

Wednesday, July 20, 2005 10:00 am

A Special Meeting of the Fayette County Board of Commissioners was held on Wednesday, July 20, 2005 at 10:00 a.m. in the Commissioners Conference Room, Courthouse, Uniontown, PA.

Present: Commissioner Angela M. Zimmerlink, Chairwoman
 Commissioner Joseph A. Hardy, III, Vice-Chairman
 Commissioner Vincent A. Vicites, Secretary
 Judy M. Bodkin, Chief Clerk
 Warren Hughes, County Manager
 Joseph Ferens, County Solicitor

- Meeting called to order at 10:00 a.m.
- Silent Prayer
- Pledge of Alliance
- Public Comment on Agenda Items - none

The first item on the Agenda is to "Consider Appointments to the Zoning Hearing Board". Commissioner Vicites began his Motion, however, Commissioner Zimmerlink asked that he wait because she thought we should first accept the resignation of Dennis Nurkiewicz and Leon Evans. Commissioner Vicites said he thought we did that last week and asked Solicitor Ferens if we accepted the resignations and Solicitor Ferens said he did not know. Commissioner Zimmerlink then informed the Board that she talked with Joe Beal, (an alternate member) and Mr. Beal said that he would not mind if the Board fills his position if the Board has other individuals interested in serving on the Board. Commissioner Zimmerlink asked if we could accept the resignations of Dennis Nurkiewicz, Leon Evans and Joe Beal.

Motion by Commissioner Vicites and a second by Commissioner Hardy to accept the resignations of Dennis Nurkiewicz, Leon Evans and Joe Beal.

Motion Passed Unanimously.

Commissioner Zimmerlink stated Mark Morrison informed her of his intention to complete his term and any potential change in his professional career would not have an affect on him serving as a regular member. Commissioner Zimmerlink also stated she received a telephone call from Jim Killinger (alternate member) and he offered to serve as a regular member stating at present only he and Mark Morrison are seasoned members of the ZHB and he felt his service as full member would be good since he has the experience.

Moved by Commissioner Vicites to appoint Jim Burns and Janet Nelson, as regular members and Commissioner Hardy seconded it. Commissioner Vicites clarified his Motion to different terms Burns for 07 and Nelson for 06.

On question, Commissioner Zimmerlink asked the Board to consider Jim Killinger's request because he had a good number of years on the ZHB. Commissioner Vicites said actually he just started and Commissioner Zimmerlink clarified not a number of years but instead a good number of hearings under his belt adding that Mark Morrison also thought that would be a good idea and also that Jim Killinger attends meetings even when called at the last minute. Commissioner Zimmerlink said she is aware that a Motion has been made but asked the Commissioners to take this into consideration especially because of the number of upcoming hearings.

Commissioner Vicites said that he is sure that even the alternates are going to get a quite a bit of work with the long schedule as he talked with Tammy about this. Commissioner Vicites said he thinks we are going to need them all actually.

Commissioner Zimmerlink asked for separate Motions on the individuals. Commissioner Vicites asked if it mattered. When Solicitor Ferens said there is a Motion and a second, Commissioner Zimmerlink asked that the Motion be withdrawn for separate Motions on each individual as in the past. Commissioner Vicites said he did not have a problem with that and it can be done.

Solicitor Ferens asked if Commissioner Vicites was withdrawing his Motion to Jim Burns to 07 and Janet Nelson to 06. Commissioner Vicites agreed.

Moved by Commissioner Vicites and a second by Commissioner Hardy to appoint Jim Burns (unexpired term of Leon Evans) ending December 31, 2007.

Motion Passed 2-1 – Zimmerlink nay.

Moved by Commissioner Vicites and a second by Commissioner Hardy to appoint Janet Nelson (unexpired term of Dennis Nurkiewicz) ending December 31, 2006.

Motion Passed Unanimously

Moved by Commissioner Zimmerlink to appoint Barbara Rush to the unexpired term of Joe Beal (alternate) ending December 31, 2005.

Motion failed for lack of second.

Moved by Commissioner Vicites and seconded by Commissioner Hardy to appoint Mark Rafail, as alternate, (unexpired term of Joe Beal) ending December 31, 2005.

Motion Passed 2-1 – Zimmerlink nay.

Commissioner Zimmerlink thanked Mr. Nurkiewicz, Mr. Evans and Mr. Beal for their service on the ZHB.

Next item on the Agenda is “Consultant/Zoning office update regarding the map and the text.”

Dave Bukovan of the Planning Zoning Office said the Commissioners are well aware of their options.

Commissioner Vicites said he talked to Tammy yesterday at length about the \$6600 and where we are with the Zoning Ordinance. Commissioner Vicites said we need to move forward on this and he believes we need to move forward on the text and make progress and that the map needs work and if we adopt the text as soon as possible we can then set a time frame to complete the map by meeting with the municipalities one more time to finalize the map. Commissioner Vicites said he would like to move forward on the text and then let Tammy do her due diligence on the map.

Commissioner Vicites said the cost would be less to complete the text portion and he thought about how the Commissioners could pay for it since obviously it is not budgeted because it was a grant. Commissioner Vicites said he sought a \$50,000 grant a couple of years ago that he worked hard on it with Rep DeWeese and DCED and that \$20,000 was for the website. Commissioner Vicites said he checked with Harrisburg and called Mr. Robbins and Mr. Robbins connected him to the grant administrator who said the Commissioners could change the scope of work for that \$20,000. Commissioner Vicites said he asked Tammy how much she thought it would take to finish it and her ball park was no more than \$10,000 so he said he wanted to pay for the finalization of this through the Grant all we would have to do change the scope of work. Commissioner Vicites recommended that we do the \$10k at this point as a good use of money and a way of paying for this. Commissioner Vicites said he does not see us using that \$20,000 within the two-year period and that any left would just go back to the State.

Commissioner Zimmerlink wondered why we would ask for \$10,000 when the consultant written services is asking for \$6690.00. Commissioner Vicites said Tammy suggested \$10,000. Commissioner Vicites said to use just a flat figure and if we don't use it then we don't draw down. It was a figure that Tammy suggested said Commissioner Vicites adding that the bottom line is that we won't have to spend tax dollars if we use the grant. Commissioner Zimmerlink stated the amount could be negotiated downward and that Tammy Shell had agreed. Commissioner Zimmerlink also said she does not want to take any monies from the Website. She said she has been a Commissioner for only about 1 ½ years and a website has been talked about in prior administrations and that the \$20,000 was asked for and it probably will all be used. Commissioner Vicites said the website grant is for design and that he did not think all the money would be used and pointed out that it cannot be used for anything but website design. He also said he thought the design was free. Commissioner Zimmerlink referred everyone to the materials previously given on the website

Commissioner Zimmerlink then stated that everyone says let move forward but nothing is done about it and that she specifically asked if the matter was being asked to be on the Agenda for July and Tammy said no it would not be ready, however, August may be a good date and Tammy does not want the consultants to print the text until all changes are in.

Dave Bukovan confirmed that it was ready to go to the printer and also asked if the Subdivision and Land Ordinance was ready. Commissioner Zimmerlink said she was ok with those two and that she gave her opinion already on the fee schedule of the Ordinance and the other Commissioners could comment. Commissioner Zimmerlink said that Tammy said she could talk with the consultants on their additional fees and said if the Commissioners wanted a Special Meeting could be called for August or place the issue on the Agenda for the regular August Meeting. Commissioner Vicites said it is fine to do it at a regular meeting and that he just thinks we need to move forward on it.

Dave Bukovan confirmed that he and Tammy could follow up with the Commissioners.

Commissioner Hardy stated that a lot of heat should be put on the consultants so that this is not dragged on.

Dave Bukovan said that the consultants have worked on this a lot and even beyond their contract. Commissioner Hardy suggested a time line from the consultants. Commissioner Zimmerlink said that Tammy told her that the consultant contract and grant expired ended in August 2004 after about \$90,000 was put into the project and that one of the reasons for delays and additional costs were due to some of the municipalities making changes. Dave Bukovan confirmed this. Commissioner Vicites added that getting the maps right were very important and also wanted a time line and to stick to it.

Commissioner Zimmerlink asked if there were other comments from anyone or the Public. There were none.

Commissioner Zimmerlink reminded the public that the county is seeking locations for district justice offices in Hopwood/North Union side, Route 166/40 Brownsville area, Industrial Park and Route 119 Dunbar Township and to contact the Commissioners, County Manager or Chief Clerk for information.

Commissioner Vicites said there is a deadline on this and that we really have to move on this and the time line is critical.

Dave Bukovan then asked for clarification and a directive to move to adopt the text ordinance or a directive to talk with the consultants as discussed. Commissioner Zimmerlink pointed out that a vote had not been taken and that their office needs to follow up as just discussed.

- Meeting Adjourned

Approved:

Attest:

Judith A. Bodkin, Chief Clerk