

**MINUTES OF THE REGULAR MEETING MAY 8, 2012  
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting at 8:00 P.M., on Tuesday, May 8, 2012, at the Municipal Building, 710 Washington Road. President Brumfield 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 John Bendel, Kelly Fraasch, Matt Kluck, Kristen Linfante, and Dave Brumfield. Also present were Manager Feller, Assistant Manager Taylor, Deputy Chief of Police Lauth, Public Works Director Kelley, Recreation Director Donnellan, Planning Officer McGill, Inspections Officer Berkley, and Public Information Assistant Jantz. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

Mr. Brumfield stated that item 7 regarding introduction of Ordinance (Bill No. 8-12) was being removed from the agenda.

**CITIZEN COMMENTS**

William Lewis of 816 Ridgeview Drive expressed several concerns about the proposed sign ordinance. He also spoke about the municipality's potential financial participation in the school district's appearance at assessment appeal hearings. He would like to see more focus on "underassessed" properties.

Elaine Gillen of 735 Vallevista Avenue spoke about the agreement with the Youth Sports Alliance (YSA) and school district. She claimed that the YSA has not met its financial requirement in accordance with the agreement. She also suggested having SHACOG work with other communities to come up with a solution for athletic facilities. She also spoke about residents "adopting" parks, benches, flowerbeds, etc.

Dave Egler of 121 Poplar Drive spoke in support of cat licensing. He asked that a survey be sent to residents on this matter.

Dan Hackett of 470 Carnegie Drive, treasurer of Indoor Tennis, spoke about the tennis facility. He gave the history of Indoor Tennis, including its partnership with the municipality since 1967. He also suggested that Indoor Tennis could contribute up to \$20,000 for the replacement of sidewalks and steps at the facility.

Dave Barclay of 249 Hazel Avenue spoke in support of cat and deer control. He also inquired about the unpaid parking tickets. Ms. Taylor stated that notices are scheduled to be sent out June 1.

David Huston of 505 Sleepy Hollow Road spoke about the proposed internal sign ordinance. He also said that May 15 was Peace Officers' Memorial Day, and he encouraged municipal flags to be flown at half-staff.

Mr. Bendel stated that the sign ordinance to be considered later in the meeting had been revised. The changes include a new sunset provision, a requirement of permit for all signs, and a requirement that a permanent-structure sign would need commission approval.

**REPORT BY JUNIOR COMMISSIONER BILL POSTUFKA**

Bill Postufka said on May 4, the high school held a very successful blood drive. He also stated that the school's musical, "How to Succeed in Business without Trying" was having its opening night May 9.

**CONSIDERATION OF THE MINUTES FROM  
THE ADJOURNED MEETING HELD APRIL 23, 2012**

Mr. Kluck moved and Ms. Fraasch seconded to approve the minutes. The vote was called. The motion passed unanimously.

**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)**

Mr. Bendel said 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 the proposed ordinance. The ordinance was introduced April 10, 2012, and a public hearing was held April 23, 2012.

Mr. Brumfield confirmed Mr. Bendel's earlier statement that the ordinance was modified to reflect the following changes: Section 823.5.3.10.4.11 stating that an internal sign that is located on a fence shall be dark green in color on the side opposite the sign face; Section 825.5.3.10.5 Permits, with sections 823.5.3.10.5.1 stating internal signs must obtain the permit required under Section 823.3.2; Section 823.5.3.10.5.2 stating a permanent internal sign must also receive conditional use approval from the commission pursuant to Section 1002 hereof; and Section 823.5.3.10.5.3 stating an internal sign shall be considered permanent when it: (a) is fixed or attached to the ground or another structure in a lasting manner; and (b) it cannot be easily removed without damage to the ground or other structure. A permanent internal sign typically will be affixed or attached to the ground or other structure by means of cement, plaster, nails, bolts, screws or other similar anchoring devices. Additionally, Section 2 was added which stated that this ordinance will expire August 31, 2014, unless extended prior to that date.

Mr. Brumfield asked if the amendments required another public hearing. Mr. Weis stated no, the proposed modifications are minor and clarify the original intent of the ordinance.

Ms. Fraasch suggested tabling the vote and referring the modified ordinance to the planning board to determine if they would recommend approval with the amendments.

Mr. McGill, planner, stated that it was his opinion that the amendments would not sufficiently address the concerns of the planning board.

Mr. Brumfield asked Mr. Weis if he had any concerns with there being a conflict with the ordinance and other ordinances, and Mr. Weis said no, the proposed ordinance did not conflict with any existing ordinances.

Mr. Kluck inquired as to how much revenue the municipality expected from selling sign space on public property. He stated that he believed the ordinance was limiting. Mr. Brumfield said he sees the ordinance as a tool to generate revenue, even if it's only enough to repair one field each year. Both Mr. Bendel and Ms. Linfante said they see this ordinance as an opportunity to open the doors for possible revenue.

Mr. Bendel moved to enact Ordinance (Bill No. 04-12) as modified. The vote was called. Mr. Bendel, Ms. Fraasch, Ms. Linfante and Mr. Brumfield voted in favor of the motion. Mr. Kluck voted against the motion. The motion passed four to one.

**CONSIDERATION OF AN ORDINANCE (BILL NO. 7-12) AMENDING  
THE GENERAL PENALTY PROVISION OF THE ADMINISTRATIVE CODE**

Ms. Fraasch said 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.

Ms. Fraasch moved and Mr. Kluck seconded to enact Ordinance (Bill No. 7-12). The vote was called. The motion carried unanimously.

**CONSIDERATION OF ORDINANCE (BILL NO. 6-12)  
REGULATING UNSANITARY MATTERS AND WASTE**

Ms. Linfante said 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.

Ms. Linfante moved and Mr. Bendel seconded to enact Ordinance (Bill No. 6-12). The vote was called. The motion carried unanimously.

**CONSIDERATION OF AN AGREEMENT WITH JORDAN TAX  
SERVICE FOR THE COLLECTION OF SANITARY SEWER ASSESSMENTS**

Ms. Fraasch said 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 2012, 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.

Ms. Fraasch moved and Mr. Kluck seconded to approve agreement with Jordan Tax Service for sanitary sewer billing and collection. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-6-12 CONCERNING  
THE IMPACT OF ACT 13 ON LOCAL GOVERNMENT ZONING AUTHORITY**

Ms. Linfante said 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.

Ms. Linfante moved and Mr. Bendel seconded to adopt Resolution No. R-6-12. The vote was called. The motion carried unanimously.

**INTRODUCTION OF A CONDITIONAL USE REQUEST BY  
THE FRESH MARKET, INC. TO PROVIDE MORE THAN  
ONE HUNDRED TEN PERCENT (110%) OF THE REQUIRED PARKING**

Mr. Kluck said 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. The Conditional Use request was introduced, and the public hearing was set for Tuesday, May 29, 2012.

**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**

Ms. Linfante said 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.

Ms. Linfante moved and Mr. Bendel seconded 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. The vote was called. The motion carried unanimously.

**MANAGER ANNOUNCEMENTS**

Mr. Feller said that prior to tonight's meeting, the Commission met in executive session to discuss appointments to boards and authorities and a legal issue with the solicitor. The next adjourned meeting will be held on Tuesday, May 29, 2012, at 8 p.m.

**ADJOURNMENT**

The meeting adjourned at 9:20 p.m.