

**MINUTES OF THE REGULAR MEETING AUGUST 12, 2014
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting that began on at 8 p.m., on Tuesday, August 12, 2014, at the Municipal Building, 710 Washington Road. Vice President John Bendel 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, Steve Silverman, John Bendel and David Brumfield. Commissioner Kristen Linfante participated via the telephone. Also present were Finance Director Andrew McCreery, Police Chief McDonough, Recreation Director David Donnellan, Inspections Officer Berkley, Business Districts Officer Milliron, and Public Information Officer Susan Morgans. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

MANAGER'S ANNOUNCEMENTS

Mr. Feller stated that prior to tonight's meeting the Commission met in executive session and discussed legal issues with the solicitor regarding assessment appeals and a property disposition matter. The next adjourned meeting of the Commission is scheduled for August 25, 2014.

Mr. Feller recognized Mr. Wally Workmaster by reading a citation of his accomplishments and historical preservation efforts in Mt. Lebanon.

CITIZEN COMMENTS

Donna Mulvihill of 917 Summer Place spoke in support of making Summer Place a public street.

Phil Compton of 913 Summer Place spoke in support of making Summer Place a public street.

Barbara Szefi of 501 Austin Avenue spoke in support of making Summer Place a public street.

Elaine Gillen of 735 Vallevista Avenue spoke about the recent flooding on Cedar Boulevard. She also inquired about the amount of money generated through the stormwater fee. She expressed concern about emergency access to and from the high school and recreation center if Morgan Drive is blocked. Chief McDonough stated that the fire department has keys available to open the gate on Horsman Drive for emergency access and exit of vehicles.

Marty Murray of 400 Cochran Road spoke about the recent flooding on Cedar Boulevard.

Kathryn Aby-Eva of 914 Summer Place spoke in support of making Summer Place a public street.

Kimberly Schevchuk of 519 Lyndhurst Avenue spoke about the justifications that the Commission used regarding the artificial turf decision. Mr. Bendel and Mr. Brumfield both responded to these questions.

Jim Jordan of 150 Rae Avenue spoke in support of using bricks for the Altoona/Mapleton project.

**CONSIDERATION OF THE MINUTES
FROM THE ADJOURNED MEETING HELD JULY 28, 2014**

Ms. Fraasch moved and Mr. Brumfield seconded. The vote was called. The motion was carried unanimously.

**PUBLIC HEARING AND CONSIDERATION OF RESOLUTION R-14-14
FOR THE TRANSFER OF A LIQUOR LICENSE TO SRG SOUTH HILLS, LLC**

Mr. Silverman said that state law allows liquor licenses to be transferred between establishments in different municipalities. Prior to submitting the license transfer to the Liquor Control Board, the municipality into which the license is being transferred must hold a public hearing and act on the transfer.

SRG South Hills, LLC has a lease for property located at 1500 Washington Road in the Galleria, and is seeking to open a restaurant at this location. SRG South Hills, LLC has requested a hearing before the Commission for approval of the transfer of a liquor license.

Mr. Bendel declared the public hearing opened.

Mark Flaherty, attorney with Flaherty and O'Hara representing SRG South Hills, LLC, stated SRG South Hills, LLC will go through formal process with PA Liquor and Control Board. He said the name of the restaurant is BRGR, and it is a family-friendly restaurant which specializes in gourmet hamburgers. He also noted there are several of these restaurants established throughout Pittsburgh.

Brian Pekarcik, one of the owners, stated that Mr. Flaherty covered everything, and that he had nothing more to add.

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

Mr. Silverman moved and Mr. Brumfield seconded to adopt Resolution No. R-14-14, approving the liquor license transfer. The vote was called. The motion carried unanimously.

**PUBLIC HEARING AND CONSIDERATION OF
ORDINANCE (BILL NO. 9-14) AUTHORIZING THE INCURRING
ON NON-ELECTORAL DEBT FOR VARIOUS CAPITAL PROJECTS.**

Mr. Brumfield said the Municipality desires to issue debt for the projects listed below and also to pay the costs of issuing the bonds:

<u>Proposed Projects</u>	<u>Fund</u>	<u>Bond Funding</u>
1 Parking garage capital improvements	Parking	\$1,662,245
2 Municipal Building roof	General	480,525
3 Public Safety Center	General	200,000
4 Lindendale wall	Storm Water	121,000
5 Longuevue storm sewer	Storm Water	739,804
6 Marlin Mapleton storm sewer	Storm Water	655,000
7 Municipal equipment	General	<u>356,190</u>
		<u>\$4,214,764</u>

The ordinance was introduced July 28, 2014.

Mr. Bendel declared the public hearing opened.

Elaine Gillen of 735 Vallevista Avenue spoke about the proposed projects. She also spoke about Mt. Lebanon's bond rating.

Kimberly Schevtchuk of 519 Lyndhurst Avenue spoke about artificial turf and questioned if it was an "essential need."

Mr. Brumfield moved and Mr. Silverman seconded to enact Ordinance (Bill No. 9-14).

Mr. Silverman asked Finance Director Andrew McCreery to explain the bond ratings given by Moody's. Mr. McCreery described the bond issue in detail as well as Moody's rating, stating Mt. Lebanon's financial condition remains extremely positive and stable.

Mr. Brumfield indicated that with bond funding, these high priority projects can be done promptly.

Ms. Fraasch inquired about the Commission needing to set a policy about the timing of notification concerning the rating to the Commission. Mr. Brumfield stated that because it cost money to determine the bond rating, the only time Mt. Lebanon's bond rating is requested is if a bond issue is anticipated. Mr. McCreery stated that the bond rating was not released until August 5, and other information was researched after receipt in order to give the Commission comparative information and a context for the rating.

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

The vote was called. The motion carried unanimously.

**INTRODUCTION AND CONSIDERATION OF ORDINANCE (BILL NO. 10-14)
CONCERNING A LEASE FOR AN APARTMENT LOCATED AT 1000 PINE AVENUE**

Mr. Brumfield said this is the Municipality's standard lease for the clubhouse apartment at the golf course.

Ordinance Bill No. 10-14 was introduced. Mr. Brumfield moved and Mr. Silverman seconded to enact Ordinance (Bill No. 10-14) by special procedure. Mr. Feller called the roll. Mr. Brumfield, Ms. Fraasch, Ms. Linfante, Mr. Silverman and Mr. Bendel voted in favor of the ordinance. The motion carried unanimously.

**CONSIDERATION OF A CONDITIONAL USE REQUEST BY CONCORDIA
LUTHERAN MINISTRIES OF PITTSBURGH FOR AN ADDITION TO AN
EXISTING BUILDING FOR EXPANSION OF THE MULTI-PURPOSE
ROOM FOR A PROPERTY LOCATED AT 1300 BOWER HILL ROAD**

Ms. Fraasch said the property is zoned R-2 Single-family Residential District with a CC-Continuing Care Overlay. The zoning ordinance identifies a Continuing Care Facility as a conditional use in this district.

On June 24, 2014, the Planning Board recommended approval of the conditional use request. The conditional use request was introduced at the Commission meeting on July 8, 2014, and the public hearing was held July 28, 2014.

Ms. Fraasch moved and Mr. Brumfield seconded to approve the conditional use. The vote was called. The motion carried unanimously.

**CONSIDERATION OF FINAL APPROVAL FOR THE
CONCORDIA OF SOUTH HILLS PROPOSED
MULTI-PURPOSE ROOM ADDITION LAND DEVELOPMENT PLAN**

Mr. Silverman said at a meeting on June 24, 2014, the Mt. Lebanon Planning Board voted in favor of a motion to recommend final approval for the Concordia of South Hills Proposed Multi-Purpose Room Addition Land Development Plan.

All engineering comments have been satisfied or included in the plan.

Mr. Silverman moved and Mr. Brumfield seconded to grant final approval for the Concordia of South Hills Proposed Multi-Purpose Room Addition Land Development Plan. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXECUTION OF THE DEVELOPMENT
AGREEMENT BETWEEN CONCORDIA LUTHERAN MINISTRIES OF
PITTSBURGH AND MT. LEBANON FOR THE CONCORDIA OF SOUTH HILLS
PROPOSED MULTI-PURPOSE ROOM ADDITION LAND DEVELOPMENT PLAN**

Mr. Brumfield said at tonight's meeting the Mt. Lebanon Commission granted final approval for the Concordia of South Hills Proposed Multi-Purpose Room Addition Land Development Plan.

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

Mr. Brumfield moved and Mr. Silverman seconded the motion to authorize the proper municipal officials to execute the Development Agreement between the Concordia Lutheran Ministries of Pittsburgh and Mt. Lebanon for the Concordia of South Hills Proposed Multi-Purpose Room Addition Land Development Plan. The vote was called. The motion carried unanimously.

**CONSIDERATION OF A CONDITION USE REQUEST BY PNC
REALTY TO PROVIDE A REMOTE DRIVE-THRU BANK
FACILITY FOR A PROPERTY LOCATED AT 1721 COCHRAN ROAD**

Ms. Fraasch said the zoning ordinance identifies Drive-Thrus as a conditional use subject to the Additional Requirements for Specified Uses in §611 and requires approval of a Conditional Use Permit.

The applicant currently operates a branch banking center within the Virginia Manor Shopping Center. PNC Bank proposes to construct two remote drive-thru banking kiosks on an adjacent lot to accompany their retail banking center within the Virginia Manor Shops. The proposed drive-thru will accommodate two remote kiosks and associated drive lanes. The applicant has submitted traffic analysis in support of the drive-thru facility, and the traffic engineer recommends approval of the Application.

On June 24, 2014, the Planning Board recommended approval of the conditional use request. The conditional use request was introduced at the Commission meeting on July 8, 2014, and the public hearing held July 28, 2014.

Ms. Fraasch moved and Mr. Brumfield seconded to approve the conditional use. The vote was called. The motion carried unanimously.

**CONSIDERATION OF FINAL APPROVAL FOR
PNC BANK AT VIRGINIA MANOR LAND DEVELOPMENT PLAN**

Mr. Brumfield said on June 24, 2014 the Planning Board recommended final approval of the PNC Bank at Virginia Manor Land Development plan conditioned on the Engineer's review comments in a letter dated June 18, 2014 and Commission approval of any waivers or modifications that may be required. All engineering comments have been satisfied and the engineer recommends approval of the waiver request for the proposed use of Switchgrass and Fountain Grass in the rain garden and bio-retention areas.

Mr. Brumfield moved and Mr. Silverman seconded to:

1. Grant a waiver to Chapter XVI, of the Mt. Lebanon Code, Subdivision and Land Development, Appendix III-Required Plant List to allow the use of Switchgrass and Fountain Grass in the rain garden and bio-retention areas.
2. Grant final approval for PNC Bank at Virginia Manor Land Development plan.

The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXECUTION OF THE DEVELOPMENT
AGREEMENT BETWEEN PNC BANK, NATIONAL ASSOCIATION, AND MT.
LEBANON FOR PNC BANK AT VIRGINIA MANOR LAND DEVELOPMENT PLAN**

Mr. Silverman said at tonight's meeting the Mt. Lebanon Commission granted final approval for PNC Bank at Virginia Manor 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. Silverman moved and Mr. Brumfield seconded to authorize the proper municipal officials to execute the Development Agreement between PNC Bank, National Association, and Mt. Lebanon for The PNC Bank at Virginia Manor Land Development Plan. The vote was called. The motion carried unanimously.

RECEIPT OF THE CAPITAL IMPROVEMENT PROGRAM (CIP)

Mr. Silverman said as required by the Charter, the Capital Improvement Program (CIP) for 2015-2019 was submitted to the Commission on July 31, 2014. A public hearing is required to be held on this program prior to the issuance of the Manager's Recommended Budget.

The Commission acknowledged receipt of the 2015-2019 Capital Improvement Program (CIP), and the public hearing was set for October 14, 2014.

**CONSIDERATION OF THE OPTIONS FOR THE
ALTOONA-MAPLETON SANITARY SEWER IMPROVEMENT PROJECT**

Ms. Fraasch said there has been a history of surcharging and flooding issues within the Altoona – Mapleton area. The project will involve the installation of a parallel sanitary sewer within the Municipal roadways to mitigate surcharging issues to the 19 properties that currently have backwater valves. In addition, a relief storm sewer to mitigate flooding is included as part of a sewer upgrade for the area.

Three bids were received on July 18, 2014. However, the bid of Niando Construction was withdrawn after the opening due to an error.

The Municipal Engineer has verified the bid as follows:

	A Merante Contracting	Independent Enterprises
Base Bid	\$ 2,010,062.00	\$ 2,813,325.00
Add Alternate #1 – Altoona (Mill/Overlay)	\$ 72,919.00	\$ 94,000.00
Add Alternate #2 – Mapleton intersection with Altoona (Concrete)	\$ 78,260.00	\$ 132,650.00
Add Alternate #3 – Mapleton from intersection to Rae (Asphalt)	\$ 82,140.00	\$ 131,975.00
Add Alternate #4 – Rae between Mapleton and Jayson (Asphalt)	\$ 219,720.00	\$ 375,200.00
Add Alternate #5 – Rae between Mapleton and Jayson (New Brick)	\$ 503,612.00	\$ 619,650.00
Add Alternate #6 – Rae between Mapleton and Jayson (Re-Use Brick)	\$ 549,512.00	\$ 709,650.00
Add Alternate #7 – Marlin (Asphalt)	\$ 106,196.00	\$ 163,225.00
Add Alternate #8 – Rae between Jayson / Coolidge (Asphalt)	\$ 56,418.75	\$ 91,181.25
Add Alternate #9 – Rae between Jayson / Coolidge (New Brick)	\$ 116,208.00	\$ 151,298.00

Based upon the various street restoration scenarios, the following table outlines the options available for Commission decision.

		Option #1 Asphalt	Option #2 New Brick	Option #3 Re-used/ New Brick	Option #4 Asphalt & New Brick	Option #5 Asphalt & Re-used/New Brick
Bid Tab Items Included:	Base Bid Only	Base Bid, Add Alternate #1, #2, #3, #7 and #4, #8	Base Bid, Add Alternate #1, #2, #3, #7 and #5, #9	Base Bid, Add Alternate #1, #2, #3, #7 and #6, #9	Base Bid, Add Alternate #1, #2, #3, #7 and #5, #8	Base Bid, Add Alternate #1, #2, #3, #7 and #6, #8
A.Merante Contracting	\$2,010,062.00	\$ 2,625,715.75	\$ 2,969,397.00	\$ 3,015,297.00	\$ 2,909,607.75	\$ 2,955,507.75
Independent Enterprises	\$2,813,325.00	\$ 3,801,556.25	\$ 4,106,123.00	\$ 4,196,123.00	\$ 4,046,006.25	\$ 4,136,006.25

Ms. Fraasch moved and Mr. Brumfield seconded to award the bid to A. Merante Contracting for Option #1 in the amount of \$2,625.715.75.

Mr. Brumfield addressed why he supported Option #1 without bricks. Mr. Silverman and Ms. Linfante also stated why they support Option #1.

Mr. Bendel said while he was in favor of the project, he was against replacing the bricks with asphalt, stating there is value in preserving brick streets, which he believed add character to a neighborhood. While he understands the cost is more expensive, he believes the character of the community should be preserved.

Ms. Fraasch stated that the issue comes down to financing costs.

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

ADJOURNMENT

The meeting adjourned at 9:30 p.m.