



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, December 16, 2015

6:30 PM

Council Chambers

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#### Public Hearing for Liquor License Transfer

#### Public Hearing for a Liquor License Transfer to Kaur's Market, Inc. 450 N. 7th Street

#### Roll Call

**Present:** 7 - Ray O'Connell, Julio Guridy, Joe Davis, Jeanette Eichenwald, Jeff Glazier, Daryl Hendricks, and Cynthia Mota

#### PUBLIC HEARING NOTICE

#### INTERMUNICIPAL LIQUOR LICENSE TRANSFER REQUEST

Allentown City Council will conduct a Public Hearing on Wednesday, December 16, 2015 at 6:30 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on the request for the Intermunicipal Transfer of Liquor License Number E-2173, Keystone Pizza Partners, LLC t/a Pizza Hut, from 7720 Main Street, Suite 16, Fogelsville, PA 18051 to 450 N. 7th Street, Allentown, PA 18101 (Kaur's Market, Inc.). The transfer applicant is Kaur's Market, Inc. There will be a resolution on the council meeting that follows the public hearing that will allow City Council to approve or disapprove the transfer.

Mr. Ray O'Connell stated please note that the Public Hearing was duly advertised on November 30 and December 8 in The Morning Call. All members of Council are present as well as the applicant. The procedure, Council will take testimony and evidence in support of the application from the applicant. Upon the conclusion of their testimony, members of Council have the opportunity to cross-examine the applicant on the subject matter of the testimony and after that any members of the public that have an interest in the application are permitted to cross examine the applicant. Upon conclusion of the cross examination of the applicant, Council will take testimony in support or against the application. The order will be first, the city administration, to be followed by members of the public who has an interest in the application. The applicant will be permitted to cross examine all those testifying in this phase of the hearing. We will start the hearing. Mr. Hanlon, please read the start the hearing and procedures and enter into evidence documents.

Mr. Mike Hanlon stated anyone who intends to testify would you raise your right hand and please stand.

Mr. Ray O'Connell stated please stand and raise your right hand. We have the applicants. Raise your right hand, please.

Mr. Mike Hanlon stated say I swear/affirm to give the whole truth and nothing but the truth and just repeat and say I do.

Mr. Ray O'Connell stated that applicant proceed and follow procedures. Mr. Zeller this is all yours right now.

Attorney Ted Zeller stated good evening honorable Council. My name is Ted Zeller and I am here representing Kaur's Market Inc. This facility is located as mentioned at 450 N. 7th Street, This is the site of the former Liberty Lunch at the corner of 7th and Liberty. For decades it has had what's called an E-License. An E-License is not a restaurant liquor license so there is no sales of spirits or wine at the facility. It is beer only. Liberty Lunch has changed hands over the years and the recent tenant currently has an E-License in the establishment and has been operating like I said for decades. That tenant is leaving the facility. By way of testimony, it is my intent to offer you a summary of my client's testimony and then have her affirm my testimony as honorable president O'Connell had mentioned to open it up for cross examination. All that is happening right now and with me up here is Kuljinder Kaur and her husband, Sargent Sing. They live in the city of Easton and they actually Kuljinder and her brother and sister in-law bought this building at 450 N. 7th Street in 2011 so she owns the building. The current tenant is leaving and taking the liquor license with them. So we don't know where they are going. My understanding, it is going into safe keeping and do not have another site set up. I don't know exactly what the tenant is going to do with the license. In order to maintain a business in the building that she owns Kujinder formed a company called Kaur's Market, Inc., located a Pizza Hut License that was in Fogelsville and it is the same license class. It is an E -License, E-2173. That is defined as an eating establishment under the Pennsylvania Liquor Control Board Rules. It is the same class. it is beer only. This facility is only about 1200 square feet. You are talking about 30 seats. Hours of operation will be 8:00 AM to 2:00 AM. It offers a limited food menu of fries, hot dogs, hamburgers, but it is very limited food items. This is more of a quasi convenience store. There are other types of beverages sodas, there are tobacco products, there is soda in the current business operations and Ms. Kaur is not really planning on changing the type of food offerings or snack items or beer items that are currently being offered. She may look to the lot that is contentious to it. She may look to expand into that space, but that is not what's before you and certainly we are only here for the liquor license consideration. We are not here for zoning or building permits. Any of those things will be independently sought and achieved in a different process, but really this is not something that we are projecting that we will look at. This is our grand plan and this is not a fine dining establishment. There are no ifs and or buts about it. It is a 1200 square foot very small

facility, infrequently are people in the facility, drinking. There is no live entertainment. There will be no live entertainment. There is no bands. This is simply your beer only type of six pack shop that Liberty Lunch has kind of always been. It had a much more vigorous lunch business. Back in the day, but Ms. Kaur doesn't plan on changing the operations in any way shape or form. With that in mind, did I get everything right. Are there any questions you want to start with before because I think we have interested parties here, it appears.

Mr. Ray O'Connell stated that he wants to make a clarification. Liberty Lunch has an E-License now which is beer only and they can sell beer on premise and take six packs out. You are requesting the same E-License. Sell beer on premise, take six packs out. No wine, no liquor.

Attorney Ted Zeller stated that is correct.

Mr. Julio Guridy stated that he has a comment and a question. He will make his comments first. He heard that you purchased this property and I also heard that you have been very responsible there from various people which I heard that someone was there drunk and you threw them out and got them out. That is what we are looking for however, I am concerned about the time. It says 8:00 AM - 2:00 AM.

Mr. Ted Zeller stated that is the current operations.

Mr. Ray O'Connell stated that he wants to follow up with Mr. Guridy. Is it fair to say that let's say there may be a tavern somewhere else in Allentown and they have a license. Let's hypothetically say hypothetically they have beer, wine and liquor. The whole nine yards. Their hours of operation can also be from 8:00 AM - 2:00 AM. Is that true?

Attorney Ted Zeller stated that is the state and the current Pennsylvania Liquor Control Code for all type of license class. The distributors believe it or not are allowed to sell around the clock, but they choose not because it is not a lot of business. Clubs are allowed to be open until 5:00 AM.

Mr. Ray O'Connell stated clubs are. Are there any other questions from my colleagues.

Mr. Jeff Glazier stated that he is looking at the appraises of what an E-License is, but is there a minimum amount of business that the business has to generate with in-store food sales to qualify for this.

Attorney Ted Zeller stated no. You might be looking at an economic development liquor license.

Mr. Jeff Glazier stated that he is just asking. He doesn't see it specified, but just asking. They are going to maintain how many seats within the restaurant?

Attorney Ted Zeller stated 30. By law they have to attain at least 30. if they have their choice to maintain. This is not a place where people are frequently hanging out. Back in the day Mr. Carousel. I remember him.

Mr. Jeff Glazier stated essentially what you are saying and what the applicant would maintain is that getting the same kind of license maintains the status quo for the business in the area.

Attorney Ted Zeller stated yes, it is kind of a shame that tenants leaving on their part and is an unrelated entity and now she is left with a building and is going to have to find a way to get another tenant in there and she is taking the lead herself.

Mr. Ray O'Connell asked any other questions from my colleagues.

Ms. Jeanette Eichenwald stated that she would like to pursue for a moment the 2:00 AM closing because that is also of concern. Are there other establishments in the immediate facility on 7th Street that are open until 2:00 AM.

Attorney Ted Zeller stated yes, what is open until 2:00 AM there. There are places that closed down and certainly should have closed down. I believe the Old Sterling Hotel probably sometimes are open until 2:00 AM. I think that still is. There is another place on N. 7th Street called Indian Caf&eacute; that I think is open until 2:00 AM.

Ms. Jeanette Eichenwald asked what are the hours when it was Liberty Lunch. It was open until 2:00 AM.

Attorney Ted Zeller stated that it always has been from what I understand.

Mr. Ray O'Connell asked is Dick's still open on 7th and Washington.

Mr. Daryl Hendricks stated that he believes it is.

Mr. Ray O'Connell stated is that still open. It is? Madison Inn, not the Madison Inn, the Cookie on 7th and Allen.

Attorney Ted Zeller stated that he sold his license. They might have a license.

Mr. Ray O'Connell asked they have a license.

Attorney Ted Zeller stated that he is sorry.

Mr. Ray O'Connell stated that he is just trying to get what is happening on 7th Street right now.

Mr. Julio Guridy stated that there is another place that is open I think. It is on the corner of 7th and Allen.

Mr. Ray O'Connell stated years ago.

Mr. Julio Guridy stated that there was a bar there.

Mr. Ray O'Connell stated across from Central Cafe.

Mr. Julio Guridy stated yes, right across from Central Cafe;.

Attorney Zeller stated right across from Central Cafe; and that gentleman lost his license. For good reason, yes.

Mr. Ray O'Connell stated yes, on New Year's Eve.

Attorney Ted Zeller stated that there is another one that was in the paper today on Tilghman Street that is open until 2:00 AM as well. The Red Barn. They are for liquor licenses. This is a beer only.

Mr. Ray O'Connell stated Mr. Hendricks, go ahead.

Mr. Daryl Hendricks stated that he doesn't have a question per se, but more of a comment to make. As a retired member of our police department, one of my responsibilities is that I ran a number of operations where we looked at some establishments that were suspected of selling to minors and this does pre-date your ownership of it and I want to make it clear that I am not inferring that you would in any way, I am just suggesting that you make a very careful consideration that you watch out for it underage attempts to purchase alcohol. Because during those operations I did receive information that this establishment was known to sell to minors and that is something that we take very seriously. I just ask that you are careful about that and be certain that your employees do likewise.

Ms. Cynthia Mota asked what is the procedure. Is it only them that is going to be trained or does that include all the employees.

Attorney Ted Zeller thanked Councilman Hendricks.

Mr. Ray O'Connell asked any other comments from my colleagues on Council.

Ms. Cynthia Mota asked what are the changes again. Can you tell us about the changes if they are going to take ownership again?

Attorney Ted Zeller stated no, we are not proposing any changes.

Ms. Cynthia Mota stated so there is not going to be any changes.

Attorney Ted Zeller stated no. They might expand. They would love to use grant money to fix up the facade, but the prior owner that had some issues took that money and fixed up the facade. They are really just trying to replace a tenant that is leaving with the license. They don't own the license and don't have interest in the current license so that tenant is taking the license and leaving. We are not really proposing changes. They are leaving all the equipment behind and they are taking over.

Ms. Cynthia Mota stated that it is not going to be a restaurant. It is going to be fast food.

Attorney Ted Zeller stated that it is fast food and he is not going to try. It is what it is. I have been here for many different types of restaurants and some of them are very fine dining and certainly this one is more on the convenience side. Fast food, various types of snack items that go along with fast food. Soda, tobacco products is generally what you see at this facility.

Ms. Cynthia Mota stated that she was wondering how many people do they employ or are planning to employ.

Attorney Ted Zeller asked how many employees.

The applicant stated one or two.

Attorney Ted Zeller stated in addition to themselves, one or two people. It is 1200 square foot which is not even as big as this Chambers.

Ms. Cynthia Mota asked what are they going to do different to prevent.

Attorney Ted Zeller stated like a Wegmans I can recommend 100 percent carding policy. I do that with a lot of my clients, but they have to go through

a responsible alcohol management program that is required by the state and that program teaches you that anybody appearing under 35 years old should be carded. They are going to be trained on that and will have to follow that policy. I am getting to the point with my clients that I just do 100 percent carding because some of the grocery stores have started to do it and it has become such common place that no one really minds as much anymore, but I can't say that they are going to be or follow my advice, but certainly they are going to follow the training advice because they have to get certified in order to carry on the license. All managers now under the liquor code have to go through the Pennsylvania Liquor Control Board Responsible Alcohol Management Program within six months of licenser.

Ms. Cynthia Mota asked will they only be trained or is it for all employees.

Attorney Ted Zeller stated that it is not required for all employees. The bar can become RAM Certified by getting at least 50 percent of the servers trained. I hand out the brochures and go from there.

Ms. Cynthia Mota stated ok. Thank you.

Mr. Ray O'Connell thanked Ms. Mota and directed to Mr. Glazier.

Mr. Jeff Glazier stated that he has another question. You said that they are going to maintain 30 seats and you also stated that they are going to broaden the offerings that the business will have and a convenience store as well.

Attorney Ted Zeller stated that he doesn't know if it going to broaden the offerings. When we filed the original application, it has been a long time and I haven't done a site visit in a long time. There are certain restrictions that when you face a certain category of food items that fall into the supermarket classification you have to separate that premises from the prepared foods and snack items.

Mr. Jeff Glazier stated that I know that they have to keep 30 seats. The question is how many seats does the business have now.

Attorney Ted Zeller stated 30 seats. They are not going to broaden food items. I don't think you are going to see a significant broadening of the food items. If they expand, then yes.

Mr. Jeff Glazier stated if they expand and it's physically going next door or I don't know if they bought both properties where the Italian Ice place was.

Attorney Ted Zeller stated yes, if you notice there is a vacancy and their

cooler sits right behind it and then there is a nice facility and there is an apartment upstairs from this.

Mr. Jeff Glazier stated I got it. I think you answered my questions.

Mr. Ray O'Connell thanked Mr. Glazier and asked any other comments from my colleagues.

Mr. Julio Guridy stated a quick comment, I personally and that area is probably the most ethnically diverse area in the city in regards to food. I know right down the street there is a Turkish restaurant, an Ethiopian down the street and right over I think it is a Turkish or middle eastern food, but then across the street it is Chinese. Anyway, the issue is I would love to have seen you expand the menu items there and have some ethnic if that is possible.

Attorney Ted Zeller stated authentic Persian. We can talk about that later.

Mr. Ray O'Connell stated that he just thought that Liberty Lunch right down the block is Yocco's and they have a beer license, don't they? They have been selling beer for years. Any other questions from my colleagues? He said seeing none, Mr. Zeller why don't and your applicants take a seat in the front while we have some other people from the public that want to come up and make comments and probably ask questions. He stated that the people that stood up and raised their hands, please come up now and who ever wants to. Welcome, name and address.

Ms. Lesley Silago, 715 W Tilghman Street - the Parish Administrator at St. Lukes Lutheran Church, which is about 150 feet away from Liberty Lunch. Some of the comments that I heard about Liberty Lunch have sold beer for years. I have been a resident there for 33 years and being at the church for 32 years. The area where that is located has become a multi-cultural, different types of ethnic food. That is part of the planning of the 7th Street Development Committee and the facade work and the rehabbing of different businesses and stuff. However, the character of the Liberty Lunch is vastly different than what it what 30 years ago where it was a blue collar working mans place to stop in and get some great food, maybe have a beer. That has not been the focus of the business. It is a minimum supporting of food stuff, but the primary sales is directed of the sale of alcohol consumption. We at the church has always get 40 ounce bottles out of the parking lot. There have been many instances, I'm sure Daryl remembers the problems with drunken disorderly and this is no reflection of the current owners, but do we need to have another facility. We have multiple bars that you mentioned that are open. We also have a beer distributorship at 6th and Liberty Street and Jordan and they are open quite



late. I have some concerns about where this license transfer will go in terms of hours and there are no other businesses in that area that stays open until 2:00 AM in the morning. We are a mixed residential and retail and in referencing the PLCB information for retail booklet number 19, it states that the proposed premises are within 300 feet of any church, hospital, charity institution, school or public playground or other restricted institution you have cause to consider that and since the church is right across the street and there is also a children's neighborhood center program across the street. We are about 150 feet away and the neighborhood center is probably around 75 - 80 feet away from Liberty Lunch. I know that this is suppose to be a transfer, however, I don't know if it fits into the long-term safety of the neighborhood and perceptions of the problems that you have in that neighborhood. So I ask you to consider the denial of that license for those reasons.

Mr. Peter Lewnes, 445 - 447 N. 7th Street, directly across the street from this facility and I am the Main Street Manager for the 7th Street program. Liberty Lunch when they were there, I moved in 2003 and I started visiting Allentown in 2001 and Liberty Lunch was an iconic Allentown institution and they were known for their food and selling beer. This place unfortunately sold and it has gotten better, but has turned into a place that we call the police. Captain Dorney and I had a great relationship and probably 30 calls a week in terms of the fact that there were people drinking outside causing tons of problems in this facility. This is no reflection of the current owners, but we were, the 7th Street Development Committee was trying to get the liquor license revoked at the state level. It is direct in contrast of the work we have done in over the last ten years. It is an opportunity to kind of if not prevent the transfer of sales, or the liquor license because it is like with like, let's cut it back to 10:00 PM. Most of our businesses on 7th Street now closes at 10:00 PM. Mr. Dicks, they realize it and they came in and complained and they hired their own security guards and they are there all the time. They were going to be shut down and in the time we were shutting down places like Trinkles and the other bar that was on Linden Street. They got nervous. Cookies Inn closed down after their fire and have not reopened. The building is under new ownership and responsible ownership. Just right now what we have an opportunity now to impact our neighborhood. I lived directly across the street from this place and I see people hanging out all the time. On the weekends, in the middle of the winter, there are people standing outside to 2:00 - 3:00 in the morning. It is just too late for our district and the wrong impression for 7th Street driving down on the street and you see people hanging out all the time. It's an opportunity for us to help the neighborhood and I appreciate anything you guys can do.

Pastor John Landus, St. Luke's Lutheran Church, stated that he works with

Lesley Silago and the Neighborhood Center which is even closer to Liberty Lunch. Both Church Council and the Board of Director for the Neighborhood Centers are concerned about this. We have 25 students in our elementary program, about 25 students in our teen program that are there every afternoon. We have two sessions of pre-K upstairs in the building. We are just concerned about the safety of our children and the example that we are putting out for them.

Mr. Ray O'Connell thanked Pastor Landus and asked anyone else. Any testimony. I saw that the people that did raise their hands came up and spoken. Mr. Zeller at this time you can ask questions, go back and forth, a little dialogue or rebuttal.

Mr. Julio Guridy stated that you don't have to.

Mr. Ray O'Connell stated you don't have to, but we are just taking the testimony. Why don't you come up here.

Attorney Ted Zeller stated that he is just curious. Where is the proximity of the church.

Pastor Landus stated it is 150 feet.

Attorney Ted Zeller stated is it across the street.

Mr. Ray O'Connell stated that it is on Turner Street, down the hill. It is between Liberty and Gordon.

Ms. Silago stated that it is 150 feet away from the facility.

Attorney Ted Zeller asked if he picked up on everybody's testimony. Thirty years ago or twenty years ago, it was the iconic Liberty Lunch and then it fell weigh ward for a while.

Ms. Silago stated it has been a downhill spiral.

Mr. Peter Lewnes stated even Yocco's closes at 11:00 at its latest. They are not open until 2:00 AM in the morning. Yocco's has come and it never was a problem and they saw the problems and decided on their own to close at 11:00.

Attorney Ted Zeller stated that he thought there was some commentary that there was no reflection on the owners. Mr. Peter Lewnes stated not these current owners.

Mr. Peter Lewnes stated not these current owners, but over the last five years this place has been ground zero for the worst activity on 7th Street. It has been an awful, awful place to live across the street from actually having our district with up to 30 people hanging out drinking. I mean we had people passed out on the street in that location. It is ground zero for the worst activity on 7th Street.

Attorney Ted Zeller asked if that is reflected in police reports and police calls.

Mr. Peter Lewnes states yes.

Attorney Ted Zeller asked City Council if they have received any police commentary that this would with the volume of police reports it seems to be indicated.

Mr. Ray O'Connell stated that one person speaks at a time, not 10 of us. I personally have not. I am hearing this for the first time, but I am absorbing it.

Mr. Julio Guridy stated that he has not gotten any comments or any complaints from residents nor the police. However, and I have as I said early I heard the opposite actually that they were very responsible. Now, saying that what I am thinking is my first impression of what I said about 2:00 AM. I did not know that it was open until 2:00 AM before. However, if we were to recommend this license to be transferred I would recommend to my colleagues that we curtail that timing. Eleven o'clock may be better, ten o'clock or anything that we could agree upon, but I am very concerned about having a place opened until 2:00 in the morning particularly because what I heard from people that are trying to turn the neighborhood around. I want to make the point that they did not say anything about that current owners, but I would like to because of the population in that area and what is going on I really would feel very uncomfortable opening until 2:00 AM in the morning.

Mr. Ray O'Connell stated that his mother always said nothing good ever happens after midnight. Possibly nothing good will happen after 11:00 PM. I heard from Mr. Lewnes whom I respect tremendously of what he did on 7th Street. Yocco closes and stop selling beer at 11:00 PM and you said you straightened out Mr. Dicks. What time do they stop selling beer.

Attorney Ted Zeller stated that they are more of a bar establishment.

Mr. Ray O'Connell stated that they are more like a Tavern on the West End.

Mr. Peter Lewnes stated that the woman who owns the place now is in her office and she has worked with us. She actually met with Captain Dorney when Captain Dorney was the head of Center City and he came to the location and she was proactive about it so what she did is hire her own security guards to manage the people around the location. She is more of a bar.

Mr. Ray O'Connell stated that is fair. Mr. Zeller you asked about have we received any complaints, no but I am sure we have a former Captain here and I am sure if we dig into the Police Report we can get some points that we mentioned by the people that have come to speak.

Mr. Michael Hanlon stated just so you know we sent a letter to the Police Chief Mr. Morris and Mr. Morris sent us something back that we have nothing negative to report related to this address regarding the application so we do send the applications to various departments.

Attorney Ted Zeller stated that was his understanding of the procedures and wanted to call ground zero for trouble I would assume that it would be reflective in the reports.

Mr. Peter Lewnes stated that they can get those reports.

Mr. Ray O'Connell stated that he understands and he doesn't want to prolong the process. He stated Mr. Zeller you are representing your clients and you have been here in front of us in the past and obviously you are very well respected in the field. Do we have wiggle room here.

Attorney Ted Zeller stated that it would be his recommendation that if based upon what I am hearing it would be my recommendation that this would as a condition of approval will close at midnight.

Mr. Ray O'Connell stated so the wiggle room will be midnight.

Attorney Ted Zeller stated there are a lot of facilities that are open past 12:00 so I don't want to disadvantage my clients trying to make a small business work.

Mr. Ray O'Connell stated so the concession would be that they will close and stop selling beer or close and stop selling beer so that no one could drink beer after midnight. He asked his colleagues any comments on that.

Attorney Ted Zeller stated that Council should give an opportunity for the public to speak as well.

Mr. Ray O'Connell stated he understands. Go ahead Mr. Hendricks.

Mr. Daryl Hendricks stated ironically I stopped into Yocco's today and they have told me that they are actually curtailing their hours even further. Even to the point that they are closing on Monday and I do know the area very well. As I said, I have been involved up until two years ago on the job there. With all due respect to the other business owners on 7th Street I think that it would be much more compatible to us to limit those hours to 12:00. And, I think 12:00 is very reasonable especially on the weekends and quite honestly, business is going to dictate the hours they are going to open until. If they are not having business between 10:00 and 12:00 they are not going to want to stay open. I do believe 2:00 in the morning is not reasonable for that area and for all the progress on 7th Street I would be reluctant to make it longer than midnight. Attorney Ted Zeller stated that he understands.

Mr. Ray O'Connell asked any comments from the objectors, Mr. Lewnes, or Pastor.

Mr. Peter Lewnes stated that he thinks during the week would be better at 11:00 and that is just my thing. Monday through Thursday until 11:00 would be good and on the weekends until 12:00. There is no reason during the week to stay open later. We are a neighborhood community and there are people sleeping. But, any pushback or wiggle room will be great.

Mr. Ray O'Connell asked Mr. Lewnes to say that again. Monday through Thursday to 11:00 PM.

Mr. Peter Lewnes stated yes, and the weekends until midnight on Friday and Saturday.

Mr. Ray O'Connell stated until midnight. Mr. Julio Guridy stated that he could live with that.

Mr. Ray O'Connell asked the public who came up could they agree to that.

Pastor Landus stated yes.

Mr. Ray O'Connell asked all three to come up. That would be helpful. You will be open on Sunday, also.

Attorney Ted Zeller stated yes, they are currently open on Sunday.

Mr. Ray O'Connell asked if they could sell beer on a Sunday too.

Attorney Ted Zeller stated that is when the food comes in. If you serve

more than 30 percent food you are allowed to be open on an extra day.

Mr. Ray O'Connell stated that he would hear Ms. Eichenwald. Sunday through Thursday at 11:00 PM and Friday and Saturday at midnight. I could live with that.

Ms. Jeanette Eichenwald stated that she also lends her voice to the earlier closer especially in lieu of the fact it is customary by legislation that if is less than 300 feet away from an establishment so the objectors have very strong grounds and I would only vote for this if they closed by 11:00 PM from Monday through Thursday and midnight on Friday and Saturday.

Attorney Ted Zeller stated that he would assume Council would exempt holidays until 12:00 midnight.

Mr. Julio Guridy stated yes, that is ok.

Mr. Ray O'Connell stated that is fair.

Mr. Jeff Glazier stated nationally recognized holidays.

Ms. Jeanette Eichenwald stated it depends on the Holidays.

Mr. Ray O'Connell stated yes, it depends on the holiday.

Ms. Jeanette Eichenwald stated that she recognizes Attorney Zeller that you represent the clients, but she would feel better if the clients gave their verbal agreement to this.

Attorney Ted Zeller stated that he needs to speak with them. There is some sort of language barrier.

Ms. Jeanette Eichenwald stated before we vote on this.

Mr. Ray O'Connell stated you almost need to speak to them now.

Attorney Ted Zeller stated that he understands that, but what you are telling me that it is either going to be disapproved or it's approved with conditions. There is not much negotiations here which way to approve. I don't have a say here. I can appeal the decision somewhere else. I can speak with them now and come back to you, but I can submit to you that we kind of negotiated the way.

Mr. Ray O'Connell stated that is alright. Mr. Guridy go ahead.

Mr. Julio Guridy stated Attorney Zeller we seemed to be on that issue now in regards to the condition. It is not necessary a condition, but a suggestion that we familiarize with the 7th Street Program the Peter Lewnes is running because I think it would be better for them to actually create that kind of partnership in that neighborhood.

Attorney Ted Zeller stated that he appreciates that, yes.

Mr. Ray O'Connell stated ok, thank you. Everyone that raised their hands and had their time to speak this testimony and hearing is adjourned. We will be making the decision later on in our Council meeting. Thank you Mr. Zeller, thank you clients and objectors.

Attorney Ted Zeller asked if Council needs him for later.

Mr. Ray O'Connell stated that we would really like for you to be here later because there will be conditions of approval or disapproval.

Mr. Julio Guridy stated that we could probably move it up.

Mr. Ray O'Connell stated that we can move it up. We will move it up.

Attorney Ted Zeller stated thank you.

Mr. Ray O'Connell stated thank you. At this time, we have been going since 5:30 PM.

**ADJOURNED: 6:37 PM**