MINUTES OF THE ADJOURNED MEETING JULY 25, 2011 OF THE MT. LEBANON COMMISSION

The Commission of Mt. Lebanon, Pennsylvania, held an Adjourned Meeting at 8:00 P.M., on Monday, July 25, 2011, at the Municipal Building, 710 Washington Road. President Miller 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, Bonnie VanKirk, Matt Kluck, and Dan Miller. Also present were Manager Feller, Assistant Manager Taylor, Chief of Police McDonough, Fire Chief Sohyda, Recreation Director Donnellan, Planning Officer McGill, Business District Officer Milliron, Public Information Officer Morgans, and Inspections Officer Berkley. Also present were Brock McCandless of the solicitor's office and Dan Deiseroth of the engineer's office.

Commissioner Miller indicated that two items were being added to the agenda dealing with an appointment to the library board and a parking authority organizational issue.

CITIZEN COMMENTS

Elaine Gillen of 735 Vallevista Avenue stated that the budget cuts mentioned on her blog site were submitted by residents and did not reflect her own personal opinion. She also asked if the municipality was permitting Castle Shannon and Scott Township to deposit leaves in the community. Mr. Feller stated that in the past from time to time, both communities have been permitted to deposit a small volume of leaves at Robb Hollow and the golf course, which the municipality was compensated for. Mr. Feller added that he did not believe that any leaves were accepted from outside Mt. Lebanon last year.

Bill Lewis of 816 Ridgeview Drive spoke about the stormwater fee, indicating that he supports infrastructure improvements, but he didn't feel that the current proposal was fair and equitable.

David Barclay of 249 Hazel Drive asked that the items pertaining to composting be tabled until a back-up plan can be established. He had concerns that if any of the proposed ordinances passed, the municipality would not have a means of disposing of leaves.

Dave Egler of 121 Poplar Drive spoke about the Junior Commissioner position. He stated that he was against the parking authority placing a deck on the Academy Avenue lot. He also expressed concern about various parking authority issues.

Lynn Daniels of 1319 Pinewood Drive, member of the Friends of Robb Hollow, spoke against leaf composting and grinding at Robb Hollow Park. He asked if the municipality was prepared to take responsibility for the health and welfare of the neighbors if the leaf operation continued at Robb Hollow Park this fall.

Mr. Miller stated that whatever operation is conducted at Robb Hollow Park, it will be done in the safest manner, within the requirements of regulatory agencies and in accordance with the law. Mr. Miller added that if a situation should arise that would require additional attention, the municipality will address the matter.

Robert D'Angelo of 1341 Pinewood Drive spoke against having any leaf composting or grinding at Robb Hollow Park. He insisted that the municipality was in violation of laws, and he stated that the Commonwealth of Pennsylvania was informed of this and would be taking action against the municipality.

CONSIDERATION OF THE MINUTES FROM THE REGULAR MEETING HELD JULY 12, 2011

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

PUBLIC HEARING ON ORDINANCE (BILL NO. 12-11), AMENDING THE MT. LEBANON CODE, CHAPTER XX (ZONING) AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING SIGNS

Ms. VanKirk said that this Ordinance amends Section 823.5.3.2.3 the maximum total number and area for Building Signs in the C-1, C-2 and CBD Districts and all Commercial Uses in Transition Areas, PRDs and Planned Mixed Use Developments by: (1) increasing the maximum allowable building sign size from 40 sq ft to 50 sq ft; (2) changing the allowable projection for a blade sign from 2 feet to 3 feet; (3) adding a provision that blade signs shall not be counted against the Sign Area permitted for other sign types. On June 28, 2011 the Planning Board recommended the proposed changes. This ordinance was introduced on July 12, 2011.

Mr. Miller declared the public hearing opened.

Bill Lewis of 816 Ridgeview Drive inquired as to why this ordinance was being proposed. Keith McGill stated that a business owner and resident asked that the Commission review the ordinance in hopes of permitting larger projecting signs, and that the issue was referred to the Planning Board.

Mr. Lewis indicated that he believed that Mt. Lebanon was inundated with signs.

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

PUBLIC HEARING ON ORDINANCE (BILL NO. 13-11), AMENDING THE MT. LEBANON CODE, CHAPTER XX (ZONING) AMENDING THE ZONING ORDINANCE REGARDING OUTDOOR SIGNS

Mr. Kluck said this Ordinance adds a new Section 823.5.3.3 to permit and regulate Outdoor Advertising Signs in the C-2 District. The Ordinance: adds setbacks and spacing requirements; regulates size and height; regulates electronic displays and illumination; adds maintenance, inspection and permitting requirements.

On June 28, 2011 the Planning Board recommended the changes indicated in the proposed Ordinance. This ordinance was introduced July 12, 2011.

Mr. Miller declared the public hearing opened.

Bill Lewis of 816 Ridgeview Drive had concerns with the number of signs in Mt. Lebanon.

Mr. Miller explained that this ordinance is designed to protect Mt. Lebanon from signage being erected that is similar to the one erected along Mt. Lebanon Boulevard in Castle Shannon. There currently aren't adequate protections in Mt. Lebanon's code; therefore, the commission wanted to make certain that this situation could not occur in Mt. Lebanon.

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

PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. R- 06-11 CONCERNING THE TRANSFER OF A LIQUOR LICENSE TO DRAGONFIRE, INC.

Mr. Brumfield said the state law allows liquor licenses to be transferred between establishments in different municipalities. Prior to submitting the license transfer to the Liquor Control Board, the municipality into which the license is being transferred must hold a public hearing and act on the transfer.

DragonFire, Inc has a lease for property in the Galleria located at 1500 Washington Road, Pittsburgh, PA 15228 and is seeking to open a restaurant at this location. On June 27, 2011, the applicant requested consideration of this matter by the commission. DragonFire, Inc. has requested a hearing before the Commission for approval of the transfer of a liquor license to this location.

Mr. Miller declared the public hearing opened.

Brendan Moran, the applicant's attorney who is with Caputo and Caputo, explained that DragonFire is a hibachi-style restaurant in the Galleria. He stated that food will be cooked at each table. He said the location of the restaurant is the former Amigo's restaurant, which had a liquor license. He stated that DragonFire's owner, Mike Norman, has owned restaurants for several years, including one in downtown and one in the Strip District.

Mr. Miller asked if ventilation would be provided at each station. Mr. Norman said that there will be 10 food stations, and each will have ventilation.

Mr. Brumfield indicated that neither the police nor the fire department have any concerns with the proposed transfer of the liquor license.

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

Mr. Brumfield moved and Ms. VanKirk seconded to adopt Resolution No. R-06-11. The vote was called. The motion carried unanimously.

PUBLIC HEARING ON A CONDITIONAL USE REQUEST BY JOHN DYKE FOR A VEHICLE REPAIR BUSINESS FOR A PROPERTY LOCATED AT 439 WASHINGTON ROAD. THE PROPERTY IS ZONED C-2 COMMUNITY COMMERCIAL DISTRICT. CHAPTER XX OF THE MT. LEBANON CODE, ZONING, SECTION 303.3.9.1 IDENTIFIES VEHICLE REPAIR AS A CONDITIONAL USE IN THIS DISTRICT

Mr. DeIuliis said the owner has entered into a lease agreement with a tenant for the leasing of a portion of the existing structure. The tenant proposes to provide auto repair services. All repair operations and services will be conducted within the interior of the building. The Planning Board recommended approval of the conditional use request on June 28, 2011.

Mr. Miller declared the public hearing opened.

John Kamin, attorney with Goldberg, Kamin, and Garvin, stated that all work done on vehicles will be inside the facility. There will be regular hours of operation, with no Sunday hours. He said that the applicant's proposal meets all of the municipal requirements.

Dave Egler of 121 Poplar Drive asked if this was a mechanical repair or auto body facility, and Mr. Kamin said that the business was mechanical repair of automobiles.

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

CONSIDERATION OF ORDINANCE (BILL NO. 9-11) AMENDING THE MT. LEBANON CODE, CHAPTER XX (ZONING) PART 7, (DESIGN GUIDELINES AND STANDARDS) SECTION 705 (RESIDENTIAL BUILDING STANDARDS)

Ms. VanKirk said the Ordinance amends Section 705 Residential Building Standards by: (1) establishing mandatory features for building massing and floor area ratio; (2) establishing optional features for roof style/overhang, garage orientation, front porches, exterior building material, and pattern and scale of window and door openings.

On May 24, 2011, the Planning Board recommended adoption of the ordinance. The ordinance was introduced on June 27, 2011, and the public hearing was held July 12, 2011.

Ms. VanKirk moved and Mr. Brumfield seconded to enact Ordinance (Ordinance Bill No. 9-11). The vote was called. Mr. Brumfield, Mr. Kluck, Ms. VanKirk and Mr. Miller voted in favor of the ordinance. Mr. DeIuliis voted against the motion. The motion passed four to one.

CONSIDERATION OF ORDINANCE (BILL NO. 11-11) ESTABLISHING <u>A FEE FOR STORMWATER COLLECTION AND MANAGEMENT</u>

Mr. Kluck said Mt. Lebanon has included the establishment of a stormwater fee in the 2011 budget with an anticipated effective date to begin billing on September 1, 2011. The storm sewer portion of the budget includes the operation, maintenance, and capital costs to provide 75 miles of storm sewers, 2,000 storm inlets, and other facilities to convey, detain and transport stormwater.

The ordinance provides that properties in Mt. Lebanon with impervious areas of at least 800 square feet will be assessed a stormwater user fee. Owners of single-family homes, townhouses and duplexes will pay a flat fee of \$8 per month per dwelling unit based on an Equivalent Residential Unit (ERU). The charge for all other developed parcels within Mt. Lebanon shall be based on the number of square feet of measured impervious surface expressed in whole ERUs rounded to the next highest ERU.

The charges shall be billed on or before the first business day of January, May and September, beginning in September 2011. The ordinance also provides for late payment penalties and a discount for any owner that pays the entire calendar year in advance. The ordinance also includes a 20-year sunset provision. A full copy of the ordinance can be viewed on the municipal website at: www.mtlebanon.org. The ordinance was introduced June 27, 2011 and a public hearing was held on July 12, 2011.

The Commission decided to defer action of this item until the next meeting and also to defer action on agenda item 10 pertaining to a contract with Jordan Tax Service for billing and collection of a stormwater fee.

CONSIDERATION OF ORDINANCE (BILL NO. 14-11) PROHIBITING TREATMENT OF YARD WASTE

Mr. Kluck said that there have been three proposed solutions to the leaf collection issue, all of which would involve adding a new section to Chapter XI, Parks and Recreation. The first proposed Ordinance (Bill No. 14-11) – Add Section 102.21 to read:

102.21 Treatment of yard waste is prohibited. For purposes hereof, "treatment" includes storage, grinding, mulching and composting; provided; however, that this section 102.21 shall not preclude the storage of mulch by the Municipality.

This ordinance was introduced on June 27, 2011, and the public hearing was held on July 12, 2011.

Mr. Kluck moved to enact Ordinance (Bill No. 14-11). Because there was no second to the motion, the motion failed.

CONSIDERATION OF ORDINANCE (BILL NO. 15-11) PROHIBITING COMPOSTING OF YARD WASTE

Ms. VanKirk said the second proposed Ordinance (Bill No. 15-11) – Add Section 102.21 to read:

102.21 Composting of yard waste is prohibited.

This ordinance was introduced on June 27, 2011, and the public hearing was held on July 12, 2011.

Ms. VanKirk moved and Mr. Brumfield seconded to enact Ordinance (Bill No. 15-11). The vote was called. Mr. Kluck was present but did not vote. Mr. Brumfield, Mr. DeIuliis, Ms. VanKirk and Mr. Miller voted against the ordinance. The motion failed.

CONSIDERATION OF ORDINANCE (BILL NO. 17-11) PROHIBITING MULCHING AND COMPOSTING OF YARD WASTE

Mr. Brumfield said the third proposed Ordinance (Bill No. 17-11) – Add Section 102.21 to read:

102.21 Mulching and composting of leaves collected by the municipality during its annual leaf collection program are prohibited.

This ordinance was introduced on June 27, 2011, and the public hearing was held on July 12, 2011.

Mr. Brumfield moved and Mr. Miller seconded to enact Ordinance (Bill No. 17-11). The vote was called. Mr. Kluck was present but did not vote. Mr. Brumfield, Ms. VanKirk and Mr. Miller voted in favor of the ordinance. Mr. DeIuliis voted against the motion. The motion passed three to one.

CONSIDERATION OF A RESOLUTION NO. R-9-11 AUTHORIZING THE MUNICIPAL MANAGER TO SIGN AN AGREEMENT NO. 118389, COCHRAN ROAD & BEVERLY ROAD SIGNAL SYSTEM IMPROVEMENT PROJECT SUPPLEMENTAL FEDERAL-AID PROJECT

Mr. DeIuliis said the agreement is for the Cochran Road & Beverly Road Signal System Improvement Project. Proposed improvements include new signal equipment, signal interconnects, pedestrian improvements, and ADA curb ramps. Signal interconnect will incorporate four existing signals upgraded within the last seven years, which will create a coordinated signal system covering 10 intersections. The improvements are included in the Municipality's Capital Improvement Program for 2011 – 2015. The project cost is estimated at \$1,425,207. This project includes federal funding through the Congestion Mitigation and Air Quality Program (CMAQ) of \$924,000 and municipal funding that is available of \$396,000.

The resolution is required by PennDOT as a condition to issue the reimbursement agreement between the Municipality and PennDOT.

Mr. DeIuliis moved and Mr. Kluck seconded to adopt Resolution No. R-9-11, authorizing the Municipal Manager to sign an agreement No. 118389, Cochran Road & Beverly Road Signal System Improvement Project Supplemental Federal Aid Project. The vote was called. The motion carried unanimously.

Mr. Miller indicated that two items have been added to the agenda as follows:

APPOINTMENT OF A LIBRARY BOARD MEMBER

Mr. DeIuliis said there is a vacancy on the library board, and the commission wishes to fill the unexpired term tonight.

Mr. DeIuliis moved and Mr. Kluck second to appoint June Swanson, of 876 Old Hickory Road, to fill an unexpired term ending March 31, 2012. The vote was called. The motion carried unanimously.

CONSIDERATION OF PARKING AUTHORITY ORGANIZATIONAL ISSUES

Mr. Brumfield said the Mt. Lebanon Parking Authority was created by the Commission on February 26, 1954 under the Parking Authority Law of 1947. The Authority was created to acquire, construct, maintain and operate parking facilities within the Municipality. The Commission appoints the Authority five-member Board of Directors.

On November 2010, the Commission directed the Municipal Solicitor, staff and Parking Authority to implement a plan to cease operations no later than December 31, 2011, with all remaining operations to be performed by the Municipality. The Parking Authority and staff have been making substantial progress toward meeting these goals. The Commission would like to further accelerate this effort by removing the current Parking Authority members and appointing them to a new ad hoc advisory board that will focus on recommending long-term improvements to the parking facilities.

Mr. Brumfield moved and Ms. VanKirk seconded to: 1) Remove the five current Parking Authority members: Richard Ballon, Christopher Museuneggi, William Lewis, Geof Hurd and Joe Senko as members of the Authority and appoint all five of these individuals to a newlycreated ad hoc parking advisory committee, and 2) Appoint: Dan Miller, Joe DeIuliis, Matt Kluck, Dave Brumfield, and Bonnie VanKirk to serve as new members of the Parking Authority effective immediately. The vote was called. Mr. Brumfield, Mr. Kluck, Ms. VanKirk and Mr. Miller voted in favor of the motion. Mr. DeIuliis voted against the motion. The motion passed four to one.

CONSIDERATION OF THE EXPENDITURE LIST FOR JUNE TOTALING \$3,709,450.27

Mr. Brumfield moved and Mr. Kluck seconded to authorize the expenditure list for June totaling \$3,709,450.27. Ms. VanKirk abstained from voting stating that her husband is a shareholder at Buchanan, Ingersoll and Rooney. The vote was called. The motion passed with four votes.

DEPARTMENTAL REPORTS

Ms. VanKirk asked that the reports be received and filed.

MANAGER ANNOUNCEMENTS

Mr. Feller said that prior to tonight's meeting, the Commission met in executive session to discuss personnel issues with the solicitor and parking authority, advisory board appointments, and other legal issues. Following tonight's adjourned meeting, the Commission will be going back into discussion session. The next regular meeting will be held Tuesday, August 9, 2011, at 8 p.m. at the municipal building.

ADJOURNMENT

The meeting adjourned at 10:45 p.m.