

**MINUTES OF THE ADJOURNED MEETING OCTOBER 23, 2017  
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon Pennsylvania held an Adjourned Meeting at 8:00 P.M., on Monday, October 23, 2017, at the Municipal Building. Commission President David Brumfield called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager Keith McGill called the roll. Present were Commissioners Steve McLean, Steve Silverman, and Dave Brumfield. Commissioners Fraasch and Bendel were not present. Also present were Assistant Manager McMeans, Public Works Director Sukal, Finance Director McCreery, and Police Lt. Fisher. 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 an update on the status of the Mt. Lebanon Condominium project, review of the 2017 budget amendment, an update on recycling procedures, review of the proposed fleet replacement schedule, review of the proposed 2018 stormwater capital projects, as well as heard Commission comments regarding activities of boards and authorities.

Manager McGill stated that prior to the meeting, the Commission met in executive session to receive legal advice from the solicitor on several issues. He stated that the next regular Commission meeting is scheduled for Tuesday, November 14, 2017, at 8 p.m. The discussion session will also begin at approximately 6:15 p.m., in Room C.

Mr. Silverman stated that Mt. Lebanon commissioners and staff met with Allegheny County Executive Rich Fitzgerald and his staff last Tuesday evening. He stated that several activities are planned to honor Veterans Day, including the Veterans Breakfast Club will have a panel discussion and a recognition ceremony on Sunday, November 5, at 1 p.m. at Soldiers and Sailors hall, the Historical Society of Mt. Lebanon will present a veterans' storytelling program at the library on Wednesday, November 8, at 7 p.m., and on Veterans Day, November 11, at 5 p.m., the Historical Society will sponsor a program at the Mt. Lebanon veterans memorial in Main Park. He reminded everyone to view the veterans' banners that are on Washington Road, which will be taken down after Veterans Day.

Mr. Silverman stated that the Manager's Recommended Budget will be released to the Commission and public on November 1. It will be available for view online or in print at the municipal building and library. There will be three budget workshops on November 13, 20, and 29, at 6 p.m., in Room C of the municipal building. The budget hearings are scheduled for November 14 and December 12.

Mr. Silverman stated that the Pumpkin Patch Parade will be held on Saturday, October 28, beginning at 11 a.m., followed by a safety fair at the fire station, designating Mt. Lebanon as a Safe Community USA.

**JUNIOR COMMISSIONER KATHERINE IZZO COMMENTS**

Katherine Izzo stated that the high school sponsored a blood drive on Friday, October 20, to help replenish the blood supplies after the recent hurricanes in Florida and Texas. She stated that the German exchange student program commenced on Monday with 20 exchange students attending the high school.

**CITIZEN COMMENTS**

Bill Hoon of 456 Coolidge Avenue spoke about the Safe Communities USA award. He also spoke about various unsafe driving situations that he witnessed. He also spoke about the deer management program, indicating that the drivers are the problem, not the deer.

Mary McNamee of 456 Clokey Avenue spoke in support of the library, stating that Mt. Lebanon Library has amazing librarians who are teachers, scientists, and artists who are devoted to the community. She also spoke about several programs offered at the library.

**CONSIDERATION OF THE MINUTES  
FROM THE REGULAR MEETING HELD OCTOBER 10, 2017**

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

**PUBLIC HEARING ON ORDINANCE (BILL NO. 12-17)  
AMENDING THE SOLID WASTE ORDINANCE**

Mr. Silverman said the proposed ordinance would amend Chapter XIV of the Mt. Lebanon Code, entitled "Solid Waste," to clarify certain provisions regarding residential and commercial uses.

This ordinance was introduced September 25, 2017.

Mr. Brumfield declared the public hearing opened.

Mr. Brumfield gave the background on the solid waste ordinance, stating the topic of amending the ordinance was first raised at the Commission discussion session on November 7, 2016. The ordinance was discussed at the Commission discussion session on April 11. Two public meetings for impacted property owners were held on July 19. A copy of the PowerPoint presentation given at the public meeting, a video of one of the public meeting sessions, and FAQs on the ordinance have been on the municipal website since August 4. The ordinance was discussed at the Commission discussion session on September 12. A copy of the proposed ordinance has been available on the municipal website since September 22. The ordinance was introduced at the Commission meeting on September 25. The ordinance and public hearing were advertised in the Pittsburgh Post-Gazette on October 13.

Jim Eichenlaub, Executive Director for the Apartment Association of Metropolitan of Pittsburgh, represents 200 companies in the multi-family, residential property management in the area. He stated more people would be present, but he didn't receive notification of the hearing until 9:54 a.m. today. He feels it's unfair to make people living in units of four or more find a refuse service when the residents are paying wage and local taxes. He stated that with the solid waste ordinance, there will be many garbage haulers on the streets several days a week picking up refuse instead of just one day like it is currently, adding that refuse receptacles will be sitting out many days a week. He stated that there will be an increase in the cost of refuse service to apartment owners since they will no longer be part of the bulk price that Mt. Lebanon receives, which will result in a further cost to the residents.

Mr. Brumfield noted that a public notice of this hearing was posted in the paper on October 13.

Charles Shane, property owner of 248 Mabrick Avenue, stated there is nowhere to place a refuse dumpster on this property, and with the proposed ordinance, the end result will be receptacles on the streets five days a week throughout Mt. Lebanon. He asked what the purpose of this ordinance was.

Mr. Brumfield stated it's to properly classify properties, stating that buildings containing four or more units have been listed as residential but should have been considered commercial. He stated that an audit was done on all properties, and those containing four units or more were notified of the proposed ordinance and property classifications.

Mr. McGill stated that the date of commencement of this ordinance is January 1, 2019. The municipality is in the process of pulling together bid specifications to submit to SHACOG. Currently, refuse cost is based on a per unit basis, but we are looking at an option of entering into a contract using tonnage as a factor.

Mr. Shane stated that he has nowhere on his property to place a dumpster; therefore, it will be on the street continually. He added that this will be an added cost burden to property owners, who would rather put money into their properties versus having to spend it on a different manner of refuse collection. He asked that the commissioners reconsider this ordinance.

Mr. Brumfield stated that Mt. Lebanon is looking into possible group rates for apartment complexes.

David Pirain of PPM Realty stated that he has five properties in the Mt. Lebanon area. He stated that he also oversees properties in Dormont, and refuse collection is a nightmare with different vendors, different times, different days. He stated that commercial haulers are used to commercial establishments, and it's difficult to adjust to collecting in residential areas that may have multi-unit properties. He also stated that properties that cannot support a refuse dumpster will pay an exorbitant cost for the hauler to get out of the truck to dump cans. He also said that the properties in Dormont tried to work together jointly for a cost-savings, but eventually, that failed, and each multi-unit property has to pay for its own hauler. He asked that the commissioners take these points into consideration.

Mr. Brumfield stated that there were two email comments, that are as follows:

Jim Mincin wrote that with a four-unit building, 101 Parkside Avenue, with four single people living there is very little trash each and every week. Leading active work and social lives, they are not coming home and cooking creating trash for removal. Small apartment owners/tenants are being discriminated against by proposing this additional monthly cost to be part of their monthly rent. This seems totally unfair that a governing body would act this way when they are supposed to be acting in behalf of the resident.

Bruce Schramm of 228 Merion Drive wrote that my comment is (as you previously stated) if costs are essentially the same for either a tonnage basis or number of addresses for pickup basis, why doesn't Mt. Lebo contract on a tonnage basis? Then the whole issue of treating multi-unit buildings as a business becomes moot.

Mr. Brumfield stated that another public hearing on this issue will be held at the next meeting, and an email will be sent to the owners of the properties involved apprising them of same.

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

**INTRODUCTION OF ORDINANCE (BILL NO. 13-17) AMENDING THE 2017 BUDGET  
FOR REVENUE AND EXPENDITURES NOT ANTICIPATED IN THE 2017 BUDGET**

Mr. McLean said the following adjustments are proposed:

**General Fund**

Revenue:

Contributions for Platform Tennis Gas Service	\$	5,000
Reimbursements from contractors for Traffic Details		135,000
Use of Fund Balance		405,680
	<b>\$</b>	<b>545,680</b>

Expenditures:

Mt. Lebanon Park Basketball Court Improvements	\$	55,700
Parks Lighting System		88,000
Recreation Center Light Pole Replacement		147,520
Digital Video Security System		7,000
Concrete Sidewalk Repairs		10,000
Platform Tennis Court Gas Service		20,460
Tree Removal at Golf Course		22,000
Increased Police Traffic Details for State Road Projects		135,000
Transfer to Capital Projects Fund		60,000
	<b>\$</b>	<b>545,680</b>

**Capital Projects Fund**

Revenue:

Transfer from General Fund	\$	60,000
	<b>\$</b>	<b>60,000</b>

Expenditures:

Increase to Street Reconstruction Program	\$	60,000
	<b>\$</b>	<b>60,000</b>

Ordinance (Bill No. 13-17) was introduced, and the public hearing was set for November 14, 2017.

**CONSIDERATION OF RESOLUTION NO. R-15-17 TO APPLY  
FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
THROUGH THE SOUTH HILLS AREA COUNCIL OF GOVERNMENTS**

Mr. Silverman said a pre-application was prepared and provided to the South Hills Area Council of Governments for Community Development Block Grant Funds. The pre-application was for 50% funding of handicapped sidewalk construction to take place in 2018 in the amount of \$20,000.

Mt. Lebanon has successfully used this program over the past several years to address the installation of handicapped sidewalk ramps throughout the Municipality.

A requirement for submission of the formal Community Development Block Grant application is that the Commission adopts a standard resolution.

Mr. Silverman moved and Mr. McLean seconded to adopt the standard concurring Resolution No. R-15-17 to make application for Community Development Block Grant funds for handicapped sidewalk reconstruction in the amount of \$20,000 for the year 2018. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-16-17 TO  
APPLY FOR COMMUNITY DEVELOPMENT BLOCK GRANT  
FUNDS THROUGH THE SOUTH HILLS AREA COUNCIL  
OF GOVERNMENTS FOR NORTH MEADOWCROFT  
BASKETBALL AND TENNIS COURT ADA IMPROVEMENTS**

Mr. McLean said a pre-application was prepared and provided to the South Hills Area Council of Governments for Community Development Block Grant Funds. The pre-application was for the funding of an ADA Access Project to take place in 2018 in the amount of \$118,400. Mt. Lebanon had previously bid the project, but did not proceed with its completion in 2007. The project was reviewed again due to the availability of possible grant funding.

Mt. Lebanon has successfully used this program over the past several years to address the installation of handicapped sidewalk ramps throughout the Municipality.

A requirement for submission of the formal Community Development Block Grant application is that the Commission adopts a standard resolution.

Mr. McLean moved and Mr. Silverman seconded to adopt the standard concurring Resolution No. R-16-17 to make application for Community Development Block Grant funds for an ADA Access Project in the amount of \$118,400 for the year 2018. The vote was called. The motion carried unanimously.

**CONSIDERATION OF FINAL APPROVAL FOR THE  
1105 BOWER HILL ROAD PIZZA CARE SITE PLAN**

Mr. Silverman said a request by Pizza Care, LLC for site plan approval to change the usage of the building at 1105 Bower Hill Road, as required by the original approval when the property was developed.

This application proposes to change the usage of the building from a retail bakery to a retail pizza parlor. This application proposes changes to the cooking equipment items in the basement, but does not propose any changes to the layout or square footage of the retail area or seating area on the first floor or to the office space and storage area on the second floor. The property is zoned C-1 Neighborhood Commercial District. Chapter XX of the Mt Lebanon Code, *Zoning*, Section 302.2 identifies “*Restaurants* operating between the hours of 6 a.m. and 11 p.m., including accessory outdoor seating/assembly areas but excluding *Drive-Thru* facilities” as a Use by Right in the C-1 District.

The Planning Board reviewed the application at their meeting on September 26, 2017 and recommended approval of the plan, conditioned on if the owner proposes a change in usage of any floor, the owner must apply for and obtain a revised site plan approval. All engineering comments related to this plan have been addressed.

Mr. Silverman moved and Mr. McLean seconded to grant final site plan approval of the property at 1105 Bower Hill Road for a "Pizza Care" retail business with seating conditioned upon the following usage for each floor of the building:

Basement: cooking equipment, coolers and related equipment (production area)  
First Floor: retail area (234 S.F.), seating area (312 S.F.)  
Second Floor: company offices and storage area

If the owner proposes to change the usage of any floor, the owner must apply for and obtain a revised site plan approval.

The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE  
LIST FOR SEPTEMBER TOTALING \$3,279,706.06**

Mr. McLean moved and Mr. Silverman Move to approve the expenditure list for September totaling \$3,279,706.06. The vote was called. The motion carried unanimously.

**DEPARTMENTAL REPORTS**

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

**ADJOURNMENT**

The meeting adjourned at 8:39 p.m.