

TO: Mt. Lebanon Commission
FROM: Stephen M. Feller, Manager

DATE: May 4, 2012

SUBJECT: Agenda – Regular Meeting – May 8, 2012

Call to Order – Pledge of Allegiance to the Flag – Roll Call

DB 1. Citizen Comments.

DB 2. Report by Junior Commissioner Bill Postufka.

MK 3. Consideration of the [minutes](#) from the Adjourned Meeting held April 23, 2012. approved

Recommended Action: Move to approve the minutes.

JB 4. Consideration of Ordinance ([Bill No. 04-12](#)) Mt. Lebanon, Pennsylvania, amending Chapter XX (Zoning) of the Mt. Lebanon Code, Part 8, Section 823.5 (Authorized Signs). approved

This Ordinance adds a new Section 823.5.3.10 to permit and regulate Internal Signs in the R-1, R-2 and OS-A Zoning Districts. The Ordinance: adds a definition for Internal Signs, setback and spacing requirements; regulates size and height; regulates illumination; and adds maintenance requirements. On March 27, 2012, the Planning Board voted against recommending adoption of the proposed ordinance. The ordinance was introduced April 10, 2012, and a public hearing was held April 23, 2012.

Recommended Action: Move to enact Ordinance (Bill No. 04-12).

KF 5. Consideration of Ordinance ([Bill No. 7-12](#)) amending the General Penalty Provision of the Administrative Code. approved

The proposed ordinance would increase the maximum penalty for general code violations from \$300 to \$1,000 for violation of a building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air noise pollution violations, and not exceeding six hundred dollars (\$600) for a violation of any other ordinance for each offense. The ordinance was introduced April 23, 2012.

Recommended Action: Move to enact Ordinance (Bill No. 7-12).

KL 6. Consideration of Ordinance (Bill No. 6-12) regulating unsanitary matters and waste. approved

The ordinance adds a provision to the Health and Safety chapter of the Code to prohibit “the excessive accumulation of, stagnant water, rubbish, garbage, refuse or debris, including but not limited to household furnishings, and all other objectionable, unsightly or unsanitary matter upon any lot, tract or parcel of land within the Municipality.” This ordinance was introduced April 10, 2012.

Recommended Action: Move to enact Ordinance (Bill No. 6-12).

KF 7. Consideration of an Agreement with Jordan Tax Service for the Collection of Sanitary Sewer Assessments approved

For many years Pennsylvania American Water Company has been billing and collecting the assessments for the municipality and ALCOSAN for sanitary sewer funding. Effective October 2102, the water company will no longer provide these services.

The municipality, working with Upper St. Clair, reviewed options for billing and collection of this assessment and determined that Jordan Tax Service should assume these billing and collection services. This agreement authorizes a two-year agreement with Jordan Tax Service which will begin with the September 1, 2012 billing.

Recommended Action: Move to approve agreement with Jordan Tax Service for sanitary sewer billing and collection.

KL 8. Consideration of Resolution No. R-6-12 concerning the impact of Act 13 on local government zoning authority. approved

On February 14, 2012, HB 1950 was signed into law as Act 13, amending the Pennsylvania Oil and Gas Act to establish, in part, a one-size-fits-all zoning mechanism for oil and gas development that applies to every zoning district in every political subdivision in Pennsylvania. The Commission believes that Act 13 improperly restricts local municipal zoning regulations, and as such, is detrimental to all local governments and to those who reside in Pennsylvania’s 2,661 municipalities.

This resolution states the Commission’s opposition to Act 13 because it removes the ability of affected local governments located within the Commonwealth to promulgate appropriate legislation to protect the health, safety, and welfare of its citizens.

Recommended Action: Move to adopt Resolution No. R-6-12.

MK 9. Introduction of a conditional use request by The Fresh Market, Inc. to provide more than one hundred ten percent (110%) of the required parking. introduced

Chapter XX, Zoning, Section (817.6) of the code states that no use shall provide more than one hundred ten percent (110%) of the required parking, except through the submittal of a

parking demand analysis and approval of a Conditional Use Permit in accordance with Section 1002.

The applicant proposes to provide a total of 98 spaces whereas the Zoning Ordinance would limit parking to 55 spaces (110% of the required 50 spaces). The applicant has submitted a parking demand analysis in support of the additional spaces and the municipal traffic engineer recommends approval of the additional spaces.

On April 24, 2012, the Planning Board recommended approval of the conditional use request.

Recommended Action:

1. Introduce the Conditional Use request.
2. Set the public hearing for the conditional use request for Tuesday, May 29, 2012.

KL 10. Consideration to authorize the Municipal Manager to submit a letter of intent to the Linc Group to have an investment grade audit prepared on the proposed energy conservation measures. *approved*

On March 30, 2012, the Linc Group responded to a request for proposal issued by Mt. Lebanon. Their proposal and oral presentations were evaluated by an evaluation committee. The committee has recommended having Linc proceed with a detailed investment grade audit of all energy conservation measures listed in its proposal of March 30, 2012. The investment grade audit will provide savings and cost estimates for the implementation of all measures listed in the proposal. The evaluation committee recommends that a letter of intent be issued to Linc authorizing them to complete an investment grade audit of the facilities so a co-authored financial and technical solution can be implemented.

Through the letter of intent, Mt. Lebanon will be indicating its intent to award Linc a contract if:

- The program will be self-funded based upon energy and operational savings.
- Mt. Lebanon will utilize all funding sources other than new taxpayer burden in addition to the above noted savings to construct and optimum financial arrangement.
- Linc Services will co-author all facility upgrades with Mt. Lebanon. Mt. Lebanon may add or reduce the scope once the final engineering savings/costs are completed.
- The contract must be approved by the solicitor, and the contract must state that Linc will guarantee all operational savings, and any shortfall will be reconciled annually over the terms of the agreement. Linc will be responsible for the complete installation of services.

If Mt. Lebanon decides not to proceed with the project, and the above requirements are met, then Mt. Lebanon agrees to pay \$75,000 to Linc Services for the cost of the investment grade audit. If Linc cannot meet the terms stated above, Mt. Lebanon will be under no further obligation financial or otherwise to Linc Services.

Recommended Action: Move to authorize the Municipal Manager to submit a letter of intent to the Linc Group to have an investment grade audit prepared on the proposed energy conservation measures, after review and approval by the Solicitor.

SF 11. Manager announcements.

DB 12. Adjournment.