

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania 15202
Regular Meeting of Council – March 20, 2012
Minutes

Call to Order

Council President Lloyd Corder called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Council Members Present

Rob Galbraith (via telephone), Michael Bett, Earl Bohn, Lloyd Corder, Richard White, Brian Tokar, Sue Weiss

Council Members Absent

None

Others Present

Chuck Means, Solicitor

Ed McGee, Engineer

Dale Regrut, Public Works Foreman

Carmella Hallstein, Borough Secretary

Mike Dufresne, Emergency Management Coordinator

Jim Rupert, Chief; Ben Avon Volunteer Fire Department

Norbert Micklos, Chief; Ohio Township Police Department

Public Participation

Bill Stabnau of 6912 Merton Road addressed council about his interest in purchasing the property at 7418 Brighton Road for his graphic design business. He stated that his company, Nium, Inc. is currently located in Emsworth and that he has been looking for more space for the business. Mr. Stabnau stated that the Brighton Road property is zoned residential and asked council to consider a zoning variance. Mr. Stabnau stated that he planned to spend upwards of \$400,000.00 to renovate the property and use it as commercial office space. He stated that his company has about eight employees, which could grow to twelve to fourteen. Mr. Stabnau stated that there would be minimal impact on nearby residents, adding that there would be very little traffic and that there would not be any exterior signage other than a small logo plaque. Mr. Means stated that the property is zoned R-M (moderate density residential). He stated that Ben Avon's zoning ordinance is a joint ordinance with Bellevue and Avalon. Mr. Means stated that the R-M district does not have a provision for offices. He stated that to make this property available for the requested use you would need to get a variance or amend the zoning ordinance. Mr. Means stated that to get a variance you would have to show that the property is unusable for any use, which is very hard to do, adding that the better way would be to amend the zoning ordinance. Mr. Means stated that since the zoning ordinance is a joint ordinance, an amendment would have to be approved by all three borough councils. Mr. Means stated that the best approach would be to amend what is allowed in an R-M district to allow to a limited degree professional offices. He stated that you would have to have significant limitations so that not all of the lots in the R-M districts in the three boroughs would be open to the additional use. Mr. Means stated that an amendment to the text of the zoning ordinance can be done in which you

would describe another use that is now going to be allowed in the R-M district. He stated that Mr. Stabnau would have to petition the Joint Planning Commission. Mr. Means stated that the Joint Planning Commission would review the proposal and make a recommendation to the three borough councils.

Approval of Minute

Motion: Mr. White; Second: Mr. Bohn; Motion carried by unanimous voice vote to approve the minutes of the February 21, 2012 council meetings.

Engineer's Report – *Report given by Ed McGee, Engineer*

Motion: Mr. White; Second: Mr. Bett; Motion carried by unanimous voice vote to authorize Ed McGee to prepare the bid specifications and advertise the Avon Park Improvements Project.

Motion: Mr. Bohn; Second: Mr. White; Motion carried by unanimous voice vote to waive the Street Opening Permit Fee for West View Water Authority for a water line replacement on Alder Drive in exchange for the installation of a new fire hydrant on Alder Drive.

Financial Report - *Report given by Brian Tokar, Chair*

Motion: Mr. Tokar; Second: Mr. White; Motion carried by unanimous voice vote to approve the February 2012 financial reports as presented.

Motion: Mr. Tokar; Second: Mrs. Weiss Motion carried by unanimous voice vote to approve the March 2012 accounts payable reports as presented, authorizing payments of \$91,883.80 from the general account.

Intergovernmental Cooperation Report – *No Report*

Administration Report – *Report given by Richard White, Chair*

Motion: Mr. White; Second: Mr. Bohn; Motion carried by voice vote to approve a Borough Building License Agreement that sets fees for renting space in the Borough Building at \$35.00 for the 1st floor council room, \$50.00 for Hamilton Hall without kitchen facilities and \$70.00 for Hamilton Hall with kitchen facilities for non-commercial use by residents, \$50.00 for the 1st floor council room, \$75.00 for Hamilton Hall without kitchen facilities and \$100.00 for Hamilton Hall with kitchen facilities for non-residents and any commercial use and provides for use of the space at no charge for non-profit community organizations. Mr. Bett and Mr. Tokar opposed the motion.

Public Works / Building and Property Report – *No Report*

Public Safety / Strategic Projects Report – *Report given by Michael Bett, Chair*

Fire / Public Affairs – *Report given by Earl Bohn, Chair*

Property Maintenance and Code Enforcement Report – *Report given by Sue Weiss, Chair*

Mayor's Report – *Report given by Bob Jones, Mayor*

Mayor Jones recommended that a committee be formed to setup parameters of use for the One Call Now system. He stated that Earl Bohn, Sue Weiss and Mike Dufresne would serve on the committee and Rob Galbraith would serve as the alternate representative.

Emergency Management Report – *Report given by Mike Dufresne, EMC*

Police Chief's Report – *No Report*

Fire Chief's Report – *Report given by Jim Rupert, Chief; BAVFD*

Tri-Borough Joint Planning Commission – *No Report*

Solicitor's Report – *Report given by Chuck Means, Solicitor*

Motion: Mr. Bett; Second: Mr. Bohn; Motion carried by unanimous voice vote to advertise Ordinance 754, which amends the Avalon-Bellevue-Ben Avon Joint Zoning Ordinance set forth in the Ben Avon Borough Code of Ordinances at Chapter 27, Zoning, Article V, Supplemental Regulations, to add regulations governing the height of structures within a defined proximity to the Pittsburgh International Airport to conform with Act 164, The Airport Zoning Act.

Mr. Means requested an Executive Session to distribute legal materials.

New Business

Resolution 2012-04

Motion: Mr. Bohn; Second: Mr. White; Motion carried by unanimous voice vote to adopt Resolution 2012-04, which adopts the Allegheny County 2011 Hazard Mitigation Plan as the official Hazard Mitigation Plan of the Borough of Ben Avon and directs the respective officials and agencies identified in the implementation strategy of the Allegheny County 2011 Hazard Mitigation Plan to implement the recommended activities assigned to them.

Resolution 2012-05

Motion: Mrs. Weiss; Second: Mr. Bohn; Motion carried by unanimous voice vote to adopt Resolution 2012-05, which sets fees to defray borough costs incurred with respect to certain land use related proceedings.

Resolution 2012-06

Motion: Mr. White; Second: Mr. Tokar; Motion carried by unanimous voice vote to adopt Resolution 2012-06, which authorizes and directs the Borough Engineer and Borough Solicitor to be available to advise the Avalon, Bellevue, Ben Avon Joint Planning Commission for a one year period beginning July 2011 and ending June 2012.

Resolution 2012-07

Motion: Mr. Bett; Second: Mr. Bohn; Motion carried by unanimous voice vote to table Resolution 2012-07.

Request to use 2nd floor meeting room

Motion: Mrs. Weiss; Second: Mr. Bett; Motion carried by unanimous voice vote to approve Richard Graham's request to rent the 2nd floor meeting room at the non-commercial resident rate paid on a monthly basis for a one-year period starting March 24, 2012 and ending February 23, 2013.

Old Business

Ordinance No. 753

Motion: Mr. Bett; Second: Mr. White; Motion carried by voice vote to adopt Ordinance No. 753, which amends the Code of Ordinances of the Borough of Ben Avon, Chapter 15, Parts 1 and 4,

declares non-muffled engine brake noise a nuisance, prohibits engine brake use on certain portions of Ohio River Boulevard and provides penalties for violations. Mrs. Weiss opposed the motion.

Executive Session

Motion: Mrs. Weiss; Second: Mr. White; Motion carried by unanimous voice vote to recess to Executive Session at 9:17 p.m. to discuss legal matters.

Motion: Mr. White; Second: Mr. Bohn; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene to Regular Session at 9:40 p.m.

Adjournment

Motion: Mr. White; Second: Mr. Bohn; Motion carried by unanimous voice vote to adjourn the meeting at 9:40 p.m.

Respectfully submitted,

Carmella Hallstein

Borough Secretary