

MONDAY, DECEMBER 19, 2022

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

Also present were Mayor Sherry L. Capello; Acting Chief of Police Bret Fisher; Donna Long Brightbill, City Solicitor; Robin L. Getz, Director of Public Works; Janelle Mendoff, Community and Economic Development Coordinator; Assistant Fire Chief A.J. Sweitzer; Fire Chief Duane Trautman; three persons in the audience; and two members of the news media.

The minutes of the November 28, 2022, 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 final budget report for the period January 1-November 30, 2022. Mayor Capello reported that 92 percent of the fiscal year is completed; revenues are at 111 percent; and expenditures are at 78 percent. Overall, we are performing better than budget in both categories.

Chairperson Morales announced that a communication was received from Mayor Sherry L. Capello, informing Council of the reappointment of Director of Public Works Robin Getz, 735 Cumberland Street, Lebanon, and Finance Officer Helen Westphal, 735 Cumberland Street, Lebanon, to the Lebanon County Tax Collection Committee as representative and alternate representative, respectively, for a one-year term, effective January 1, 2023. Mayor Capello reported that the Tax Collection Committee is comprised of a representative from each school district in Lebanon County and one representative from the municipalities in each of the school districts. She added that West Lebanon Township and the City of Lebanon are both in the Lebanon School District, and West Lebanon Township has historically deferred to the City of Lebanon for the designation of the representative.

Mr. Miller introduced Resolution No. 29, as follows:

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS IN THE AMOUNT OF \$2,500,000 FROM THE COMMONWEALTH OF PENNSYLVANIA UNDER THE REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM FOR THE WHOLE PLANTS HEALTH EXPANSION PHASE I PROJECT.

WHEREAS, the City of Lebanon ("Applicant") is desirous of obtaining funding in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) from the Commonwealth

under the Redevelopment Capital Assistance Program, Act 67 of 2004 for the Whole Plants Health Expansion Phase I Project.

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 for the Whole Plants Health Expansion Project to include the construction and renovation to expand the growing and processing space in the former Cocoa Mulch Plant building.

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 explained that the state requires that a local municipality serve as the representative for these grants. The grant was awarded to Whole Plants in December 2021 and work on Phase 1 began in July 2021 and was completed in March 2022. Phase 1 was a \$7 million project that included demolition, masonry, metal work, flooring, roofing, painting, wallboards, fire protection, plumbing, HVAC, mechanical, electrical, lighting, concrete, refrigeration, security systems and general renovations. Phase 1 construction resulted in approximately 70 temporary construction and indirect jobs as well as \$9,921,032 in overall economic output in Lebanon County.

Resolution No. 29 was passed finally on motion of Mr. Miller, seconded by Mr. Martin. Yeas--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Morales introduced Resolution No. 30, as follows:

**AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS IN THE AMOUNT OF \$1,250,000 FROM THE COMMONWEALTH OF PENNSYLVANIA UNDER THE REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM FOR THE WHOLE PLANTS HEALTH EXPANSION PHASE II PROJECT.**

WHEREAS, the City of Lebanon ("Applicant") is desirous of obtaining funding in the amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) from the Commonwealth under the Redevelopment Capital Assistance Program, Act 67 of 2004 for the Whole Plants Health Expansion Phase II Project.

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 for the Whole Plants Health Expansion Project to include the construction of two additional grow rooms and expanded workspace in the former Cocoa Mulch Plant building.

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 Whole Plants was awarded \$1.25 million in October 2022 for Phase II of the project. The total project cost for Phase II is \$9 million. Mayor Capello reported that Whole Plants will hire local staff for Phase II of the project which will result in 90 temporary and indirect jobs as well as \$12,701,306 in overall economic output in Lebanon County.

Resolution No. 30 was passed finally on motion of Mr. Morales, seconded by Mr. Wertz. Yeas--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Jim Smith, Chief Executive Officer, and Dr. Bill Hansen, Chief Operations Officer, reported that Whole Plants will spend approximately \$40 million on this project. To date, approximately 200 construction jobs have already resulted from the project. The completed project will provide approximately 130 full-time jobs with the lowest hourly wage rate being \$16.50. He further reported that there are positions for chemist which is a very high-tech position. He explained that the process is really producing medicine and allows for very little contamination.

Mr. Smith stated that they have faced been obstacles during the project. For example, when digging the footers to create a mezzanine, they ran into drains from the old steel mill which delayed construction; the Covid-19 Pandemic hit; and the global supply chain issue created an approximate one-year delay in the project because the equipment is made outside of the United States.

Mr. Smith stated the project is also contingent on the state legislature enacting legislation to allow for adult use of cannabis. He told Council that Senator Gebhard has been very helpful with this process. Mr. Smith reported that they considered 25 different sites, but ultimately, they chose Lebanon City for the project.

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Councilmember Wertz thanked Mr. Smith and Mr. Hansen for reusing and repurposing the building in the city for their project.

Councilmember Haitos asked who is the customer to which Mr. Smith replied that when legislation is enacted they will be a grower processor and retail dispensary. Currently, they have a grower processor license and sell to the retail dispensaries. He added that there are very strict security regulations and to date, they have no violations or penalties. Currently, they are permitted to sell to the owners of the stores who in turn sell the product to the patients. He stated that the long-term forecast for the product is that it will be available in supermarkets.

Chairperson Morales asked what is the anticipated date for completion of the work. Mr. Smith explained that prior to receiving the grant, the work must be completed in order to get reimbursement. He anticipates that by the end of February 2023 the work under Phase 1 of the RCAP will be completed and bids will be let for Phase 2 of the project. He anticipates Phase II of the project will be completed in 2023. He further reported that they have a lease with Norfolk Southern for land on the northside of the building which will help with expansion and permitting.

Mrs. Haitos called up Bill No. 6 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 2023”.

Chairperson Morales noted that this is the eighth consecutive year the millage rate remains at 4.581.

Bill No. 6 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. Morales called up Bill No. 7 on final reading, the title of which is as follows: “AN ORDINANCE AMENDING ARTICLE 331, “PROPERTY TAX AND RESIDENCE TAX”, OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PENNSYLVANIA, FOR THE PURPOSE OF DIRECTING THE TAX COLLECTOR TO WAIVE ADDITIONAL CHARGES FOR REAL ESTATE TAXES IN CERTAIN SITUATIONS IN ACCORDANCE WITH ACT 57 OF 2002”.

Mayor Capello reported that the legislature adopted a new law providing for new homeowners to file for a waiver if they did not receive a tax bill and also to provide that Tax Collectors are not liable if acting in good faith. The law went into effect on October 10, 2022 for the tax year 2023.

Bill No. 7 was passed finally on motion of Mr. Morales, seconded by Mr. Miller. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Miller introduced Bill No. 8, as follows:

AN ORDINANCE ESTABLISHING FEES FOR THE USE OF VARIOUS AREAS IN CITY HALL, 735 CUMBERLAND STREET, LEBANON.

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

SECTION 1. The following fees are hereby established for the rental of City Hall facilities by for-profit organizations or when an admission and/or vendor fee is charged at non-profit events:

<b>Room:</b>	<b>Partial (up to 4 hours)</b>	<b>Full (4 or more hours)</b>
Multi-purpose Room	\$300.00	\$600.00
Atrium	\$150.00	\$300.00
Co-working Office	N/A	\$ 50.00

SECTION 2. The following fees are hereby established for the rental of City Hall facilities by non-profit organizations with proof of status and when no admission and/or vendor fee is charged at non-profit events:

<b>Room:</b>	<b>Partial (up to 4 hours)</b>	<b>Full (4 or more hours)</b>
Multi-purpose Room	\$150.00	\$300.00
Atrium	\$ 75.00	\$150.00
Co-working Office	N/A	\$ 25.00

SECTION 3. The following fees are hereby established for facility usage-related for all organizations:

- |   |                   |
|---|-------------------|
| a. Technology/Technician Fee (applicable to all groups) | \$ 50.00          |
| b. Set-Up/Tear-Down Fee (applicable to all groups)      | \$ 50.00          |
| c. Tablecloth Fee                                       | \$ 5.00/each      |
| d. Security Deposit                                     | \$200.00-\$500.00 |
| e. Security Fee   | TBD               |
| <i>(Subject to discretion of city based on event –</i>  |                   |
| <i>Minimum of 4-hours Unarmed Security - \$30/hr.</i>   |                   |
| <i>Armed Security - \$40.00/hr.</i>                     |                   |
| f. Custodial Fee  | TBD               |
| <i>(\$30 per hour for cleanup post event)</i>           |                   |

SECTION 4. Upon approval of the request an invoice will be provided to the organization. Payment is due no less than fourteen (14) days prior to the event.

SECTION 5. Any ordinance or part of ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed so far as the same affects this ordinance.

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Mayor Capello reported that the application is in line with the form that was previously being used by HACC and the fees being charged by the Lebanon Valley Chamber of Commerce. She added that initially, the room will only be available for rent during regular business hours.

Bill No. 8 was introduced and will be considered on final reading at the monthly meeting of January 23, 2023, on motion of Mr. Miller, seconded by Mr. Martin. Yeas--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Wertz introduced Bill No. 9, as follows:

AN ORDINANCE AMENDING SUBSECTION 515.13, "MONTHLY RENTAL LOTS", OF ARTICLE 515, "MUNICIPAL PARKING LOTS", OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PENNSYLVANIA, FOR THE PURPOSE OF ADDING TWO PARKING LOTS.

Be It Ordained by the Council of the City of Lebanon, Pennsylvania, and it is hereby ordained by the authority of the same, That:

SECTION 1. Subsection 515.13, "Monthly Rental Lots", of Article 515, "Municipal Parking Lots", of the Codified Ordinances of the City of Lebanon, Pennsylvania, is hereby repealed, rescinded, and deleted in its entirety and shall be replaced by the following new subsection:

§515.13. Monthly Rental Lots.

- (a) The following parking lots shall be available to the public for the monthly rental of parking spaces. For the purposes of this section, the applicable definitions as aforementioned shall control, except the words "space" or "parking space" mean any space on a lot duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the surface of the lot. The monthly rental lots are:
- (1) Seventh and Willow Streets, southwest corner – 716 Willow Street, Lebanon
  - (2) Ninth and Walton Streets, southeast corner – 30 South Ninth Street, Lebanon
  - (3) Ninth and Mifflin Streets, northwest corner – 909 Mifflin Street, Lebanon
  - (4) Tenth and Walnut Streets, southeast corner – 936 Walnut Street, Lebanon
  - (5) Tenth and Oak Streets, northeast corner – 933 Oak Street, Lebanon
  - (6) Tenth and Crowell Streets, northwest corner - 523 North Tenth Street, Lebanon
  - (7) Lehman and Cherry Streets, southeast corner – 412 Lehman Street, Lebanon
  - (8) Sixth and Crowell Streets, southeast corner – 468 North Sixth Street, Lebanon
  - (9) Seventh and Walnut Streets, northeast corner – 645 Walnut Street, Lebanon
  - (10) Eighth and Spring Streets, north side of parking lot – 30 North Eighth Street, Lebanon
  - (11) Ninth and Cumberland Streets, southeast corner – 850 Cumberland Street, Lebanon
  - (12) C&L and Gannon Streets, northwest corner – 899 C&L Street, Lebanon
  - (13) Tenth and Water Streets, northwest corner – 617 North Tenth Street, Lebanon

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(b) The monthly rental of parking spaces on such lots shall not be sublet or assigned. Patrons of monthly rental lots shall abide by the policy on rental of spaces on file with the City of Lebanon.

(c) The monthly parking fee for rental of spaces on the following municipal parking lots shall be \$32:

- (1) Ninth and Walton Streets – 30 South Ninth Street, Lebanon
- (2) Seventh and Walnut Streets - 645 Walnut Street, Lebanon

(d) The monthly parking fee for rental of spaces on the following municipal parking lots shall be \$25:

- (1) Ninth and Mifflin Streets – 909 Mifflin Street, Lebanon
- (2) Tenth and Walnut Streets – 936 Walnut Street, Lebanon
- (3) Tenth and Oak Streets – 933 Oak Street, Lebanon
- (4) Tenth and Crowell Streets – 523 North Tenth Street, Lebanon
- (5) Lehman and Cherry Streets – 412 Lehman Street, Lebanon
- (6) Sixth and Crowell Streets – 468 North Sixth Street, Lebanon
- (7) C&L and Gannon Streets – 899 C&L Street, Lebanon
- (8) Tenth and Water Streets – 617 North Tenth Street, Lebanon

(e) The monthly parking fee for rental of spaces on the following municipal parking lots shall be \$35:

- (1) Seventh and Willow Streets – 716 Willow Street, Lebanon
- (2) Eighth and Spring Streets, north side of parking lot – 30 North Eighth Street, Lebanon
- (3) Ninth and Cumberland Streets – 850 Cumberland Street, Lebanon

(f) A late fee of \$5 per space shall be assessed for delinquent payment of parking space rental in the event payment is not received in the Finance Office by the 10th of each month.

(g) Fines and penalties.

- (1) Any person violating the provision of parking on the aforementioned parking lots shall be fined not more than \$50 and/or be imprisoned not more than five days.
- (2) However, any person who has been issued a parking ticket for violation of any of the provisions of this section may discharge such obligation upon appearance at the Finance Office and voluntarily entering a plea of guilty to such violation and paying \$15 within 20 days from the time of issuance of the parking ticket.

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

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Mayor Capello reported that there are two parking lots where vehicles are being parked but the operators are not being charged. The first lot is located at Tenth and Water Streets and is no longer used for a school pedestrian pickup since the new school was built for Northwest Elementary School. The second lot is located at C&L and Gannon Streets and was part of the Norfolk Southern Bridge Project. She added that the monthly rental fee will be \$25.00 which is the same rate being charged for spaces in other residential lots.

Bill No. 9 was introduced and will be considered on final reading at the monthly meeting of January 23, 2023, on motion of Mr. Wertz, seconded by Mr. Morales. Yeas--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Morales introduced Bill No. 10, as follows:

AN ORDINANCE AUTHORIZING ADOPTION AND EXECUTION OF THE SECOND AMENDMENT TO THE INTERGOVERNMENTAL COOPERATION AGREEMENT ENTERED INTO BY ANNVILLE TOWNSHIP, CITY OF LEBANON, CLEONA BOROUGH AUTHORITY, NORTH CORNWALL TOWNSHIP, NORTH LEBANON TOWNSHIP, AND SOUTH LEBANON TOWNSHIP FOR THE IMPLEMENTATION OF THE LEBANON AREA REGIONAL POLLUTION REDUCTION PLAN.

WHEREAS, the Intergovernmental Cooperation Act, 53 Pa.C.S. §2301 et. seq. permits municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, joint agreements are authorized by 53 Pa.C.S. §2303, and local governments may enter into intergovernmental cooperation with another local government upon the passage or a resolution or ordinance by its governing body; and

WHEREAS, the municipalities and municipal authority referenced herein previously entered into an Intergovernmental Cooperation Agreement for the implementation of the Lebanon Area Regional Pollutant Reduction Plan and an Amendment thereto; and

WHEREAS, the municipalities and municipal authority desire to enter into a Second Amendment to the Intergovernmental Cooperation Agreement; and

WHEREAS, the Intergovernmental Cooperation Act provides that a joint cooperation agreement shall be deemed in force as to any municipality/municipal authority when the same has been adopted by Ordinance or Resolution of all cooperating entities; and

WHEREAS, the municipalities and municipal authority desire to enact the Resolution or Ordinance approving the Second Amendment to the Intergovernmental Cooperation Agreement for the implementation of the Lebanon Area Regional Pollutant Reduction Plan.

NOW, THEREFORE, Be It Ordained by the Council of the City of Lebanon, and it is hereby ordained by the authority of the same, That:



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SECTION 1. The caption of and recitals to this ordinance as set forth above are incorporated herein by reference as if fully set forth.

SECTION 2. The Second Amendment to the Intergovernmental Cooperation Agreement between the various municipalities/authority as attached hereto as Exhibit “A” is made a part hereof and is hereby adopted by the Ordinance.

SECTION 3. The conditions of the Second Amendment to the Intergovernmental Cooperation Agreement, the duration and term of the agreement, the purposes and objectives of the agreement, and the powers and scope of authority delegated are as set forth in the Second Amendment, attached hereto as Exhibit “A”.

SECTION 4. No new entity is proposed to be formed.

SECTION 5. No real or personal property is intended to be acquired, managed, licensed or disposed of in the Second Amendment to the Intergovernmental Cooperation Agreement.

SECTION 6. The Second Amendment to the Intergovernmental Cooperation Agreement does not anticipate the hiring of employees or the need for employee insurance or other benefits.

SECTION 7. Pursuant to 53 Pa.C.S.A. §2315, the Second Amendment to the Intergovernmental Cooperation Agreement, attached hereto as Exhibit “A”, shall be deemed in force as to all municipalities/authority when the Agreement has been adopted by ordinance or resolution by all participating municipalities/authority.

SECTION 8. All other Intergovernmental Cooperation Agreements between this municipality and the other parties presently existing are hereby ratified and confirmed to the extent such Agreements are not inconsistent with the Second Amendment to the Intergovernmental Cooperation Agreement authorized herein.

SECTION 9. If any sentence, clause, section, or part of this Ordinance is deemed unconstitutional, illegal or invalid by any Court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is the intent of this Municipality that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included therein.

SECTION 10. Effective Date. This ordinance shall be effective upon adoption.

Mayor Capello reported that six municipalities entered into the agreement. The Department of Environmental Protection did not issue the permit the same time as the implementation of the agreement. This amendment is for the purpose of making the permit date and the date of implementation coincide.

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Bill No. 10 was introduced and will be considered on final reading at the monthly meeting of January 23, 2023, on motion of Mr. Morales, seconded by Mrs. Haitos. Yeas--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Chairperson Morales announced that the Re-organization Meeting will be held on January 3, 2023 at 4:45 p.m.

The meeting was adjourned at 7:12 p.m.

CHERYL J. GIBSON, City Clerk