

**MINUTES OF THE ADJOURNED MEETING SEPTEMBER 28, 2021
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held an Adjourned Meeting at 8 P.M., on Tuesday, September 28, 2021, in person and on Zoom. 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 (virtually), Craig Grella, Steve Silverman (virtually), and Mindy Ranney. Also present were Assistant Manager/Planner McMeans, Fire Chief Sohyda, Police Chief Lauth, Finance Director McCreery, I.T. Manager Schalles, Chief Building Inspector Sarver, Human Resource Officer Cross, Library Director Vittek, 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 stormwater projects and American Rescue Plan funds, the street evaluation software and process, review of the Comprehensive Plan update, and the status of the Vibrant Uptown project.

Manager McGill stated that prior to this meeting, the Commission met in executive session to receive legal advice from the solicitor on various issues and also discussed an appointment to a board. The next regular meeting is scheduled to be held on Tuesday, October 12, 2021, at 8 p.m., to be held in person as well as on Zoom, with the discussion session meeting starting at approximately 6:30 p.m., and the executive session starting at approximately 6 p.m.

Mr. Flynn said September 15 to October 15 is National Hispanic American Heritage Month. I'd like to take this opportunity to recognize our Hispanic American residents, who are a vital and welcome part of this community. Thank you for all of your contributions and know that we are glad you are here.

A follow-up survey on Mt. Lebanon's parks and recreation facilities is open now. It's part of the ongoing update to the parks plan and the recreation center feasibility study. Even if you didn't fill out the first one, please go to mtlebanon.org/parksplan and fill out the short survey to help plan the future of Mt. Lebanon. Responses are due by September 29.

Friday, October 1 is this year's second First Friday event from 6 to 9 p.m. in Clearview Common. Join us for the family-friendly, free festival featuring the music of Dan Petrich. Have dinner in our Uptown Business District and Shop Local. Remember, the majority of the money you spend in our local business districts stays here.

We're thrilled to say that the Mt. Lebanon Artists Market is back this year on Saturday, October 2 and Sunday, October 3, from 10 a.m. to 5 p.m. in the Academy Avenue parking lot. The arts festival includes dozens of booths from the best artists in the region, food trucks and family activities. Thanks to the Mt. Lebanon Partnership for sponsoring both the Artists Market and First Friday — the tireless volunteers from the Partnership help make these events special.

Mark your calendars, we are happy to announce the return of the Pumpkin Patch Parade, on Saturday, October 30, at 11 a.m. Watch the parade along Washington Road, then Trick or Treat at participating stores along the parade route. Mt. Lebanon's community tradition continues with Trick or Treat in our neighborhoods on Halloween night from 6 to 8 p.m.

MT. LEBANON POLICE OFFICER RECOGNITION – CHIEF LAUTH TO PRESENT

Chief Lauth stated on July 29, 2021, at approximately 12:15 a.m., Mt. Lebanon Police were dispatched to a possible homicide on Gilkeson Road. The caller told the dispatcher that he shot his parents and that he wished to turn himself into police.

Since we were familiar with the caller and the address, we immediately requested mutual aid and set up incident command at the Galleria Mall parking lot. Along with the MLPD officers on shift, additional officers from Dormont and Castle Shannon responded.

Under the leadership of Lieutenant Patrick O'Brien, police devised a plan to set up a perimeter and safely take the male into custody. A team of officers including Officer Ryan Miller and Officer Elizabeth Lewis from Mt. Lebanon Police and Officer Rob Barnes and Officer George Dailey from Dormont Police then deployed to a perimeter location several houses away from the target residence. Simultaneously, Mt. Lebanon Police Officers Jake Elk and Matthew Bradburn set up behind cover on the hillside to the rear of the house.

Once officers were in position, Lieutenant David Lane and Officer Dan Janeda from Castle Shannon Police used their negotiator backgrounds to contact the male by phone. During the conversation with the actor, he remained calm and continued to indicate that he would peacefully surrender. Eventually when the male exited the residence onto the front porch, shots rang out. The male directed approximately seven rounds of gunfire from an AR toward the team of officers several houses away. As the officers took cover, it was apparent that Officer Barnes had been struck by a bullet in the lower torso.

As Officer Barnes' injuries were evaluated by the other officers, the actor made his way to the rear of the residence and engaged in a gun battle with Officers Elk and Bradburn. During the exchange of gunfire, the actor continued to advance toward Officers Elk and Bradburn who became pinned down in the thick brush and trees on the steep hillside at the rear of the target residence. While attempting to seek better cover, Officer Bradburn sustained an injury to his lower body and found it difficult to move. Recognizing that Officer Bradburn was in imminent danger, Officer Elk sought out Officer Bradburn's position and assisted him to a location where he could be evacuated and treated for his injuries.

As the actor continued shooting, the involved officers maintained tactical positions while attempting to care for their injured counterparts. At some point during this chaos, the actor escaped in his vehicle and a pursuit ensued. When it ended a short time later after the actor rolled his vehicle in Upper St. Clair, pursuing officers approached and eventually found the actor deceased from a self-inflicted gunshot wound.

In recognition of their efforts leading up and in response to the events of July 29, 2021, I will now read the awards bestowed upon these members of the department.

First, we have the Chief's Commendation.

- The Chief's Commendation is awarded to personnel for significant achievement that distinguishes the recipient and enhances the image of the department. The award may recognize an outstanding investigation, an exemplary patrol initiative, or a program that maximizes the ability of the department to serve the community. This award may be issued in recognition of a single achievement or a long-term pattern of excellent performance.

This recognition is awarded to Officer Grant Nagy who, in the weeks leading up to the events of July 29, took it upon himself to diligently prepare a detailed intelligence file for the purposes of briefing fellow officers about the potential for a violent encounter at the residence on Gilkeson Road. Despite his and other MLPD officers' repeated efforts to refer the subject to the appropriate mental health resources, Officer Nagy recognized the need to share information with all MLPD officers to assist them in preparing an appropriate response to the Gilkeson Road residence. This information was critical to mitigating the harm that could have occurred on the night of July 29.

Second, we have the Medal of Valor.

- The Medal of Valor is awarded to an officer for exceptional bravery at imminent risk of serious bodily injury. The recipient demonstrated exceptional courage by performing a voluntary course of action in an extremely dangerous situation.

This recognition is awarded to Lieutenant Patrick O'Brien, who served as the incident commander during the initial response to the call on Gilkeson Road. Lt. O'Brien exhibited quick thinking, skillful tactics, and critical decision-making skills during his command of the incident. His actions undoubtedly kept community members and his fellow officers safe during a chaotic situation.

The Medal of Valor recognition also is awarded to Officer Ryan Miller and Officer Elizabeth Lewis who deployed together along with two Dormont officers to a perimeter position several houses away from the subject residence. These officers displayed sound tactics and decision making as they developed a plan to safely and peacefully take the subject into custody. When the subject instead decided to direct rifle fire at the team of officers, striking a Dormont officer in the ballistic vest, Officers Miller and Lewis displayed bravery and exceptional courage in providing aid to the injured officer while maintaining a position of safety from further rounds of gun fire from the subject. They also continued to update command and fellow perimeter officers via police radio of the evolution of the incident as it unfolded. Their actions and tactics under fire ensured that no additional injuries to community members or officers were sustained.

The Medal of Valor recognition is also awarded to Officer Matthew Bradburn. At the outset of the incident, Officer Bradburn, along with Officer Elk, deployed to perimeter position at rear of the Gilkeson Road residence. During their deployment, both officers exhibited sound judgment and tactics by parking on a street above and silently traversing through a wooded area to a position of cover. As the incident evolved and gun fire was directed at the team of officers in the front of the residence, Officers Bradburn and Elk were prepared to assist their fellow officers. When the subject appeared at the rear of the residence, aimed his weapon-mounted light in the direction of the officers and opened fire, Officer Bradburn and Elk tactically returned fire in an

attempt to neutralize the gunman. Despite their efforts, the gunman continued to advance in the officers' direction. While under continuing gunfire, the officers attempted to seek better cover and continued to engage the subject in an attempt to eliminate the threat to themselves and the community. Throughout the exchange of gunfire with the subject, Officer Bradburn exhibited exceptional bravery, courage and tactics while putting himself in harm's way during this extremely dangerous situation. It should also be noted that Officer Bradburn suffered a significant knee injury during this incident and despite the pain of this injury, he courageously battled on.

Lastly, we have the Medal of Honor.

- The Mt. Lebanon Police Department Medal of Honor is the highest law enforcement medal awarded to officers by the Mt. Lebanon Police Department. The Medal of Honor is to be awarded to the officer who voluntarily distinguishes themselves conspicuously by gallantry and extraordinary heroism. The act must be in excess of normal demands and of such nature that the officer was fully aware of the imminent threat to their personal safety and acted above and beyond the call of duty at the risk of their life.

This recognition is awarded to Officer Jacob Elk. As was previously mentioned, Officer Elk deployed to the rear of residence with Officer Bradburn. Alongside Officer Bradburn, Officer Elk displayed sound tactics and bravery while attempting to neutralize the subject during the exchange of gunfire. At one point during the barrage of incoming gunfire, Officer Elk made his way to place of cover near to top of the hill. Officer Elk quickly realized that Officer Bradburn was no longer beside him. Upon surveying the hillside, Officer Elk recognized that Officer Bradburn had become pinned down in some brush and was having difficulty moving due to a knee injury. Realizing that the subject was continuing to advance and fire upon Officer Bradburn's position, Officer Elk ran to assist Officer Bradburn and pulled him up the hill to a position of cover. During the exchange of gunfire and his exceptional efforts to assist his fellow officer, Officer Elk displayed extraordinary heroism and risked his own safety beyond the call of duty.

In summary, while the incident began as what was believed to be a peaceful surrender, all involved officers quickly found themselves in the middle of an extremely violent and dangerous situation. They all performed professionally and heroically, and their actions and assistance prevented further injury to their peers and other community members.

All the involved officers are an asset to the law enforcement profession and the community, and they are to be commended for their efforts. I am proud to serve alongside you.

Ms. Ranney thanked the officers on behalf of the Commission for their bravery and dedication to the community.

JUNIOR COMMISSIONER RAAFAY KHAN COMMENTS.

Raafay Khan was not able to attend the meeting.

CITIZENS COMMENTS

Bill Hoon of 456 Coolidge Avenue reviewed and disputed the deer management program stats. He also spoke against the program.

Richard Heyse of 152 Rock Haven Lane, chairman of the Parks Board, spoke about the open alcohol containers in parks ordinance, stating that he has five suggestions. He asked for clarification on where alcohol can be consumed and/or if it can be taken to other areas of the park. He also suggested that the permit fee money should go to public works since they would be cleaning the pavilions afterwards. He had concerns with Williamsburg Park and particularly Bird Park, since it's isolated. He suggested issuing permits to Main Park only during the first year to see how well it works. Basically, phasing in the other isolated parks. He also stated that the use of glass products could result in broken glass on the ground and surrounding area. He also suggested that public works notify the manager if they find themselves cleaning up after large parties.

Mr. McGill stated that the issue with alcohol being consumed outside of the pavilion will be addressed in the permit, where alcohol can only be consumed within a certain perimeter around the pavilion, and will not be permitted on the playing fields, playground, etc. He also stated that there is not a separate fee for the use of alcohol; there is only the pavilion fee. He spoke about the location of the parks where alcohol would be permitted. He also said that a discussion was held about the use of glass in parks, indicating that they will allow glass at this time. If it becomes a problem, the ordinance will be amended.

**CONSIDERATION OF THE MINUTES FROM
THE REGULAR MEETING HELD SEPTEMBER 14, 2021**

Mr. Grella moved and Mrs. Foster seconded to approve the minutes. The vote was called. The motion carried unanimously.

**PUBLIC HEARING ON ORDINANCE (BILL NO. 8-21) TO ALLOW
FOR MULTIPLE PRIMARY STRUCTURES IN THE R-3 ZONING DISTRICT**

Ms. Foster said Section 104.5 of Chapter XX of the Municipal Code (Zoning) currently restricts property in the R-1, R-2, and R-3 zoning districts to only one principal building per lot. The proposed amendment would remove the R-3 zoning district from Section 104.5 of Chapter XX. The Planning Board recommended the Ordinance amendment at its August 17, 2021 meeting.

Ordinance (Bill No. 8-21) was introduced September 14, 2021.

Ms. Ranney declared the public hearing opened.

Assistant Manager/Planner Ian McMeans stated that the planning board did review this amendment to the ordinance, and they recommended it. He noted that he made a presentation on this issue at the September 14 discussion session, which is available for the public to see on Mt. Lebanon's website. He also noted that that this amendment involves some historical cleanup.

Mr. Grella thought there should be a more holistic approach to this, and that all properties should be reviewed to determine if they are properly zoned. He said the current ordinance seems more

of a reaction to a developer's request. He also suggested that residents review the planning board meetings and minutes, stating that there was not a unanimous consensus on this issue from its members.

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

**CONSIDERATION OF ORDINANCE (BILL NO. 9-21) AMENDING
THE PARK RULES AND OPEN CONTAINER ORDINANCE TO
ALLOW FOR AN ALCOHOL PERMIT IN CERTAIN PAVILIONS**

Mr. Silverman said currently, alcohol is prohibited in all municipal parks. The proposed ordinance will allow alcohol in certain pavilions pursuant to a permitting system. The proposed ordinance also creates a corresponding exception in the Open Container Ordinance.

Ordinance (Bill No. 9-21) was introduced September 14, 2021.

Mr. Silverman moved and Mr. Flynn seconded to enact Ordinance (Bill No. 9-21) to amend the Municipal Park Rules and Open Container Ordinance to allow alcohol in certain pavilions pursuant to a permitting system.

Mr. Grella asked if there was a system in place to keep track of people who may be found to have violated this ordinance.

Mr. Weis responded stating that the permit system will keep track of this.

The vote was called. The motion carried unanimously.

**CONSIDERATION OF A MOTION APPROVING
AN OVERNIGHT PERMIT PARKING ZONE**

Mr. Grella said based on an application submitted under the provisions of Section 906, Chapter 10 of the Mt. Lebanon Code, the manager recommends a night parking zone on the odd-numbered side of the street abutting the two-family dwelling at 397-399 Broadmoor Avenue.

Mr. Grella moved and Ms. Foster seconded to establish the zone. The vote was called. The motion carried unanimously.

**CONSIDERATION OF AN APPOINTMENT TO THE
HISTORIC PRESERVATION BOARD TO FILL AN UNEXPIRED TERM**

Mr. Flynn moved and Ms. Foster seconded to appoint Carmine Carapella of Cochran Road to fill an unexpired term ending March 31, 2022. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE
LIST FOR AUGUST TOTALING \$8,827,053.00**

Ms. Foster moved and Mr. Grella seconded to approve the expenditure list for August totaling \$8,827,053.00. The vote was called. The motion carried unanimously.

DEPARTMENTAL REPORTS

Mr. Silverman asked that the reports be received and filed.

ADJOURNMENT

The meeting was adjourned at 9 p.m.