

MONDAY, MAY 24, 2021

The regular monthly meeting of the Council of the City of Lebanon, Pa., was held on the above date, Chairperson Morales 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--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson.
Absent--none.

Also present were Mayor Sherry L. Capello; Chief of Police Todd Breiner; Donna Long Brightbill, City Solicitor; Janelle Mendoff, Community and Economic Development Administrator; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; Duane Trautman, Fire Commissioner; and two members of the news media.

The minutes of the April 26, 2021, City Council meeting were presented by the City Clerk. There being no corrections, deletions or additions, the minutes were approved as presented.

Chairperson Morales announced that Council received a budget report for the period January 1 through April 30, 2021. Mayor Capello reported that 33 percent of the fiscal year is completed and we are performing better than budget with revenues at 37 percent and expenditures at 24 percent.

Mr. Morales introduced Resolution No. 35, as follows:

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF LEBANON TO EXECUTE AN AGREEMENT OF EASEMENT BETWEEN THE CITY OF LEBANON AND COUNTY OF LEBANON, PROVIDING FOR A PERPETUAL AND PERMANENT EASEMENT FOR PURPOSES OF CONSTRUCTING AND MAINTAINING A RECREATIONAL RAIL-TRAIL, LIMITED TO USE BY PEDESTRIANS, BICYCLES, AND ACTIVITIES INCIDENT TO THE OPERATION OF THE JOHN E. WENGERT MEMORIAL PARK.

WHEREAS, certain tracts of land in the Second Ward of the City of Lebanon have been identified for the development of the John E. Wengert Memorial Park; and

WHEREAS, the City of Lebanon has partnered with the County of Lebanon, Lebanon Valley Rails-to-Trails, Inc., and the Lebanon Valley Conservancy for the development of the John E. Wengert Memorial Park; and

WHEREAS, the County of Lebanon is developing a recreational trail through the City of Lebanon and wishes to utilize property owned by the City of Lebanon for the purpose of developing and maintaining the John E. Wengert Memorial Park; and

JOURNAL OF COUNCIL – MAY 24, 2021

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. An Agreement of Easement dated May 24, 2021, between the City of Lebanon and County of Lebanon, providing for a perpetual and permanent easement for purposes of constructing and maintaining a recreational rail-trail, limited to use by pedestrians, bicycles, and activities incident of the operation of the John E. Wengert Memorial Park is hereby approved.

SECTION 2. The Mayor of the City of Lebanon, Lebanon County, is hereby authorized to execute said Agreement of Easement.

SECTION 3. A copy of the executed Agreement of Easement shall be attached to and hereby made part of this resolution”.

Mayor Capello explained that the John E. Wengert Memorial Park Master Plan provides a vision for a vacant parcel of land in the southwest portion of the city. It was conceived by the Lebanon Valley Conservancy to honor one of its founding members, John E. Wengert. Mr. Wengert volunteered on numerous boards, owned and operated a dairy, and was involved in countless fund-raising campaigns for the community. The park is bound by three tracts of land: Chestnut Street on the south; 16th Street on the west; and the former Maribelle’s restaurant on the east. Mayor Capello explained that three things must be addressed in the easement: a minimum 30 ft. easement along the channel to properly maintain the channel; a 30 ft. easement to the ramp to allow access to the channel for numerous reasons, mainly public safety; and recognition of the City of Lebanon Authority’s 30 ft. wide area for water and sewer lines running through the property. She added that it is her understanding that there may be an easement in place for the water and sewer lines and the City is attempting to confirm that the easement is in place for the Authority. In addition, the easement must contain language that if there is any type of disturbance within the easement, the City of Lebanon would not be ultimately responsible to put any improvements back in place. Mayor Capello explained that she will provide a copy of the final agreement prior to execution. She reported that the Lebanon County Commissioners will be voting on the agreement at their meeting of June 3. She reported that the signed agreement must be submitted to DCNR by June 8 for further consideration in the grant process.

Councilmember Miller asked if the City’s conditions have been presented to the Lebanon Valley Conservancy and the Lebanon Valley Rail Trail. Mayor Capello explained that over one year ago a meeting was held with the Board and the conditions were presented to both the Lebanon Valley Conservancy and the Lebanon Valley Rail Trail. She does not anticipate that the County of Lebanon will have any objections to the conditions.

Resolution No. 35 was passed finally on motion of Mr. Morales, seconded by Mr. Miller. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Miller introduced Bill No. 7, as follows:

“AN ORDINANCE AMENDING SUBSECTION 1501.02, “ADDITIONS, DELETIONS AND CHANGES”, OF ARTICLE 1501, “INTERNATIONAL FIRE CODE”, OF THE

CODIFIED ORDINANCES OF THE CITY OF LEBANON, PENNSYLVANIA, FOR
THE PURPOSE OF INCREASING THE FEE FOR AN APPLICATION FOR APPEAL.

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 1501.02, “Additions, Deletions and Changes”, of Article 1501, “International Fire Code”, of the Codified Ordinances of the City of Lebanon, Pa., is hereby amended as follows:

“IFC 108.1 Board of Appeals Established

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official relative to the application and interpretation of this Code, there shall be and it is hereby created a Board of Appeals. The Board shall consist of the Director of Public Safety, as Chairman, the City Engineer, the Fire Chief and one member from the general public who is qualified by experience or training to rule on matters pertaining to building construction and fire prevention. The Board shall adopt reasonable rules and regulations for conducting its hearings. All Board hearings shall be open to the public. All resolutions or findings shall be in writing and made available for public viewing. An application for appeal must be submitted to the Board of Appeals within ten (10) days of the date of notice or order of the Fire Code Official. The applicant shall submit a fee of Six Hundred Dollars (\$600.00) for the filing of an appeal”.

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

Mayor Capello reported that in 1984, a fee of \$100 was established for filing an appeal; in 2004 it was increased to \$225; and in 2010, it was increased to \$250. She further explained that when preparing the new zoning ordinance in 2019, the Committee researched the cost of conducting a zoning hearing and determined the average cost to be more than \$627. The *Pennsylvania Municipalities Planning Code* limits what costs may be included when determining the cost of conducting a zoning hearing. It was determined that it would be reasonable to utilize this same criteria for the Fire Code and the Property Maintenance Code appeals. Costs that may be included in the calculation are compensation of the Zoning Hearing Board members, costs for notices and legal ads, the necessary administrative overhead costs to conduct the hearing, and fifty percent (50%) of the stenographer’s fee. Costs for legal counsel, expert consultants, and engineering fees cannot be included in the calculation. She reported that since she has been Mayor, no appeals have been filed before the Housing Board of Appeals. Recently, an appeal was filed and it prompted staff to review the Fire Code and Property Maintenance Code and adjust the fees. When reviewing the cost to conduct a hearing for an appeal filed under the Fire Code and the Property Maintenance Code, it was determined to be approximately \$603. Mayor Capello noted that the increased fee will not affect the appeal already received.

JOURNAL OF COUNCIL – MAY 24, 2021

Bill No. 7 was introduced and will be considered on final reading at the June 28, 2021, City Council meeting on motion of Mr. Miller, seconded by Mr. Wertz. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Carey introduced Bill No. 8, as follows:

AN ORDINANCE AMENDING SUBSECTION 1901.02, "ADDITIONS, INSERTIONS AND CHANGES", OF ARTICLE 1901, "INTERNATIONAL PROPERTY MAINTENANCE CODE", OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PENNSYLVANIA, FOR THE PURPOSE OF INCREASING THE FEE FOR AN APPLICATION FOR APPEAL.

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 1901.02, "Additions, Insertions and Changes", of Article 1901, "International Property Maintenance Code", of the Codified Ordinances of the City of Lebanon, Pa., is hereby amended as follows:

"Section 111.1 Application for Appeal

Any person affected by decision of the Code Official or of notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within ten (10) days after the day of the decision, notice or order was served. Any application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of the code are adequately satisfied by other means. An application fee of Six Hundred Dollars (\$600.00) shall be paid upon filing an appeal. In cases where there are more than 20 pages of transcript, the appellant will be billed for the costs thereof".

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

Mayor Capello reported that the \$225 fee for an appeal has been in place since at least May 1995.

Bill No. 8 was introduced and will be considered on final reading on motion of Mr. Carey, seconded by Mr. Morales. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Council Chairperson Morales reported on the status of the COVID-19 vaccinations. The Lebanon County Department of Emergency Services will have clinics at the former Kmart site for two more days. The last day for the site is May 27, 2021, and then the COVID-19 vaccinations will be turned over to private practices. He reported that there has been good progress with the

JOURNAL OF COUNCIL – MAY 24, 2021

number of vaccinations being administered. He reported that there is discussion that it is anticipated that 70 percent of the state population will be vaccinated by late June or July.

Councilmember Carey extended thanks to Mayor Capello and staff for the information provided on the City's Facebook page. He stated that the flyer regarding motorized bikes and ATV's was excellent and very helpful.

Chairperson Morales announced that beginning with the June 24, 2021, Pre-Council meeting, Council will hold its meetings in person in City Council Chamber, Room 210 of the Municipal Building. Council will follow the CDC guidelines for COVID-19 in effect at the time of the meeting.

The meeting was adjourned at 6:50 p.m.

CHERYL J. GIBSON, Clerk