

Michael D'Amore, Ph.D., President  
W. Michael Donovan, Vice President  
Jeanette Eichenwald  
Julio A. Guridy  
Ray O'Connell  
Mike Schlossberg  
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## COUNCIL MEETING MINUTES April 7, 2010 - COUNCIL CHAMBERS

### COUNCIL MEETING - 7:30 PM

**1. Invocation:** Julio Guridy

**2. Pledge to the Flag**

**3. Roll Call** Councilpersons D'Amore, Donovan, Eichenwald, Guridy, Schweyer, O'Connell and Schlossberg were present. Fran Fruhwirth represented for the Solicitor's office.

**4. Courtesy of the Floor**

Lou Hershman, 405 North Gilmore Street, said Council is a great proponent of transparency and there have been rumors circling that the Solicitor's office furnished Council an opinion on Earned Income Tax and he would greatly appreciate if Council would make it public.

Mr. D'Amore stated that it was an error on his part. He believed that there was no written opinion on EIT. It was a verbal opinion given by Mr. Snyder to Council during the Budget Hearing. Council does not have a written opinion.

Lou Hershman stated that it is a big issue and as a taxpayer in Allentown, thinks half of the money goes to the School District.

Mr. Donovan stated that we are not looking into Act 47. At the last Budget and Finance meeting, we asked for information and Council asked the Clerk to simply provide information since we have a new Council. Council is not looking at that nor is the Budget and Finance Committee.

Mr. Bennington stated the Administration is not looking into Act 47.

Lou Hershman stated that when he was on Council, he looked into talking to private attorneys and Bankruptcy lawyers. If he can find the notes, he will bring it to Council.

Ms. Eichenwald stated that she will take the Mayor and Bennington at their word and feels that if there is ever a time when Act 47 is part of the discussion she hopes that the seven members of Council will be included as primary participants in that discussion. So they do not hear second, third and fourth hand.

Gary Burke, Senator Brown's office stated that he came bearing gifts. Peter reminded him that all the information on the PA manual is online, he left literature and stated that he is here as a resource from Senator Brown's office.

Dan Meist, Jackson Street, stated that he went for a walk down at Canal Park and saw the renovation work, the hole was fixed, canal filled and trout still swimming around. He went pass the breach and they kind of left the debris there. He was wondering if Mr. Weitzel could clarify if the debris is the responsibility of the contractor that took it out or does the City do the job.

Mr. Weitzel stated that he would have to check into that and thanked Mr. Meist for bringing that to his attention. When he went down there and inspected the site, he did not see debris. He would look forward to see if it is Bethlehem line or our line.

Dan Meist stated that it is about a half mile down where breach was. The Spillway and also the road where the breach was needs some attention some major ruts there and stated that he appreciates it thanked Mr. Weitzel and Council.

**5. Approval of Minutes:** Minutes Approved by common consent.

**March 17, 2010: Public Hearing**

**March 17, 2010: Council Minutes**

**6. Old Business**

Ms. Eichenwald stated that she knows that Council was promised at the first meeting in April we would have a report on Hanover Street and she was concerned on what happened.

Mr. Bennington stated that unfortunately the Public Works Director, Mr. Young who is the primary person for that report had surgery and was incapacitated and he was supposed to be back by the end of March but he had a setback. He won't be back until the end of April. Unfortunately he will have to make that presentation in May.

Ms. Eichenwald said that they are guaranteed that it will be at the beginning of May.

Mr. Bennington stated that when Mr. Young returns that he can't guarantee that he won't have another setback at this point in time.

Ms. Eichenwald stated that she will return back to what is on the Agenda. A little bit of history. Several months ago a vote was taken here at City Council and by major vote a Rental Inspection fee was raised. Subsequently to that she was given the responsibility by President D'Amore to have an Ad Hoc Communications meeting to make sure that next time it is an issue of great importance to the citizens of Allentown we would have a manner in which to notify them. We did meet and at the next council meeting a report would be presented and there certainly are more ways that it was utilized that the initial meeting of how to present notifications to the citizens that an issue of importance will come up. So at that meeting there were several landlords here who made their opinions known. There were many more that did not have the opportunity to make their opinions known. Subsequently a petition was filed with over two hundred signatures which was according to both Charter Laws and Rules of the City Council. Only 188 of the signatures were found to be registered voters in the city of Allentown. Subsequent to that, Mr. Geiger and others went around and found the additional signatures so they were more than two hundred but she wants to make it perfectly clear that it was not on the original petition. One way to have this issue readdressed would have been with that original petition. A decision was made by the leadership of City Council, she not included in that, but only by the leadership with that petition with one hundred and eighty-eight and the additional signatures would not be recognized and therefore this issue would not be able to once again be addressed. Another way to do it is a way that she wants to do it tonight. She finds that very pejorative to the good citizens of Allentown who want nothing more at this junction than to have an opportunity to be heard. She feels very strongly that they should have that right and if it is important to them, it is important to Council and it's important to her. So with that in mind and that background she made a motion to this particular juncture that on April 28<sup>th</sup> at 6:00 PM a meeting be convened here at City Council to take testimony on the increase on the rental inspection fee. If you look around tonight you will see that there are many concerned landlords here who wish to have an opportunity to address City Council. She urged her fellow colleagues on City Council to vote for this motion which will give citizens an opportunity to come before them and to state their case.

Mr. Gurdy second the motion.

Mr. D'Amore objected to the motion.

Mr. O'Connell wholeheartedly agreed with Ms. Eichenwald not being on Council when this decision was made. He thinks it would be imperative that they give the landlords a voice. They need to be heard. He thinks a Public Hearing for an hour, hour and a half whatever it takes for testimony for the landlords would be very critical for future decisions that this Council would make in the future so he wholeheartedly agreed with Ms. Eichenwald and Mr. Guridy that a public hearing should be held.

Mr. D'Amore stated that he will note that this will be more than a simply a Public Hearing. This will actually be a special meeting in which business can be conducted at different level more serious level than a Public Hearing.

Mr. Donovan stated that he read the Charter of how signatures are to be submitted and his interpretation and he is not an attorney is that if it is rejected then it would need to be started over again. Is that correct? So that it would be Council's purpose to call a special meeting to give the landlords an opportunity to be heard.

Mr. D'Amore noted for the record that this was indeed with consultation with the Solicitor and his decision as Council President. This decision by-the-way can be overridden by major of the Council and it was done by the procedure of the Charter and laid out in the Charter. He stated that he understands the interest in this matter. He does believe that the motion here as he pointed out procedurally a moment ago he will say that he does believe that the motion here is for a special meeting. A meeting in which business can be conducted is more than a Public Hearing. He does not have an objection to a Public Hearing or Committee Hearing on this matter if these comments want to be formally on the record, but he does have an objective to having a special meeting on a matter that has already been settled by City Council. He understands that they have new members on City Council and he respects their interest and weighing in on that. But, he feels they cannot in his opinion select a single issue from a previous Council and revisit it because then the question becomes what other issues should we then revisit and then if we get into an issue of revisiting matters that have been settled by Council then we don't really move forward and handle new business. That is the reason for his objective and the reason why he is going to vote no.

Ms. Eichenwald stated that she stands by the original motion and she repeated a little bit about what she said in context in the format in the discussion. She does not believe that they did their job as City Council to make sure that the citizens of Allentown were aware that this was going to be discussed at that particular meeting. Hopefully, with new policies in place there will be less of this issue. More people will be informed when there is an issue important to them and this will not be necessary at this particular basis, but in this particular matter. Council did not do due diligence to make sure that the citizens, the landlords and the tenants were aware that this was going to be discussed at that meeting. She feels very strongly that they give the citizens of Allentown who are interested in this particular issue a chance to speak.

Mr. Guridy pointed out that just because Council discusses it, does not mean that they are opening the budget to change the budget. Only the Mayor can change the budget that has been passed and he agrees with Mr. D'Amore in regards to how much that they can go back and rehash things that were already settled by Council, but it is also their responsibility to provide a forum for the public to express their sentiments.

Mr. Schweyer stated that part of his comments would be to echo what Mr. Guridy stated but make them clearer. There are a number of folks that were here including some of the folks that were here during the Budget season to talk about this very issue. He wanted to make it perfectly clear to the public so there is no misunderstanding that regardless of how this motion is voted on this evening in favor or oppose to, but he does not know what the final vote would be. There is limited ability for Council to be able to influence or change the fee at this stage. He is going to ask Mr. Bennington if the Administration has any interest in reopening the Budget and reducing the fee. The reason why he asked that question is that the only legal governmental entity in the city of Allentown that can reopen the budget in the middle of the year is in fact the

Administration. They could have a Hearing but if the Administration is not going to reopen the Budget, there is nothing that we can do and he is not saying that because he does not want to have other hearing. His attendance record speaks for itself. He has no problem coming to Council meetings. He relishes it. He ran for the City Council's office. No one asked him to do it and that's part of his role here, but he does not want anyone here under any misconception that they wanted to get out of a special meeting that this fee will be rolled back in this fiscal year. Is it possible that this Administration would do it next year, yes it is. Likely, he is going to guess not, but he does not speak for the Administration. Furthermore, the only time when they can change it as part of the Budget vote which will happen in November or December of this coming year. So all the folks in the audience please understand that they can have that meeting, that they can have that meeting in April, May, June or July. You may prefer to have it in October, November or December close to the Budget of the Administration. The Administration is not going to have that conversation. So as frankly as honestly as forthright as he can possibly be the Administration is not going to reopen the Budget to reduce this fee. It's legally impossible for us to do so before the Budget. Just so that everyone is clear.

Mr. Bennington stated they have no intention to open the budget.

Mr. Schlossberg stated that he wanted to address another member of Council. He posed the question to Ms. Eichenwald and stated that he was at the Ad Hoc Communications meeting and he made a few recommendations and this is an area that he has a deep interest in when it comes to communicating better with their citizens. Obviously there are landlords there and concerned parties. He is glad to see that people that have a stake in city government here. He wanted to know from the Ad Hoc Communications meeting what policies were put in place to ensure that more landlords are represented. What have we done to make sure that we don't run into this situation.

Ms. Eichenwald stated that the Ad Hoc Communications proposed and done the use social media such as Facebook. They will use the neighborhood watch groups and try to get the word out that way. There will be newspaper coverage and there will be more newsletter coverage and she could go on several other ways and especially she thinks that relevant to tonight's discussion is that when we know when an issue is coming up that has a select constituency they will make a concerted effort to contact the people that are in charge of those associations. So if you are dealing with a Real Estate issue, you contact the head of the Real Estate Association. If you are dealing with a Recreation issue then you contact the people that are in charge of that. So there are ways that Council can do to make sure. It is true that there are people that were here at that meeting and it is also true that there are people that were not there. She does not disagree on anything that Mr. D'Amore or Mr. Schweyer said as far as what can result at that meeting, but she feels that it would be up to the citizens of Allentown, the landlords and the tenants and other interested people to decide whether or not if they wish to attend that April 28<sup>th</sup> meeting. There will be another opportunity to look at the Budget. It is true that it will not be for several months, but none of that precludes that in a pure democracy you give people the greatest opportunity to voice their opinions.

Mr. Schlossberg stated presumably in the case of the landlords they would have seen an increase rent fees that have been passed down to their tenants. What effort have we made to reach out to renters themselves as opposed to landlords since they would be an affected party?

Ms. Eichenwald stated that they would do the same things and use the same channels. There are certainly more than they thought of. In the Ad Hoc Meeting everybody had an idea.

Mr. Donovan stated that he is aware of the Realtors Association being involved heavily in discussions. The City has been around since 1762 and they have a variety of ways in which citizens and taxpayers been notified. Communications systems are never perfect. He has a problem with a Special Meeting as opposed to a Public Hearing. If we are going to do this, for the 2011 Budget, it should be called a Public Hearing. Mr. Donovan offers a friendly Amendment to suppose to a Public Hearing. The Morning Call had an article in

November about this. The Same thing at the Parks meeting that people felt that they did not have a voice. He will take up the issue at the Budget and Finance Meeting.

Mr. D'Amore stated that Council will have a Public Hearing (Increase in Rental Fees) on April 28<sup>th</sup> at 7:30 PM following the regular Budget and Finance Meeting at 6:30 PM.

Ms. Eichenwald stated that she hopes that the Landlords and Tenants will appear on April 28<sup>th</sup>. She fully understand that the Budget will not be reopened, but remember that there will be another Budget for the next year and speaking for herself she looks forward to hearing what they have to say and it will help her in making her decision and she is sure that her colleagues will agree with that.

## **7. Communications**

Mr. D'Amore City Council had an Executive Session tonight to discuss litigation related to the Common Ridge Development Court Case. There were no actions as the Sunshine Law is required there were no action taken at that meeting.

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

### Committee of Whole:

#### Budget and Finance: Chairperson Donovan

The Committee met on March 24 – the next meeting will take place on April 28 at 7:00 PM in the Council Chambers, following the committee of the Whole. Puled one Bill and tabled it indefinitely with Pension Benefits with O and E. The members of the O and E felt that they wanted a chance to make sure that there members were at the meeting and Mr. Hoffman agreed to that so they tabled it. The suggestion on the Bill that he submitted where various Commissions will be asked to the nature of the their recommendation to Council. He is in the process of rewriting that. They had an extensive conversation about the February financial status. What actions will Council make or needs to make any continued decline. What is Act 47 and Mr. Hanlon got information regarding that. Real Estate taxes were lower than the last 5 years. He asked the Administration for a cash analysis, a forecast that will take us through the year. Mr. Hoffman stated that the lockbox has not been touched. He asked Ms. Bowman the status of the Mayor getting a five year plan.

#### Public Safety: Chairperson Guridy

The Committee met prior to the last week prior to the Council meeting; the next meeting will be first Wednesday in May.

#### Community and Economic Development: Chairperson Schweyer

The Committee has met early that evening to discuss a number of things that are on the Agenda; the next meeting is scheduled for April 21<sup>st</sup> at 6:30 PM will be regular business. Review department and look for opportunities May 11<sup>th</sup> (hope for Grants Coordination)

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

The Committee met this evening; and has four Resolutions that will discuss and voted on later; a future meeting will take place on May 19.

#### Public Works: Chairperson Schlossberg

The Committee has not met since the last Council Meeting; the next meeting will be tour of the Water Resources which will take place on April 13<sup>th</sup> at 8:30 AM.

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

The Committee reviewed the appointment on tonight's agenda; a future meeting has not been scheduled.

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

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

## **OTHER COMMITTEE REPORTS**

Mr. Schweyer asked Ms. Eichenwald if the report on the Ad Hoc Communication meeting will it be in writing.

Mr. O'Connell met all candidates for the Superintendent for the Allentown School District. They met all four candidates and they were several committees. A committee made up of teachers, administrators and union members, community partners, and general populous. The first candidate is Lucy Fera, the second Gerald W. Kohn, the third Gerald L. Zahorchak and a fourth Carlinda Purcell. All four candidates did a great job and they have reached a decision.

## **CONTROLLER'S REPORT**

### **9. APPOINTMENTS**

EAC, Appointment of Andrew Kleiner – filling Betsy Levin's position, who resigned, Mr. Kleiner term will expire on January 1, 2011

**Kliener.pdf**

Appointment Passed 7 – 0

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

#### **Bill14MAINSTGRANT.DOC**

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Sixty Five Thousand (\$65,000) Dollars in Main Street funding from the Pennsylvania Department of Community and Economic Development to provide funding necessary to continue the implementation of the *Main Street Program* in Main Street Program Area.

Mr. Schweyer stated that it was forwarded favorably 3-0

Ordinance Passed (7-0)

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

#### **Bill16DonovanDonation.DOC**

**Referred to Parks and Recreation**

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Three Hundred (\$300.00) Dollars to provide for the receipt of a donation to purchase recreation supplies and equipment for the Summer Playground Program.

#### **Bill17Reprograming-1.DOC**

**Referred to CEDC**

Amending the Consolidated Plan One Year Action Plan for the Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third and Thirty-fourth years of the Community Development Block Grant Program (CDBG), which re-programs Three Hundred Twenty Thousand Seventy-three (\$320,073) Dollars of Unexpended Funds

#### **Bill18CDBG EXPENDITURES-2.DOC**

**Referred to CEDC**

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.

#### **Bill19CDBG RENTAL LOANS-3.DOC**

**Referred to CEDC**

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

**Bill20ARBORIST.DOC**

**Referred to Parks and Recreation**

Amending the 2010 Water Fund budget by deleting the position of Arborist II (11M) and adding the position of Arborist I (09M).

**12. CONSENT AGENDA: None**

**13. RESOLUTIONS ON SECOND READING:**

The Rules were suspended by Common Consent, to read R13 into the record and vote on it.

**R13**

Approves the submission of an RACP grant for Homes at Overlook Park in the amount of \$250,000.

Mr. Schweyer stated that it was unofficially forwarded favorably 2 - 1

Resolution Passed 6 – 0 (Guridy recused)

**R4TRAILS STUDY.DOC**

Supports Adoption of the Comprehensive Trails Network Feasibility Study

[www.greenways.com/allentown](http://www.greenways.com/allentown)

Mr. D'Amore stated that the Committee of the Whole met on February 17<sup>th</sup> it was forwarded favorably 5-2

Mr. Donovan stated that he wanted to amend this by adding two "Whereases" after the Public Communications clause.

**WHEREAS**, the Home Rule Charter of the City of Allentown specifies procedures for the acceptance of the Annual Budget and Capital Program, and;

**WHEREAS**, the intent of the City Council is to ensure that any modifications or need for modification to the plan are identified and communicated to the public as appropriated, and;

The motion is to amend items A, B to read as follows and add C.

- a. Subject to procedures describe in the Home Rule Charter Section 805 Council action on Budget and Section 811 Capital Plan, The Plan and related materials are acceptable to the City of Allentown;
- b. The Plan and related materials will be used to guide inform future bicycle and pedestrian transportation and recreation, park, open space and conservation acquisition, development, operations, and maintenance.
- c. Any major modification or need for modification between the Plan and final design drawing for individual projects are to be communicated to City Council and throughout the City of Allentown.

Mr. Schweyer seconded the Motion.

Mr. Schlossberg asked for his own education for Amendment C. it says any major modification... he asked Mr. Donovan that he is basically saying needs our approval. He thought that anytime there was basically any expenditure of capital it needed our approval in some way regardless of the fact that we are approving the Plan since the Plan is more than a guide post then anything else. Is this redundant?

Mr. Donovan stated that Council has realized in the past that it is not followed the options that are Charter to us and what this Amendment does is make clear, especially since the Park is such a critical public asset that there has been some confusion as to when a Plan comes to us and it is a Master Plan and then for example in the Cedar Beach we made suggestions. Council never saw them come back to us in a way that they can review or agree or not agree and therefore he feels that it is important that he has more to say about this then the overall Trail ways Plan later. If Council makes an

intent, its intent is to make it follow the letter of the Planning process for the city. The goal is if the Administration decides to modification there would notification.

Ms. Eichenwald stated that she is very pleased by these amendments. She commented on C. when it says major modification, she believe that words like that are always open to too much interpretation.

Mr. D'Amore suggested that they consult their lawyer on the wording and see if she can give us perhaps a better word.

Mr. Donovan stated that a major modification could be \$50,000 - \$100,000 more. He was extremely disappointed in the last two years. The Charter is not clear. The Administration and Council made mistakes. If Plans change then they have the right to modify.

Mr. Bennington asked if this is a Resolution that is a twenty to twenty-five year Plan for the City of Allentown they are required to come back to Council anyway and agrees with Mr. Schlossberg stating that this is redundant.

Ms. Eichenwald stated that she strongly urge C. stays in but needs a dollar amount.

Mr. Donovan stated that it is a simply Resolution. Item C any modification proposed that exceeds \$100,000 are to be communicated to City Council and throughout the City of Allentown.

Ms. Eichenwald preferred \$40,000 if Council are going to be Fiduciary responsible.

Mr. Donovan stated that \$40,000 strikes him as appropriate.

Mr. Bennington wanted to remind Council that this is a Resolution and they do not even have the money for the Trails System at this point in time and they disagree with the \$40,000 number.

Mr. Molivinky stated that if this is going to happen for 20 - 25 years, why we can't put it off for 5 years. Come back in 5 years and talk about it. On the Resolution is R-16 which talks about the trial section MLK Trail and Lehigh Parkway Trail. On January 13<sup>th</sup> the salesmen of Greenways told the crowd that every component will receive public input. On February 17<sup>th</sup> it is his understanding that City Council is against every component would receive public input. Mr. Molivinky stated that here we are tonight putting the cart in front of the horse. There are already asking you to get in line for Grants. You can pure an awful lot of asphalt down that work done at Cedar Beach is being done by the City. There will be no checks and balance. It was an article today in the Morning Call stating the Resolution is Symbolic. If it is so symbolic, why can't you vote no.

Mr. Pearson stated that he realizes this is a plan you vote on that hasn't seen the funding yet. If you are going to have a Resolution to as part of a Resolution to ask the Administration to come back to you when it reaches a major proportion, he thinks there is a procedure in which they can require changes to be brought to you at the signoff. If any Council member rejects what they want to do and have them up before council let them do it and announce such procedures to communications in their Plan.

Mr. Kleiner stated that he fully supports Mr. Donovan's Amendment.

Mr. D'Amore read "any modification proposed that exceed a \$40,000 difference between the Plan and final design drawings be communicated to City Council throughout the City of Allentown. His issue is that there are no dollar amounts in the Plan because it is a Plan and therefore without dollar amounts there are no benchmarks to measure \$40,000. He does not know how to reconcile.

Mr. Guridy stated that he feels compelled that they know what the Plan is and he knows Council had a situation before where the Public nor Council were not fully aware of the changes. He believes those changes have been rectified the Committee and the Communications Committee that Ms. Eichenwald is Chairing is going to help us to move forward and not have this kind of situation in the past from the Parks Department. He thinks that the issue is not the number it is the communication to the citizens and the Council. The Council should have a say in terms of the Parks Department. It is only a Plan.

Mr. Sclossberg asked “do we or do we not vote on individual items as they come up from Capital Expenditures or Grant Applications. We do, correct?”

Mr. Donovan stated that he does not think that is true. All he voted on was Capital Improvements Plans and Grants in the last two in a half years, not individual projects and not final design plans. His intent was to send a very strong signal that in the last two in a half years, he feels that Council has been in a weak position and sometimes the public does not feel that they are not being heard by the Administration and Council is the representatives. Asked the Clerk to add “C it is recommended that modifications or need for modifications between the Plan and the final design drawings for the individual projects”. He stated that he is just saying that Council recommends that. Resolutions are recommendations.

Ms. Eichenwald stated that she was disappointed in Mr. Donovan that he withdrew the amendment. She has a problem with it is recommended and there are always numbers in the grants. On every a grant application it is always a number. Why can't the fiduciary body in the city of Allentown say if you are going to change that above \$40,000 you need to come to us?

Mr. D'Amore asked Ms. Eichenwald said change, change to what.

Mr. Donovan agreed to take Mr. Schweyer as a friendly Amendment

Ms. Eichenwald stated that she is going to vote against this the only way the City can have control is to control the purse strings.

Mr. Donovan stated that he appreciates what Ms. Eichenwald is saying about the money, but is not sure procedurally or practical that will be the best approach. He thinks that this is a tighter control. In the sense that before the construction Council. Before each stage as it goes along that Council will have review Maybe they have to have an Ordinance.

Mr. Hanlon reading Section C.....for each stage of the Trail Plan prior to the beginning of construction of the Comprehensive Trail Network the Administration and City Council should conduct a Public Hearing.

Mr. D'Amore added “Should be stricken”. The rest of the underlined material is gone.

Mr. Bennington asked Public Hearing or Public Hearing as a Whole.

Mr. D'Amore stated Public Hearing.

Mr. Guridy stated that he feels really good with the Amendment. He was concerned about putting a dollar amount. It is hard to control.

Mr. O'Connell stated that nothing would negate that fact that at the Public Hearing dollar amounts will be mentioned and at that time if Council is happy or unhappy with the dollar amounts that is the time to talk about it.

Mr. Schweyer stated that procedural for the public is what that does is give Council an opportunity to know when we receive grants. The Administration isn't hamstrung for their inability to apply for them. They apply for they grant, come back and say this is what it is.

Mr. Dan Meist asked if you don't put a dollar amount there what happens when you get halfway through the project and a major oops happens.

Mr. D'Amore asked in the context in this.

Mr. Dan Meist if you don't put a dollar amount in the wording if it \$40,000 or a \$1 and you say yes to \$160,000 to do a section and they start the section and they find out it takes a lot more . He is worried about the dollar amount.

Mr. D'Amore stated that even without this Amendment, the Administration has to come back to Council and ask for more money and usually it would come in a request of a Transfer. Any cost overruns have to be taken care of.

Fritz Walker, South Whitehall, PA commented as Mr. D'Amore pointed out earlier there are no dollar amounts in the Comprehensive Trail Networks. So he is in a bit of a lost of how they can compare dollar amounts to dollar amounts that don't exist. He really appreciates the discussion. He thinks what the Council has arrived at is very healthy. What Council is saying is because it is a long-range plan when they come to the point where they really implement something. The Administration wants to give the Public and the Council and all the interested parties an opportunity to comment upon it and make sure they get it right before they spend the money. He requested that Ms. Eichenwald reconsider her objection. He thinks it is wise, good policy and very healthy for the public.

Ms. Eichenwald stated that she does not disagree and that it is healthy for the public, but if what she wants to accomplish as a City Councilperson because she will not be there in twenty years. What she wants to accomplish is to make sure who ever sits in the Council seat has fiduciary responsibility of what will happen in the future and the only way to have fiduciary responsibility is to vote on it and have a Public Hearing, everyone walks a way and have a different interpretation of what they heard. So she is concerned about that. She feels badly to vote against this but it is just that in her estimation is the only way to control the spending on the spending process of this project is to have City Council have a voice.

#### **AMENDMENT PROPOSED BY COUNCILPERSON DONOVAN AND SECONDED BY MR. SCHWEYER**

Add these two "whereas" after the public participation clause.

WHEREAS, the Home Rule Charter of the City of Allentown specifies procedures for the acceptance of the annual budget and capital program, and;

WHEREAS, the intent of the City Council is to ensure that any modifications or need for modification to the Plan are identified and communicated to the public, as appropriate, and"

And amend a and b to read as follows; and add c:

a. Subject to procedures described in the Home Rule Charter, Section 805, Council Action on Budget, and Section 811, Capital Plan, the Plan and related materials are acceptable to the City of Allentown, and;

b. The Plan and related materials will be used to ~~guide~~ inform future bicycle and pedestrian transportation and recreation, park, open space and conservation acquisition, development, operations, and maintenance.

c. For each stage of the Trail Plan, prior to the beginning of construction for the Comprehensive Trail Network Plan, the Administration and Council shall conduct a public hearing.

Amended Passed 6-1 (Eichenwald)

Mr. Donovan stated that on the Resolution, he is voted No. He made his statement that he feels Council should have oversight. He firmly believes that the Residents in the City that are against the major Cedar Beach path changes was not given adequate voice nor The Council has not been able to address controversial design issues. There are trails and there are parks; there are paths and they are roads. He read the Report and feels that it is a Project Suggested on how the City should proceed. He does not like to use the word because it is Specific. Sometimes we talk about it as a Master Vision and sometimes we talk about it as a Plan. It is confusing. In the last two and half years he does not like how Cedar Beach is done. On this one he is voting No.

Mr. Schlossberg stated that he will be voting for the Plan. At the end of the day this Plan sets a vision to go forward. A should really have two components it should be solid and pathway. No Plan is perfect, but at the end of the day this Plan is saying that this City displays a bold vision.

Ms. Eichenwald is concerned about maintenance.

Mr. Donovan stated that he did the Amendment because the residents may say. We may say that the Parks and the Asset

Mr. Schweyer stated build on your strengths and your assets. Maintenance is an issue.

Mr. Guridy stated that a lot of the money that the use for the Parks are from Grant Money.

Mr. D'Amore stated that he is in agreement with everyone. The protests are always correct. The problem is not the venue for this purpose.

Tina Amodo, Michelle Obama's Let's Move Campaign. Safe Routes to School Program. Executive Summary is complete streets policy. It's a part of Health Care Reform that we can do it.

The Resolution passed 5 -2 (Donovan, Eichenwald)

R14StevensParkRenovation.DOC  
Grant for Stevens Park Resolution  
Resolution passed 7 - 0

R15PPLParkingLotPocketPark.DOC  
Grant for PPL Parking Lot Pocket Park  
Resolution passed 7 - 0

R16MLK&LittleLehighParkwayTrail.DOC  
Grant for the MLK & Little Lehigh Parkway Trail  
Resolution passed 7 - 0

R17JacksonStreetCommunityParkDevelopmentProject.DOC  
Grant for the Jackson Street Community Park Development Project  
Resolution passed 7 - 0

#### **14. RESOLUTIONS ON FIRST READING:**

**R18CONSOLIDATED PLAN.DOC** **Referred to CEDC**  
Approves the Submission of the Consolidated Plan for July 1, 2010 to June 30, 2015.

**R19WAllenStreet2809Encroachment.DOC** **Referred to Public Works**  
**2809 W Allen Street Encroachment.pdf**

**R20Recovery Zone.doc**  
Applies for Recovery Zone Status from the State and Designates the Allentown Economic Development Corporation as the issuer of all Recovery Zone Facility Bonds for projects located within the City of Allentown  
Resolution passed 7 - 0

#### 15. NEW BUSINESS

Mr. Donovan asked Mr. Weitzel the playground construction that Mr. Donovan supported and started the fencing seems to be far larger and asked Mr. Weitzel if he could explain the degree of fencing it stretches over to the tree area and down to the pavement. Mr. Donovan questioned the size and it seems to go further than what he thought, but maybe it was just the Plan. Is it because of the construction they want to close certain parts?

Mr. Weitzel stated that they are being extra careful. They have to connect water, sewer and electric lines. They have a youth exercise trail that comes off of the playground that will connect the trail right next to the sand volleyball courts. With Mayfair coming up, the fence is a concern, their silk sock is a concern, but the contractors are willing to work with them or work with Mayfair to come up with some sort of solution.

#### 16. GOOD AND WELFARE

Ms. Eichenwald congratulated Mr. D'Amore on his twins being born.

## 17. ADJOURN

*Council meetings are held on the first and third Wednesday of each month beginning at 7:30 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at [www.allentownpa.gov](http://www.allentownpa.gov), or contact the Clerk at [hanlon@allentowncity.org](mailto:hanlon@allentowncity.org) to receive an email notice of the meetings.*