

MONDAY, FEBRUARY 1, 2016

The regular monthly meeting of the Council of the City of Lebanon, Pa., was held in Council Chamber of the Municipal Building, Lebanon, Pa., this evening, Chairperson Parker presiding. The meeting was initially scheduled for January 25, 2016; however, due to a record breaking snowstorm on January 22-23, 2016, the meeting was rescheduled to February 1.

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

Present--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson.  
Absent--none.

Also present were Mayor Sherry L. Capello; Donna Long Brightbill, City Solicitor; Debra J. Gates, Director of Administration-Assistant to the Mayor; Robin L. Getz, Director of Public Works; Melissa Quinones, Community and Economic Development Administrator; Duane Trautman, Fire Commissioner; Daniel Wright, Chief of Police; 31 persons in the audience; and 2 members of the news media.

The minutes of the December 14, 2015, and January 4, 2016, City Council meeting were presented by the City Clerk. There being no corrections, deletions or additions, the minutes were approved as presented.

Chairperson Parker announced that Council received an unaudited budget report for the period January 1 through December 31, 2015.

Chairperson Parker announced that Council received the following communications:

- a. Mayor Sherry L. Capello, informing Council of the reappointment of Martin Yocum, 1151 Nowlen Street, Lebanon, to the City of Lebanon Authority for a five-year term, effective January 1, 2016.
- b. City of Lebanon Authority, transmitting budgets of the Water and Sewer funds for fiscal year 2016.
- c. Garcia Garman & Shea, PC., transmitting the report of the audit of the financial statements for the Elm Street Program for the periods July 1, 2010 through June 30, 2015, and July 1, 2011 through June 30, 2015.

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

**A RESOLUTION APPROVING A CONTRIBUTION AGREEMENT BETWEEN THE CITY OF LEBANON AND PENNDOT, FOR ADDITIONAL IMPROVEMENTS BEING COMPLETED IN CONJUNCTION WITH THE QUENTIN ROAD RESURFACING PROJECT.**

WHEREAS, the City of Lebanon has under its jurisdiction Pennsylvania Route 72 ("PA 72", also known as Quentin Road, located in Lebanon City, in Lebanon County; and

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WHEREAS, PennDot proposes a project involving construction or improvement on PA 72 in the City of Lebanon known as the Quentin Road Resurfacing Project (“Project”); and

WHEREAS, the Project will consist of resurfacing, minor drainage work, pavement markings and associated construction activities; and

WHEREAS, the City of Lebanon has requested that PennDot include, as part of the Project, certain items of extra work, for which is the City of Lebanon is financially responsible (“Additional Improvements”); and

WHEREAS, the City of Lebanon has agreed to reimburse PennDot for one hundred percent (100%) of all actual costs incurred for the Additional Improvements.

NOW, THEREFORE, 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. Contribution Agreement No. 08A490 between the City of Lebanon and the Commonwealth of Pennsylvania, acting through the Pennsylvania Department of Transportation, for the inclusion of additional improvements as requested by the City of Lebanon in conjunction with the Quentin Road Resurfacing Project is hereby approved. The City of Lebanon agrees to reimburse PennDot for the cost of the additional improvements, the estimated cost of which is One Hundred Thousand Seven Hundred Ninety-Seven Dollars (\$100,797.00).

SECTION 2. The Mayor and City Clerk are hereby authorized to execute said Contribution Agreement.

SECTION 3. Any resolution or part of resolution conflicting with the provisions of this resolution be and the same are hereby repealed so far as the same affects this resolution.

Resolution No. 3 was passed finally on motion of Mr. Wertz, seconded by Mr. Wilson. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

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

**A RESOLUTION AUTHORIZING THE DISPOSITION OF DUPLICATE PROPERTY DEEDS IN THE DEPARTMENT OF PUBLIC WORKS.**

WHEREAS, by virtue of Resolution No. 36, Sessions 2008-2009, passed finally by City Council on April 27, 2009, the City of Lebanon declared its intent to follow the procedures for the disposition of records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on December 16, 2008; and

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WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality.

NOW, THEREFORE, 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 disposition of duplicate property deeds for the years 2015 and prior in the Department of Public Works is hereby approved

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

Resolution No. 4 was passed finally on motion of Mr. Carey, seconded by Mr. Wertz. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Councilmember Matula announced his plans to organize a carnival to be held in June 2018 at Coleman Memorial Park, the proceeds of which will benefit the City of Lebanon Police and Fire Departments. He announced that Senator Mike Folmer is the Honorary Chairman and a Kickoff Meeting will be held on February 9, 2016, at 1:00 p.m. in Room 112 of the Municipal Building.

Mr. Parker introduced Bill No. 1, as follows:

AN ORDINANCE ESTABLISHING A DOWNTOWN LEBANON BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF LEBANON.

WHEREAS, The Council of the City of Lebanon finds that the owners of properties, including business, professional, commercial, and residential investment properties in the business district of the City of Lebanon desire a downtown that is attractive, clean, safe and friendly to residents, visitors and business invitees; and

WHEREAS, the Commonwealth of Pennsylvania has adopted enabling legislation, specifically the Neighborhood Improvement District Act of 2000, P.L. 949, No. 130, (hereinafter the "Act"), authorizing the creation of Neighborhood Improvement Districts to enable property owners in neighborhoods to provide services to the neighborhoods that supplement municipal services otherwise provided.

NOW, THEREFORE, 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. District Established. As authorized by the Act, the Downtown Lebanon Business Improvement District (hereinafter the "District") is established in accordance with the attached specifications and boundaries depicted on Exhibit A (Downtown Lebanon Business Improvement District Plan, attached).

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SECTION 2. Management. Lebanon 2000 Foundation, a 501(c)(3) tax-exempt non-profit organization is appointed as the Neighborhood Improvement District Managing Authority (NIDMA) of the District and authorized to exercise all powers provided for in the Act and specified in Exhibit A.

SECTION 3. Payment. Payment of the assessment shall be on an annual basis.

SECTION 4. Lien. Assessments shall constitute liens and encumbrances upon the assessed property and in general may be collected in the same manner as municipal tax claims.

SECTION 5. Sunset Provision. The Downtown Lebanon Business Improvement District shall automatically terminate on December 31, 2020, unless extended by action of the Business Improvement District and enacted by Lebanon City Council.

Councilmember Cornell Wilson read a prepared statement agreeing that a BID is positive and has been successful in other cities. He listed his concerns about the voting process, a member of the BID Steering Committee who owns the most properties within the BID voting no, businesses were not afforded a vote if they do not own the property where the business is located, and the disqualification of some objections. He added that he feels at least three objections that were disqualified deserve more review. Mayor Capello explained that many of Councilmember Wilson's concerns are set forth in the state statute for establishing a Business Improvement District (BID). She explained that the property owner has the investment in a property vs. a business owner who is renting the space.

Councilmember Matula stated that he talked to many reputable business owners and many stated that they were in favor of the BID, but not thrilled with the voting process. He added that many felt the requirement that "no" votes be notarized was not necessary.

George Horn, 315 S. First Avenue, Lebanon, commended the staff for the recent snow removal efforts during the record breaking snow fall on January 23, 2016. Mr. Horn told Council that he feels the BID will help to promote and move our city forward.

Mike Mangano, 118 S. 8<sup>th</sup> Street, Lebanon, read a prepared statement and told Council that property owners are doing things to help the city. He argued that the objections that were disqualified were not fraudulent and the property owner should have been given the opportunity to correct the information. He stated that the process to object was unfair to property owners. Mr. Mangano told Council that businesses have been replaced with low income housing and left in the shambles are a few business owners.

Chairperson Parker explained that the state statute sets forth requirements for establishing a BID and the process for filing objections. He added that he feels the Administration acted in good faith and all property owners were provided with written instructions for filing an objection.

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Mayor Capello stated that of the 13 objections that were disqualified, there was one that the signer was not registered as an officer of the corporation on file with the State Bureau of Corporations. Regarding comments about low income housing, Mayor Capello reported that as of January 26, 2016, there are 3 percent receiving Section 8 assistance and the number of vouchers has declined in the past 6 years. She added that based on the 2014 U.S. Census data, 10.8 percent of households in the City of Lebanon receive social security income, 9.3 percent receive cash public assistance, and 29.4 percent receive SNAP/food stamp assistance. She told Council that these numbers reflect the challenges the city has been actively tackling since she has taken office. Mayor Capello reported that in the Economic Development Strategic Plan prepared in 2015, the development of a Business Improvement District was a top priority to achieve the overall economic development goals.

Mr. Mangano suggested that since the voting process was very cumbersome, Mayor Capello and Council should authorize a re-vote.

Elwood Heller, 44 N. Ninth Street, Lebanon, read scripture and urged everyone to be respectful. He stated that there were many comments that the voting process wasn't fair because property owners only had to file a "no" vote.

Pam Shirk, 37 S. Eighth Street, Lebanon, stated that she is a business owner but not a property owner. She served on the BID Steering Committee and reported that the Committee did due diligence on the objections that were rejected. She added that as a business owner, she would be willing to pay her share of the assessment. She further explained that in Lancaster, there are three separate BIDS and the property owners pay \$50/month just to have snow removed from the front of the store.

Councilmember Matula explained that he believes most people believe the process was unfair, not fraudulent. Councilmember Wilson added that he believes business owners should have a vote in the process.

Frank Anthony, 1215 Cornwall Road, Lebanon, told Council that his vote was disqualified because his wife's name is on the deed and she did not sign the objection. He explained that he has power of attorney for his wife and his vote should not have been disqualified. He stated that he believes there should be a re-vote.

Craig Gates, 44 Berwyn Park, Lebanon, stated that he has been a volunteer with the Community of Lebanon Association for more than 30 years and he is glad to be part of a group that wants to see good things happen in Lebanon. Mr. Gates pledged \$250 per year to the BID.

Cindy Heisey, Chairperson of the BID Steering Committee, explained that she has volunteered for many years for various organizations. She explained that the Committee required the objections to be notarized to ensure that correct signatures were submitted. Mayor Capello explained that the BID plan and a letter explaining the process were sent to the property owner and address of record in the Lebanon County Assessment Office.

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Councilmember Matula asked what precautions were taken to ensure that all property owners received the packet of information. Ms. Heisey replied that the packets that were returned were hand delivered to property owners.

John Light, 307 Pine Meadow Road, Lebanon, asked how many non-profits are included in the BID and did any non-profit organization file an objection. Mayor Capello reported that there are 78 tax exempt properties included in the BID. One filed an objection; however, it was disqualified because the objection was not signed by an officer of the organization.

Mr. Light stated that in August of 2004, the City of Lebanon received a grant in the amount of \$1.7 million for the Markethouse Project. Mayor Capello replied that the Markethouse Project made an improvement for the Downtown and spurred other activity as well.

Kim Kreider Umble, 615 Cumberland Street, Lebanon, stated that she is part of a non-profit group located in the BID. She added that even though they would not be assessed a fee, both Lebanon Family Health Services and SARCC have committed to paying the fee. She further explained that the concept of hiring a Downtown Manager will open the door for other grants.

Chairperson Parker stated that during the BID process lighting and security were raised as concerns. He reported that funds were budgeted for a security camera study and the city is reviewing the lighting issue. He added that city officials are trying to do more to give citizens a better sense of security.

Cliff Olson, 527 Spring Street, Lebanon, stated that he believes the ordinance will be adopted and he feels this is a way to earn \$500,000 without offending the majority of the taxpayers.

Brenda Phillips, 832 Chestnut Street, Lebanon, stated that she served on the BID Steering Committee. She stated that she is happy that her business is located in the BID. She added that because of the type of business they operate, they may not benefit directly from the BID, but they are happy to be a part of it. Since 2000, there have been great strides in Downtown Lebanon and at one point there was a Downtown Manager that was supported by various businesses. The CLA has kept the various programs intact through its volunteers.

Mr. Olson complained that the notary requirement was unfair. Although the letter offered free notary services, there was no notary available when he submitted his objection on December 30 and 31. Chairperson Parker asked if Mr. Olson is aware of anyone who was not able to cast an objection because a notary was not available to which he replied no.

Guie Lebo, 530 Cumberland Street, Lebanon, stated that he lived in Lancaster and observed the positive results from the implementation of a BID. He added that he supports the establishment of a BID in Lebanon and he is willing to pay more than the assessment for his property.

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William White, 983 Nancy Lane, Lebanon, stated that he believes the BID will help to improve the Downtown.

John Light stated that 40 percent of the property owners objected to the BID and he encouraged Council to vote no. He stated that the BID is similar to former Mayor Bob Anspach trying to take over the City of Lebanon Authority which cost all taxpayers a lot of money.

Chairperson Parker stated that he was also opposed to the takeover of the Authority and worked with a group to stop the takeover. He explained that the BID has a restrained time frame and there is an opportunity to advance the city.

Councilmember Wilson asked if the boundaries of the BID can be expanded prior to the expiration of the five years. Mayor Capello replied that the Steering Committee felt that for the initial term of the BID it would be better to have a smaller area. She added that a property owner could contract with the NIDMA to get services. Mayor Capello explained that the Board of Directors of NIDMA will set the matrix to measure the success of the BID.

Brian Krall stated that he has investment properties in the city, and he supports the BID. He has seen the success of the BID in Lancaster City.

Councilmember Wilson announced that the Board of Make a Difference is raising funds for improvements at Beautex Park and Southwest Park. The goal is \$25,000, and to date \$3,000 has been raised. He added that Make a Difference is not an official non-profit but they will partner with other non-profits.

Bill No. 1 was introduced and will be considered on final reading at the monthly Council meeting of February 22, 2016, on motion of Mr. Parker, seconded by Mr. Wertz. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

The meeting was adjourned at 8:40 p.m.

CHERYL J. GIBSON, Clerk