

**MINUTES OF THE REGULAR MEETING SEPTEMBER 10, 2019
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting at 8:00 P.M., on Tuesday, September 10, 2019, at the Municipal Building, 710 Washington Road. Commission President Steve McLean called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager McGill called the roll. Present were Commissioners John Bendel, Kelly Fraasch, Craig Grella, Steve Silverman and Steve McLean. Also present were Chief of Police Lauth, Deputy Fire Chief Daniels, Public Works Director Sukal, Business District Manager Milliron, and Public Information Officer Pace-Lilley. Also present were Phil Weis of the solicitor's office and Mike Albright of the engineer's office.

COMMISSION/MANAGER'S ANNOUNCEMENTS

Manager McGill summarized the information that was reviewed during the discussion session, including review of parking in the Beverly Road area, discussion of a communications plan and related community survey, and heard an update on MS4 and reviewed the stormwater fund.

Manager McGill stated that prior to this meeting, the Commission met in executive session to discuss board and authority appointments, as well as receive legal advice from the solicitor on various legal issues. He noted that the next adjourned meeting is scheduled for Tuesday, September 24, 2019, at 8 p.m. in the Commission Chambers of the Municipal Building. The discussion session will also begin at approximately 6:30 p.m. in Room C. He also noted that the regular meeting in October is Monday, October 7, rather than Tuesday, October 8.

Mr. Grella acknowledged Chief Inspector Joe Berkley of the Inspections Department, who will be retiring at the end of the week, stating that on behalf of the Commission and municipality, they wanted to thank Joe for his years of service and wish him well in his retirement.

Mr. Grella stated that Mt. Lebanon Tennis Center will host the 9th Annual Serve2Cure tennis tournament on Saturday, September 14, from 8 a.m. to 4 p.m. For more information and to register, go to Serve2cure.org. He stated that September is Love Your Library month. He also stated that the Mt. Lebanon Blue Devils Marching Band will present the 25th Annual Festival of Bands on Saturday, September 21, at 7 p.m., at the high school stadium.

JUNIOR COMMISSIONER DANIEL MCNULTY COMMENTS

Mr. McNulty introduced himself stating that he's been attending Commission meetings for three years. He stated that he will bring the students' perspective on Commission issues to the forefront during his tenure as Junior Commissioner.

CITIZENS COMMENTS

Bill Hoon of 456 Coolidge Avenue spoke against deer management, stating that there's not a deer problem, but there is an issue with vehicles.

Jim Scheuermann of 121 Longuevue Drive asked that the municipality consider divesting pension monies from companies affiliated with fossil fuels. He also wanted the municipality to participate more in green energy as opposed to coal fired or natural gas energy.

Lori Moran of 600 Grant Street stated that her company owns property in the Washington Road business district of Mt. Lebanon. She stated that her company is against the first-floor ordinance, believing that it won't produce the results intended, stating she'd like to discuss four points out of many tonight. 1. She stated that a business district requires a healthy mix of uses, including office, which is critical to the daytime traffic and servicing the needs of the community. 2. She said that making room for retail will not magically make anything vibrant happen; the market has to drive what uses can be supported in a community. 3. She said the notion that small retailers will remain open in the evenings for business is not accurate, stating that they will close by 6 p.m., leaving the storefront just as dark in the evenings as the offices who are stable and vibrant during the day are. 4. At the very least, she asked that the municipality do research and find support for what you want to attain by passing the ordinance, because they feel strongly that what the municipality is looking for will not occur with this ordinance.

Gerry Cipriani of 650 Washington Road stated that the vibrancy you see in the business district was created by the ownership, yet the ownership was not brought into this process until it had asked to be included. He spoke about Siena at St. Clair, noting that according to the proposed ordinance, Siena would not have the merchants it does, stating that it's leased mostly to office uses. He said that South Hills Village used to have a Sears, and if this ordinance was enacted in that area, the tenant that's going into the Sears location would not be able to. He stated that a lot of people shop online now, and as a result of the proposed ordinance, he believes that less than desired retail would be in the business district.

Ms. Fraasch stated that tomorrow is 18 years since 9/11 occurred, noting that it's important to remember the events of September 11, 2001.

**CONSIDERATION OF THE MINUTES FROM
THE ADJOURNED MEETING HELD AUGUST 27, 2019**

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

**INTRODUCTION OF ORDINANCE (BILL NO. 5-19)
AMENDING THE ZONING ORDINANCE**

Mr. Silverman said the proposed ordinance would amend Chapter XX of the Mt. Lebanon Code, entitled "Zoning," Section 304 to designate Offices and Medical Clinics/Medical Facilities located on the First Story, which have a storefront on Washington Road as a Conditional Use. The Planning Board recommended approval of the Ordinance at its August 28, 2018 meeting.

Ordinance (Bill No. 5-19) was introduced, and the public hearing was set for Monday, October 7, 2019.

**CONSIDERATION OF RESOLUTION NO. R-19-19 AUTHORIZING
THE PROPER MUNICIPAL OFFICIALS TO EXECUTE A FIVE-YEAR
MUNICIPAL WINTER TRAFFIC SERVICE AGREEMENT WITH THE
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PENNDOT)**

Mr. Bendel said for many years, Mt. Lebanon has had an agreement with PennDOT where the municipality provides snow and ice control services on State roads within the Municipality.

The total reimbursement amount during the first year of 2019/2020 winter season will be \$64,320.05. There is also a provision for an additional allocation when there is a “severe winter.” There are 34.65 lane miles of State roads covered under the terms of the agreement.

Mr. Bendel moved and Mr. Silverman seconded to adopt Resolution No. R-19-19 authorizing the proper municipal official to execute the agreement. The vote was called. The motion carried unanimously.

PUBLIC HEARING REGARDING VERIZON CABLE FRANCHISE RENEWAL

Mr. Silverman said this is a public hearing of the Mt. Lebanon Commission regarding cable franchise renewal for Mt. Lebanon Municipality. This public hearing is held pursuant to Section 626 of the federal Cable Act, which sets forth the legal process for franchise renewal. Our current franchises with Verizon will expire soon, and we are undergoing the process of renewing the franchise.

This public hearing is part of the portion of franchise renewal in which we are required to: 1) review the cable operators’ past performance; and 2) identify our future cable-related community needs. It is technically referred to as the “ascertainment process.” As such, we invite comments from any citizens who wish to speak regarding either or both of these subjects.

Franchise renewal is the best opportunity for municipalities to assert their rights with respect to their cable operator and to obtain important benefits in return for granting the cable operators the right to use their public rights-of-way for their wires and equipment. These benefits include, but are not limited to:

1. A Technologically Current Cable System;
2. Legal Protections of the Rights-of-Way;
3. Strong Customer Service Standards;
4. Free Services to Community Facilities;
5. Reporting Requirements from the Cable Operator;
6. Franchise Fees for Use of the Rights-of-Way;
7. Public, Educational and Governmental (PEG) Channel(s);
8. PEG Channel Financial Support;
9. Better Mechanisms to Enforce the Franchise Agreement.

These are just some of the potential benefits available through franchise renewal. Citizens may address these items or any other cable-related items that are important to them.

Mr. McLean declared the public hearing opened.

Mr. Grella asked if anyone believes that Verizon's customer service has gotten better. He spoke about an audit report that was done, which said Verizon was compliant with most items, but not in compliance with some things, as well as there being missing data. He noted that Verizon is regulated by the federal government, and local government doesn't have any control. What recourse does the municipality have?

Mr. Weis said the purpose of the hearing is to fact find. He agreed that regulation of cable has moved away from local government to state and federal.

Mr. Bendel said there are performance standards in the agreement, but there was not the ability to audit and request documentation that would affirm their compliance with those standards that were in the agreement.

Mr. McGill stated that there was one aspect in the auditor's report where Verizon refused to provide information where they are being taken to court as part of a class action suit in Monroeville and others vs. Verizon. There is a remediation hearing scheduled for this on September 19, and should the plaintiffs prevail, that will have an impact in terms of Mt. Lebanon.

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

**CONSIDERATION OF APPOINTMENTS TO THE
HISTORIC PRESERVATION BOARD TO FILL UNEXPIRED TERMS**

Mr. Bendel moved and Mr. Silverman seconded to appoint Anne Swager of Connecting Road to fill an unexpired term ending March 31, 2022, and to appoint Matthew Moses of Pueblo Drive to fill an unexpired term ending March 31, 2021. The vote was called. The motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.