

**MINUTES OF THE REGULAR MEETING MARCH 11, 2014
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting that began at 8 P.M., on Tuesday, March 11, 2014, at the Municipal Building, 710 Washington Road. President Linfante 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, Dave Brumfield, Kelly Fraasch, Steve Silverman, and Kristen Linfante. Also present were Chief of Police McDonough, Public Works Director Kelley, Fire Chief Sohyda, Finance Director McCreery, Planning Officer McGill, Business District Officer Milliron, Assistant to the Manager Cross, Assisting Magazine Editor Jantz, and Inspections Officer Berkley. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

Mr. Feller indicated that an additional agenda item was added to consider a motion to appoint Diversified Municipal Services to represent the Municipality in filing appeals for 2014. The proposal indicates that 2014 appeals will include both: 1) Properties sold in 2013 where there is a significant difference between sales price and assessed value, and 2) Also properties sold between 2006 and 2010 where there is a significant difference between sales price and assessed value. Finally, the motion will direct Diversified to work with the staff to develop a proposed underassessed identification process for homes sold prior to 2006.

CITIZEN COMMENTS

Bill Matthews of 1435 Navahoe Drive stated that the open forum on the transit oriented development meeting that was recently held was well done. He also spoke about the funding plan for the turf project. Mr. Bendel said that neither the commission nor sports advisory board indicated that the fields would be self-sustaining. He also said the source of \$250,000 is "non-municipal," which does not mean private, and that it is completely normal for staff members to be looking into funding sources for municipal facilities.

Linda Lippert of 1254 McNeilly Road spoke against rezoning property near Castlegate, stating that the surrounding roads cannot handle the added traffic.

Angela Gaito-Lagnese of 2862 Castlegate Avenue spoke against rezoning property near Castlegate, stating that she had concerns with the mines in the area and the negative affect a development would have on property values.

Jason Margolis of 142 Morrison Drive spoke against the municipality appealing the assessment of properties for new owners.

Jim Query of 222 Baywood Avenue spoke against the municipality appealing the assessments of new homebuyers.

Mr. Brumfield indicated that the municipality looked specifically at homes that were purchased for a certain amount and currently assessed for a much lower amount. The amount paid for a home is considered fair market value, since that is the amount that both the seller and buyer agreed the property was worth.

John Netzloff of 190 Mohawk Drive spoke against the municipality appealing assessments of new homebuyers. He stated that his company recruits people to this area, and Mt. Lebanon's actions could have a negative effect on recruitment efforts.

Judy Little of 2831 Castlegate Avenue stated that drivers use her street as a cut-thru, and she had concerns with the increased traffic from a potential project on Castlegate. She also had concerns with the sewage system, mines and possible low-income housing.

Meredith Little of 2831 Castlegate Avenue had concerns with the change in zoning for the Castlegate property.

Dan Dugan of 2841 Midland Street stated that he had concerns with a multi-family development on Castlegate.

Mr. McGill explained the process involved when considering and approving a development. He said that Mt. Lebanon has recently updated its comprehensive plan, and three sites were recommended for development, of which 2904 Castlegate was one of them. He added that R-3 designation permits mobile homes and hospitals. The planning board believed an R-4 was the best option for this site.

Caterina Molinaro of 281 Murrays Lane spoke against rezoning for a development on Castlegate.

Ernie Sota of Sota Construction, with Green Development, stated that he contacted Councilwoman Rudiak's office in January and apprised her of the development. He said he attended several meetings at Mt. Lebanon, and just recently attended a meeting at Senator Fontana's office. He added that it's important to be transparent, and they will continue to do so. He invited people to visit a website: www.sotahomeliving.com, which he said illustrates the types of developments that they have done. He said information will be posted on this website regarding the Castlegate development.

Nathan Herring of 1425 Navahoe Drive spoke against the assessment appeals, believing this type of practice will impact Mt. Lebanon's reputation, placing it in a less competitive position.

Gregory Bank of 1037 Firwood Avenue spoke against the assessment appeals and asked that the commission reconsider this procedure.

Lewis Little of 2831 Castlegate Avenue spoke about the proposed zoning change for the Castlegate property and what affect a development could have on the area. He also had concerns with traffic issues, mining issues and crime.

James Cannon of 1306 Craigview Drive spoke about right to know requests and artificial turf.

Ben Kelly of Oxford Development stated that a zoning change is the first step of a very elaborate process in having a development approved. His company is considering a 60-unit senior citizen building, with strict guidelines regarding age (62 and over), criminal background checks and income status. Housing is provided for seniors at a reasonable price so that they may stay in

their community. He emphasized that his firm was not proposing Section 8 or low-income housing. He stated that his firm is committed to an open process.

Tom O'Dowd of 566 Dorchester Avenue stated that he has concerns with someone being able to move into the senior citizen building who should not be there. He said the concentration of Section 8 voucher properties in Brookline is excessive. He stated that the row houses on McNeilly Road in Dormont were changed to Section 8, and since that time, eight burglaries were committed during the day in the immediate neighborhood.

Maria Downey of 548 Crestline Drive had concerns with rezoning the property on Castlegate, giving examples of how areas with public housing have negatively impacted communities.

Christine Lepore of 2830 Castlegate Avenue spoke against the zoning change on Castlegate.

Drew Dungan of 154 Inglewood Drive spoke against the municipality appealing property assessments for new homebuyers.

Scott Livingston of 36 St. Clair Drive spoke against the municipality appealing assessments of new homebuyers.

Greg Black of 399 Midway Road didn't believe it was fair for Mt. Lebanon to appeal the assessments of new homebuyers.

Jeri Lyn Anderson of 2814 Castlegate Avenue spoke against the rezoning of property on Castlegate.

Mary Jo Khadem of 2851 Midland Street spoke against the rezoning of the property on Castlegate.

Steven Meyers of 118 Morrison Drive spoke against the municipality appealing property assessments, stating that he moved his family from Houston, Texas, which he now regrets because this assessment issue is pushing him to the point of not being able to afford the home.

Diane Samstag of 2827 Midland Street spoke against the proposed zoning change on Castlegate stating that it will have a negative affect on the surrounding area.

Paula Schultz of 597 Dorchester Avenue spoke against the proposed zoning change on Castlegate.

Elaine Gillen of 735 Vallevista Avenue spoke about her blog site and the process to approve artificial turf.

Patricia Birkel of 586 Dorchester Avenue spoke against the proposed rezoning of property on Castlegate.

**CONSIDERATION OF THE MINUTES FROM
THE ADJOURNED MEETING HELD FEBRUARY 24, 2014**

Mr. Silverman moved and Mr. Brumfield seconded to approve the minutes. The vote was called. The motion passed unanimously.

REPORT BY JUNIOR COMMISSIONER DANIELLE DEISEROTH

Ms. Deiseroth stated that the marching band will be performing at Disney World. She also spoke about other high school activities, including a play the evening theater group will be performing called Sweeney Todd, which will be the first evening theatre performance in the new fine arts theater.

**CONSIDERATION OF ORDINANCE (BILL NO. 2-14), A REZONING
REQUEST FROM RESIDENTIAL RESOURCES AND GREEN DEVELOPMENT,
INC. TO REZONE LOT AND BLOCK 97-F-185, HAVING A STREET ADDRESS
OF 2904 CASTLEGATE AVENUE, MOST FORMERLY KNOWN AS THE
BRADLEY CENTER FROM R-2 SINGLE-FAMILY RESIDENTIAL
DISTRICT TO R-4 MULTI-FAMILY-MIXED RESIDENTIAL DISTRICT**

Mr. Brumfield said on January 28, 2014, the Planning Board recommended approval of the Residential Resources and Green Development request to rezone property from R-2 to R-4.

Ordinance (Bill No. 2-14) was introduced on February 11, 2014, and a public hearing was held February 24, 2014.

Mr. Brumfield moved and Mr. Silverman seconded to enact Ordinance (Bill No. 2-14).

Ms. Fraasch inquired about infrastructure issues. Mr. Deiseroth said he is very familiar with this property, and there are no engineering items of concern identified for the zoning change. If the plan is approved by the commission, the concerns of the surrounding neighbors will be properly addressed as part of the development review process.

Ms. Fraasch asked both Chief McDonough and Chief Sohyda if they had any concerns regarding public safety with this area. Chief McDonough stated that since property near McNeilly Road is on the far border of Mt. Lebanon, it could take longer to get to this property versus a location in the center of Mt. Lebanon. He continued that Mt. Lebanon police do canvas this area, and because it is so close to the City of Pittsburgh, the city police are on these streets as well, so there is a visible police presence in the area. Mr. Feller stated that representatives of both the Devonshire and the Bradley Center when it was there approached him and spoke favorably about the great public safety response to each facility.

Chief Sohyda stated that the fire department regularly responds to the Salvation Army and Devonshire, and they have not experienced any delays.

Mr. Bendel stated that he would be abstaining from voting on the rezoning matter since he formerly was on the board of Residential Resources. A statement from Mr. Bendel is attached to these minutes.

Dave Brumfield stated that when this zoning change was requested, it seemed approval was the right thing to do since it was a property that was identified in the comprehensive plan as a possible development site. He stated that he would like to table the item since it appears the people in the surrounding area were not aware of the proposed change, even though Mt. Lebanon followed all of the legal requirements pertaining to notification.

Mr. Sota stated that Green Development would not have a problem with tabling the agenda item.

Ms. Linfante stated that she appreciates the citizen comments on this issue. She also stated that Mt. Lebanon is diligent in being transparent. She said that in the event the zoning change is approved, the development review process will be comprehensive and thorough.

Mr. Brumfield and Mr. Silverman withdrew the motion in order to table the agenda item.

INTRODUCTION OF ORDINANCE (BILL NO. 03-14) AMENDING ORDINANCE NO. 3028 AND REENACTING THE PROVISIONS OF SECTION 906, CHAPTER X OF THE MT. LEBANON CODE, ADDRESSING PERMIT PARKING ZONES

Ms. Fraasch said Ordinance No. 3028 enacted March 26, 2001, and most recently amended by Ordinance No. 3208, provided for the creation of night permit parking zones. The proposed ordinance would eliminate the sunset provisions of Section 906, Chapter X of the Mt. Lebanon Code. Any Permit Parking Zones established under this ordinance would remain in effect until modified or rescinded.

Ordinance (Bill No. 03-14) was introduced, and the public hearing was set for March 24, 2014.

CONSIDERATION OF RESOLUTION NO. R-6-14 CONCERNING A COMMUNITY INFRASTRUCTURE AND TOURISM FUND (CITF) GRANT APPLICATION

Mr. Brumfield said this is a standard resolution seeking CITF funds totaling \$133,556 for the Beverly Road Streetscape Improvement project.

Mr. Brumfield moved and Mr. Silverman seconded to adopt Resolution No. R-6-14. The vote was called. The motion carried unanimously.

CONSIDERATION OF FINAL APPROVAL FOR THE LANGSTON CONSOLIDATION PLAN

Mr. Silverman said that on February 25, 2014, the Planning Board granted preliminary approval and recommended final approval of the Langston Consolidation Plan, subject to the Engineers review comments that the existing structure located on lot 100 at 80 Ordale must be razed prior to the release by the municipality of the consolidation plan for recording.

The property owner of 64 Ordale Boulevard and 80 Ordale Boulevard is requesting a lot consolidation between the adjacent lots. The consolidation plan contains a notation indicating that an existing single-family home located on Lot 100 (80 Ordale Boulevard) is to be razed.

Mr. Silverman moved and Mr. Brumfield seconded to grant final approval of the Langston Consolidation Plan. The approved consolidation plan will not be released for recording until such time as the structure located on Lot 100 has been razed. The vote was called. The motion carried unanimously.

CONSIDERATION TO PURCHASE A LEAF LOADER

Mr. Brumfield said the 2014 budget includes adequate funds to purchase one trailer-mounted leaf loader from A&H Equipment of Bridgeville at a total cost of \$42,500. A&H Equipment participates in the Pennsylvania Costars Purchasing program and is offering a 4.8% discount.

Mr. Brumfield moved and Mr. Silverman seconded to purchase one trailer-mounted leaf loader through the Costars Purchasing Program from A&H Equipment for \$42,500. The vote was called.

Ms. Fraasch asked that the item be tabled until other options for leaf collection are discussed. Mr. Feller stated that if leaf collection was contracted out, Mt. Lebanon would still need leaf loader trucks for collecting leaves from street trees and in the parks; however, Mt. Lebanon would not need as many trucks if this service was contracted out. He stated that the item could be tabled for one or two meetings. The consensus of the commission was to table consideration of this matter.

**CONSIDERATION OF A LEASE WITH THE MT.
LEBANON SCHOOL DISTRICT FOR N. MEADOWCROFT PARK**

Mr. Bendel said that for many years, Mt. Lebanon has maintained a neighborhood park adjacent to Lincoln Elementary. This lease formalizes the arrangement so that Mt. Lebanon can continue to maintain and improve the .831 acre facility.

Mr. Bendel moved and Ms. Fraasch seconded to authorize the proper municipal officials to execute the lease agreement. The vote was called. The motion carried unanimously.

CONSIDERATION TO INSTALL A STOP SIGN ON LINDA LANE AT RUTH STREET

Mr. Bendel said that the intersection of Ruth Street and Linda Lane is currently two-way stop controlled with stop signs on both the northbound and southbound Ruth Street approaches. Additionally, pedestrian crosswalks are painted on the southbound Ruth Street approach and on the eastbound Linda Lane approach.

The Traffic Engineer and Traffic Board believe that a multi-way stop control is necessary for the following reasons:

- The intersection is currently controlled in an unorthodox manner with no stop control on the minor street (Linda Lane) approach.
- There is a painted pedestrian crosswalk on the Linda Lane approach; however, it is not controlled by a stop sign.
- Direct access is provided to Jefferson School at the intersection via a pedestrian walkway/staircase.

Mr. Bendel moved and Ms. Fraasch seconded to have the proper municipal officials:

1. Install “No Outlet” sign on Linda Lane.
2. Install “Stop” sign on Linda Lane approach with “All Way” plaque.
3. Remove “2-way” plaques on Ruth Street “Stop” signs and replace with “All Way” plaques.

The vote was called. The motion carried unanimously.

CONSIDERATION OF PROFESSIONAL SERVICES FOR TAX APPEALS

Ms. Fraasch moved and Mr. Bendel seconded to appoint Diversified Municipal Services to represent the Municipality in filing appeals for 2014 and to develop an underassessed identification process for homes sold prior to 2006. Mr. Brumfield stated that the continuance of this process benefits all of Mt. Lebanon. Ms. Fraasch and Ms. Linfante concurred with Mr. Brumfield.

Mr. Bendel and Mr. Silverman stated that they would be voting against the recommendation to use Diversified Municipal Services to file appeals.

The vote was called. Mr. Brumfield, Ms. Fraasch and Ms. Linfante voted in favor of the motion. Mr. Bendel and Mr. Silverman voted against the motion. The motion passed three to two.

MANAGER ANNOUNCEMENTS

Mr. Feller stated that prior to tonight’s meeting, the commission met in executive session and discussed board and authority appointments and two legal issues with the solicitor regarding rezoning and litigation. The commission will go back into executive session after this meeting to further discuss board and authority appointments. The next adjourned meeting of the commission is scheduled for Monday, March 24, 2014, at 8 p.m.

ADJOURNMENT

The meeting adjourned at 11:35 p.m.

MEMORANDUM

To: Steve Feller
From: John Bendel
Date: March 11, 2014
Re: Abstention from vote

I was on the board of Residential Resources. I am therefore abstaining from voting on the rezoning matter. I also request that this memo be filed with the minutes of tonight's meeting.
