

THURSDAY, SEPTEMBER 24, 2020

A special meeting of the Council of the City of Lebanon, Pa., was held in Council Chamber of the Municipal Building, Lebanon, Pa., this evening, Chairperson Carey presiding. Due to the Corona Virus Pandemic the meeting was held virtually via Zoom.

The meeting was called to order at 4:48 p.m.

Present--Mr. Miller, Mr. Morales, Mr. Wertz, and Mr. Carey, 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; Code Enforcement Supervisor Glenn Yanos; four persons in the audience; and two members of the news media.

Chairperson Carey announced that Councilmember Keller resigned from Council and the communication will be discussed at the Pre-Council meeting.

On motion of Mr. Morales, seconded by Mr. Carey, Resolution No. 12 was removed from the table.

On motion of Mr. Morales, seconded by Mr. Carey, Resolution No. 12 was re-introduced, the title of which is as follows: "A RESOLUTION APPROVING THE TRANSFER OF RESTAURANT LICENSE NO. R-13832 CURRENTLY HELD BY THE PENNSYLVANIA LIQUOR CONTROL BOARD INTO THE CITY OF LEBANON FOR USE AT THE PREMISES LOCATED AT 640 NORTH SEVENTH STREET, LEBANON".

Mayor Capello reported that in accordance with the Pa. Liquor Code, a public hearing to consider the request for the transfer of a restaurant liquor license was held on July 23. The applicant proposes to sell beer and potentially wine at the grocery store located at 640 North Seventh Street, Lebanon. Judy Plummer, 600 Canal Street, Lebanon, submitted written correspondence voicing her objections to the sale of liquor at the store. At the public hearing, Code Enforcement Supervisor Glenn Yanos presented his findings during inspections at the store up until the date of the public hearing. Lebanon City Council requested an extension not to exceed 60 days to render a decision to allow additional time for the applicants to show that they can operate a grocery store in compliance with City of Lebanon codes.

Code Enforcement Supervisor Glenn Yanos provided an update on inspections since the July 23 public hearing. Following the public hearing, the owner contacted Mr. Yanos to discuss improvements for food safety. Mr. Yanos reported that he provided information for food safety training and assisted with setting up a class in Spanish which is offered by the Penn State Extension Office. During an inspection on August 13, Mr. Yanos reported that there were significant improvements and there were three violations. During an inspection on September 15, Mr. Yanos reported that the improvements he saw during the August 13 visit were no longer

there. During the September visit, an employee had raw chicken in a plastic shopping cart which was visibly not clean while he was packaging the meat for sale. Mr. Yanos required the owner to discard the meat. In addition, the paperwork that the owner agreed to complete on a daily basis had not been completed for the meat room and food prep area since September 9. Mr. Yanos added that while he was in the meat cutting room and food prep area, another employee was removing expired items from the packaged meat section. This is an activity that should be monitored by management on a daily basis. The inspection on September 15 resulted in the store being out of compliance. During a follow up inspection on September 22, Mr. Yanos reported that there were some improvements. The shopping cart was no longer being used to store meat and metal racks were purchased and in place. He noted that employees are wearing gloves but move on to another task without changing gloves. He added that another employee wearing gloves was on break using his cell phone and went back to work without changing gloves. The managers should be addressing these things. He added that good physical improvements have been made; however, there are two parts to food safety: 1. Behavioral, which requires management oversight; and 2. Physical location. Mr. Yanos stated that the owners know the things that need to be done to be in compliance, but it is repeatedly ignored.

Attorney Dave Berger acknowledged that the owners have made physical improvements and they are trying to address the behavioral issues and employees are being reprimanded. He noted that Mr. Yanos' does not list the issue of employees wearing gloves for multiple tasks in his report. He added that employees are being reprimanded for not complying with safety measures.

Director of Public Works Robin Getz reported that at the July 23 hearing, it was mentioned that a substantial amount of work was being performed at the store without proper permitting. Since that time, she received reports that work was being done in the basement of the store, specifically demolition. The owners were contacted by the City's building inspector, CCIS, and ordered to cease work. The owner withdrew requests for demolition and dumpster permits. She further reported that the owner removed trees from the property. She reviewed the plan with the Shade Tree Commission and the Commission provided a list of trees that are suitable for this type of property. Instead, the owner planted trees that the Shade Tree Commission recommended against. The species that were planted have a survival rate of low to none. The grease traps for the sink in the meat department area were moved to the basement area and discharging into the sewer system. The owner failed to get a permit for the work. She added that it is a continual problem of work being performed without the owner submitting the required signed and sealed drawings and applying for the applicable permit. It takes multiple times to get compliance.

Mayor Capello reported that the uses in the surrounding area include a Senior Center and two elderly housing facilities.

Attorney Berger stated that the purpose of the hearing is to determine whether the applicant's sale of alcohol would be injurious to the health and safety of the neighborhood. He added that there is ample parking and ample ingress and egress. He further stated that behavioral issues take time to get resolved and the owner is addressing those issues. The owner

has made physical improvements to the building. The store will not be open until 2:00 a.m. Mr. Berger noted that the owner has immediately responded to any concerns raised by the City's Health Officer.

Fire Commissioner Duane Trautman reported that he conducted a fire inspection approximately three weeks ago. He reported that the panic bars and the exit sign at the rear doors were not adequate. Both rear doors have a magnetic lock and can only be operated with a FOB which is a violation of the Fire Code. In addition, the small rooms in the back of the building are not marked. Exit signage is not adequate. Commissioner Trautman reported that there is a generator on site; however, he did not test it.

Mr. Berger asked if these issues were in existence prior to his client taking over the business. Commissioner Trautman replied that he believes the magnetic locks are new. Jeremy Diaz responded that the Fire Code issues were corrected and he left a voicemail for Mr. Trautman on September 23. Mayor Capello stated that these are things that would be reviewed and discussed during the permitting process; however, the owner did not apply for permits.

Mayor Capello told Council that the Act 2006-155 requires Council to approve or disapprove the request for the transfer of the liquor license. She added that Council is considering whether the transfer of the liquor license would adversely affect the health and welfare and morals of the City of Lebanon or its residents. Reasons to deny the request include types of properties near the establishment that could be negatively affected; hours of operation; other issues with crime or codes; lighting; traffic issues; security issues; and potential liability to the City of Lebanon. Council needs to consider the testimony that was provided.

Chairperson Carey called for a vote on Resolution No. 12. Yeas--none; nays--Mr. Miller, Mr. Morales, Mr. Wertz, and Mr. Carey, Chairperson--4.

Chairperson Carey stated that he personally visited the store and found the owners to be positive. He stated that the City of Lebanon is committed to helping the owner comply with the various regulations.

Mayor Capello stated that she also toured the facility and the owners are committed to the store and the community. She added her disappointment in what transpired and it is her hope that the issues will get resolved, consistency obtained, and perhaps the owners would have success with this in the future.

The meeting was adjourned at 5:21 p.m.

CHERYL J. GIBSON, Clerk