

MONDAY, OCTOBER 25, 2021

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--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 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; six persons in the audience; and two members of the news media.

The minutes of the September 27, 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 August 31, 2021. Mayor Capello reported that 75 percent of the fiscal year is completed; revenues are at 98 percent and expenditures are less than 66 percent. Overall, we are performing better than budget.

Chairperson Morales announced that Council received the following communications:

- a. Mayor Sherry L. Capello, informing Council of the reappointment of Damian Foster, 1036 Cornwall Road, Lebanon, to the City of Lebanon Police and Fire Civil Service Commission for a four-year term, effective October 1, 2021. Mayor Capello reported that Mr. Foster has served on the Commission since August 2014.
- b. Barbacane Thornton & Company, transmitting the audit of the City of Lebanon Financial Statements for the year ended December 31, 2020. Mayor Capello reported that this was a clean audit with no finding and no material weaknesses. She added that the fund balance increased which means that if the city were a business, it would have added to the profits.

Mr. Carey introduced Bill No. 13, as follows:

AN ORDINANCE CHANGING THE NAME OF WALNUT STREET EXTENDING WEST FROM EDISON STREET TO NORTH TENTH STREET IN THE TENTH WARD OF THE CITY OF LEBANON

Be It Ordained by the Council of the City of Lebanon, Pa., and it is hereby ordained by the authority of the same, That:

## JOURNAL OF COUNCIL – OCTOBER 25, 2021

SECTION 1. The street 18 feet in width extending 839 feet west from Edison Street to North Tenth Street presently named and known as Walnut Street be renamed and designated as Apricot Street.

SECTION 2. The Director of Public Works is hereby directed to make the said change on all maps, documents or papers pertaining to the same now on file in the Department of Public Works, also that all persons and officers affected be officially notified of the change.

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 Lebanon County Department of Emergency Services requested this change because there are two Walnut Streets in the city, both running east and west. The street being renamed to Apricot Street is an unopened grassy area. When determining the street name, staff looked at names of streets and alleys in the vicinity and tried to select a name that was similar to the other streets. The GIS department also confirmed that there is not another street named Apricot Street in the city limits or the system.

Bill No. 13 was introduced and will be considered on final reading at the monthly Council meeting of November 22, 2021, on motion of Mr. Morales, seconded by Mr. Wertz. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales--5; nays--none.

Councilmember Wertz announced that leaf collection in the City of Lebanon begins on November 1 and will run through the week of December 6, weather permitting.

Chairperson Morales announced that Trick-or-Treat is scheduled for October 28, 2021, from 6:00 p.m.-8:00 p.m.

Councilmember Carey reminded folks that there are many activities in the city that are posted on the City of Lebanon's Facebook page, as follows:

- Scarecrow Contest in Downtown Lebanon
- Trunk-or-Treat at the YMCA on October 26 from 6:00 p.m.-7:30 p.m.
- Farmers Market Trick-or-Treat on October 28 from 4:00 p.m.-6:00 p.m.
- Hilltop Playground Octoberfest on October 30 is for all ages
- Community of Lebanon Association Holiday Parade is scheduled for November 20 at 11:00 a.m.
- Election Day is November 2

Councilmember Wertz thanked the Community of Lebanon Association for taking care of the flower baskets and planters in the downtown.

Mayor Capello reported that since she has taken office, the number of property maintenance/public safety cases has increased 180 percent. Additional part-time Code Enforcement Inspectors were hired along with a full-time Code Enforcement Supervisor. Many of the complaints are nuisance complaints (i.e, high grass, weeds, trash, etc.). The Code

## JOURNAL OF COUNCIL – OCTOBER 25, 2021

Enforcement Inspectors have been working to make landlords more responsible and they have tried to be consistent in dealing with property owners no matter who they are or how many properties they own.

Mayor Capello reported that in 2019, an independent company started a blight assessment for the City of Lebanon and then Covid struck. They started in Wards 9 and 10 and are currently wrapping up the survey. They review a variety of things that are an indicator of blight.

Mayor Capello further reported that the Code Enforcement Inspectors work very hard and invest a lot of time to gain compliance. The Code Enforcement Inspectors strive for compliance and the issuance of a citation is a last resort. Prior to issuing a citation, the Code Enforcement Inspector will provide education, issue a notice of violation, give the owner time to present a plan for compliance, etc. However, there will always be a few property owners who refuse to address these property maintenance issues.

Mayor Capello reported that when the cases are taken to the Magisterial District Judge level, there have been conflicting outcomes and she has been discussing that issue with City Solicitor Donna Long Brightbill. Mrs. Brightbill reported that the Code Enforcement Inspectors are doing a good job and take pride in their work. Currently, there is an opening in the MDJ position so there are different judges filling in.

Mrs. Brightbill explained that the first step is the issuance of a Notice of Violation which is a detailed road map outlining the problem based on the International Property Maintenance Code. Depending on the severity of the violation, the time for compliance varies. Many of the property owners are requesting hearings rather than complying with the notice. At a hearing held today, the judge dismissed a citation from 2020, but kept the citation from 2021. She stated that the property owners are requesting hearings because they know they can make a deal at the MDJ level. It is very frustrating when the Code Enforcement Inspectors are working very hard only to have a case dismissed.

Councilmember Miller asked what is the goal of the blight assessment. Mayor Capello replied that the City is trying to determine how many properties are blighted. The City will do a violation and have the property owner come up with a plan to remediate. Councilmember Miller asked if there is anything Council can do to assist with the situation. Mrs. Brightbill replied that the City is filing an appeal with Commonwealth Court for some of the cases.

Councilmember Bost asked if the fees are based on the severity of the violation. Mayor Capello explained that the ordinance sets the penalty from a range of \$50-\$300 and the MDJ establishes the fine. In some instances, the fine has been set lower than the city's ordinance stipulates.

Jerry Kalinoski, 412 Weidman Street, Lebanon, asked if there is something the Planning Commission can do to assist such as re-writing or re-wording ordinances. Mayor Capello explained that state statute sets the range for the fines.

## JOURNAL OF COUNCIL – OCTOBER 25, 2021

Mrs. Brightbill reported that after the election there will be an MDJ sworn in in January. She stated that she has considered going to a state organization such as the Pennsylvania Municipal League to help with this issue. Mayor Capello stated that the city tries to use the tools for “Fight Blight”. She added that we need answers on what the city can do better. She stated that we are not here to judge anyone but we want what is best for our citizens.

Chairperson Morales stated that he is concerned what effect this will have on Code Enforcement Inspectors. Mayor Capello acknowledged that they are frustrated. She added that while we recognize that we will not win every case, we still need to be able to address deficiencies. She stated that it’s not fair to innocent people who have to live next to or reside in these properties.

Mrs. Brightbill stated that the other issue is some landlords pay the fines, but never complete the repairs. In those instances, the Code Enforcement Inspectors must go back out to the property and write a new notice of violation.

Doug Stump, *Lebanon Daily News*, asked who can condemn a property to which Mrs. Brightbill replied the City can condemn a property. However, some landlords have properties on the condemned list for years.

Mr. Kalinoski asked if the City should consider a zero-tolerance policy and shut down the properties when landlords refuse to comply. Mayor Capello cautioned that we must be very careful with doing that because you cannot selectively enforce the ordinance.

Mayor Capello stated that compared to 12 years ago, there is a dramatic difference in property maintenance. One property owner sold his properties because he was being cited. As a result, the properties have been purchased and are being fixed up.

Chris Coyle, *LebTown*, asked if there is a list of blighted properties available. Mayor Capello replied that the City has a list of condemned properties, but there is not a list of blighted properties.

Craig Gates, 44 Berwyn Park, Lebanon, asked if the list could be published on the city website. Mayor Capello responded that in education seminars, it is suggested that only the top three properties be listed because you do not want to present an appearance that your city is full of blighted properties, which Lebanon City is not.

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

Cheryl J. Gibson, City Clerk