

**MINUTES OF THE ADJOURNED MEETING MAY 29, 2012
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held an Adjourned 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 Kelly Fraasch, Matt Kluck, Kristen Linfante, and Dave Brumfield. Commissioner John Bendel was not present. Also present were Manager Feller, Chief of Police McDonough, Public Works Director Kelley, Recreation Director Donnellan, Fire Chief Sohyda, Planning Officer McGill, Assistant Finance Director Windstein, and Public Information Officer Morgans. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

Mr. Brumfield acknowledged the new Mt. Lebanon logo in the commission chambers as well as the logo behind the customer service center area, stating that Gateway Engineers donated the items to the municipality in recognition of the 100th anniversary of the community. Mr. Brumfield thanked Gateway Engineers for their generosity. Mr. Brumfield also thanked everyone who attended the veterans' memorial dedication ceremony on May 27, 2012.

CITIZEN COMMENTS

Elaine Gillen of 735 Vallevista Avenue asked that the municipality and school district pursue properties that were underassessed instead of those who are appealing their assessment. Mr. Brumfield stated that the school district's intent is to address the underassessed properties next year. Ms. Gillen also spoke about the joint maintenance agreement, cat control and deer culling.

Dave Egler of 121 Poplar Drive supported deer management, adding that something needs done for the safety of the community. He also spoke about the amnesty program for delinquent parking tickets and other issues related to the defunct parking authority.

David Huston of 505 Sleepy Hollow Road stated that he filed an appeal for his assessment. He spoke about the company that the school district hired, Diversified Municipal Services, questioning why the municipality would participate when they had no involvement in the selection of this company.

Chuck Brodbeck of 30 Glen Ridge Lane spoke about the deer population, stating that public health and safety issues need to be taken into account. He supported deer management.

Alan London of 39 St. Clair Circle stated that he was involved in an accident with a deer on Bower Hill Road, which resulted in damage to his vehicle. He expressed the opinion that Ms. Linfante's support of deer management assisted in her winning the third ward commissioner election.

Richard Malcolm of 60 Altadena Drive of the Mt. Lebanon Hockey Association stated that he was representing 60 to 70 families. He spoke in support of improvements to the ice rink, including more locker rooms, through capital improvement funds.

Kimberly Schevtchuk of 519 Lyndhurst Avenue spoke against deer management, believing the commissioners were being misled and not informed.

Bill Lewis of 816 Ridgeview Drive discussed the Youths Sports Alliance and the joint maintenance agreement, stating that according to the agreement, the YSA is responsible for paying \$30,000 a year to the school district, which he said according to their tax returns, they did not pay. He suggested doing away with the joint maintenance agreement and relying on field fees for income.

Jim Reed of the Mt. Lebanon Hockey Association stated that the ice rink was in need of a complete overhaul, including two additional locker rooms. He stated that the MLHA is willing to assist in funding the improvements.

REPORT BY JUNIOR COMMISSIONER BILL POSTUFKA

Bill Postufka stated that this was his final meeting as Junior Commissioner. He said the varsity baseball team is in the championship. He also said that this past Saturday, the Mt. Lebanon seniors had a benefit concert, with the proceeds going to Make-A-Wish foundation. Over \$600 was raised in ticket sales. Lastly, he thanked the commission for the opportunity to be Junior Commissioner, stating that he found it to be a very rewarding experience.

Mr. Brumfield thanked Mr. Postufka for his service, and presented a gift to him.

**CONSIDERATION OF THE MINUTES FROM
THE REGULAR MEETING HELD MAY 8, 2012**

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

**PUBLIC HEARING ON A CONDITIONAL USE REQUEST BY THE FRESH
MARKET, INC. TO PROVIDE MORE THAN 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 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.

Mr. Brumfield declared the public hearing opened.

Kevin McKeegan, of Meyer, Unkovic and Scott, stated that his firm was local counsel for the Fresh Market. He stated that Peter Hogg of the Fresh Market and Anthony Castellone from McMahan Associates, the firm who authored the parking study, were present as well. He said the location is at the corner of Connor Road and Washington Road, next to Joseph A. Banks. He stated that these two parcels are under common ownership, and it's the owner's intent to combine the two parcels into one. The Fresh Market will lease the property in the former Roth Carpet building. The parcels are in a C-2 zoning district, which the Fresh Market qualifies as a retail sales use under Mt. Lebanon's Zoning Code.

Mr. McKeegan said the land development plans have been under consideration from the Planning Board since last summer. He said they received preliminary approval of the land plans from the Planning Board on January 24, 2012, and on April 24, 2012, the Planning Board made a recommendation for final approval on the land proposals. He stated that the plans envision construction of an 18,731 sq. ft. Fresh Market grocery store and the creation of 98 parking spaces on the site, which will be shared between the Fresh Market store and Joseph A. Banks.

Mr. McKeegan continued, stating there are four curb cuts onto Connor Road currently, and the site plan calls for eliminating three of those, combining them into one main driveway and continuing a secondary drive at the easterly end of the property, but that drive will be converted into an exit only access point. The main drive, which is referred to as entrance number two on the plans, will require some modifications to Connor Road. These modifications have been reviewed and approved by PennDOT. There will be restrictions to making a left out of this site from 4-7 p.m. on weekdays and 11 a.m. to 2 p.m. on weekends. The plans have been reviewed by both Trans Associates and Gateway Engineers, and there aren't any significant outstanding engineering comments. Fresh Market did agree with the condition recommended by Trans Associates that the traffic issue would be reviewed for a one-year follow-up study to make sure driveway number two is functioning as planned.

Mr. McKeegan stated that before the commission in June, in addition to the site plans and lot consolidation plans, there will be two requests for waivers from sections of the SALDO. First, the two driveways that were mentioned, there is a provision that states driveways have to function at a level of service C. During certain hours, driveway two will function at a level of service D, and on Saturday during peak hours, driveway four, which is the exit only driveway, will function at a level of service E. These levels are satisfactory to PennDOT. They've been reviewed by the municipality's traffic consultant, and they have recommended approval of that waiver. The applicant is also requesting a waiver for Section 704.1 of the SALDO, which would otherwise require sidewalks along the entire length of the property. Sidewalks will continue up to driveway number two to accommodate anyone who may want to cross Washington Road on foot.

Mr. McKeegan stated that the zoning ordinance limits parking to 110% maximum number unless approval is given through the conditional use process. In accordance with the zoning ordinance, the stores would be limited to 50 spaces, and 110% of that would be 55 spaces. Currently, the site contains 75 parking spaces, with 58 of those spaces dedicated to the former Roth Carpet store building, with 17 allocated to Joseph A. Banks store. Fresh Market is proposing to increase the amount of parking spaces to 98, with a rough allocation of 79 spaces for Fresh Market and 19 for Joseph A. Banks. The Zoning Hearing Board last June granted Fresh Market a variance with respect to the parking lot design.

A conditional use under Pennsylvania's zoning law is a form of a permitted use with a determination of the governing body that the proposal is consistent with the public interest, standards of the ordinance, and that there is no substantial detrimental effect on the public health, safety and welfare. Mt. Lebanon's ordinance on this point requires a parking needs' analysis submitted, which McMahan Associates did. The analysis studied an existing Fresh Market in Horsham, which is near Philadelphia, a second Fresh Market store in Upper Saucon Township near Allentown, and last it looked at the requirements of the Institute of Traffic Engineers manual for parking for stores at this site. The stores that were studied were chosen due to their similarities with Mt. Lebanon, even though these stores were larger than the proposed one in Mt. Lebanon. McMahan Associates determined that during peak hours, 47 parking spaces were required and on a weekend, up to 80 parking spaces would be needed. With respect to the Institute of Engineers manual that would suggest 60-63 parking spaces for Fresh Market, as well as providing parking for Joseph A. Banks.

The traffic consultant and Planning Board have both reviewed the needs analysis, and both have recommended approval of this conditional use request.

Mr. Brumfield inquired about the future lot consolidation. Mr. McKeegan stated that procedurally, a hearing is required first before anything else can be done.

Bill Lewis of 816 Ridgeview Drive spoke in support of the Fresh Market project.

Elaine Gillen of 735 Vallevista Avenue spoke in support of the Fresh Market project.

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

**CONSIDERATION TO FINANCIALLY PARTICIPATE
IN THE MT. LEBANON SCHOOL DISTRICT'S
INVOLVEMENT IN PROPERTY ASSESSMENT APPEAL HEARINGS**

Ms. Linfante said Diversified Municipal Services, Inc. (DMS) represents Mt. Lebanon School District at first-level Allegheny County property assessment appeals. DMS develops evidence in support of sustaining current values on owner-filed appeals and appears at hearings to present the evidence. DMS charges the school district \$150 for attending a hearing at which the owner is present and \$100 for appearing for a hearing at which the owner does not attend.

It is proposed that the municipality participate in funding this effort.

Ms. Linfante moved to direct the Municipal Manager to reimburse the Mt. Lebanon School District for 17% of the actual costs billed by Diversified Municipal Services in representing the taxing body at residential reassessment appeal hearings for the 2012 appeal year. Because there was no second to the motion, consideration of the item was deferred until the next meeting.

**CONSIDERATION OF A MOTION TO BEGIN THE AMENDMENT PROCESS
FOR THE 2012 BUDGET FOR CERTAIN CAPITAL IMPROVEMENTS**

Ms. Fraasch said after the closing of the 2011 fiscal year, there are unassigned funds in excess of the established goal of 10% of expenditures. These funds may be used for capital improvements or may remain unassigned. It is the desire of certain Commissioners to use these available funds for certain capital improvements including neighborhood park improvements, rehabilitation of recreation facilities, and equipment replacement in recreation and public works. The total of the recommended projects is \$909,560, which is within the amount available in unassigned funds. Approval of this agenda item begins the process for a budget amendment for 2012.

Ms. Fraasch stated that only \$909,560 of the \$1.3 million in available funding was being used with this proposal. In the event other improvements are recommended and approved, the remaining funding will be utilized and the budget further amended.

Ms. Linfante thanked Mr. Kluck and Ms. Fraasch for submitting their proposed improvements. She noted that other issues are being considered, including floating a bond for recreation, the deer issue and the Linc proposal. She stated that the Linc proposal could address some of the hockey association's issues. She wanted to make certain that every issue is considered before making a decision on where to apply the funding.

Mr. Brumfield said that the commission has already scheduled a meeting for June 11 to discuss the recreation needs further; therefore, he didn't believe this was the time to vote on recreation improvements. He also disagreed with funding for Brafferton Park and Bird Park. Mr. Brumfield stated that he wants a comprehensive solution.

Ms. Fraasch stated that at the last meeting, the commission was asked to provide a list of improvements for tonight's meeting, noting that the proposed items were the suggestions of Matt Kluck and Ms. Fraasch.

Ms. Linfante wanted more information before making a decision.

Mr. Feller stated that on June 8, Linc is expected to give Mt. Lebanon more detailed engineering and cost information on what the improvements and costs will be. He added that the Linc proposal does not include field or park improvements.

Ms. Fraasch stated that in looking at information from the Parks Advisory Board, there are issues with Bird Park, Church Place Park, Iroquois Park, Rockwood Park, Sunset and Brafferton. Also listed on the proposal that she and Mr. Kluck submitted was a sidewalk at the tennis center, a lawnmower for the golf course, the replacement of the recreation center's floor, the hallway floor's replacement, as well as replacement of public works' radios.

Ms. Linfante stated that this proposal has two line items that are also addressed in the Linc proposal. She added that the Linc bond, the recreation bond and \$1.3M surplus all had to be taken into consideration before making a decision on any one item. Ms. Linfante also stated that Mr. Bendel had said in the past that he wanted to use a large portion of the surplus for funding pensions.

Ms. Fraasch moved and Mr. Kluck seconded to amend the proposal to include the public works radios and improvements to Church Place Park, Iroquois Park and the Rockwood Park pavilion, which totals \$123,200. The vote was called. The amendment carried unanimously.

Ms. Fraasch moved and Mr. Kluck seconded to authorize the municipal manager to begin the budget amendment process for 2012 for the amended recommended projects, totaling \$123,200. The vote was called. The motion passed unanimously.

**CONSIDERATION OF AN AWARD FOR
MT. LEBANON'S 2012-2013 INSURANCE PROGRAM**

Mr. Kluck said the non-employment-related insurances for the municipality expire on June 5. This includes property, equipment, crime, automobile, general liability, professional and umbrella coverages. For the upcoming year, the quote from MRM PLT, the insurance pool that currently insures the municipality, is \$313,464 for these coverages. There are no changes in the coverage, deductibles or limits for the next year. The general fund will be responsible for \$296,187, and the parking fund will pay \$17,277.

Mr. Kluck moved and Ms. Fraasch seconded to approve the placement of insurance for 2012-2013 with the MRM PLT insurance pool at a premium of \$313,464. The vote was called. The motion carried unanimously.

**CONSIDERATION TO EXECUTE A ONE-YEAR EXTENSION OPTION WITH
CARGILL, INC. TO SUPPLY ROCK SALT FOR THE 2012-2013 WINTER SEASON**

Ms. Fraasch said in 2011, bids for rock salt were solicited through the SHACOG Purchasing Alliance, and Cargill, Inc. submitted the winning bid. Mt. Lebanon entered into a contract with Cargill which allows for two one-year extension options. Cargill, Inc. has agreed to execute the first one-year extension which will increase the cost per ton from \$55.83 for the winter of 2011/2012 to \$56.69 for the upcoming winter of 2012/2013, an increase of \$.86 or 1.5%. This is the smallest price increase in the past 10 years.

Ms. Fraasch moved and Mr. Kluck seconded to execute a one-year extension option with Cargill, Inc. to supply rock salt for the 2012-2013 winter season. The vote was called. The motion carried unanimously.

CONSIDERATION TO ESTABLISH AN AD HOC HOME RULE STUDY COMMITTEE

Ms. Linfante said Mt. Lebanon's Home Rule Charter became effective on the first day of January, 1975. The last comprehensive review was done in 1994. The Commission is appointing a seven-member advisory committee to review each section of the Charter and make suggestions as to possible modifications and improvements. The purpose of the committee is to conduct a comprehensive review of the Home Rule Charter and make recommendations to the Commission on any changes that should be made to the Charter.

The process followed by the committee will be as inclusive as practicable. There will be a concerted effort to stimulate and obtain public input when conducting this review. The proceedings of the committee will be open to the public. The committee will prepare a final written report for the Commission that summarizes the committee's work and gives the rationale for any proposed changes to the Charter.

Ms. Linfante moved and Ms. Fraasch seconded to establish the Ad Hoc Home Rule Study Committee and appoint the following members to a term ending May 31, 2013:

<u>NAME</u>	<u>ADDRESS</u>
1) Geof Hurd	384 Tampa Avenue
2) Kevin Kearns	1787 Theodan Avenue
3) Mary Larsen	900 Washington Road
4) Nancy Carroll	124 Marlin Drive W
5) Chris Cahillane	1304 Lakemont Drive
6) Bill Matthews	1435 Navahoe Drive
7) Bradley Kitlowski	520 Washington Road

The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE
LIST FOR APRIL TOTALING \$2,921,541.32**

Mr. Kluck moved and Ms. Fraasch seconded to authorize the expenditure list for April totaling \$2,921,541.32. The vote was called. The motion carried unanimously.

DEPARTMENTAL REPORTS

Ms. Linfante 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 collective bargaining issues with labor counsel, appointments to boards and authorities and a legal issue with the solicitor. There will be a special meeting concerning recreation on Monday, June 11, 2012, at 6:30 p.m. The next regular meeting will be held on Tuesday, June 12, 2012, at 8 p.m.

ADJOURNMENT

The meeting adjourned at 10:14 p.m.