

MONDAY, DECEMBER 18, 2023

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 6:32 p.m.

Present--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson.
Absent--none.

Also present were Mayor Sherry L. Capello; Chief of Police Bret Fisher; Janelle Mendoff, Community Development Administrator; Director of Public Works Chad Yeagley; five persons in the audience; and two members of the news media.

The minutes of the November 27, 2023, City Council meeting were presented by the City Clerk. There being no corrections, deletions or additions, the minutes were approved as presented.

Chairperson Morales announced that Council received a budget report for the period January 1 through November 30, 2023. Mayor Capello reported that 92 percent of the fiscal year is completed; revenues are at 114 percent; and expenditures are at 79 percent. Overall, performance is better than budgeted in both categories.

On behalf of the Pennsylvania Municipal League, Mayor Capello presented a scholarship award to Eve Fenstermaker. Eve was the third-place winner in a Scholarship Essay Contest sponsored by the PML earlier this year. Mayor Capello explained that the scholarship is a one time payment made to an institute of higher education towards the cost of tuition, books, lab fees and other academic costs, and room and board. The theme of the contest was "Civics and You" and Mayor Capello read Eve's essay in its entirety. On behalf of the Mayor and Council, Mayor Capello extended sincere congratulations to Eve on her accomplishment and wished her well in future endeavors.

Chairperson Morales announced that Council received the following communications:

- a. Mayor Sherry L. Capello, informing Council of the reappointment of Charles Wertz and Jane Yocum to the City of Lebanon Shade Tree Commission for a five-year term, effective November 30, 2023. Mayor Capello reported that the Shade Tree Commission develops policy, oversees planting and maintenance of street trees, and is comprised of 3-5 representatives residing in the city. She reported that Mr. Wertz and Mrs. Yocum have served 7 years and 25 years, respectively. She told Council the City is fortunate for their service of both members.
- b. Mayor Sherry L. Capello, informing Council of the appointment of Melissa Quinones as a Delegate and the reappointment of Helen Westphal as an alternate delegate to the Lebanon County Tax Collection Committee for a one-year term, effective January 1, 2024. Mayor Capello explained that the Committee was organized to simplify

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reporting, administration and collection of earned income tax. The Committee is comprised of a representative from each school district and one representative from the municipalities within each school district. West Lebanon Township and the City of Lebanon share a representative; however, West Lebanon Township has always deferred to the City of Lebanon to find delegates to serve on the Tax Collection Committee. She further reported that Mrs. Westphal has been part of the earned income tax meetings since the start of the EIT debacle. Former Director of Public Works Robin Getz was part of the earned income tax process previous to her employment with the City of Lebanon and she served on the Committee as the delegate for the City of Lebanon and West Lebanon Township prior to retiring in November 2023.

Councilmember Martin asked for a summary of the responsibilities of the Tax Collection Committee. Mayor Capello responded that the Committee makes sure the audit is filed, it selects the tax collector for earned income tax, and has oversight of collection of earned income tax.

Mr. Martin introduced Resolution No. 43, as follows:

A RESOLUTION CONFIRMING THE APPOINTMENT OF TRICIA SPRINGER, ESQUIRE, AS CITY SOLICITOR, EFFECTIVE DECEMBER 19, 2023.

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 Tricia Springer, Esquire, of the law firm of Eckert Seamans Cherin and Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, Pennsylvania, effective December 19, 2023, at an annual salary of Thirty-Six Thousand Dollars (\$36,000.00) is hereby confirmed.

Mayor Capello reported that Attorney Springer is an attorney with Eckert Seamans and has been legal counsel for right-to-know requests for the City of Lebanon for the past eight years. Additionally, she resides in Lebanon County. Mayor Capello reported that Attorney Springer has met with outgoing City Solicitor Donna Long Brightbill and she anticipates it will be a smooth transition.

Resolution No. 43 was passed finally on motion of Mr. Martin, seconded by Mr. Wertz. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Morales introduced Resolution No. 44, as follows:

A RESOLUTION AUTHORIZING THE PROPER OFFICIALS OF THE CITY OF LEBANON TO ADVERTISE FOR SEALED BIDS FOR THE SALE OF A 2002 MACK ROLLOFF TRUCK.

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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. The proper officials of the City of Lebanon, Pennsylvania, be and they are hereby authorized to advertise for sealed bids for the sale of a 2002 Mack Rolloff Truck, VIN 1M2P267C72M064233.

SECTION 2. Any resolution or part of resolution conflicting with the provisions of this ordinance be and the same is hereby repealed so far as the same affects this ordinance.

Mayor Capello reported that the City of Lebanon was the recipient of a grant from the Pa. Department of Environmental Protection for the purchase of a new recycling truck. The old truck must be sold to the highest responsible bidder.

Resolution No. 44 was passed finally by Mr. Morales, seconded by Mr. Miller. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mrs. Haitos introduced Resolution No. 45, as follows:

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION FROM THE LEBANON COUNTY COMMISSIONERS MARCELLUS SHALE GRANT FUND TO ASSIST WITH IMPROVEMENTS TO THE VETERANS' MEMORIAL WALKWAY LOCATED BETWEEN 5TH AND 12TH STREETS AND CONNECTION TO THE JOHN E. WENGERT MEMORIAL PARK AND THE LEBANON VALLEY RAIL TRAIL (LVRT) IN THE CITY OF 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:

SECTION 1. Of the total project cost of One Hundred Fourteen Thousand Dollars (\$114,000.00), Twenty-Five Thousand Dollars (\$25,000.00) is requested for the improvements to the Veterans' Memorial Walkway located between 5th and 12th Streets and connection to the John E. Wengert Memorial Park and the Lebanon Valley Rail Trail (LVRT) in the City or Lebanon.

SECTION 2. The City of Lebanon is the designated Project Manager for the above-mentioned project.

SECTION 3. All information contained in this document and the grant application attached hereto is true and correct to the best of our knowledge.

SECTION 4. The proposed project is in compliance with the host municipality's local/regional comprehensive and land use plans, as well as all applicable zoning ordinances, building codes, subdivision and land development regulations and/or organizational policies.

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SECTION 5. If awarded, matching funds for this project are immediately available, or available according to the schedule submitted with this application.

SECTION 6. The applicant agrees that if funds are provided for acquisition and/or development projects, said properties acquired and any improvements made thereto will be maintained by the applicant after completion and closeout of the project.

SECTION 7. To the applicant's knowledge, the site or sites to be acquired or developed have not been used for the storage or disposal of toxic chemicals or waste, nor are affected by the same.

SECTION 8. The applicant agrees to all conditions of this grant application and related documents.

SECTION 9. The applicant will comply with all applicable provisions of the Flood Plain Management Act (Act 166 of 1978) and local flood plain management regulations, and with all state and federal laws and requirements regarding the usage and management of wetlands.

SECTION 10. The applicant will not discriminate on the basis of handicap as required under the Architectural Barriers Act of 1969, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, as amended.

Mayor Capello reported that the City of Lebanon is proposing to connect the Veterans Memorial Walkway to the John E. Wengert Memorial Park and Lebanon Valley Rails to Trails. Additionally, the City is proposing to make improvements to Veterans' Memorial Walkway. The total cost of the proposed project is \$114,000. The grant is \$25,000 and the balance will be paid by American Rescue Plan Act funding.

Resolution No. 45 was passed finally on motion of Mrs. Haitos, seconded by Mr. Morales. Yeas--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Wertz introduced Resolution No. 46, as follows:

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS IN THE AMOUNT OF \$3,600,000 FROM THE COMMONWEALTH OF PENNSYLVANIA UNDER THE REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM FOR THE DOWNTOWN LEBANON TRANSIT INTERMODAL CENTER.

WHEREAS, the City of Lebanon ("Applicant") is desirous of obtaining funding in the amount of Three Million Six Hundred Thousand Dollars (\$3,600,000) from the Commonwealth under the Redevelopment Capital Assistance Program, Act 67 of 2004 for the Downtown Lebanon Transit Intermodal Center.

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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. A redevelopment need exists that has been identified in the Grow Lebanon 2020 Economic Development Action Agenda for the City of Lebanon and the proposed activity addresses this need.

SECTION 2. The Applicant has concluded the required citizen participation process.

SECTION 3. The Applicant will assure the provision of the other necessary funds to make the activity feasible.

SECTION 4. The Mayor and City Clerk are directed to execute a certificate attesting to the adoption of this Resolution and all other necessary documents required by the application and, when awarded, the contract for the funds, and to furnish a copy of the resolution to the Commonwealth of Pennsylvania.

Mayor Capello reported that originally, the project submitted for the RACP grant was for the City Hall Project in conjunction with a parking garage. In 2018, the City of Lebanon received \$2 million in funding under the RACP. The project was revised to purchase and renovate the former Harrisburg Area Community College, 735 Cumberland Street, Lebanon, and re-locate city offices to this site. The City continued to pursue the parking garage aspect. Mayor Capello reported that this round of RACP funding opened on December 8, 2023, and the deadline to submit the application is January 12, 2024. Mayor Capello and staff met with a parking garage designer to obtain an estimate cost of the construction of a parking garage at the Seventh and Willow Streets parking lot. The designer submitted an estimated cost of \$7.2 million. Mayor Capello explained that in addition to this grant, the City will submit grant applications to DCED and PennDot as well as pursue funding for a federal intermodal grant. She emphasized that additional grant monies are necessary in order for this project to happen. Mayor Capello told Council that potential investors have expressed interest in projects in Downtown Lebanon providing there is a parking garage.

Chris Coyle, *LebTown*, asked if there has been a study to determine if there is a shortage of parking in Downtown Lebanon. Mayor Capello responded that a parking study was conducted prior to her tenure as Mayor. Mr. Coyle asked how the city determined the number of spaces needed in order to submit the application. Mayor Capello responded that it was based on the number of parking spaces at the Seventh and Willow Streets parking lot in addition to the needs discussed with potential investors.

Mr. Coyle asked what types of business or developers are interested in development in the downtown. Mayor Capello responded that they were very generic conversations, but the developers indicated that they would not pursue a project without a parking garage.

Councilmember Miller asked if the City is committed to the size of garage submitted in the grant application or if it can be tweaked to which Mayor Capello confirmed it can be tweaked.

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Matthew Toth, *Lebanon Daily News*, asked if there is any study showing the impact of a parking garage in Downtown Lebanon. Mayor Capello responded that a parking garage would have a positive impact because it would provide more long-term parking for employees and residents in the downtown area. She added that visitor parking is not an issue; however, long-term parking is an issue.

Mr. Toth asked if this is going to be paid parking, is there concern about residents. Mayor Capello responded that residents in the downtown are currently paying to park at meters and monthly rental lots. She added that Lebanon is the only third class city in Pennsylvania that does not have a parking garage.

Councilmember Wertz stated that there was always a waiting list for the 22 rental parking spaces on the lot behind his former business. He stated that he believes there is a need for long-term parking in Downtown Lebanon.

Resolution No. 46 was passed finally on motion of Mr. Wertz, seconded by Mrs. Haitos. Yeas--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Miller called up Bill No. 15 on final reading, the title of which is as follows: "AN ORDINANCE PROVIDING FOR THE TAX LEVY OF THE CITY OF LEBANON, PA, FOR THE YEAR 2024".

Mayor Capello reported that this is the ninth consecutive year with no increase in the real estate tax millage. Councilmember Martin congratulated Mayor Capello and her team on maintaining the millage rate for nine consecutive years.

Bill No. 15 was passed finally on motion of Mr. Miller, seconded by Mr. Morales. Yeas--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mayor Capello and Council presented the following plaques:

- Christopher J. Miller, in recognition of his service to the citizens of the City of Lebanon during his service on Lebanon City Council during the period 2020-2024
- Richard A. Wertz, in recognition of his service, devotion, and commitment to the citizens of the City of Lebanon during his service on Lebanon City Council from 2000-2024. Councilmember Wertz served as Council Chairperson in 2006 and 2007.
- Donna Long Brightbill, in recognition of her dedication during her tenure as City Solicitor to the City of Lebanon from 2010-2023.

Mayor Capello announced that the New Year's Eve Bologna Drop will be held on December 31, 2023, from 10:00 p.m. – midnight on South Eighth Street, between Chestnut and Cumberland Streets.

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The meeting was adjourned at 7:13 p.m.

CHERYL J. GIBSON, Clerk