

**CITY COUNCIL MINUTES
AUGUST 19, 2009
PUBLIC HEARING
6:45 PM**

The meeting was called to order at 6:45 PM.

Mr. Donovan, Ms. Eichenwald, Mr. Guridy, Mr. Howells, Mr. Phillips, Mr. Schweyer and Mr. D'Amore were present.

R60

Economic Development Liquor License for 840 West Hamilton Street.

There was no public testimony. The meeting was adjourned.

**PUBLIC HEARING
AUGUST 19, 2009**

The Public Hearing was called to order at

Bill 55

Amending the City of Allentown Zoning Ordinance, by adding a definition, Veterans Treatment Center, adding such centers as a special exception under permitted uses in the I-G Zone, establishing parking requirements for such a use, and adding additional requirements for such a use, rezoning an area depicted on Exhibit "A" from Central Business (B-2) to Institutional and Governmental Zoning district, providing for an effective date, and repealing Ordinances inconsistent herewith.

COUNCIL MINUTES
AUGUST 19, 2009
7:30 PM

1. Invocation: David M. Howells, Sr.

2. Pledge to the Flag

3. Roll Call – The meeting was called to order at 7:30 PM

Mr. Donovan, Ms. Eichenwald, Mr. Guridy, Mr. Howells, Mr. Phillips, Mr. Schweyer and Mr. D'Amore were present.

4. Courtesy of the Floor

Louis Hershman 405 East Gilmore Street, Allentown, PA said he received a letter from the Solicitor's Office that said it's going to take 30 days to get information he is requesting. He requested Councilpersons Eichenwald and Phillips to assist him. He also noticed they are requesting a park ranger. Is that a new position in the budget?

Mr. D'Amore said there is a person in Parks and Recreation Department that is a field ranger. He believes we have had it before.

Mr. Hershman said Keystone Collections sent letters out to people who pay their Per Capita and Residence Tax to people under 18 and non-residents. They are not liable for this tax. Who pays for this major mistake? Many letters went out to these people and they do not owe the money. Who is going to pay the bill? Mr. Hershman stated that him, as a taxpayer, or Keystone Collections?

Mr. Hilliard said it's a tax collection function.

Mr. Donovan said when the Budget and Finance Committee reviewed the various proposals, he understood it was Keystone. When his family received their initial bills and letters, he knew what was happening, but his wife didn't know. She was really concerned about the fact. The fact is that people do not know it is not a collection agency but a tax collection service. He would like to have a conversation about the PR impact of it. It is more of a PR issue.

Ms. Eichenwald said she is concerned about Mr. Hershman's request for public information from the Solicitor's Office. The requests are all reasonable.

Mr. Guridy said that every citizen should have the right to know on a timely basis. In addition to the Keystone Collection office, Mr. Guridy also was taken back, but it got him to open it. It gets people to read it and not think it is junk mail.

Mr. Phillips asked Mr. Hershman if his request was denied. If the information is that non-probing information he would think that at sidebar they can talk about this.

Assistant City Solicitor Fran Fruhwirth said Mr. Hershman has made multiple requests under the Right-To-Know Law. The process is, in terms of timeliness, upon receipt of a request of a public record, the City has 5 business days to respond to it and assemble the information, and determine whether it is a public record and then disseminate it to the requestor. There are 7 instances within a statute where the City may ask for additional time to make those determinations up to 30 days. We've been processing as many as we get, as promptly as they can to satisfy the information request.

Mr. Hershman said the reason he uses the Freedom of Information is because when he was a Councilperson, the Administration did the same thing to him.

Mr. Donovan requested a copy of the questions Mr. Hershman is requesting.

Ms. Thompson said on August 13th she went on line to request court documents, papers, memoranda, papers, pertaining to the Allentown City parks, and she was denied information. She submitted her requests to Council.

Ms. Eichenwald said she finds that unacceptable.

Attorney Fruhwirth said with regards to this particular right-to-know request, the reason for the denial was the requestor may obtain records within the City. Ms. Thompson requested court records, which is purview of the Lehigh County Court. That was the reason for the denial. Public records that are determined to be public records that are not exempted by the Right-To-Know Law, some federal or state law, or court order are public records to be released, but need to be released by that agency. The rationale behind the denial was these types of court records, which were the request, are not within the possession or purview of the City.

Ms. Eichenwald asked if the City of Allentown was a party to that – a legal undertaking of the court records. Why wouldn't the City of Allentown possess those documents if we were a part of that discussion in court?

Attorney Fruhwirth said the request is for all court documents, memoranda, pleadings that relate to the City parks. There are several categories listed by Ms. Thompson. That would entail an exhaustive search of every record within all the departments and they're centrally located and docketed at the Courthouse. The easier method would be to go to the Courthouse.

Ms. Eichenwald said if she can have a discussion with you to narrow the purview of those records she has an interest in.

Ms. Thompson said there were other records she requested besides court records.

Attorney Fruhwirth said if she'd like to have a conversation with her, that's fine. The preface court documents told the Solicitor's Office that that's what was thought.

Ms. Thompson asked if they are all court documents.

Attorney Fruhwirth said the request as stated was any and all court documents, papers, memorandum, pleadings that were related to Allentown City Parks as follows, and there are a variety of categories listed: Funding, design, capital improvements, environmental studies, any and all grants, bids, budget selection contracts and liability insurance.

Mr. D'Amore said most of us on the dais complain about not having copies of the actual text of the letters of the requests. It's becoming difficult to follow the discussion. He requested copies of the requests and the Solicitor's response be sent to the Council office.

Mr. Phillips said here we are again a month later down the road and still asking for information, and the citizens have asked for information. Do we have a file on the Administration since they've been in office? Do we have a file on the Trexler Trust? If we could start sending some of that information, it would alleviate the lack of information the public is getting. The community is getting frustrated because they are not getting what they are requesting whether it's through right-to-know or direct comment or request or dialogue with the Administration. They're not getting what they want. They are who we respond to, because they're our bosses. It's the game government plays and frustrates us.

Frayda Kamber, 2859 College Drive, said the law requires 5 days for a reason. It is not just the public that is being disserved by the lack of information. The Charter is full of references to as Council may request, require. Neither the public or Council is getting information that is requested.

Peter Hrycenko, 1551 Tilghman Street, praised the Police Department for its continuing work. Over the last few years Tilghman Street has gotten pretty bad at night. Kids as young as age 4 are running loose; parents sometimes are not even in the house. We have problems sleeping at night because of the disturbances. Lately there's been more action taken cleaning up the neighborhood. To raise a family in the City, you need a soli environment. You can't have it terrorized. Is there someway we might be able to bring back the curfew to help Police, the community, and the neighborhood to get young parents and these people to take care of their children, including the young adults. He suggested having foot patrols at night. He would also like to see neighborhood police officers back.

Mr. Howells said he endorses the curfew. We should have one in this City. Unfortunately, when we did have one the courts struck it down. We have to show the number of crimes being committed by the kids we're trying to keep off the streets, and our records don't reflect that. Other communities have curfews, but they haven't been challenged. Our Solicitor's Office can give you much more detail and background on the implementation of the ordinance. He'll pass on the compliments to the appropriate people in the Police Department.

Mr. Guridy said they've been hearing these types of comments for a very long time. We need to consider working on this again. Do you work with your neighborhood community group?

Mr. Hrycenko said not right now but in the past he did.

Mr. Guridy said he's a proponent of community policing as well. Most of us here are.

Mr. Dennis Pearson, 942 Tilghman Street, said he has a neighbor on East Congress Street. He knows the City did full paving of Maxwell Street and Irving Street with full permanent pavement. This individual wonders why his street is not getting that. His street was scraped a number of years ago and temporary paving was put on, and now it is wearing off. When will they lay permanent paving on his street and north of Union Boulevard between Irving and Maxwell. It is one thing for the City of Allentown to lay 39 people off to save money because the Union refused to not take a pay cut but reduce the proposed salary increase. This has been happening for many years. He does not understand. The city is seeking \$108,000 on healthcare with these same employees. The same day these individuals were laid off, their health care was expected to go until October. The City should have some transition for these people, especially if they have a chance to come back as active employees.

Mr. D'Amore said Congress Street is a fairly heavily used street. It has been unpaved for a while.

Mr. Gary Birks said he recently accepted a position with Senator Pat Browne. He is here to introduce himself and avail himself as a resource.

Mr. D'Amore said welcome and we wish you a lot of luck.

5. Approval of Minutes: None

6. Old Business:

Mr. D'Amore said we held a Council meeting discussing pigeons with a number a number of health specialists.

Mr. Schweyer said he is in the process of framing an ordinance on regulating pigeons.

7. Communications: None.

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Donovan

The Committee has not met since the last Council meeting; a future meeting is scheduled for August 26th at 6:30 PM and will review the CAFR with the auditor, the Mayor's Financial Plan and the July financial report. We have had 2 neighborhood meetings one on the East Side at Midway Manor and one on Fairview and two in September.

Public Safety: Chairperson Howells

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

Community and Economic Development: Chairperson Schweyer

The Committee met on August 12th at 6:30 PM and referred some items on tonight's agenda; a future meeting has not been scheduled.

Parks and Recreation: Chairperson Phillips

The Committee met on July 28th and took testimony from the public on the Cedar Park renovations; a future meeting has not yet been scheduled.

Public Works: Chairperson Gurdy

The Committee met his evening; a future meeting has not been scheduled.

Human Resources, Administration and Appointments: Chairperson Eichenwald

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 D'Amore

The Committee has not met since the last Council meeting but has worked on legislation on the election of the presidency that is on the agenda tonight.

OTHER COMMITTEE REPORTS

Ad Hoc Ethics Committee – Councilperson Donovan said they having difficulty scheduling their next meeting.

CONTROLLER'S REPORT

Mr. D'Amore said Mr. Hoffman sent an email saying he would not be able to attend tonight's meeting.

9. APPOINTMENTS:

Human Relations Appointment: Adrian Shanker

Replaces: Gwendolyn Parker

Term expires: April 4, 2012

Ms. Eichenwald said she has known Mr. Shanker for a number of years and he's been a model citizen. He spends his efforts and interests creating a better community for all of us. She highly recommends his appointment and hopes her fellow Councilpersons will join her in that recommendation.

Mr. Howells said he had the opportunity to meet Adrian and found him to be a very fine citizen of our community.

Mr. Donovan said he supports Mr. Shanker's appointment, but he is going to use it as an opportunity to look at the Human Relations Commission's Charter. Council has not had a report from them since he is sitting on Council. He'd like to hear Mr. Shanker's philosophy on diversity and what he'll bring to the Human Relations Commission.

Ms. Eichenwald said it's not that there hasn't been a report from the Human Relations Commission. She has given several reports on the work of the Human Relations Commission in the past 1-1/2 years.

Mr. Donovan said he disagrees. He only missed one meeting, and he hasn't heard a report.

Ms. Eichenwald said check the records.

Mr. Adrian Shanker said he applied to sit on the Human Relations Commission because he believes they are the arm of the City and help citizens work together and achieve diversity in many ways primarily by handling discrimination matters that are brought to the commission. Without a commission, citizens are left without a resource in a government to go to. He would make himself available to those who have questions or concerns

Mr. Donovan said he considers one of the City's most critical issues within the Community Development side is where hatred exists in the City among various groups. When he looks at the Human Relations Charter or Charge, it has 2 points: one is discrimination/remediation discussion and quasi judicial. It also is to bring policy recommendations to us. He urged with the success of his appointment, he thinks it's extremely important that the commission aggressively bring policy recommendations that may address the issue of hatred that exists in the City. He urged him to commit to that. He has his support.

Mr. Shanker said he agrees.

Mr. Guridy said he wholeheartedly supports him. He thanked him for all the work he does in the community. You are an outstanding citizen in this community. He's looking forward to approving this appointment.

Mr. Howells said he's worked very closely with the Human Relations Commission for 30 years. The commission has been a very active group. He knows you will be an asset to the commission.

Mr. D'Amore said he knows he's been recognized by the Human Relations Commission twice.

Louis Hershman, 405 East Gilmore Street, said when he was on Council they always had under Consent Agenda a resolution on any appointment that shows the term of the appointment and who they're replacing. It is no longer available to the public. He's challenging whether the appointment is fair and objective. This past election Mr. Shanker was involved with some of the Councilpersons' campaigns. He wrote a Letter to the Editor about a certain candidate not being progressive. He endorsed Michael D'Amore and Julio Guridy. He's concerned whether he will be fair and objective? Many times there are complaints filed against elected officials. He's concerned if a complaint is filed against an official, will be objective or take sides. We should look at how politically affiliated they are.

Dennis Pearson, 942 East Tilghman Street, said he expects fairness and balance. Maybe the appointments to that human relations commission may be too much left to center, and what's defined as hatred, may not exactly be hatred because of liberal rules. The next series of appointments should create a more balanced human relations commission. We now live in a society that is making good bad and bad good. He's concerned about that.

Ms. Allyson Diane Hamm, 133 North 15th Street, Vice Chair, Human Relations Commission, said she actively sought to have Adrian apply for this position because she could not think of better people to serve. She thought he would be an excellent commissioner and asset to the City.

Mr. Phillips asked Mr. Shanker if he was a believer in the Constitution and the process of the Constitution and the political process of this country. Can you explain why he denied entry to a public place.

Mr. Shanker said yes.

Mr. Phillips asked why he denied someone entry to a quasi-public place to express his views?

Mr. Shanker said you are referring to the formal Mayoral candidate, Dick Nepon, who was ejected from Muhlenberg College. The situation did not happen the way you suggested. He was the President of Muhlenberg College Democrats at the time. Muhlenberg College has a specific policy about candidates speaking on campus on handing out literature on campus. The representative who enforces that policy is here and can answer it more specifically. That Mayoral candidate was violating that policy. He found out Mr. Nepon was ejected from Muhlenberg. He had nothing to do with him being ejected from campus. He was on private property and Muhlenberg has a very strict policy regarding that. The situation would have been the same had it been any other candidate on campus.

Mr. D'Amore asked if he would like to rebut any other comments.

Mr. Shanker said there was a comment that activists should not serve on the commission or people with political viewpoints that are not 100% neutral shouldn't serve either. He wants to challenge the notion that people who have been discriminated against or fit into certain minority groups where they might have certain viewpoints be excluded from government commissions. Activists are exactly the people who should be on a government commission that deals with discrimination issues. People who have first hand experience with discrimination issues, or people who have a fire in their belly who try to overcome those issues are exactly the right people to serve on this commission. While he respects the viewpoint of those who disagree with his appointment, he believes he'll be a fair and unbiased commissioner because he understands issues of discrimination and how power sometimes lets people into higher positions and not others.

Mr. Donovan said next to City Council, he believes the Human Relations Commission is the most important commission in this City that's going to solve a variety of the problems that it has. He believes there's an epidemic of hate, and a lot of the other policies we try to execute cannot get resolved until we resolve some of that hate.

Ms. Lauren Giguere said as the former Chair of the Human Relations Commission she supports Adrian's nomination. We need more young people to step up to the plate. We haven't had enough young people to do their part. Adrian sets himself as an example. He went to college here, has been a member of the community, he supports this community and is doing exactly what he should be doing. Whether he's a Democrat, a Republican, an activist, a non-activist, he does what the Human Relations Commission should be doing. He supports the diversity of the City and people working together as opposed to people not working together. Please support his nomination.

Mr. Schweyer said he is a member of Civic Theatre Board of Directors, and Mr. Shanker is an employee of the Civic Theatre. He does not feel this is reason to recuse himself. He strongly supports him; he's the right kind of person to have on the commission.

Mr. D'Amore said being known as a left to center and an activist, he's sympathetic to Adrian. Beyond political ideology is here we have someone who came to Allentown for an education and decided to stay and contribute as an active citizen. He will be very glad to support his appointment.

Mr. Shanker's appointment was approved, 6 Yeas and 1 Nay (Phillips).

10. ORDINANCES FOR FINAL PASSAGE:

Mr. Schweyer and Mr. Donovan moved to suspend the rules to move R60 up to this point in the agenda.

The motion was approved by common consent,

R60

Economic Development Liquor License for 840 West Hamilton Street

Amendment: Delete banquet hall and conference and add restaurant

Mr. Schweyer said R60 was recommended favorably, 2-0. He has a technical amendment to propose.

Mr. D'Amore and Mr. Phillips moved to amend R60 by striking banquet hall and conference center and adding restaurant, and striking George Meireles and adding 840 West Hamilton Street, LLC.

The amendment was approved by common consent, 7 Yeas and 0 Nays.

R60 was approved, as amended, 7 Yeas and 0 Nays.

Bill 55

Amending the City of Allentown Zoning Ordinance, by adding a definition, Veterans Treatment Center, adding such centers as a special exception under permitted uses in the I-G Zone, establishing parking requirements for such a use, and adding additional requirements for such a use, rezoning an area depicted on Exhibit "A" from Central Business (B-2) to Institutional and Governmental Zoning district, providing for an effective date, and repealing Ordinances inconsistent herewith.

Mr. Schweyer said Bill 55 was recommended favorably, 2-0. It was on the agenda earlier this evening for Public Hearing at 7:00PM. It was approved by the Planning Commission.

Mr. Howells stated that he is the only veteran on the Council. Only veteran for many, many years. He likes for the public to know that his colleagues are very sensitive to the needs and wants of our veterans and he appreciates that. He stated that he is a veteran he served his time in the United States Marine corp. He went by the post office when he was a seventeen year old kid right out of high school when he went into the Marine Corp. He sent eighteen months overseas during the Korean War. Also, he was proud to say that his son is a veteran of the United States Marine Corps. A lot of his friends that he was in the Marine Corps with, they all don't come back and a number of them that do come back do suffer from a lot of different ailments and some like him come back more dense as he went in. He stated that he is a Past Commander of the United States Marine corp., veterans of foreign war, American league and all the rest of them. Veterans who have known war knows it up close. They come back to civilian life as dedicated in their civilian roles, when they come back to the community and as they serve their country in the military and we have to recognize that stuff. A while ago someone addressed to us or suggested to us that having this facility is a good idea. It is a good idea, but not where we talked about putting it. Mr. Hershman states that, that is an insane comment to make. He stated to Jeanette gee where you think people would like to put this place. The problems with the veterans goes far beyond the issues that we have tonight, our veterans. They come back with a lot of physical problems, psychological problems. Our prisons are loaded with veterans because they did not get the care they needed when they came home. He thinks that we should take care of our veterans. It is mind boggling to him. He does not believe there is enough support for veterans It's the younger people that we call to serve. He appreciates the Councils' consideration. Mr. Howells said veterans of foreign war come back as dedicated in their civilian role as they served their country in the military. Earlier, someone addressed us and said "having this facility is a good idea, but not where we're putting it." That's an insane comment. As Jeanette said, maybe they would like us to hide it. We've all benefited from the veterans who have served. I think we should take care of all of our veterans. How could someone suggested to vote against this particular bill is mind boggling.

They come back with physical and emotion problems, brain injuries, psychological problems. Some of these veterans come back and can't get treatment at the Good Shepherd Home. He has written many letters to various lawmakers asking if someone is from Allentown why can't they be treated here, near their family. A veteran from here has to travel to Wilkes-Barre to see a dentist. If you're serving overseas and something happens in your family, you aren't always able to come back. Veterans' families pay a tremendous, personal sacrifice. He's been a strong proponent of this from the very beginning. Our prisons are loaded with veterans because they didn't get the care that they needed when they came home. He strongly suggests his colleagues will look at this issue and support it.

Mr. Guridy said it gives him great pleasure and satisfaction to vote for this tonight. As most know, he came from the Dominican Republic initially, and they had a relative who lived in Bethlehem who supported them who came from Vietnam. His first experience was going to Lebanon Hospital to see him. He was mentally and psychologically distraught. He opened his eyes to see what was there back in the 70s. Guridy did not have the opportunity to serve his country in that capacity. He's grateful to those who have made a sacrifice. Bob Csandl does a lot of great things in our community. He has done it throughout the history and Peter Schweyer keeping us abreast of what is going on. Mr. Guridy looks forward to voting on this bill. Thanks for the opportunity.

Mr. Donovan said that Mr. Csandl has given Allentown an opportunity. At one time many of Allentown's businesses supported war artifacts Bethlehem Steel, GE Airplane, Mack Trucks. At American on Wheels there are pictures of Mack Trucks being used in war. There's an opportunity to bring an issue or peace here. He was No. 32 in the Vietnam draft the year they stopped. He doesn't know what he would be like if he would have had to go. He's in complete support of this project, but he wants more. He proposed ideas to make Allentown match what some of the other communities are doing. This country does not do enough for the military veterans or their families. We were honored to have the President's wife here last fall to meet with military families and speak in the city on how important it is. Colleagues of Mr. Csandle brought facts that were quite impressive. He believes Allentown has an opportunity with Good Shepherd and Sacred Heart in terms of downtown opportunities for the re-emergent of veterans into our country's life. Of all the institutions in the country, one that is often – with not always success – that has often solved the discrimination problems first is the military. Religion, race, color . . . we do know there are other issues out there. This is an opportunity to have people with multiples races and backgrounds together talking the same vocabulary, understanding what it's like to be under fire, under stress and to be fearful. Thank you for what you've done. The City needs to look for more opportunities. It's an opportunity that has crassly economic development in terms of federal grants and workforce training. Because what you do with an individual once they haven't been able to get over the hurdle of emotion stress? We would like them to stay here.

Mr. Phillips said these folks have paid it forward. They've put themselves out there to do what's expected of them to do. They put themselves in the line of fire to protect all the people in this country and around this world. We could never do enough. Allentown is the county seat; there's no better place than here. We should thank these individuals for their service. Every 4th Thursday each month, at the Senior Citizens Center, these people pure their hearts out and tell us their experiences in the conflicts of the world they've been in. Some of them kept it inside of them for years. They will captivate your attention. There is a veteran's wall at the library of congress if you know of someone that served, put their names in and they can go on the veterans' wall.

Mr. Howells said there are a number of veterans here. It behooves us to have those individuals stand and tell us their names and what branch of the service they served in.

Ms. Eichenwald said to those who have served, she's privileged to be in your company. She also supports this program. Mr. Csandl is giving us a gift to have an opportunity to help those who have given so much to us. She was very moved when she was taken around the building. She found it an amazing structure with a glorious vision. She looks forward to seeing the fulfillment of that vision. She stated that it would add to the community and economic development to the city. This will be a jewel in an economical development sense in the neighborhood and look forward to the fulfillment to this dream.

Mr. Schweyer said that Robert approached him and told him what he wanted to do. Robert stated that he was going to take an old building that looks terrible inside or was in disrepair inside, had asbestos problems, millions of dollars in remediation work that needed to be done and we are going to fix it up and not ask the city for any money. When he first heard of this project, he didn't think Mr. Csandl would be able to pull it off. A year ago he toured the former church and Mr. Schweyer stated that it was pretty cool. He showed me some really neat features inside, some tremendous things that were certainly worth saving for Allentown's History as well as the benefits for the men, women and families that Mr. Csandl's staff would be treating. Mr. Csandl started to tell him what he wanted to do down there and it struck Mr. Schweyer being the proverbial best of both worlds. Mr. Schweyer said here we are, we have a situation where we have a building in disrepair, a lot of work, times are getting tough, and we are dealing with an economic tsunami that was coming, at least at varying degrees, and here was someone that had a business plan that was workable. A business plan that filled a need in our community and was willing to take a risk that as elected officials was willing to deliver on something for them. Council had a series of Public Hearings that was very (incredible) well attended. It was the right thing to do and as we kind of went along I was trying to think of what the objections to this would be and thought about his wife's grandfather who served during World War II and he got injured while he was in service and came back from War and he had no psychological or mental illness issues that came. He was able to be rehabilitated or adapt to modern life. He got a job on a railroad; he fell off a ladder on the railroad in the 70s and broke his back. He was given the physical therapy he needed; the support that he was needed to be able to take care of his family for the rest of his life because he fell working on a railroad. And as I was thinking about here we have folks falling off ladders and getting the support they need, but when our men and women are ask to go overseas fight, get shot at, and killed they are not getting the support they need. Isn't that an occupational hazard? Mr. Schweyer stated that he is a politician, if he gets a chipped tooth, that's an occupational hazard for him. He said that he's thinking that it made absolutely no sense that we do not provide these services and then the numbers the real numbers started coming in, and we started to see first hand. Mr. Schweyer stated that he was born in 1978 and Vietnam was something that we heard about, nothing that he knew, nothing that he experienced but as we start seeing aside from a father who served and a very difficult setting. It is just the easiest thing for us to do. Robert and him talked and were tired of hearing that we are with you, we just not with you here; we just not there or what wrong with the neighboring town or what's wrong with the neighboring state. Pretty soon, we might as well start shipping off our veterans and telling them that they are better off in some cases staying overseas. Mr. Schweyer stated that it is abysmal to him that we routinely tell folks that we rely on that they are simply not good enough for our treatment here. We can take care of folks that fall off ladders, and we should greatly. But, we can't take care of folks who are experiencing occupational hazards of the most tremendous, and the most blatant, and the most obvious degrees. It is abysmal. The problem is not that we did not do this; the problem is that we did not do this in the last fifty years, hundred years, two hundred years and he commended Robert and his whole staff for what they are doing, they took a leap of faith working with the City Council and Mr. Schweyer stated that he hoped that in the hours of conversation that they rewarded his faith to a degree and that everything will move forward so that these families can get the treatment that they need. Thank you.

Mr. D'Amore said Mr. Csandl tremendous persuasive powers. He thinks that anyone that takes a walk with him into the facility can see your vision amidst all the construction that is there and he was glad to do that. After Mr. D'Amore did a walk through, he had a quick phone call with Peter and Peter said let's do it. It is the right thing to do. We both grew up in a Vietnam veteran house and neither received the treatments they needed and their lives were impacted because of that. Post traumatic stress that Veterans have experienced through the centuries, was finally was recognized as a result of the unfortunate way that Vietnam War Veterans were treated. His support is 100% on this. We are going to the Public any comments from the Public.

Dennis Pearson, 942 East Tilghman Street, said he is not a veteran. During the era when they had the draft, 1971 he received the number 356 which means that I was not going to be going. Nevertheless they did call

him up for the draft physical anyway. His neighborhood east Allentown during the Vietnam War suffered a loss of 7 individuals. Thank goodness in the current War we have not lost anybody, but besides the lost of the 7 individuals many more from east Allentown went and some suffered from that crisis. Mr. Pearson stated that he traveled a lot and went to Israel one time and he was at the hotel David in Note Riana. There was an Irish gentleman from the United Nations peacekeeping group in the morning he was already at the bar yelling "you got to be there, the bombing in Lebanon" he was in the state of bomb shock really and waiting to get out of there. He said that his father survived World War II. He was considered a part of the Norman invasion. He relatively got there ok, but later on in life he had his problems. Dennis Pearson stated that some of the handicaps he faced in campaigning for office was that he had to go and take care of him because he came into a state of depression and he had to constantly had to see him in the hospital instead of campaigning at some time and you know what I am effected by that in a sense that during the process of his campaigning people have been saying cruel things by sometimes calling him autistic, which he never was and doing that stuff, but that's not the issue here. The issue here is that do you want this treatment center? Do you want to provide for the zoning of the treatment center and the statement here is yes do so? Because it is the right thing to do.

Mr. Courtney Robinson said good evening every one. For all of you that are on Council you know me you know that I don't often come up to this podium but I felt that this was something where that I had to personally and publicly thank each of you for this. Mr. Robinson stated that his grandfather served in World War II on the USS Alabama which was a South Dakota battleship which served in the Pacific and the Atlantic and never knew my grandfather because he drank himself to death in 1972 ten years before I was born because he did not have the appropriate way to bring himself back into society, no one there to help. Mr. Robinson stated that he believes that this is an amazing idea. All to often people from the area and not from this area complain about Allentown and talk about how it is too much crime and too much of this and too many of that and he thinks that this is an area where the city is showing everyone, not just in the Lehigh Valley, but across the country that we are a leader and that we are fore thinking and that we are at the edge of the curve and he also from the first time that he heard about this plan from some of the Council. He was a little worried that it might take sometime. Especially we don't know of quickly that government moves. He also stated that the concern about red tape comes from after the fact that the civil war if you wanted your pension as a union soldier you had to go to Washington and go to the civil war pension bureau and all the papers were bound in red tap. So that is where the term red tape comes from so he was a little worried about that. He also thanked them for expediting this and moving this forward quickly. Mr. Robinson stated that he knows that each and every one of them supports this and that this is an easy decision but the fact that they gave their full support to this, he would like to thank them and Mr. Csandl and everyone else who did this and he would like to thank each and every one of you that is in this room who served whether it was at a time of war or not you gave yourself up for your country and you were willing to put yourself on the line and I thank you for that.

Ms. Paulette Hunter stated that Council already knows her story, but one thing that she is concerned about is nothing negative, it is just one of things that we spoke about in the last couple of weeks is communication. She is concerned about advertisement. We all know vets are out there and do not know what they are entitled to or what services are available so she wants Council to address advertisement, how are they going to get the word out that the center is open. We cannot just go through VA, what other avenues we are going to be using so that veterans knows that it is open and available for them to use.

Mr. Csandle stated that that was a great question. We had to at this point, have a low profile. We will go through a zoning hearing and can receive a special exception. He will feel much more at ease talking publicly about the program once he achieves the zoning component. Mr. Csandle stated that here is the thinking so far, it is a work in progress. They have been meeting with a gentleman named Otis Nash, and Otis is from the VA. Otis spoke at the previous meeting and is a distinguished Vietnam Vet. Besides from the medals he received in combat, but as a community organizer. What Otis has done is connect them to the Vet centers which were created by Vietnam vets. It is an informal network of people helping each other. That's one of the mechanisms, the other is as people do go to the VA, and is eligible for benefits, the VA would be a source of

referrals to us. The other program is that the program will have an outreach worker; and the outreach worker will then go to homeless shelters, hospitals and places that Vets go. Richard Hodzinsky is the service committee chair of a service organization for the military service organization there you are going to see Vietnam Veterans of America, and 25 different organizations that are a part of it. We will speak to those groups and advertise information and hand out pamphlets, and brochures etc. But the real mechanism is that who first notices that a Vet has problems are the families and we would connect into the existent networks through the National Guard, Reserve etc and try to get the word out that way. When their family member notices that their loved one came home with problems, that they can reach out and that we can send teams of people out and intend to train the graduates of the program in certain skills, intervention skills, , de-escalation skills and mentoring and the notion of Vet helping Vet. We intend to set-up a network around the state so that we can help people that need that help. And as that network spreads what could happen is that we can see what the local community into similar type of networking. So that's the thinking so far and they are really open to all types of ideas. There's a planning committee that has been meeting for over a year and a half to generate the programming and ideas of what you are talking about. How to network people into services.

Ms. Fruhworth, the Solicitor, said of an amendment, there is no need to re-advertise it simply changes the paragraph so that it can have internal consistency and fluid flows in terms of the ordinance.

Council approved reversing one and two by common consent.

The bill passed As Amended, 7 - 0

Bill 57

Amending the 2009 General Fund Budget to provide for a supplemental appropriation of Seventy-One Thousand Two Hundred Fifty (\$71,250) Dollars as a result of three grants received by the Pennsylvania Commission on Crime and Delinquency for Weed and Seed for Quality of Life programs that include support of after school programs, supporting small businesses and the teaching of violence prevention skills.

Mr. Schweyer said Bill 57 was recommended favorably by a vote of 2 - 0.

Bill passed, 7 - 0

Bill 59

Amending the 2009 Capital Fund Budget to provide for a supplemental appropriation of Two Hundred Fifty Thousand (\$250,000) Dollars to provide for a grant from the Harry C. Trexler Trust to the City of Allentown for the Old Allentown Homeownership Initiative Program.

The proposed Old Allentown Homeownership Development Initiative involves the acquisition of existing, multi-unit residential properties within the historic Old Allentown neighborhood. These properties will be de-converted and rehabilitated and re-sold as single family dwellings. In addition, a blighted parking deck will be demolished and new housing will be created

Mr. Schweyer said Bill 59 was recommended favorably by a vote of 2 - 0.

Mr. Donovan stated that when this was the last grant we had about 4, 5 or 6 month ago, he had asked what was the typical opposition price was for the homes and it turned out to be about 20 or 30 homes or so total. Finally he asked Mr. Bennington to get the total number of physical residences not rental units within that block area. He did not have the number with him, it was a large number. It was 3, 4, 5 hundred. He thought it would be useful if there is a in addition to the Phels report for housing, he would be curious to see if the administration has put together some sort of 5-year plan on broader housing improvements with the area, he stated that 20 is a drop in the bucket. He stated that they can go and get grant upon, upon grant but what other types of incentives are out there to solve the inner city housing issues.

Mr. Phillips asked what we are paying per unit for de-conversion. He stated that it is a lot of money for a de-converted house. He stated that if they are paying \$200,000 a home, he is going to withdraw his candidacy for Mayor and decide to redo these. He did a whole house for less than \$30,000. That was condemned on Sycamore Street. That is a lot of money for one house. We could not get a better deal. I asked this before and did not get an answer. He stated that he is not getting an answer. He feels that \$200,000 is quite steep. The cart is already out and the horse is not there. He was confused that we always spent more money than what's necessary. The house already exist, you can build a house for less than \$200,000 from scratch. It is not good expenditure dollars.

Ms. Frayda Kamber, 2859 College Drive, asked if Councilman Donovan is looking to the Administration for an answer that isn't available because the Mayor or anyone who can answer the question is here and Councilman Phillips is asking a question about the cost, and no one can answer that question definitively. Those people who are accountable need to stand up and be held accountable. Thank you.

Bill passed, 7- 0

Bill 60

Amending the 2009 Capital Fund Budget to provide for a supplemental appropriation of Four Hundred Eighteen Thousand (\$418,000) Dollars reflecting receipt of a grant from the Pennsylvania Department of Transportation (PennDOT) to install new street lights, underground wiring, and curb and sidewalk repairs along North Seventh Street from Turner Street to Gordon Street. The Bureau of Traffic Planning and Control is supervising and monitoring the grant

The City has received Transportation Enhancement Grants from the Pennsylvania Department of Transportation for a total of \$1,464,250.00. The grant money will be used to install new street lighting/pedestrian lighting, new underground wiring, curb and sidewalk repairs from Gordon Street to the bridge over Sumner Avenue. This Bill amends the Capital Budget to provide for a supplemental appropriation of \$418,000 which will be used to extend the project to Turner Street. The City must pay the construction and inspection costs and then request reimbursement from PennDOT.

Amendment is needed changing some of the numbers around:

001-03-1231-0911-76	Construction Contracts	\$ 408,500 – 389,000
001-03-1231-0911-44	Professional Service Fee	\$ 9,500 – 29,000
	Total	\$ 418,000

Mr. Howells said Bill 60 was recommended favorably.

Mr. Guridy discussed the work being done there right now to put street lights between Turner and Gordon. The monies are just being appropriated. We voted favorably 2 – 0 and he recused himself from voting on this since he owns a property in that area. He stated that it is something that needs to be done. We need to do this.

Mr. Phillips asked if this included removal of the existing lights or just installation. He asked if the contract was for both installation and removal

Ms. Eichenwald asked if there was a bidding process of when this work was given out.

The original project which runs from Seventh Street from Sumner Avenue Bridge down through Gordon Street was bidded out and was out for a low bidder, and what happened was the State came to us and said that they have additional money and did we want to do additional blocks and they approved. The contractor kept his same prices as he originally bid from 2006.

Mr. Guridy stated that it was bidded before included this project, right.

Yes it was. The original project was supposed to go down to Chew Street and it was bid as a package from Chew Street all the way up to Sumner Avenue. What happened is that when we started the project Penn Dot then stepped in and enforced on us new ADA ramps requirements that cost us many thousands of dollars which we did not have to pay part of this grant so we had to back in the 300 block. We took that totally out of the contract and then Penn Dot stepped in just recently and asked if we would like to do that block since it was originally in there and we said yes, and they asked how much money was available, and we said that we could do two (2) blocks with that and they said yes. If it falls within that you may do it, if the contractor agrees to hold his prices which he did. So the only thing that wasn't bid was technically one block.

Mr. Guridy stated that just to ease Ms. Eichenwald's mind on that is that people do that all the time.

Provided that it is in a certain percentage of what the original contract is.

Mr. Guridy asked was it around 25 percent or less.

The original contract price was almost \$1.5 million dollars.

Ms. Paulette Hunter stated that she is not for or against the project, she just want to understand and clarify her mind. The sidewalks – her son is in a wheelchair most of the time she is walking along the streets and a lot of the time it is a bump in the sidewalk. It is not flat to the road. She was wondering if it was a reason why it is like that because when you have a wheelchair and it is a bump it is like having a car and you go on top of the sidewalk. Then she has to lift the wheelchair up in order to get to the sidewalk. She is trying the understand if that is procedure wise that it is not flat to the ground.

You are talking about not just Seventh Street, but in general throughout city.

Ms. Paulette Hunter stated that in general and also on Seventh Street because she walks back there.

The Seventh Street project, they are removing a portion of the sidewalk to lay the underground wiring and conduit underneath and they are putting a brand new sidewalk down in that middle section of the sidewalk so that it will be perfectly flat and we also installing the correct ADA ramps. The latest Penn Dot revisions are to do a ramp at all the intersections.

Ms. Paul Hunter asked why is it that it is always Seventh Street that they are doing. Asked if they do other street areas or is it just Seventh Street. Again, she is just trying to understand.

Mr. Phillips stated to Ms. Hunter that one of the questions that she did not get answered was why are they just doing Seventh Street. It is grant money that has been applied by us because that is a main street. Main and Elm Street project and those kinds of streets are getting monies. Mr. Schweyer can speak more directly to that but that's why they are doing those streets and the money is going that way. They picked Seventh Street because it is a main artery in the city. Mr. Schweyer can give you more.

Mr. Schweyer stated that the benefits are that Seventh Street is a state road so when we are eligible for other monies for state road except for Court Street which for example is a city road.

As Amended, passed 6 – 0 (Guridy recused himself)

Bill 61

Amending the 2009 General Fund Budget to provide for a supplemental appropriation of Fifty Thousand

(\$50,000) Dollars in Elm Street funding from the Pennsylvania Department of Community and Economic Development to provide funding necessary to continue the implementation of the Elm Street Program in Old Allentown Program Area.

This ordinance recognizes the revenue and expenses from a \$50,000 operating grant received from the Pennsylvania Department of Community and Economic Development for the continued implementation of the Elm Street Program in Old Allentown.

Mr. Schweyer said Bill 61 was recommended favorably.

Bill passed, 7 - 0

Bill 62

Amending Article 1741, Property Rehabilitation and Maintenance Code, Amends the Property Rehabilitation and Maintenance Code in various sections to bring it into compliance with other codes (Zoning and Fire) and other statutes, providing for violation tickets and an appeal process, identification of property, regulations on security devices for storefronts, and increases certain fees for the rental inspection program.

Mr. Schweyer said Bill 62 was recommended favorably, 2 – 0.

Mr. Guridy stated that Section 1759 under the fees Section on page 47. He asked about the fee for residential registration rental being \$30 for residential unit per year due on or before April 30th each year and it will be an increase on the next page after April 30th of this year, the late fee will be assessed for a total of \$100. Initially, it was after the bill is due April 15th. If you don't pay by April 15th, it will increase in fifteen days 300 percent to \$100. What he discussed with Mr. Pullet is that it is a little steep. He agrees to what it was before, if you don't pay it by the 15th, by the 30th, a fifteen day grace period a then they will charge you \$50 and if you don't pay it within a month then it will go to \$100.

Mr. Phillips stated that his concern under section 175405 under store fronts. It's under security devises under Section D. He had numerous business ventures in the city and is concerned about installations. If someone already has an installation and owns a store and they have a solid or partial visibility. His concern is for someone to take them down and be forced to remove and reinstall them without any assistance. That's number one, he has a concern about those issues because there are people who bought stores and the city is making/forcing them to remove those gates. That's a problem. It should be grandfathered. He really thinks that they are not the greatest looking and is an eyesore, but he has real concern. He stated that they had people go up and down the mall forcing the owners to reinstall, take them out and reinstall them. He asked can they give me the rationale because he is sort of lost because it he is a merchant and he has merchandise, you can break my merchandise and run whose going to pay for my merchandise besides my insurance company because he is at a loss. So he is concerned about that. 75% is a lot of the windows so you might as well not have a security screen.

Mr. Guridy stated that he would like to go back to 1759.99 A 1 under fee. He wants to make a motion that instead of \$100 more than tripling the fee for the late fee. He would like to double it instead and make it \$60. That will be a motion. He feels that over 300 percent is way too much.

Mr. Donovan feels that Mr. Phillips raised a good point and inquired about when the bill goes out. He understands Mr. Guridy's concern but wants to turn the table for what Mr. Phillips mentioned in essence the way he looks at this in a financial point of view, this is a 70% reduction from a bill due April 30th if you pay by the 15th. Now, in the trades you have discounts 20/10 net 30 and you calculate your return and it is about 36% per year with a simple interest basis. You are saying the bill is 30 and they get a penalty of 100 (60 sorry). In the talks that they had, he feels that their rental registration and licenses are too low. Compared to other cities in Pennsylvania, we are far too low. So he wants Mr. Guridy to look at it from the point of view that if one accepted that what the fee should be is 60 or 100, the person is getting a tremendous discount because he

personally thinks that 30 is too low. That is just a personal thing and he will support your amendment and he appreciates Mr. Guridy changing it from 100 to 60. He still feels that 60 is too low, but he will support it.

Mr. Guridy said let me explain something to you. Let's say for instance a person has one property which a lot of people do – a rental property and they also have a mortgage on that property and the way the market is right now. Some of the properties are not even worth what they purchased it for in some cases. In addition to that rental fee, they have to pay for a business license, they have to pay business taxes on it and they have to pay this fee. Now, let me tell you something else since you made a comparison. Everybody that works have to figure out what they have to pay in Income Taxes. You know that every year you have to fill out Income Taxes by the end of the year. You have until April 15th to send it in I mean you can send your taxes on April 30th. Some people do it earlier. If you don't send it in by April 15th, they will give you more time, you can do an Amendment and if you owe money there is no where in the Federal Government that says you have to pay in 30 days 15 days actually. He thinks it is overly done here and he knows that they are trying to get money but you got to be fair to the people.

Mr. Phillips stated that in the essence of things, Mr. Guridy it is a business and in order to do business you have to pay certain fees and penalties. If you don't, if you are not on time you adsorb those penalties and there not adsorbed by the business; it's past on and the business. Not doing business in a timely manner you get penalized and you get an extension.

Ms. Eichenwald does not feel that the \$100 is unfair. We are giving them all the extra days to pay. We will work on the assumption that most people will pay for it on time, they will save the money.

Called question on the Amendment

Mr. Guridy wanted to amend is to increase or change the increase from April 15th to April 30th to \$60. If they don't pay for it they will assess the late fee.

Mr. D'Amore made a motion to amend the bill to read for all payments received after April 15th through April 30th of any year, a late fee will be assessed that the total fee would be \$60 for residential rental units

Mr. D'Amore withdrew his Amendment.

Mr. Guridy would like to make a different Amendment to cut the steps on this bill and make it \$75 after April 30th.

Mr. Donovan asked if the only date would be April 30th at \$75.

Mr. D'Amore stated that Section 1759.99 A-2 under licensure, it will say "for all payments received after April 30th of any year, a late fee will be assessed such that the total fee will be \$75 per any residential unit."

Mr. Schweyer asked Mr. Paulus if he is ok with the policy. In his professional judgment is it better.

Mr. D'Amore withdrew his second. Back to the Bill with no amendments.

Mr. Phillips asked what impact will it have at \$75.

Mr. D'Amore wanted to be clear about his intentions. We are going to go broke doing a good job. We are going to go broke sustaining the inspections. If this rigorous inspections stop, compliance will go down again.

Ms. Eichenwald stated that it is a logical amount. It's less than anybody else. We need the inspectors for people who are paying their bills on time. They are only paying \$30. They are not paying \$100. The city is

bending over backwards to make it economically feasible. She strongly urge that they vote on what they originally presented.

Mr. Guridy stated that his idea is that the city needs to be more equitable on how the city does things. There is no other bill that after the due date we increase over 300 percent. We never do that. It is not fair and it is not how the government should work. If we need more money than we should get it and do it differently. Perhaps it should be done differently.

The question was called, and the bill passed 7 - 0.

Bill 64

Amending Article 951, Park Regulations, by requiring City Council approval by resolution after a public meeting, any alteration to a City Park that results in a significant change to a park.

Mr. D'Amore said Bill 64 was forwarded with no recommendation.

11. ORDINANCES FOR INTRODUCTION:

Bill 65

Amending the 2009 General Fund Budget to provide for a supplemental appropriation of Eleven Thousand and Sixty-Seven (\$11,067) Dollars from Pennsylvania Department of Health Division of Immunizations to the Health Bureau's Immunization Program budget, and Six Thousand (\$6,000) Dollars from Maternal Family Health Services, and Twenty Five Thousand (\$25,000) Dollars from The National Association of Chronic Disease Directors and Ten Thousand (\$10,000) Dollars from Lehigh County Children and Youth to the Health Bureau's Nutrition & Physical Activity Program budget. The total supplemental appropriation for these three programs would be Fifty Two Thousand Sixty Seven (\$52,067) Dollars.

Bill 65 was referred to CEDC.

Bill 66

Providing for the vacation of South Ann Street from East Hamilton Street to East Maple Street in the Fourteenth Ward of the City of Allentown

Bill 66 was referred to Public Works.

12. CONSENT AGENDA:

CA 1 - Certificates of Appropriateness for work in the historic districts

13. RESOLUTIONS ON SECOND READING:

The Resolution Passed 7 -0

R61

Submission of the application for obtaining funds from the DCED for the prevention and elimination of blight under Section 4 (c) of the Housing and Redevelopment Assistance Law on behalf of Alvin H. Butz at 840 Hamilton Street

Mr. Schweyer said that it was recommended favorably.

Resolution passed, 7 - 0

R62

Submission of the application for Redevelopment Assistance Capital Program (RACP) grant funds to the Commonwealth of Pennsylvania on behalf of Alvin H. Butz at 9th and Hamilton Streets

Amendment to change date to today's – August 19th, passed

Mr. Schweyer said that it was recommended favorably. It is an Amendment to change the date.

Resolution passed, 7 - 0

R64

Encroachment for a Fire Escape at 34 North 6th Street for the Fire Escape Stairway that is to be mount on the side of the building and it will be on the alley on Court Street.

Mr. Guridy said that it was recommended favorably 2 - 0.

Resolution passed, 7 – 0

Mr. Donovan stated that on the agenda there is a mistake. It was forwarded with no recommendation. As a result was the debate that was at Cedar Beach and certainly it is quite fair to say that it is concern out in the public. Mr. Donovan felt that parks are such a vital public good and any change that is made to that public good effects all the residents of Allentown in many, many ways. He spent time with the Charter because it looks like it is extending the powers of Council and it is in a way. And it has been a discussion to see if the Charter precludes us. The Charter and precedence only called for improving plans in the capital budget. Mr. Donovan stated that there is a sentence in the Charter that gives Administrative responsibilities on the Annual and Capital Budget but not on the approvals of the details. Therefore, Mr. Donovan believes that they have the right to include their institution in the process of major alterations to the park that does not circumvent or get in the way of the Capital Budget requirements as specified in the Charter. Want a second opinion.

Mr. Donovan was willing to table this discussion.

Mr. Phillips stated that in terms of the second opinion we realize there is a conflict in the decision that Mr. Donovan feels as though it is done. Mr. Phillips wants to make a motion that they go out for an opinion. As a Council, they do have someone on retainer and have that opinion researched and looked at.

Mr. D'Amore second that motion.

Mr. Guridy stated that at one time they had a major issue in regards to rulings on how it affected Council. Council should have their own solicitors. About 8 to 10 years ago they wanted Council to look at their own solicitors because there were instances, nothing to do with solicitors now, obviously. There were thoughts that Council should have their own solicitor's particular because of those issues.

Ms. Eichenwald stated that it is a broader issue that they could not deal with that evening. She stated that is something that they can look at in the future. Right now they have a situation, we have a motion and seconded to get their own solicitor to get that idea and she believes that is what they have to address themselves.

Mr. D'Amore stated that we don't have a solicitor, but they can retain someone. D'Amore said that this is not a resolution, but he believes it has to be formed like a resolution. So it will be R65.

R65

A Resolution to hire an Independent Solicitor.

Mr. Howell stated that he was going to say long before motions were made that he was opposed to this particular motion and Mr. Guridy was absolutely correct. It comes up that if we do not like the decisions that we get back from their solicitor, it's not the Mayor's solicitor. It is our solicitor. The solicitor is appointed by the Mayor and approved by this body. So we are going to approve the person that is being recommended then we approve that person. Then he thinks that it is upon us to take their opinion and stand by their opinion. Mr. Howell stated that he stands there many times and heard a lot of contradictory comments that we should get our own solicitor. Mr. Howell said that Julio is absolutely right; he does not feel that is the way to go either. If we hire a solicitor. You can go out and hire a new lawyer if you want, to give you any opinion that you want.

Mr. Donovan stated that one of the problems Council have is that they are very short staffed. Thank goodness they have Mr. Hanlon and in another week or so they will not have Mrs. Werner. He would not only want a ruling, he recognizes some weaknesses in the wording of this, but he does read the Charter and he see areas where certain things are not mentioned and certain things are and he does see differences where Council really could have a say, not on things mentioned in the Charter but things that are very important for the citizens of Allentown. He would not mind spending two hours of legal advise on getting the wording right and presenting it. And the solicitors' office says no, he does believe that they are at disservice not having their own solicitor. So he is willing and support giving an opinion and so advice on this and he does feel that Council must recognize that why do we exist if we can not assist the citizens of Allentown at certain times. Make sure that the details have been properly reviewed. He will leave it to the vote of the Amendment and whether we will go from there.

Mr. Guridy stated that he wanted to point out that they are traveling dangerous waters. They are setting precedence and whenever somebody we don't like the opinion of the solicitor, if the person has enough power in Council to muster the vote of two or three other people then they are going to start doing this thing all over. We either accept the solicitor, or we don't accept the solicitor.

Mr. Donovan stated that he guess it comes down to the question of this particular bill runs a foul of the Charter and he can see how perhaps that they can interpret that especially because \$50,000 is in there and the contracts are in there. He will ask the solicitor's office given his logic that the Charter is very specific about what the Mayor has the right to do and what he has right not to do. What would be the wording that Council can specify that we must approve by a resolution that a Public Hearing has occurred when the project can not proceed in terms of detail because the Charter only talks about a general summary of a project and therefore he feels that Council can interject themselves between that time and the final go. He would love to have some advice. If the solicitor's office says it is impossible, then maybe he can talk to another lawyer to see what other wording could work. But he will be curious to see, based on his reading of the Charter and his personal training on public policy says that he does feel that there are some wholes in the Charter that gives Council some leeway. Therefore, he said that he would make it easier if it is the right order. He would withdraw. He would more to table this.

Mr. D'Amore stated that they at R65 because the motion was made. He said that at that point it will take the act of the Body if Mr. Donovan wants to make the motion to table R64, the problem is that they are in the discussion of R65 right now. So Mr. D'Amore did not think a motion to table would be in order. Mr. D'Amore stated that he does not want to tread on dangerous water, and he thinks Ms. Eichenward was correct that a question of a Council solicitor is a larger question, but he does not know if they can really dispose of this question without the fundamental analysis of the solicitor's office under the Charter, and he means the office and he is not talking about any individuals. All of the individuals who serve as solicitors, he thinks are fine individuals and concerned about the best interest of the city and Mr. Snyder, Ms. Fruwirth, Mr. Marchetto, and Mr. Danks and so he is talking about the solicitor's office as an institution. When it comes down to it, the Mayor appoints the solicitors, the Council approves the solicitors, but the Mayor is the only one that can fire the solicitor when it comes down to it. That means that the solicitor works for the Mayor and there are most times questions that are posed are questions regarding can we do this according to Zoning State Enabling

Municipal Planning Code. Those questions are fairly cut and dry. This question is about power. This is a question of separation of power between two elected officials in the city and he is not 100% comfortable with a solicitor that can be fired by the Mayor, but not be fired by Council to render a decision then he is going to say that he will always consider to be final and authoritative. He is not sure that this is one of the situations, but he is at least upon to the possibility that it might be.

Mr. Howell stated what Mr. D'Amore may want to do is have the City Clerk pull up all information that we have about the two solicitors, our solicitors. There are an awful lot of studies done on that, research done on that and it always comes out that the system that we have today is the best system. Mike can pull a lot of research and a lot of history.

Mr. D'Amore there is room in the Charter for Council to retain its own legal opinion, if necessary.

Ms. Eichenwald reiterated what she said before that this is a very important decision about whether or not we should have our own solicitor. It's beyond the purview of where we are at right now. They need to vote on the motion or table the solicitor's motion, but it has to be kept into the discussion of what we are talking about right now.

Mr. Phillips called the question. Mr. Howell second.

Called the Question, the Resolution to hire a Solicitor passed 4 - 3 (Eichenwald, Guridy, Howell)

Mr. Donovan moved to table Bill 64 until they have better information about the legality of any particular language concerning this topic.

Ms. Fruwirth wants Councilman Donovan to reiterate his precise question that he citing varies sections of Article 8 in your decision as a reference point.

Bill 64 is tabled.

Bill 68

Providing for Council approval of Park Expenditure.

Was moved by Phillips and seconded by Ms. Eichenwald. Mr. Phillips generously yielded on it.

Mr. Phillips stated that his concern throughout this public discussion and all the issues that Council seems to have their hands tied. He wants to bring this bill forward. Let's start by saying that we don't want to stop anything. We want to make sure that everything that is done we have some information on it that we know. This does not stop the only thing it stops is the project in the Rose Garden which is \$1.8 million dollars or the balance there of. It does not stop any other project in the park. What we want to do is make sure that everything going forward, we want to have information about and that we will authorize a payment as we know what's been happening in the project phases. This is Phase I, but we want to know wants going on and that has not been happening up until this point and he thought that they could do something to make sure that the Council got more information.

Mr. D'Amore asked for Mr. Phillips' request on the position. What would be your request in the Bill. Since it is a Bill and it

Mr. Phillips stated that he wanted it to be voted on that evening.

Mr. D'Amore stated that Mr. Phillips would have to make a motion to declare it as an emergency.

Mr. Phillips stated that there was no emergency.

Mr. Howell stated that it has to be an emergency.

Mr. Phillips stated can we move it to Committee for further discussion.

Mr. D'Amore asked his colleagues because he can see this go to Budget and Finance or Parks and Recreation.

Mr. Phillips requested that Rules are suspended to introduce Bill 68 and Mr. D'Amore seconded.

The Bill was referred to Budget and Finance committee

Mr. Donovan stated that they have residents or individuals that sat here all evening and he does not know if they were there for the Bill that was on the agenda which he did table, but he does not know if it is appropriate to allow them, since they were sitting here all evening to allow them to say why they are here.

Mr. D'Amore stated that he would give the public the opportunity to speak under New Business. They only have the consent agenda to go and some bills to refer. He asked the Clerk to correct him if he is wrong that they have Number 11 Ordinance for Introduction.

Bill 66

Providing for the vacation of South Ann Street from East Hamilton Street to East Maple Street in the Fourteenth Ward of the City of Allentown

Bill 66 was referred to Public Works.

Bill 67

Was a potential Bill to follow-up on Bill 62
Is mute

12. CONSENT AGENDA:

CA 1 - Certificates of Appropriateness for work in the historic districts
Approved, 7 – 0

14. RESOLUTIONS ON FIRST READING: None.

15. NEW BUSINESS:

Frayda Kamber, Former Assistant City Solicitor – said she would just like to say that it is improper to get a Solicitor's decision that you view as binding before an ordinance is passed. If you think of this on a national scale you render yourself irrelevant and congress superfluous. Because the only course of events is that a Bill is passed into law, the President may challenge it or veto it and it get sent back to the legislative body. The legislative body may override the veto and from that point it may get challenge in the Supreme Court. Otherwise not on the national scale, not on the state scale and not on the local scale are there are checks or balances. The bill's legality is an issue after its passed.

Mr. Howell spoke on the speaker. He said that she served the city as an Assistant City Solicitor for many years. He always enjoyed her opinions and found them to be correct and she did a great service to the city of Allentown as she served as an Assistant City Solicitor.

Mr. Meist asked about the significant park changes he wants to see any play park having a percentage of handicapped accessibility. He is really fortunate to have the opportunity to help develop their park in his neighborhood and he will with his last breathe have some type ADA accessibility in their park. He believes that every park in the city of Allentown should have some type of swing toy something that they can roll off of a wheelchair on to that toy. He does not feel that someone has to drive all the way down to Cedar Beach to use an ADA Park. He thinks that every park in the city of Allentown should be ADA accessible.

Mr. D'Amore stated that for the record that is the Dan Meist - Jackson Street Community Park and he says that because Mr. Meist has been working tirelessly on that Park.

Ms. Hunter stated that one of the things she would like to come out from all of this is that has been said over and over again that they did not have a Public Hearing and communication was at a breakdown and if you go by mail or email that could be a problem so one things she is recommending if possible is to have an event calendar an event board in each of the park. And in the event board, you can put event public hearing notices so when you go to the park, you can see public hearing notices and what ever event is happening in the park. So that when people go to the park they can see any public hearing that is going to happen concerning the park. Ms. Hunter said that she does not understand Bill 68 it is confusing to her and her mom. Her mom is coming up and standing up all the time.

Mr. D'Amore said that he shares with her the lack of clarity on that. They will all be there next week for the Budget and Finance meeting and they hope to have more clarity on it.

Ms. Hunter said that it is possible that she may not make it. She does not have anyone to take care of her son and she does not know if she will bring her son there because people are doing YouTube and all that stuff and she does not want to see her son on TV or what ever. So she may not be there for that. She does not know if any other family member will be there for that.

Ms. Aris Watson stated that she does not understand what they just said. Tonight I don't see any one here that was there last week. They said that they would give an answer.

Mr. D'Amore stated that what he would say to her and this is the best that he can offer her is that he thinks that they all do their best and he is talking about folks up here, the Mayor, the Mayor's Staff, Mr. Hanlon, Ms. Fruwirth, the Solicitor's Office, they are all doing there best to try at this time to understand what powers City Council has in relations to the Mayor regarding this issue and any similar issue that comes up in the near future and there are opening questions right now, there are debating questions right now, and there are questions that they need legal guidance on and it has to do with City Charter, it has to do with the authority of the state of Pennsylvania and it has to do with their Ordinances and sometimes it is a little tough to move through that and know exactly what they can and can not do. It has more to do with the powers of Council versus the powers of the Mayor.

Mr. Guridy stated that as long as the Mayor wishes, the project will go forward.

Mr. D'Amore asked was it any other comments.

16. GOOD AND WELFARE:

17. ADJOURN

The meeting was adjourned at 11:30 PM.