

MONDAY, NOVEMBER 27, 2017

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 called to order at 6:30 p.m.

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

Also present were Mayor Sherry L. Capello; Chief of Police Todd Breiner; Donna Long Brightbill, City Solicitor; Robin L. Getz, Director of Public Works; Melissa Quinones, Director of Administration-Assistant to the Mayor; Duane Trautman, Fire Commissioner; and 15 persons in the audience.

The minutes of the October 23 and November 16, 2017, 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 a budget report for the period January 1 through October 31, 2017.

Chairperson Parker announced that Council received the following communications:

- a. Mayor Sherry L. Capello, informing Council of the appointment of Melissa Quinones as Director of Administration-Assistant to the Mayor, effective November 20, 2017.
- b. Mayor Sherry L. Capello, informing Council of the reappointment of Helen Westphal to the Lebanon County Tax Collection Committee to represent the City of Lebanon and West Lebanon Township for a one-year term, effective January 1, 2018.

Mr. Wertz called up Bill No. 21 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 STOPPING, STANDING, OR PARKING" ZONE ON OLD FORGE ROAD, BETWEEN STEEL STREET AND CONCENTRATOR ROAD". Bill No. 21 was passed finally on motion of Mr. Wertz, seconded by Mr. Wilson. Yeas--Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Carey called up Bill No. 22 on final reading, the title of which is as follows: "AN ORDINANCE CLOSING AND VACATING CENTER STREET, 12 FEET IN WIDTH, BORDERED BY CHURCH STREET TO THE NORTH AND SCULL STREET TO THE SOUTH IN THE CITY OF LEBANON". Bill No. 22 was passed finally on motion of Mr. Carey, seconded by Mr. Wertz. Yeas--Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

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Mr. Morales called up Bill No. 23 on final reading, the title of which is as follows: “AN ORDINANCE CLOSING AND VACATING PARTRIDGE STREET, 30 FEET IN WIDTH, BORDERED BY CHURCH STREET TO THE NORTH AND SCULL STREET TO THE SOUTH IN THE CITY OF LEBANON”. Bill No. 23 was passed finally on motion of Mr. Morales, seconded by Mr. Carey. Yeas--Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Parker called up Bill No. 24, the title of which is as follows: “AN ORDINANCE MAKING APPROPRIATIONS OF THE CITY OF LEBANON, PA., FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2018, AND ENDING DECEMBER 31, 2018”. Bill No. 24 was passed finally on motion of Mr. Parker, seconded by Mr. Wilson. Yeas—Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson—5; nays—none.

Mr. Carey introduced Bill No. 25, as follows:

AN ORDINANCE PROVIDING FOR THE TAX LEVY OF THE CITY OF LEBANON, PA., FOR THE YEAR 2018.

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 rate of taxation of the City of Lebanon, Pa., for the fiscal year 2018 and for general revenue purposes shall be Four and Five Hundred Eighty-One Thousandths (4.581) mills upon the dollar of the assessed valuation of all the real, personal and mixed property within the limits of said City, taxable for City purposes; such rate of taxation being at the rate of Forty-Five and Eighty-One Hundredths Cents (\$.4581) on each One Hundred Dollars (\$100.00) of the assessed valuation of such taxable property, which assessed valuation is the sum of Eight Hundred Fifty-Nine Million Six Hundred Twenty-Seven Thousand One Hundred Dollars (\$859,627,100.00).

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.

Bill No. 25 was introduced and will be considered on final reading at the City Council meeting of December 18, 2017, on motion of Mr. Carey, seconded by Mr. Wertz. Yeas—Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson—5; nays—none.

Mr. Morales introduced Bill No. 26, as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A TAX AND REVENUE ANTICIPATION NOTE, SERIES OF 2018 IN A PRINCIPAL AMOUNT OF ONE MILLION DOLLARS (\$1,000,000); PROVIDING FOR THE DATED DATE, INTEREST RATE, MATURITY DATE, PAYMENT AND PLACE OF PAYMENT IN RESPECT OF THE NOTE; ACCEPTING THE PROPOSAL ATTACHED HERETO AS EXHIBIT “B” FROM THE FINANCIAL INSTITUTION OR ENTITY NAMED THEREIN FOR THE PURCHASE OF THE NOTE; NAMING A SINKING FUND

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DEPOSITARY/PAYING AGENT; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO EXECUTE AND DELIVER THE NOTE AND CERTAIN OTHER DOCUMENTS AND CERTIFICATES IN CONNECTION THEREWITH; AUTHORIZING AND DIRECTING THE PREPARATION, CERTIFICATION AND FILING OF THE NECESSARY DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH A FORM OF THE NOTE.

WHEREAS, City of Lebanon, Lebanon County, Pennsylvania (the “City”), anticipates receiving taxes and other revenues during the fiscal year ending December 31, 2018, which taxes and other revenues are currently uncollected; and

WHEREAS, the City has estimated, on a monthly basis, its expected taxes, revenues and expenditures for the fiscal year ending December 31, 2018, and has determined that during a portion of such fiscal year it will experience a “cumulative cash flow deficit” as such phrase is defined in the regulations promulgated under Sections 103 and 148 of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the City has determined to borrow monies for the purpose of funding, in part, such cumulative cash flow deficit by issuing a note to be repaid from the anticipated taxes and revenues, all in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 53 Pa.C.S., Chapters 80-82, as reenacted and amended (the “Debt Act”); and

WHEREAS, the City has received an acceptable proposal for the purchase of its Tax and Revenue Anticipation Note as hereinafter described; and

WHEREAS, as required by Section 8126 of the Debt Act, officials of the City have heretofore made an estimate of the taxes and revenues to be received during such fiscal year ending December 31, 2018, and, by their execution of a certificate with respect thereto dated this date, have certified to such estimate.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of Lebanon, Lebanon County, Pennsylvania (the “Council”), in lawful session duly assembled, as follows:

SECTION 1. For the reasons and purposes recited above, the City hereby exercises its power and authority to borrow money and authorizes the issuance and sale of its Tax and Revenue Anticipation Note, Series of 2018, in the principal amount of One Million Dollars (\$1,000,000) (the “Note”) in anticipation of the receipt of current taxes and revenues during the fiscal year ending December 31, 2018, such Note to be issued, sold and delivered as hereinafter provided.

SECTION 2. The Mayor and the City Clerk are hereby authorized and directed, in the name and on behalf of the City, to prepare and file with the Department of Community and Economic Development of the Commonwealth of Pennsylvania a certified copy of this

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Ordinance, a certificate setting forth the taxes and revenues to be collected in the fiscal year ending December 31, 2018, and a true copy of the accepted Proposal (hereinafter defined) for the purchase of the Note, all as set forth in and required by Section 8128 of the Debt Act. The Mayor and the City Clerk are also hereby authorized and directed, in the name and on behalf of the City, to prepare and verify a certificate, in accordance with Sections 103 and 148 of the Code and the regulations applicable thereto, setting forth the anticipated use of the proceeds, to prepare and deliver to the Purchaser of the Note the certificate required by Section 8127 of the Debt Act relating to the total amount of the City's tax and revenue anticipation notes outstanding on the date of delivery of the Note, and to take any and all other action, and to execute and deliver any and all other documents and instruments, as may be necessary, proper or desirable to effect the issuance and sale of the Note as contemplated herein. The certification made on the date of enactment of this Ordinance by the aforementioned officials of the City, relating to the amount of taxes and other revenues remaining to be collected by the City in the fiscal year ending December 31, 2018, is hereby ratified and approved.

SECTION 3. The Note shall be designated "City of Lebanon, Lebanon County, Pennsylvania, Tax and Revenue Anticipation Note, Series of 2018", shall be in registered form, without coupons, shall be prepayable prior to maturity, shall be in the denomination of One Million Dollars (\$1,000,000), shall be dated the date of issuance, shall bear interest at the rate of interest set forth in the Proposal from the date of delivery until maturity, shall mature on December 31, 2018, and shall be payable as to principal and interest at the place and in the manner and be otherwise in substantially the form set forth in the form of Note attached as Exhibit "A" hereto and the Proposal attached as Exhibit "B" hereto.

SECTION 4. The Note, when issued, will be a general obligation of the City.

SECTION 5. The Note shall be executed by the Mayor and the City Clerk and shall have the corporate seal of the City affixed thereto. The Mayor and the City Clerk are further authorized and directed to deliver the Note to the Purchaser hereinafter named upon the terms and conditions hereinafter provided and to execute and deliver such other documents and instruments and to take such other action as may be necessary or appropriate to effect the issuance and sale of the Note in accordance with this Ordinance and the Debt Act.

SECTION 6. The Note, together with any other tax and revenue anticipation notes issued, or to be issued, by the City during the City's fiscal year ending on December 31, 2018, shall, upon issuance thereof, be equally and ratably secured by a pledge of, security interest in, and a lien and charge on, the taxes and other revenues to be received by the City during the period when the Note is outstanding; and the Mayor and the City Clerk are hereby authorized and directed to prepare and file, or to have filed, such financing statements as may be necessary to fully perfect such pledge, security interest, lien and charge pursuant to the Pennsylvania Uniform Commercial Code and Section 8125 of the Debt Act.

SECTION 7. The City hereby covenants that it will not make any use of the proceeds of the Note or do or suffer any other action which, if such use or action had been reasonably expected on the date of issuance of the Note, would cause the Note to be an "arbitrage bond" or a "private activity bond" as such terms are defined in Section 148 or Section 141 of the Code and

the regulations applicable thereto and further covenants that it will comply with Section 148 and Section 141 of the Code, and with any regulations applicable thereto, throughout the term of the Note, including without limitation, any requirements relating to a rebate of certain excess earnings pursuant to Section 148(f) of the Code of any regulations applicable thereto now existing or promulgated hereafter. In connection therewith, the Mayor and the City Clerk are hereby authorized and directed to execute and to deliver, in the name and on behalf of the City, any and all documents or other instruments which Stevens & Lee, P.C., Bond Counsel, may reasonably request to provide its opinion that the Note is not an “arbitrage bond” or a “private activity bond” within the meaning of Section 148 and Section 141 of the Code and the regulations applicable thereto.

SECTION 8. The formal proposal (the “Proposal”) of the lender identified therein (the “Purchaser”), presented to the Council is attached hereto as Exhibit “B”, is hereby accepted and the Note is hereby awarded to the Purchaser at a private sale for the purchase price of \$1,000,000. The terms of the Proposal are incorporated herein by reference with the same effect as if set forth in full at this place. The Mayor and the City Clerk are hereby authorized and directed to accept the Proposal, in the name of and on behalf of the City, by executing the City’s acceptance on an original copy of the Proposal, to deliver a copy of the same to the Purchaser and to file the original with the records of the City.

The Mayor and the City Clerk are hereby authorized to deliver the Note to the Purchaser upon receipt of the full principal amount of the purchase price for such Note and upon compliance with all conditions precedent to such delivery as required by the Debt Act, this Ordinance and the Proposal; and such Mayor and City Clerk are hereby authorized and directed to prepare, verify and deliver to the Purchaser concurrently with the delivery of the Note, the certificate required by Section 8127 of the Debt Act, a copy of which certificate shall be retained with the records of the City until all tax and revenue anticipation notes issued by the City during the fiscal year ending on December 31, 2018, shall have been paid in full.

SECTION 9. The form of the Note shall be substantially as set forth and attached hereto as Exhibit “A,” which form is hereby incorporated by reference and adopted as if fully recited at length herein and said form is hereby approved by this Council.

SECTION 10. The proper officers of the City are hereby authorized, empowered and directed to contract the Purchaser for its services as paying agent and sinking fund depository (the “Paying Agent”) in accordance with the terms of the Proposal, this Ordinance and the Debt Act. The proper officers of the City are hereby authorized to establish a sinking fund for the Note with the Paying Agent for the benefit of the holder of the Note. The City Controller or other proper officer of the City is hereby authorized and directed to make deposits to the sinking fund to be held for the payment of principal and interest on the Note no later than the date of final maturity thereof.

Thereafter, the Paying Agent shall, without further authorization or direction from the City or any of its officials, withdraw moneys from the sinking fund and apply such moneys to the payment of principal and interest then due on the Note. Deposit by the City into the sinking fund

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of the full amount of such money shall satisfy in full the obligation of the City to pay principal and interest with respect to the Note.

SECTION 11. The City hereby appoints Stevens & Lee, P.C., to serve as Bond Counsel and Financial S&Lutions LLC to serve as financial advisor to the City, all in connection with the issuance and sale of the Note.

SECTION 12. The City Controller or other proper official of the City is hereby authorized and directed to pay at, or subsequent to, the closing for the issuance of the Note, all costs and expense of the issuance incurred by or on behalf of the City or required to be paid by the City, all in accordance with the provisions of the Purchaser's proposal.

Bill No. 26 was introduced and will be considered on final reading at the City Council meeting of December 18, 2017, on motion of Mr. Morales, seconded by Mr. Carey. Yeas--Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Dawn Fenstermacher, 34 Walnut Street, Lebanon, addressed Council regarding a letter that she received from Recycling Coordinator Leah Rohena regarding mixing grass with leaves placed at the curbside for collection. She complained that the letter was very insulting to citizens who clean up at their properties. She also complained about city workers who cleaned up at Southeast Playground. Mayor Capello explained that the letter was sent to all the residents in a designated area because the crews were finding piles of grass mixed in with leaves. She added that Ms. Fenstermacher's issue with the maintenance workers has been addressed. Mayor Capello also explained that with the volume of leaves this year, it may take crews longer to get through a neighborhood.

Lori Boyer, 1019 Mifflin Street, Lebanon, announced that the Crime Watch group entered a float in the holiday parade and received second place.

Charlotte McNamara, 430 North Sixth Street, Lebanon, stated that she reported a street light that is burned out nearly two weeks ago. Director of Public Works Robin Getz replied that the job has been submitted to the Maintenance Supervisor.

Ms. McNamara again encouraged Council to install a basketball court at Sixth and Crowell Streets. She reported that the kids set up a net in Arnold Street and it is a dangerous situation for both the kids and motorists.

Jim Rohland, 914 Mifflin Street, Lebanon, reported that there is broken glass on the sidewalk on the Tenth Street bridge and litter is stuffed in the fence along the Ninth Street bridge. Director of Public Works Robin Getz will follow up with the Maintenance Supervisor.

George Horn, 315 South First Avenue, Lebanon, thanked Mayor Capello and Council for the great job on the 2018 budget.

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Fire Commissioner Duane Trautman reported on a recent call where the level of carbon monoxide was very high. There was a carbon monoxide detector in the property and occupants called the fire department when the detector was activated.

Commissioner Trautman also announced the “Keep the Wreath Red Campaign”. A red bulb will be replaced with a white bulb for every fire between November 22 and New Year’s Day. There is a wreath at each city fire station, Mel’s Diner, and the Lebanon Farmers Market.

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

CHERYL J. GIBSON, Clerk