

MONDAY, OCTOBER 24, 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, Vice Chairperson Carey presiding.

The meeting was called to order at 6:32 p.m.

Present--Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Carey, Vice Chairperson.
Absent--Mr. Parker.

Also present were Mayor Sherry L. Capello; Chief of Police Todd Breiner; Donna Long Brightbill, City Solicitor; Debra J. Gates, Director of Administration-Assistant to the Mayor; Duane Trautman, Fire Commissioner; 13 persons in the audience; and 2 members of the news media.

The minutes of the September 26, 2016, City Council meeting were presented by the City Clerk. There being no corrections, deletions or additions, the minutes were approved as presented.

Chairperson Carey announced that Council received a budget report for the period January 1 through September 30, 2016.

Vice Chairperson Carey announced that Council received the following communications:

- a. Zelenkofske Axelrod, transmitting the audit of the financial statements for the year ended December 31, 2015.
- b. Eugene DePasquale, Pennsylvania Auditor General, transmitting a Compliance Audit Report of the City of Lebanon Paid Firemen's Pension Plan for the period January 1, 2014 through December 31, 2015.
- c. Eugene DePasquale, Pennsylvania Auditor General, transmitting a Compliance Audit Report of the City of Lebanon Police Pension Plan for the period January 1, 2014 through December 31, 2015.
- d. Eugene DePasquale, Pennsylvania Auditor General, transmitting a Compliance Audit Report of the City of Lebanon Non-Uniformed Pension Plan for the period January 1, 2014 through December 31, 2015.
- e. Mayor Sherry L. Capello, informing Council of the reappointment of Jerry Kalinoski to the City of Lebanon Planning Commission for a four-year term, effective September 28, 2016.
- f. Mayor Sherry L. Capello, informing Council of the reappointment of Jacqueline Parker to the City of Lebanon Planning Commission for a four-year term, effective September 28, 2016.

Mr. Wertz introduced Bill No. 5, as follows:

AN ORDINANCE AMENDING ARTICLE 523, “PEDALCYCLES (BICYCLES) AND PEDALCYCLE (BICYCLE) LICENSING”, TO ASSIGN ADMINISTRATION OF LICENSING TO THE LEBANON POLICE DEPARTMENT.

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. Article 523, “Pedalcycles (Bicycles) and Pedalcycle (Bicycle) Licensing”, of the Codified Ordinances of the City of Lebanon, Pa., is hereby repealed, rescinded and deleted in its entirety and shall be replaced by the following new article:

“Article 523
Pedalcycles (Bicycles) and Pedalcycle (Bicycle) Licensing”

523.01 Definitions.

- a. ‘Dealers in Second-Hand Goods’ includes any person who otherwise in the normal course of business purchases personal property not from a retail or wholesale entity or auction for the purposes of reselling the property.
- b. ‘Pedalcycle (bicycle)’ means a vehicle propelled solely by human-powered pedals, having wheels any of which are over eighteen inches in diameter.

523.02 License Required.

No person shall operate or use a pedalcycle (bicycle) on any of the streets, alleys or highways of the City without first obtaining and displaying on it a license for it from the City, or another municipality if required in which he/she resides.

523.03 License Application and Fee.

Application for a pedalcycle (bicycle) license and license certificate shall be made upon a form provided by the City of Lebanon and shall be made to the Lebanon Police Department. A license fee in the amount of Two Dollars (\$2.00) for a period one (1) year or Five Dollars (\$5.00) for a period of three (3) years shall be paid to the City at the time of issuance.

523.04 License Decals and Certificates.

The City shall provide license decals together with license certificates, each having numbers in numerical order. The Lebanon Police Department, or authorized agent, upon receiving proper application, shall issue a license decal and license certificate which shall be effective until January 31 of the year following expiration or until the pedalcycle (bicycle) is sold or disposed of by the owner in any manner prior to that date.

523.05 Applicant Entitled to Possession.

The Lebanon Police Department, or authorized agent, shall not issue a license for any pedalcycle (bicycle) when it knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such pedalcycle (bicycle).

523.06 License Records.

The Lebanon Police Department, or authorized agent, shall maintain a record of such license, the date issued, the name of the person to whom issued, the serial number on the frame of the pedalcycle (bicycle) for which issued and a record of all pedalcycle (bicycle) fees collected.

523.07 Attaching Decal.

The license decal as issued shall be firmly attached to the pedalcycle (bicycle) in such a position as to be plainly visible and shall remain attached to the pedalcycle (bicycle) until the expiration of such license.

523.08 License Renewal.

When any pedalcycle (bicycle) license expires, it shall be renewed by submitting an appropriate application and paying the required fee.

523.09 Inspection Before Licensing.

The Lebanon Police Department, or authorized agent, shall inspect each pedalcycle (bicycle) before licensing it or renewing a license for it; it shall refuse a license for any pedalcycle (bicycle) which it determines is in an unsafe mechanical condition.

523.10 Surrender or Transfer of Pedalcycle (Bicycle).

Upon the sale or other transfer of a licensed pedalcycle (bicycle), the licensee shall transfer the bicycle and certificate of license at the Lebanon Police Department or authorized agent. This transfer shall be witnessed by an official of the Lebanon Police Department (licensing officer) and/or authorized agent, the new owner being required to pay for a new license decal.

523.11 Rental Agencies.

A rental agency shall not rent or offer any pedalcycle (bicycle) for rent unless the pedalcycle (bicycle) is licensed and license decal is attached thereto as provided herein and such pedalcycle (bicycle) is equipped with the equipment required by law.

523.12 Reports by Dealers of Purchases.

Every dealer in second-hand goods who purchases second hand pedalcycles (bicycles) shall issue a report to the Chief of Police in accordance with Section 315.02 of the Codified Ordinances of the City of Lebanon, Pa.

523.13 Subject to Traffic and Vehicle Codes

Every person operating a pedalcycle (bicycle) upon a roadway in this City shall be subject to the City of Lebanon Traffic Code and the Vehicle Code of the Commonwealth of Pennsylvania, both of which are applicable to drivers of a motor vehicle, except as to those provisions of the Traffic Code and Vehicle Code which by their very nature have no application nor pertinence”.

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

Bill No. 5 was introduced and will be considered for final reading at the City Council meeting of November 28, 2016, on motion of Mr. Wertz, seconded by Mr. Morales. Yeas--Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Carey, Vice Chairperson--4; nays--none.

Mr. Wilson introduced Bill No. 6, as follows:

AN ORDINANCE AMENDING ARTICLE 315, "PAWN SHOPS AND SECOND-HAND SHOPS" OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PA., TO INCLUDE BICYCLES.

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. Article 315, "Pawn Shops and Second-Hand Shops", of the Codified Ordinances of the City of Lebanon, Pa., is hereby repealed, rescinded and deleted in its entirety and shall be replaced by the following new article:

"Article 315
Pawn Shops and Second-Hand Shops

315.01 Definitions.

- a. Dealers in Second-Hand Goods. Includes any person who otherwise in the normal course of business purchases personal property not from a retail or wholesale entity or auction for the purposes of reselling the property.
- b. Pawnbrokers. Includes any person who:
 - (1) Engages in the business of lending money on the deposit or pledge of personal property other than choses in action, securities or written endeavors or indebtedness; or
 - (2) Purchases personal property with an express or implied agreement or understanding to sell it back at a subsequent time at a stipulated price; or
 - (3) Lends money upon goods, wares or merchandise pledged, stored or deposited as collateral security.
- c. Target Goods. Bicycles, jewelry, cameras and photographic equipment, gold coins or bars, silver bars, copper tubing, electronics equipment such as televisions or VCRs or radios or computers or computer equipment or microwave ovens, antiques, currency collectibles such as coins or stamps, and any other item of value likely to be the subject of criminal activity such as burglary or theft. Hereafter, the Lebanon Police Department may update this definition by sending a list of categories of "target goods" to pawnbrokers and dealers in second hand goods identifying themselves as such.

315.02 Report Required

- a. At the time of any transaction in target goods, the pawnbroker or dealer in second hand goods shall make a record of the name and address and the driver's license number or the social security number of the pawnor or seller in second hand goods in the transaction. Such information shall be supplied to the Police Department as part of the report required hereunder.
- b. All pawnbrokers and dealers in second-hand goods shall make out and deliver to the Chief of Police or his duly authorized representatives each week a legible and accurate report of all target goods taken in pawn or purchased during the preceding business week. Such report shall contain the name or names of the pawnors or sellers and accurate, detailed description, together with serial numbers thereon, if any, and license decals, if any, of all target goods taken in pawn or purchased, together with the amount loaned on or paid for such target goods. Target goods, whether taken in pawn or purchased shall not be sold, resold or otherwise disposed of for a period of at least 15 days after pawn or purchase by such pawnbrokers or dealers, but this requirement shall not apply to the redemption of a lawfully pledged article by the pledger. Pawnbrokers and dealers shall permit the Chief of Police or his duly authorized representatives to inspect any target goods in his possession at any time during regular business hours. Failure to timely submit such list shall be a violation of this article.

315.03 Minors.

No pawnbroker or dealer in second-hand goods shall purchase or take in pawn any goods of any kind from any person under 18 years of age unless such minor's parent or guardian is present, and the name of the parent or guardian shall be reported along with the report of the transaction.

315.04 Penalty.

Whoever violates any provision of this article shall be fined not less than \$500 nor more than \$1,000 and in default of payment thereof, shall be imprisoned for not more than 90 days.

315.05 Repealer.

Any ordinance or part of ordinance conflicting with the provisions of this article is hereby repealed so are as the same affects this article”.

Bill No. 6 was introduced and will be considered for final reading at the City Council meeting of November 28, 2016, on motion of Mr. Wilson, seconded by Mr. Wertz. Yeas--Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Carey, Vice Chairperson--4; nays--none.

Abigail Jarboe, 416 Maple Street, Lebanon, told Council that she met with Mayor Capello prior to tonight’s meeting. Until she has an opportunity to review the information provided by Mayor Capello, she requested to withdraw her request to address Council regarding the ordinance regulating weeds.

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Councilmember Wilson reported that he was contacted by Mike Kitchen regarding the street light at Tenth and Walnut Streets. Mr. Kitchen attended a Council meeting regarding this issue approximately two months ago, and the light still is not working. Mayor Capello stated that Mr. Kitchen sent her an email thanking the City for having the light repaired. If the light is not working again, she will gladly contact Met-Ed to follow up.

Councilmember Wilson reported that he would like to discuss potential amendments to the trash ordinance at next month's Council meeting. Mr. Wilson stated that, personally, he feels tenants and business owners should be held responsible for violating the regulations.

Councilmember Wertz reported that there are dead trees along North Eighth Street and Monument Park. Mayor Capello stated that she will follow-up with the County Commissioners, as they are the owners of Monument Park.

Joe Reich, 930 Crowell Street, Lebanon, complained that he placed brush on Mifflin Street last week for collection during the citywide Fall Yard Waste Collection. On Friday, he received a notice advising that he was responsible for removing the brush. Mayor Capello explained that after crews pick up in a neighborhood, residents cannot place additional yard waste in the street and are responsible for the removal of the yard waste.

The meeting was adjourned at 7:01 p.m.

CHERYL J. GIBSON, Clerk