

MONDAY, SEPTEMBER 24, 2018

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 Carey presiding.

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

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

Also present were Mayor Sherry L. Capello; Chief of Police Todd Breiner; Robin L. Getz, Director of Public Works; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; Duane Trautman, Fire Commissioner; nine persons in the audience; and one member of the news media.

The minutes of the August 27, 2018, 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 August 31, 2018. Mayor Capello reported that we are at 66 percent of the fiscal year; revenues are at 81 percent; and expenditures are at 53 percent.

Councilmember Parker noted that the line item for Earned Income Tax is about 17 percent ahead of the projected amount. Mayor Capello replied that the line item actually includes the last quarter of 2017 and, in reality, it is about 10 percent ahead of projections for 2018. She added that the revenue for Real Estate Transfer Tax is higher than the budgeted amount due to more homes being sold in the city. She reported that in the last month, seven homes listed within her neighborhood alone sold in one week or less.

Councilmember Parker noted that the Local Services Tax also seems ahead of schedule. Mayor Capello reported that some folks pay the tax up front and she needs to do further research to determine whether the collections are ahead of projections for 2018.

Councilmember Parker stated that Public Safety Ordinance Violations and Onsite Tickets are ahead of projections. Mayor Capello reported that is partly the result of an increase in the number of man hours the Code Enforcement Inspectors spend on the street. She added that since she has taken office, there has been an increase of 142 percent in the number of property maintenance violations issued.

Councilmember Parker stated that the line item for Zoning and Building Permits is significantly ahead of projections. Mayor Capello replied that is reflective of the Partridge Street Project and the new Dollar General Store.

Chairperson Carey announced that Council received a communication from Director of Administration-Assistant to the Mayor Melissa Quinones, transmitting notice of the 2019 minimum municipal pension plan contributions (Police - \$905,014; Fire - \$263,490; Non-Uniformed - \$0).

Mr. Morales introduced Resolution No. 15, as follows:

A RESOLUTION RATIFYING AN AGREEMENT BETWEEN THE CITY OF LEBANON AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO LOCAL 1952, FOR THE YEARS 2018-2021.

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 agreement between the City of Lebanon and the International Association of Fire Fighters, AFL-CIO Local 1952, effective January 1, 2018, through December 31, 2021, be and it is hereby ratified.

Mayor Capello reported that the changes are comparable to the contracts for the Lebanon Police Bargaining Association and AFSCME. Mayor Capello reviewed highlights of the contracts, as follows:

- Contract is for the period 1/1/2018-12/31/2021.
- Three percent increase in salary each year for officers with 6 years or more of service. The Career Firefighters with less than 6 years of service will receive the step increments.
- Insurance deductible will increase \$25/single and \$50/family per year.
- The employee premium share per employee will increase \$5 per pay per year, except single coverage.
- The spousal penalty is increased \$5 per pay in each year.
- Prescription co-pays were increased.
- The co-pay for Specialist was increased from \$10 to \$20 and the Emergency Room co-pay was increased from \$25 to \$50, with the co-pay being waived if admitted.
- An Opt-Out incentive was added for employees removing themselves from the City's health care plan.
- Post-retirement health care benefits were eliminated for employees hired after the effective date of the contract.
- The medical service allowance was ended, effective January 1, 2019.
- The City of Lebanon will maintain Tele-Health during the duration of the contract.

Resolution No. 15 was passed finally on motion of Mr. Carey, seconded by Mr. Wertz. Yeas--Mr. Morales, Mr. Parker, Mr. Wertz, Mr. Wilson, and Mr. Carey, Chairperson--5; nays--none.

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

AN ORDINANCE AMENDING SUBSECTION 930.04, "SEPARATION OF RECYCLABLES", OF ARTICLE 930, "RECYCLING" OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PA., TO REVISE THE LIST OF RECYCLABLES.

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. Subsection 930.04, "Separation of Recyclables", of Article 930, "Recycling", 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 section:

"§930.04 Separation of Recyclables.

- (a) Recyclables and leaf waste shall be kept separate from municipal waste, for the purpose of recycling and composting respectively, to the extent required by the following provisions:
  - (1) Owners and occupants of all residential properties shall keep separate the following recyclables for the purpose of curbside recycling: clear glass containers, brown glass containers, green glass containers, aluminum cans, steel/bimetallic cans, plastic jugs or bottles with openings smaller than the base, dry newspapers with no glossy inserts, flattened corrugated cardboard and leaf waste.
  - (2) Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables: plastic jugs or bottles with openings smaller than the base, clear glass containers, brown glass containers, green glass containers, aluminum cans, steel/bi-metallic cans, flattened corrugated cardboard, and dry newspapers with no glossy inserts. Leaf waste shall also be kept separate for the purpose of composting. Owners and occupants of commercial, municipal and institutional establishments may seek an exemption to the requirements of this section (as specified under Act 101, Section (c)(1)(iii)) if the owners and occupants have otherwise provided for recycling of the materials they are required by this article to recycle. To be eligible for an exemption a commercial, municipal or institutional solid waste generator must submit an annual report showing materials that were recycled and the total number of tons recycled to the Recycling Coordinator no later than February 15 of each year.
- (b) Recyclables shall be prepared and stored in accordance with the provisions set forth in Section 930.12 of this article".

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.

Mayor Capello reported that the County Recycling Coordinator contacted the City of Lebanon a few months ago regarding changes to recycling. For quite some time, the U.S. recycling stream has been contaminated. In addition, due to some changes in the recycling industry, China has stopped accepting the U.S. market which has left a huge gap in the industry. The proposed amendment is reflective of what is accepted in the current market. If there is a change to items that are accepted in the industry and the market stabilizes, another amendment would be submitted to Council for consideration.

Mayor Capello reviewed the items that will be accepted, as follows:

- No. 1 and 2 plastics, as specified
- Newspaper – must be dry and no glossy inserts
- Corrugated cardboard – must be flattened and no food debris
- No office paper

Mayor Capello stated that staff will be doing educational outreach, social media outreach, and information will be available at the Recycling Center. She added that the trash haulers have been instructed by the GLRA and haulers will be placing stickers on cans if the recycling is not properly prepared. The haulers will also be mailing information to their customer base.

James Roland, 914 Mifflin Street, Lebanon, asked if the recyclables that will no longer be accepted by the haulers will be accepted at the Recycling Center to which Mayor Capello replied no, the same criteria will be in place for recyclables taken to the Recycling Center.

Bill No. 5 was introduced and will be considered on final reading at the City Council meeting of October 22, 2018, on motion of Mr. Parker, seconded by Mr. Morales. Yeas—Mr. Morales, Mr. Parker, Mr. Wertz, Mr. Wilson, and Mr. Carey, Chairperson—5; nays—none.

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

AN ORDINANCE AMENDING SUBSECTION 160.03, “BOARD OF DIRECTORS”, OF ARTICLE 160, “LAND BANK”, OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, TO INCREASE THE COMPOSITION OF THE BOARD FROM SEVEN TO NINE MEMBERS.

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. Subsection 160.03, “Board of Directors”, of Article 160, “Land Bank”, of the Codified Ordinances of the City of Lebanon is hereby repealed, rescinded, and deleted in its entirety and shall be replaced by the following new subsection:

“§ 160.03 Board of Directors.

- (a) All personnel, facilities, equipment, and supplies within the Land Bank shall be governed by a Board of Directors as provided herein.

- (b) Number of Board members. The Land Bank shall be governed by a Board of Directors comprised of nine (9) members that reflect the diversity and range of interests affected by the Land Bank's activities.
- (c) Initial Board members. The initial members of the Board of Directors of the City of Lebanon Land Bank shall be three members of the Board of Directors of the Redevelopment Authority of the County of Lebanon (hereinafter the "RACL") serving on the date of creation of the Land Bank, and four additional members who shall be appointed by the Mayor and who shall consist of one representative from the Lebanon City Planning Commission, one representative from the Lebanon County Treasurer's Office, one representative from the real estate/appraisal industry, and one resident of the City of Lebanon maintaining active membership in a recognized civic organization in the City of Lebanon. Each initial Board member who is a member of the Board of Directors of the RACL shall serve on the Board of Directors of the Land Bank for the same term as his or her term on the RACL. The names of the initial Land Bank Board members and length of terms which they will serve are as follows:

Amy Leonard (RACL Board) for a term ending February 9, 2018

Joseph Connor (RACL Board) for a term ending February 9, 2021

George Kaufman (RACL Board) for a term ending February 9, 2022

Joseph Klein (City Planning) for a term ending February 9, 2019

Sallie Neuin (Treasurer's Office) for a term ending February 9, 2020

Frank Kocher (real estate/appraisal industry) for a term ending February 9, 2019

Craig Gates (civic organization) for a term ending February 9, 2020

- (d) Effective October 22, 2018, the Board of Directors shall be comprised of three (3) members of the Board of Directors of the Redevelopment Authority of the County of Lebanon (hereinafter the "RACL") serving on the date of creation of the Land Bank, and four additional members who shall be appointed by the Mayor and who shall consist of one representative from the Lebanon City Planning Commission, one representative from the Lebanon County Treasurer's Office, one representative from the real estate/appraisal industry, one resident of the City of Lebanon maintaining active membership in a recognized civic organization in the City of Lebanon, and two representatives from the Board of Directors of the Lebanon School District. In addition to the Land Bank Board members appointed in §160.03(c), the names of the representatives from the Board of the Lebanon School District and the initial length of the terms they will serve are as follows:

TBD, Lebanon School Board, for a term ending February 9, 2022.

TBD, Lebanon School Board, for a term ending February 9, 2023.

- (e) Appointments. The Mayor shall appoint the four members of the Board of Directors who are not members of the RACL or the Lebanon School District.
- (f) Term of Board members. After expiration of the terms of the initial Board members, the term of office for appointed members of the Board of Directors of the City of Lebanon Land Bank shall be five years. The members of the RACL serving on the Land Bank Board shall serve on the Land Bank Board for so long as they serve on the Board of Directors of the RACL. Each newly appointed member of the RACL succeeding one of the initial Land Bank Board members shall automatically and concurrently become a member of the Board of Directors of the Land Bank for a term that shall be the same as his or her term on the RACL.
- (g) Service after expiration of term. Members of the Board of Directors shall continue to serve until their successors have been appointed and qualified.
- (h) Compensation and expenses. Members shall serve without compensation and may seek reimbursement for expenses associated with duties relating to Land Bank activities.
- (i) Ethical standards. Members of the Board of the Land Bank and its employees shall be subject to the Act of July 19, 1957 (P.L. 101), No. 451, known as the State Adverse Interest Act and the ethical standards and disclosure requirements of 65 Pa.C.S.A. Chapter 11 and any other supplemental rules and guidelines adopted by Board of the Land Bank.
- (j) Officers. The Land Bank members shall elect officers to serve as Chair, Vice Chair, Secretary and Treasurer to serve one-year terms. Members may be re-elected to serve successive terms. The duties of officers shall be established by the Board according to law.
- (k) Vacancies. Any vacancy in the four members appointed by the Lebanon City Council shall be filled by appointment by the Lebanon City Council. Vacancies in members serving by virtue of appointment to the RACL or Lebanon School District Board of Directors shall be filled by the person appointed to fill that vacancy at the RACL or the Lebanon School District Board of Directors.
- (l) Meetings of the Board. The Land Bank shall hold regular public meetings, shall make each meeting's agenda available on the Land Bank's website in advance of such meeting and shall allow for public comment on matters under deliberation at each such public meeting. The place, date and time of the Land Bank meetings shall be determined at the discretion of the Board of Directors. All meetings of the Board of Directors shall comply with the Pennsylvania Sunshine Act. The Chair of the Board may call special meetings by written notice of at least 24 hours to each Board member and in accordance with the Pennsylvania Sunshine Act. Special meetings may also be called upon written notice signed by a majority of the Board members and delivered at least 24 hours in advance to each Board member and advertised in accordance with the Pennsylvania Sunshine Act.

- (m) Quorum. A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the members of the Board of Directors, excluding vacancies on the Board, shall constitute a quorum. The Board of Directors shall act by a majority vote of the members at a meeting at which a quorum is present except as otherwise provided in this article. No voting by proxy shall be permitted.
- (n) Minutes. Minutes of all meetings of the Board of Directors and its committees shall be made and maintained.
- (o) Committees. The Board of Directors may establish such committees as may be needed to assist the Board in conducting the business of the Land Bank. Committee members shall be appointed by the Chair, and each Committee shall include at least one member of the Board of Directors. Any business proposed by a committee shall require approval by the Board of Directors.
- (p) Fiduciary duty. The members of the Board of Directors of the Land Bank are under a fiduciary duty to conduct the activities and affairs of the Land Bank in the best interests of the residents of the City of Lebanon, including the safekeeping and use of all Land Bank monies and assets. The Board of Directors shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

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. 6 was introduced and will be consider on final reading at the October 22, 2018, meeting on motion of Mr. Morales, seconded by Mr. Wertz. Yeas--Mr. Morales, Mr. Parker, Mr. Wertz, Mr. Wilson, and Mr. Carey, Chairperson--5; nays--none.

Mayor Capello stated that the Land Bank is one more tool added to the tool box to address blighted properties. Mayor Capello reported that in 2004, Lebanon City was the first municipality in Lebanon County to implement a property maintenance program; the City requires a Buyer's Notification Certificate when a property is sold; the City has filed criminal citations to owners with four or more violations on a property; and the City has denied permits to owners with outstanding violations. She added that City Council approved the formation of the Land Bank approximately one year ago. In July 2018, the County of Lebanon agreed to the terms. Mayor Capello reported that she recently met with the Lebanon School Board and they are requesting representation on the Land Bank. The proposed amendment increases the membership from 7 to 9 members and includes two representatives to be named by the Lebanon School Board.

Chairperson Carey announced that Yard Waste is scheduled for October 15-19, 2018. Mayor Capello reminded residents that the crew makes one pass through a neighborhood and will not return to collect items that are placed curbside afterwards. No grass, no leaves, and no pavers are accepted in the yard waste collection.

James Roland, 914 Mifflin Street, Lebanon, asked if there is an update on converting the street lights to LED bulbs. Mayor Capello reported that Met-Ed has been working in other

regions as a result of the storms this past summer and there is no significant change to the street light conversion since spring.

Robert Reist, 1111 Guilford Street, Lebanon, stated that he moved to the City of Lebanon in June 2018. He showed Council photos of neighbors placing chairs along the curb on 11<sup>th</sup> Street to reserve parking spaces and the trash he picks up every morning in the immediate area. He reported that approximately one week ago, the Lebanon Police Department and the Lebanon Fire Department were cleaning up from a toxic waste incident from a boat that was parked on the street. He further reported that residents are using the street as a garage and working on vehicles parked on the street.

Mr. Reist stated that emergency crews had difficulty maneuvering equipment in this area during a fire at a high rise apartment building earlier this summer. He complained that residents are parking RV's, boats, and trailers on the street which is causing gridlock.

Mr. Reist recommended that Council consider making 11<sup>th</sup> Street north a "No Parking" zone. Kids are running between vehicles to get to the playground at the Salvation Army and there are times the Salvation Army Canteen truck cannot exit to respond to a call.

Mayor Capello thanked Mr. Reist for moving his business into the City of Lebanon. She reported that she became aware of Mr. Reist's concerns on September 21, 2018, and the concerns were discussed at today's meeting with members of her senior staff.

Chief of Police Todd Breiner reported that the Lebanon Police Department became aware of the issues approximately one month ago. He reported that initially the owner of the boat was resistant to move the boat, but has since moved it. The tires on the RV have been chalked. Further, the boat with the trailer and the 5<sup>th</sup> wheeler have received 48 hour violations and street sweeping tickets. Chief Breiner encouraged folks to contact the Lebanon Police Department or Lebanon County EMA when they observe someone performing maintenance on a vehicle that is parked in the street. Chief Breiner added that he does not agree with the recommendation to make 11<sup>th</sup> Street north a "No Parking" zone. He added that parking in this areas is limited and people in the neighborhood use this street for parking. Mr. Reist asked if there is a possibility of limiting the parking to cars only. Mayor Capello replied that parking restrictions cannot be created haphazardly and a traffic study would be required. Councilmember Wilson asked if it would be possible to designate areas where recreational vehicles would be permitted to park. Mayor Capello replied that the Traffic Safety Committee will research that possibility.

Councilmember Wilson reported that the street sweeping schedule for some areas is not practical as parking is restricted on both sides of the street on the same night. Mayor Capello replied that, to the best of her knowledge, the schedule does not list both sides of the street for sweeping on the same day.

Mayor Capello added that in drafting the proposed zoning ordinance, parking of boats, RV's, etc. will be addressed.

The meeting was adjourned at 7:35 p.m.

CHERYL J. GIBSON, Clerk

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