

**Michael D'Amore, Ph.D., President**  
**Peter Schweyer, Vice President**  
W. Michael Donovan  
Jeanette Eichenwald  
Julio A. Guridy  
Ray O'Connell  
Mike Schlossberg

**Allentown City Council**  
**435 Hamilton Street**



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**COUNCIL MEETING MINUTES**  
**May 4, 2011**  
**COUNCIL CHAMBERS**

**COUNCIL MEETING - 7:30 PM**

- 1. Invocation: Ray O'Connell**
- 2. Pledge to the Flag**

**3. Roll Call:** D'Amore, Donovan, Eichenwald, Guridy, O'Connell, Schlossberg and Schweyer were present  
Dale Wiles represented the Solicitor's Office

**4. Courtesy of the Floor**

Mr. Lou Hershman asked why the city raised his Earned Income Tax .35 percent and where the money is going. Also, he is still waiting for the numbers for the Unappropriated Balance and the General Fund.

Mr. Donovan stated that Mr. Hershman is correct and as he mentioned he has been working with Ms. Bowman on getting those numbers and the correct interpretation. He stated that he is concerned and spoke to the Mayor when he was here at Budget time stating that he was confused by the state law and how the EIT Tax was going to be applied to the MMO and the Pension Fund. He expressed concerns to Mr. Strathearn and Ms. Bowman about the delays. He does believe strongly that it has not been hidden. There are other matters that precluded that. The deficit and transfers of funds he believes what Mr. Hershman is referring to is the cash deficit that existed. They still do not have the Audited General Fund Balance which will come out at the end of June. He stated the question about the Arena may be a legitimate question, but right now he wants to see the reports. It is a large investment in the city and there is private money in this investment. If this thing is done right he will be very pleased. He has been extremely vocal at AEDC and with Mayor Pawlowski about how important it is to do it right. He does not believe that the citizens of Allentown will be disappointed if it is done right.

Mr. D'Amore stated to Mr. Bennington that he understands that Mr. Strathearn is out and they do not have him there tonight, but the question is what is in the unappropriated balance that would be a question that could be answered. He stated that at least Ms. Bowman could find an answer fairly quickly on that. He stated that is a good question to know.

Mr. Donovan stated that he is not sure of the question.

Mr. Bennington stated that Ms. Bowman could not attend.

Mr. D'Amore stated to Mr. Bennington that maybe Ms. Bowman could provide that information for the next meeting. He asked Mr. Donovan would that be ok to have that information the next Budget and Finance meeting.

Mr. Donovan stated that it would be late in May. He would like to have it for the next City Council meeting.

Mr. Ronald Chaberka, 2510 Hamilton Street, stated that it puts him directly across the street to the new playground that was installed at Cedar Beach. It created a monster and is nothing, but a handout. Kids and adults are there all through the day and night including eleven, twelve and one o'clock in the morning. They call the police, they come out and chase them and within a half an hour they are right back again. The music is loud and they are playing all types of music. If you go out late at night there are cars from New York, Delaware and New Jersey. It does not take a rocket scientist to tell you what is going on. It is a nuisance. Where is everyone going to park for Mayfair? It is out of hand and he hopes that someone does something about it on behalf of him and his neighbors because it is really getting terrible.

Ms. Eichenwald stated that as a grandmother that often goes to the park, she is concerned about the dogs that are running around and she does not know what the rules are and she has empathy for the noise at night. She stated that she is not surprised since it was in the packet of concerns when the playground was erected. She asked Police Chief MacLean if he could enlighten them about what response the police have during the evening hours. She asked if Mr. Weitzel can join them at the next meeting.

Mr. Bennington stated that Mr. Weitzel would be there because there is a Parks and Recreation meeting.

Ms. Eichenwald stated that they need to have it on the agenda for discussion. It is a wonderful asset and it's a joy to take children there at 2:00 o'clock in the afternoon, but she understands there are problems and she want to make sure that there are taking care of in case they get more out of hand.

Mr. Ronald Chaberka stated that they observe children there as early as 6:00 o'clock in the morning.

Mr. O'Connell stated that he has spoken to Mr. Chaberka at least on two occasions and invited him to this evenings meeting so that council can hear his concerns. He stated that he echoes what Ms. Eichenwald stated and he has gone there several times including this past Saturday and it was out of control and teenagers were out there running wildly around and going up the sliding boards backwards and he is talking about 14, 15, and 16 year olds. He knows there are playgrounds and parks that have age restrictions before you enter the playground or park. He talked to Mr. Greg Weitzel on Monday about these concerns. In the third or fourth week in May, there will be Police Reserves there, but he feels that the Police Reserves are not the complete answer to this. He stated that he has full faith in Chief MacLean. The hangout with the kids at night has to be addressed. We all know that you are not allowed in the park after dark. He stated that he believes the Chief hearing this will take care of these concerns. He stated that it does not negate the fact of not calling him because it is only May and they have June, July and August.

Mr. Donovan asked if the prior year before the park opened did you have similar problems late at night. He stated that the kids are playing basketball there until the lights go out at night, in general is it ok or was it sporadic problems in the past. He asked was it noisy during the day too.

Mr. Ronald Chaberka stated not as they do now. He stated that he never has a problem with the city's basketball league. He stated that it is noisy, but when it is a lot of kids you would expect it during the day, but it is at night when they are hanging out and there is music, laughter, yelling and screaming. The police do come, chase them and turn the spotlight on.

Ms. Eichenwald stated that perhaps Chief MacLean can respond and tell them what would be the nighttime policy at the playground.

Chief MacLean stated that he sees the lights on and a lot of activity. He stated that he was unaware that this was going on and they were having problems with teenagers in there. He stated that the police department will certainly look into the problem and see what they can do. He stated that he would sit down with Mr. Greg Weitzel and come up with an age limit which City Council can propose. It is the easiest routes they can take.

Ms. Eichenwald stated that a lot of the equipment says ages five to twelve.

Chief MacLean stated that just because it says it on the equipment doesn't mean they could afford to ignore that. He stated that if City Council could pass the ordinance that would give them the authority that they need to enforce it. They can enforce it when the park is closed and can enforce it if it is loud music and other things that are going on contrary to the city ordinances.

Mr. D'Amore stated that he suggested because of the number of things discussed tonight if Mr. O'Connell is willing to add it to the end of the Parks and Recreation agenda for two weeks and it could be discussed there and Mr. Weitzel will be there.

Mr. O'Connell stated absolutely.

Mr. Young stated that he is here tonight to make an introduction. He stated that they have a gentleman sitting in the audience that name is Chen Wei and he is an intern with them right now and is a student at Kutztown University finishing up his MPA degree. He has a Bachelor's of Science degree in Civil Engineering and an MBA from Cameron University. He stated that Chen Wei has come to the United States and has been here for three years. He will be graduating in December and is interning in Public Works and would be visiting other departments to see how city government works first hand. He is here to watch City Council and write a report on them.

Mr. D'Amore welcomed Mr. Wei and asked if he would like to say a few words.

Ms. Tracey Rice Treber stated that she lived in Allentown for fifty-nine years and lived in Whitehall for three and half years. She asked has any of Council passed Louis Ramos School at dismissal time. There are times when it is raining and drivers picking up kids and parked in a no parking zone and is understandable when it is raining. She stated that drivers are trying to make five lanes out of two parking lanes and two driving lanes and it is a mess.

Mr. D'Amore stated that they have the Director of Public Works and the Police Chief and that falls within their area. He stated that he is assuming that they are aware of the problem or now that they are aware of the problem they can work on some solutions. It is a new school and new traffic pattern and Jackson School is still in use.

Ms. Tracey Rice Treber stated that she was there when they dedicated the school to Louis Ramos. She stated that she does not want anyone to get hurt there.

Mr. D'Amore stated sure and neither do they. He thanked Ms. Rice Treber for alerted them to this.

Mr. Rich Young thanked Ms. Rice Treber for alerting them of the problem. He stated that this is the first time he heard of it and will certainly take a look at what the issues are and see if there is anything they can do to resolve the problem. He stated that they will work with the Chief of Police to see if there is anything that needs to be done in the way of enforcement and off-hand he does not remember what the traffic patterns are there and he is not sure where the controls are in terms of where there is parking allowed and where there is no parking allowed. He stated that he knows there is a driveway between Ramos and Jackson and he does not recall what the requirements were for that.

## **5. Approval of Minutes: April 20, 2011**

Mr. D'Amore stated that the minutes are approved by Common Consent.

## **6. Old Business**

### **Decision on Intermunicipal Transfer of a Catering Club Liquor License to Puentes Business Association, 127 South 7<sup>th</sup> Street, Allentown, PA 18101, Liquor License No. C-2647**

Mr. D'Amore asked if members of Council had any Old Business. He asked if they could reopen the Public Hearing on the Intermunicipal Transfer of a Liquor License for 127 South 7<sup>th</sup> Street.

Mr. Donovan moved that they open the Public Hearing for that item.

Mr. Gurdy seconded the motion.

Mr. D'Amore stated that they will reopen the Public Hearing and the record was left open on this Public Hearing. He asked Mr. Dale Wiles if they have to recess the City Council meeting and he stated that they need a motion to call the City Council meeting into recess.

Mr. Peter Schweyer made the motion.

Mr. Donovan seconded the motion.

Mr. D'Amore stated that the City Council's meeting is in recess and they are back on the Public Hearing on the Intermunicipal Transfer. He stated that they left the record open because there were a number of pieces of evidence that members of Council requested to be submitted and asked if Mr. Hanlon were there additional materials that were admitted that they can put into the record right now.

Mr. Hanlon stated that they received an opinion from the Planning Department that there are no parking requirements in a B-2 Zone. He stated that the office did not receive a business plan from Mr. Rivera.

Mr. D'Amore stated to Mr. Hanlon that they did not receive a business plan or any other materials that were requested.

Mr. Hanlon stated no.

Mr. D'Amore stated that there were nothing else to enter into the record and at this time they have in accordance to the laws of the Commonwealth an opportunity because they are acting in this as a quasi judicial body they have the opportunity to go into executive session for the purpose of deliberation. He asked if there were any objections to City Council going into executive session. He stated that Council will go into executive session to deliberate on this matter in the context of this being a public hearing.

Council went into Executive Session for approximately 15 minutes.

Mr. D'Amore asked if there were any objections on the part of members of Council to close the Public Hearing.

Mr. Schweyer stated no.

Mr. D'Amore stated that the public hearing stands closed. He stated that they need a motion to reconvene the city council meeting.

Mr. Donovan made a motion to reconvene the city council meeting.

Mr. Schweyer seconded the motion to reconvene the city council meeting.

Mr. D'Amore stated that the Council meeting is now reconvened and they have the matter of the Intermunicipal Liquor License Transfer and they have some language and he was wondering if anyone on council would like to move this language into the record.

Mr. Donovan read R-27

***Resolved by the Council of the City of Allentown, That***

**WHEREAS**, the Pennsylvania Liquor Code (47 P.S. Sec. 4-461 (b.3) provides for the intermunicipal transfer of certain liquor licenses, under circumstances that include approval of the transfer from the governing body of the receiving municipality; and

**WHEREAS**, the City of Allentown (the "City"), Lehigh County, has received an application from Puentes Business Association, for the transfer of a catering club liquor license from the Republican Club of Fountain Hill, Inc., 1106 Broadway, Fountain Hill, Bethlehem, PA 18016 to Puentes Business Association, 127 South 7<sup>th</sup> Street, City of Allentown, Lehigh County, and has held a public hearing to receive comments and recommendations of interested individuals; and

**WHEREAS**, the City Council of the City of Allentown finds that the requested catering club liquor license transfer would adversely affect the welfare, health, peace and morals of the City or its residents.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Allentown, Lehigh County, Pennsylvania, hereby resolves as follows:

**That the requested transfer of a Catering Club License C-2647 from the Republican Club of Fountain Hill, Inc., 1106 Broadway, Fountain Hill, Bethlehem, PA 18016 to Puentes Business Association, 127 South 7<sup>th</sup> Street, City of Allentown, Lehigh County, be denied.**

The findings of fact conclusions of law and decision of City Council are hereby incorporated as Exhibit "A"

Mr. Donovan stated that he would like to move this forward to Council.

Ms. Eichenwald seconded the motion to move this forward to Council.

Mr. D'Amore stated to Mr. Hanlon that this will be written into the record as R27. He asked if there were any objections to voting on R27 at this time. The rules allow them to vote on Resolutions at the date of introductions. He stated that seeing no objections they would take discussion regarding R27 from Council.

Mr. Donovan stated that on one hand there are reasons that this might be approved and another hand especially for him that he made a very specific request that the parties involved provide a plan discussing this operations that would include a variety of topics such as security, maintenance and neighborhood tranquility and he will be voting an affirmative for this denial.

Ms. Eichenwald stated that she would also be voting for an affirmative of this denial because of the lack of a business plan the applicant is not here this evening and when they last had the public hearing the attorney for the applicant told us that it was a nonprofit organization and yet with further questioning it was discerned that they have not or they have not yet been approved with a 501(c) (6) making entity a nonprofit. She stated that she is also taking to heart the interest of the neighbors who were concerned of what a club like this would do to the neighborhood even though there is no requirement from Zoning that there be parking she is concerned about parking. The applicant also told them the he has been operating whenever he has an occasion to serve

liquor so that those activities that he has currently been undergoing and continue without a complete transfer of this license and all the above reason and the applicant is not with us and has not given them a business plan and the stress of the neighbors she is going to deny this.

Mr. Guridy stated that he concurs with Ms. Eichenwald because he also takes to heart the voice of the neighborhood and the voice of neighbors. He does not feel there is a parking issue and there would not be a parking issue that would negatively effect this location for the liquor license; however he feels that knowingly the applicant should have been here today and he is not here and they have requested a business plan which was not provided. He personally called the applicant and did not get a return phone call. If he would have gotten a return phone call or if he was here today showing an intent that he wants to pursue this further should have been demonstrated and therefore he is also going to support this Resolution.

Mr. Hanlon stated that the Clerk's office called to request the Business Plan.

Mr. Schweyer stated that it would be inappropriate for him to vote on it one way or another. He stated that he was not here for that meeting and therefore for purposes of trying to be fair with the neighbors who have the concerns as well as the applicant it is no way he can have a thoughtful or intelligent opinion on this so he will abstain on this vote.

Mr. D'Amore stated that he concurs in the denial.

Mr. Andy Rolsen, attorney that represents Dave's vacuum which owns the establishment that is next door to where this Liquor License Transfer is proposed. He stated that one thing he learned in law school is take a knee when you are winning and he is sure what he has to say is even necessary hearing what he heard so far, but he wanted to make a few points especially when the findings in fact are established in order to make a decision on this case. He stated that because the applicant is in fact applying for what would become a Catering Club and called it a membership club in the application. He stated that they call it a catering club in their definition and it is no such definition in Allentown Zoning Ordinance. What they are asking for is a membership club and such a membership club while it once existed with the VFW has been out of existence in five or six years. Under the nonconforming use of provisions in the Zoning Ordinance that use has if it was considered nonconforming as expired and if they wish to establish the use under the zoning ordinance they would have to meet all the requirements of Zoning Ordinance for a membership clubs which is a specifically defined provision of the Ordinance Section 1329.04C of Allentown Zoning Code there are specific requirements that which are governed which are applicable to membership clubs. Two of them are very important and form a basis which should go into the findings of fact and conclusion of law which will deny this application. The first is in order for a new membership club to be established within the city, the applicant needs to establish that such a use shall not adversely effect the safe and comfortable enjoyment of properties in the neighborhood and that standard is one of a degree less than health, safety, welfare and morals general language of the zoning ordinance that typically applies under your police powers. There certainly is an articulation in the zoning code that the requirements that must be met are more in line with the neighborhood concerns than the applicants concern. The standard must be taken into an account when the vote is made. He stated that he testified at the last hearing and his testimony well established of what the neighborhood had about the fact of the comfortable enjoyment of the properties could not take place under these circumstances. In addition, the zoning code regarding membership clubs requires for any new memberships club established in the municipality that membership club must provide the buffer strips required by Article 1323 of the Zoning Ordinance. He stated that if City Council looks at Article 1323 it requires a buffer strip for new club memberships.

Resolution passed, 6 – 0 (Schweyer abstained)

## **7. Communications**

None

## **8. REPORTS FROM COMMITTEES:**

### Committee of Whole: Chairperson D'Amore

They had a Committee of the Whole meeting before this Council meeting and Mr. Schweyer that chaired and Mr. Schweyer stated that they have two bills for this evening.

### Budget and Finance: Chairperson Donovan

The Committee has not met since the last council meeting; the next meeting is scheduled for May 25<sup>th</sup> at 6:30 PM.

### Public Safety: Chairperson Guridy

The Committee met this evening; the next meeting is scheduled for June 1<sup>st</sup>.

### Community and Economic Development: Chairperson Schweyer

The Committee has not met since the last Council meeting; the next meeting is scheduled for May 10<sup>th</sup> at 6:00 PM to review items introduced tonight – there is a possible Community Bike Works tour tentatively on June 7<sup>th</sup> at 6:00 PM.

### Parks and Recreation: Chairperson Ray O'Connell

The Committee has not met since the last Council meeting; the next meeting is scheduled for May 18<sup>th</sup> at 6:00 PM.

### Public Works: Chairperson Schlossberg

The Committee has not met since the last Council meeting; the next meeting is scheduled for May 10<sup>th</sup> at 6:30 PM to review items introduced this evening.

### Human Resources, Administration and Appointments: Chairperson Eichenwald

The Committee met this evening; and an item for tonight's agenda.

### Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson D'Amore

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

## **OTHER COMMITTEE REPORTS**

These are listed here on your agenda if you want to give a report: - they are not listed on the public's agenda

Blighted Property Review Board - Councilperson Schweyer

AEDC - Councilperson Donovan

Arts Commission – Councilperson Donovan

Housing Authority – Councilperson Guridy stated that the Allentown Housing Authority met last Thursday and they are working on the draft budget. There were a lot of cuts from HUD and will definitely effect the agency. They completed the first phase of Cumberland Gardens Housing Projects. They have the audit report completed and it is public information.

Human Relations - Councilperson Eichenwald

Lehigh Valley Planning Commission – Councilperson O'Connell

Ad Hoc IT Committee – Councilperson Schlossberg – the committee has not met since the last council meeting.

Urban Observatory – Councilperson Schlossberg – The committee has not met since the last council meeting – a request was sent to Council after the last meeting seeking potential topics for the committee to research.... need to revisit this list.

Youth Summit – Mr. Schweyer stated that they had a date and decided to move it because it coincided with Mayfair and they are looking at the end of the month most likely at the Allentown Public Library.

## **CONTROLLER'S REPORT**

None

## **9. APPOINTMENTS: ALL REAPPOINTMENTS:**

**Hugh Gallagher, Ethics Board, Term to Expire 1/25/2013**

**Anthony Toth, Planning Commission, Term to Expire 1/3/2014**

**Richard Young, Disruptive Conduct Board of Appeals, Term to Expire 6/2/2012**

**Roger MacLean, Disruptive Conduct Board of Appeals, Term to Expire 6/2/2012**  
**Sara Hailstone, Disruptive Conduct Board of Appeals, Term to Expire 6/2/2012**  
**Kenneth Laudenslager, Disruptive Conduct Board of Appeals, Term to Expire 1/25/2013**  
**Charles Thiel, Disruptive Conduct Board of Appeals, Term to Expire 6/1/2012**

Ms. Eichenwald stated that they are reappointments and several candidates are with them this evening. She stated that she appreciates their attendance at tonight's meeting. She stated that she will read off the candidates and make notes on the candidates that are with them this evening. She stated Hugh Gallagher from the Ethics Board and his term is to expire January of 2013, Anthony Toth for the Planning Commission term to expire January 2014, Mr. Richard Young who is with us this evening, the Disruptive Conduct Board of Appeals terms to expire in June 2012. She stated that the Police Chief Roger MacLean is with them this evening term to expire June 2012; Sara Hailstone is with us this evening Disruptive Conduct Board Appeals term to expire June 2012, Ken Laudenslager and he is also with us this evening Disruptive Conduct Board of Appeals term to expire January 2013, and Charles Thiel and he is here Disruptive Conduct Board of Appeals term to expire June 2012. She urged her Council members to pass these reappointments.

Mr. D'Amore asked were there any recommendations on how they should take these appointments. They are all reappointments. He stated that theoretically they can vote on them.

Mr. Schlossberg stated that he will be perfectly comfortable voting for them all at once.

Mr. D'Amore asked where there any objections to voting on them all at once because they are reappointments. He stated that seeing no objections he asked his colleagues if they do that and he stated that they have some re-appointees here and he stated that they always asked them if they would like to speak. He stated that first they will take comments from council.

Mr. Donovan asked Ms. Eichenwald how many members that are on the Disruptive Conduct Board total.

Mr. Ken Bennington stated seven.

Mr. Donovan asked if all the re-appointees of Caucasian background. He stated that he was curious if there were diversity on the board.

Mr. Schlossberg stated that he is one of the members and there is a seventh member, but he is not sure off the top of his head.

Mr. Donovan stated in the long-run it is important that this committee has some diversity on it. Given the fact and nature of our population and that is important in the long-run. He stated that he realizes that they will go to 2012, but he does not know when the other two expires.

Mr. Bennington stated that MacLean, Young and Hailstone are by Ordinance because they are city employees.

Mr. Donovan stated that he understands is not being critical at all. He stated that he is looking at long-run issues with the city.

Ms. Eichenwald stated that she would also like to point out that the City Council does not make the appointments. The appointments come from the Mayor's office.

Mr. Guridy stated that he seconds Mr. Donovan's proposal and urge the administration to proceed and for those who does not need to be there because it is mandated by law with the outside members see if in the future they can look at diversifying this board. He stated that to his understanding many of the people who come before the board are also very diverse.

Mr. D'Amore stated in respect to the individuals on the board there is some diversity on the board, but there is not racial diversity and that is important to have racial diversity. He stated that we are a racially diverse city and this is a matter that is very serious because we are asking landlords effectively to evict tenants. He stated that he adds his voice with his colleagues and ask the Mayor to consider that when the next vacancy that is available.

Resolutions passed, 7 – 0

## **10. ORDINANCES FOR FINAL PASSAGE:**

### **Bill 23 Human Relations Amd**

Amending the Administrative Code, Article 181, Human Relations Commission by changing high school members to representatives rather and they will not be required for quorum requirements.

Ms. Eichenwald stated that this was before their committee this evening and was recommended favorably 3 – 0.

Mr. Schlossberg stated that they found out that this was an issue at the Human Relations Annual Report which was very comprehensive and very informative and he wanted to add that they had the meeting as a result of Mr. Donovan legislation that passed last year to require authorities to hold these meetings. He thanked Mr. Donovan for this legislation.

Ms. Eichenwald stated that she would like to add her voice of welcome to the four members of the Human Relations Commission who joined them this evening. She stated that this is an exercise on how the process works at its best.

Mr. Hanlon stated that it is a minor housekeeping that would add non-voting for high school representatives.

Mr. Donovan made the motion to add non-voting school representatives.

Mr. Schweyer seconded the motion.

Mr. D'Amore stated that the Bill stands Amended.

Ordinance as amended passed, 7 – 0

### **Bill 28 10TH STREET STATION**

Amending the 2011 Capital Project Fund Budget to provide for a supplemental appropriation of Eighteen Thousand (\$18,000) Dollars from the Streets/Bridges Repair Capital Project to the Police Facility Project.

Mr. Guridy stated that they discussed the issue of transfer \$18,000 from Streets/Bridges to rehabilitate the sidewalk of the Police Facility on Hamilton and Tenth Streets. He stated that he knows some of City Council has gone over to see the construction work. It is going well. It was forwarded favorably 3 – 0.

Mr. Donovan stated to Chief MacLean that yesterday at the Allentown Chamber of Commerce he briefed them on the coming move and the board is extremely happy with the move and the office will have more visibility.

Chief MacLean stated that the FOP union had their meeting last night and they went in and look at it.

Mr. Schweyer asked about the sidewalks do they have the new handicapped ramps on those corners already or it part of the construction.

Mr. Young stated that the traffic light at the intersection on Tenth and Hamilton will undergo complete replacement within the next few weeks and with that replacement all four corners will be replaced.

Mr. Schweyer stated he wanted to make sure that all the citizens will be able to access that. He stated that by his perspective the reason to undergo this extensive repair with all due respect to the officers, their working environment is

very important to us, but the number one reason to do this is for our citizens so that they are not going down a dark alley next to the prison in order to access the police department. This is more visible and if they are telling him that they will have full access for all of the citizens who have physical disabilities, he appreciates that.

Ordinance Passed, 7 – 0

### **Bill 30 UGI REIMBURSEMENT**

Amending the 2011 General Fund, Water Fund, Solid Waste Fund and Liquid Fuels Fund Budgets to provide for a supplemental appropriation totaling Two Hundred Thousand Four Hundred Seventy-Seven (\$200,477.83) Dollars and Eighty-Three Cents from UGI Utilities, Inc. toward reimbursement for expenses incurred as a result of the February 9, 2011 explosion.

Mr. Donovan stated that it is fund reimbursement on expenditures to date. There is still approximately \$50,000 - \$60,000 expenditures to come in which UGI has committed to making reimbursements once they are expended. These funds are going back to the appropriate accounts. He asked if they will spend money on demolition or does it allow them to by reimbursing the accounts.

Mr. Bennington stated that the reimbursement is the demolition that has already taken place of \$143,000 that is outstanding bills and that is why they have to pull the money in.

Mr. Hershman stated that the way he reads the Ordinance it is not putting the money anywhere for demolition, it is putting the money back where the money came from originally. If they are putting it back in the demolition account they have to appropriate the money to the demolition account. He stated that the Charter reads that Council appropriates all monies. You are not appropriating the money for demolition; you are appropriating money that was taken from the account. He stated that he believes if they paid for the demolition, it has to be re-appropriated again by Council.

Mr. Donovan stated that he sees here that Account 46 under Bureau of Building Standards and Safety contract and service fees for \$143,000. He asked if that was the demolition. He stated that it is part of the Ordinance and his question to Mr. Hershman is he saying that is an unplanned item and they should do something different. He asked Mr. Paulus about Account 46 the \$143,000 and how much was budgeted in the beginning.

Mr. Paulus stated that \$55,000 and the rest was inaudible.

Mr. Donovan stated that even though it was a line item, it did not show up in the original budget. It is obviously and extraordinary expense. He stated that it is not actually money coming out of the original budget because it is reimbursed. Therefore on a net basis they still have a \$55,000 budgets account and that will go to whatever the line items go. He asked if Mr. Hershman is following the argument. If they did not put it back into the account they are going to have to write a check to the demolition people that would deplete that account and would defeat you're your purpose of putting in the unappropriated balance.

Mr. Bennington stated that is correct. It was require another Transfer.

Mr. D'Amore stated that they have a solicitor to answer questions like this. He asked Mr. Wiles as a point of information is B30 legally in order as it is written.

Mr. Wiles stated that he is not sure if it should be appropriated or not at this time.

Mr. Donovan stated that he put time in to understand each and every line item in each major account, however, when they vote on this budget they vote on Account # 46. They do not necessarily vote on each individual line items that are brought to them that managers are free to spend those funds as they see fit as long as they stay in the overall limit. This is a direct reimbursement much like other things.

Mr. Bennington stated that in theory every expense would have to be done in the same way. They did an accounting.

Mr. Donovan stated that he would like to do his job efficiently and asked him to go along with this one.

Mr. Bennington stated that the expenses are broken down.

Mr. Mest stated that he has a homeowner's policy and if it covers under the homeowner's policy to demo your house after a tragedy without coming out of the city's budget.

Mr. D'Amore stated that is an interesting question, but let us keep in mind the purpose of this ordinance is to not cost the city a penny. He stated that he assumes that if the attorneys at UGI did not have to pay for it, they would not.

Mr. Schweyer stated that you are dealing with eight properties and would be dealing with potentially eight different insurance companies. The length of time that the City of Allentown to be reimbursed from those eight would take an incredible amount of time and if UGI is willing to do this they are going to say yes. He stated that is an issue between the insurance companies and UGI to work out amongst them.

Mr. Bennington stated that they are always responsible for emergency boarding and emergency demos. The city is still responsible.

Mr. Donovan stated that he supports that if in the future a resident or property owner want to rebuild their house, UGI might want to go to the insurance company.

Mr. Mest stated that if City Council members are property owners he is sure it is in their policy.

Ordinance passed, 7 – 0

Mr. D'Amore stated to the Council members that they have three Bills and one Resolution all related to CDBG and they do need to vote on them separately, but he asked if they could have the discussion on CDBG all together. He stated after the discussion they will have formal consideration of the Bills.

Mr. Schweyer stated that this was in Committee of the Whole and he Chaired part of it. He stated that what they are doing by discussing it as a package is in fact what all of them did during Committee of the Whole. He stated that Bill 29 was the \$15,000 that they discuss this evening at Community of the Whole and that was a result of pulling \$15,000 out.

Mr. Schlossberg stated that his wife works at Communities in Schools and he recused himself on that particular item on main Bill, but can vote on the entire allocation.

Mr. Schweyer stated that it was recommended favorably unanimously. He stated that he is going to give an overview. Bill 20 needs an amendment to pull the \$15,000 out. That was recommended favorably unanimously. He stated that the Resolution was not. R19 was 5 – 1.

Mr. D'Amore stated that they will begin the discussion with members of Council and asked if there were any comments from Council. He asked if there were any comments from the public.

Ms. Sharon Frazier stated that the last time she was here; Allentown Redevelopment Authority had a contract the needed to be signed. She stated today, it is not signed, but is not because they are not working towards it. She stated that her and Ms. Hailstone have been working on it diligently and talking about the contract that they had some word changes now with the City's legal department in review and hopefully they will get that process taken care of. She stated that she wants to talk about next year, January 31<sup>st</sup> to June 13<sup>th</sup>, they have

inventory and were here last meeting talking about the costs to maintain the inventory and insurance and other expenses. She stated that in the current budget there is \$220,000 that is allotted that says RCA city. She asked City Council if they had the power to allocate some money for them of \$130,000 to \$150,000 to take care of those properties that they had. They can not do it by themselves. She stated that she understands there are budget cuts, but they are still work with the city and properties to take care of. She stated that they have a volunteer board. Everyone on the board have a job. They have one staff and they are a separate entity and they want to stay that way. She stated that this board has been a servant for the city and have very job work.

Mr. Guridy asked if she is requesting if they could fund for the next budget year \$150,000. He asked if she has a budget for that and provide it to Council.

Ms. Frazier stated that they do have a budget for it and she will provide it to them.

Mr. D'Amore asked Ms. Frazier to please provide the budget.

Ms. Eichenwald asked about the six month period from January to June. She asked if that funding be included when they vote tonight on the CDBG grants. How can we resolve the issue of the \$150,000?

Ms. Baer stated that was voted on last year. That money is already been budgeted. She stated that they are very much aware of what the property management will cost. They absorb the cost within the Bureau of Building Standards and have property management money budgeted so the activities in order to dispose of the properties properly is contained in what they see before them.

Ms. Eichenwald asked if all the activities will be in-house by the Allentown Redevelopment Authority.

Ms. Baer stated the Boards approval of the Authority. The day-to-day staff will be absorbing.

Ms. Eichenwald stated that she is perplexed maybe someone can help City Council here.

Mr. D'Amore stated that he knows it is important to them and is very unusual to have a second time to speak and it is important enough to have it, but he does want to be clear about what they are talking about here. He stated that Ms. Eichenwald asked a procedural question regarding the allocation of the money. He stated that they are discussing the possibility of an amendment, but there are no amendments on the floor.

Ms. Eichenwald stated that she is not making an amendment at this time. She is trying to ascertain how this is supposed to work.

Mr. D'Amore stated to Ms. Frazier that they go back to her if she wanted to respond to that. He stated that it is important for her to respond.

Ms. Frazier stated that the Allentown Redevelopment Authority needs independent information about the blighted process in the city. They need someone in the administration that is staffed there. They are asking for payroll staffing, maintenance for the buildings that they have and that is part of the funding that they need. She stated that the city is proposing is taking back the process totally into their in-house. That does not give the Redevelopment Authority independence.

Mr. D'Amore stated to Ms. Frazier it might be clearer to them if she handed them her proposal. He asked her in her proposed budget they are asking Council effectively for money for staff and property management and legal representation.

Mr. Donovan stated that the question comes down to who carried out the activities in the next fiscal year. He stated that it is a choice and does not know if the administration carries out that work. Is it less expensive or

more expensive if the Redevelopment carries out that work? He stated that the administration argued that it would be less expensive. He stated that if they pull \$148,888 where does that come from. He asked if they had a deadline to get that in. He asked if they could get something done in five months. They have two weeks to go and essentially RDA is saying that can not get their work done without \$158,000 and the administration is saying less expensively. They are now here and he can not make a decision on this, but to say he is going with the administration only on the point that they have to get it in otherwise if he takes \$150,000 out of any of these he would hurt other entities. He stated that it is a mess and both sides are responsible and we are sitting here thinking of what to do.

Ms. Baer stated next Friday, May 13<sup>th</sup>.

Mr. Schweyer stated that there are two issues here and is part of the confusion. He stated to Ms. Frazier that he appreciates what they do. He stated that he still Chairs the Blighted Property Review Board and have worked with all of them. He stated that he had his public frustration and Zoning and Planning are both two independent boards that are charged with being an independent board with city staff. He stated that he does not think they need staff to remain independent. He believes that they should have their own Solicitor. There is property management for future inventory and there is property management for existing inventory. He stated that when they were in their negotiations they categorized it in many different ways that existing inventory will be managed by the city in one way or another. He stated that a concern he has with the Redevelopment Authority is that who's liable for these properties. Who has the liability for the existing inventory? The city should be liable and he is comfortable with the city be liable. He does not think it is fair that the five members have liability over those properties. If the properties are under the ownership of the Redevelopment Authority, but you will not have any funding. He asked Ms. Frazier when is the Redevelopment Authority's funding for the insurance policies up.

Ms. Frazier stated 2013.

Mr. Schweyer stated that he is going to concur with Mr. Donovan and will not pull out \$150,000. He stated that he is concerned over the question of liability and he is happy they are having productive conversations. The question of liability still needs to be worked out, but until those properties are dispensed there will be this hanging issue. He stated that if they can continue to have conversations with the administration and Redevelopment Authority with the understanding that they have these properties.

Mr. Guridy asked for a point of clarification if this budget is for fiscal year 2011 – 2012.

Ms. Baer stated July through June 30<sup>th</sup> 2012.

Mr. Guridy stated that he keeps hearing Ms. Frazier say 2013. He asked what the administration is going to do with those properties. He asked if they plan on transferring those properties to the city. There is an issue with independency. He asked based on the bylaws are they allowed to own the properties.

Ms. Baer stated that is for the insurance.

Ms. Hailstone stated that if the Redevelopment Authority Board is concerned about the responsibility of those properties they can transfer them to the city.

Mr. Guridy asked if the city needed an independent organization to own these properties. He asked why the city needs the Redevelopment Authority.

Ms. Hailstone stated that the city actually have one which is ACRC. She stated to buy and sell properties. The state law gives the Redevelopment Authority the ability to take property through blight which is an ability that the city does not have.

Mr. Guridy stated that since they are able to take the properties through eminent domain, he asked what does Ms. Hailstone expect them to do with the properties right away transfer them to the city because they have no funding.

Ms. Hailstone stated that they have the acquisition money in their budget that they could buy those properties and has the insurance policy.

Mr. Guridy stated to Ms. Hailstone to understand what she is saying. He stated that you are going to with the properties. Do we give them the money to insure them?

Ms. Baer stated that when CDBG money is used to acquire property they have an acquisition disposition committee which staff of the Redevelopment Authority attend and when you buy a property with CDBG funds, you have to say ultimately what you want to do with that property. Is it in such dire straights that you want it demolished or are you buying it for the ultimate purpose of low mod-housing? The Redevelopment Authority itself does not have acquisition money. Their budget is strictly for the operations of doing these two activities. This is a HUD requirement and the city has to tell HUD when they draw money for acquisitions for 123 Front Street, she is drawing it down from a pot of money for low-mod housing. It does not become an eligible activity for HUD until a low-mod family is in that house. She stated that right now the property management and insures the Redevelopment Authority pays and the city reimburses. HUD will still provide those funds.

Mr. Guridy asked is that in the budget.

Ms. Baer stated that they will not provide it to the Redevelopment Authority; they would provide it to the activity or to the property.

Mr. Guridy stated that Dr. Beck-Pooley would come with a list of properties that they have for eminent domain or probably purchased in some cases. He asked if they would reimburse them for the cost.

Ms Baer stated right and the eminent domain properties began and Mr. Paulus can speak to that from what the Building Standards Bureau identified as blighted properties. There are times where the acquisition and disposition committee would find a property that is in the middle of a decent neighborhood, but that one property could be a spot and they would recommend the Redevelopment Authority to purchase that one property what they would consider amicably and not by eminent domain. She stated that ACRC could purchase that property also.

Mr. Guridy stated that his concern is if they are able to do that and the Redevelopment Authority have done that, they need some kind of staffing to do this and is what they are requesting the funding for. He stated that he is not concerned about the solicitor's part because the city can do that in-house, but the management of this will be done by ACRC. He asked if they are saying that the Redevelopment Authority does not need the type of funding that they claiming or the staff that they are claiming because they are going to do it.

Mr. Baer stated that as part of the reorganizations and Ms. Hailstone looked at the strengths of the staff and what they could do that could be fiscally responsible they found that in-house these duties could be absorbed.

Mr. Guridy asked how much funding they are putting in for fiscal year 2011-2012.

Ms. Baer stated for the Redevelopment Authority there is nothing directly to the line item for the Redevelopment Authority but there is function for the acquisition and property management disposition and there is no HUD eligible activity to fund the Redevelopment Authority. She stated that they fund them for the purpose of acquiring properties based on the recommendations for the city A and D committee and disposing of the properties based on the A and D committee.

Mr. Guridy asked Ms. Baer that in effect they are saying that they are not going to fund the Redevelopment Authority for 2011-2012 because we do not need you and what ever you do the law says that the city has to have an independent organization that duty will be fulfilled by the other organization.

Ms. Baer stated that the board of the Redevelopment Authority will still exist and the function of the Redevelopment Authority will exist. The city would not fund staffing.

Mr. Guridy stated than what they would really do for us.

Ms. Hailstone stated that they would approve the process.

Ms. Baer stated approve the process with eminent domain.

Mr. Guridy stated let's say the Redevelopment Authority says you took our funding and we are not going to approve it.

Ms. Eichenwald stated that it has been a painful ten to fifteen minutes for her and a painful process. She stated that she finds this an example of government bureaucracy at its worst. It is evident based on everything everyone can read. It has to be an independent Redevelopment Authority to give approval. It is a difficult thing when you take properties that are owned by citizens of the City of Allentown or not. There are reasons there are Redevelopment Authorities and if you take away their funding you take away all the abilities to function independently. She stated that they have gone around this for a very long time. She is uncomfortable being a City Councilwoman in a city that does not have a true independent Redevelopment Authority. She asked can functions be absorbed by the city to save costs, definitely yes. But to say there will be no funding and yet you expect this volunteer group to act in a responsible fashion just makes no sense. She stated there is all this conversation and all this talk and she is exceedingly uncomfortable. She stated that they need to have some strength of a Redevelopment Authority.

Mr. D'Amore stated that he thinks it is a difficult issue to frame and he knows there are members of the RDA will disagree, he does not see it as a question of independence. It is a question of discretion and that is different. The change that was made in previous years beginning this budget year has been, the city has been a pass-through agent passing money through the Redevelopment Authority Board. Giving the Redevelopment Authority Board the opportunity to have the discretion to hire staff, hire their own property management, and hire their own solicitor. He stated that they should look at each one of these and the reevaluation of the funding of the Redevelopment Authority at budget time last year. The argument on the part of the administration was good argument. He stated that the City Council is an independent body of the administration and they do not have their own solicitor. If he needs legal advice, a member of city council needs legal advice or the body of city council needs legal advice they have to go to the city solicitor, yet they are an independent body from the mayor. It is true for the Controller as well and he does not understand why the solicitor cannot do that for the Redevelopment Authority. He stated that the city cannot afford to give the Redevelopment Authority that discretion anymore and that is a fair thing to say. He stated that is the question, the funds that are becoming more and more precious where are those funds are going to go. He stated that it is more of discretion and not independence.

Ms. Eichenwald stated that she is not arguing if the Redevelopment Authority should have its own solicitor on a retainer, but what puzzles her is that she has often heard Mr. D'Amore say that he wishes to retain the funds in the City Council's budget if a question would arise for a particular issue have to hire their own solicitor. She stated that they do have funding ability as City Council. Why should the Redevelopment Authority not also have that ability to maintain their independence and on occasion where there is a dispute on taking a property have the right to hire a solicitor?

Mr. D'Amore asked Ms. Eichenwald was she asking him the question and stated that he has no problem with the Redevelopment Authority coming to City Council and asking for funds because there is a legal conflict of interest. He stated that he has no problem supporting.

Mr. Schweyer stated that a solicitor for the Redevelopment Authority is not an approved use of CDBG funds. In the case that they are talking about in terms of funding for the Redevelopment Authority that would have to be General Fund dollars. He stated that they can have that argument in December, but for Bill 29, Bill 20, Bill 21, and R 19 is a mute point for this conversation. Those are separate of these funds by federal law.

Mr. D'Amore stated that the proposal requested it.

Mr. Donovan stated housing policies is absolute critical in this City along with a variety of Community and Economic Development strategies. He stated some that have been implemented and others that have never been implemented. He stated that he can not believe that they have gone five months in this tug of war. He stated that he would hate to look back next Spring and see them doing it all again. He urged the administration to do a good job in justifying why they have their stand. He stated that the Redevelopment Authority has not convinced him other than the fact they he feels they have lost an excellent person that helped advise them on housing strategies in the city, Ms. Karen Beck-Pooley which the Mayor sought and put in that place. He stated that he agrees with Ms. Eichenwald that it is a bureaucrat mess that has not gotten solved. If there are any benefits of funding Redevelopment Authority, it needs to be looked at next year.

Mr. D'Amore asked were there any comments from the Council or comments from the public.

### **BILL 29 CDBG-3**

An Ordinance 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; for the purpose of undertaking programs of housing and community development within the City – Communities in School Distribution.

Ordinance Passed, 6 – 0 (Schlossberg recused himself)

### **Bill 20 CDBG-1**

### **Recommended Favorably**

An Ordinance 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; Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act of 1987, as amended; 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.

Mr. Guridy stated that he tried contacting organizations which were the Caring Place, HAO, Casa Guadalupe, and HALA. He stated that he has spoken to some of them. He was not able to speak to all of them and all have not responded, but at least two of them offered comments which he will discuss with Ms. Baer offline. He asked in this bill are they saying there is no funding for ARA.

Ms. Baer stated there is no funding directly to the organization. The activities of acquisition, disposition and property management to be done by city staff are contained within this budget.

Mr. Guridy asked Ms. Baer does she expect them to do the acquisition work that needs to be done. He asked Ms. Baer will the city be doing the paperwork as well as the management. He asked the only thing to city needs Redevelopment Authority to do is approve it.

Ms. Baer stated yes. She stated that like they do now.

Mr. Schweyer stated that he will make an amendment to this that goes back on what they just voted on Bill 29. He stated under the Public Services Section 700-01-7702-0108 Communities in Schools that line item will be

eliminated and the total will go from \$321,415 to \$306,415 for the Public Services Section with an overall reduction of \$1,062,121 to \$1,047,121 to reflect the \$15,000 taken out for Communities in Schools.

Mr. Donovan seconded the motion.

Ms. Bauer asked the question about the \$1 million. She stated that on the front page when it talks about the expenditure of \$4,183,522 that is reduced by \$15,000.

Mr. Donovan seconded the motion.

Ms. Frazier stated that the Board at this time has no intention of transferring properties over and they will come back in a year.

Ordinance as Amended passed, 5 – 2 (Eichenwald, Gurdy)

### **Bill 21 CDBG-2**

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.

Ordinance passed, 7 – 0

Mr. D'Amore asked was it a motion to move R19 up.

Mr. Schweyer stated so moved.

Mr. Donovan seconded the motion.

### **R 19 CDBG Action Plan**

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

Resolution passed, 7 – 0

## **11. ORDINANCES FOR INTRODUCTION:**

### **Bill 31 Schweyer Donation**

**Referred to CEDC**

Three Hundred (\$300) Dollars Supplemental Appropriation as a result of a donation from Councilperson Schweyer to the Bureau of Health for the Nutrition and Physical Activity Program

### **Bill 32 7TH STREET LIGHTING GRANT**

**Referred to Public Works**

Amending the 2011 Capital Fund Budget to provide for a supplemental appropriation of Four Hundred Ninety Nine Thousand One Hundred (\$499,100) Dollars reflecting receipt from a Transportation Enhancement Grant from the Pennsylvania Department of Transportation (PennDOT) to install new street lights, underground wiring, curb and sidewalk repairs along North Seventh Street from Hamilton Street to Turner Street. The Bureau of Traffic Planning and Control is supervising and monitoring the grant.

### **Bill 33 H2O GRANT**

**Referred to Public Works**

Amending the 2011 Capital Fund Budget to provide for an appropriation of Eight Hundred Seventy-Seven Thousand Eight Hundred Six (\$877,806.00) Dollars reflecting receipt of funds from a state H2O PA program grant. The Bureau of Engineering is supervising and monitoring the funds to replace/rehabilitate portions of the City water distribution system.

**Bill 34 OLD ALLENTOWN STREETScape GRANT****Referred to CEDC**

Amending the 2011 Capital Fund Budget to provide for a supplemental appropriation of Four Hundred Forty Four Thousand Six Hundred (\$444,600) Dollars from the Federal Highway Administration through the Pennsylvania Department of Transportation, Community and System Preservation Program providing funding necessary for the construction of the Old Allentown Streetscape Improvements program.

**Bill 35 SEMIQUINCENTENNIAL GRANT****Referred to CEDC**

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Fifty Thousand (\$50,000) from the Commonwealth of Pennsylvania Department of Community and Economic Development toward the planning of the City Semiquincentennial Celebration.

**12. CONSENT AGENDA: NONE****13. RESOLUTIONS ON SECOND READING:****R19 Moved up****14. RESOLUTIONS ON FIRST READING:****R26 2461 Emaus Avenue Sewage Plan Module****Referred to Public Works**

Sewage Plan Module for 2461 Emaus Avenue

This would allow a business owner to connect to the City Sewage system – the plan is for a car wash and small Laundromat – the plan has been before the Planning Commission – there were no objectors. Before anything moves forward, a resolution needs to be passed allowing the connection.

**15. NEW BUSINESS**

Mr. Bennington stated that he will be missing the next City Council meeting, but will have adequate representation.

Mr. Guridy stated that at one point that they voted and it was a 4 – 3 vote to keep Ms. Phyllis Alexander at Bucky Boyle Park and his understanding is that Ms. Alexander is now at the City Hall building and that has not panned out and he did not know about it. He stated that Ms. Alexander's office is now in the City Hall building and he wanted to know what is going on. He asked was he the only one that did not know that.

Ms. Eichenwald stated that she did not know that.

Mr. O'Connell stated that he did not know.

Mr. Schlossberg stated that he did not know that either.

Ms. Eichenwald asked where Ms. Alexander's office is. She asked if Ms. Alexander was moved to the City against City Council's vote.

Mr. Bennington stated that it was a Resolution.

Ms. Eichenwald stated that is a disgrace.

Mr. Guridy stated that they strongly debated it and recommended it and they were not told about it. He stated that he thought he was the only one that did not know and he went to a meeting last week and they told him this and he felt like a fool because he did not know anything about it. He stated that City Council voted on it

and check and we did 4 – 3. He stated that he would have appreciated it if the administration would have told them this. He stated that he did not have a chance to talk to anyone else about it.

Mr. O'Connell stated to Mr. Guridy that he is glad he brought it up because he voted in favor of keeping Ms. Alexander down at Bucky Boyle Park. He asked why they are here. He stated that they voted 4 – 3 to keep her office at Bucky Boyle Park, it should have been a courtesy with the administration via a phone call or an email to tell them what is going on. If it only is a Resolution and a Resolution should not be followed they should have none that. It is just common courtesy.

Ms. Eichenwald thanked Mr. Guridy for informing them and stated that it is a disgrace. She stated that they sit there week after week and are the elected representatives for the City of Allentown and their wishes need to be respected.

Mr. D'Amore stated that he voted against this Resolution, but majority and his job is to represent City Council and City Council made a determination. He stated that it was a recommendation and they can not mandate administrative discretion, but the will of Council was clear and these are the kinds of matter that gets in the way for them to work together. He stated that when the City Council speaks and then again they can not prevent the administration from making an administrative decision, but the administration understands that the City Council spoke and disregarding the suggestive nature of the Resolution and not telling them that they understands Council feels strongly enough about it to pass a Resolution, and they decided to go the other way anyway. That would have been the courtesy that he would like to see.

Ms. Hailstone stated that she will take responsibility and apologized. She stated that she thought Council knew that. She stated that they did leave Ms. Alexander down there for a few months and the electrical bill came in over \$2,200 for January and February and the CACLV staff was moving out. She stated that the city felt that it was the best decision fiscally and for Ms. Alexander's sake not to be there alone and have her move into City Hall.

Mr. Guridy stated that although it is a Resolution at least advise Council by courtesy of the administration that they took responsibility of that. He stated that building was built with a purpose to have community functions there and he hears that people are having a hard time using that building and he does not think anyone is there all the time like it used to be. He stated that they spent a lot of money on that building and fixing that park and people wanted it fixed and they all worked on it and passed legislation and moved money around to have it fixed and for a while he attended several function there including parades and people walking to events and was commendable for the city to do that. He stated that they saw a diversity of people and they strive to do that everyday and now he does not know what type of use it is for the building. It is a big deal that a community group wants to use that building.

Ms. Hailstone stated that if a community group wants to use the building, they just have to contact Parks and Recreation to reserve it.

Mr. Guridy asked if it was public news. He stated that he would pass information to people.

Ms. Hailstone stated that Council always was aware of that.

Ms. Eichenwald stated that decisions like this has far reaches consequences and speaks to the essence of the neighborhood and the community and the value of the building had for the people that live in the area. She stated that she too remembers the difference that building made and it will be very hard to reinstitute some of those wonderful programs that meant so much to the citizens. She stated that she is painfully saddened by this decision.

Mr. Schlossberg stated that the next time they sit there the Primary would have passed and for those who decided to stick it out remember to vote on Tuesday, May 17<sup>th</sup>.

17. ADJOURNED 9:30 PM