

## **MINUTES OF THE REGULAR MEETING JUNE 8, 2021 OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a virtually run Regular Meeting at 8 P.M., on Tuesday, June 8, 2021. Commission President Mindy Ranney called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager McGill called the roll. Present were Commissioners Andrew Flynn, Leeann Foster, Craig Grella, Steve Silverman, and Mindy Ranney. Also present were Assistant Manager/Planner McMeans, Police Chief Lauth, Finance Director McCreery, Public Works Director Sukal, I.T. Manager Schalles, Chief Building Inspector Sarver, and Public Information Officer Lilley. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

### **COMMISSION/MANAGER'S ANNOUNCEMENTS**

Manager McGill summarized the information that was reviewed during the discussion session, including review of the auditor's report, the status of the police and Outreach mental health collaboration program, and review of the stormwater fund and future financial needs and projects.

Manager McGill stated that prior to this meeting, the Commission met in executive session to receive legal advice from the solicitor on various legal issues. The Commission will go back into executive session following this meeting. The next adjourned meeting is scheduled to be held on Tuesday, June 22, 2021, at 8 p.m., to be held remotely, with the discussion session meeting starting at approximately 6:30 p.m., to be held remotely, and the executive session starting at approximately 6 p.m. Until further notice, all public Commission meetings will be held on the Zoom webinar format. To watch or participate, you may register at [www.mtlebanon.org/commission](http://www.mtlebanon.org/commission).

Mr. Flynn said the month of June is full of opportunities to celebrate Juneteenth, our nation's oldest celebration commemorating the last enslaved people in the United States. On June 19th, 1865, Union Army general Gordon Granger announced the end of slavery in Texas, 2 ½ years following the Emancipation Proclamation. The event was celebrated the following year in Galveston, Texas, and has expanded through the majority of our states. In 2019 Governor Wolf declared Juneteenth a state holiday and in 2020 and 2021, the City of Pittsburgh and Allegheny County made Juneteenth a holiday. The Mt. Lebanon Public Library and the DEI Ad Hoc Committee of the Community Relations Board has assembled a webpage of resources and event listings at: [mtlebanonlibrary.org/595/Juneteenth](http://mtlebanonlibrary.org/595/Juneteenth).

Last month, this Commission passed an ordinance to ban polycyclic aromatic hydrocarbons found in coal tar sealants. The class of compounds carries serious health hazards and is described by the Environmental Protection Agency as carcinogens. We are in the process of compiling resources for a page on our website. In the meantime, the EPA recommends using pavement options such as pervious concrete, permeable asphalt and paving systems that do not require the use of sealants.

The Commission extends our most sincere condolences to the family and friends of Jim Cain, who died June 4. Jim worked for Mt. Lebanon for many years, retiring in 1990 after eight years as municipal manager. Over the years, he also held positions with Action Housing and the Catholic Diocese of Pittsburgh planning department and served on various advisory boards throughout the state. Jim took great pride in his lifetime of service, dedication, and achievement. Mt. Lebanon has benefitted from his talent, and we are grateful.

Sunday, June 27, is the Mt. Lebanon Public Library's Second Annual Virtual Garden tour. Go to the library website at [mtlebanonlibrary.org](http://mtlebanonlibrary.org) for information on how to submit your pictures for consideration. On June 27, go back to the website to see the gorgeous slideshow featuring seven categories of photos.

June is Pride Month, in commemoration of the June 1969 Stonewall riots in New York City, which led to the formation of gay, lesbian and bisexual civil rights groups. Mt. Lebanon will continue to thrive upon the diversity of its residents, including those with varied backgrounds of culture, race, ethnicity, gender and sexual identity. We nurture a culture of inclusivity and acceptance, where everyone is free to be themselves. This month, we especially note that LGBTQ+ rights are human rights, protected by the U.S. Constitution.

We also take this opportunity to remind you that in 2017, Mt. Lebanon commissioners passed a nondiscrimination ordinance to protect the rights of all of our citizenry, including our LGBTQ+ population. The ordinance makes it illegal to discriminate in all matters involving employment, housing and use of public accommodations. The ordinance also established an Equal Opportunity Board. You may read the ordinance on the Equal Opportunity Board's page on [mtlebanon.org](http://mtlebanon.org).

### **CITIZENS COMMENTS**

Susan Uffelman of 617 Vermont Avenue spoke in support of going back to in-person meetings, stating that it's time to go back to normal.

Cindy Janay of 317 Ashland Avenue requested that commission meetings be held in person again.

Shirley McElhattan of 109 Jefferson Drive spoke in support of going back to in-person meetings.

### **COVID-19 UPDATE/INFORMATION**

Ms. Pace Lilley stated that the final COVID emergency report was given last week. She noted that COVID numbers are decreasing while the number of people vaccinated is increasing. She stated that Mt. Lebanon opened all facilities following the recommendation of the CDC as well as the PA Department of Health. She said that the state has indicated that the mask requirement will be lifted completely by June 28 or when 70% of people have been vaccinated, whichever comes first. She noted several recreation programs that are now open, including the swimming pool. She stated that the Uptown Farmers Market is open every Saturday in the south parking lot on Washington Road from 9 a.m. to noon; the Mt. Lebanon Police Association's 25<sup>th</sup> Annual Car Show will be held July 11 on Washington Road, from 9 a.m. to 4 p.m.; concerts are returning to Main Park; fireworks will be held on the Fourth of July, and First Fridays will be returning in September, October and November.

### **CONSIDERATION OF THE MINUTES FROM THE ADJOURNED MEETING HELD MAY 25, 2021**

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

**PUBLIC HEARING ON ORDINANCE (BILL NO. 4-21)  
MODIFYING PROCEDURES FOR PARTICIPATION IN  
COMMISSION MEETINGS BY TELECOMMUNICATION DEVICES**

Ms. Foster said the Administrative Code establishes requirements for Commission meetings. Commissioners have established rules for meeting by means of telecommunication devices. The Commission now wishes to modify those rules in light of its recent experience to allow greater use of telecommunications devices.

This ordinance was introduced May 25, 2021.

Ms. Ranney declared the public hearing opened.

Mr. Flynn stated that he appreciates the use of telecommunication devices, stating it gives residents the opportunity to engage in meetings. He said he looks forward to utilizing same for not only commission meetings, but for board and authority meetings as well.

Ms. Ranney stated that Mt. Lebanon always strives for improvement, which is the motivation for this ordinance.

Because there were no further comments, Ms. Ranney declared the public hearing closed.

**CONSIDERATION OF ORDINANCE (BILL NO. 5-21) TO AMEND  
CERTAIN PROVISIONS OF THE HAZARDOUS TREE ORDINANCE**

Mr. Grella said Mt. Lebanon currently has a hazardous tree ordinance, whereby a hearing can be requested with respect to hazardous trees located on private property. The Commission desires to amend the ordinance with respect to these private trees. The amendment will limit hearings to private trees of two categories. One is trees which are close enough to a public right of way or other public area so as to create a potential hazard to the public. The other is for private trees, regardless of the location of the tree relative to a public area, which are sufficiently damaged, diseased, infested or in such other condition as to constitute a threat to the survival of other trees.

This ordinance was introduced May 25, 2021.

Mr. Grella moved and Ms. Foster seconded to enact Ordinance (Bill No. 5-21). The vote was called. The motion carried unanimously.

**CONSIDERATION OF ORDINANCE (BILL NO. 6-21) TO AMEND  
CERTAIN PROVISIONS OF THE EMPLOYEE'S PENSION PLAN**

Mr. Silverman said Mt. Lebanon sponsors the Mt. Lebanon, Pennsylvania Employee's Pension Plan. The Plan calculates pension benefits based on average monthly compensation occurring before retirement. The Commission desires to amend the Plan to change the definition of Final Average Monthly Compensation to prevent any adverse effect on participants' pension benefits resulting from an Authorized Leave of Absence, such as a furlough.

This ordinance was introduced May 25, 2021.

Mr. Silverman moved and Mr. Flynn seconded to enact Ordinance (Bill No. 6-21). The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-5-21 FOR THE  
TRANSFER OF A LIQUOR LICENSE TO JP IOVINO LLC.**

Ms. Foster said changes in state law allow 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.

JP Iovino LLC has a lease for property located at 306 Beverly Road, Pittsburgh, PA 15216, and is seeking to transfer a liquor license to the existing io Deli at this location. JP Iovino LLC has requested a hearing before the Commission for approval of the transfer of a liquor license to this location.

A public hearing was held May 25, 2021.

Ms. Foster moved and Mr. Grella seconded to adopt Resolution No. R-5-21. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR ADOPTION OF THE STANDARD  
RESOLUTION NO. R-7-21 FOR A PLANNING MODULE FOR  
THE PROPOSED CASTLEGATE GREEN RESIDENTIAL DEVELOPMENT**

Mr. Grella said as a part of the land development permit process the Pennsylvania Department of Environmental Protection (PADEP) requires a Planning Module to be submitted to account for the sanitary sewage from the proposed Castlegate Green Residential Development. The standard resolution associated with the Planning Module is an update to the Municipalities “Official Sewage Facilities Plan” to include the development and its method of service.

The Municipal Engineer has reviewed the document and recommends adoption of the resolution and transmitting it to the PADEP.

Mr. Grella moved and Ms. Foster seconded to adopt Resolution No. R-7-21 for a New Land Development for the Castlegate Green Residential Development and transmit the Planning Module to the PADEP. The vote was called. The motion carried unanimously.

**CONSIDERATION OF FINAL APPROVAL FOR  
THE CEDAR PLACE LAND DEVELOPMENT PLAN**

Mr. Flynn said at its meeting on May 18, 2021, the Planning Board recommended final approval of the Cedar Place Land Development Plan. Flash Point Partners, LLC owns the property at 62 Cedar Boulevard and is requesting final approval of a land development plan to construct a two-family dwelling with associated grading, landscaping, and stormwater management. The property is zoned as R-4 Residential. Two-family dwellings are a Use By Right in the R-4 District.

The Planning Board granted preliminary approval at its April 20, 2021 meeting. All civil engineering comments have been satisfied.

Mr. Flynn moved and Mr. Silverman seconded to grant final approval to the Cedar Place Land Development Plan, conditioned upon the execution and approval of the required development agreement within 90 days and the receipt of the financial securities detailed in the development agreement. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXECUTION OF A  
DEVELOPMENT AGREEMENT WITH FLASH POINT PARTNERS, LLC**

Mr. Silverman said earlier tonight, the Commission granted final approval to the Cedar Place Land Development Plan. Flash Point Partners, LLC owns the property at 62 Cedar Boulevard and is seeking to construct a two-family dwelling with associated grading, landscaping, and stormwater management. The property is zoned as R-4 Residential. Two-family dwellings are a Use By Right in the R-4 District. The Engineer and Solicitor have recommended that the Municipality enter into a Developer's Agreement with the new property owners of 62 Cedar Boulevard to ensure completion of the approved plan.

Mr. Silverman moved and Mr. Flynn seconded to authorize the proper municipal officials to execute the Development Agreement between Flash Point Partners, LLC and Mt. Lebanon for the Cedar Place Land Development Plan, conditioned upon the receipt of the financial securities detailed in the development agreement. The vote was called. The motion carried unanimously.

**ADJOURNMENT**

The meeting was adjourned at 8:48 p.m.