

JUNE 18, 2012 COUNCIL MEETING MINUTES

The June 18, 2012 Council Meeting was called to order at 7:35 P.M. in Council Chambers at the Municipal Building. Mayor Anthony DeLuca presiding.

APPROVAL OF AGENDA ITEMS

The Agenda will stand as presented. Will you please stand for the Pledge of Allegiance?

ROLL CALL

**Present: Mrs. Kuhn
Mr. Palumbo
Mr. Underwood
Mayor DeLuca
Dr. Kincaid**

Also present were Manager Rayan, Controller Futules, Planning Blackwell, Solicitor Alexander, Planning Director Davidson and Secretary Davis.

Mayor DeLuca – before we get started we had an Executive Session up in the Manager’s Office for potential litigation issues.

APPROVAL OF MINUTES

Mr. Palumbo made a motion to approve the Minutes of June 4, 2012.

Dr. Kincaid seconded the motion.

There being no further discussion the motion was approved by a 5- 0 vote.

EXPENDITURES

Dr. Kincaid made a motion to approve the Expenditures: Approval of Warrants dated June 18, 2012. Journal Voucher – 10 - \$2,491,539.27; C.D. Requisitions – 8 - \$7,237.99; Master 21446 – 21561 in the amount of \$685,097.31; Grand Total \$3,183,874.57.

Mr. Underwood seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

ORDINANCES

Mr. Underwood made a motion to approve Ordinance No. 2547 of 2012 reducing the number of required times Public Notice for the Competitive Bidding Process must be advertised.

Dr. Kincaid seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

RESOLUTIONS

Craig Alexander – Mr. Mayor before we get to a motion because this is a Public Hearing on the Conditional Use Application, I think we have to have the comments before any motion is made and not after the motion is made, so I think we need to get whatever presentation is going to occur before Council can take action to either approve or disapprove the Resolution.

Joseph Lawrence – Good Evening, I am here on behalf of the applicant School House Finance LLC, and Imagine Schools of Penn Hills. Thank you for your time this evening and thank you for allowing us to invade the Council Chambers here with such a large group. We will try to make the presentation as expeditious as possible so that we

won't have duplicate testimony but we do want to make a thorough record. In your packet this evening, you will note that there are several memoranda from the Planning Department related to the Conditional Use Application that is before you. The memorandum adequately describes the situation of the application and essentially the history of how we got here today. We have been to the Planning Commission and received approval of both the site plan and the Conditional Use Modification and we are here today to ask you to adopt the Resolution which is attached for approval of the Conditional Use Application to expand on a very temporary basis no more than 18 months and more likely 12 months the erection of 6 temporary trailers on the school site, the purpose of the expansion is simply to allow for accommodation of a greater facility that is going to take longer and as you can see from the folks that are here today there is a great need to retain those second graders that are going to third grade that want to continue on in the school and this is what we believe and after consultation with the Planning Staff that this is the appropriate process for us to begin going forward with. We have here today and for questions we have Imagine School Staff, the Regional Director is here to answer any questions you might have, the Principal of the school itself is here to describe what is going to be happening at the school and what is going on at the school and the basis for the need for what we are doing here for next year and the Architect Susan Lami will be here to describe the site plan and with that if I can have Ms. Lami come up and describe the site plan for us please.

Susan Lami - I am hired by the applicant as Architect to help them prepare the site plan for the modular units. Thank you. Am I correct in assuming you have all seen the site plan drawing. Yes. O.K. Just a little bit about the process that we went through. When we first began this we met with your Professional Staff, we met with Mr. Davidson , your Planning Department Director, we met with Chris Blackwell your Planning Department Principal Planner, we met with John McCafferty your Department of Code Enforcement Director and we met with Jack Mason the Fire Chief. We reviewed the site plan several times, we talked to them about all safety issues and concerns that they had, about all site planning issues and concerns that they had, about all impact on the adjacent building and property owners

that they had, we prepared a site plan, we submitted it to them we got their input we adjusted it based on their comments to make sure that the site plan that was submitted met all the requirements of your Professional Staff on board. We discussed the correct process to go through to apply to be able to get all the permits that we needed to proceed with this and they advised us to go to the Planning Commission and we met with your appointed Planning Commission and they approved everything and I believe have made a recommendation to you that you approve this and we are here now to get your approval for it. I just want to emphasize that we have gone through all of the proper procedures and made sure that all of your staff was on board with everything that we wanted to do. I also want to emphasize that these are temporary modular units they will most likely be here a year, we said 18 months while the school looks for alternative sites for an expansion of the school, the buildings will be code compliant and will address all safety issues and if you have any questions about the site plans or the buildings please let me know.

Mrs. Kuhn – I know that you did mention the Planning Department and Planning Commission but did you receive the recommendations from the Allegheny County Economic Development?

Susan Lami – Allegheny County Economic Development. I don't believe that they have anything to do with the project.

Mrs. Kuhn – well you are saying that the Planning Department and the Planning Commission have spoken to you, well when they come in, Howard, am I correct do you also give it to the Allegheny County Economic Development.

Howard – yes.

Mrs. Kuhn – and she sent two very detailed pages with all these different questions and was that given to them?

Howard – it is in the file, whether we passed it on to them I am not sure.

Craig Alexander – we all agree it is part of the Agenda today.

Howard – inaudible.

Craig Alexander – that is not the question.

Howard – what is the question?

Mrs. Kuhn – the question was you are saying they don't have the authority but in essence they give a recommendation because the Planning Department and the Planning Commission don't have the authority they also give a recommendation so the County's recommendation is basically the same as what the Planning Department is in Penn Hills and the Planning Commission. Am I correct?

Howard – they are not the same agency.

Mrs. Kuhn – I am not saying they are the same agency, I am saying it is a recommendation which is exactly what yours was a recommendation, exactly what the Planning Commission was and I have to say it was a fault that they didn't receive what the County sent because Mayor and Council received it.

Susan Lami – did they recommend approval?

Howard – inaudible.

Craig Alexander – let me ask you Mr. Lawrence do you have a copy of Kay Pierce's detailed analysis of the site plan and the Conditional Use Application?

Joseph Lawrence – I have now seen it because I have opened the Agenda and I looked at the pages in the back of the Agenda. I hadn't had it before this evening but I know that it is not a recommendation with all due respect it is a series of comments which is not a recommendation also as I read it all of the issues that the Allegheny

County Economic Department raised for comments were issues that were discussed with the Planning Commission and the Planning Staff.

Mrs. Kuhn – so you are saying that all the comments that were on the Allegheny County Economic Department list have been addressed?

Susan Lami – yes looking at it they have been addressed.

Mrs. Kuhn – well you said you hadn't seen it.

Susan Lami – I just looked at it right now as he opened it up and put it here.

Mrs. Kuhn – and you read it that quickly?

Susan Lami – I looked at it and it basically has questions. We have addressed utilities with your staff and addressed all their concerns. Basically this letter asks questions and all of these questions we have reviewed with your staff and with your appointed Planning Commission.

Mrs. Kuhn – I have the advantage because I have this and I apologize you didn't but it was in Mayor and Council's packet so I have the advantage that these questions are from the Allegheny County Economic Development which they do give us every time we do have a Conditional Use Application. It comes before us. The access was that to what standard is proposed widening of the access road ten feet is there sufficient room for emergency vehicles, is it gated, it may be advisable to install gates at either end to prevent people from turning into the drive and having to go back out again. I know first hand that there is a problem with when parents bring children and drop children off and the bus issues and what have you, even though the site work is minor there is no engineering seal for the widening of the access road nor erosion or sediment control plan. Is there is a sufficient maneuvering area In the rear of the school for turns by emergency and garbage vehicles, will fire trucks be able to gain access to the rear west side of the building, there is no indication of whether any additional staff will be added and therefore no basis for determining if

the 24 additional parking spaces meet the requirements of the Municipality's Ordinance. Will a sidewalk be installed along the access drive to safely accommodate pedestrian walking from the lot to the school? Since temporary schools do not have bathroom facilities where is the closest closet door to the school located, will there be a protected pathway from the trailers to the school building during inclement weather, is there sufficient lighting in the area, how will electricity be supplied to the temporary classrooms, according to the Penn Hills Zoning Ordinance Schools are conditional use in the R-1 District with the following requirements: 1.55.G a rear yard shall be at least 50 feet; The minimum distance between buildings is 50 feet, however, the spacing between a principal and accessory building may be reduced to 35 feet. There shall be a buffer of at least ten feet along all property liens. The proposed temporary classrooms do not meet these requirements.

Susan Lami – would you like me to answer each of these questions?

Mrs. Kuhn – I would because of the fact it would be knowledgeable for me.

Susan Lami – alright. Access – To what stand is the proposed widening of the access road to Dewayne Drive to 10 feet? All of these questions are now mute because during the Planning Commission meeting the Fire Department that had requested that access road decided they did not want it and did not need it and asked us to remove it from the plan. So that was one of their conditions, so all of the access issues relating to the DeWayne Drive are now at a mute point and have been taken out. So the next one even though the site work is minor, there is no engineering for the widening of the road that is now a mute point because we are now not widening it. Is there sufficient maneuvering at the rear of the school for turns by emergency and garbage vehicles, yes and we reviewed that with the Department of Code Enforcement and Fire Marshall. Parking – there is no indication of whether any additional staff will be added – 3 to 4 classrooms will be added so three to four additional teachers will be added. The staff number is 30, in general 34 staff members and some

parents. We have more parking than that so the only time parking would be issue would be during a special event let's say there is an after school program, or parent/teacher meeting and the school has already arranged for that for example they rented an offsite place for a concert and had it off the school site, they can also stagger evenings and have for example parent/teacher meetings one on one night, one on the next night, one on the next night so that it is not an issue. They have also arranged with a local church to be able to use their parking lot and shuttle people back and forth to the school if necessary. So, for the day to day operations the existing parking that is there is more than adequate for the staff and visitors.

Craig Alexander – won't there also be construction workers who are doing the renovations?

Susan Lami – the modular units are built off-site, they are built somewhere else and brought on to the site complete, it will probably take about 5 days to finish them and erect them into place and hook up the electrical to them and that would be done while school is closed, it will be done during the summer so all of that work will be done when there is no other need for parking.

Craig Alexander – so there is no renovation to the main building, the renovation is the adding of the trailers?

Susan Lami – yes, the adding of the modular units. The only renovation will be electrical service out to the modular units from the main school.

Craig Alexander – so the paved area can you get an additional 24 spaces on?

Susan Lami – yes.

Craig Alexander- is that correct Mr. Davidson?

Howard Davidson – I don't want to say we measured it. I want to say that is what the Planning Department and Planning Commission

discussion on this that there was sufficient area in the upper level field to park.

Susan Lami – it was based on a survey that we had done.

Howard Davidson – we were aware that it was not stripped currently.

Mrs. Kuhn – before we go on we went from access to parking but I apologize if I missed there is no engineering seal for the widening of the access road, nor an Erosion & Sediment Control Plan?

Susan Lami – that is because we are no longer widening the road so we don't need engineering and we don't need a sedimentation control plan any longer. We took that work out.

Mrs. Kuhn – o.k. so I think we are down to the bathroom facilities.

Susan Lami – we are looking into having bathroom facilities in the units although the existing facilities in the school are adequate for the expanded use. We have enough toilets to be able to serve the existing classrooms even without the bathrooms but we are looking to have bathrooms located into the units.

Mrs. Kuhn – let me address that. You have children ages five to eight is that correct?

Susan Lami – yes.

Mrs. Kuhn – so it will be that age range in the trailers, right?

Susan Lami – they will most likely be the older children in the trailers.

Mrs. Kuhn – so if they would have to go to the bathroom, how do they get from the trailer into the facility to the bathroom?

Susan Lami – the bathrooms aren't a zoning issue so we didn't say in the application whether there were bathrooms in there or not because that is a Building Code issue not a Zoning Code issue so it was not part of our application whether we had bathrooms in those facilities or not.

Mrs. Kuhn – I am not asking if it was a zoning or a building, I am asking for my own information.

Susan Lami – we are looking for adding bathrooms.

Mrs. Kuhn – but at this point in time I can't go by what is projected. If the bathrooms are not in place at this point in time if a student or two students have to go to the bathroom how do they get from the trailer to the facilities.

Susan Lami – they would do it exactly as they would do in the classroom right now. They would walk out of their classroom now down a hallway into a restroom.

Mrs. Kuhn – one is outside and one is inside, that is a huge difference. Is the walkway covered?

Susa Lami – not at this time but again we are looking at putting bathrooms into the units so if that is something you want to tell us to do although it is not a zoning issue it is possible for us to put a handicap accessible bathroom into each of these classrooms so the students will not have to leave the classroom. Does that answer your questions?

Mrs. Kuhn – right and as far they would all have to leave to go to the cafeteria or the gym.

Susan Lami – they do that now in a classroom they line up and go down the hall to the classroom.

Mrs. Kuhn – in a building?

Susan Lami – yes in a building.

Mrs. Kuhn – right, so the difference is they are going from a trailer outside into a building.

Susan Lami – I would like to point out that many schools in Allegheny County have done that in the past for example Bethel Park just completed a new facility and they had their students in outside Modular Units exactly like this where the students when they went to music class or went to the cafeteria they walked outside. They did that for an entire year and a half in Bethel Park.

Mayor DeLuca – are you talking about the high school?

Susan Lami – no it was a middle school, I believe an elementary school. Imagine Schools in Regent Square last year had the exact same thing where they put six modular units outside and had third graders, or I believe it was six graders there using the modular units and had exactly the same experience so when they went into gym or into the....

Mrs. Kuhn – going from the trailer outside into the school they would have I am assuming a teacher or an adult.

Susan Lami – absolutely just like they do now when they...

Mrs. Kuhn – I know you keep saying just like they do now and that is fine and that is your opinion my opinion is not just like they do now because of the fact you have a child leaving a trailer going outside into another building so that is not just the same because when you are in one building the security is in that building. I just want to make sure if this child is going from the trailer outside into a school we don't have a condition where there could be a security condition. I want to make sure that child is being escorted by someone.

Susan Lami – let me refer that question to the principal because she is the one that is in charge of the day to day operation of the

school, but most likely these units will have a bathroom in them, each bathroom will have a unit in it. Is there sufficient lighting in this area? Yes and all of the units already have lights in them, they come complete with air conditioning, heat, electrical, lighting, data, power everything prewired in the modular unit that is placed on the site. How will electricity be supplied to the temporary classrooms? We will have an electrical engineer do a drawing showing how the electricity will be run from the existing school to the modular units and we will submit that for building permits and have that work done, so the power will be supplied to the units from the existing building. The next question points out that we do not meet some of the side yard and buffer setbacks and yes we understand that that is why we went to the Planning Commission and to your department and reviewed it. In this case the areas where we do not meet the setbacks are up against a very steep wooded hill that is not inhabited by any residences or businesses, it is owned by a utility company and it is only a large piece of land used for utility lines. So the fact that we are closer to that zoning line that is normally permitted will not disrupt anyone except for the squirrels that live in the trees because it is a wooded site and has no residences or businesses on it.

Mrs. Kuhn – but it doesn't meet the requirements?

Susan Lami – it doesn't meet the requirements and that is why we are here.

Mrs. Kuhn – thank you.

Susan Lami – any other questions? Thank you for your time.

Craig Alexander – I just wanted to point out that the conditions do require that specifically the proposed condition #2 that is proposed for you would require that the temporary structures meet all local Building Codes as well as County, State Regulations pertaining to any such temporary structure which would relate to plumbing, bathrooms, electrical and construction items raised by the County reviewer. With that I would like to call the Principal, Kristen, I would ask that you identify yourself please.

Kristen Priganc – Good evening members of Council my name is Kirsten Priganc and I am Priganc sorry that is kind of a tough one and I am proud to be the Principal and CEO of Imagine Penn Hills. I would like to thank you for allowing us to gather this evening because the decision that you are about to make greatly impacts what our 2012-2013 school year is going to look like for our children and for that reason we have invited our families and the children that are lovingly referred to as my babies here this evening to tell you a little bit about our school as well as to answer some of those questions that have just come up. While our main focus are the modular units it will be helpful for you to understand some of our history and how we are growing because I know those questions are implications within this discussion. Last April the Penn Hill's School Board approved our charter allowing us the opportunity to proceed with the first Charter School in this Community. The stage was set for the new kind of relationship between Charter Schools and their authorizing district. The charter agreement allowed for opportunities that we can partner with the district and I am excited to develop this relationship as we continue to grow. When I first took this position a year ago I was immediately subject to all of the reasons why Penn Hills was failing as a Community. I came into it with an open mind and did not let myself listen to that negativity. I am not a resident of Penn Hills but I have come to love this community and its residents in the past year. The negativity was misplaced and I share with others that the perception of Penn Hills is not at all the reality. I visited the web-site for Penn Hills Municipality and it states that one of the many goals that the residents strive to obtain is a Community which emphasizes the development and enrichment of human life through an environment which recognizes the worth and dignity of all its citizens and in which its citizens can live in peace and security. Tonight I am here to advocate on behalf of some of your youngest citizens. The children of Penn Hills. Tonight I am here to speak of their worth and dignity and the opportunities that we are creating for them through Imagine Penn Hills and its unique micro-society curriculum. At this time with the help of a few of my students I would like Leo to bring to Mayor DeLuca up at the front there, these are letters to Mayor and Council on behalf of our students. Individual letters. I am have

Brittany to bring you letters to invite you to the classes and I present to you signatures collected since last Friday we have 49 non-residents and 103 residents of Penn Hills that support and a few more. For those of you unfamiliar with micro-society or its structure our children have created and implemented a society of their design. Students were elected and took an Oath of Office issued by Judge Lenny HRomyak. They are Mayors, Governors, Congress Kids and a President and Vice President that make decisions for our school. I would like to turn it over to a few of our students to help explain the impact this program is having on them and how it translates to this community and our involvements.

Students and parents spoke on behalf of Imagine Penn Hills.

Dr. Kincaid – just two questions. To follow up on Mrs. Kuhn’s questions – in regards to the Modular additions how will this affect your current and your future emergency evacuation plan and the second one I have I have been reading here and I haven’t been able to get my head around it how do the modules affect the water management concerns.

Susan Lami – as far as the evacuation and safety plans we currently have multiple plans. We have a primary and a secondary exit in case there are blocked entrances and we ran blocked entrance drills at our school this year. We will continue to come up with multiple alternate exists for our children. When we do fire drills we practiced each of those options so that children know the different places to exit and with modular classrooms it would be exactly the same way.

Dr. Kincaid – thank you very much.

Susan Lami – Each of the modular units has two exists that goes directly to the exterior as well and then there are multiple stairs and ramps off of the elevated platform where the exit doors are so they are far in excess of the requirements by building codes as far as existing requirements and in fact will be easier to get out of than a regular classroom. For the water management the rear of the building is

almost all paved right now as play service, hop scotch and things like that. The modular units will sit on that paving so there will be no additional impact on rain water runoff or any kind of water management issues required. Does that answer the question?

Dr. Kincaid – yes it does. Thank you.

Mr. Underwood – one minor question. It goes back to the trailers. You mentioned two doors for each trailer and ramps is this correct and I have a follow up so watch.

Susan Lami – yes, each classroom has two doors out of it, each modular unit.

Mr. Underwood – when I count them there is six. I will say number six only has two pairs of steps no ramp. You do have that on five you do not have that on six. Why?

Susan Lami - It meets with the American's Disabilities Act, you have to have some portion of your classroom accessible by wheel chair. For example a two story school, the first floor rooms may be accessible and the second may not in an older facility. So as part of this work, those four classrooms would be classroom accessible by ramp and the other one would not need to if there is a wheel chair student that student could be placed in that class room that has a ramp, if there is a parent of a student that is in a wheel chair or a teacher they could be placed in that room with a ramp. Right now the existing building is actually an improvement over the existing facility. The existing facility is not wheel chair accessible fully. There are steps for example to get to the gym so you have to go outside of the building to get to the gym. There are ramps in there now. We could add a second ramp but it is not required by code. We will accede the code by having those four rooms accessible. As far as safety evacuating those two classrooms will have two exits out. You come out of the doors and you can go two ways.

Mr. Underwood – yes but the number six doesn't and when you are talking about an emergency these children are not really thinking

about what is in front of them ramps are much easier than steps for evacuation purposes yet it has never been in the site plans that we have here it only shows steps. Somebody should reconsider that for their safety.

Susan Lami - we can reconsider stairs, however, every two story building has exit stairs not ramps out of it and in many cases stairs are a preferred method of evacuation to ramps but again we far exceed the State International Building Code so the plan we have submitted far exceeds building codes as far as required safety and exit stairs ramps and accessibility.

Joseph Lawrence – we have a couple more speakers to give you some information which I think is important in light of the questions that were raised here this evening but I would like to point out at this point that some of the issues that have been raised we are happy to make adjustments and would accept as modifications or conditions for instance if ADA access was something that was important to Council with respect to the Unit #6 we would be happy to accept that as a condition. The same thing if internal bathrooms are important to Council and the Mayor then we would be happy to include those as a condition and then finally solicitor if the rear and side setback is something that is a problem for the Council and the Mayor notwithstanding the adjacent property it is possible to have this school expanded and let these kids attend third grade with only the four buildings. The extra two buildings would be for the special classes and we could make do without those if we had to. So if that was a problem and a condition to letting these kids come and attend third grade here we would be willing to accept the modification or condition that the site plan comply with the side setback and the rear setback and we could do that by eliminating two of the modular classrooms.

Mayor DeLuca – so you are saying you could go with four modulares and still meet our requirements for the setbacks?

Joseph Lawrence – that is correct. It is those other two that pushed the setback requirements that is the optimum site for the most

service that can be provided for the children but if that's something that is preventing Council and Mayor from allowing this then we would be happy to accept a condition that we meet all of the setback, side and rear setback requirements and I believe the Architect has a plan here to show you that we can submit if we could.

Susan Lami – I will bring this plan up to you but it basically eliminates two of the units which would mean that we would not be asking for the rear side yard variance and again it would reduce the need for additional parking as well. It does mean that the kids can't have a separate room for music and art but again it would keep them together and keep their classrooms together. So if your major concern is the setbacks that could be the answer.

Major Deluca – you are only talking about 18 months?

Susan Lami – yes. Can I bring the drawing up to you?

Craig Alexander – hold on one second. How would it reduce the parking because wouldn't you still have the 38 teachers and however many students?

Susan Lami – yes, it reduces the way Penn Hills counts the parking which is based on square footage. The 120 in actuality we would still need the 38 for staff members but parking is calculated based on the square footage for occupancy.

Craig Alexander – not for schools?

Susan Lami – not for schools. It is based on occupancies.

Craig Alexander – so the occupancy would be the same, right?

Susan Lami – yes.

Joseph Lawrence – so we would like to submit this additional alternative plan as an exhibit. I would just like to reserve just one or two moments to address any final concerns and I would like to

Introduce a few parents to address some of the questions that were raised please.

Craig Alexander – Mr. Lawrence before you do that would you agree with me that under the modified plan with four units you would still only have ten feet between the units and you wouldn't have the necessary 20 feet?

Joseph Lawrence – I would have to defer to the Architect on the distances on those plans but I know that after consultation with the Planning Staff with the Planning Department and with the Planning Commission and also considering all the necessity in connection with the operation of this facility that those issues have not been raised to day.

Susan Lami – all the distances are marked on the plan and they all meet or exceed building codes as far as safety and fire issues too.

Craig Alexander – do they meet or exceed our Ordinance?

Susan Lami – they do not meet or exceed your Ordinance hence we ask request for a variance for that.

Craig Alexander – thank you.

Parents spoke on Resolution.

Joseph Lawrence – I would just like to close by thanking everyone for their attention this evening, it has been a long evening on this presentation and we appreciate it and I would just like to point out as it relates to the parking situation. Looking at the information from what the Penn Hills School District supplied at the time with respect to this building the enrollment in 1991 for this school was 314 students with a maximum capacity of the building of 455 students which would far exceed our 330 students and 38 support staff. At that time, there were much limited parking spaces, 20 parking spaces and now of course proposed will be 54 parking spaces. So we believe with that that regardless of the conditions in the Ordinance that this is a

continuation of a non-conforming use and the expansion of the trailers does not increase the burden, in fact, it decreases the burden with the addition of 24 parking spaces from the current capacity right now the burden actually goes down and we think that puts us squarely within a non-conforming use and we would ask for your support and the execution of the Resolution approving the Conditional Use.

Mrs. Kuhn – I have a question that was brought up by you and the person who spoke before you. If there were that many children in William Penn when it was a school what is the need for the trailers. If you have less children than it was when it was an elementary school for the school district then why do we need the trailers?

Joseph Lawrence – I believe the answer to that is smaller classes.

Mrs. Kuhn – I am talking number wise.

Joseph Lawrence – I understand.

Mrs. Kuhn – because you just stated that when it was William Penn that was an elementary school for the school district you had x number of students and you are saying that now you have less students and even with the new third grade coming in you would have less students so then if you have less students for the building then why the need for the trailers?

Susan Lami – I never got the full structure of how many students were per class, and I don't know how it use to be to comment on what we said this evening next year Charter Schools in general operate on smaller class sizes that is what is considered the State norm. Next year we will have five kindergartens that will have 20 students each, we have five first grades that will have 21 students each, three second grades and three thirds that will have 24 students each. So it comes from a number of classes when you look at how many there are per grade level. It is my understanding that when William Penn existed there they had more students per class and less classes per grade so they needed less classrooms but they filled them with more students.

So we are talking about less students per class and more classes per grade level.

Mrs. Kuhn – I am not sure what the amount was but you are saying you have 20 to 21 students per class.

Susan Lami – 20 to 24 depending on the age group.

Mrs. Kuhn – 20 to 24, because you did not know what the range was?

Susan Lami – I do not know. I can get an exact date when William Penn closed so I am sure that is all in that file. I am hearing 32 per class.

Mrs. Kuhn – you represent Imagine?

Joseph Lawrence – yes Ma'am.

Mrs. Kuhn – this school has only been in one year correct?

Joseph Lawrence – one year of operation.

Mrs. Kuhn – when you did your projection was there nothing that was looked into the possibility of bringing in a third grade because if you did and you knew the building wasn't sufficient for a third grade why did you purchase the building?

Susan Lami – we have originally looked at opening as a K through 3 model but our original intent was to bring in a stronger K through 2 which is where the numbers in the Penn Hills Community of people interested in the Charter School were. So we started with Kindergarten, first and second grade. That was all contingent at that time, the time line for the district and their construction plan for the new elementary would have closed another one either Forbes or Washington Elementary that would have been available for our purchase for this upcoming school year. Because of delays in construction, because of delays in the planning it has not become a

reality for our next school year it may become a reality for 2013 – 2014 school year but that is kind of an unknown factor for us now. But for this moment we are looking at modulars for the 12-13 school year and concurrently working on a second plan as Mayor DeLuca had said what are you going to do in 18 months so for 13-14 we have two options. If something is available through the district we can certainly go that route or we can look at a whole new site altogether.

Mrs. Kuhn – but now if something would come up in the next school year and at the end of the next school year, the school district doesn't have a school and you don't find another facility what are you going to do with the third graders that are going to the fourth grade then?

Susan Lami – hand these kids a hammer and help them build one. We are working on other real estate options we have looked at several different options here in the Penn Hills Community.

Mrs. Kuhn – My question is let's say the worst scenario the School Districts do not go through with their plans. You don't have a school to buy, you can't buy another piece of real estate say in Penn Hills, so let's say that you can't find one in Penn Hills in one year's time it tough to do a real estate transaction and have that transaction ready and up and running for a school district. So then let's say the worst case scenario you don't have another so what do you do with the third graders who are going to be fourth graders and if you can't find something within the Municipality then would the entire Imagine move out of Penn Hills?

Mubuso Zamchiya – well it is a good question ma'am and coming back to the question that I answered for Mayor DeLuca we actually have found a facility and it is 58,000 square feet and we are in the process of working with the landlord to close that, we are the only persons looking to utilize it and the landlord has already provided us terms for that so subject to that transaction working out we have a plan, but our real estate agents have worked really well and we have additional options behind that to look at. So we are fairly confident that we won't reach your scenario that you pose.

Mrs. Kuhn - and what happens to William Penn?

Mubuso Zamchiya – we will continue to use William Penn. We are happy to continue using it.

Mrs. Kuhn – no I mean like if you move into the new facility that would be large enough for the entire Imagine School then what happens to the present facility?

Mubuso Zamchiya – well right now William Penn is owned by School House Finance, Inc. which is our company and our plan is always been to use that. We have always contemplated because William Penn is a small building that we would have more than one space for the students and that continues to be the plan. So we look as the school expands and it grows we will look at multiple options. There are options to maintain that facility as a K-2 or other structures as we go forward. We haven't solidified all those plans because we are looking to see how well we are received by the Penn Hills Community as the school grows and ultimately what our space will need. But our reason for pursuing a 58,000 square foot building is to make sure that we never again run into a problem where we don't have enough space.

Mrs. Kuhn – if you have that large of a building let's say you are in fact able to obtain that building and it is large enough then what happens to the facility of William Penn?

Mubuso Zamchiya – like I was saying we will continue to use the facility in what capacity, I don't know.

Mrs. Kuhn – It doesn't have anything to do with what tonight is it was just a question that I had in my mind because they had brought it up.

Mayor DeLuca – real quick before you leave, if you are in negotiations with the 58,000 square feet why don't you just make preparations to move into that 58,000 square feet?

Mubuso Zamchiya – well the 58,000 feet would need renovations and the renovations will take time and we are already in June. School year starts on the 22nd of August so the modular units will take five days to put up so it is the logical approach to use the modular units for one year and to take our time to construct a facility that will adequately meet the needs of the school.

Mayor DeLuca – how long is your school year?

Mubuso Zamchiya – this year we ended on June 15th.

Joseph Lawrence – o.k. that is all we have for this evening.

Mayor DeLuca – I will take a motion to go into an Executive Session.

Dr. Kincaid made a motion to move into an Executive Session.

All agreed.

Mayor DeLuca – I will take a motion to reconvene this meeting.

Dr. Kincaid - I move we reconvene.

Mr. Underwood – seconded the motion to reconvene.

All agreed.

Mayor DeLuca – this meeting is reconvened.

Mayor DeLuca – we had an executive session to discuss some legal issues regarding the plan.

Craig Alexander – Thank you Mr. Mayor. First of all I want to thank Mr. Lawrence and everybody here for the very compelling presentation, very well done, the students are great, we do have some questions that we want to ask you with regard to this modified plan,

the one with four temporary trailers. The first would be would you accept a condition that if we would accept the modified four trailer plan one of the conditions would be that the trailers could only be there for the 2012-2013 school year and must be removed within 15 days of the last day of the school year. Is that a condition that you could accept?

In audible.

Craig Alexander – I thought that I heard testimony today that you could have them installed within five days?

Susan Lami – no, once you get them it takes 5 days on site to install them but to have a crew there to remove them we can't promise that on the end of the school day somebody could come and remove them. I think that you could say that they would not be used 15 days after the school year and can be removed in 15 days.

Craig Alexander – will you accept a condition that they must be removed within 30 days of the last school day.

Susan Lami – yes, within 30 days it would be reasonable.

Craig Alexander – and that the property would be returned to its original state by the beginning of the following school year.

Susan Lami – yes.

Craig Alexander – you have already indicated that you would accept a condition that bathrooms would be installed in each of the trailers.

Joseph Lawrence – yes.

Craig Alexander – and that each trailer would have ADA compliant ramps.

Joseph Lawrence – yes.

Craig Alexander – o.k. – two last conditions. If you could both come up here for a second. Could you accept a condition to install a door way at this far end of the building?

Susan Lami – It exits already.

Craig Alexander – o.k. so there is a doorway there?

Susan Lami – yes.

Mrs. Alexander – and that there would be a fully encapsulated walkway from the trailers to that doorway. When I say fully encapsulated I mean three sided. So there is no wind blowing through.

Susan Lami – I believe that would cause a building code issue if we attempted to attach this building with a structure to it. I would have to say we would have to look into it and see that it doesn't cause some other issue which causes us some other building code issue.

Craig Alexander – I am asking the condition that you would take a covered walkway from both trailers to the door.

Susan Lami – we will do that within the limits of the building code yes.

Craig Alexander – that there will be a fence built along the rear of the yard.

Susan Lami – there is a fence already existing.

Craig Alexander – a condition that all work to install the trailers, the bathroom facilities, the door, the fence and all of that be completed prior to the start of the 2012-2013 school year.

Craig Alexander – what does the current fence along the rear of the property look like, is it a cyclone fence, wooden?

Susan Lami – chain link fence.

Craig Alexander – chain link fence. What is the height?

Joseph Lawrence – the consensus from the crowd was at least twelve feet.

Craig Alexander – o.k. let me read the conditions.

- 1. Four temporary structures shall be permitted for the 2012-2013 school year as depicted in the modified plan.**
- 2. Temporary structure shall meet all requirements of the local building code as well as County and State Regulations pertaining to such temporary structures.**
- 3. The temporary structures shall be removed within 30 days of the last day of school for the 2012-2013 school year. The grounds shall be restored to their original condition prior to the placement of the temporary structures by the start of the 2013-2014 school year.**
- 4. Number four would be deleted.**
- 5. The Dewayne Drive access shall remain as a pedestrian access only.**
- 6. There shall be a doorway installed or useable at the rear of the original building.**
- 7. There shall be enclosed walkway from the trailers to the doorway fully enclosed to the extent permitted by Code.**
- 8. There shall be bathrooms at each of the four trailers.**
- 9. There shall be ADA Compliance Ramps on each of the four trailers.**
- 10. There shall be a minimum ten foot fence all along the rear of the property.**
- 11. All work to install and operate the trailers must be completed by the 2012-2013 school year.**

Susan Lami – could we modify the fence to 8 feet, we don't know how tall the fence is and it would be very difficult to add two feet to an existing fence, if it is only 8 feet in part of the areas. It is very tall

but I don't know exactly how tall it is. It is an existing fence and it has served the purpose of keeping the kids off the hill and animals out.

Craig Alexander – minimum of 8 feet. All those conditions are acceptable Mr. Lawrence?

Joseph Lawrence – they are.

Craig Alexander – so now Mr. Mayor in that case a motion to approve the Resolution as just dictated will be in order.

Mayor DeLuca – do I have a motion for the Resolution?

Dr. Kincaid – before I make a motion for the Resolution 2012-040 as amended I would like to personally thank the school, administrators students all involved for a very impressive presentation. I would also like to say secondly I have visited the school more than once perhaps more than a half dozen times so I am very familiar with the school. Third I would like to say that I believe in Public Education, I have been a Public Education Teacher, I teach currently in a Seminary, so education is not the issue here before us tonight I hope you go home and remember that and do not repeat that that is the issue. It is the codes and laws of our Community. Finally I would like to say that I have an honor student Grandchild in the school and I am very proud of her achievement and she will be moving to the third grade so therefore it is not about any of those things that I just stated. Thank you Mr. Mayor I move the approval of RESOLUTION 2012-040 as modified with the eleven conditions stated by our solicitor for the temporary modular classrooms at 200 Penn School Drive as described in their application.

Mr. Underwood seconded the motion.

Mrs. Kuhn – before I vote I just wanted to say that tonight's vote was never based on the school and the children that gave the presentation tonight. The school, the staff and the parents should be very proud, they did an excellent job. For the majority of the people who spoke today I will tell you you all did a wonderful job. You presented the case you did not give any derogatory remarks towards

Mayor and Council and so you did an excellent job so you too should be commended for the job that you did. As far as the one statement that we are playing with children's lives that was never the case. I have a very sweet boy that I love and adore that goes to your school. So this was based on conditions and on safety and that was what we were discussing, so we made these exceptions, they agreed to them so my vote is yes.

Mr. Palumbo – my vote is yes but I would like to see all you people back at the next meeting.

There being no further discussion the motion was approved by a 5-0 vote.

ADJOURNMENT

Mayor Deluca entertained motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion.

Meeting Adjourned at 9:47 P.M.

DATE

**MAUREEN M. SORCE
MANAGER'S SECRETARY**

