

**MINUTES OF THE ADJOURNED MEETING SEPTEMBER 24, 2012  
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held an Adjourned Meeting at 8:00 P.M., on Monday, September 24, 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 Feller called the roll. Present were Commissioners John Bendel, Kelly Fraasch, Matt Kluck, Kristen Linfante and Dave Brumfield. Also present were Assistant Manager Taylor, Police Chief McDonough, Recreation Director Donnellan, Public Works Director Kelley, Planning Officer McGill, and Inspections Officer Berkley. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

Mr. Brumfield acknowledged the passing of K-9 Officer Sundi, extending condolences to the police department. He also stated that an additional agenda item was being added regarding Music for Mt. Lebanon.

**CITIZEN COMMENTS**

Janice Seigle of 785 Fruithurst Drive commented on the deer presentation by Laura Simon, asking if her findings were relevant to Mt. Lebanon. She stated she is an avid gardener, and she encounters continual problems with deer. She also commented on the deer management programs in Bethel Park and Upper St. Clair.

Dave Egler of 121 Poplar Avenue commented on the deer presentation by Laura Simon. He stated that something needs to be done before someone is hurt by the deer.

Cal Lynch of 53 Academy Avenue stated that he resides in the mountains nine months out of the year, and there is not a deer problem. He stated deer are creatures of habit, and they are breeding disease. He didn't feel it was fair that residents should only plant what deer don't eat.

Barbara Sollenberger of 120 Newburn Avenue thanked the commission for the presentation by Laura Simon. She supported the use of deer crossing signage and speeding signs. She believed the deer issue was more of a gardener issue. She spoke against the use of high-powered rifles.

Kimberly Schevtchuk of 519 Lyndhurst Avenue thanked the commission for scheduling Laura Simon for the deer presentation. She spoke about educating the community.

Ms. Linfante stated that it's the responsibility of the commission to keep the community safe, whether it's having enough police officers, crossing guards, streetlights, stop signs, or keeping deer off the road so that people are not harmed or killed. There have been 143 deer incidents in Mt. Lebanon over the past year.

Dave Barclay of 249 Hazel Avenue stated that the municipal islands used to look so much better before the contract was awarded to the lowest bidder. He also spoke in support of deer culling.

Nancy Smith of 380 Avon Drive stated that Lyme disease is a problem, and it is a danger to people as well as pets. She stated that she sprays her yard weekly to deter the deer. She also

spoke against the use of fences as a means of keeping deer out. She stated that the deer are destroying Bird Park, and if there isn't regrowth, there will not be any more forest.

**REPORT BY JUNIOR COMMISSIONER MADDY SCOTT**

Junior Commissioner Maddy Scott stated there was a fair at the school this week, where students can learn about various activities the school offers. She also spoke about Lebo 50/50, where members from the 1962 graduating class were going to speak to students about career paths. She said that the students are happy with the recreation improvements, including the improvements to the flooring in the community room of the recreation center.

**CONSIDERATION OF THE MINUTES FROM  
THE REGULAR MEETING HELD SEPTEMBER 11, 2012**

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

**PUBLIC HEARING ON THE CAPITAL IMPROVEMENT PROGRAM (CIP)**

Mr. Bendel said as required by the Charter, the Capital Improvement Program (CIP) for 2013-2017 was submitted to the Commission on July 31, 2012. A public hearing is required to be held on this program prior to the issuance of the Manager's Recommended Budget.

Mr. Brumfield declared the public hearing opened.

Mr. Feller indicated that a copy of the Capital Improvement Program was on the website and also available to view at the municipal building and library. He added that the planning board reviewed the CIP, and found that it's in accordance with the comprehensive plan.

David Egler of 121 Poplar Drive was disappointed that Pennsylvania Boulevard was pushed back another year. He believed this area would make a nice park.

Michael Chiappeta of 817 Hillaire Drive, president of the Aqua Club, voiced support of option two of the recreation plan, stating that the proposed improvements at the swimming pool are very encouraging.

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

**PUBLIC HEARING ON ORDINANCE (BILL NO. 14-12) MT. LEBANON,  
PENNSYLVANIA, AMENDING CHAPTER XX (ZONING) OF THE  
MT. LEBANON CODE, TO EXPAND THE OFFICE BOUTIQUE OVERLAY DISTRICT**

Ms. Fraasch said Ordinance (Bill No. 14-12) amends the zoning ordinance. The ordinance permits use of the Office Boutique Overlay District on any lot that abuts Washington Road between Shady Drive West/Shady Drive East and Lebanon Avenue. It also deletes Restaurants from uses allowed with Site Plan Approval; clarifies Lot, Area and Yard requirements for residential structures, and makes other administrative changes. On August 28, 2012, the

planning board recommended adoption of the ordinance subject to amending Section 401.3.1 Uses, subject to site plan review to remove “in R-1 or R-2 District.” This ordinance was introduced September 11, 2012.

Mr. Brumfield declared the public hearing open and asked Keith McGill to summarize the ordinance.

Mr. McGill summarized the ordinance, stating the office boutique overlay would extend from Mt. Lebanon Boulevard to Shady Drive East and West. He said the Office Boutique Overlay is not new; it was put in place in 2005 when the zoning ordinance was updated, and currently exists for properties along McNeilly Road.

Mr. McGill stated that the municipality took over the parking authority in January, and he was asked to look at the two residences on Washington Road to determine if zoning should be changed. These properties are currently zoned R-4. He stated that he and the solicitor researched the different zoning options, and found that that Office Boutique Overlay was the best fit for this area.

Bill Lewis of 816 Ridgeview Drive stated this change would enhance the marketability and value of the two properties formerly owned by the parking authority. He also asked if this ordinance would apply to other commercial districts.

Mr. McGill stated that since Mt. Lebanon is extending the Overlay district from Mt. Lebanon Boulevard to Shady Drive East and West, inclusive of the central business district, other C-1 or C-2 districts might benefit from this change. He stated that once the comprehensive plan is completed, they will look at the recommendations to see how well they apply with the existing zoning laws.

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

**CONSIDERATION OF ORDINANCE (BILL NO. 13-12) AMENDING  
THE 2012 BUDGET TO AUTHORIZE USE OF UNASSIGNED  
GENERAL FUND BALANCE FOR CERTAIN CAPITAL IMPROVEMENTS**

Ms. Linfante said the Commission proposes to use these funds for the following projects:

	<b>Project Description</b>	<b>Ordinance introduced 8/27/12</b>	<b>Proposed Amendment Total</b>	<b>Contributions</b>	<b>From Undesignated Fund Balance</b>
1	Highland Terrace Park	\$ 24,000	\$ 48,560	\$ 4,000	\$ 44,560
2	Ice rink ceiling/sound system	109,000	110,100		110,100
3	Golf course mower	52,500	39,621		39,621
4	Tennis upper path	100,980	90,000	20,000	70,000
5	Tennis court lighting 13/14	113,960	102,500		102,500
6	Community Center Floor Room B	50,600	51,100		51,100
7	Community Center Hallway Floor	83,050	83,050		83,050
8	Brafferton Field upgrades	161,000	197,400		197,400
9	Traffic calming	50,000	50,000		50,000
10	Wildcat/Middle parking	143,000	143,000		143,000
11	Tennis building renovation	--	110,160		110,160
	<b>Total</b>	<b>\$888,090</b>	<b>\$1,025,491</b>	<b>\$24,000</b>	<b>\$1,001,491</b>

Even with these proposed expenditures, the Municipality will still exceed its goal of maintaining an unassigned General Fund balance of at least 10% of total expenditures. This ordinance was introduced August 27, 2012, and a public hearing was held September 11, 2012.

Ms. Linfante moved and Mr. Bendel seconded to amend the ordinance to reflect updated cost estimates and projects. The vote was called. The motion carried unanimously.

Ms. Linfante moved and Mr. Bendel seconded to enact the amended ordinance. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE RELEASE OF FINANCIAL SECURITY POSTED FOR THE CANCER CENTER EXPANSION AND RENOVATIONS UPMC CANCER CENTER AT ST. CLAIR HOSPITAL LAND DEVELOPMENT PLAN**

Mr. Kluck said that UPMC/St. Clair Hospital has requested the release of financial security posted for private improvements installed for the development of their project located on Bower Hill Road. The request been verified by the municipal engineer and he is recommending approval of the release of the financial security posted in the amount of \$50,622

All items have been addressed and the project is in order for release of the deposit posted to guarantee the installation of the improvements.

Mr. Kluck moved and Ms. Fraasch seconded to release the financial security posted for private improvements for the Cancer Center Expansion and Renovations UPMC Cancer Center at St. Clair Hospital Land Development Plan in the amount of \$50,622. The vote was called. The motion carried unanimously.

**CONSIDERATION OF A FIRST AMENDMENT TO THE LEASE  
WITH THE SOUTH HILLS AREA COUNCIL OF GOVERNMENTS**

Ms. Fraasch said SHACOG leases property at 794 Washington Road for their offices. The lease is scheduled to terminate on November 30, 2012. Both parties desire to extend the term of the Lease for a period of six months to now expire on May 31, 2013. There is also an option to extend for one additional period of six months. The Lease may be terminated by either party upon forty-five days advance written notice. All of the original terms of the Lease will remain in effect, and there is a provision that the Lessee agrees to permit the existing subtenant, The Historical Society of Mt. Lebanon, to continue to sublease the premises currently occupied by the subtenant so long as this Lease remains in effect.

Ms. Fraasch moved and Mr. Kluck seconded to authorize the proper municipal officials to sign the First Amendment to the Lease. The vote was called. The motion carried unanimously.

**CONSIDERATION TO MAKE APPOINTMENTS TO  
UNEXPIRED TERMS ON THE TRAFFIC BOARD,  
LIBRARY BOARD AND AD HOC PARKING FACILITY COMMITTEE**

Mr. Bendel said the Commission would like to make appointments to three vacancies on advisory boards.

Mr. Bendel moved and Ms. Linfante seconded to appoint the following:

Appoint Debra West of 294 Arden Road to the Traffic Board to fill an unexpired term ending March 31, 2014.

Appoint Cherie Moshier of 363 Newburn Avenue to the Library Board to fill an unexpired term ending March 31, 2015.

Appoint Micki Gatto of 403 Kingsbury Circle to the Ad Hoc Parking Facility Committee to fill an unexpired term ending March 1, 2013.

The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE  
LIST FOR AUGUST TOTALING \$4,222,612.43**

Ms. Linfante moved and Mr. Bendel seconded to authorize the expenditure list for August totaling \$4,222,612.43. The vote was called. The motion carried unanimously.

**REQUEST FROM MUSIC FOR MT. LEBANON**

Mr. Kluck moved and Ms. Fraasch seconded to approve a request from Music for Mt. Lebanon to waive the ordinance which prohibits alcoholic beverages in order to serve wine at a fundraising event to be held at the ice rink on December 27, 2012.

Ms. Fraasch questioned the use of alcohol at municipal functions. Mr. Feller indicated that the first time open container alcohol was used was at the first Ultra Party, which was an outdoor venue on Washington Road. An ordinance pertaining to open containers in public was just recently approved. He added that there have been municipally-sponsored events where wine was served in community rooms. Mt. Lebanon has consistently denied other parties' requests to serve alcohol in community rooms and at municipal facilities.

Mr. Brumfield asked if the municipality would run the risk of being obligated to granting a similar request to other organizations if it grants one to Music for Mt. Lebanon, and Mr. Weis stated yes.

Mr. Brumfield asked Mr. Weis to draft an agreement which Music for Mt. Lebanon would be required to sign.

Mr. Brumfield moved and Ms. Linfante seconded to table the motion until the next meeting, giving Mr. Weis an opportunity to draft an agreement with Music for Mt. Lebanon. The vote was called. Mr. Bendel, Ms. Linfante and Mr. Brumfield voted in favor of tabling the motion. Ms. Fraasch and Mr. Kluck voted against the motion. The motion passed three to two.

#### **DEPARTMENTAL REPORTS**

Mr. Kluck asked that the departmental reports be received and filed.

#### **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 consulted with the solicitor on a legal issue regarding an agreement. The next regular meeting will be held on Tuesday, October 9, 2012, at 8 p.m.

#### **ADJOURNMENT**

The meeting adjourned at 9:30 p.m.