

MONDAY, JULY 25, 2022

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 Morales presiding.

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

Present--Mrs. Haitos (via teleconference), Mr. Martin, 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 L. Getz, Director of Public Works; Janelle Mendoff, Community and Economic Development Administrator; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; A.J. Sweitzer, Assistant Fire Chief; Duane Trautman, Fire Commissioner; 51 persons in the audience; and 7 members of the news media.

The minutes of the June 27, 2022, 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, 2022. Mayor Capello reported that 50 percent of the fiscal year is completed; revenues are at 68 percent; and expenditures are at 37 percent. Mayor Capello reported that we are performing better than budget in both categories.

Chairperson Morales announced that Council received a communication from Mayor Sherry L. Capello, informing Council of the reappointment of Beckie Dreibelbis, 1645 Rita Lane, Lebanon, and Edward Lynch, jr., 31 Berwyn Park, Lebanon, to the City of Lebanon Zoning Hearing Board for a five-year term, effective July 15, 2022. Mayor Capello extended her appreciation to both members for their service on the Board. Both have served many years and are a great asset. She added that the *Pennsylvania Municipalities Planning Code* requires the governing body take official action by resolution on the appointments.

Mr. Morales introduced Resolution No. 20, as follows: "A RESOLUTION CONFIRMING THE REAPPOINTMENT OF BECKIE DREIBELBIS TO THE CITY OF LEBANON ZONING HEARING BOARD FOR A FIVE-YEAR TERM, EFFECTIVE JULY 15, 2022.

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 Beckie Dreibelbis, 1645 Rita Lane, Lebanon, to the City of Lebanon Zoning Hearing Board for a five-year term, effective July 15, 2022, is hereby confirmed".

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Resolution No. 20 was passed finally on motion of Mr. Morales, seconded by Mr. Wertz. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Morales introduced Resolution No. 21, as follows: “A RESOLUTION CONFIRMING THE REAPPOINTMENT OF ED LYNCH, JR. TO THE CITY OF LEBANON ZONING HEARING BOARD FOR A FIVE-YEAR TERM, EFFECTIVE JULY 15, 2022.

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 Ed Lynch, Jr., 31 Berwyn Park, Lebanon, to the City of Lebanon Zoning Hearing Board for a five-year term, effective July 15, 2022, is hereby confirmed”.

Resolution No. 21 was passed finally on motion of Mr. Morales, seconded by Mr. Miller. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Wertz introduced Resolution No. 22, as follows: “A RESOLUTION RATIFYING THE MAYOR’S DECISION TO SUPPORT THE JOINT PLAN OF THE RESCUE HOSE COMPANY NO. 4, AND THE UNION STEAM FIRE ENGINE & HOSE COMPANY FOR THE PURCHASE OF TWO NEW PIECES OF APPARATUS FOR USE BY THE LEBANON BUREAU OF FIRE, AND TO PROVIDE A FINANCIAL CONTRIBUTION TO THE RESCUE HOSE COMPANY NO. 4 AND THE UNION STEAM FIRE ENGINE & HOSE COMPANY FOR THE PURCHASE OF THE APPARATUS.

WHEREAS, the collaboration of Rescue Hose Company No. 4 and the Union Steam Fire Engine & Hose Company will result in the improvement of the Lebanon Bureau of Fire’s fleet.

NOW, THEREFORE, Be It Resolved by the Council of the City of Lebanon, and it is hereby resolved by the authority of the same, That:

SECTION 1. Lebanon City Council hereby ratifies the Mayor’s decision to support the joint plan of the Rescue Hose Company No. 4 and the Union Steam Fire Engine & Hose Company for the purchase of two new pieces of apparatus for use by the Lebanon Bureau of Fire.

SECTION 2. Lebanon City Council hereby ratifies the Mayor’s decision to make payment in the approximate amount of Three Hundred Forty Thousand Dollars (\$340,000.00) from the American Rescue Fund Act funding to the Union Steam Fire Engine and Hose Company, 700 South Eighth Street, Lebanon, Pennsylvania, representing the City’s contribution for the purchase of a new fire suppression engine.

SECTION 3. Lebanon City Council hereby ratifies the Mayor’s decision to make payment in the amount of approximately Six Hundred Fifty Thousand Dollars (\$650,000.00)

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from the American Rescue Fund Act funding to the Rescue Hose Company No. 4, 400 Lehman Street, Pennsylvania, representing the City’s contribution for the purchase of a new 100’ aerial ladder truck.

SECTION 4. 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 plan is to replace aging fire apparatus. These two pieces will be the next purchase with an additional purchase of one piece in the future. The apparatus will be ordered this year with expected delivery in 2024. The City of Lebanon is using American Rescue Act Funding to fund 50 percent of the purchase for both pieces. The contribution for the engine is \$340,000; and the contribution for the ladder truck is \$650,000. She added that the funds set aside in the Capital Reserve Fund will be used toward the purchase of the next piece of apparatus.

Ed Johnson, Jr., President, Union Fire Company, extended his thanks to the Mayor and Council for this opportunity to make the purchase possible. He added that Commissioner Trautman put a lot of work into this plan. Mayor Capello thanked the volunteers for their service and acknowledged it is a difficult time for volunteer fire companies.

Resolution No. 22 was passed finally on motion of Mr. Wertz, seconded by Mr. Martin. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mrs. Haitos introduced Resolution No. 23, as follows: “A RESOLUTION APPROVING THE FISCAL YEAR 2022 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low- and moderate-income persons, or other urgent community development needs; and

WHEREAS, the U.S. Department of Housing and Urban Development has estimated the FY 2022 CDBG entitlement grant to be \$665,566.00 and program income in the amount of \$20,000.00 for a total of \$685,566.00.

WHEREAS, the City of Lebanon has prepared a Consolidated Plan for 2020-2024 and an Annual Action Plan for the FY 2022 funding year that assesses the housing needs of extremely low-, low-, and moderate-income households, homeless families and individuals, and others with special needs; and

WHEREAS, the Annual Action Plan for FY 2022 was on public display for 30 days and the City held a series of public hearings on said Annual Action Plan and the comments of various

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agencies, groups and citizens were taken into consideration in the preparation of the final document.

NOW, THEREFORE, Be It Resolved by the Council of the City of Lebanon, and it is hereby resolved by the authority of the same, That:

SECTION 1. The Annual Action Plan for the FY 2022 Community Development Block Grant Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Annual Action Plan with this resolution.

SECTION 2. The Mayor and City Council are cognizant of the conditions that are imposed in the undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to (a) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin and other assurances as set forth under the certifications.

SECTION 3. The Mayor on behalf of the City of Lebanon is authorized to file an application for financial assistance with the U.S. Department of Housing and Urban Development, which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of \$665,566.00 and is further authorized to act as an authorized representative of the City of Lebanon to sign any and all documents in regard to these programs.

SECTION 4. The Mayor, on behalf of the City of Lebanon, is hereby authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, and also any supplemental or revised data which the U.S. Department of Housing and Urban Development may request in connection with the review of this Application.

Mayor Capello reported that the 2022 allocation is \$13,317 less than the 2021 allocation. The City is proposing projects that will benefit low and moderate income persons. Funds will be spent on crime prevention, street improvements, housing rehab, First Time Homebuyer Program, code enforcement, administration, and water main improvements.

Resolution No. 23 was passed finally on motion of Mrs. Haitos, seconded by Mr. Morales. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Miller introduced Bill No. 2, as follows: “AN ORDINANCE AUTHORIZING THE SALE OF A PARCEL OF CITY-OWNED PROPERTY SITUATE AT 164 NORTH NINTH STREET, LEBANON, PENNSYLVANIA, AT PUBLIC AUCTION.

Be It Resolved by the Council of the City of Lebanon, Pennsylvania, and it is hereby resolved by the authority of the same, That:

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SECTION 1. The proper officials of the City of Lebanon, Pennsylvania, be and they are hereby authorized to sell city-owned property situate at 164 North Ninth Street, Lebanon, at public auction.

SECTION 2. The sale shall be subject to final approval by City Council and the Mayor pursuant to Subparagraph 6 of Section 17, “Ordinance Requirements”, and Section 18, “Submission of Ordinances to Mayor, of Article III, “The Legislative Branch-City Council”, of the *City of Lebanon Home Rule Charter*.

SECTION 3. 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 explained that the property was acquired as a result of the Bridge Over the Norfolk Southern Project. This particular family could not find comparable housing and thus, the City of Lebanon was required to find suitable housing for them. It was difficult to find housing with a total of five bedrooms, with one bedroom required to be on the first floor. This property was a former podiatrist’s office and was acquired as part of the project. The structure was renovated for the family and the City of Lebanon was required to keep the property for 3-4 years. In 2013, the City of Lebanon attempted to sell the house through sealed bids and then at public auction. At that time, the minimum bid was not received. She reported with the current market, she believes we will be able to sell the property.

Bill No. 2 was introduced and will be considered on final reading at the City Council meeting of August 22, 2022, on motion of Mr. Miller, seconded by Mr. Wertz. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Martin introduced Bill No. 3, as follows: “AN ORDINANCE AMENDING ARTICLE 153, “BUREAU OF FIRE: CAREER AND VOLUNTEER DIVISIONS”, OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PENNSYLVANIA.

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. Article 153, “Bureau of Fire: Career and Volunteer Divisions”, of the Codified Ordinances of the City of Lebanon, Pennsylvania, is hereby repealed, rescinded and deleted in its entirety and shall be replaced by the following new Article:

“ARTICLE 153

BUREAU OF FIRE: CAREER AND VOLUNTEER DIVISIONS

§153.01 **Composition**

The Bureau of Fire shall consist of career and volunteer personnel. Career personnel shall consist of firefighters regularly employed for operating fire suppression apparatus, controlling fires, and other fire department duties. Volunteer personnel shall consist of firefighters who are trained in fire suppression, operate support apparatus, handle emergencies, and respond to such emergencies on their own initiative.

§ 153.02 **Size of Bureau.**

The Bureau of Fire shall consist of a number of career firefighters that are necessary to maintain an effective fire suppression force for the protection of lives and property within the City. It shall also consist of the nine volunteer fire companies and their membership which have been designated by ordinance as City fire companies and such other companies as may be admitted from time to time by authority of Council. No company shall receive such recognition unless authorized by an ordinance of Council.

§ 153.03 **Control and Supervision.**

The Bureau of Fire shall be under the direct control of the Director of Public Safety. Supervision of the Bureau shall lie with the Fire Chief who shall report to the Director. The Fire Chief shall be responsible for maintaining discipline and efficiency among the fire companies. The operation of the fire department shall be governed by standard operating procedures, standard operating guidelines, and a negotiated contract, supervised by the Fire Chief. The Fire Chief shall also have charge of all fire extinguishing equipment owned or controlled by the City. He or she shall from time to time visit and inspect the companies and apparatus and shall keep an inventory of all fire extinguishing equipment belonging to the City.

§ 153.04 **Table of Organization.**

There is hereby established within the Bureau of Fire the following Table of Organization:

- (a) Director of Public Safety;
- (b) Fire Chief;
- (c) Deputy Fire Chief;
- (d) Assistant Fire Chief(s);
- (e) Company Line Officers;
- (f) Career Personnel; and
- (g) Volunteer Personnel.

§ 153.05 **Fire Chief.**

The senior officer of the Bureau of Fire shall be the Fire Chief, who shall be subject to the ordinances of the City, the Standard Operating Procedures and Standard Operating Guidelines of the Department, and any orders as may be issued to him or her by the Director of Public Safety.

§ 153.06 **City Responsibility.**

The City shall own and be responsible for the repair, maintenance and replacement of all structures housing the fire-fighting apparatus of the City companies. The City shall also be responsible for providing and maintaining fire-fighting equipment, excluding trucks and uniforms. Should the structure be leased, the terms and conditions of the maintenance of the structure shall be governed by the lease agreement.

§ 153.07 **Appropriations.**

Council shall make a yearly appropriation in an equal amount in the name of each company to be regulated and controlled by the Fire Chief, such funds to provide the level of fire protection deemed necessary by the Mayor.

§ 153.08 **City to Reimburse Fire Companies.**

The City shall reimburse fire companies for the purchase of fire trucks and such amount not exceeding 25% of the expenses incurred in purchasing the same. No such reimbursement shall be made unless the Fire Chief and the Mayor was present at the specification developments, negotiations and approved the purchase of the fire apparatus. The monies required for reimbursement as set forth in this article shall be paid out of the Emergency Apparatus Fund or the Capital Reserve Fund.

§ 153.09 **Firemen's Civil Service Board.**

- (a) Pursuant to the Firemen's Civil Service Act of May 31, 1933 (P.L. 1108) (53 P.S. § 39861 et seq.), as amended by Act 10 of January 26, 1968, (53 P.S. Sec. 39861.1), a Civil Service Board consisting of three residents of the City is hereby established for the examination of applicants for appointments to and promotions in the paid Fire Bureau of the City or to otherwise administer the provisions of the aforesaid Act.
- (b) The term of office for the members of the Board shall be four years. However, in the case of the appointment of the first members to the Board after the effective date of this section (Ordinance 55-1970, 71, passed November 8, 1971), one member shall serve for four years, one member shall serve for three years and one member shall serve for two years. The above-mentioned members shall serve until their successors are appointed and qualified.
- (c) The members of the Board shall take and subscribe to the oath of office prescribed by the Third Class City Code, Act of June 23, 1931 (P.L. 932) as amended (53 P.S. Sec. 35905).
- (d) The Board is hereby authorized, empowered and directed to establish such procedures, standards and rules as it may deem necessary to insure that the City paid fire drivers shall be the highest caliber and most competent individuals it is possible to obtain.
- (e) Any rules, standards or procedures established under this section by the Board shall be approved by Council by resolution as a prerequisite to their taking effect.”

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 explained that the amendment will modernize the language. The City of Lebanon is one of only two cities in Pennsylvania that utilizes the title Fire Commissioner. Additionally, the Lebanon County Department of Emergency Services has standard language for Chief. This amendment will bring the City of Lebanon in line with the County of Lebanon and the industry standards.

Bill No. 3 was introduced and will be considered on final reading at the City Council meeting of August 22, 2022, on motion of Mr. Martin, seconded by Mr. Morales. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Dr. Diane Ford, VMD, The Vetting Zoo, Annville, Pennsylvania, addressed Council regarding the recent incident which resulted in the shooting of a dog. Dr. Ford stated that she is

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appalled at the events of July 6 and the handling of Gunner. She stated that Gunner was adopted from the Davis Dog Farm. She added that she supports the Blue, but not this behavior. Dr. Ford offered to purchase proper equipment and training for the officers. She told Council that it is her professional opinion that Gunner was not aggressive; however, the police officers chose to use deadly force even after tasing the dog. She called for accountability and an investigation. She added that the sooner a complaint is filed against officers the better. Dr. Ford stated that the view from one angle is the same as from every angle. In closing, she stated that the people want justice for Gunner.

Mayor Capello thanked Dr. Ford for the information. She stated that she will share some information but will not take questions due to pending litigation against the City of Lebanon. She noted that city representatives understand the sensitivity of the situation and that it is not lost on them. Mayor Capello extended her sympathy to the Schugart family for the loss of their pet.

Mayor Capello reported that the Lebanon Police Department handles many calls for assistance involving dogs without incident. In 2019, the department responded to 444 calls for assistance involving dogs. She added that dogs running at large, barking dog creating a disturbance, and well-being checks for food, water or shelter concerns are the most common calls. Out of the 444 calls, there were 105 direct contacts with no use of force. In 2020, there were 344 calls and 81 direct encounters with no use of force. In 2021, there were 296 calls and 77 direct encounters with no use of force. In 2022, there have been 144 calls to date with 37 direct encounters and unfortunately, 2 use of force incidents. She stated that the officers involved in the incident were trained on how to properly use the catchpole.

Mayor Capello stated we can all agree that we wish this could have ended differently, but we feel that the officers handled it properly given the circumstances. She added that a tail that is wagging is not necessarily a sign of a friendly dog.

Mayor Capello stated that the City of Lebanon would welcome any resources and assistance that others would be willing to offer to the officers in future calls such as this. Additionally, she reminded owners to have their dogs collared, licensed and secured so the officer's job is easier and owner contact information is readily available.

In closing, Mayor Capello thanked everyone for their interest and passion.

Chairperson Morales read his policy for public participation.

Laura LeBeau, WiLBuR Radio, asked if the City of Lebanon will release the body cam footage from the incident. Mayor Capello responded that based on Counsel's recommendation, the body cam footage will not be released.

Chris Coyle, LebTown, asked if it is correct that no lawsuit has been filed; however, a letter from an attorney representing the Schugart's has been received. Mayor Capello responded that a letter from the Schugart's attorney listing demands has been received; however, no formal lawsuit has been received.

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Councilmember Miller stated that he appreciates everyone's passion and for attending tonight's meeting. He stated that this is an unfortunate situation. However, the fact that people will ban together for things they feel are important is good.

Wayne Carey, 53 E. Cumberland Street, Lebanon, thanked the Chief for the police department's response to the Farmer's Market this past Saturday. He stated that a man was extremely disorderly and the two officers who responded were extremely patient. He extended his thanks to the officers because they were there serving and protecting those in the market as well as the gentleman. He challenged those who were in attendance at tonight's meeting to attend National Night Out on August 2 from 6:00 – 8:00 p.m. to meet and get to know the police officers. National Night Out is a night for police and community to come together.

Cornell Wilson, 1020 Chestnut Street, 2nd Floor, Lebanon, asked when the work on Tenth Street will be completed. Mayor Capello responded that work is underway and this is part of the 422/72 project. Mr. Wilson asked if Washington Street is on the list to be paved. Mayor Capello confirmed that it will be considered for paving in 2023.

The meeting was adjourned at 7:05 p.m.

CHERYL J. GIBSON, Clerk