

Julio Guridy, President  
Ray O'Connell, Vice President  
Joseph Davis  
Jeanette Eichenwald  
Daryl Hendricks  
Cynthia Y. Mota  
Peter Schweyer



Allentown City Council  
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**COUNCIL MEETING MINUTES**  
**April 16, 2014**  
**COUNCIL CHAMBERS**

**COUNCIL MEETING – 7:00 PM**

**1. Invocation:** Rev. Dr. K. E. Holmes, Founder and Pastor, Deliverance International

**2. Pledge to the Flag**

**3. Roll Call:** Davis, Eichenwald, Guridy, Hendricks, Mota, O'Connell  
Frances Fruhwirth represented for the Solicitor's Office

**4. Courtesy of the Floor**

Mr. Lou Hershman, 405 Gilmore Street, asked about the Charter and the Capital Fund Projects Budget. Follow the law of the City of Allentown. Adopt a budget. He asked about the money that is going back to Harrisburg from the NIZ should trickle down to Allentown.

Mr. Guridy stated that we have some, but I don't have the information.

Ms. Koval stated that she doesn't know if the city received the allocation as of yet.

Mr. Guridy asked Ms. Bowman if we received anything.

Ms. Bowman stated that we received approximately \$59,000.

Mr. Hershman asked where we could find this in the budget.

Ms. Bowman stated it is broken out between the revenue where the money came from.

Mr. Guridy thanked Mr. Hershman and stated that we are following the law of the Charter.

Mr. Tom Hahn asked about the email he sent to talk to Peter, his committee, Mary Ellen and Fran about the budget about the number of payers versus the debt. What would the increase be in our water bills?

Mr. Guridy stated that he would see if that could be arranged. I will work on that to see if we can help you out.

Mr. Glenn Hunsicker, 844 S. 11<sup>th</sup> Street, stated that he was going to ask Peter if they could be put on the agenda for his Finance Committee to talk about some issues reviewing the water and sewer revenue, and capital funding, and increased revenue as a result of development.

Mr. Guridy asked is \$400,000 still an accurate number.

Ms. Bowman asked are you talking about real estate and what we had budgeted.

Mr. Hunsicker stated that increased real estate value for the City of Allentown. They said they were going to build \$500 million. What would have been the difference between those two numbers?

Ms. Bowman stated that she is not sure for the whole assessment. What we had budgeted is \$750,000 for 2014. The County will provide the assessments.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that the only legal resident at the 22<sup>nd</sup> District is Erin McCanny and she lives in Pittsburgh. He invited Council to Dieruff High School on April 23<sup>rd</sup> for the second Allentown Hall of Famer.

Mr. Kenneth Heffentrager, 733 N. 11<sup>th</sup> Street, stated that what is being passed around is the Top Ten Most Blighted Properties in the City. They have been nuisance properties at one point or another.

Mr. Guridy stated that there are some that don't have addresses on them. Can you give us the addresses?

Mr. Heffentrager stated that the address is on the bottom of each picture.

Ms. Eichenwald asked is it a response from the administration. Time and time again, we see these pictures and it so impacts and is an important issue. We are told it will be a plan. Is there a response?

Mr. Dougherty stated that you have heard a variety of briefings for Council over the last few months from Shannon on what they are working on. We share the same goals.

Ms. Eichenwald stated that she looks forward to seeing the fruition of your efforts.

Ms. Paulette Hunter stated that she heard the gentleman speak about the money coming from the NIZ, the \$750,000. I want to make sure we are clear on the money as far as what is coming in and what it is for. There is \$850,000 max coming to the city from the arena and that is all we are going to receive. I asked about the police. Do we have a meeting? We are throwing \$750,000 around and I want to make sure that is not the same \$750,000 we are talking about. When the arena comes, who is going to pay for the police presence and what will be the cost of the city.

Mr. Guridy stated that Ms. Eichenwald scheduled a meeting.

Ms. Eichenwald stated to Ms. Hunter that she requested a meeting and she has not received a response.

Mr. Hanlon stated it is May 7<sup>th</sup> at 5:00 PM.

Mr. Rich Fegley, 1002 S. Bradford Street, stated for several weeks, Mr. Hershman, a former City Controller, has accused the Council of breaking the law by not having this Capital Budget Plan. The only response I heard was president Guridy; we are not breaking the law. Where is the city Five Year Budget.

Mr. Guridy stated that it is a Five Year Plan from 2013 – 2017.

Mr. Fegley asked for the PDF of the Five Year Plan be placed on the website.

Mr. Guridy stated that I can assure you, we are not breaking the law. He asked Ms. Fruhwirth is Council breaking the law.

Ms. Fruhwirth stated that she cannot respond to that, but will look into it.

Mr. Guridy asked Ms. Bowman is the Capital Fund Budget in the Budget.

Ms. Bowman stated that there is a line item in the General Fund for Interfund Transfers for Capital. We did have it earmarked.

Mr. Dougherty stated that the Capital Plan was submitted to Council.

Mr. Don Ringer, 1810 Liberty Street, asked Council and Mr. Dougherty explain to him how we lose \$10,000 at the golf course and that is a good deal.

Mr. Guridy stated that he doesn't think we lost \$10,000.

Mr. Dougherty stated that he has no obligation to answer the question.

Mr. Guridy stated you are talking about the restaurant deal.

Mr. Ringer stated that we basically let the guy out of his lease, gave his money back and bought used equipment that is worth nothing.

Mr. Guridy asked Mr. Ringer do you understand what happened.

Mr. Ringer stated that he only has been a businessman since 1968.

Mr. Guridy stated that it was a contract. He paid late and paid his later fees. He was closed for a couple of months in the wintertime because we had a very heavy winter. At that time, he decided he was not going to continue the contract, and they agreed to purchase some of the used restaurant equipment.

Mr. David Stoneback, 1617 Cridersville Road, stated his concern about homelessness. He asked who is pushing the agenda with respect to the approach that the city takes with the homeless particularly with imminent completion of a new downtown. One in four veterans is homeless. Where do they supposed to hang out.

Mr. Guridy stated that this is an issue that we have been dealing on Council. We had a couple of meetings to talk about it. There are a couple groups and members of the public who are concerned about it, including myself and Councilmembers. The issue was brought up when it started getting cold and there were people at St. Paul's Church sleeping in very unsanitary situations. The Rescue Mission and YMCA were open. The hours weren't to the liking of some people. The Alliance Hall and churches were open. There is a group with the county, the Commission on Homeless) trying to coordinate things.

Mr. Julian Kern, 252 E. Walnut Street, stated that he doesn't think that everyone know how bad the slumlord and absentee landlord problem is in this city. Take a ride along with city inspectors and code enforcement for one day.

Mr. Guridy stated that some of us done some of that.

Ms. Eichenwald stated that the reason we have courtesy of the floor is for citizens of Allentown to come here to address City Council and give a response whenever possible. She commended Mr. Guridy for the

response he gave on the homelessness. It was an attempt to explain what was going on. She requested that Mr. Dougherty and other members of the administration to respect these questions and you provide the citizens with answers.

Mr. Guridy stated that he said before for Ms. Bowman to get the answer for Mr. Hershman.

Mr. Dougherty stated that Courtesy of the Floor is for the public and City Council, not for the administration.

Ms. Eichenwald stated she agrees with that, but when the same question is asked time and time again, I think we could do a better job to respect those questions and make an attempt to provide our citizens with answers.

Mr. Guridy stated that we all agree with that.

**5. Approval of Minutes:** March 19, 2014 and April 2, 2014  
Minutes approved by Common Consent

## **6. Old Business**

“Application for Liquor License Transfer for American Citizens Slavonic Society of Allentown, Inc. from Lower Milford Township Fire Company # 1, 1601 Limeport Pike, Coopersburg, PA 18036 to 1139 Union Boulevard (previously Tony’s Pizza), Allentown, PA

Mr. Guridy stated that we are going to take R8 which is the Liquor License Transfer that we talked about several weeks ago and we tabled. At that meeting, we are going to close the meeting and to actually adjourn and vote. It was requested by the petitioners to give an opportunity to come back and present to us the findings of the questions that were asked at that time. This is the moment we are going to take to ask Attorney Croslis to come over and make the presentation and then we would take a vote when it comes. We don’t need to hear again from the public because we heard. It is only a response from Mr. Croslis that we are going to listen to and then we are going to take a vote when it comes, unless someone wants to make a motion so that we could suspend the Rules and move it forward so that we can vote on it right after. It could be the first order of business after Old Business. He asked Mr. Croslis is he ready and asked the solicitor since Mr. Croslis was sworn in before, do we need to swear him in again.

Attorney Croslis stated that he was not sworn in.

Ms. Fran Fruhwirth stated that Counsel does not get sworn in, but he is the representative of his client so he is speaking. If I might, we do have an email from Ms. Kistler, Director of Health. The concerns she had asked the record to be open for. She asked Mr. Hanlon to read the summary section.

Mr. Guridy asked Mr. Hanlon to read the response and summary from the Health Bureau that was Ms. Kitler.

Ms. Fruhwirth stated in advance to that, Attorney Croslis you were provided an advanced copy of Ms. Kistler’s concerns.

Mr. Hanlon read the email from Ms. Kistler from Thursday, March 20<sup>th</sup>, the day after the meeting. It is addressed to myself, Mr. Dougherty, Mr. Croslis and Mr. Laubach is copied. In summary it says:

In summary, repeated visits were made to Tony's over the past few years. Of major concern is that the facility did not have proper food refrigeration. The equipment used could not maintain adequate cold storage. Food should be refrigerated at 41 degrees and food was found stored at above temperature (as high as 63 degrees). These food items were potentially hazardous – meats, cheese, etc...and were discarded on every visit. Each subsequent visit found no progress in the repair or replacement of refrigeration units. Problems existed in the food prep refrigeration unit and the main refrigeration units. This situation started under operation by Tony in 2010. It was not remedied and continued straight through operation by the next operator. Sporadic cleanliness issues were also noted under operation by Tony and continued. Under the next operator, the situation worsened and cleanliness issues including rodent infestation were present. This documentation exists on line (both Tony's reports and the reports listed below) in real time under PA Food Safety Inspections. PA Food Code requires every food establishment to have at least one employee trained in proper food service practice – no employee documentation was present for compliance in this area on inspection (both under Tony and the subsequent operator). They listed the examples found in the inspections:

Mr. Guridy stated that there were several examples of what the summary was. Mr. Crosliis you are on.

Attorney Crosliis stated that those were concerns from when Mr. El Chaar operated and they were legitimate concerns. I understand and am aware of his past history in the past year. But, the difference is that I can assure you every license: health license, food license, and any license that has to do with operating the club will be in the club's name the Slovanic Society for Allentown. I call it a club for Mr. El Chaar left no responsible only to collect the rent and pay his property taxes. At the last meeting, I was unaware, but apparently there were some discussions that I didn't know about. He even said at the last meeting that was a problem. It was to remain on as a cook. It wasn't to be associated with the club, but as a result of that and City Council's concern he collects the rent every month, pays his monthly taxes and keeps insurance on the property as the landlord. Everything falls on the landlord. The club has been in existence since 1919. They have no violations and I don't believe there will violations for the kitchen. It seems that the biggest concerns are Mr. El Chaar. No one said that specifically. Other than collecting rent and allowing my client to rent the property, Mr. El Chaar will not, unequivocally have any involvement with the operation of the club whatsoever. With regards to the issues, I actually requested the Fire Code issues because that was brought up as well. We can't fix those issues now because we are not operating. We can't build a club or get the members back until we have a place and we have very limited funds, but refrigeration seems to be a recurring issue. First we could not get a health license for refrigeration did not comply, but we plan to get all the refrigeration and the equipment. The license will be in my client's name so it will be my client's problem so he has to fix it. However, my clients and their history have not had problems with issues like that. These concerns were mainly cleanliness. It looks like Tony needed to buy another refrigerator. There have been multiple refrigerators. We are just going to get rid of all the refrigeration equipment. It will be an additional cost, but we are going to make sure the fire inspector can send me an email. It just wasn't on time. That was the past owners. We are going to be new operators and all licenses will be our responsibility and they have a history of operating in a sloppy manner in the neighborhood at that time. The school and the church oriented club, now it is going to be a neighborhood club. I actually spoke to the president of Midway Manor Association. He was here at the last meeting and we spoke after the meeting. We reached out to him to see how we can help his organization. If there are any access to nonprofits, and excess of money it has to be donated according to the bylaws. The intent is to put a nice and quiet place that follows all of the rules as opposed to a for-profit bar that you can't control as much. We gave the background and the testimony as to how they operate according to the bylaws. Again, the main concern with regards to the health issues is because of the past operators and we have eliminated that. We are going to have all new equipment because we cannot open and we cannot do that until we file for a liquor license transfer and know that we are going to be able to get through this process because that is when it starts. In the meantime, if we don't pass all of the code requirements then the

liquor license will go back. So if we are not up to snuff during the liquor license transfer and it is inspected and the city can come out and inspect it. If we don't meet those and don't comply the club is not going to be able to open up anyway and the license will go back. This is just the necessary first step. You can't file a license transfer application without this first step. The concerns are critical.

Mr. Guridy stated thank you very much. We are going to vote on this. For those people that are raising their hands, we are not taking testimonies from the public. What we do is, before we vote you will have an opportunity to come over and speak on the vote. We already went through that. He asked any comments from the dais.

Ms. Eichenwald asked Mr. Croslis to explain to her. At the time, the original club when we go back to when Mr. El Chaar ran the bar. He had a liquor license that you ripped off the wall. How did they manage to keep the liquor license if they were in violation of so many of these food regulations? They did not have the proper refrigeration. They did not have properly trained staff. How were they able to maintain it?

Attorney Croslis stated that his experience with the LCB, as long as a restaurant has a health license on the wall the LCB doesn't get involved. The city can revoke it or it can expire. If you don't have a valid health license, the LCB will shut you down because the LCB doesn't look around for health violations they just look at the license. The city could have revoked the health license; the LCB can then shut it down.

Ms. Eichenwald asked how did they originally get the license with these health code violations without proper refrigeration. I am curtained because how then would it protect the city and make sure that all these violations will be corrected. It is a flaw in this process.

Attorney Croslis stated that he is not involved with that. That was the prior tenants. They applied for a health license and I assumed when the inspector came out, they complied and came out later for the inspection. I don't know how they were opening with these kinds of reports which is why my client is going to do these things to ensure that it doesn't occur again.

Mr. Guridy asked were there any further comments from the dais.

Ms. Fruhwirth stated that this is a reopened Public Hearing under the liquor code that is required by the statute. If Council is inclined to hear any additional public comments, it should take place during the public hearing and not during the council meeting on the vote. If the Council is disposed the hear rather than the limited purpose in which this hearing was reopened based on Ms. Kistler's concerns and have them rebuttaled by Attorney Croslis that should take place now rather than wait.

Mr. Guridy asked Ms. Fruhwirth is it better to have it now to follow the statute then talk about it when we vote. They will have an opportunity to talk when we vote.

Ms. Fruhwirth stated there is the difference. There is a difference between a public hearing under the statute such as the liquor code and a public meeting that Council of course, has regularly. At a public hearing which is required by statute, the council is acting as a quasi-judicial body. They are called on to hear testimony under oath, except evidence in writing, and to deliberate and render a decision, much like a court would. A meeting on the other hand which is not conducted under the local agencies law to which appeal rights are attached. Whatever adjudication the council renders on this application can be appealed to the Common Pleas Court. Unlike that situation which we have under these circumstances in your regular meeting that is conducted under the Sunshine Law, no appeal rights attached and individuals, concerned residents can approach Council with their concerns and questions and Council can respond to that as sincere as those comments may be those are not appealable. It is not a process which is guided

by. That is the distinction that I would like to make which is really important because if an event there is an appeal, from whatever council in its judgment renders then it would be a record for the court.

Mr. Guridy asked Ms. Fruhwirth if this is a continuation of the previous hearing and we tabled it. Now, when do we stop it? This is what happens, they will speak now and he will have a chance to speak to rebuttal. That is what we did before. He spoke, they spoke and then he spoke again. Do we continue this? How do we put an end to it?

Ms. Fruhwirth stated as long as it is conducted now in a public hearing setting. The Hearing from March 19<sup>th</sup> was reopened at the request of Kistler and the response by Attorney Crosliis. That back and forth, the direct testimony and cross-examination would continue so as long as it is under the discretion of Council. It is not repetitive. It is not covering the same ground that we did before. It is bringing up new considerations or insights for Council consider rendering its adjudication. That would be within the discretion of the Council to permit the testimony. The issue from last time I can say candidly is what was rolling over into the Council meeting. That testimony, those insights, those comments that were rendered during the regular Council meeting after the public hearing was adjourned are not part of the record and not to be considered. We need to keep this as technical as it might sound.

Mr. Guridy stated that the public can speak now and then we give him an opportunity for him to speak again.

Ms. Fruhwirth stated if you are disposed to do that.

Mr. Guridy stated I have no problem with it.

Mr. O'Connell asked Ms. Fruhwirth to explain the repetitiveness because we are probably going to hear the same arguments. Pros and Cons back when on March 19<sup>th</sup>.

Ms. Fruhwirth stated that under the local agency law, the Council when it is acting in its adjudicative court like function doesn't have to adhere by the strict rule of evidence. You have some flexibility because of the concerns of the public and the concerns of the council knowing as much information to render a judgment. When you notice that there are things that you heard before and you may think that you heard it before. It is cumulative and even though the evidence rules don't apply strictly. It can be an objection by Mr. Crosliis and I can caution you as the solicitor saying that we are getting into ground that was already covered, but it is in your judgment to understand and make that ruling for yourself as a judge would.

Mr. Guridy stated that in saying that I am inclined to allow the public to kind of rebuttal kind of what Mr. Crosliis said or to make some new comments. In saying that, we were here for over two hours last time listening to a lot of the same things. I am going to stop you if we heard it already.

Mr. Jerome Sethcheck stated that he has a letter to read and it is a threatening letter to me from Mr. Crosliis. I only came here to find out where the license was going, why it was named that. The license was legal. The license is from where it is coming from. That license can go wherever it wants to go. Andy Oseka was here the last time and I talked highly of him. He is a very nice person. Why did I get a letter from Crosliis. The only thing I told you about is how St. John's Club closed. That is it. I didn't say who is on the board or anything. Now, by way of hand delivery: Jerome Sethcheck, 1016 E Ferry Street, Allentown, American Citizens Slavonic Society of Allentown Incorporated. Dear Mr. Sethcheck: This letter is to instruct you to immediately Cease and Desist from making any false, derogatory comments regarding the American Citizens Slavonic Society of Allentown Incorporated and its board members. It has come to my attention that you have on numerous occasions made false statements regarding criminal activity of

various board members. I have also been informed that you are making false statements regarding the operations of the private social club that was known as St. John's Club which former legal name was American Citizens Slavonic Society of Allentown Incorporated. Your false statements serve no purpose other than to harass my client with the intent to damage his reputation that of its board members. As I am sure you have figured out, I represent the American Citizens Slavonic Society of Allentown Incorporated. I have been authorized to pursue any and all available legal remedies if you continue to make intentionally false statements about my client or members of his board. Please be guided accordingly. Sincerely, Matthew T. Croslis, American Citizens Slavonic Society of Allentown. I don't even know who is on the board. How can I make accusations about them? I only told you what happened at the St. John's Club and the only reason I never went to the Eastside Association Meeting. I went to a Reets meeting which Vicky Kistler ran. One day I decided to go over to one of the meetings to see what it was and it was very interesting. They had the police come in and listen to us. On Thursday, I always look in the papers who is playing where because I am good friends with the people at Lucky 7. Here it is Tony's Pizza Bar and Grille Times to Shine, Microphone Rockers, Night: Rappers, Singers, Poets, Comedians, DJ Baby J. Wednesday at 1130 Union Boulevard, Allentown, 610-821-5488. That's tonight. If they get a club license, you can't stop them from getting music in there. They are allowed to. I took a ride and never went around in back of Tony's Pizza. I looked at what the building looks like. It was a mess before. The garbage is not there anymore. I got a call from the state police because I called the Liquor Control Board up. The Liquor Control Board said that the License is legal; they can't put that license in there under that name even if it is a good license because the Liquor Control Board has to approve it first. That I hope he knows that.

Mr. Guridy stated our job is to approve or disapprove the transfer of the liquor license. That is our job here.

Mr. Setcheck stated that your job is to say yes or no and I don't care which way you go, but don't threaten me. Who is going to protect me?

Mr. Dennis Pearson, president of the East Allentown Rittersville Neighborhood Association, stated that Mr. Croslis demands an apology to East Allentown Rittersville Neighborhood Association which that is actually where the property is located. You cannot make promises to Midway Manor to help them out and everything else when trying to stick it to the East Allentown Rittersville Neighborhood Association. According to our bylaws, the East Allentown Rittersville Neighborhood Association (EARN) may recommend any action, policy or comprehensive plan to the city, school district, county, state, federal government or any agency or business affecting livability of the neighborhood, including but not limited to land use, zoning, housing, community facilities, education, human resources, public safety and recreation programs, traffic and transportation, environmental quality, open space as such associates may not fall in line with any pressure design to transfer of a club liquor license from Lower Milford Township to Allentown. We believe that it is not in the best interest of those eastsiders residing near by the footprint of the proposed club. We certainly do not want to take any chance whatsoever with condition within the footprint deteriorating back to where they were a few years ago. Therefore, we do not endorse passages of any legislation by the Allentown City Council allowing the transfer of the license to the site on the grounds it will not adversely affect the welfare, health peace and morals of the City of Allentown. In our minds, that just might happen in the footprint of the proposed club and that is why we won't endorse it. The city should understand that the residents residing in the footprint are residents of the City of Allentown too and need to be protected from possible abuse and we urge all members of Council to respectfully support our stance on this issue. I come here because it is my duty and I am bound by this duty to represent my neighborhood which is being abused right now by Mr. Croslis as he did at another time. We are still dealing with remnants of other things and we don't want it to happen again. Thank you.

Mr. Chuck Swank stated that he has a business at 1152 Union Boulevard, directly across the street from the establishment. As I stated before I am there 31 years. I just want to rehash this a little bit in regards to

the club. The open concept of the club, the lack of parking, as well as, any kind of police report from everything that was endured all these years. Whether it is a new club coming in which the gentleman stated the last time that there are only four active members. I personally believe without fewer members, the club will be a part of Tony's establishment, but the open concept of not being a privatized separate entity, lack of parking, let alone the track history of the people that patronized that in all the incidents that were reported over all the years. I just implore that you give your utmost attention as far as zoning, and parking and everything that is affiliated with putting a business there for the good of the neighborhood.

Paulette Hunter stated that this is the first I am hearing about this. She stated that she is a little bit concerned when citizens come and speak their honest truth and then get a threatening letter like this gentleman indicates a while ago. I am wondering to myself as I sat back there of how many other residents got a letter like that and choose not to come up here because of that letter. I am a little bit concerned about that when someone feels that they have that power to do that to a citizen just for speaking up about their concerns. I wanted to put that on your mind. We have citizens that might not have the power to get a big lawyer and feel threatened and don't show up because of it.

Mr. O'Connell asked Mr. Croslis how many letters were sent out.

Mr. Tom Miller, owner of Boulevard Mobile Home Park, some of our homes are within 60 – 70 feet of the property. I have so many things that I can't even go into. Things that we haven't covered from before, but there have been several questions that have not been answered from the first meeting. I would like to know how many businesses are in that former car wash right now.

Mr. Croslis stated Tony's Pizza is the establishment.

Mr. Miller stated that the question was before parking spots. No one knew how many parking spots and where they are going to park. Now, we even have and that whole area that he is claiming that is parking, he doesn't even own. His brother owns it. If you read in here, he has enough parking on the side of the building. We have some in the back and me and my brother want to deed the property. He has a huge land, but he doesn't use it at the dealership that much. He has space and we will use it together. I don't understand. There is a car lot, a notary, a car truck repair business, pizza place, and bar. Is this club going to be taken the place of the pizza place restaurant or is it still going to be still making food.

Mr. Croslis stated that the entire pizza place and bar. There will be no pizza place. Any zoning requirements for parking we will either comply with or we will not.

Mr. Miller stated that he owns several commercial properties and there are areas that are not having a used car lot. There is grass and supposed to be on a paved area. I can go on and on, but the concern is parking and safety. It is a steel tin building. I have never seen a restaurant or a place to eat that has cars going in and out. He has a license inspection area. That means you run your car in the building. Carbon Monoxide they have a snorkel that goes out. There is nothing in there that I know of. If you know any different, I would be very, very concerned. You said there is parking around back. You have an oil tank there. It is not protected. It is sitting up against the building. You have a tractor trailer. It is sideways. Do you use that for your refrigeration? There are steps going up and sunken into the ground, sideways. I just can go on and on and on. I am very confused. Does Tony's own that whole property?

Mr. Croslis stated that Mr. El Chaar testified last month that his brother also owns the one property.

Mr. Miller stated that he and his brother both own it then.

Mr. Croslis stated that his brother owns the entire property. The deed is public record.

Mr. Miller stated why was it stated here.

Mr. Croslis stated that those are minutes, not transcripts.

Mr. Miller stated that I am so confused because there are so many questions that are all over the place. If he is renting the building and he doesn't own the property admitted and would like to get it from his brother and has a car lot plus a property that, it is just all over the place and not only that we have over eight bars within a ten mile radius. There are so many questions that need answers. I wish I had another ten minutes, but I have been living with this. I have been getting the calls at midnight. People are deafly afraid from the two pages of stuff here that the Captain brought up. It is just an ongoing thing. I think it is very detrimental to our neighborhood there.

Mr. Guridy swore in Mr. Hahn.

Mr. Tom Hahn, 2016 E. Highland Street, stated that in the beginning I heard a statement made about the health, conditions and the license on the wall was in violation of everything. Can someone explain if the city was at fault for allowing this place to move forward to this point and should tomorrow an inspector goes out and shut it down because the admitted violations that are there and postponed this thing until the city inspector goes through there and shuts them down. If the license has to be revoked by the state for the violation then the problem is solved.

Mr. Guridy stated that the license is coming from another location.

Mr. Hahn asked do you think we can do that.

Mr. Guridy stated no.

Mr. Hahn asked why would you vote on something where the violations have already been admitted and that the guy shouldn't even have a license in the first place.

Mr. Guridy asked do you want me to explain it or not. They don't have a license. The license is going to be transferred from another location. We are not voting on if the city is checking on the health license. We are voting on the license transfer. That is not our doing right now. You have to understand that and separate the two. The city code department is doing different from what we are doing now. The city code department would not allow them to open if this license transfer until all the codes, violations is corrected. Neither will the health bureau or fire department, neither will the parking. If there is a parking issue, the city will take care of that as well. All those things will be taking care of by the city at that time. We haven't even voted yet. We only voting on the transfer of the license from another locality/municipality in Lehigh county to that municipality. That is all. We are not on if there were rats there or trouble with a refrigerator and there is a stink going in. We are not voting on any of that. We are voting on something else.

Ms. Cindy Aswald, 1148 E Livingston Street, directly behind Tony's bar and I was not able to be here at the last meeting when all the discussion and I really don't know what has been discussed, however, I just since the whole thing that you are talking about right now is transferring this license to this facility. I still feel that this is not the location for this type of facility to be. I don't feel that the building is set up for such a situation and I can say if I am going to be on the telephone calling everybody in the city as I did for the last 16 years that I have been in the City of Allentown. I am going to be very upset with this situation. I really just hope that you think this through, not only the big trailer in the back that is a hazard to children that are playing in

that alley and it is a residential area and there are children and many issues, garbage and so forth. I ask you to really think about putting a liquor license in that facility because I really don't think it is the best interest of the City of Allentown or to that area at all. When whoever is talking about it and trying to convince the board to make this decision, I hope you realize that it is just going to be problem after problem after problem in having this type of setup again. Thank you.

Mr. Guridy stated to Mr. Croslis that he has an opportunity to rebuttal or explain.

Mr. Croslis stated that some of the general comments were on things that were located outside of the property. My client is responsible for maintaining what is outside of the property. That is part of their responsibility. If there is something that should not be and the city tells us. There is a misconception that whatever happened in the past that maybe happened like the health license. There will be a brand new entity for Mr. El Chaar that will be responsible and will have to before they even open and if they are unable to do that the transfer won't go through the LCB. It is a private social club, members only and members have to be admitted within the bylaws. As to the noise, I do believe you can approve transfers with conditions. I said it at the last meeting, but if you want to put it a condition on a transfer license that there will be no live music, no djs. There will be no DJs, and there will be no live music. There will be a jukebox and in their 70 year history they have not had a noise citation from the liquor control board. With regards to some mention about the size of the club, the problem is the chicken or the egg here. The club lost their lease and was evicted after 2006 and you have about four, five or six dedicated active members. There are about 20 – 30 people that were members that wanted to become active again. They have some savings from last time and looking for a place continuously. They happened to find a place and they happened to find a license. There were numerous licenses under agreement and there were numerous leases that were under agreement. Club licenses are not so easy to find. You have to be in existence for more than a couple of years and a nonprofit with nonprofit paperwork, bylaws and have to follow the state rules to be a nonprofit Club in order to qualify and this club does. This is not a restaurant license coming in. By getting the club back open again that allowed us to attract the old members back. That is the purpose. Mr. El Chaar can't even be a member of the club. There will be no loss of control of the club. The people that were part of the club have been a part of this for most of their lives. Their fathers and grandfathers were part of this club. They don't want to lose control, they want to find a way to come back.

Mr. Hendricks stated that Mr. Croslis that he has a question that was not answered by you. The intent of that letter and how many persons received such a letter. I have a hard time understanding why you would send that to somebody.

Mr. Croslis stated that he understands how that would appear. There were two letters. One to Mr. Sancheck and the other person wasn't here before. It is unrelated to this. It has to do with people approaching the Diocese and accusing my client of stealing the last license. There were two and the other person was not here the last time at the last meeting. I explained to Mr. Sethcheck at the last meeting how the license. They accused Mr. Osheda of stealing the license. I can't stop him from saying whatever he wants, but to say that the license was stolen is not true and false. I didn't object to anything he said tonight. He said something that was not true and I warned him about it.

Ms. Eichenwald stated that he did not say it last time.

Mr. Hendricks asked Mr. Croslis do you understand how that looks, you sending the letter certainly to us here. The timing of it in light of his being something that we are considering now looks very suspicious and quite unfortunate.

Mr. Croslis stated that he represents a client. They were getting phone calls. If my client tells me to do something, unless it is illegal.

Mr. Hendricks stated that I would hope that you give better advice in the future.

Mr. Croslis stated that I understand your concerns. It is unrelated to this.

Mr. Guridy stated that his question is in regards to the types of licenses for the public to know the difference between the bar license and the club license. Do you know the difference and explain it.

Mr. Croslis stated that a club license definition is for members only and you have to have bylaws which I submitted at the last meeting. In order to transfer a license to another club you have to be in existence for over ten years. You have to be a nonprofit corporation. You have to have rules on how members and if you bring a guest. In Allentown there are still Social Clubs. Clubs are places where people want to hang out for cheap drinks. It is not a bar atmosphere with a DJ and dancing. It is very much more restricted than a restaurant. While you can turn people away, the motive for a club license is a neighborhood club that would entertain any neighbor group. It is not that you can come up to me when I just met you and say 'hey I heard a club was in there.' These bylaws are from 2004 before they stopped operating. The difference is in motivation and the difference is in how people are admitted. It is mostly volunteers. They used to have Easter egg hunts and Christmas parties. That is the difference between them. The restrictions that I offered did not allow private parties, loud music or DJs.

Mr. Guridy stated that what you are recommending if we were to vote to pass this that can be put, where would we put it, in the Bylaws or the Resolution?

Ms. Fruhwirth stated the Resolution. It must be attached to Attorney Croslis' application to the LCB. That would be the place to put the offer.

Mr. Croslis stated that he has seen it before.

Mr. Guridy asked any further comments.

Rev. Holmes stated that she ask Council in their voting to consider everything that has been said by the attorney, new name, new license. I lived on the east side since 1971 and everything that has been said of the people, I ask you to consider that with the new person involved, or new group involved and yet as you pointed out that letter is very disconcerting. You did say that you didn't want to do it, but you did what you client asked. New client, how they treat the people that they are in proximity to in the same neighborhood, I ask that you consider that very hard. Different scenario for the club, but how they treat the people right there. Please consider that.

Mr. Davis stated to Mr. Croslis that my way of thinking is that we are voting for a liquor transfer license as Rev. Dr. Holmes explained that it is a new group. We have to keep it separate from what was there in the past. We are being asked to vote on a liquor license transfer when we have concerns about the building itself. I believe you when you say that they will all be done, but we have to make a decision before it is done. That makes you hesitate a little because just like with the parking, I thought we were going to have answers to the parking according the zoning laws. We will have an idea of how many parking spots will be for this spot. When you talk about Mr. El Chaar not being involved in this, you are talking about bylaws that you are going to have certain things in there to answer some of our questions in bylaws, but bylaws can be changed next week. The club can change them. I am glad to hear that if we do something. If there is a resolution where all our concerns listed in there, we are going to grant you a license, but you are saying that you will with the condition of the building, that the present owners will have nothing to do with it. The

parking and zone issues will be taken care of, the health issues with the refrigeration. I am sure you are not going to need the refrigeration that a bar would need, but you will still need some. There are circumstances that we can put into a resolution that would make it easier voting on it. It is hard to separate that what the present ownership because that is what everyone is talking about and all the problems we had with him. We will be dealing with a club and I don't compare them to a night club or a bar. It is a different crowd of people.

Mr. Croslis stated that is why I was offering and Councilman Schweyer requested that they will be conditions on them. I know that in the past that the bars were denied Transfers to locations. That is part of the Resolution. Mr. El Chaar can have no operational interest other than collecting rent. He is paying taxes obviously and insurance on the building. Everything else is the tenant's responsibility.

Mr. Davis stated that if we are going to vote on this, are we going to vote before we have a Resolution listing our concerns or will we list our concerns as we vote on it.

Mr. Guridy stated that you can actually amend the current Resolution to list and include those conditions.

Mr. Davis asked we can actually vote on transferring the license, not knowing what our Resolution will state, the restriction will state.

Mr. Guridy stated that we have a Resolution that we are going to vote on, Resolution R8. If you want to vote on it or you want to transfer it or add or amend the Resolution to include the conditions you can do that. You just have to make an amendment just like you make any other amendment. You make an amendment to include those conditions into a Resolution. Somebody has to second it and then we vote on it.

Mr. Hendricks asked Ms. Fruhwirth can we set restrictions on an LCB License establishment.

Ms. Fruhwirth stated no, remembering that this is a vote on the Resolution, including the Transfer. The standard of the review for Council is whether or not the Transfer will adversely impact the health, safety, morals, peace of the community.

Mr. Hendricks stated that was his thoughts. We can't set standards as far as who is going to work there or who are not going to work there. That is not our responsibility.

Ms. Fruhwirth stated your standard is health, safety and welfare and if there are concerns to the actual facility, you can attach those conditions to your Resolution.

Mr. Hendricks stated that those concerns will be addressed anyway by the Code. There is no need for us to do that.

Ms. Fruhwirth stated yes, there is no need for us to do it, but those concerns will be addressed by the LCB once the application is submitted with the Resolution of City Council attached to it.

Mr. Guridy asked are you saying that we cannot amend our Resolution.

Ms. Fruhwirth stated that I would suggest to you that you can. I would caution you against limiting who can be part of the operational group.

Mr. Guridy stated that part I understand, but if you want to amend the Resolution a certain way, you can amend the Resolution because we have done it before.

Ms. Fruhwirth stated that you can, listing those conditions that goes to the health, safety, welfare of the community.

Mr. Croslis stated that if you can't do that, what I was thinking that the LCB has prohibited people.

Mr. Hendricks stated that is why he thinks it is counterproductive. Those things are used under the health laws and code that we already have. It is really not necessary for us to do that.

Ms. Fruhwirth stated that there will be some measure of redundancy, Mr. Hendricks because the laws do apply as far as the health certification, but if you want to mention them in your Resolution, you may.

Ms. Mota stated that she will feel comfortable in voting if things are amended. Even though, it might be redundant, it would be nice if it is stated. In the past, the previous owner had a lot of violations and he did not follow through. It would be better if we can put it in writing and we can amend it.

Mr. Guridy stated that the difference is if they violate the Resolution, we can actually close the place.

Ms. Fruhwirth stated that may be so.

Mr. Guridy stated that is so, I think because if we have a Resolution and say you suppose to do this and that and we pass it. We don't have to wait for the LCB to close it because it is our Resolution.

Ms. Fruhwirth stated that will be part of the police powers as far as nuisance bar.

Mr. Guridy stated that is faster than waiting for the LCB.

Ms. Mota stated why not do it.

Ms. Eichenwald stated that she remembers when Mr. Croslis presented his original presentation for this. He told us how difficult it was to remove the license. He stated that he himself went in pulled it from the wall in a dramatic fashion so obviously it is not easy in any shape or form on a legal basis to rescind this license. I just like to caution everyone. We could put in it whatever we want, but here there was a nuisance bar by no other definition, but nuisance: Code violations, police, fire, health and yet, we could not rid the city of that bar easily. So what would make us think that putting in all these other Resolutions would change the fate of how hard it is to rescind a license?

Mr. Guridy stated that there are two different things that I am talking about personally, one is, it is not a bar it is a license for the club. But, two is what I am saying that if we were to vote on this and I am not sure that we are and we have a Resolution and we vote on it and allow the transfer under this condition because the place itself if it violates out codes we can actually do that. We have done that and we are not saying that the LCB is doing that. I am saying that we can do that as a city. We have done that before.

Mr. Croslis stated you can do it.

Ms. Eichenwald asked so why was it so hard to close when it was Tony's.

Mr. Croslis stated that he doesn't know. He doesn't make those decisions.

Mr. Hendricks stated that in a conversation that I had with Deputy Chief Lee Laubach, as this will be now members only club, it would be more difficult for the fire department to enter that establishment than it would be for an open license. There are more restrictions placed on them and as mentioned in the testimony there is a number of fire violations that occurred there in the past.

Ms. Eichenwald asked is that true for police as well.

Mr. Hendricks stated that was presented in testimony. We had a number of violations there.

Ms. Eichenwald asked would it be harder for police to enter when it is a private club.

Mr. Hendricks stated that I don't know. The doors themselves will be controlled generally. In a private club they are controlled by some type of locking mechanism that you have to have a key to enter with. There will be some kind.

Mr. Guridy stated that we can get a warrant, a search warrant. They enter into private homes.

Mr. Hendricks stated that he is talking about for immediate entry. We would not be able to do that.

Mr. Guridy stated that police goes into private homes and enter all the time. Why wouldn't they go into bars that have nuisance problems or at least a club?

Mr. Hendricks stated that he mentioned immediate. The key is controlled.

Mr. Guridy stated that once they get a judge to issue a warrant, they can go and get in.

Mr. Hendricks stated definitely.

Mr. Guridy stated that we just have to follow proper procedures.

Ms. Helen Hahn stated that she just had a thought of how long it has taken Mr. Heffentrager and his group to work on city problems of different homes that are turndown or in bad shape. If you pass this you will have so much problems and be in another lawsuit. How will you stop this once it starts going. It will be like the ball that will never stop. You have to think very hard on this because I think once you pass something like this it takes so long to reserve. Just like Mr. Dougherty said they are working on it every day, but nothing happens to these landlords. They just continue. So here we go again with another that you have to work on for many, many days.

Ms. Fruhwirth asked is Council dispose to adjourn the Hearing, understanding that there will be no more testimony before the vote. All the comments and testimony needs to take place now.

Mr. Davis asked should there be comments from Council.

Mr. Guridy stated that if you have comments now. It includes Council.

Mr. Davis stated that the only issue I have left is we are deciding on a license where hopefully we have a yes or no vote, but instead of voting yes or no, we are saying we yes, but we have these restrictions in. It doesn't seem that it is going to be a simple yes or no question or answer. I would like to be able to say yes or no and be done with it. Instead, we are being asked if we vote yes, we vote yes if you do these things.

Mr. Guridy stated that however you want to structure it, it is ok. It sounded like some of you wanted a restriction to it, some kind of conditions. It is allowable to make an amendment a resolution. You cannot make an amendment to the LCB, but you can make an amendment to our resolution before you vote on it.

Mr. Davis stated that Mr. Croslis stated that he had an answer to that.

Mr. Croslis stated no live music, no DJs, and it is redundant, but compliant with any zoning, fire, health and any codes if the city that must be complied with, but we will have to do that before opening. The problem is how some of these work you have to get the Liquor License first. It is an existing business now. If there was a problem we would not be able to open. If we can't comply with any of the applicable city codes we won't be open. We agreed not to allow Mr. El Chaar to have loud music, no DJs. There were a lot of noise concerns. There are no rental and third parties.

Mr. Guridy asked the wish of Council. We are going to vote on this now. Do you want to or not to make an amendment. It is up to Council.

Mr. Hanlon stated that you currently have one amendment that was passed at the last Council meeting and that amendment reads that the Transfer shall be contingent upon conformity of zoning, health and other applicable city code prior to the Transfer.

Mr. O'Connell stated that he would like to suspend the Rules and vote on R8 at this time.

Mr. Hendricks seconded the motion.

Ms. Fruhwirth stated that she doesn't mean to interject, but are we adjourned and move on to the vote.

Mr. O'Connell stated that the meeting has been adjourned and I would like to suspend the Rules and vote on R8 at this time.

Mr. Hendricks seconded the motion.

Mr. O'Connell made a motion to use the word Approved.

Ms. Mota seconded the motion.

AMENDMENT TO PUT THE WORD APPROVE IN THE TITLE PASSED, 5 – 1 (Eichenwald)

**RESOLUTION PASSED, 4 – 2 (Eichenwald, Hendricks)**

## **7. Communications**

Mr. Guridy stated that Council will also conduct a Public Hearing on Wednesday, May 7<sup>th</sup>, 2014 at 6:15 PM in Council Chambers. The purpose of the Public Hearing is to take public testimony on the request for the Intermunicipal Transfer of Liquor License Number R-11588, to Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street, Allentown, PA.

Allentown City Council will conduct a Public Hearing on Wednesday, May 7, 2014 at 6:45 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on Bill 7 which amends the Zoning Code of the City of Allentown by rezoning 1202-1250 N. Godfrey St. and 739-751 East Fairmont Street from Business/Light Industrial (B/LI) District to Limited

Industrial (I-2) District. Copies of the legislation are available at the City Clerk's Office, 435 Hamilton Street, Allentown, PA, during normal business hours.

**8. REPORTS FROM COMMITTEES:**

**Budget and Finance: Chairperson Schweyer**

The Budget and Finance Committee has not met since the last Council meeting; a future meeting has not yet been scheduled

**Public Safety: Chairperson Eichenwald**

The Committee has not met since the last meeting; a meeting is scheduled for May 7<sup>th</sup> at 5:00 PM.

**Community and Economic Development: Chairperson Davis**

The Committee has not met since the last Council; the next meeting is scheduled for April 29<sup>th</sup> or April 30<sup>th</sup>. April 23<sup>rd</sup> will be a Public Forum for Safety and Healthy Neighborhood Center City Neighborhood to solve the Housing problems that we have.

**Parks and Recreation: Chairperson Mota**

The Committee met this evening; the next meeting has not yet been scheduled.

**Public Works: Chairperson O'Connell**

The Committee met on April 9<sup>th</sup>; the next meeting is tentatively scheduled for May 14<sup>th</sup>.

**Human Resources, Administration and Appointments: Chairperson Hendricks**

The Committee has not met since the last council meeting; a future meeting has not yet been scheduled.

**Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy**

The Committee met on April 10 and agreed to a few amendments to council's rules that will be introduced at the next meeting.

**OTHER COMMITTEE REPORTS**

None

**Controller's Report**

None

**Managing Director's Report**

None

**9. APPOINTMENTS:**

**Richard A Malozi            Recreation Board Appointment            1/3/2016**

Mr. Hendricks stated that there is an appointment of Richard Malozi for the Recreation Board. He will be replacing Richard Slattery.

Mr. Davis stated that this is a vote that he is actually looking forward to. I have known Mr. Malozi for twenty years.

**RESOLUTION PASSED, 6 – 0**

Mr. Malozi thanked Joe Davis for recommending him. I moved to the City of Allentown in 1972 and used recreation and city sponsored softball and basketball and refereed basketball and football. I look forward to the opportunity.

**10. ORDINANCES FOR FINAL PASSAGE:**

### **Bill 13 Parking Regulations**

Amends Traffic Regulations by, changing enforcement hours to run Monday through Saturday from 8 am to 9 pm, expanding acceptable forms of payments, modifying the notice of violations provisions, and changing the fine for the parking of inoperable or illegally registered vehicles.

Mr. O'Connell stated that it is an all-inclusive package and the hours of operations are basically go from Monday – Saturday from 8:00 AM – 6:00 PM to 8:00 AM – 9:00 PM all over the city. The residential parking permit will also go from Monday – Saturday from 8:00 AM – 6:00 to 8:00 AM – 9:00 PM. Different types of payments included in this package. If someone shoots away real fast and we don't have a chance to put the violations on the windshield, we can send it through the mail. There were two different amounts for the fines. One was for \$15 and one was for \$25 and we are making the fines for 2JA and 2JB with the police and it will be for \$25. This was brought up at the Public Works Committee and forwarded favorably 2 – 1. (Eichenwald)

Mr. Guridy thanked Mr. O'Connell for explaining it.

Mr. O'Connell stated that he makes a motion to amend Section Six so that the effective date of this ordinance will be September 1, 2014.

Mr. Hendricks seconded the motion.

Ms. Eichenwald stated that if none of this goes into effect until September which is six months from now. Why are we voting on this until we know how the stadium will affect the traffic pattern. What is the rush?

Mr. Davis stated that we should have some type of plan in effect before we hit the stadium rush.

Mr. Hendricks stated that it is only fair to the citizens in that area that will be using it to be able to make provisions beforehand.

Ms. Eichenwald asked would it be more advantageous to find out how it does affect the neighborhoods. Part of planning is to understand consequences. We don't understand the consequences of the Hockey Arena until it actually happens. We don't know if it will be harder for the residents and how it will affect the businesses.

Ms. Mota asked Ms. Eichenwald what you proposing to make a study.

Ms. Eichenwald stated that we table it. If you are willing to wait until September to enforce it, then why not wait and see and understand how it impacts the businesses and the residents.

Mr. Dougherty stated that we had an extensively Public Works discussion. We heard testimony from those who have experienced this transition in Bethlehem and we heard the lessons learned. It is not like we are doing this in a vacuum and we are the first. Easton has already done it. Bethlehem has already done it. To adopt this now is to allow the proper adjustments, education and we have the same goal the resident protection.

Ms. Eichenwald stated to Mr. Dougherty with all due respect you said we heard from Bethlehem, but we haven't heard from the businesses in Allentown.

Mr. Dougherty stated that we feel that we got the Intel from the businesses over in Bethlehem.

Mr. O'Connell stated that we talk about letting the public know. If we would pass this ordinance, it would go to effect ten days from now. The administration and the executive director, Tamara is saying we will give some communication plan to the residents, to the businesses. Give them some lead time to gradually move in with a plan.

Mr. Davis asked about the parking meter and asked about the website with digital signs of where people can park and traffic patterns.

Ms. Dolan stated that all of those moving parts before the first major event and we are moving backwards from that date.

Mr. Davis stated that he has concerns about parking around City Hall for people that come to Council meetings. We should do something to alleviate that problem. He asked to continuing to think about it.

Mr. Guridy stated that we planning on easing that part of the legislation.

Mr. Dougherty stated that we are giving some thought to that and we will not treating our citizens that way. We are working on a plan to make sure that they don't have to pay.

Ms. Mota stated that she is wondering how that is going to play out because we are here on a Wednesday, but also on a Thursday and it could be on a Tuesday.

Mr. Dougherty stated that the plan is to cover all those days.

Mr. Guridy stated that it is not on a particular day. He feels that they should vote on it today because it gives of a leeway to vote on things. We need to plan ahead of time.

Ms. Mota asked how you planning to inform the public about all these changes. What is your plan?

Ms. Dolan stated that we have been compiling mailing list of our residential permit customers or they don't have emails. We are preparing postcard mailings and website outreach.

Mr. Guridy asked Ms. Dolan if she will be talking to people on Hamilton Street and 7<sup>th</sup> Street and 19<sup>th</sup> Street who will be effected by this.

Ms. Dolan stated that we will make sure we have communication in English and Spanish.

Mr. Guridy stated that it is only 7<sup>th</sup> Street, Linden, Hamilton, Linden Walnut and 19<sup>th</sup> Street.

? stated that there are meters on Second Street from Linden to Tighlman.

Mr. Guridy asked where else are there meters besides Second Street.

Ms. Dolan stated that she could not give all the locations. There are about 1500 meters in the city. It is mostly in the central business district. Picture the Center Square and 7<sup>th</sup> and Hamilton. The meters were originally put in place outward from there from 4<sup>th</sup> to 10<sup>th</sup> or 11<sup>th</sup>, from Walnut to Linden and all of the South Street which are included within that area.

Mr. Guridy stated that his point is it is not throughout the city. It is only in areas where there are meters and the meters are very limited.

Mr. O'Connell asked how many meters we have. Fifteen hundred meters will be effected.

Mr. Dougherty stated that we came up with many ideas and notices.

Mr. Kenneth Heffentrager, 733 N. 11<sup>th</sup> Street, stated that all meters are included. This should be tabled. Are all meters in zoned spots every single one of the 1500 meter in a zoned parking area.

Ms. Dolan stated that if there is a meter, it is zoned for parking.

Mr. O'Connell stated that is another issue.

Mr. Heffentrager stated that the point is there is not permitted parking in all areas. Residents are going to be affected by paying \$20 a week while the guys across the street might have to pay \$20 a year.

Ms. Helen Hahn, 2016 E. Highland Street, stated that when we were at the Public Works I understand that the Authority didn't need the money. What is the purpose? Why are you doing this?

Mr. Guridy stated that if you are a resident you get a permit for \$20.

Ms. Eichenwald stated you have to pay.

Ms. Dolan stated that if we are not enforcing the residential parking zones in the evening, the part-time employees of the arena and the arena event goers won't have a space and the residents will have a space to park in. We are trying to protect the integrity of the neighborhoods.

Mr. Guridy asked why would somebody on Second Street or somebody that is going to the arena be parking on Second Street.

Ms. Dolan stated that if they are free, they are going to find those spaces. The residential permit zones stretching out from the Central Business District and many of those areas with the meters included residential permit parking. The meters won't be enforced but we still have to enforce the residential permit area.

Ms. Eichenwald stated that there is another issue. We were told that there will be 70 events, 365 days a year.

Ms. Hahn stated with the Hockey Arena workers are coming and they need parking then the arena should provide parking for them.

Mr. Hendricks stated that there will be more than 70 a night per year. That is 70 hockey games.

Ms. Eichenwald stated that we were told that there are 38 home games and there will be 70 events.

Mr. Hendricks stated that it will be far more than that.

Mr. O'Connell stated that there are 52 Sunday and you are down to 248.

Mr. Guridy stated that he is concerned about the meter all over.

Ms. Paulette Hunter stated that she travels to New Jersey in the Ocean area and they have signs up and she tried to park on the street and it says residents only. We should have a sign that says 6:00 – 9:00 resident only. I rather pay a meter that says 6:00 to 9:00 then park in the area. This is not helping the customers or the residents by having us pay from 6:00 – 9:00 PM.

Mr. Dougherty stated that we are not about advocating for the parking meters from the Central Business District. This is to protect the resident. There was a legitimate concern that CeCe has raised and we ask Council to remove the prohibition of the resident parking on Walnut to make it permit parking and we think that \$20 a year for permit parking is extremely reasonable.

Mr. Guridy asked what is wrong with allowing people to have residents only from 6:00 to 9:00.

Ms. Dolan stated that it is intended for resident parking. The parking is for three hours. All we can do is enforce the law as it is written. That is not going to free up the parking space. We need to discourage them to park there.

Mr. Guridy stated that if he goes on Second Street and it says resident only from 6:00 PM to 9:00 I wouldn't parking there.

Ms. Dolan stated that if you get a ticket for \$10 that is less than what they can charge to park. They assume that risk.

Ms. Cecelia Gerlach, 956 W. Walnut Street – Apartment #2, stated that she understand this is a vote on the first amendment. When she came here she did not just come for just W Walnut Street. She came here because there are many center city residents that will face the same situation she is facing. She urge the amendment to be broader.

Ms. Dolan stated that it is certainly something that if Council chooses to investigate it will do so. We are bound by the ordinance.

Ms. Gerlach urged Council to direct the Parking Authority to do just that.

Ms. Diane Teti, 328 N. 8<sup>th</sup> Street, asked if meters going to be added. Are all the meters being updated to credit card meters.

Ms. Dolan stated that there are no additional meters. No, they are not. Yesterday we launched an opportunity for folks to pay with their credit card through their cell phones on the old meters. The technology will be there, but in a different form.

Ms. Teti stated that Council should add as a caveat. She asked for visitors passes.

Ms. Dolan stated that you can get two visitor passes for two weeks. However, we understand this change if affective will cause other changes.

Mr. Rich Fegley, 1002 S. Bradford Street, stated that a lot of the confusion is that a resident can pay \$20 permit fee a year. It is up to Council to designate the residential parking area. He stated that there are no signage to tell you when to pay the meter. In Philadelphia and New York they have information on what the parking is. It will say you are zone 5.

Mr. Guridy stated that it is a little confusing. Is there a way that we can put a sign where the parking meters are?

Ms. Dolan stated that the old meters have stickers on them stating the times and the days they are not enforced. The new meters have the hours of operation on the display.

Mr. Guridy stated that he likes the idea of putting all parking area as residential and people that live in the area pay \$20. Why can't we do that?

Ms. Dolan stated that there are six or seven permit zones.

Mr. Fegley stated that the process is listed in the bill in terms of what has to happen and an evaluation that needs to be done.

Ms. Eichenwald stated that in lieu of all these issues, I make a motion to table this motion.

Mr. Guridy asked Ms. Dolan how long it takes to get that done.

Ms. Dolan stated that the process is lengthy. We need to verify ownership of those license plates to see where these people live.

Ms. Dougherty stated what we are doing tonight is not the end all or be all.

Ms. Eichenwald stated that there is a motion to table on the floor.

Mr. Hendricks seconded the motion.

Mr. O'Connell stated that he does agree with Mr. Fegley. We should be looking at all the residential permit parking area. I still take as a second issue.

Mr. Fegley asked how Ms. Gerlach change or amendment is different from the code of the parking authority. He asked about the signage change.

Mr. O'Connell stated that it is a rollout plan.

Mr. Ernie Atiyeh, 421 W. Chew Street, stated that his concern is he is in city hall three or four nights a week and if these meters say you have to pay until 9:00. Put a booth in the parking deck.

Mr. Dougherty stated that it is duly heard.

Mr. Tom Hahn, 2016 E. Highland Street, stated why is this council insist on passing bills that are cut and dry.

Mr. Dennis Pearson stated that the situation is not only you effect meetings here, you effect meetings at the school board and council. You are raising the standard of living here.

Mr. Guridy stated that we are not putting parking meters on the eastside.

Mr. Julian Kern, 252 E. Walnut Street, stated that this is not Bethlehem or Easton, this is Allentown. I am tired of hearing about other cities. It is obvious that businesses were asked what their opinion were. This

should be tabled. He stated that 27 percent of the city is at poverty level and they don't have the money to pay for meters.

Mr. Guridy stated that we have a motion and second with discussion part.

**Amendment to make the effective date September 1, 2014, passed 6 – 0**

Mr. Guridy stated that we are going to discuss the Bill.

Mr. O'Connell stated when we get to Bill 17, we are going to delay it. We want to talk about all the residential parking areas. He stated that he doesn't want to introduce it tonight.

Ms. Eichenwald stated that she withdraws the motion to table. This is absolutely backwards. You are going to vote on a bill to change the meters and then another amendment for the residents.

Mr. O'Connell stated that we are voting on Bill 13 with the five items that I discussed last week and tonight. When we get to the residential parking permit, Bill 17 was basically looking at Walnut Street from 9<sup>th</sup> to 10<sup>th</sup> and Walnut Street to Jackson Street. That will be a separate bill introduce down the road.

Ms. Eichenwald stated shouldn't we vote on that before we vote on this.

Mr. O'Connell stated that it is two separate packages, two separate issues.

Mr. Guridy asked Mr. O'Connell explain what that bill is from what we are doing.

Mr. O'Connell stated that we didn't even introduce Bill 17. Bill 13 has five items to extend meter hours from 8:00 – 6:00 to 8:00 – 9:00. The residential parking permit from 8:00 – 6:00 to 8:00 – 9:00 Monday to Saturday. How to pay electronically. You don't have to necessarily put the parking violation on the windshield, we can mail it to them if they shoot off real fast and 2JA and 2JB instead of \$15 and \$25, make it \$25.

Ms. Eichenwald stated that she agrees with the administrative issues, but first you are going to vote to extend it from 6:00 – 9:00 and then you are going to vote to take it away.

Mr. Fegley stated that you are promising us an amendment at a later date.

Mr. O'Connell stated or another whole different bill.

Mr. Fegley stated that the citizens of residents is not happy with the extension of time and all the residential zone without the established residential permit zone.

Mr. O'Connell asked Mr. Fegley is he saying to extend the parking meters from 8:00 in the morning until 9:00 at night.

Mr. Fegley stated that the issue is the 9:00 parking for one of those five.

Mr. Dougherty stated for the record the administration and the City Council office received one phone call on this issue.

Mr. Heffentrager stated that it is real simple. You are all elected by us. Not one person walked up here and support this bill in one way or another.

Mr. O'Connell asked were there any comments from the administration.

Mr. Guridy stated that I heard you loud and clearly. Why can't we wait another month.

Ms. Dolan state to be clear she thought the question was how long it would take us to identify those areas.

Mr. Guridy asked why can't we just wait a month.

Ms. Dolan stated that our timetable is very aggressive. It is an awful lot of rollout to do.

Mr. Dougherty stated that it is not just limited to the parking authority. There is a whole master plan in the flows of finalization. All major changes on how traffic is done. We need to do this now in order to plan and implement to have a seamless transition.

Ms. Eichenwald made a motion to table.

Mr. Hendricks seconded the motion and asked that it be referred to Public Works. He asked the Tamara and George meet and iron out these problems.

Mr. O'Connell stated that to refer it back to Public Works will rehash what we have been talking about. Let's do a committee of the whole.

Mr. Guridy stated that he doesn't have a problem doing the committee of the whole if it passes. I think the administration can continue to work on those plans.

Ms. Eichenwald stated that there is no discussion on the motion to table. You have to take the vote.

Ms. Mota stated that if you bring this to the committee of the whole it means we will get public opinion.

Mr. O'Connell stated yes.

**Motion to Table the Bill and send it back to the committee of the whole passed, 4 – 2 (O'Connell, Davis)**

Mr. Guridy stated that they will schedule a committee of the whole meeting within a month and bring it back.

### **Bill 5 Capital Funding Allocation**

Amending the 2014 Capital Project Fund Budget to provide for a supplemental appropriation of Five Million Dollars (\$5,000,000) from the proceeds of the water/sewer lease project to various capital projects across the City.

Mr. Guridy stated that it was in Committee of the Whole and asked if Council can move Bill 9, Bill 10, and Bill 11 all together

Mr. Fegley, 1002 S. Bradford Street, stated that the \$5 million is not City Council, the mayor or the city administration money to spend. Mr. Schweyer stated that this was a windfall. The Managing Director

acted like we got a windfall. This is water money. We have a 50 year lease and they are not going to pay us again. We didn't find money.

Mr. Heffentrager stated that if we are going to end up voting yes on this and spend \$5 million on Capital Improvements Projects. Last year, what was the profits from the Lights in the Parkway? I don't see why we have land acquisition. We need money for blight removal.

Mr. Dennis Pearson stated that he agrees on what Mr. Fegley is saying. I received a so called answer on what we have to pay out to Lehigh County Authority and other townships water and sewer. If we cannot interpret our own agreements and overcharged the groups because of the complicated nature. What we had in the lockbox will be liquidated.

Mr. Tom Hahn stated that in the lease agreement it states that we will be co-contributors on the repairs of the water and sewer lease if it is a major project. What will be the cost to the city when the county has a repair? What was set aside and discussed. This \$5 million should go in there to lower the cost of the repairs.

Mr. Guridy stated that it depends on what the repair will be. He asked Mr. Hahn if he had a copy of the budget.

Ms. Bowman stated as far as the lockbox that is a separate account.

Mr. Glen Hunsicker, 844 S. 11<sup>th</sup> Street, stated that Bill 5 says it is taking the money from the water and sewer lease. What is the amount of money in the water and sewer lease revenue before you extract the \$5 million?

Ms. Bowman stated that we don't have what that is as of today. I am working on the proceeds. It is in the General Fund and part of the Budget. It is a separate line item in the budget.

Mr. Hunsicker stated that he is looking at the pooled and unpooled sheet. When you are done with all the projects you are going to be short \$15 million. He asked the time limit.

Ms. Bowman stated that end of June.

Ms. Bonne Bosco stated that when we originally lease the water for 50 years, how much of the \$211 million was put towards the unfunded pension obligation. The term contracted services in the description of all the items. What does that mean?

Ms. Bowman stated \$150 million.

Mr. Guridy stated that somebody had to do the work and they are contracted out. The Engineering department will figure it out.

Ms. Bonne Bosco asked what happens if we wind up in another financial crisis in five years. What else can we sell or lease. Is anything off the table, the Allentown parks? Is the park protected from being sold or leased?

Ms. Eichenwald stated that we can't sell a park.

Ms. Teti asked about Basin Street property. Are you buying that property? She asked is that where the homeless camp is?

Mr. Guridy stated that there is a property on Basin Street. It is part of the park plans.

Mr. Dougherty stated that it is a parcel area by Basin and 3<sup>rd</sup> Street.

Ms. Eichenwald stated that she was told that we have to increase the pool fees because \$46,000 is necessary for repairs for construction projects. Here it talks about pools and spray parks.

Mr. Dougherty stated that is not the chief reason for the streamlining. That covers very little. The real money has to come from a bond much later. I think it is more than a Capital Project.

### **ORDINANCE PASSED, 5 – 1 (Eichenwald)**

Mr. Guridy stated that we are going to take Bill9, Bill 10, Bill 11 and R10 together.

#### **Bill 9 Reprogram Certain funds**

Amending the Consolidated Plan One Year Action Plan for the Thirty-Fifth, Thirty-Sixth, Thirty-Seventh and Thirty-Eighth years of the Community Development Block Grant Program (CDBG) which re-programs Forty-Six Thousand Six Hundred Forty-Five (\$46,645) Dollars of unexpended funds

#### **Bill 10 CDBG Accounts**

Providing for the expenditure of certain monies received by the City of Allentown under Title I of the Housing and Community Development Act of 1974, as amended; The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009; and Title II of the National Affordable Housing Act of 1990, as amended; for the purpose of undertaking programs of housing and community development within the City.

#### **Bill 11 Rental Rehabilitation**

An Ordinance providing for the expenditure of certain monies received by the City of Allentown from the repayment of loans made through the Rental Rehabilitation Program.

#### **R 10 Action Plan**

Approves the Submission of the Action Plan to the United States Department of Housing and Urban Development.

Mr. Heffentrager stated that Bill 9 was money left over and rolled over to the next budget. Does that mean that Old Allentown Preservation Association had money left over or being switched all around? He asked about Bill 10, the Homeless Emergency Assistance and Rapid Transition to Housing Act where exactly on the two pages does it say what the money is for. Asked about Bill 11 coming out a particular budget.

Ms. Baer stated HPRP started in 2009 and ended in 2012. That money \$46,645 is being used and being budgeted. Several years ago the city had a large program that allowed for the Rehabilitation of Rental Units.

Mr. Heffentrager asked how much is owed to us.

Ms. Baer stated that she doesn't know at this time.

Mr. Dennis Pearson stated that most of these funds are dedicated to areas that were drawn up for monies to go to. Maybe it is good that we are not included in these monies because there are certain obligations that we have to follow through.

Ms. Baer stated that there is a HUD Plan that you cannot use the money throughout the city. There is a five year consolidated plan that we have to identify areas of need by formulas. This is the fifth year for the consolidated plan.

Ms. Teti stated regarding Bill 10 I guess it goes to when I was talking about the Commission to End Homelessness and we had no teeth or no clout. We definitely making more progress. We were talking about how we don't have money to create an Emergency Shelter and I am looking at funding going to organizations. If we had clout we would say what part of the pie is ourselves.

Mr. Guridy stated that he asked the same type of question before. He stated that anybody that doesn't have a place to go is homeless.

Ms. Baer stated that is why the funding has to be given to a 501(c)(3). When it comes time for the sheltering as that progresses we might be able to look at. The Emergency Solutions Grant can be used for sheltering, for street outreach and rapid rehousing.

Mr. Guridy stated that he has been asking for the last two times. Next year, I will not be voting on this unless we have some plans.

Ms. Baer stated that is what Rapid Rehousing is through the Conference of Churches. It is not for a long period of time.

Ms. Teti stated that it has been a Catch 22. We do need a nonprofit to create a shelter. The nonprofits are fighting for funding.

Mr. Guridy stated that problem with that notion is that they are going to be competing with the money to exist.

Mr. Teti stated that is the whole thing. People are not going to want to do it because they are going to say where I am going to get the money from.

Mr. Guridy stated that it is a good idea to give an existing organization money that we have so that they can use it for those types of issues.

Mr. Keffentrager stated that if the Federal Government ok it and in the meantime the city saw something they didn't like. Is it theirs no matter what?

Mr. Guridy stated that we have the priority. They applied for this money.

Mr. Keffentrager asked who specifically says yes to the Conference of Churches.

Mr. Guridy stated there is a committee.

Ms. Baer stated that there is a score process and application process. There is a group of five panelist. There are contracts and they are held to their contracts, outcome and their objectives. Report have to be given. This money is not to be handed out.

**ORDINANCES AND RESOLUTION PASSED (Bill9, Bill 10, Bill 11 and R10), 6 – 0**

**Bill 12 Pool Rates**

Amending Article 400.05, of the Department of Parks & Recreation Fees by adopting a new fee schedule for daily admission and season pass fees, and adopting new categories for the same for the city's four public swimming pools.

Ms. Mota stated that they had a meeting tonight and voted 2 – 0 favorably for a new Fee Schedule with an amendment that will delete the Senior Citizen fee.

Mr. Guridy stated that he supports that Amendment as well. He made a motion to this Amendment.

Ms. Mota seconded the motion.

**ORDINANCE PASSED, 6 – 0**

**Bill 14 Storm Expenditures**

Amending the 2014 Liquid Fuels Fund, the 2014 General Fund, the 2014 Trexler Fund, the 2014 Golf Fund and the 2014 Solid Waste Fund by appropriating funds from the unappropriated balances for partial restoration of the following accounts: premium pay, shift differential, repairs and maintenance, contracted services, repair and maintenance supplies, rentals, operating and materials and supplies due to unprecedented amount of expenditures for snow removal, plowing, materials and salting for the recent storms.

Mr. O'Connell stated that Mr. Messinger gave the details of these funding. The Public Committee voted favorably to the entire Council.

Mr. Hahn stated that his question is regarding the cash balance of the city, pooled and unpooled accounts. The money is appropriate or not appropriated on these items. What was the \$994,000 earmarked for?

Ms. Bowman stated that each one of these are taken it and doing the appropriation from the unappropriated balance. We are constantly getting reimbursed by our expenditures. We do have the funds here. The Trexler Trust is its own fund. We do an annual budget and the difference that remains in the fund that we have not appropriated, these expenses here are for the winter storms.

Mr. Hahn asked why we raiding the Trexler Fund.

Mr. Guridy stated that we use the money for something else.

Mr. Glen Hunsicker stated that he just want to take off what Tom brought up in the Trexler Fund unappropriated fund. What is that number?

Ms. Bowman stated that she doesn't have the number. With the Trexler Trust we do a calendar year budget. Trexler Trust does something different. We always expense and get reimbursed.

**ORDINANCE PASSED, 6 – 0**

**11. ORDINANCES FOR INTRODUCTION:**

**Bill 15 Public Art Ordinance**

**REFERRED TO PARKS AND RECREATION**

Amending Title Eleven of the Codified Ordinances of the City of Allentown, Pennsylvania, relating to AUTHORITIES, BOARDS AND COMMISSIONS, by enacting a new Article 180 creating the Allentown Public Art Committee and setting forth its powers and duties.

**Bill 16 Parking Authority Extension**

**REFERRED TO PUBLIC WORKS**

Extending and ratifying the previously authorized and organized Allentown Parking Authority as established under the Act of 1947, June 5, P.L. 458, as amended, including all powers necessary or convenient for the administration; supervision and enforcement of an efficient system of off-street and on-street parking; and further, providing for the delegation to the Allentown Parking Authority of certain municipal functions relating to off-street and on-street parking, under certain terms and conditions.

**12. CONSENT AGENDA:**

**CA-1 HARB**

Certificates of Appropriateness for works at 343 and 345 N. 9th Street; and 38 N. 16th Street

Mr. Heffentrager stated that we should congratulate Christian Brown for taking two blighted homes off the market.

**RESOLUTION PASSED, 5 – 0**

**13. RESOLUTIONS ON SECOND READING:**

**14. RESOLUTIONS ON FIRST READING:**

**R11 Police Appointment**

Police Officer Appointment

Mr. O’Connell made a motion that R11 is voted on this evening.

Mr. Hendricks seconded the motion.

Mr. Heffentrager asked will he continue to live in Delaware.

Mr. O’Connell stated that his assumption will be that he will move closer to the area.

**RESOLUTION PASSED, 6 - 0**

**16. GOOD AND WELFARE**

Mr. Guridy wished the public a great holiday, Passover, Easter and Good Friday.

**17. ADJOURNED: 11:00 PM**

*Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at [www.allentownpa.gov](http://www.allentownpa.gov) or contact the Clerk at [Michael.Hanlon@allentownpa.gov](mailto:Michael.Hanlon@allentownpa.gov) to receive an email notice of the meetings.*