

**MINUTES OF THE REGULAR MEETING JUNE 12, 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 Gallagher, Public Works Director Kelley, Recreation Program Director Cannon, Fire Chief Sohyda, Planning Officer McGill, Inspections Officer Berkley, IT Officer Schalles, 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 stated that former Commissioner Keith Mulvihill recently passed away, and the Commission wanted to extend its condolences to the family on behalf of the community.

Mr. Brumfield stated that item five regarding Ordinance (Bill No. 10-12) concerning bonds was being removed from the agenda.

**CITIZEN COMMENTS**

Bill Lewis of 816 Ridgeview Drive spoke about the borrowing limits in the Home Rule Charter. He also asked if the YSA had submitted a field plan. Ms. Linfante stated that the YSA had specs done on Middle, Wildcat and Jefferson. Mr. Brumfield stated that the YSA is still in the process of gathering information in order to submit a detailed report.

Stacey Chick of 177 Sleepy Hollow Road thanked animal control, the police, fire, and public works for their assistance in attempting to remove a kitten from a storm sewer. She also spoke about the deer report, believing there was a lack of information from residents who were against deer management, specifically involving the risk associated with the discharge of weapons.

Bill Hoon of 456 Coolidge Avenue said that he appreciates the deer. He was of the opinion that the gardeners were the people pursuing deer culling.

Rick Sabeh of 222 Seminole Drive spoke about the zoning hearing board, stating that at a recent meeting involving a sign variance for St. Bernard's, the members were rude with presenters and unprofessional. He stated that many institutions in Mt. Lebanon have signs that received variances, including Southminster, the library and Temple Emanuel. He said the variance requested was not out of line with what the municipality has previously approved. He stated that the board was very adversarial and disrespectful.

Dave Egler of 121 Poplar Drive spoke about a sign at Sunset and Tampa, which was removed. Mr. Feller stated that the traffic board and traffic engineer recommended removal of the sign. Mr. Egler asked that the sign be returned. Mr. Egler also stated that he was involved in a deer accident on Bower Hill Road, while driving the speed limit, and he sustained injuries to his back and his vehicle was damaged.

Dave Huston of 505 Sleepy Hollow Road spoke in support of the sign stating, "except right turns" which had been placed below the stop sign at Sunset and Tampa. He also opposed the ordinance prohibiting the feeding of deer.

Kimberly Schevtchuk of 519 Lyndhurst Avenue thanked the staff for their assistance in attempting to rescue a kitten from a storm sewer. She also spoke against deer culling.

Barbara Sollenberger of 120 Newburn Drive asked that deer crossing signs be placed around the community. She stated that Pennsylvania is a deer state, and the community needs to learn to coexist with the deer.

Elaine Gillen of 735 Vallevista Avenue agreed with the ordinance prohibiting feeding deer. She suggested planting a deer-proof garden in Rockwood Park as a pilot project to determine how the deer react to the plants.

**CONSIDERATION OF THE MINUTES FROM  
THE ADJOURNED MEETING HELD MAY 29, 2012**

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

**INTRODUCTION OF ORDINANCE (BILL NO. 8-12) AMENDING  
THE 2012 BUDGET TO AUTHORIZE USE OF UNASSIGNED  
GENERAL FUND BALANCE FOR CERTAIN CAPITAL IMPROVEMENTS**

Ms. Fraasch said the Commission is considering adding the following projects to the 2012 Budget:

Public Works radios	\$ 39,700
Church Place Park improvements	45,000
Iroquois Park improvements	37,000
Rockwood Park pavilion	<u>1,500</u>
Total	123,200

The source of funds is the unassigned 2011 fund balance.

Ordinance (Bill No. 8-12) was introduced, and the public hearing was set for June 25, 2012.

Ms. Fraasch stated that three items were presented from Dave Brumfield that matches what both Matt and she submitted; therefore, she asked that the ordinance be amended to reflect it.

Mr. Feller stated the three matching grants that have been previously approved need to be included in the budget amendment as well as the Bird Park drainage project.

Ms. Fraasch moved and Mr. Kluck seconded to amend the ordinance to include projects to replace the tennis center steps/sidewalk, the recreation floor, and the golf course tractor.

Mr. Bendel stated that his view of this situation is that these are only preliminary figures, even though there are similar items on the lists. Ms. Linfante stated that she's hesitant to use any further undesignated funds until it's known how much funding is available. Mr. Brumfield stated that his priorities may change, depending on how much funding is available. Mr. Kluck stated that the ordinance was crafted to reflect the municipality's immediate needs, and he believed all of the aforementioned items included in the proposed amendment were immediate needs.

The vote was called. Mr. Kluck and Ms. Fraasch voted for the amendments to the ordinance. Mr. Bendel, Ms. Linfante and Mr. Brumfield voted against the amendments to the ordinance. The vote failed two to three.

Mr. Brumfield moved and Mr. Bendel seconded to include in the amendment the Keystone grant for \$100,000, the CITF grant for \$250,000, the Sinc-up grant for \$85,760, and the previously approved Bird Park drainage for \$24,100. The vote was called. The motion carried unanimously.

There will be a public hearing on the amended ordinance on June 25, 2012.

**INTRODUCTION OF ORDINANCE (BILL NO. 9-12)  
PROHIBITING THE FEEDING OF DEER**

Ms. Linfante said the Commission is concerned that the increasing population of deer within Mt. Lebanon can increase the possibility of deer-vehicle collisions, the transmission of diseases to humans from deer, can pose a threat to native plant and animal life by excessive foraging, which disturbs natural ecological balances, and cause damage to landscaping and vegetable gardens.

This ordinance prohibits the feeding of deer in Mt. Lebanon.

Ordinance (Bill No. 9-12) was introduced.

**CONSIDERATION OF FINAL APPROVAL FOR  
THE MARFRED REALTY LOT CONSOLIDATION PLAN**

Mr. Kluck said the Planning Board reviewed this plan on April 24, 2012.

The Board granted preliminary approval and recommended final approval for the Consolidation Plan conditioned on the Engineer's review comments in a letter dated April 19, 2012. All Engineering comments related to this application have been satisfied.

The plan is a request by the owners of 1551 Washington Road and 700 Connor Road to consolidate the two abutting parcels into one lot.

Mr. Kluck moved and Ms. Fraasch seconded to grant final approval of the Marfred Realty, LLC Lot Consolidation Plan. The vote was called. The motion carried unanimously.

**CONSIDERATION OF A CONDITIONAL USE REQUEST BY THE FRESH MARKET, INC. TO PROVIDE MORE THAN 110% OF THE REQUIRED PARKING AS DETERMINED BY THE MT. LEBANON CODE, CHAPTER XX, ZONING**

Ms. Fraasch said the Mt. Lebanon Zoning Ordinance 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.

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

A public hearing was held on May 28, 2012.

Ms. Fraasch moved and Mr. Kluck seconded to approve the Conditional Use request. The vote was called. The motion carried unanimously.

**CONSIDERATION OF FINAL APPROVAL FOR THE FRESH MARKET PROPOSED RETAIL STORE LAND DEVELOPMENT PLAN**

Ms. Linfante said on April 24, 2012, the Planning Board recommended final approval for The Fresh Market Proposed Retail Store land development plan conditioned on the Engineer's review comments in a letter dated April 19, 2012, the Traffic Engineer's review comments in a letter dated April, 19, 2012, review comments from PennDOT in a letter dated March 9, 2012, Commission approval of any waivers or modifications that may be required, and conditional use approval of more than 110% of the required parking and comments from the Planning Board. All engineering comments have been satisfied or included in the plan.

Ms. Linfante moved and Mr. Bendel seconded to:

1. Grant the requested modification to Chapter XVI of the Mt. Lebanon Code, (Subdivision and Land Development) Section 404.6.3.1.2 requiring that new or unsignalized driveways be designed for a LOS C or better as recommended by the Municipal Traffic Engineer.
2. Grant the requested waiver to Section 704.1 requiring that sidewalks be installed along all portions of a property abutting a street as recommended by the Municipal Engineer.
3. Grant final approval for The Fresh Market Proposed Retail Store land development plan conditioned on the following:
  - a. Submission of a PennDOT Highway Occupancy Permit for the two (2) new driveways on Connor Road (S.R. 3038) which shall be subject to municipal review and approval.

- b. The Developer will conduct a one (1) year follow-up study summarizing the operation of the proposed site driveways and the left turn restriction. The study should review all crashes at the site driveways (reportable and non-reportable) to determine if a crash pattern has developed that would be cause to revise the access plan for the site. The report shall be submitted to the municipality and PennDOT.

The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXECUTION OF THE DEVELOPMENT AGREEMENT  
BETWEEN THE FRESH MARKET, INC. AND MT. LEBANON FOR THE  
FRESH MARKET PROPOSED RETAIL STORE LAND DEVELOPMENT PLAN**

Mr. Bendel said at tonight's meeting the Commission granted final approval for the Fresh Market Proposed Retail Store Land Development Plan.

One of the requirements for final approval is the development agreement that addresses such issues as posting of an amenities bond or letter of credit for the required private improvements, submission of a cash deposit, and any other provisions or conditions that may be required by the municipality.

Mr. Bendel moved and Ms. Linfante seconded to authorize the proper municipal officials to execute the Development Agreement between the Fresh Market, Inc. and Mt. Lebanon for The Fresh Market Proposed Retail Store Land Development Plan. The vote was called. The motion carried unanimously.

**CONSIDERATION OF AN APPOINTMENT  
TO THE AD HOC PARKING FACILITY COMMITTEE**

Mr. Kluck said Tonya Winkler is not able to serve on the committee.

Mr. Kluck moved and Ms. Fraasch seconded to appoint Kirsten Fudeman of 234 Dell Avenue to the committee to fill an unexpired term ending March 1, 2013. The vote was called. The motion carried unanimously.

**MANAGER ANNOUNCEMENTS**

Mr. Feller said that prior to tonight's meeting, the Commission met twice in executive session to discuss appointments to boards and authorities and legal issues with the solicitor regarding a zoning matter, code enforcement matter, and issues relating to a contract issue clarification. The Commission also met last night in a work session to review various capital improvement projects. The next adjourned meeting will be held on Monday, June 25, 2012, at 8 p.m.

**ADJOURNMENT**

The meeting adjourned at 9:40 p.m.