

MONDAY, JULY 26, 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; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; Duane Trautman, Fire Commissioner; 11 persons in the audience; and 2 members of the news media.

The minutes of the June 28, 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 June 30, 2021. Mayor Capello reported that 50 percent of the fiscal year is completed and we are performing better than budget with revenues at 69 percent and expenditures at 37 percent.

Chairperson Morales announced that the following communications were received by Council:

- a. Mayor Sherry L. Capello, informing Council of the appointment of Brad Longenecker, 839 Cumberland Street, Lebanon, to the Housing Board of Appeals to fill a vacant position, effective immediately. Said term expires May 1, 2025. Mayor Capello reported that the Housing Board of Appeals consists of five members with terms of five years. The Fire Commissioner serves as an ex-officio member. She explained that an appeal is filed when a person is aggrieved by the decision of the Code Official for something in the Property Maintenance Code. She added that an application must be based on a claim that the true intent of the Code or rules have been incorrectly interpreted, provisions don't apply, or requirements of the Code are satisfied by other means. She told Council that Mr. Longenecker expressed interest in serving on a Board and with his background, this Board seemed appropriate. A hearing before the Housing Board of Appeals had been requested; however, it was continued and at this time a new hearing date has not been scheduled.
- b. Mayor Sherry L. Capello, informing Council of the reappointment of Craig Gates, 44 Berwyn Park, Lebanon, to the Zoning Hearing Board for a five-year term, effective July 15, 2021. Mayor Capello reported that Mr. Gates initially served as an alternate member on the Board. She explained that in accordance with the *Pennsylvania Municipalities Planning Code*, the governing body is required to appoint members by resolution. However, the *City of Lebanon Home Rule Charter* grants authority to the

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Mayor to make appointments to Boards and Commissions. To meet both obligations, Council adopts a resolution confirming the Mayor's appointment.

Mr. Wertz introduced Resolution No. 36, as follows:

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF CRAIG GATES TO THE CITY OF LEBANON ZONING HEARING BOARD FOR A FIVE-YEAR TERM, EFFECTIVE JULY 15, 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. The Mayor's reappointment of Craig Gates, 44 Berwyn Park, Lebanon, to the City of Lebanon Zoning Hearing Board for a five-year term, effective July 15, 2021, is hereby confirmed.

Resolution No. 36 was passed finally 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.

Mr. Miller introduced Resolution No. 37, as follows:

A RESOLUTION AUTHORIZING THE PROPER OFFICIALS OF THE CITY OF LEBANON TO FILE A GRANT APPLICATION WITH THE COMMONWEALTH FINANCING AUTHORITY FOR A MULTIMODAL TRANSPORTATION FUND GRANT FOR A STREETScape PROJECT ALONG CUMBERLAND STREET, FROM FOURTH STREET TO TWELFTH STREET, LEBANON.

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. The City of Lebanon, Lebanon County, hereby requests a Multimodal Transportation Fund grant in the amount of Two Million Two Hundred Three Thousand Five Hundred Fifteen Dollars (\$2,203,515.00) from the Commonwealth Financing Authority to be used for a Streetscape Project along Cumberland Street, from Fourth Street to Twelfth Street, Lebanon.

SECTION 2. The Applicant does hereby designate Sherry L. Capello, Mayor, and Cheryl J. Gibson, City Clerk as the official(s) to execute all documents and agreements between the City of Lebanon and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

Mayor Capello reported that this is the third year the City of Lebanon is submitting an application for this grant. The grant is through the Pa. Department of Community and Economic Development. She reported that the total project is \$2.86 million; the city is requesting \$2.2 million in grant funding; and \$661,055 is the local match. The project would include new curbing, new tree grates, a new beauty strip with stamped concrete, new sidewalks, and some new trees in the downtown. Paving of Cumberland Street was moved to Phase 4 of the paving project because

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the streetscape is very important for downtown revitalization. The project would give the downtown a fresh, inviting, and new look. Mayor Capello reported that in other cities and towns that have been successful with the revitalization of the downtown, a streetscape was completed. The grant is a 70/30 grant.

Alisher Aminov, 300 South Lincoln Avenue, Lebanon, asked if the city is pursuing other grant opportunities for this project. Mayor Capello responded that the City of Lebanon has applied for this grant three times and has also applied twice for a grant through PennDot.

Resolution No. 37 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. Wertz called up Bill No. 9 on final reading, the title of which is 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”.

City Solicitor Donna Long Brightbill explained that this ordinance extends the LERTA by one year for the property at 900 Maple Street to help the Lebanon School District with its negotiations with Quartz Creek. She further reported that the last time she spoke with the Solicitor for the Lebanon School District, they were close but not quite finished with a final agreement for the sale of the property.

Bill No. 9 was tabled 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. Carey introduced Bill No. 10, as follows:

INCREASING THE ANNUAL SALARY OF COUNCIL FROM \$2,000 TO \$3,000 FOR COUNCIL CHAIRPERSON AND VICE CHAIRPERSON AND FROM \$2,000 TO \$2,400 FOR COUNCILPERSONS IN ACCORDANCE WITH SECTION 4, “SALARIES”, OF ARTICLE III, “THE LEGISLATIVE BRANCH – CITY COUNCIL”, OF THE *CITY OF LEBANON HOME RULE CHARTER*, EFFECTIVE JANUARY 2022.

WHEREAS, the City of Lebanon is a third class city of the Commonwealth of Pennsylvania; and

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WHEREAS, on April 28, 1992, the electorate of the City of Lebanon voted to adopt the *Home Rule Charter* proposed by the Government Study Commission; and

WHEREAS, the *City of Lebanon Home Rule Charter* became effective January 1, 1994, changing the form of government to Strong Mayor; and

WHEREAS, Section 4, “Salaries”, of Article III, “The Legislative Branch – City Council” of the *City of Lebanon Home Rule Charter* sets forth the annual salary of Councilpersons at One Thousand Two Hundred Dollars (\$1,200.00); and

WHEREAS, Section 4, “Salaries”, of Article III, “The Legislative Branch – City Council”, further provides that Council may increase the annual salary by ordinance; and

WHEREAS, on December 19, 2016, Lebanon City Council adopted Bill No. 10, Sessions 2016-2017, increasing the salary for Council from One Thousand Two Hundred Dollars (\$1,200) per annum to Two Thousand Dollars (\$2,000.00) per annum, effective January 2018; and

WHEREAS, Council has studied salaries of positions comparable to that of other Councilpersons and has determined that an increase in each Councilperson’s annual salary is fair and reasonable.

NOW, THEREFORE, 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 salary of each Councilperson as set forth in Section 4, “Salaries”, of Article III, “The Legislative Branch – City Council”, of the *City of Lebanon Home Rule Charter* is hereby increased from Two Thousand Dollars (\$2,000.00) per annum to Three Thousand Dollars per annum for the Council Chairperson and Vice Chairperson, and from Two Thousand Dollars (\$2,000.00) per annum to Two Thousand Four Hundred Dollars (\$2,400.00) per annum, effective the first Monday of January, 2022.

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

Chairperson Morales stated that it has been five years since there was an increase in salary for Council and Mayor. He reported that when the increase was approved five years ago, it was done to keep up with inflation. He added that the increases currently proposed are for the same purpose of keeping up with inflation and he believes that Council should be compensated for their duties as Councilmember. Chairperson Morales stated that in comparison to other cities, the increase is totally in line.

Councilmember Miller stated that he agrees with Chairperson Morales without question. He added that he spends a lot of time in the market with human resources and related things, and for the level of responsibility placed on the Mayor of the City of Lebanon, he feels it would be hard to find anywhere that a person responsible for supervising 120 employees is paid what the Mayor is currently being paid. Councilmember Miller stated that he feels that the timing of these

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ordinances and the lack of transparency in the introduction of the ordinances increasing the salaries for Mayor and Council is inappropriate.

On motion of Mr. Miller, seconded by Mr. Bost, Bill No. 10 was amended to add a recital providing that the salary will be increased each January against the CPI for the Northeast Region as provided by the U.S. Department of Labor and Statistics. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Bill No. 10 was introduced, as amended, and will be considered on final reading at the monthly Council meeting of August 22, 2021, on motion of Mr. Carey, seconded by Mr. Wertz. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Morales introduced Bill No. 11, as follows:

AN ORDINANCE INCREASING THE ANNUAL SALARY OF THE MAYOR FROM \$62,000 TO \$75,000 IN ACCORDANCE WITH SECTION 5, "SALARY", OF ARTICLE IV, "THE EXECUTIVE BRANCH", OF THE *CITY OF LEBANON HOME RULE CHARTER*, EFFECTIVE JANUARY 2022.

WHEREAS, the City of Lebanon is a third class city of the Commonwealth of Pennsylvania; and

WHEREAS, on April 28, 1992, the electorate of the City of Lebanon voted to adopt the *Home Rule Charter* proposed by the Government Study Commission; and

WHEREAS, the *City of Lebanon Home Rule Charter* became effective January 1, 1994, changing the form of government to Strong Mayor; and

WHEREAS, Section 5, "Salary", of Article IV, "The Executive Branch" of the *City of Lebanon Home Rule Charter* set forth the initial annual salary of the Mayor at \$37,000; and

WHEREAS, Section 5, "Salary", of Article IV, "The Executive Branch", further provides that Council may increase the annual salary by ordinance; and

WHEREAS, on June 23, 2008, Lebanon City Council adopted Bill No. 8, Sessions 2007-2008, increasing the Mayor's salary from Thirty-Seven Thousand Dollars (\$37,000.00) per annum to Fifty-Six Thousand Dollars (\$56,000.00) per annum, effective January 2010; and

WHEREAS, on December 19, 2016, Lebanon City Council adopted Bill No. 11, Sessions 2016-2017, increasing the Mayor's salary from Fifty-Six Thousand Dollars (\$56,000.00) per annum to Sixty-Two Thousand Dollars (\$62,000) per annum, effective January 2018; and

WHEREAS, Council has studied salaries of positions comparable to that of Mayor and has determined that an increase in the Mayor's annual salary is fair and reasonable.

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NOW, THEREFORE, 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 Mayor's salary as set forth in Section 5, "Salary", of Article IV, "The Executive Branch", of the City of Lebanon Home Rule Charter, as amended, is hereby increased from Sixty-Two Thousand Dollars (\$62,000.00) per annum to Seventy-Five Thousand Dollars (\$75,000.00) per annum, effective the first Monday of January, 2022.

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

Councilmember Morales reported that when reviewing salaries in other cities with a Strong Mayor form of government, Lebanon City was below the salaries being paid. He added that when looking at the responsibilities of the Mayor, the fact that she is paid less than many on staff, and has oversight of more than 100 employees, he feels it is time to get the salary on par with other areas of the state. He stated that the increase is about the position of Mayor and not about an individual. He added that going forward, he would like to ensure that the City of Lebanon has strong leaders and they are being compensated for the job they are doing.

On motion of Mr. Miller, seconded by Mr. Wertz, Bill No. 11 was amended to add a recital providing that the salary will be increased each January against the CPI for the Northeast Region as provided by the U.S. Department of Labor and Statistics. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Bill No. 11 was introduced, as amended, and will be considered on final reading at the monthly Council meeting of August 22, 2021, on motion of Mr. Morales, seconded by Mr. Carey. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

William Eckenroth, III, 902 North Sixth Street, Lebanon, addressed Council regarding Hilltop Playground which is located at Sixth and Amelia Streets and was deeded to the Hilltop Playground Association in 1952. Mr. Eckenroth reported that he was recently elected President of the Hilltop Playground Association. He added that there are three primary sources for children: family, school, and community. For the past 15 years, he volunteered at the playground to mow the grass, put a new roof on the building, and provide hayrides for the children. Annually, the Association sponsors a dance, a Car Show, and the Octoberfest. He reported that they would like to sell concessions at these events; however, they have been unable to get volunteers. Looking forward, the Association would like to start a movie night for families, have arts and crafts, and offer sports programs to the youth at no charge. Mr. Eckenroth presented photos of the playground and a news article reporting that a City Council in Kansas voted to fund a privately owned playground. He added that Hilltop Playground includes three basketball courts that are not functional; little league fields; an area for a tot lot; a playground area for older kids; and a building with restrooms and a kitchen. Mr. Eckenroth reported that someone has volunteered to patch the asphalt which is a value of \$6,000. Paving of the three basketball courts and the common area is estimated to cost \$35,000. Mr. Eckenroth told Council that presently, there is approximately \$3,000 in the Association's bank account. Currently, the Association is working on the paperwork to be designated as a non-profit organization. Other repairs that need completed

at the playground include new fencing, electrical work, lighting, small bleachers at the ball fields, kitchen upgrades, and playground upgrades. He added that the playground is open to all children in the city. He stated that he hopes Lebanon City Council will consider funding for the playground.

Councilmember Miller asked how many other privately-owned playgrounds are located in the City of Lebanon. Mayor Capello replied that in the late 1990's early 2000's, she and her husband were involved in the Pershing Avenue Playground and for many years her husband mowed the grass at the playground. She reported that at that time, there were about six playgrounds with Associations and the City of Lebanon ran programs and provided insurance. She stated that during former Mayor Robert Anspach's tenure, he held a meeting with the Playground Associations and informed them that the City of Lebanon was no longer able to run the programs and carry insurance. The equipment at the Pershing Avenue Playground was old and found to be on a recall list. In the case of the Pershing Avenue Playground, it was located on property owned by the school district. The Playground Association disbanded and the old equipment was removed and the school district used the land for stormwater improvements and new playground equipment for the elementary school.

Mayor Capello reported that in 2006, the South Sixth Street Playground Association wanted to reopen and get new equipment. Sharon Zook, President of the Sixth Street Playground Association, personally fund raised more than \$100,000 through donations and grants from foundations. The City applied for a grant through the Pa. Department of Community of Economic Development and used the proceeds of the fundraising campaign as a match. In addition, Mrs. Zook obtained commitments for in-kind services. Mayor Capello explained that if the Hilltop Playground Association wants to pursue applying for a grant through DCED or DCNR, they will most likely need a site plan completed prior to the submission of a grant application. She added that the site plan completed for Southwest Park was approximately \$15,000. Mayor Capello added that the playground equipment at Southwest Park was dangerous and had to be demolished. Through a partnership with the Pennsylvania Municipal League (PML), a new playground was installed in two phases. Phase 1 of the project was funded through a grant from the PML and Phase 2 was funded through a grant from the Pa. Department of Conservation and Natural Resources. The City still has plans for soccer fields, baseball fields, and a trail around Southwest Park. In addition, the city has applied for grants for projects at Coleman Memorial Park, but has not been successful the past few times. Mayor Capello added that work also needs to be done at the other city-owned playgrounds. Mayor Capello suggested that Mr. Eckenroth contact Sharon Zook to discuss her fundraising efforts. She cautioned Mr. Eckenroth that the Playground Association is taking a big risk without carrying insurance. She told him the City of Lebanon cannot carry the Hilltop Playground Association on the City of Lebanon's policy.

Councilmember Carey extended his thanks to Mr. Eckenroth and the volunteers of the Hilltop Playground Association for the work they are doing. He encouraged Mr. Eckenroth to speak to Sharon Zook and if necessary, he offered that city representatives can arrange a meeting between Mr. Eckenroth and Mrs. Zook.

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The meeting was adjourned at 7:17 p.m.

CHERYL J. GIBSON, Clerk