MINUTES OF THE APRIL 26, 2010
ADJOURNED MEETING OF THE MT. LEBANON COMMISSION

The Commission of Mt. Lebanon, Pennsylvania, held an Adjourned Meeting at 8:00 p.m., on Monday, April 12, 2010, at the Municipal Building, 710 Washington Road. President Raja called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager Stephen M. Feller called the roll. Present were Commissioners Dave Brumfield, Joe DeIuliis, Matt Kluck, Dan Miller and D. Raja. Also present were Assistant Manager Taylor, Deputy Chief of Police Roach, Inspections Officer Berkley, Recreation Director Donnellan, Planning Officer McGill, Fire Chief Sohyda, Commercial Districts Officer Milliron, and Public Information Officer Morgans. Also present were Dan Deiseroth of the engineer's office and Philip Weis of the solicitor's office.

CITIZEN COMMENTS

Rudy Bies of 157 Lancaster Avenue indicated that there were too many stop signs in Mt. Lebanon. He suggested replacing stop signs with yield signs.

Margaret Jackson, president of the Mt. Lebanon Historical Preservation, thanked the municipality for its financial support. She said on May 7, the third exhibit will debut; May 8, they will participate in a walking tour; and May 15, they are participating in a scanning party, which involves scanning old pictures for a publication.

Charlotte Stephenson of 110 Crescent Drive submitted a petition with over 3,000 signatures of residents who are opposed to the cost of the high school construction project.

Bill Lewis of 816 Ridgeview Drive supported a strategic plan. He discussed item five regarding a tax-exempt property on Illinois Avenue, asking if this property could be considered by the ad hoc land use committee. Mr. Miller indicated that it is school property; therefore, it doesn't fall within the realm of this project. Mr. Lewis also inquired about the hotel project.

Dave Egler of 121 Poplar Drive stated that the residents have a right to ask questions during citizen comments. He asked why candidates for the ad hoc land use committee weren't personally interviewed. He also mentioned several areas that weren't stated in the parking authority report. He believed the parking authority did not provide accurate information for the report.

John Ewing of 804 Lovingston Drive complimented the financial management practices of the municipality. He discussed the TIF for the property on Washington Road/Bower Hill, believing that tax funding from this venture could have been used to help divert the recent 11 percent school tax increase.

CONSIDERATION OF THE MINUTES FROM THE REGULAR MEETING HELD APRIL 12, 2010

Mr. DeIuliis moved and Mr. Miller seconded to approve the minutes. The vote was called. The motion carried unanimously.

CONSIDERATION TO APPOINT THE SOLICITOR FOR THE MUNICIPALITY OF MT. LEBANON

Mr. Kluck said Section 601 of the Home Rule Charter states that: "*The Commission may appoint a municipal Solicitor, on a full-time or part-time or retainer basis, for an indefinite term. The municipal Solicitor shall be an official of the Municipality, and shall hold office until his appointment is terminated by the Commission.*"

On February 17, 2010, the Municipality received proposals from 11 separate firms to serve as solicitor.

Mr. Kluck moved and Mr. Brumfield seconded to appoint Philip Weis and the firm of Buchanan Ingersoll & Rooney PC as Solicitor for Mt. Lebanon, effective immediately. The assignment is made based upon the proposal dated February 17, 2010 and clarified in a letter dated April 5, 2010.

Mr. DeIuliis indicated he would vote against this item. While he believes the firm of Buchanan Ingersoll will do a good job, it disturbs him that the Commission would upset a tradition of 50+ years with the previous solicitor. Mr. Raja thanked Jim Roberts and the firm of Eckert Seamans Cherin & Mellott for their service over the past 50 years.

Mr. Brumfield supported the RFP process for a solicitor.

Mr. Kluck, Mr. Miller, Mr. Brumfield and Mr. Raja voted in favor of the motion. Mr. DeIuliis voted against the motion. The motion passed four to one.

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE (BILL NO. 5-10) MT. LEBANON, PENNSYLVANIA, AMENDING AN ORDINANCE AND REENACTING UNTIL APRIL 30, 2012

Mr. Brumfield said pursuant to Ordinance No. 3028 enacted March 26, 2001, and amended by Ordinance No. 3066, enacted November 25, 2002, the Commission provided for the creation of night permit parking zones in the Municipality. The original and extended ordinances include a "sunset" provision. The ordinance would extend the terms of the amended ordinance until April 30, 2012. This ordinance was introduced April 12, 2010.

Mr. Raja declared the public hearing opened.

Mr. McGill reviewed the history of this ordinance and how it pertains to Mt. Lebanon.

Mr. Miller stated that from the fire department's perspective, municipal equipment was able to maneuver fairly well during the snow storm since there weren't any vehicles parked on the streets.

Because there were no further comments, Mr. Raja declared the public hearing closed.

Mr. Brumfield moved and Mr. Kluck seconded to enact Ordinance (Bill No. 5-10). The vote was called. The motion carried unanimously.

CONSIDERATION OF RESOLUTION NO. R-3-10 EXONERATING CERTAIN MUNICIPALLY-OWNED PROPERTIES FROM TAXES

Mr. DeIuliis said the Mt Lebanon School District owns a small property, which for a variety of reasons, has not been classified in the assessment rolls as tax exempt. Rather than pay taxes to "ourselves," this property is annually exonerated from municipal and school taxes. The property is: L&B 097-E-309 Illinois Avenue (lots).

Mr. DeIuliis moved and Mr. Miller seconded to adopt Resolution No. R-3-10. The vote was called. The motion carried unanimously.

CONSIDERATION OF RESOLUTION NO. R-4-10 DESIGNATING AN AGENT FOR FEMA SNOW ASSISTANCE FUNDS

Mr. Kluck said the President of the United States has approved a Federal Disaster Declaration for the February snowstorm. The regulations require the Municipality to designate an agent who will be the applicant's spokesperson and have signature authority during the declaration process. The Municipal Manager recommends that Platoon Chief Christopher A. Buttlar, who is the Operations and Emergency Management Coordinator for Mt. Lebanon, be designated as Mt. Lebanon's agent.

Mr. Kluck moved and Mr. Brumfield seconded to adopt Resolution No. R-4-10. The vote was called. The motion carried unanimously.

CONSIDERATION OF A TRAFFIC BOARD RECOMMENDATION CONCERNING MAGNOLIA AND MABRICK AVENUES

Mr. Miller said the Traffic Board met on April 7, 2010 and discussed the intersection of Magnolia Place and Mabrick Avenue.

The original citizen request was for the placement of a stop sign at the intersection. The Traffic Engineer reported that a stop sign is not warranted, but he believed that the removal of approximately three parking spaces will eliminate the sight distance problem. At its May meeting, the Board will be seeking public input on the possible options available for the removal of parking spaces.

The Traffic Board voted at its April meeting to recommend the installation of a crosswalk on Mabrick Avenue at Magnolia.

Mr. Miller moved and Mr. DeIuliis seconded to approve the installation of a crosswalk as recommended by the Traffic Board. The vote was called. The motion carried unanimously.

CONSIDERATION OF A TRAFFIC BOARD RECOMMENDATION CONCERNING THE INSTALLATION OF STOP SIGNS AT THE INTERSECTION OF FLORIDA AND LEBANON AVENUES

Mr. Miller said the Traffic Board met on April 7, 2010 and discussed the intersection of Florida and Lebanon Avenues.

Florida Avenue residents presented a petition with 75 signatures requesting a four-way stop at the intersection of Florida and Lebanon Avenues. The Traffic Engineer indicated that only two stop signs could be approved as meeting warrants, and that additional study of the intersection and the impact of proposed changes on the traffic at Washington and Lebanon would be necessary before additional traffic controls could be installed.

The Board voted to recommend approval of the installation of two stop signs, one on Lebanon and one on Florida.

Mr. Miller moved and Mr. DeIuliis seconded to approve the installation of two stops signs as recommended by the Traffic Board. The vote was called. The motion passed unanimously.

CONSIDERATION OF A TRAFFIC BOARD RECOMMENDATION TO IMPROVE PEDESTRIAN SAFETY NEAR THE PARKING AUTHORITY'S SOUTH LOT

Mr. Miller said the Traffic Board met on April 7, 2010 and discussed pedestrian safety near the Parking Authority's south lot across from Washington Elementary School.

Mt. Lebanon's Traffic Engineer presented recommendations to improve safety at the Washington Road crosswalk located at the entrance of the south parking lot. The Traffic Board voted to recommend the following:

- Painting a crosswalk at the entrance of the lot.
- Installing pedestrian warning signs at the entrance/exit of the lot to remind drivers of the existence of the crossing.
- Encouraging the Parking Authority to remove two parking spaces in the parking lot to allow for a turnaround area for drivers who enter the lot to find it full.

Mr. Miller moved and Mr. DeIuliis seconded to approve the recommendations of the Traffic Board. The vote was called. The motion passed unanimously.

CONSIDERATION OF AN AMENDED AND RESTATED AGREEMENT OF SALE BETWEEN THE PARKING AUTHORITY AND MT. LEBANON HOSPITALITY ASSOCIATES, L.P.

Mr. Brumfield said on February 10, 2010 the Mt. Lebanon Commission authorized the proper municipal officials to grant an extension of the deadline to initiate construction for the Spring Hill Suites-Mt. Lebanon Land Development Plan and Conditional Use approval to and including

February 28, 2011 subject to the issuance of the required highway occupancy permit by PennDOT.

At the Parking Authority meeting on April 8, 2010 the Parking Authority and Mt. Lebanon Hospitality Associates, L.P. executed an amended and restated Agreement of Sale which extends the repurchase provision in Section 24 of the sales agreement to and including February 28, 2011 contingent on the consent of the Mt. Lebanon Commission.

Mr. Brumfield moved and Mr. Kluck seconded to consent to the Amended and Restated Agreement of Sale between the Parking Authority and Mt. Lebanon Hospitality Associates, L.P. The vote was called. The motion carried unanimously.

DEPARTMENTAL REPORTS

Mr. DeIuliis asked that the reports be received and filed.

MANAGER ANNOUNCEMENTS

Mr. Feller stated that prior to this meeting, the Commission met in executive session to discuss the appointment of the solicitor and also consulted with counsel regarding a zoning hearing board appeal. The next regular meeting of the Commission will be on Monday, May 10, 2010, at 8 p.m.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.