

**MINUTES OF THE REGULAR MEETING NOVEMBER 13, 2012
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting at 8:00 P.M., on Tuesday, November 13, 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 Assistant Manager Taylor, Police Chief McDonough, Recreation Director Donnellan, Fire Chief Sohyda, Public Works Director Kelley, Commercial District Officer Milliron, and Inspections Officer Berkley. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

Representatives of Girl Scouts Troop 55054 thanked the commission for its hospitality and for helping the girls to understand government.

CITIZEN COMMENTS

Jim Wojcik, president of the Historical Society, thanked the commission for its support and spoke about the organization.

Elaine Gillen of 735 Vallevista Avenue stated that November 24 is Shop Small Business day, and she suggested the municipality consider waiving the parking garage fees on this day to entice people to shop in Mt. Lebanon. She also had concerns with the municipality partnering with the school district regarding the proposed youth sports advisory board.

Father Dave Bonnar, pastor of St. Bernard Church, spoke about the Zamagias property. He stated that the property is an eyesore, a liability, and a breeding ground for criminal activity. He submitted a petition containing signatures of residents who want enforcement of the property maintenance codes on this property and also want the municipality to exercise the buy-back provision.

David Egler of 121 Poplar Drive agreed with Father Bonnar's remarks regarding the Zamagias property. He also spoke about acquiring tax delinquent property on Pennsylvania Boulevard.

Babette Butler Bachorski of 637 Moreland Drive stated that her father resides at 412 Kenmont Avenue, which abuts the Zamagias property. She said that he is trying to sell his house, but is having difficulty because of the condition of the Zamagias property.

Bill Matthews of 1435 Navahoe Drive spoke about the Zamagias property, asking that the IDA be considered as a possible mechanism to acquire the property.

Stacey Chick of 177 Sleepy Hollow Road spoke against deer culling.

Barbara Sollenberger of 120 Newburn Drive spoke against deer culling believing that it wasn't safe.

Audrey Hois of 575 Kenilworth Drive spoke against deer culling and the use of high-powered weapons.

Kimberly Schevtchuk of 519 Lyndhurst Drive spoke against deer culling. She also questioned the validity of the deer incidents report.

Martha Baucant of 45 Brucewood Drive stated that her property contains a wooded area, and there have been hunters on her property hunting deer without her consent.

Bill Lewis of 816 Ridgeview Drive spoke about the Zamagias project. He noted that eight parcels were consolidated into one. He also said that the TIF this property was granted was not transferable for the new proposed project. Mr. Lewis also spoke against eliminating the enforcement of parking meters near Beverly Road on Saturdays. He also suggested tracking renters through the earned income tax so that the municipality will know when someone moves out or into an apartment.

Paul Fitzgerald of 25 St. Clair Street had concerns with the condition of the golf course. He would like to see the carts kept away from the putting greens.

Dave Barclay of 249 Hazel Avenue spoke in support of deer culling.

REPORT BY JUNIOR COMMISSIONER MADDY SCOTT

Junior Commissioner Maddy Scott stated that there has been a change in the standardized testing at schools. Students are now required to pass the Keystone Exam in order to be eligible to graduate. She also spoke about the holiday food drive at the school. She also stated that the school's holiday show is December 16.

**CONSIDERATION OF THE MINUTES FROM
THE ADJOURNED MEETING HELD OCTOBER 22, 2012**

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

PUBLIC HEARING ON THE 2013 MANAGER'S RECOMMENDED BUDGET

Ms. Linfante said the Manager's 2013 Recommended Budget, prepared pursuant to the Home Rule Charter, was submitted to the Commission November 1, 2012. Public inspection of the budget is during normal business hours at 710 Washington Road (Municipal Building) as well as at the library. The Recommended Budget is also available on Mt. Lebanon's website at www.mtlebanon.org.

Tonight citizens have the opportunity to provide written and oral comments and suggestions regarding the budget. The public will also have an opportunity on December 11, 2012 to comment on the Commission's proposed adjustments to the Manager's Recommended Budget.

Mr. Brumfield declared the public hearing opened.

David Egler of 121 Poplar Drive spoke in support of deer management. He also spoke in support of retaining the part-time EIT tax delinquent collection position in the tax office, stating that the revenue collected more than pays for the position.

Bill Matthews of 1435 Navahoe Drive stated that the 5% revenue increase due to the county reassessment in the budget is a tax increase. He spoke in support of a “revenue neutral” budget.

Stacey Chick of 177 Sleepy Hollow Road spoke against doing a deer survey and deer culling.

Barbara Sollenberger of 120 Newburn Drive inquired about the deer crossing signs. Mr. Brumfield stated that the public works traffic signs budget has adequate funds for deer crossing signs at 20 locations within the municipality.

Kimberly Schevtchuk of 519 Lyndhurst Avenue read an e-mail from a resident, Carole Hopey of 286 Jefferson Drive, who was against deer culling.

Kimberly Schevtchuk of 519 Lyndhurst Avenue spoke against including deer culling in the budget.

Bill Lewis of 816 Ridgeview Drive spoke about the parking fund and the option to buy back the Zamagias property. Mr. Weis advised that if the municipality chose to buy back the property, they could not use the parking fund, as it can only be used for parking purposes.

Elaine Gillen of 735 Vallevista Avenue spoke about the deer survey.

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

**PUBLIC HEARING AND CONSIDERATION OF ORDINANCE
(BILL NO. 16-12) OF MT. LEBANON, PENNSYLVANIA, AUTHORIZING
GENERAL OBLIGATION BONDS, SERIES OF 2013 IN THE
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4.8 MILLION
FOR THE PURPOSE OF FINANCING CERTAIN RECREATION IMPROVEMENTS**

Mr. Bendel said the proposed Ordinance authorizes the borrowing of funds necessary to complete improvements at recreation facilities including: (a) swimming pool renovations (\$3,300,000), (b) golf course improvements (\$500,000), and (c) Robb Hollow and public works facility improvements (\$730,000), with a total project budget of \$4,530,000. The proceeds of the issue will also be used to cover the costs of issuance. This ordinance was introduced October 22, 2012.

Mr. Brumfield declared the public hearing opened.

Kathy Hrabovsky of 280 Orchard Drive, member of the Environmental Sustainability Board, spoke in support of the bond and relocating the Robb Hollow compost site. She also supported reorganizing the public works facilities.

Bill Matthews of 1435 Navahoe Drive spoke in support of the bond.

Michael Chiappetta of 817 Hillaire Drive, speaking on behalf of the Aqua Club, spoke in support of the bond, stating that there were over 600 swimmers who participated in this program last year. He stated that complaints are often heard from people regarding the condition of the restrooms and the temperature of the pool water.

Debbie Larson of 56 Sunnyhill Drive supported the bond and the proposed upgrades to Robb Hollow.

Bill Lewis of 816 Ridgeview Drive spoke in support of the bond, stating that he has a history of opposing bond wrapping, but he supports this bond structure.

Jackie Quimpo of 760 Highvue Drive spoke in support of the bond and the proposed improvements to Robb Hollow Park.

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

Mr. Bendel moved and Ms. Linfante seconded to enact Ordinance (Bill No. 16-12). The vote was called. The roll call 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.

**INTRODUCTION OF ORDINANCE (BILL NO. 15-12) AMENDING
CHAPTER XX (ZONING) REGARDING PROGRAMMABLE ELECTRONIC SIGNS**

Ms. Fraasch said Ordinance (Bill No. 15-12 amends Chapter XX (Zoning) of the Code. The Ordinance allows programmable electronic signs in Residential zones as an accessory use to Places of Worship, Public and other similar uses. The ordinance also imposes restrictions relating to size, lighting, time, set back, message time, and flashing/blinking.

Ordinance (Bill No. 15-12) was introduced, and the public hearing was set for November 26, 2012.

**INTRODUCTION OF ORDINANCE (BILL NO. 17-12)
CONCERNING THE MUNICIPALITY'S 2013 BUDGET**

Mr. Kluck said the Mt. Lebanon Commission held scheduled budget work sessions to review the budget on November 5 and 8. Another budget work session will be held on Wednesday, November 14. A public hearing was just held to comment on the Manager's 2013 recommended budget. A second public hearing is scheduled on December 11, regarding any Commission revisions to the manager's recommended budget. The 2013 budget ordinance is scheduled for consideration at the December 11, 2012 meeting.

Ordinance (Bill No. 17-12) was introduced.

INTRODUCTION OF ORDINANCE (BILL NO. 19-12)
FIXING A REVENUE NEUTRAL TAX RATE FOR THE YEAR 2013

Mr. Bendel said the 2012 rate is 5.43 mills. State law limits the amount of revenue which may be generated from real estate taxes for the first year of a reassessment. Because a reassessment will occur in 2013, at some point, the millage will need to be reduced. However, the final calculation cannot be made at this time because appeals have not yet been decided.

Ordinance (Bill No. 19-12) was introduced.

INTRODUCTION OF ORDINANCE (BILL NO. 22-12)
FIXING A FINAL TAX RATE FOR THE YEAR 2013

Mr. Bendel introduced Ordinance (Bill No. 22-12).

INTRODUCTION OF ORDINANCE (BILL NO. 20-12)
ESTABLISHING A YOUTH SPORTS ADVISORY BOARD

Ms. Linfante said the proposed advisory board will:

- Review and assess all sports-related facilities and services in Mt. Lebanon. Recommend possible changes and improvements to sports-related facilities and services.
- Assist in the continued safe provision of athletic opportunities to Mt. Lebanon residents.
- Receive and consider public comment and other public input regarding sports facilities and services.
- Support, promote and/or provide programs and services to assist athletes and coaches in Mt. Lebanon.

Membership of the board will consist of staff from the municipality and school district, a representative from any sports organization recognized by the municipality, a representative from the parks board and a commission liaison. The School District will also provide a liaison and may request participation by other staff or groups.

Ordinance (Bill No. 20-12) was introduced, and the public hearing was scheduled for November 26.

Mr. Brumfield said that he will be proposing three adjustments to this proposed ordinance: 1. Taking “youth” out of the name; 2. Clarifying that the commission approves organizations to be represented on the board; and, 3. The staff, municipality and school district are to be ex officio members.

**INTRODUCTION OF ORDINANCE (BILL NO. 21-12) AMENDING
THE 2012 BUDGET FOR A GUARANTEED ENERGY SAVINGS
CONTRACT AND THE RELATED FUNDING AND CAPITAL IMPROVEMENTS**

Ms. Fraasch said on July 10, 2012, the Commission approved a bond issue to fund certain capital improvements under a Guaranteed Energy Savings Contract. The improvements include municipal-wide high efficiency lighting; Public Safety Center controls and retro-commissioning/balancing; Recreation Center HVAC upgrades, retro-commissioning, control systems and new wall; street lighting on Washington Road (municipal fixtures); and the costs of issuance. The project costs total \$2,500,000.

Ordinance (Bill No. 21-12), and the public hearing was set for November 26, 2012.

**CONSIDERATION OF A RESOLUTION (R-21-12)
AMENDING THE MT. LEBANON FLEXIBLE BENEFIT PLAN**

Ms. Fraasch said the IRS has recently lowered the allowable amount that an employee may establish in a Health Care Flexible Spending Plan. This resolution incorporates that change into the Mt. Lebanon plan.

Ms. Fraasch moved and Mr. Kluck seconded to approve Resolution R-21-12. The vote was called. The motion carried unanimously.

**CONSIDERATION OF A CHANGE IN THE HOURS OF OPERATION
OF PARKING METERS ALONG BEVERLY ROAD ON SATURDAY**

Mr. Bendel said the Commission has discussed changing the hours of operation of parking meters in the Beverly Road Business District on Saturdays. This change requires an amendment to Appendix A to Chapter X of the Mt. Lebanon Code.

Mr. Bendel moved and Ms. Linfante seconded to authorize the change to Appendix A to Title X of the Mt. Lebanon Code to include Saturday in the exclusion from the metered parking requirement in the Beverly Road Commercial District, which is comprised of 35 spaces on Beverly Road, 7 spaces on Overlook Drive, 5 spaces on Ralston Place, and 49 spaces in the Overlook Lot. The vote was called. Mr. Bendel, Ms. Linfante and Mr. Brumfield voted in favor of the motion. Mr. Kluck and Ms. Fraasch voted against the motion. The motion passed three to two.

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

Ms. Linfante said this is a request for re-approval for a land development plan. The plan received final approval on June 12, 2012 from the Mt. Lebanon Commission, but Allegheny County is requiring additional information to be included on the certification page.

The applicant is requesting that the Commission reapprove and re-execute the land development plan so that it can be recorded.

Ms. Linfante moved and Mr. Bendel seconded to:

A.) Grant re-approval of the Fresh Market Proposed Retail Store Land Development Plan with the following previously attached conditions:

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.

B.) Authorize proper municipal officials to re-execute the subdivision plan.

The vote was called. The motion carried unanimously.

**CONSIDERATION OF A RECOMMENDATION FROM THE TRAFFIC
BOARD TO ADOPT A NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM**

Mr. Kluck said this program establishes a process by which residents can submit requests for traffic improvements to the Traffic Board.

This program replaces a Traffic Calming Program, which was adopted by the Commission on February 14, 2005 and repealed on December 13, 2011.

Mr. Kluck moved and Ms. Fraasch seconded to adopt the Neighborhood Traffic Management Program as proposed by the Traffic Board. 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 with the solicitor to discuss legal issues regarding parcels of municipally-owned property, and also a property tax agreement with a local nonprofit. The Commission will hold a budget review session at 6 p.m. on November 14. The next adjourned meeting will be held on Monday, November 26, 2012, at 8 p.m. Immediately following tonight's adjourned meeting, the Commission will go back into discussion session to review commission liaison activities.

ADJOURNMENT

The meeting adjourned at 10:50 p.m.