

MONDAY, MARCH 25, 2024

The regular monthly meeting of the Council of the City of Lebanon, Pa., was held in Dixon Council Chamber of City Hall, Lebanon, Pa., this evening, Chairperson Morales presiding.

The meeting was called to order at 6:30 p.m.

Present--Mrs. Haitos, Mr. Maguire, Mr. Martin, Mr. Potash, and Mr. Morales, Chairperson. Absent--none.

Also present were Mayor Sherry L. Capello; Jeffrey Campbell, Deputy Fire Chief; Chief of Police Bret Fisher; City Solicitor Morgan Madden; Janelle Mendoff, Community and Economic Development Administrator; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; Chad Yeagley, Director of Public Works; six persons in the audience; and three members of the news media.

The minutes of the February 26, 2024, City Council meeting were presented by the City Clerk. There being no corrections, deletions or additions, the minutes were approved as presented.

Mayor Capello reported that the budget report for the period January 1-February 29, 2024. Mayor Capello reported that 17 percent of the fiscal year is completed; revenues are at 15 percent; and expenditures are at 10 percent. She noted that the City started receiving real estate tax revenue and she anticipates revenues will catch up in the near future. She reported that expenditures are performing better than budget.

Chairperson Morales announced that Council received a communication from Mayor Sherry Capello, informing Council of the appointment of Wayne Tarvin, 1125 Nowlen Street, Lebanon, to the Zoning Hearing Board to fill the unexpired term of Michael Barrett, effective March 6. Said term expires July 15, 2024. Mayor Capello reported that Mr. Tarvin is a registered architect and project architect for SAA Architects in York. Mr. Tarvin was initially appointed in November as an alternate member of the Zoning Hearing Board; however, due to the unexpected passing of Mr. Barrett, he will serve the unexpired term of Mr. Barrett. Pursuant to the *Pa. Municipalities Planning Code*, the governing body is required to make appointments to the Zoning Hearing Board by resolution. The *City of Lebanon Home Rule Charter* requires the Mayor to make appointments to Boards and, thus, the need for the both the communication and resolution.

Mr. Morales introduced Resolution No. 3, as follows:

A RESOLUTION CONFIRMING THE APPOINTMENT OF MORGAN MADDEN, ESQUIRE, AS CITY SOLICITOR, EFFECTIVE MARCH 1, 2024.

Be It Resolved by the Council of the City of Lebanon, Pa., and it is hereby resolved by the authority of the same, That:

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SECTION 1. The Mayor's appointment of Morgan Madden, Esquire, of the law firm of Eckert Seamans Cherin and Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, Pennsylvania, effective March 1, 2024, at an annual salary of Thirty-Six Thousand Dollars (\$36,000.00) is hereby confirmed.

Resolution No. 3 was passed finally on motion of Mr. Morales, seconded by Mr. Maguire. Yeas--Mrs. Haitos, Mr. Maguire, Mr. Martin, Mr. Potash, and Mr. Morales, Chairperson--5; nays--none.

Mr. Maguire introduced Resolution No. 4, as follows:

A RESOLUTION APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-11714 INTO THE CITY OF LEBANON, LEBANON COUNTY, PENNSYLVANIA, FROM UNION TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, FOR USE AT THE PREMISES LOCATED AT 629 CUMBERLAND STREET, LEBANON.

WHEREAS, Act 141 of 2000 (the "Act") authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in the City of Lebanon sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the inter-municipal transfer of the liquor license prior to an applicant's submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to the adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make public comments and recommendations regarding applicant's intent to transfer a liquor license into a receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW THEREFORE, Be It Resolved by the Council of the City of Lebanon, Pennsylvania, and it is hereby resolved by the authority of the same, That:

SECTION 1. ROB FAM, INC. has requested the approval of the Lebanon City Council for the proposed transfer of Pennsylvania Restaurant Liquor License No. R-11714 to a site within the City of Lebanon located at 629 Cumberland Street, Lebanon, Pennsylvania, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board.

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SECTION 2. Lebanon City Council has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer.

SECTION 3. Lebanon City Council approves, by adoption of this resolution, the proposed inter-municipal transfer of Restaurant Liquor License No. R-11714 into the City of Lebanon by ROB FAM, INC.

SECTION 4. Transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

On motion of Mr. Maguire, seconded by Mr. Morales, Resolution No. 4 was tabled. Yeas--Mrs. Haitos, Mr. Maguire, Mr. Martin, Mr. Potash, and Mr. Morales, Chairperson--5; nays--none.

Mr. Martin introduced Resolution No. 5, as follows:

A RESOLUTION CONFIRMING THE APPOINTMENT OF WAYNE TARVIN TO THE CITY OF LEBANON ZONING HEARING BOARD TO FILL THE UNEXPIRED TERM OF MICHAEL BARRETT, EFFECTIVE MARCH 6, 2024.

Be It Resolved by the Council of the City of Lebanon, Pa., and it is hereby resolved by the authority of the same, That:

SECTION 1. The Mayor's appointment of Wayne Tarvin, 1125 Nowlen Street, Lebanon, to the City of Lebanon Zoning Hearing Board to fill the unexpired term of Michael Barrett, effective March 6, 2024, is hereby confirmed. Said term expires July 15, 2024.

Mayor Capello expressed her appreciation for Mr. Barrett's service on the Board and extended condolences to the friends and family of Mr. Barrett.

Resolution No. 5 was passed finally on motion of Mr. Martin, seconded by Mr. Potash. Yeas--Mrs. Haitos, Mr. Maguire, Mr. Martin, Mr. Potash, and Mr. Morales, Chairperson--5; nays--none.

Mr. Maguire introduced Resolution No. 6, as follows:

A RESOLUTION AUTHORIZING THE PROPER OFFICIALS OF THE CITY OF LEBANON TO FILE AN APPLICATION WITH THE COMMONWEALTH FINANCING AUTHORITY FOR A BUSINESS IN OUR SITES GRANT AND LOAN FOR LEAD AND ASBESTOS REMEDIATION AND REHABILITATION FOR PROPERTY AT 121 SCHNEIDER DRIVE, LEBANON.

Be It Resolved by the Council of the City of Lebanon, Pa., and it is hereby resolved by the authority of the same, That:

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SECTION 1. The City of Lebanon (“Applicant”), Lebanon County, Pennsylvania, hereby requests a Business in Our Sites grant in the amount of \$671,563.00 and loan in the amount of \$1,736,685 from the Commonwealth Financing Authority through the Department of Economic Development of the Commonwealth of Pennsylvania to be used for lead and asbestos remediation and rehabilitation for property at 121 Schneider Drive, Lebanon.

SECTION 2. The Applicant hereby designates Mayor Sherry L. Capello as the official to execute all documents and agreements between City of Lebanon and the Commonwealth Financing Authority through the Pennsylvania Department of Community and Economic Development to facilitate and assist in obtaining the requested grant and loan.

Mayor Capello explained that this is a combination loan/grant through the Pa. Department of Community and Economic Development and administered by the Commonwealth Finance Agency. The Business in Our Sites program is for acquisition and development of key sites for future use by businesses, developers and others. It provides financial assistance to prepare sites for future use or further develop underdeveloped properties. She reported that the developer proposes to develop this site for makers and doers within the city limits. He believes there is an unmet need for affordable creative space while also providing a valuable cultural amenity to the surrounding community. The developer has leases in hand for Weaver House a Philadelphia-based weaving studio; Mudslingers, a pottery studio in Denver; and Martin Made, a local woodworking shop. The grant portion of the application will be used for asbestos and lead remediation; and the loan portion of the application will be used for rehabilitation/renovation of the building. The developer proposes to have the makers area, co-working space, and outdoor event space. Mayor Capello added that this is a very exciting project as many of the buildings have been let go and need work soon or they will be lost. Other cities in Pennsylvania have re-purposed buildings.

Councilman Maguire asked if it is correct that the program is available to municipalities so the City of Lebanon is the “Applicant” and the property owner would be signing on the loan and grant. Mayor Capello replied that is correct; however, there will be a Subrecipient Agreement between the City of Lebanon and the developer. She explained that the developer is responsible for paying back the loan to the Commonwealth Finance Agency; however, the City of Lebanon is required to be the “Applicant” for the application. There would be an agreement in place that the grant will be used for asbestos remediation. She added that the loan must be secured by a first mortgage lien on the project site and will be monitored by the Commonwealth Financing Authority.

Sabhorak Horn, 39 Berwyn Park, Lebanon, asked if there will be any provisions in the agreement that makers in the community get space at no charge. He stated that he feels it would be behooving to include an area that allows the community access to enable them to develop their thoughts and ideas. Mayor Capello replied 30,000 square feet is under roof; 8,350 square feet is dedicated for artists, makers, and industrial space; 6,185 square feet is for creative studio or executive offices; 4,200 square feet is for shared studio or co-working space; 6,000 square feet is for outdoor events; and 5,265 square feet is for circulation/common area space.

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Community and Economic Development Administrator Janelle Mendoff stated that she worked with Mr. Reinhardt on the project. She explained that they reviewed different loan opportunities; however, because this program has a grant aspect, it allows Mr. Reinhardt to offer a lower rental rate. The space would not be available for free use to anyone in the public. It will provide a short-term lease opportunity for persons and/or small businesses.

Mr. Horn asked if the model being used is similar to those being used in Lancaster and York. They provide opportunities to their residents to be able to have access to the facility. Having a makers space doesn't just entail having an empty building but having the resources for people who are there being able to access it. Starting a business in the city is very daunting with minimal resources. Even though lease rates are reduced, he is not sure the average citizen will be able to afford the cost to lease space. In order to invigorate the younger generation that are finishing schoolwork you really need to give them opportunity to explore. Lebanon has faced a drain of skill sets. Students graduate with higher education and leave the area. He added that a true makers space would be strategic long-term positioning for the city. He suggested that part of the grant application should not be solely for remediation, but supply resources necessary to develop an area where we can address the city. He added that we are not focusing on preparing for the new progression of technology and this would be a great opportunity to delve into the application to develop the project fully. Mayor Capello explained that this is a private developer and she is not sure the grant funds can be used for anything other than lead and asbestos remediation. Regarding the loan portion, the Commonwealth Financing Agency will be reviewing the application to make sure the developer has enough revenue to repay the loan. We would need to discuss the possibility of providing free space to makers with the developer.

Councilmember Haitos asked the difference between artisan, industrial, and shared studio co-working space. Ms. Mendoff explained that the shared studio for vendors is Phase 2 of the project. At the present time, the focus of the project is getting the building ready. Mrs. Haitos asked if the developer is open to input from the community regarding the use of the space. She said her experience has been that makers space has more advanced equipment than at-home or small businesses can afford. Typically, there is a monthly fee to use a makers space.

Mayor Capello stated that she has been working with the County of Lebanon and the Lebanon Valley Chamber of Commerce on workplace development.

Councilmember Martin stated that the pamphlet distributed by Mr. Reinhardt at Thursday's Pre-Council meeting addresses many of the questions asked at tonight's meeting. Councilmember Martin asked if the grant conditions hold the developer to these ideas. Mayor Capello responded that this is the first time the City is applying for this type of grant/loan and she is not sure how strict the State will be when monitoring the project. Mayor Capello stated that she believes this is a great plan and would be a great addition to the City.

Troy Williams, WiLbuR Radio, asked if the application still needs approval by the State to which Mayor Capello replied that is correct. She further explained that it is a competitive grant. Director of Community and Economic Development Janelle Mendoff added that we do not have a timeline for the award announcement and it could be quite some time until there is an announcement by the Commonwealth Finance Agency.

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Resolution No. 6 was passed finally on motion of Mr. Maguire, seconded by Mr. Morales. Yeas--Mrs. Haitos, Mr. Maguire, Mr. Martin, Mr. Potash, and Mr. Morales, Chairperson--5; nays--none.

Mrs. Haitos called up Bill No. 1 on final reading, the title of which is as follows: “AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP OF THE CITY OF LEBANON, PA., TO ESTABLISH A ‘NO PARKING ZONE’ ALONG THE WEST SIDE OF NORTH NINTH STREET FROM THE SOUTH SIDE OF WATER STREET TO A POINT FIFTY-FIVE FEET TO THE SOUTH”.

Mayor Capello reported that both Bills No. 1 and 2 are part of the project at the site of the former Northwest Elementary School, Ninth and Maple Street, Lebanon. The project proposes indoor self-storage units and a medical office building. There are 73 parking spaces, the medical offices are 15,000 square feet, and the former school is almost 37,000 square feet of a self-storage facility with two full-movement driveways with access from Maple Street and Water Street. A traffic impact study in comparison to the school indicates that there will be less daily traffic than was previously generated by the former elementary school. In accordance with a Developers Agreement between the City of Lebanon and the developer, the developer will be responsible for the cost of changing the PennDot permit for the traffic signal at Ninth and Maple Streets and the removal of the all signage and flashing signals associated with the former school, in addition to the installation of new signage for the proposed changes.

Bill No. 1 was passed finally on motion of Mrs. Haitos, seconded by Mr. Maguire. Yeas--Mrs. Haitos, Mr. Maguire, Mr. Martin, Mr. Potash, and Mr. Morales, Chairperson--5; nays--none.

Mr. Potash called up Bill No. 2 on final reading, the title of which is as follows: “AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP OF THE CITY OF LEBANON, PA., TO ESTABLISH WATER STREET, BETWEEN NINTH AND TENTH STREETS, AS A ONE-WAY EASTBOUND STREET; AND REPEALING BILL NO. 34, SESSIONS 2008-2009”.

Bill No. 2 was passed finally on motion of Mr. Potash, seconded by Mr. Morales. Yeas--Mrs. Haitos, Mr. Maguire, Mr. Martin, Mr. Potash, and Mr. Morales, Chairperson--5; nays--none.

Councilmember Martin announced that Pennsylvania trout fishing season is opening on March 30 for the Youth Mentoring Program; and the season opens to everyone on April 6. He reminded folks that Stoever’s Dam is stocked twice each year with rainbow and golden trout. Additionally, camping is available at Stoever’s Dam Park for a minimal fee.

Councilmember Martin also extended congratulations to the students at Lebanon High School for their successful performance of Anastasia.

Councilmember Martin announced that the State of the City will be held on March 27, 2024, at the Hebron Banquet Hall and is sponsored by the Community of Lebanon Association.

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Mayor Capello announced that this is a fundraiser for the CLA, and the presentation will not be available online.

Richard Evans, 330 East Beech Street, Lebanon, asked if the parking lines for the meters will be replaced. He stated that following the paving of South Seventh Street between Walnut Street and Cumberland Street last year, the markings were not replaced.

He also asked about the street lighting in the City of Lebanon as there are many lights not working. Mayor Capello replied that homeowners can report directly to Met-Ed or contact the Department of Public Works and the staff will submit a request. She added that eventually all lights will be replaced with LED bulbs.

Mr. Evans complained that the street sweeper operators are driving too fast and not picking up the stones in the street. Specifically, the area of concern is Lincoln Avenue and East Lehman Street. He stated the trash is being picked up but the sweeper is not picking up the stones. Mayor Capello stated that the City purchased new sweepers and we will address this issue with the operators.

The meeting was adjourned at 7:20 p.m.

CHERYL J. GIBSON, Clerk