals if specific requests regarding property are received. He confirmed that any specific information received by the Town that can legally be revealed, will be shared with the public.

Mr. McKim commented that he felt the earlier criticism of Mrs. Potter by a member of the audience was unfair and unfounded. He stated that he had been thinking that the audience and members of council had thus far been respectful throughout the proceedings and expressed the hope that would continue. He stated further that he was certain that neither Mrs. Potter nor anyone else on council was being disrespectful of anyone. He said that he knew Mrs. Potter very well and that she is a terrific person who supports the community through all kinds of charity work. He further stated that she is fine person and one should not be commenting on the personal characteristics of anybody. He recommended that we all be courteous to each other. He said that he would hope we could agree on that as we are all mature individuals. He asked that we all be courteous saying we can disagree without making any negative personal remarks.

Councilman Aufman called for a question on the motion.

The motion passed unanimously.

ADJOURNMENT

Motion was made by Councilman McKim to adjourn the meeting. The motion was seconded by Councilman Krey and passed unanimously. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Tobias M. Cordek
Town Manager

/mah