

**Julio Guridy, President**  
**Ray O'Connell, Vice President**  
Joseph Davis  
Jeanette Eichenwald  
Cynthia Y. Mota  
Michael Schlossberg  
Peter Schweyer



**Allentown City Council**  
**435 Hamilton Street**  
Allentown, Pa. 18101  
AllentownPa.Gov  
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**COUNCIL MEETING MINUTES**  
**June 6, 2012**  
**COUNCIL CHAMBERS**

**Council Meeting – 7:00 PM**

**1. Invocation: Julio Guridy**

**2. Pledge to the Flag:**

**3. Roll Call:** Davis, Eichenwald, Guridy, Mota, O'Connell, Schlossberg, Schweyer  
Dale Wiles represented for the Solicitor's office

**4. Courtesy of the Floor**

Ms. Paulette Hunter, Allentown, stated that there have been a lot of accidents on her street between 8<sup>th</sup> and 7<sup>th</sup> Street on Tilghman and asked if Council could take a look at that street to see if they could do something about it. There were two accidents this week. There was an accident today and one on yesterday or the day before. Her car has been hit five or six times on that street already.

Mr. Fran Dougherty stated that he will facilitate a conversation with the director of Public Works about a possible traffic study and will get back to you.

Mr. Schweyer stated that they talked to Captain Hendricks that is in charge with our traffic control with the police department.

Mr. Ken Heffentrager, 11<sup>th</sup> and Washington Street, stated that he is the new vice president for the tenants association for Allentown and wants to speak about the residential rental unit inspection program that has a serious flaw to it. A unit is inspected once every five years. He spoke to half of the code enforcement guys and they agree it is once every five years. That is seriously a too long of a period of time. Do you know how much can go wrong in five years? There are plenty absentee landlords in this city that has someone there to collect the money for them. In five years, the city comes out and tag it for unfit for human habitation and they get a bill and realize how much it cost to fix the property and it is out of their means. He looked at 44 cities ranging from 5,000 to 1 million people with the rental inspection programs that they have and we are one of only five that has a five year cycle. He believes Hopkins, Minnesota has the best program that is a point system which a certain amount of points every three years, more than that, it is every two years and up to a certain degree; it is every year until these people can get their act together. In five years some of these guys don't care. He thinks this process will decrease the amount of properties that are being deemed blighted.

Mr. Dennis Pearson, east Allentown and president of the East Allentown Association, stated that he would like to invite all members of council and the administration to come to West Park on the 14<sup>th</sup> of June for flag day ceremonies in which three students from the Allentown School District middle schools will be honored for their essays and poems on flag day. The last few months they had people coming to their meetings and indeed they are very much concerned on the work on Hanover Avenue is a bit delayed although there is an

explanation that the work on the fire station is delayed more than promised. He does not anticipate problems on Tuesday, but at this point the fire station going to the Planning Commission for decisions is unnerving. He does not expect them to vote against it, but they had it as a subdivision before the Planning Commission. Our neighborhood has awarded its mini grants to two students from Dieruff High School, a female and a male and they will continue that for next year as well. He stated for Mr. Dougherty's sake coming out of Philadelphia there is a group called the NSS Philadelphia and is a group Ariel Space Alliance in which NSS this area included Lehigh Valley. This year, in Washington, DC they were NSS Chapter of the Year for their activity in promoting space civilization.

Mr. O'Connell thanked Mr. Pearson for undertaking that essay contest for the Allentown School District's middle schools. That is very good for the community and the school district.

Ms. Pam Wheller, Center City Allentown, stated that one of the questions she has pertains to zoning as far as exterior buildings. The Laundromat that is behind her put a shed up because there is a walk is between the buildings that are Ninth Street. He put a shed there and that is a problem with safety. That area unfortunately she sees a lot of things. People urinating on the wall and she put her dog out at night and he is barking because there is somebody hanging out by the sheds there. Her neighbor complained because he has seen people engaging in sexual activity and with that shed back there anybody could hide back there. She was wondering if there is any city ordinance that requires a property owner to put an exterior shed on their property.

Mr. Peter Schweyer stated that the short answer is yes, but it depends on the setbacks, the size of the yards and if it is located close to the property line. We cannot give you a blanket yes or no we are going to ask that you give the address of the property in question and the administration will take a look.

Mr. Dougherty stated that a zoning officer will be sent out.

Ms. Wheller stated that she appreciates that because her neighbor who has a business behind the Laundromat has concerns as well. He asked her to come to the City Council's meeting to bring it up because it is a safety issue. It is on Ninth Street and Fountain Street on Linden. It is a problem; she talked to some of City Council about the music that rattles her building 3:30 in the morning. It is frustrating to her because she has to live there.

Mr. Schlossberg made a motion to suspend the rules to introduce and vote on R-35 – Dismissal of Robert H. Leuthardt, Jr.

Mr. Schweyer seconded the motion.

Mr. Hanlon stated by common consent a motion to suspend the rules and introduce the Resolution and the Resolution reads as follows:

**WHEREAS**, Robert H. Leuthardt, a police officer employed by the City of Allentown as an Allentown police officer, was suspended, without pay, by Police Chief Roger Maclean pending a hearing before the Allentown City Council on charges brought against him by the Allentown Police Department; and

**WHEREAS**, based upon the evidence presented at a civil service hearing held before Council on June 6, 2012, pursuant to Section 4408 of the Third Class City Code, 53 Pa. CS §39408, the Council of the City of Allentown has found Robert H. Leuthardt guilty of violating departmental rules and regulations, applicable laws of the Commonwealth of Pennsylvania and violating his oath of office, and has determined that he be discharged from the Police Department of the City of Allentown, effective June 6, 2012.

**NOW, THEREFORE, BE IT RESOLVED** by Council for the City of Allentown that following the aforesaid formal hearing conducted in conformance with the aforesaid provisions of laws, the accused, Robert H. Leuthardt is terminated as of June 6, 2012.

Mr. Guridy stated that this hearing was held today in private. It is a personnel matter and when we vote today, we have to vote in public, but we will not allow questions from the audience because it is a personnel matter, as an exception to the rule that they have to allow for comments from the public before a vote. He called for the vote.

**Resolution passed, 7 – 0**

#### **5. Approval of Minutes: May 16, 2012**

Minutes Approve by Common Consent

#### **6. Old Business**

Ms. Eichenwald stated that at the last Council meeting they talked about receiving a list on open positions. Have we received that positions that have not been filled, but yet are budgeted.

Mr. Fran Dougherty stated that they are waiting to bring that to Council for the hearing chaired by Councilman Davis.

Mr. Davis stated that he was told that they will hopefully have the list by Friday before the meeting.

Ms. Eichenwald stated that they will keep on top of that and will wait for that list. We also requested how much it would cost to collect the \$5 tax (per capita tax). How do we pay in collection when someone is delinquent?

Mr. Dougherty stated that he does not have that information with him tonight, nor does anyone from finance.

Ms. Eichenwald asked if they could request it again.

Mr. Schlossberg stated that is something he was going to bring up during budget and finance committee meeting.

Ms. Eichenwald stated that she will leave it to the budget and finance committee.

#### **7. Communications**

##### **Public Hearings**

Mr. Guridy stated that there will be a Public Hearing on Monday, June 18, 2012 at 6:00 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the public hearing is to consider comment on whether or not to adopt a proposed curative amendment to Section 1301.01 A ("Permitted By Right Uses") of the City of Allentown Zoning Ordinance and Zoning Map for the I-2 (Limited Industrial) District to include, in addition to those uses presently permitted, all of the uses permitted by Right or Special Exception or as Accessory Uses in the IG (Institutional and Government) District. Agere Systems, Inc., the legal owner, and Allentown Trust, L.P., the equitable owner of the real estate located at 555 Union Boulevard, Allentown, Pennsylvania (the "Applicants") have initiated this substantive challenge to the validity of the Zoning Ordinance under Sections 609.1 and 916.1 of the Municipalities Planning Code. The property is situated in the I-2 Zoning District. The validity of the Zoning Ordinance is in question. The

Applicants maintain that the Ordinance fails to make provision for the City's fair share of hospitals and is exclusionary in purpose and effect and is invalid for those reasons. In the alternative, if the Ordinance is deemed valid, the Applicants seek to include an I/G "Overlay" District for the property as currently zoned.

Mr. Guridy stated that the next Public Hearing on Wednesday, June 20, 2012 at 6:45 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on Bill 29 which amends the Land Development and Subdivision Ordinance by authorizing the submission of combined Preliminary/Final Subdivision and Land Development plans to the Allentown Planning Commission, rather than two (2) distinct submissions, one for Preliminary Plan and then one for Final Plan Subdivision and Land Development approval, as is presently the procedure under the current Ordinance.

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

### Budget and Finance: Chairperson Schlossberg

The committee has not met since the last meeting: the next meeting is scheduled for June 27<sup>th</sup> at 6:00 PM. He stated that they were also told that they will a comprehensive list of the various projects that comprise of the deficit in the capital fund. He asked is that available yet?

Mr. Dougherty stated that he does not think so. He will follow up.

### Public Safety: Chairperson Eichenwald

The committee met this evening with two items on the agenda; the next meeting is scheduled for July 4<sup>th</sup> which I assume will be canceled.

### Community and Economic Development: Chairperson Schweyer

The Committee has not met since the last council meeting; the next meeting is tentatively scheduled for June 13<sup>th</sup>.

### Parks and Recreation: Chairperson Mota

The Committee has not met since the last council meeting; the next regularly scheduled meeting is for June 20<sup>th</sup> at 6:00 PM.

### Public Works: Chairperson O'Connell

The Committee has not met since the last council meeting; the next meeting is scheduled for June 14<sup>th</sup> at 6:00 PM.

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

The Committee has not met since the last meeting; a meeting is scheduled for Thursday, June 14<sup>th</sup> at 6:30 PM to discuss the ethics amendment and vacant positions.

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

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

## **Other Committee Reports**

Mr. Davis stated that the Arts Commission met on May 18<sup>th</sup> and the meeting was to invite different interest to relay focus on the Arts Commission's mission.

Mr. O'Connell stated that Ms. Mota is the chairperson for the Parks and Recreation committee and because of Ms. Mota's work schedule he will be the liaison for the Parks and Recreation Commission and we have a meeting tomorrow at 8:00 AM. He stated that Mr. Hanlon is at the meeting also and when we get the meeting minutes, make sure we get them to all the Council people.

Mr. Guridy thanked Mr. O'Connell for assisting Ms. Mota.

Ms. Mota thanked Mr. O'Connell.

Mr. Guridy stated that the Allentown Housing Authority met last week and all members of Council should have gotten the minutes from those meeting. We are still dealing with the funds from Cumberland Gardens and they want to take away the reserves from the Housing Authority, but we don't know we are going to proceed with that.

**Controller's Report: None**

**Managing Director's Report**

Mr. Fran Dougherty stated that today they met with three or the four homeowners on Tenth Street. In attendance from City Council was Councilman Schweyer. He would like to hand out the Pennoni report to each of Council. The homeowners received their copies today.

Mr. Guridy asked for a summary.

Mr. Dougherty stated that the immediate next steps will involve working with the trades for some pro bono work to remove the mud floors from each of the homes to allow Pennoni to come in at the city's expense to finish the detail geological survey that needs to be done before we start to shore up the homes. Basically, what the reports says two of the homes includes both ends are easily saved. It is the two in the middle that would require more work. At this point in time, not knowing the next stage of the survey results we are optimistic those two can be shored up and saved. He asked Councilman Schweyer did he miss anything from that summary.

Mr. Schweyer stated that he does not want to glaze over the pro bono, but basically the members of the building trades, if he is stating this correctly they are going to help with the excavation of the slabs that the homes rest on which will determine how deep some of those sinkholes are. The city is also going to absorb the cost of the disposal of that concrete in our landfill.

Mr. Dougherty stated that the residents seemed very happy to hear that news. We will continue to work with them in that process. The city's golf manager Jeff Wambold has been inducted in the Lehigh Valley Golf Hall of Fame for 2012. We are very proud of Jeff and he would like to put that out there today. Mayor Pawlowski and other City Council are invited to attend the ground breaking ceremonies scheduled for tomorrow for the Butz Corporation Phase II expansion. This is tomorrow at 2:00 PM at the intersection of West Hamilton and Lumber. This Phase II is expected to add 125 permanently jobs to Center City. They completed the reorganization of our Public Works Department. Over the next Council sessions in the summer we will be discussing the reorganization of our IT department. Many of the recommendations and the action items he will be bringing to them are a direct result of Mr. Schlossberg's work on the IT taskforce that he had prior to my tenure here. We look forward to codifying them in a new IT structure. He stated that Council will hear more about IT over the summer.

Mr. Guridy thanked Mr. Dougherty and Mr. Schlossberg. He knows that they were working diligently on that and he thanked Mr. Schweyer for his support on the homes and residents on Tenth Street.

**9. APPOINTMENTS: None**

**10. ORDINANCES FOR FINAL PASSAGE:**

**Bill 32 Strike Team Preparedness**

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of Two Thousand Five Hundred Dollars (\$2,500) from the Eastern PA EMS Council to the EMS Budget for Uniforms and Premium Pay.

Ms. Eichenwald stated that it was recommended favorably by a vote of 3 – 0.

Mr. Guridy asked were there any comments from the public.

### **Ordinance passed, 7 – 0**

#### **Bill 34 Noise Ordinance**

Amending the Noise Control Ordinance by authorizing a \$100 SWEEP ticket for noise disturbance violations such as loud music from vehicles and residences, loud mufflers, illegal use of fireworks, and other violations specified under this Article. It also removes the progressive fine language that made first offenses only \$25 and made the tracking of repeat offenders difficult.

Ms. Eichenwald stated that this too was recommended favorable by a vote of 3 – 0. We had quite an extensive discussion. Members of the public participated as well. The vote was 3 – 0.

Mr. Guridy asked were there any comments from the public.

Ms. Eichenwald stated that while Mr. Ingram is coming to the podium she would like to say that they did limit the discussion to the \$100 SWEEP ticket, not to the noise ordinance itself. That was our ground rules for discussion this evening.

Mr. Guridy stated to just talk about that and he asked for them to provide the information to him and they could just talk about that part and not the other part they wanted to talk about.

Mr. John Ingram stated that he would like to preference his remarks by saying that this would give the City Council an excellent opportunity to table this tonight and go into a working session over the next couple of weeks to look at other aspects of the ordinance itself which he thinks is lacking in some areas. It is not fair in some areas. He distributed from each of them some of his suggestions or comments with regards to the ordinance and with regard to the SWEEP ticket issues itself which is what he is restricted to discuss here, we had a discussion about that in your committee meeting session and Mr. O'Connell suggested that he had an opportunity to respond to him.

Mr. O'Connell stated no, you wanted to respond to my comments about mandating and he said that he would talk to him after the public safety committee meeting, which he did. Now, you want to make our discussion public back to me.

Mr. Ingram stated that he would like to discuss it. His suggestion was the proposal is for a \$100 ticket on the first visit by a police officer after what would normally be a complaint by somebody. He thinks that is for noise. His personally feeling is that music and TV programs should be treated separately from other types of noise since 95 to 100 percent of the public has their favorite music and their favorite TV program. It is very dear to them and to issue a \$100 ticket without that individual even knowing that this ordinance exist or what the requirements are in the ordinance is excessive especially for low income people. On the other hand, the lady who addressed the issue of somebody repeatedly booming their music 3:30 in the morning, he is not talking about that, but even in that case if it is a first offense you have to apply the whole thing universally. It will be fair to issue a mandated warning on the first go or the first visit. From there on you can do what you want to do, but at least educate the party first, the other issue concerning the lack or he

does not know if that is the right word the lacking or inferior communication between the police department and the other agency in terms of records of offenders. That is totally inexcusable. This is 2012; this is the day of advanced computers. In the police department, it should be very simple for a police officer to collect a name and address of a mandated warning of that individual of that household and record it to the computer and could be shared with the other party any City of Allentown party or department and on the second visit that would be in the system. It is inexcusable for it not to be in a record, but to mandate a \$100 ticket on the first go and it is not exactly the same as equating someone going over a stop sign or red light which endangers other people providing a warning on the first offense of something like that. That is really not the same thing.

Mr. Guridy stated that you already said that and just to be fair you had your three minutes a while ago.

Mr. Ingram stated that he wants to mention that prior to his mother dying a year ago last January, she was in a nursing home outside of State College Pennsylvania and he used to visit her on occasion and you walk into a dementia type nursing home and you walk in a place that is very sedate and very quiet, in the common area where 90 percent women are sitting around and he would take his music CD's with him and walk in with his 60s and 70s music and his mother was 87 almost 88 when she died and he would turn it up a little bit and he would start dancing with his mother and the other ladies also. The point being music is dear to everyone's soul and you just can't willy-nilly just hand out tickets to people because a neighbor believes the music is too loud when it might not be loud for another neighbor. That is why all of this needs to be reworked.

Mr. Kenneth Heffentrager, 11<sup>th</sup> and Washington, stated that he believe that they cannot mandate it, but he would say prior to today, you already passed this originally the ticket was \$25 and now you are going to make it \$100. He stated how about a suggestion to the police department because he believes most officers generally work the same district or do they get rotate. They get to know who the people are and the where the houses are. Just a suggestion now they give out a warning first under their discretion and after that police know in general who they are dealing with. You can't mandate it, but maybe a paper can go out to all the officers about giving out a warning first and going from there.

Chief MacLean stated that his officers give out hundreds and hundreds of warnings to no avail and the people who these tickets will go to are not ignorant of the law. The woman that was here earlier was talking about the thumping at 3:00 in the morning. The people that are receiving the tickets are not ignorant to the fact that they are violations of the noise ordinance. We are not talking about giving somebody a \$100 ticket because they are watching the Honeymooners too loud. Our officers go and tell people to turn their TVs and stereos down almost on a daily basis and numerous times a day. This is for the repeat offenders, this for the gross offenders. Our officers have discretion to issue the ticket or not to issue the ticket. They issue enough warnings and it is his position that they need to start sighting more rather than giving more warnings.

Mr. O'Connell stated well said chief, thank you.

Mr. John (Inaudible), Allentown, stated that he has a couple things. He asked when we are we going to discuss the terms of the ordinances of the noise level. He stated that he is with his sister most of the weekends and she works real hard and on the weekends they have get together. They always do it and it has been their family's tradition and they have neighbors that don't like them at all. Ever since his sister broke up with his brother-in-law and there has been grudges against her and the cops have been called to her house numerous of times and it is ridiculous. The music was not loud at first. Even when the cops come, they say there is nothing to report, but you are wasting the cops time and money to come out for these complaints when there is nothing to report. Sometimes we have the music loud; we have parties.

That is what we do. It is not 4:00 in the morning; it is 11:30 PM. It is pretty much shut down by 2:00 AM because the clubs always have their music booming to who knows in the morning. Why regular people that throw parties and have get togethers have to suffer for loud music when you have the neighbors who don't like us. It is causing animosity in the community as well. When you call the cops on me, we are going to fight about it and the next thing you know we have an all-out battle. It is ridiculous because the month just started and between last month and this Saturday that past the cops were called to his sister's house at least five times and four out of five times there is nothing to report. Once they gave a warning and yes, they do give warnings out first, he agrees with that. He stated that his sister deals with five kids on her own. She puts them to beg and on the weekends she likes loud music. Everybody coming from New York knows that in New York this is what we do, we play loud music. It relieves our stress. We dance and have a good time. No fighting breaking out, we just all have fun. He is tired of the cops coming to the house when they could be dealing with people dealing drugs on the streets. He sees that every day. They could be doing more things with their time other than obnoxious neighbors who call the cops all the time. He asked what this ordinance has on events. He is throwing a Juneteenth Hip-Hop event this month because it does require loud music because he is promoting local hip-hop artists, games for the kids.

Mr. Guridy asked was he doing this at his house.

Mr. John stated no, he is doing it at a park.

Mr. Guridy asked does anyone want to take this one. He said a lot of things that I think merits some responses. He does not know the laws of Allentown and it looks like he came from New York and it is different.

Chief MacLean stated that there are people in the City of Allentown that likes quiet. His first suggestion for this event that Mr. John has planned do you have a permit. It should be on the permit what exactly the rules and regulations you have to follow.

Mr. Guridy stated that in regards to having loud music until 2:00 because some clubs have loud music. The law in Allentown is that you cannot have loud music in your property at 2:00 AM even if it is your property. That is the way we are here. You will get a ticket. If I live next to somebody and at 9:00 PM someone's playing loud music and I am trying to sleep, it is unacceptable.

Ms. Eichenwald stated that our discussion is limited to the SWEEP ticket and not to the ordinance itself. Some other time we can certainly have that discussion. Just to keep us on track right now. The Chief answered the questions about the warning certainly beyond her satisfaction.

Mr. O'Connell stated that he wants to reiterate what he said. The Chief knows his men and the police officers know their districts. They know the players. They know where they have been called for the first time and they know the seventh time. We are only talking about the SWEEP ticket tonight and that is what we are doing. He fully supports what the Chief stated and the police officers discretion. He has seen them use discretion and they will continue to use discretion and that's his final word.

Mr. Schweyer stated that he will resist the temptation to discuss what you did in New York City. However, you brought up a point that merits conversation. If you are having a neighbor dispute with former relations we do have a mediation process amongst neighbors. He believes that is what the city has been paying Mr. Arcelay a significant amount of money for the past six years. If we could, cops should not be responding to neighborhood disputes that are simply knock on door and simple move your car. We should not have a copy show up. He asked for Mr. John's information.

Mr. Guridy thanked Mr. Schweyer for bringing that up and stated that was one of the points he was going to mention.

**Ordinance passed, 6 – 1 (Mota)**

**11. ORDINANCES FOR INTRODUCTION:**

**Bill 37 Trexler Capital**

**Referred to Parks and Recreation**

Amending the 2012 Trexler Fund and the 2012 Capital Projects Fund to provide for a supplemental appropriation of Ninety-Nine Thousand One Hundred Seventy-Seven Dollars (\$99,177) to the Trexler and Capital Funds to provide for the annual receipt of capital improvement funds from the Trexler Trust designated by Court Order dated April 19, 2011. \$70,000 is budgeted for Park and Playground Improvements – specifically Franklin Park, and \$29,177 is budgeted for Trout Nursery Renovations.

**12. CONSENT AGENDA: None**

**13. RESOLUTIONS ON SECOND READING: None**

**14. RESOLUTIONS ON FIRST READING:**

**R 34 Approves Custodian of Pension Assets**

**Referred to Budget and Finance**

Approves Bank of New York as Custodian of the Pension Fund Assets

Mr. Schlossberg stated that it was a request from the administration to vote on this tonight.

Mr. Dougherty stated that it is not.

Mr. Guridy stated why we don't refer it to Budget and Finance Committee.

**15. NEW BUSINESS**

**16. GOOD AND WELFARE**

**17. ADJOURNED: 7:46 PM**