

**MINUTES OF THE ADJOURNED MEETING SEPTEMBER 25, 2017
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon Pennsylvania held an Adjourned Meeting at 8:00 P.M., on Monday, September 25, 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 John Bendel, Kelly Fraasch, Steve McLean, Steve Silverman, and Dave Brumfield. Also present were Assistant Manager McMeans, Police Chief Lauth, Public Works Director Sukal, Recreation Director Donnellan, Finance Director McCreery, and Information Officer Morgans. 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 a review of the Main Entrance area parking restrictions, an overview of the current process for block party permits, review of information currently available for new residents, and reviewed the discrimination ordinance.

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, October 10, 2017, at 8 p.m. The discussion session will also begin at approximately 6:30 p.m., in Room C.

Mr. Silverman congratulated the Mt. Lebanon Partnership for the successful artist market held last week, and also the recreation department on the grand reopening of the ice rink. He stated that the leaf collection program will start early this year on Monday, October 2. He also stated that State Rep. Dan Miller is holding a free senior fair on Wednesday, September 27, at the Salvation Army on McNeilly Road. He also reminded residents that agendas for the meetings are posted to the website on the Friday before the meeting at mtlebanon.org.

JUNIOR COMMISSIONER KATHERINE IZZO COMMENTS

Katherine Izzo stated that the high school students raised \$1,650 in hurricane relief for a high school in Houston, Texas. She stated on Tuesday, September 26, there will be a students' activities day during free periods, adding that Mt. Lebanon offers about 70 different clubs. She also stated on Wednesday, September 27, there will be a community service fair during free periods.

CITIZEN COMMENTS

Joanne Bellia of 321 McCully Street spoke about the parking situation on McCully Street. She stated that this issue was brought in front of the traffic board, and they recommended residential parking signage be placed in this area, but nothing has been posted to date. Mr. Bendel indicated that he would speak with Ms. Bellia after the meeting about this issue.

Bill Hoon of 456 Coolidge Avenue 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 Klaber of 10 Cornell Place spoke in support of the library and its many programs, sharing several positive experiences that she has encountered at the library.

**CONSIDERATION OF THE MINUTES
FROM THE REGULAR MEETING HELD SEPTEMBER 12, 2017**

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

**PUBLIC HEARING ON ORDINANCE (BILL NO. 11-17)
REGULATING DISCRIMINATION IN
EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATION**

Ms. Fraasch stated that Mt. Lebanon Commission desires to establish and adopt an ordinance barring discrimination in Mt. Lebanon in all matters involving employment, housing and use of public accommodations. The ordinance also establishes a Mt. Lebanon Human Relations Commission and provides for remedies for violations.

This ordinance was introduced September 12, 2017.

Mr. Brumfield declared the public hearing opened.

Mr. Brumfield stated that public comments would be heard at this meeting. In addition, the municipality has contacted a few agencies with similar ordinances, including the state and county, and they have provided additional input. He stated that the ordinance would be voted on at the next meeting, after they review the suggestions by these entities. At that time, another public hearing will be held.

Erin Morey of 562 Briarwood Avenue stated that she moved to Mt. Lebanon because of the great environment and services it offers. She spoke in support of this ordinance.

Max Busch of 562 Briarwood Avenue spoke in support of this ordinance, stating it was important for people to feel safe and not discriminated against.

Andrew Flynn of 1074 Lindendale Drive spoke in support of this ordinance, stating that Mt. Lebanon is a caring community that engages its residents.

Richard Wolling of 72 Mt. Lebanon Boulevard applauded the Commission for its in support of tolerance and inclusiveness; however, he stated in other communities, ordinances of this nature sometimes generate unintended consequences. He cited several incidents, including faith-based situations. He stated that this ordinance was a solution in search of a problem. He asked that the Commission consider an alternate approach, stating that this ordinance was one-sided.

Greg Teufel of 437 Neulon Avenue stated that he is an attorney who deals with discrimination in employment and other issues. He asked that the municipality inquire as to how many of these claims brought about does the plaintiff win, adding that it's only 15% at the federal level. He stated that 85% of these claims are a burden to the business or person that they are brought against, incurring attorney fees and other costs. He also spoke about bad-faith claims. He stated that laws

should not be passed simply to pat ourselves on the back because we are against discrimination. He stated that he is against discrimination, but he is also against imposing yet another layer of regulations on businesses that they have to comply with. He stated that this ordinance is redundant with federal, state and county laws.

Dorene Ciletti of 138 James Place spoke in support of the ordinance.

Barbara Neeld of 53 Academy Avenue gave possible scenarios where businesses or people's convictions could be challenged.

Lindsay Cashman of 820 Ella Street stated that Mt. Lebanon is a welcoming community. She stated that young people want to live in diverse and welcoming communities. She offered her services, stating she is heavily involved in the LGBTQ community.

Sara Irwin of 240 Woodhaven Drive stated that she recently moved to Mt. Lebanon from another state where there is an established human relations commission. She spoke in support of the ordinance.

Mose McNeese of 833 Chalmers Place stated that Mt. Lebanon is a great community. He believed discrimination should be fought at every level, and he supported the ordinance.

Emily D'Amico of 494 Broadmoor Avenue stated that she is a high school student, and they passed laws last summer to protect gay people at school.

Reverend Noah Evans of 240 Woodhaven Drive, director at St. Paul's Episcopal Church, spoke in support of the ordinance.

Mr. Brumfield stated that State Rep. Dan Miller sent a letter, which he read into the minutes:

Knowing that the text of the ordinance will be amended and that its language is entirely in the purview of Mt. Lebanon's elected body, I won't comment on its design or adoption specifically.

However, I do want to express my thanks and appreciation to the Commission for their efforts to make Mt. Lebanon as inclusive and accepting as possible. To be certain, no singular rally or ordinance will eliminate all acts of bigotry. The march toward a more perfect union has been on a long and uneven road. Mt. Lebanon is home to people of every race and every religion, people of every sexual orientation, identification, and expression, people of all ages and of all abilities. And when those few acts of bigotry and discrimination do occur, I believe they must be condemned for what they are: acts that do not reflect the welcoming character of our community.

I again thank the Commission for such efforts and I will close with a quote from Robert Kennedy:

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

At this point, each commissioner gave their opinion of this ordinance, all stating they would vote in favor of it.

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

**PUBLIC HEARING ON A CONDITIONAL USE REQUEST BY ROOTS
CHIROPRACTIC TO PROVIDE A MEDICAL CLINIC/MEDICAL FACILITY
FOR THE PROPERTY LOCATED AT 302 CASTLE SHANNON BOULEVARD**

Mr. Silverman stated that Roots Chiropractic is requesting conditional use approval for a property located at 302 Castle Shannon Boulevard. The property is zoned C-1 Neighborhood Commercial District. Chapter XX of the Mt Lebanon Code, *Zoning*, Section 302.3.5 identifies “Medical Clinics or *Medical Facilities* operating between the hours of 6:00 am and 11:00 pm.” As a conditional use in the C-1 District.

The Planning Board recommended approval of the conditional use request on August 22, 2017.

Mr. Brumfield declared the public hearing opened.

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

**INTRODUCTION OF ORDINANCE (BILL NO. 12-17)
AMENDING THE SOLID WASTE ORDINANCE**

Mr. Bendel 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.

Ordinance (Bill No. 12-17) was introduced, and the public hearing for October 23, 2017.

**CONSIDERATION OF A CONDITIONAL USE REQUEST BY ROOTS
CHIROPRACTIC TO PROVIDE A MEDICAL CLINIC/MEDICAL FACILITY
FOR THE PROPERTY LOCATED AT 302 CASTLE SHANNON BOULEVARD**

Mr. McLean said Roots Chiropractic is requesting conditional use approval for a property located at 302 Castle Shannon Boulevard. The property is zoned C-1 Neighborhood Commercial District. Chapter XX of the Mt Lebanon Code, *Zoning*, Section 302.3.5 identifies “Medical Clinics or *Medical Facilities* operating between the hours of 6:00 a.m. and 11:00 p.m.” As a conditional use in the C-1 District.

The Planning Board recommended approval of the conditional use request on August 22, 2017.

Mr. McLean moved and Mr. Bendel seconded to approve the conditional use request. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE ADJUSTMENT TO FINANCIAL
SECURITY POSTED FOR THE MT. LEBANON HIGH SCHOOL PROJECT**

Ms. Fraasch stated the Mt. Lebanon School District has requested to reduce the financial security posted for improvements installed for the development of the Mt. Lebanon High School Project by letter dated August 25, 2017. The request includes site work completed and indicated on Pay Application No. 14 dated July 31, 2017. Gateway personnel conducted a site inspection on August 23 and 24, 2017 to review the site progress and verify the request. The Engineer is recommending approval of the reduction of financial security posted from \$365,000 to \$100,000.

Ms. Fraasch moved and Mr. Silverman seconded to decrease the financial security posted for improvements for the Mt. Lebanon High School Project from \$365,000 to \$100,000. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE ADJUSTMENT TO FINANCIAL SECURITY
POSTED FOR UNITARIAN UNIVERSALIST CHURCH OF SOUTH HILLS PROJECT**

Mr. Silverman stated the Unitarian Universalist Church of South Hills has requested to reduce the financial security posted for improvements installed for the development of Unitarian Universalist Church of South Hills Project by letter dated August 28, 2017. The request is for a full release of funds for the project completion. An inspection was conducted on September 20, 2017, and all items were found completed. The request has been reviewed and verified by the Municipal Engineer, and he is recommending approval of the full reduction of financial security posted in the amount of \$45,985.50.

Mr. Silverman moved and Ms. Fraasch seconded to release the full financial security posted for improvements for the Unitarian Universalist Church of South Hills Project in the amount of \$45,985.50. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE
LIST FOR AUGUST TOTALING \$6,204,870.17**

Mr. Bendel moved and Mr. McLean seconded to approve the expenditure list for August totaling \$6,204,870.17. The vote was called. The motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.