

MONDAY, JUNE 28, 2021

The regular monthly meeting of the Council of the City of Lebanon, Pa., was held on the above date in City Council Chamber, Room 210 of the Municipal Building, Chairperson Morales presiding.

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; Robin 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; five persons in the audience; and two members of the news media.

The minutes of the May 24, 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 May 31, 2021. Mayor Capello reported that 42 percent of the fiscal year is completed and we are performing better than budget with revenues at 64 percent and expenditures at 31 percent.

Chairperson Morales announced that a communication from Boyer and Ritter, LLC, Certified Public Accountants and Consultants, transmitting the audit of the financial statement of the Lebanon County Tax Collection Committee for the year ended December 30, 2020, was received by Council.

Mayor Capello reported that Act 32 of 2008 requires an audit of the financials of the Tax Collection Committee. The auditors found no deficiencies in internal controls that they consider material weaknesses. In the opinion of the auditors, the statements of cash receipts, cash disbursements and cash balances presented fairly in all material respects. In summary, Mayor Capello reported there were no findings or anything out of the ordinary during the audit.

Mr. Miller called up Bill No. 7 on final reading, the title of which is 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.

Mayor Capello 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 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 appeal hearings have been heard 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 fee for filing an appeal. 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 by the Housing Board of Appeals. 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.

Councilmember Miller asked if fees are reviewed on a regular schedule. Mayor Capello replied that the fees are not reviewed regularly, but it is something that can be discussed for the future.

Bill No. 7 was passed finally 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 called up Bill No. 8 on final reading, the title of which is 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.

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

Dawn Fenstermacher, 34 Walnut Street, Lebanon, asked if these fees are for residents who want to make an appeal. She suggested that the City do something that is beneficial for the citizens instead of raising fees. Mayor Capello explained that these fees are user fees passed on to the person requesting the hearing to cover a portion of the cost of conducting the hearing.

Ms. Fenstermacher complained that after street cleaning each week, she must go out to clean up the debris dumped in front of her house by the sweeper operator. She complained that there isn't much information on the City's Facebook page for residents, but the website has current information. Mayor Capello suggested that Ms. Fenstermacher sign up to receive the newsletter, but she replied that she will not give out her email address.

Craig Gates, 44 Berwyn Park, Lebanon, stated that he is in favor of raising the fee for filing an appeal because it passes the cost on to the person filing the appeal and saves the taxpayers money. Mayor Capello thanked Mr. Gates, and stated that the fee covers approximately 50 percent of the cost because we cannot include certain fees such as attorney fees and expert consultant fees.

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Bill No. 8 was passed finally on motion of Mr. Carey, seconded by Mr. Miller. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Wertz introduced Bill No. 9, as follows:

AN ORDINANCE AMENDING BILL NO. 24, SESSIONS 2010-2011, OF THE CITY COUNCIL, OF THE CITY OF LEBANON, LEBANON COUNTY, PENNSYLVANIA, DESIGNATING AN AREA OF THIS CITY IN WHICH NEW CONSTRUCTION OF INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY AND IMPROVEMENTS TO INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY ARE ELIGIBLE FOR A TAX EXEMPTION PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT, AS AMENDED; PROVIDING FOR AN EXEMPTION ON THE ASSESSMENT ATTRIBUTABLE TO THE ACTUAL COST OF SUCH NEW CONSTRUCTION OR IMPROVEMENTS; PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE, FOR THE PURPOSE OF INCREASING THE LERTA EXEMPTION FOR PROPERTY SITUATE AT 900 MAPLE STREET, LEBANON, FROM FIVE TO SIX YEARS.

WHEREAS, The Local Economic Revitalization Tax Assistance Act (“LERTA”) authorizes local taxing authorities to exempt from real property taxation, within certain limitations, the assessed valuation of improvements to, and new construction of, industrial, commercial and other business property in areas designated for such purpose by the governing body of the appropriate city, borough, incorporated town or township; and

WHEREAS, on October 24, 2011, the Lebanon City Council adopted Bill No. 24, Sessions 2010-2011, designating an area of this city in which new construction of industrial, commercial or other business property and improvements to industrial, commercial or other business property are eligible for a tax exemption pursuant to the Local Economic Revitalization Tax Assistance Act, as amended; providing for an exemption on the assessment attributable to the actual cost of such new construction or improvements; providing for the effectiveness of this ordinance; and repealing all prior ordinances or parts of ordinances that are inconsistent with the ordinance; and

WHEREAS, the Lebanon School District has entered into an Agreement of Sale with a developer for the purchase of the former Northwest Elementary School, 900 Maple Street, Lebanon, which is located within the designated boundaries eligible for the LERTA; and

WHEREAS, the parcel was previously a non-taxable property owned by the Lebanon School District and the site of the former Northwest Elementary School for nearly 50 years; and

WHEREAS, the proposed project will include improvements to the building; removal of the pedestrian bridge, and bring an estimated 75 jobs to the City of Lebanon and will return the parcel to the taxable rolls; and

WHEREAS, the developer has negotiated for an additional year for the LERTA exemption for said property.

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NOW, THEREFORE, Be It Ordained by the Council of the City of Lebanon, Pennsylvania, and it is hereby ordained by the authority of the same, That:

SECTION 1. Section 3.03 of Bill No. 24, Sessions 2010-2011, is hereby repealed, rescinded and deleted in its entirety and shall be replaced by the following new section:

“Section 3.03 The schedule of real property taxes to be exempted shall be in accordance with the following percentage of the assessed valuation of new construction or improvements to Eligible Property:

<u>Tax Year(s) Following Completion of Construction</u>	<u>Exemption Portion of Assessed Valuation</u>
First Year	100%
Second Year	100%
Third Year	100%
Fourth Year	50%
Fifth Year	50%

For property situate at 900 Maple Street, Lebanon, the schedule of real property taxes to be exempted shall be in accordance with the following percentage of the assessed valuation of new construction or improvements to Eligible Property:

<u>Tax Year(s) Following Completion of Construction</u>	<u>Exemption Portion of Assessed Valuation</u>
First Year	100%
Second Year	100%
Third Year	100%
Fourth Year	50%
Fifth Year	50%
Sixth Year	50%

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 Lebanon City Council re-established LERTA in October 2011. Bill No. 9 does not change the boundaries of the established LERTA which are the northside of Cumberland Street north for any commercial, industrial, or other business property. Bill No. 9 is adding an additional year (Year 6) at 50 percent solely for the property at 900 Maple Street. She reported that the sixth year is only for city and school district taxes; it does not include county taxes. She further reported that the sale of this property will bring the parcel back onto the tax rolls after being a non-taxable property for 50+ years.

Councilmember Bost asked if the tax abatement is only for the improvements to the property. Mayor Capello explained that the property owner would not pay taxes on the

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improvements. She added that the total value of the improvement is not known at the present time, but it is estimated that the additional year of abatement would represent approximately \$14,000-\$15,000 in city real estate taxes.

Doug Stump, *Lebanon Daily News*, asked if this is a one-time LERTA for this property. Mayor Capello replied that the LERTA is still in place and provides tax abatement at 100 percent for years 1 through 3, and 50 percent for year 4 and 5 for commercial and industrial properties with the boundaries of the LERTA. For the property at 900 Maple Street, Lebanon, an additional year at 50 percent will be included.

Bill No. 9 was introduced and will be considered on final reading at the City Council meeting of July 26, 2021, on motion of Mr. Wertz, seconded by Mr. Carey. Yeas—Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Councilmember Carey stated that he has been reminding folks to check the Lebanon, PA Facebook page. He reported that today he saw information about the Walnut Street paving project, the July 4 fireworks at Coleman Memorial Park, Nature Camp, and the Bicycle Park at Coleman Memorial Park. He reported that the CLA is holding a Food Truck Palooza at the Ninth and Cumberland Streets parking lot on July 14 and the Car and Motorcycle Show in August.

Councilmember Carey reported that representatives of the city recently participated in the Real Estate Hackers Conference in Lancaster. Mayor Capello reported that some staff and Economic Vitality Committee members recently attended the Real Estate Hackers Conference at the Lancaster Convention Center. There were 200-300 attendees and there were many positive comments about Lebanon City. The City of Lebanon promoted the top 10 reasons to invest in the city and discussed projects currently happening in the City. She reported that people were impressed and are considering investing in Lebanon City. She further reported that staff will follow up with investors who expressed an interest in the City of Lebanon.

Mayor Capello gave an update on the Walnut Street Resurfacing Project. She reported that the utility work, handicap ramps, and curbing are completed. Milling began last week and paving began today. She anticipates paving will be completed this week. She added that paving of Lehman Street, from Freeman Street to Seventh Street; Freeman Street, from Lehman Street north; and Church Street, from Seventh Street to Eighth Street, will begin soon.

Mayor Capello reported that thanks to businesses and members of the community who have donated to the Fireworks Fund, the City is able to sponsor a patriotic display of fireworks at Coleman Memorial Park on July 4 for the community. Mayor Capello urged residents to come out and enjoy this professional display rather than having their own display at home. She reminded folks that there is no place in the City of Lebanon that meets the isolation requirements for aerial fireworks. She added that is dangerous to set up off fireworks and it could cause a fire. The City of Lebanon does allow novelties, but aerial fireworks are illegal in the city.

Pam Tricamo, 887 East Lehman Street, Lebanon, reported that the racing on East Lehman Street, between 8th Avenue and 11th Avenue continues. She reported that there were three accidents in a span of six weeks. She reported that there is a daycare in the area and she is

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concerned for the safety of the children and the parents who are dropping off and picking up their children. Mrs. Tricamo requested more police presence in the area.

Councilmember Miller reported that some municipalities have installed raised pedestrian crossings which also act as speed bumps. Mayor Capello responded that in the past PennDot has not permitted speed bumps. She added that staff will research this matter further.

Patrice Royer, 521 Canal Street, Lebanon, stated that she would like to address the group that enforces the MS4 regulations regarding the construction of the Walmart warehouse being constructed in North Lebanon Township. She complained that asphalt will be used to install a paved area for this project which will affect the stormwater runoff. Mayor Capello replied that each municipality has a land and subdivision ordinance requiring perimeter plantings, including canopy trees and shrubs. She added that the stormwater fee is based on impervious area and businesses pay significantly more than the fee being paid by residents. She further explained that an owner can develop a property within the guidelines provided in the ordinance. Mayor Capello agreed to pass along Ms. Royer's concern to the Stormwater Consortium.

Dawn Fenstermacher, 34 Walnut Street, Lebanon, reported that Walnut Street was milled on Friday and she had to contact the Lebanon Police Department on Friday night because there were two vehicles racing down Walnut Street. In addition, she reported that tractor trailers are speeding on Walnut Street. She is concerned that speeding will increase after the street is paved. She stated it is difficult for persons with disabilities to cross Walnut Street due to motorists travelling at high rates of speed. Chief Breiner responded that the goal is to not have people being afraid of police officers; however, he wants people to be concerned about violations of the law. One option to control speeding is radar, but at the present time the law does not allow for municipal police to use radar.

The meeting was adjourned at 7:24 p.m.

CHERYL J. GIBSON, Clerk