

MONDAY, JULY 27, 2020

The 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. Due to the Corona Virus Pandemic the meeting was held virtually via Zoom.

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

Present—Mrs. Keller, Mr. Miller, Mr. Morales, Mr. Wertz, and Mr. Carey, 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; Janelle Mendoff, Community and Economic Development Administrator; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; Duane Trautman, Fire Commissioner; Glenn Yanos, Code Enforcement Supervisor; five persons in the audience; and two members of the news media.

The minutes of the June 22, 2020, 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 June 30, 2020. Mayor Capello reported that 50 percent of the fiscal year is completed; revenue is at 58 percent and expenditures are at 37 percent. Both revenue and expenditures are performing better than budget. Mayor Capello reported that she anticipates the earned income tax revenue received in the third and fourth quarters to reflect the loss of jobs during the COVID-19 pandemic. She reported that a COVID-19 budget was prepared and all projects and maintenance included in the 2020 budget were eliminated, job vacancies are not being filled, and hours have been reduced for part-time employees.

Mr. Carey announced that Council received the following communications:

- a. Pa. Department of Auditor General, transmitting the 2019 Act 205 Actuarial Valuation Report for the Paid Firemen's Pension Plan
- b. Pa. Department of Auditor General, transmitting the 2019 Act 205 Actuarial Valuation Report for the Police Pension Plan
- c. Pa. Department of Auditor General, transmitting the 2019 Act 205 Actuarial Valuation Report for the Non-Uniformed Pension Plan

Mayor Capello reported that Act 205 mandates municipalities to file this report every two years. The report provides a snapshot of the pension plan at that moment of time. She added that many pension plans were distressed and for transparency and fiduciary responsibility, municipalities are required to have the actuary prepare the report.

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- d. Mayor Sherry Capello, informing Council of the appointment of the following to the Design Review Board in accordance with Section 1312.13 of the Zoning Code:

Janelle Mendoff
Community & Economic Development
Administrator
400 South Eighth Street
Lebanon, PA 17042
July 22, 2020-July 22, 2025

Amy Kopecky
Main Street Manager
847 Cumberland Street
2nd Floor
Lebanon, PA 17042
July 22, 2020-July 22, 2023

Joseph Morales
Lebanon City Council
400 South Eighth Street
Lebanon, PA 17042
July 22, 2020-July 2025

Richard A. Wertz
Lebanon County Historical Society
1543 Elm Street
Lebanon, PA 17042
July 22, 2020-July 22, 2025

Guadalupe Barba
La Placita (Downtown Business)
922 Cumberland Street
Lebanon, PA 17042
July 22, 2020-July 22, 2025

Sharon Zook
Lebanon Valley Council on the Arts
525 South Broad Street
Lebanon, PA 17042
July 22, 2020-July 22, 2023

Mrs. Dorothy Perez
Artist
1350 Juniper Street
Lebanon, PA 17042
July 22, 2020-July 22, 2025

Mayor Capello reported that for several years, citizens have requested a policy for public art. When drafting the new Zoning Code, murals and/or street art were included. The purpose of the section is to recognize the value of public art to citizens and visitors; promote public art work that transforms and activates civic spaces and create a unique identity for the City of Lebanon as a destination; establish a diverse collection of public artworks; create works of public art with the cooperation of the community; involve local, regional and national artists of diverse backgrounds; provide ongoing opportunities for artists to advance their art forms; consider economic development and cultural tourism when advocating for public art; promote understanding of public art and encourage public dialogue; incorporate art and design projects of the highest quality throughout the community, in essence creating a museum without walls and making art accessible to all; and to provide a legacy of art and culture for future generations. Mayor Capello explained that one of the criteria is to create a Design Review Board to determine that the art meets certain criteria. In accordance with the ordinance, the members of the Design Review Board are appointed by the Mayor. The members of the Board represent different sectors and she reported that the appointees were very appreciative and honored to serve.

City Clerk Cheryl Gibson read a communication from Maija Miettinen, 117 South 11th Street, Lebanon, sharing her experience with trying to become involved with the Lebanon Valley

Arts Council. She expressed her support of the City of Lebanon forming an Arts Commission. She suggested forming an Arts Commission that supports not only murals, but supports arts across the board, including visual arts, music, dance, theatre, 3D arts, urban art and design, etc. She expressed that while there are people in this town with great creative potential, unfortunately very often it seems that the same few people are given an opportunity to exhibit their talents. She asked who will be in charge of the Arts Commission, who will choose the people to be on this Commission, what is the criteria which art (mural) projects are going to be funded. She questioned how the Commission will represent the minority voices and make sure they will be represented and presented if only one of the seven is from the hispanic community and one represents the artists who across the board seek to give voice to the people without voice or human experiences that are hard to express.

Mayor Capello explained that there appears to be confusion between the Design Review Board and an Arts Commission. The appointments she made were to a Design Review Board not an Arts Commission. The Arts Commission was not proposed by the City of Lebanon. The Design Review Board is set forth in the zoning ordinance for the purpose of reviewing proposals for murals and public art. She added that at Thursday's Pre-Council meeting, Amaury Abreu submitted a report rather than a proposal for the establishment of an Arts Commission. Prior to establishing an Arts Commission, she explained that it is important to know that the taxpayers want an Arts Commission. Mayor Capello clarified that three of the Design Review Board members--Guadalupe Barba, Joseph Morales, and Dorothy Perez---represent the hispanic community.

Councilmember Morales reported that following the Pre-Council meeting on Thursday, he researched the information that was provided to Council regarding an Arts Commission. The town of Sequim, Washington has an annual budget of \$37.9M, a population of 7,481, and one part-time employee. In 2014, a public arts policy was created. City officials met with stakeholders in the community about forming an Arts Council and the first thing they did was build a civic center. He reported that, in comparison, during the COVID-19 pandemic, Lebanon City is hoping to not layoff any employees. Mr. Morales stated that in an effort to get public input he talked to several residents and the response was mixed. Many residents felt an Arts Commission is not something the City of Lebanon needs right now. Some folks mentioned that we have the Lebanon Valley Council on the Arts. Mr. Morales stated that he feels more input is needed from the citizens before making any decisions about an Arts Commission.

Chairperson Carey thanked Mr. Abreau for presenting his report at Thursday's meeting. He thanked him for his passion and appreciation of the arts. Chairperson Carey stated that he feels Council needs to take the next three months to gather input from the community at large. The remainder of Council concurred with Chairperson Carey.

Cornell Wilson, 1020 Chestnut Street, 2nd Floor, Lebanon, asked when the appointments to the Design Review Board become effective and will the Board be ready to accept applications. Mayor Capello replied that the ordinance went into effect last month and the Design Review Board was appointed in July.

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Mr. Wilson asked if the regulations apply to murals on private property. Mayor Capello explained that if it is visible from the public street, it must be reviewed by the Design Review Board. She added that the Design Review Board makes a recommendation to the Mayor and the Mayor gives final approval/disapproval of the mural. Any person not submitting the mural design for approval by the Design Review Board would be in violation of the Zoning Code.

Mrs. Keller introduced Resolution No. 12 as follows:

APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-13832 CURRENTLY HELD BY THE PENNSYLVANIA LIQUOR CONTROL BOARD INTO THE CITY OF LEBANON FOR USE AT THE PREMISES LOCATED AT 640 NORTH SEVENTH STREET, LEBANON.

WHEREAS, Section 461 of the Pennsylvania Liquor Code (47 P.S. 4-461, hereinafter, “Code”) authorizes, among other things, the Pennsylvania Liquor Control Board (hereinafter, “PLCB”) to approve the transfer of liquor licenses across municipal boundaries within the same county and under certain conditions to issue restaurant and eating place retail dispenser licenses without regard to quota restrictions for the purpose of economic development; and

WHEREAS, Subsection (b.3) of Section 461 requires that an intermunicipal transfer or issuance of a new license for economic development must, under certain conditions, first be approved by the governing body of the receiving municipality; and

WHEREAS, that subsection also requires that a receiving municipality issue a resolution approving or disapproving the intermunicipal transfer or issuance of a new liquor license prior to submission of an application for such transfer to the PLCB; and

WHEREAS, that subsection mandates that, prior to adoption of such a resolution, at least one hearing be held for the purpose of receiving comments and recommendations from interested individuals residing within the receiving municipality concerning the intent to transfer the license into the municipality or the issuance of an economic development license; and

WHEREAS, 640 Lebanon Food Corporation (hereinafter, “Applicant”), owns or is leasing property located at 640 North Seventh Street, Lebanon, Lebanon County, PA; and

WHEREAS, on July 1, 2020, and pursuant to Section 461, the Applicant filed a request for approval by the Lebanon City Council (hereinafter, “City Council”) of a proposed intermunicipal transfer of Restaurant Liquor License No. R-13832 (the “Liquor License”); and

WHEREAS, on July 23, 2020, and in accordance with Section 461(b.3) City Council held a public hearing on the proposed Liquor License transfer; and

WHEREAS, the purpose of this resolution is to comply with Code Section 461(b.3).

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. Applicant seeks approval of an intermunicipal transfer of Restaurant Liquor License No. R-13832 which was won at the recent Pennsylvania Liquor Control Board liquor license auction, pursuant to Invitation to Bid No. 260354, previously located in South Lebanon Township, Lebanon County, to applicant for the property located at 640 North Seventh Street, Lebanon, Lebanon County, PA (the “Property”) pursuant to Code Section 461.

SECTION 2. Applicant proposes to, and will, utilize the liquor license to provide additional offerings of beer, and potentially wine, to its currently-existing grocery store at the Property (the “Proposed Use”).

SECTION 3. The Applicant will comply with all other local ordinances including, without limitation, zoning and building codes.

Councilmember Keller asked for clarification on how often the PLCB conducts inspections. Attorney Berger replied that inspections are conducted fairly often. He added that if the PLCB receives a complaint, the enforcement officer may investigate in uniform or undercover. He stated that outside of responding to complaints, the PLCB does random spot checks at establishments. Depending on the severity of the violation, the PLCB may revoke the license for the first offense.

Mayor Capello clarified that during the public hearing on July 23, the discussion was regarding food safety violations. Attorney Berger stated that if the establishment does not have a current health license, they are not permitted to sell liquor.

Attorney Berger stated that he can agree to a 60 day extension, but the City needs to be clear what is expected of his client to improve the health inspections. Councilmember Miller stated that his concern is the same violations cited time and time again without correction. He added that finding the same violation within 24 hours after discussion is not acceptable to him.

Mayor Capello stated at Thursday’s public hearing the violations discussed were serious life safety issues. She added that it is a repeated deliberate action of changing expiration dates on meat products. She reported that there are also property maintenance issues at the premises.

Laura LeBeau, WiLBuR Radio, asked if the owners would lose the liquor license if Council votes no at tonight’s meeting. Attorney Berger explained that his client would have the right to appeal the denial or his client could purchase a license within the city limits and avoid a public hearing before Council.

Chairperson Carey stated that Council wants to help business owners achieve their goals and better themselves.

Resolution No. 12 was tabled and Council requested an extension of 60 days to consider the request on motion of Mr. Carey, seconded by Mrs. Keller. Yeas—Mrs. Keller, Mr. Miller, Mr. Morales, Mr. Wertz, and Mr. Carey, Chairperson—5; nays—none.

Mr. Morales introduced Resolution No. 13, as follows:

TO THE COMMISSIONERS OF LEBANON COUNTY REQUESTING \$25,477.00 IN FINANCIAL AID FOR THE IMPROVEMENT OF CITY STREETS, AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE AN APPLICATION FOR SAME.

WHEREAS, the undersigned Municipality desires to take advantage of the Act approved June 1, 1945, P.P. 1242, and as provided in the Act approved May 18, 1945, P.L. 803, permitting counties of the Commonwealth of Pennsylvania to appropriate and expend monies for the improvement and maintenance of state highways and state-aid highways or any public highway in any county of the Commonwealth.

NOW, THEREFORE, Be It Resolved that we, the officials of the City of Lebanon, Lebanon County, Pennsylvania, in regular session assembled on this twenty-seventh day of July, 2020, do hereby make application to the County Commissioners of Lebanon County for an allocation of County Liquid Fuels Tax Funds in the amount of Twenty-Five Thousand Four Hundred Seventy-Seven Dollars (\$25,477.00) to be used in the improvement of the following:

- a. Paving and/or general maintenance of city streets, including sinkhole repairs.

It is certified by the Municipality and the officers who execute this application that all materials used and work done hereunder shall conform to the current Pennsylvania Department of Transportation specifications, or specifications approved by the Department, and that all work will be done within the legal right-of-way or with permission of the abutting property owners.

Mayor Capello explained that the annual allocation is based on the census. The funds are distributed by County of Lebanon and must be expended through the general fund. The proposed use for the funding is general maintenance of streets, including the repair of a sinkhole.

Resolution No. 13 was passed finally on motion of Mr. Morales, seconded by Mr. Miller. Yeas—Mrs. Keller, Mr. Miller, Mr. Morales, Mr. Wertz, and Mr. Carey, Chairperson—5; nays—none.

Mrs. Keller introduced Resolution No. 14, as follows:

A RESOLUTION AUTHORIZING THE PROPER OFFICIALS OF THE CITY OF LEBANON TO ENTER INTO A REIMBURSEMENT AGREEMENT FOR THE LEBANON CITY RESURFACING-PHASE 1-WALNUT STREET (US 422) PROJECT.

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. Lebanon City Council does hereby authorize the submission request for the Department of Transportation to provide up to \$1,976,888.00 reimbursement to the City of Lebanon for construction costs associated with the Lebanon City Resurfacing-Phase1-Walnut Street (US 422) Project.

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SECTION 2. The Mayor and City Clerk of the City of Lebanon are hereby authorized and directed to sign Reimbursement Agreement No. R20080005 on behalf of the City of Lebanon.

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.

Mayor Capello explained that the cost of Phase 1 is just under \$2 million. It is anticipated that the project will begin in Spring 2021. Notices for curb and sidewalk repair have been sent to property owners and utility companies have been notified of the upcoming resurfacing project.

Resolution No. 14 was passed finally on motion of Mrs. Keller, seconded by Mr. Miller. Yeas—Mrs. Keller, Mr. Miller, Mr. Morales, Mr. Wertz, and Mr. Carey, Chairperson—5; nays—none.

Councilmember Miller asked that status of the amendments to the Zoning Code. Mayor Capello replied that we are awaiting an estimate from the consultant for preparation of the amendment. She further reported that additional items will need to be tweaked.

Councilmember Keller stated that citizens may be hesitant to announce their address during an online meeting. She asked if Council would consider accepting an address by email. Mayor Capello stated that she will consult with the City Solicitor.

Chairperson Carey announced that SAMBA is working on the bike track at Coleman Memorial Park; a group volunteered to plant a garden at the Log House, there is lettuce at the 9th and Mifflin Streets community garden; the LV Council on the Arts completed the mosaic tile mural at Progressive Playground; and the city posted tips for keeping cool during the hot weather. He thanked the volunteers who made these things possible.

Councilmember Keller reported that she received a suggestion to hold the Town Hall meeting at Coleman Memorial Park.

Mayor Capello thanked Sharon Zook and the members of the LV Council on the Arts for their work on the mosaic tile mural at Progressive Playground. Sharon talked to the kids in the neighborhood and the message they wanted to convey was “We’re in this together”.

Jandi Goshert, 144 Lehman Street, Lebanon, joined the meeting and asked when the Design Review Board was created. Chairperson Carey replied that this issue was discussed earlier in the meeting. She agreed to watch the video and contact Mr. Carey with any questions.

Cornell Wilson stated that a resident placed a mattress in his yard with a “Free” sign. He subsequently received a ticket from Public Safety without receiving a warning. Mayor Capello replied that the Code Enforcement Inspectors are issuing instant tickets for health and sanitation issues. She offered to follow up with the Inspectors.

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Mr. Wilson stated that there is a trash hauler collecting on Sundays. Mayor Capello stated that there have been so many changes in ownership of trash hauling companies that they could be collecting on Sundays. She told Mr. Wilson that if he provides a specific address she will follow up.

Brittany Hilton, 113 North Franklin Street, Palmyra, stated that she would like to see a Town Hall meeting happen in person or online. She suggested asking for questions beforehand. She also stated that she is glad Council is reviewing the Art Commission.

The meeting was adjourned at 8:12 p.m.

CHERYL J. GIBSON, Clerk