

MINUTES OF THE ADJOURNED MEETING SEPTEMBER 22, 2020 OF THE MT. LEBANON COMMISSION

The Commission of Mt. Lebanon, Pennsylvania, held an Adjourned Meeting at 8:00 P.M., on Tuesday, September 22, 2020. Commission President Craig Grella 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, Mindy Ranney, Steve Silverman, and Craig Grella. Also present were Assistant Manager/Planner McMeans, Police Chief Lauth, Finance Director McCreery, Public Works Director Sukal, I.T. Manager Schalles, and Public Information Officer Lilley. Also present were Phil Weis of the solicitor's office (remotely) 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 discussion on overnight parking, an update on the library roof replacement project, review of the Youngwood sanitary sewer, and heard Commission liaison activities with various boards and authorities.

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. After tonight's meeting, we will go back into executive session to further discuss the manager's 2020 performance evaluation. He stated that the next regular meeting is scheduled to be held on Tuesday, October 13, 2020, at 8 p.m., in Commission Chambers with the discussion session meeting starting at approximately 6:30 p.m., to be held in Room C, and the executive session starting at approximately 6 p.m. He noted that Mt. Lebanon is taking precautionary measures to stay safe, and any resident attending must wear a mask, as well as social distance, where chairs are already appropriately spaced. Room C will also be available in the event of an overflow.

Ms. Ranney said the Mt. Lebanon Commission is looking for individuals to serve on an ad hoc committee of the volunteer community relations board, in the hopes of taking positive steps forward on diversity, equity and inclusion issues in Mt. Lebanon. Four working groups include: Community Awareness/Community Building Working Group; Diversity in Boards and Hiring Working Group; Police Engagement Working Group and Mt. Lebanon DEI Recognition, Event Planning and Incident Response Working Group. For more information on the specific tasks and to apply, go to mtlebanon.org/deicommittee. If you need assistance to apply, call 412-343-3400, weekdays from 8:30 a.m. to 5 p.m. for help.

The Mt. Lebanon Public Library is expanding its service starting Monday, September 28, including the ability to browse by appointment. The Book Cellar will not be open, but the Friends of the Library will host outdoor popup sales, including a grab bag sale on Saturday, September 26, from 1:30 to 4 p.m. outside the Castle Shannon Boulevard library entrance.

You have a little more than a week to get in on "Love Your Library Month." Donations to the library in September are being matched by Pittsburgh's Jack Buncher Foundation. For hours, specific service information and donations, please go to: mtlebanonlibrary.org.

Trick or Treat is not a municipally-sponsored event so it is up to you and your family to make the best decision for you. If you are participating, Mt. Lebanon's tradition is for Trick or Treat to

be Halloween night, Saturday, October 31, from 6 to 8 p.m. Please follow all CDC guidelines for masking and please stay at least six feet apart. Try to limit your group size and consider placing your Halloween treats outside in a bowl on your porch or at the end of your driveway to keep proper social distance. Wear a mask if you choose to hand out treats at the door. Sanitize or wash your hands and stay home if you're not feeling well.

Unfortunately, Mt. Lebanon has cancelled The Pumpkin Patch Parade. There's just no way to do it safely and in compliance with state guidelines for group sizes.

JUNIOR COMMISSIONER JACK HORRIGAN COMMENTS

Junior Commissioner Jack Horrigan stated that students will be going back to school on October 5 on a hybrid schedule. The school announced on September 14, its own task force for diversity, equity, and inclusion. He noted there were other student clubs for inclusion that were starting up, as well as an environmental club. He stated that he was an intern before being appointed as junior commissioner, and he thought it would be a good idea to have coordination between his position and the junior commissioners, believing it would help to facilitate youth participation.

CITIZENS COMMENTS

Bill Hoon of 456 Coolidge Avenue spoke about COVID, suggesting that more should be done to combat the virus. He also spoke about deer management, stating that gardeners were the reason for the program.

Kristin Meier of 492 Haverhill Road, chairperson of the EOB, stated she and Corey Viperman have decided to stay on the EOB. Mary Beth Waine and Jo Posti have decided to resign from the EOB.

Anne Fox of 55 Youngwood Road discussed the Gateway Engineers report on the sewer situation on Youngwood Road. She stated that sewers from two homes at 43 and 49 Mayfair Avenue run under her house, and she requested they be removed since Mayfair is a public street and should connect to a public sewer; Youngwood is a private road. She stated that they do not have a problem with paying their fair share, but they do not feel they should be assessed to cover the majority of the distance to go up Youngwood and across to 43 and 49 Mayfair. She asked that the municipality give careful consideration.

Eric Nabors of 61 Youngwood Road agreed with everything Anne Fox stated. He said that none of them was made aware of the facts about the private sewer and the lack of connection to a public sewer when they purchased their homes. He doesn't feel they should be responsible for correcting a situation that they were never aware of even existed.

Brian Campbell of 60 Youngwood Road stated that to claim this issue as a private street matter is not accurate since it involves two homes from Mayfair that have public sewers.

Brieta Dougherty-Brill of 340 Kenmont Avenue thanked the commission for their service. She spoke about overnight parking, stating she has a steep, short driveway with a garage that cannot accommodate a modern-day vehicle. She said that since her husband moved in with her six

years ago, she has called for overnight parking every night, which is over 2,200 times. She said she is not abusing the overnight parking system; she has a genuine need. After listening to the discussion session, she is happy to know that residents in predicaments like hers will be able to purchase a permit to park on the street. She stated that she moved to Mt. Lebanon because of the diversity in housing structures, but residents with shorter driveways should not be penalized or inconvenienced because of their hardship. She stated that the proposed \$300 annual permit fee for overnight parking is expensive, considering that Dormont's is only \$10 annually.

**CONSIDERATION OF THE MINUTES FROM THE
THE REGULAR MEETING HELD SEPTEMBER 8, 2020**

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

**PUBLIC HEARING ON ORDINANCE (BILL NO. 6-20)
REGULATING UNCONTROLLED WATER DISCHARGES**

Mr. Flynn said the proposed Ordinance addresses the adverse consequences of uncontrolled stormwater discharges onto a public street, sidewalk or public right-of-way. The ordinance regulates discharges from new and existing pipes and drains. The ordinance contains restrictions relating to location, setbacks, design and installation standards. The ordinance requires a permit for the installation of new facilities.

This ordinance was introduced on September 8, 2020.

Mr. Grella declared the public hearing opened.

Dan Deiseroth gave a brief overview on this issue, indicating the first goal of this ordinance is to minimize the adverse effects of uncontrolled sump pump and drain discharges on properties. There are approximately 100 areas of concern where water ices up during the winter months, and public works has to continually treat these areas. The second goal is to safely carry water from the pumps, drains and springs to the appropriate drainage outlet. The third goal is to address the increase in installation of sump pumps and drains due to large rainfall events. He stated that the ordinance would prohibit the water from draining onto the streets. The idea is to keep the drain pipes at least 10 feet from the municipal right-of-way or other properties. If that can't occur, then the ordinance would require property owners to connect them into the stormwater system. In areas where the water isn't a problem, the water would be permitted to continue draining onto the street.

Mr. McGill stated that every year the municipality goes through an annual street maintenance and reconstruction program. For streets that will be reconstructed, we will start looking to see if there is proper drainage for water, and if not, we will extend the storm drains up to give residents a place to tie into for the water discharge. He said the municipality will work with homeowners where there is an issue. He added that these areas become an issue during the winter months. Public works treats these areas, but it is short-lived because as soon as it melts, it refreezes. Because there were no further comments, Mr. Grella declared the public hearing closed.

PUBLIC HEARING FOR RESOLUTION NO. R-15-20 FOR THE

TRANSFER OF A LIQUOR LICENSE TO ORBIS CAPULUS, LLC

Mr. Silverman 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.

Orbis Capulus, LLC, has a lease for property located at 673-675 Washington Road, Pittsburgh, PA 15228, and is seeking to transfer a liquor license to a restaurant they plan on opening at this location. Orbis Capulus, LLC, has requested a hearing before the Commission for approval of the transfer of a liquor license to this location.

Mr. Grella declared the public hearing opened.

Orbis Caffè attorney Gregory Szaller of Flaherty & O'Hara Law requested that Mt. Lebanon approve the transfer of a liquor license from outside of the community to Orbis Caffè. He stated that the municipality would be required to adopt a resolution approving the transfer of the liquor license. He stated that Orbis is owned by Grant and Sonya Schutte and has been part of the community since November 2011. Orbis is located at 673-675 Washington Road, and has been and will continue to be both a responsible and active community member. The restaurant itself consists of approximately 50 seats in addition to the 12 seats on the back patio and eight sidewalk seats that are available seasonally. The main dining and kitchen area are located on the first floor, and it is approximately 1,560 sq. ft. The outdoor area is about 150 sq. ft., and the basement storage area is accessible only to employees, and it's 500 sq. ft. There will be no change in size to the current restaurant. The renovation will mostly be cosmetic and will include a rearrangement of the interior dining area.

Orbis is a coffee shop that offers food and other drinks. There is also Sunday brunch which offers an array of different foods. Orbis has also sponsored several themed events, and once the liquor license has been approved, will expand on these events inclusive of cocktails, wine and beer.

Orbis currently employs two full-time employees and six part-time employees, and expects to add one to two full-time employees and two to four part-time employees with the approval of this liquor license. The expanded hours will be Monday through Thursday from 7 a.m. to 10 p.m., Friday through Saturday, from 7 a.m. to 11 p.m., and on Sunday from 8 a.m. to 5 p.m. He stated that an alcohol management course will be in place that all employees will be required to take. There will also be a security system in place, and employees will monitor people. There will not be any video games, jukeboxes, pool tables or televisions. They may on occasion bring in someone playing a guitar or a special theme night along those lines. They will be obtaining an amusement permit along with the liquor license. The premises will be nonsmoking.

Owner Grant Schutte stated that he didn't have any comments, and that he hoped the commission would approve the liquor license transfer.

Assistant Municipal Manager/Planner Ian McMeans stated that he sent notification of the request to the police, fire, and inspections departments as well as the school district and received no

negative responses. Police and fire responded that there were no issues with the site, and they were fine with the request.

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

**CONSIDERATION OF A RESOLUTION NO. R-17-20
ACCEPTING A POLICE TRAFFIC SERVICE GRANT**

Ms. Foster said the Pennsylvania Department of Transportation is providing grant funds totaling \$140,000 that includes DUI Enforcement, Aggressive Driving, Occupant Safety Enforcement and Pedestrian Safety for 2021 and 2022 calendar year.

Ms. Foster moved and Mr. Silverman seconded to adopt Resolution No. R-17-20 authorizing acceptance of the grant funds. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE ADJUSTMENT TO FINANCIAL
SECURITY POSTED FOR THE RETAIL BUILDING AT 1701 COCHRAN ROAD**

Ms. Ranney said Cozza Enterprises has requested to reduce the financial security posted for private improvements installed at the Retail Building at 1701 Cochran Road Development project in a letter dated August 31, 2020.

The request includes a reduction in the amount of the security posted for work that has been completed to date. The request has been reviewed and verified by the Municipal Engineer, and he is recommending approval of the reduction of financial security posted from \$648,650 to \$126,000 for a reduction of \$522,650.

Ms. Ranney moved and Mr. Flynn seconded to decrease the financial security posted for improvements for the Retail Building at 1701 Cochran Road Development project from \$648,650 to \$126,000 for a reduction of \$522,650. The vote was called. The motion carried unanimously.

CONSIDERATION OF COMMENCEMENT OF PENSION BENEFITS

Mr. Flynn said Mt. Lebanon sponsors three defined pension benefit plans for its employees: General Employees, Police and Firefighters. The Commonwealth of Pennsylvania's Department of the Auditor General requires that all benefit commencements for the Police Pension Plan be approved by the Commission. It also recommends that all benefit commencements regardless of plan type be approved by the Commission.

The employee detailed below has requested benefit commencement commensurate with the terms of his respective pension plans.

Employee Name Title	Pension Plan Department	Benefit Start Date
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Mark Pesanka Mechanic	General Employees Public Works	10/1/20
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Mr. Flynn moved and Ms. Ranney moved to approve benefit commencement for Mark Pesanka. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE
LIST FOR AUGUST TOTALING \$7,876,298.08**

Mr. Silverman moved and Ms. Ranney seconded to approve the expenditure list for August totaling \$7,876,298.08. The vote was called. The motion carried unanimously.

DEPARTMENTAL REPORTS

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

ADJOURNMENT

The meeting was adjourned at 9 p.m.