

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

Allentown City Council
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COUNCIL MEETING MINUTES – 7:30 PM
August 3, 2011
COUNCIL CHAMBERS

1. Invocation: Julio Guridy

2. Pledge to the Flag

3. Roll Call: D'Amore, Donovan (by phone), Eichenwald, Guridy, O'Connell, Schweyer
Frances Fruhwirth represented for Solicitor's Office

4. Courtesy of the Floor

Mr. Lou Hershman asked how can they justify raising the wage tax thirty-five percent. He stated that they are taking people's money. This is unfair to the wage earners of Allentown. He asked for the solicitor's opinion and you don't provide that and as a client you can provide opinions. How are you going to budget it. He stated that the only way to fix it is to go on the ballot and rescind it. He asked is the annual audit done. It should have been done June the 30th and asked if the water meter bids exceed the bonds.

Mr. D'Amore stated that the annual audit is not done and they reminded the auditors of that.

Mr. Bennington stated to answer that question, no.

Ms. Eichenwald asked Ms. Fruhwirth to help Council out in answering the question that Mr. Hershman raised about the EIT tax and what the legal justification would be and asked if there is a reason for the solicitor's office to have a different opinion then that of which was originally issued. She asked if the original opinions still stand.

Ms. Fruhwirth stated that the solicitor's office provided numerous opinions to members of council.

Mr. Donovan stated he believes the two questions had to do with the guarantee and the topic is the EIT and audit. As he understands it, the reason for the lateness of the audit is not on the city's side. The Redevelopment Authority is believed to be part of the city that requires a separate audit and the audit is on its way. He asked Mr. Hanlon did he check with the auditors to see what the current status.

Mr. Hanlon stated that the Redevelopment Authority audit was not completed, but was near completion.

Mr. Donovan stated to Mr. Hershman while he would love to see the city's audit, but component organizations must be included. He stated because of the dispute between the administration and Redevelopment Authority there is a time lag. He stated that in regards to the EIT he was very specific at the July 20th meeting that the justification of the EIT had two sources and he was surprised when he thought it was one source of justification Act 205 and it turned into two with court decisions.

Mr. D'Amore stated that the short version of it is that state law permitted the vote to be taken and the state law supersedes the Charter.

Mr. Hershman asked was 35 percent justified, was 20 percent justified, or will 25 percent be justified. He stated that he wants them to justify 35 percent wage tax increase. He stated that maybe 20 percent would have made their goals.

Mr. D'Amore stated that Mr. Hershman you were here during the debate and there were a number of percentages that were discussed during the debate and a number of members of council voted no on the increase itself. We have a vibrant debate and disagreements on the dais, but they respect the final determination of the body.

Mr. Hershman stated that we have Act 205 and he read Act 205 and it says you could only put in X amount of dollars you put in the prior year. In the prior year, you put in \$11.1 million and what he is saying that the rate is \$10 million and you are exceeding what Act 205 says.

Mr. D'Amore stated that Mr. Donovan asked the same question and he would go to him and then will move on.

Mr. Donovan stated to Mr. Hershman that Act 205 justifies part of the EIT increase and case law according to the law department justifies the other. It was not clear that night. He stated that he does not believe that part of it is case law, but Mr. Hershman would have to take it up with the administration and not with council. He stated that council voted on the .35 percent based on the justification of law. He stated that when he voted for the .35 percent increase he was under the impression that it was Act 205 that justified the increase and he learned that case law justifies part of it.

Mr. Hershman stated that City Council approved the 2011 budget. He stated that you adopted a budget that says you are going to use \$2.3 million of that money in general and civic of that \$8 - \$10 million and that means you are collecting too much money.

Mr. D'Amore stated to Mr. Hershman that his time is up. He stated that they are answering the questions as best they can for him.

5. Approval of Minutes: July 20, 2011

Mr. D'Amore stated that the July 20th minutes are approved by common consent.

6. Old Business

Bill 42 – Amendment to the Traffic Control Map

Mr. Schweyer asked to bring up Bill 42 for reconsideration. He stated that was the traffic control map that they amended last week.

Mr. Donovan seconded the motion.

Mr. D'Amore stated that the motion to reconsider is made by a Council member that voted yes and it conforms to the rules and asked is it an objection to the motion to reconsider. There are no objections to the vote to

reconsider. He asked Ms. Fruhwirth do they have to take a vote. He asked was it a discussion on the motion to reconsider from Council or the public.

Ms. Fruhwirth stated yes.

Motion to reconsider Bill 42, amendment to the traffic control map passed, 6 – 0

Mr. Schweyer stated that Parkway Boulevard was to be revisited after the vote. He reached out to Janet Gross, president of the Rose Garden Neighborhood Association that will most directly be affected by this. Ms. Gross did a poll of her neighbors and 52 people responded by his count and 27 voted for the 25 MPH and 25 voted for the 35 MPH. He stated that they should have had the input from the neighbors. He stated that another concern regarding sidewalks and crosswalks and stated that Mr. Young that he understands that is being worked on already. By a narrow margin, the neighbors do support and 25 MPH reduced speed limit. If we are able to get crosswalks they will be happy as well. He made a motion to reinstate the 25 MPH speed limit.

Mr. D'Amore stated that the Bill is on the floor so that amendments can be made. He asked is there a second.

Mr. Donovan seconded.

Mr. D'Amore asked if it was an objection to the amendment or a discussion on the amendment.

Mr. Donovan asked Mr. Schweyer was it about 50/50 neighbors voting on this.

Mr. Schweyer stated that is correct. It was 27 for 25 MPH and 25 for 35 MPH.

Mr. Donovan stated that he will take a moment of observation. He stated that he drives from Ott Street up towards to the high school area to his place off work which is 25 MPH and a lot of people do not observe that 25 MPH. He stated that he understands the 25 MPH limit to the left heading towards Cedar Crest. He stated that he will vote in favor of this, but he was surprised it was 50/50 because they have the neighbors and general population. He stated that he was glad to hear and he received an email from a resident and they do need to think of additional strategies additionally to lowering the speed. He stated that he does not think the just the speed limit would save the road.

Ms. Eichenwald stated that any time you ask the residents it would be proclivity to vote to the lower speed limit in one's neighborhood. When we make the decisions we have to think of the ones that live there and that are impacted. She stated that as Mr. Donovan stated it is also important to recognize as people that use that thoroughfare that drives through it. Since the vote of the neighbors, one would have expected that it would have been higher for the 25 MPH and since the neighbors are divided her vote would stay at 35 MPH.

Mr. Young stated that he was a little surprised about that to because the original request came from the neighborhood association.

Mr. Guridy stated that he spoke to three people, two from the neighborhood, and they all wanted at 35 MPH.

Mr. O'Connell stated that he probably caused the meeting to go a little longer last time on this issue and he talked to Mr. Schweyer a week ago and he said that he would not have a problem going back from his headstrong 35 MPH back to 25 MPH, but he is taken aback by that 50/50 vote and do we have anyone from the audience from that group tonight that might have a comment. He stated that he would like to hear that before he makes his final decision.

Mr. D'Amore stated that procedurally he has to ask any more comments from Council members.

Mr. O'Connell stated that last time they were saying 25, 35, 30 were the recommendation. He asked if it is still leeway and are they still playing with miles per hour or is it 25 or 35.

Mr. Schweyer stated that it is 25 or 35. It is one or another.

Mr. O'Connell stated that was fine.

Mr. D'Amore stated that theoretically it could be 30.

Mr. John Sharpe, 429 N Broad Street, stated that is two and half blocks up the hill from the Rose Gardens and he has two young children eight and ten and they go down the hill. They use it often and crossing Parkway Boulevard is a concern as a pedestrian, they go by bicycle. He can not justify going by car when it is healthy to exercise. He stated that he could not speak for all his neighbors, but he knows a lot of people walk and cross into the park and walk their dogs. He stated that he has not asked them, but would venture to say they appreciate the lower speed limit because it is easier to gauge the speed of the cars coming towards you. He stated that a pedestrian gets hit by a car at 25 MPH is most likely going to survive, they have an 80 percent of survival. At 30 MPH, it drops to 50 percent and when a car goes 40 MPH, it drops to only 20 percent of survival. If you are talking about 35 MPH and people do not just do the speed we give them a brace of 5 MPH and you are looking at 40 MPH. If they were to hit someone, that person would only have a likelihood of 20 percent of living. If they are speeding faster than that, their chance of survival is very, very low.

Mr. O'Connell thanked Mr. Sharpe and says he knows that he does ride his bike at Cedar Beach along with his children. He asked Mr. Laudenslager that there was a group that he was committee. He stated that Mr. Laudenslager did speak at the last meeting and the group that he is on they did make a recommendation and he wants to hear it again.

Mr. Laudenslager stated that he is a member of the Traffic Advisory Board of the city and at the meeting, it was brought up and they approved a recommendation of 25 MPH because of the events being held and the participation and use of the Rose Garden.

Mr. O'Connell asked Mr. Laudenslager was the recommendation from your committee to go 25 MPH. He stated that he just wanted him to refresh his memory.

Mr. Guridy asked for a clarification from Mr. Young of when he was going to put the crosswalk over there.

Mr. Young stated probably this year. The locations are being selected and he has the technical specifications already written and they will be going in soon.

Mr. Guridy stated that it would be going to what intersections.

Mr. Young stated that he does not remember what intersection, but along that intersection where there was three that they will put decorative crosswalks. If you could recall and been through the Borough of Emmaus what they have for the decorative crosswalks, that is what he is looking at.

Mr. Guridy asked if it would be between Ott Street and Cedar Crest. He stated that he hears what Mr. Laudenslager said earlier and stated that there is not much of a need when the activities are going on like Mayfair, Sportsfest and Stellar. That time, you really have to slow down although there are people that slow down.

Mr. Young stated there will be three locations in that stretch. He stated that when they get request like this, they do not go out automatically and post at the lower speed limit. There are a number of the things that they look at. They do a speed study to determine what the current traffic before we put the white edges in and the current traffic was just a hair over 35 MPH for the 86 percentile speed and they take a look at the horizontal and vertical geometry of the road and its setting. What the horizontal and the vertical geometry and being in a residential area on one side and a park on the other, they felt the 25 MPH was appropriate.

Mr. Guridy asked the Chief of Police if they enforce the speed limit in that area at all. He stated that he never sees an officer parked there if there is not an event trying to enforce that speed limit.

Chief MacLean stated that the short answer is they enforce the speed limit throughout the city. We do have a set spot a little east of there in the 25 MPH zone where the guy does speed timing. He stated that he does not know if there is a set spot between Ott and Cedar Crest Boulevard.

Mr. Guridy stated that if you put at 25 MPH, they will probably drive at 35 MPH. He stated let's see what happens. He would rather go with the lower speed limit right now just because of the times of the events.

Mr. Schweyer stated that if the section to the east from Linden Street hill to Ott Street is not residential and yet we have a lower speed limit and we have to take a step back and asked why we have a slower speed limit. It is because one of our biggest parks is right there and we have the J Birney Crum Stadium and baseball and softball portion of it. He does not understand that they are going to have a faster speed limit that butts into a residential area in the same exact road in a non-residential neighborhood is slower. You can not pass the Rose Garden in May through August without seeing a wedding or million of uses. He stated that if they vote to keep it at 35 MPH, we will not bring it up again. Just like the 16th Street stop sign, we are going to take it down put it up. If it is 35 MPH, it is 35.

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

Mr. Donovan stated that this is on the amendment and a yes vote is to amend the Bill to 25 MPH and a no vote will maintain it to 35 MPH.

Amendment to Bill to change the speed limit to 25 MPH passed, 6 – 0

Mr. D'Amore stated that was on the amendment. Are there any other discussions on the Bill? He asked what was the status on the Emmett Street question.

Mr. Guridy stated that they were going to discuss this as well. They have been brought up to date with the no parking sign and he thinks that they feel that the area is too narrow and a couple of scratches on the home of some of the neighbors and some feel that they should keep the no parking signs that are already there.

Mr. Young stated that the no parking signs that are there are confusing and needs to be straightened out. They did not want to do anything until they found out what is going to happen here. If it does pass to provide the no parking on this section of Emmett Street before this week or mid-next week the signs will be changed depending on weather conditions.

Mr. Guridy asked would it still be no parking.

Mr. Young stated that it would still be no parking.

Mr. Guridy stated that another thing that they saw, there was parking in other areas. Not necessary on that section of the alley.

Mr. Young stated yes.

Mr. D'Amore stated to refresh everyone's memory, the Emmett Street parking provision has been taken out by an amendment when the ordinance passed. There is no provision in the Bill that they are considering under consideration. An amendment would have to be made to add it back.

Mr. Guridy made an amendment to add it back to the Bill.

Mr. Schweyer seconded.

Mr. D'Amore stated that for the purpose of the record, they need to read the exact wording into the record.

Mr. Hanlon stated that this is a motion to add back under no parking, Emmett Street from 13th Street to Richland Street.

Mr. D'Amore asked Mr. Guridy is that his motion.

Mr. Guridy stated yes.

Mr. D'Amore asked is there any objection, discussion from Council or the public.

Mr. Michael Johnson, 237 N. 13th Street, stated that he has been living there for 35 years and the side of his house runs from Emmett Street. Over the past 35 years, his house has been hit numerous times. When they have parking in the alley, people would turn off of 13th Street onto Emmett and if the cars were close to 13th Street, they would avoid hitting the parked car and hit his house. He stated that on the side of his house he has numerous scars from bumpers hitting as they go down. He stated that he used to have a water spigot and it is gone. A car came down and hit it and water started squirting out and he had to get a plumber at 8:00 PM to get it fixed. He stated that he has an overhang on his second floor that sticks out about two feet and a few years ago a box truck was coming down the alley, and because cars being parked there he had to come to his pavement and his top of the truck hit his overhang. When there were cars parked in the alley and an emergency with an ambulance they could not get through. Fire trucks could definitely not get through. He stated that he already fixed his pavement and people drive their cars on his pavement and he has to pay money to get the pavement fixed and he does not have the money.

Mr. Guridy stated that another issue that he fell to mention that in addition to the inconvenience, the public safety issue includes if it is a fire or an ambulance has to go through because of the width of the truck, they may not be able to get through to take care of the accidents or incidents and this is another reason why there should be no parking in that area.

Mr. Young stated that he has a picture pulled off of Google Maps which shows vehicles parked there and shows the conditions that exists.

Mr. D'Amore stated to give it to Mr. O'Connell and they will pass it down the dais. He asked Mr. Young sometimes or oftentimes they have the emergency personnel weigh in on these matters and the Chief is here, but also Chief Scheirer and Mr. Van Allen. Did we get any response from Chief Scheirer or Mr. Van Allen?

Mr. Young stated that they got input from the Parking Authority and they have no objection to the elimination of this parking.

Chief MacLean stated judging from the photo and the street; he would agree there should be no parking.

Mr. D'Amore stated that is a good picture, thank you. He stated that the only question he has is this is a Bill under reconsideration and they had one resident that was here last meeting that spoke on the eliminating the provision and he was wondering if it was notifications, and said that they do not send out notifications for something like this.

Mr. Hanlon stated that the reason why he did not contact Mr. Tomescek because he was not aware this was going to happen. He stated that Mr. Tomescek did not live in the area and he was upset that he got a no parking ticket.

Mr. Young stated not immediate adjacent.

Mr. Bennington stated that Mr. Tomescek lives at 224 N Jefferson Street.

Mr. D'Amore stated that is close by.

Ms. Barbara Johnson stated that Mr. Tomescek lives on Jefferson Street and his problem is that they park in front of his garage. If there is a garage there with a no parking sign on it, then don't park in front of it. There were trucks and cars, but they are from Jefferson Street itself, not 13th Street.

Mr. D'Amore thanked Ms. Johnson and stated that they want to hear everyone and listen to everybody. He stated that this Bill cannot be under reconsideration again. We can only do reconsideration once. If we want to make the change, it needs to be made tonight, but understand that they may not have the voices here.

Mr. Schweyer stated that in light of the situation, can we have the Parking Authority contact Mr. Tomescek to discuss the issues of people parking illegally in front of his garage. If the issue for him is that people are parking and blocking his garage. No one should have to deal with that issue.

Mr. D'Amore stated that seemed clearly his concern.

Mr. Schweyer stated that they should get the Parking Authority out there with enforcement and talk to that gentleman.

Mr. Donovan stated he thinks that is true and even if they put that back in place there are other solutions to the other neighbors and he agrees with Mr. Schweyer's point.

Mr. D'Amore asked were there any other comments from Council, or the public. He asked the Clerk to call the vote on the amendment. A yes vote on the amendment would be to re-add the prohibition on parking on Emmett Street and a no vote would keep it out.

Amendment to add the no parking on Emmett Street, passed 6 – 0

Mr. D'Amore stated that they still have a Bill under reconsideration as amended twice. He asked were there any comments from Council or the public on the Bill itself.

Bill as amended passed, 6 – 0

Mr. D'Amore stated that a Public Hearing will be held on September 7th for Bills 58 and 59 and these are zoning amendment Bills and zoning maps Bills at 7:00 PM.

7. Communications

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Donovan

The Committee has not met since the last Council meeting since June; the next meeting is scheduled for August 24th at 6:30 PM – the agenda will include the EIT revenues and is hoping that they will have the city's audit in place.

Public Safety: Chairperson Gurdy

The Committee met this evening; the next meeting is scheduled for September 7th.

Community and Economic Development: Chairperson Schweyer

The Committee met August 2nd and forwarded some items on tonight's agenda; the next meeting has not yet been scheduled. They did discuss the AECD meeting and the Sixth Street Shelter meeting on the go.

Parks and Recreation: Chairperson Ray O'Connell

The Committee has not met since the last Council meeting; the next regularly scheduled meeting is on August 17th prior to the Council meeting

Public Works: Chairperson Schlossberg

The Committee met on August 2nd and forwarded some items on tonight's agenda.

Human Resources, Administration and Appointments: Chairperson Eichenwald

The Committee has not met since the last meeting.

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

The Committee has not met and no report.

OTHER COMMITTEE REPORTS

None

CONTROLLER'S REPORT

Mr. D'Amore stated that Mr. Hoffman is not here tonight, but would like to thank him for being with them very often.

9. APPOINTMENTS:

Hector Rivera, Recreation Board, Term to Expire, 01/20/2016

Michael Comick, Recreation Board, Term to Expire, 01/20/2016

Ms. Eichenwald stated that they have two appointments this evening and both are for the Recreation Board and the term will go to January 20, 2016. The first appointment is Hector Rivera and that is a reappointment and the second appointment is Michael Comick and that is a new appointment. Mr. Comick is currently employed by the Allentown Rescue Mission and has been very active with youth, with sports and the ministry in the City of Allentown and she is certain that he will be an asset to the Recreation Board. She recommended that the City Council accepts these two nominations.

Mr. O'Connell thanked Ms. Eichenwald and echoed her comment. He stated that Hector Rivera is a very valuable member of the Recreation Commission and he has been for several years. He stated that he knows Michael Comick quite well and has been involved with youth in the City of Allentown for about 15 – 20 years. He worked for the Allentown School District and is a minister and worked at the Rescue Mission and goes down to the Greater Ford Prison with his wife once a month to hold services down there. He stated that Mr. Comick is very respected in the community and he will be a great addition to the Recreation Board.

Mr. Gurdy stated just to point out that he has worked with both of the candidates and we support both of them. He stated that he would like to see more Hispanics joining the committees and would like to commend Ms. Eichenwald and the administration for putting the names forward. We need to continue to do that so that the committees and the government reflect the members of our communities that we represent.

Mr. Schweyer stated that he knows Mr. Comick very well and he has been active with the NAACP youth group and some other, but would like to speak specifically about Mr. Rivera, not only has Mr. Rivera serves very admirable on the Recreation Board, but he is a rare municipal fire fighters who lives in the City of Allentown. He would like to give him special thanks for that as well. He stated that they do not promote those folks enough and Mr. Rivera is taking part in the community in multiple ways not just running into burning buildings and rescuing folks, but also serving on the Recreation Board.

Mr. D'Amore stated that Mr. Rivera is a friend of his and he was glad when Mr. Rivera agreed to go on the Recreation Board the first time and as a member of Allentown's Bravest he also does live in the city where there is a lot of individuals that work for the city that live in the city and loves the city and we want to thank them all, but certainly Mr. Rivera has done a lot for the city and that should be recognized.

Mr. Donovan stated that he agrees with the comments that were just made by Mr. D'Amore.

Resolution passed, 6 – 0

10. ORDINANCES FOR FINAL PASSAGE:

Bill 46 Heart of the City Phase II

Amending the 2011 Capital Fund Budget to provide for a supplemental appropriation of Three Hundred Seven Thousand and Five Hundred Dollars (\$307,500) reflecting money being given to the City of Allentown from Sacred Heart Hospital. These funds will be used to install pedestrian lighting, bus lay-bys, crosswalks and other streetscape improvements for the Heart of the City Phase II located in the general vicinity of Sacred Heart Hospital and Central Catholic High School. The Bureau of Traffic Planning and Control is supervising and monitoring the grant.

Mr. Guridy stated that it was before Public Works and they discussed it thoroughly and they discussed it with Mr. Young and it is a good thing for our city. It is an appropriation of \$307,500. We approved it unanimously to the City Council.

Mr. Schweyer stated that he had done in his professional life done work with the Heart of the City group and for the record none of the \$307,500 was secured by Representative Mann, but this is a very important project. As a proud Central Catholic Alum, this is a much needed infrastructure improvement to an area of the city that has not always gotten attention and he is very excited about this. This is how it supposed to work. We had folks from the private sector step up and folks from the nonprofit sector specifically Sacred Heart Hospital and Central Catholic High School along with the public interest of both the commonwealth and the city to put a very impressive and important investment into 4th and Chew Street and he would appreciate a yes vote.

Ms. Eichenwald stated that this is a remarkable addition to our city and asked had they had previous donations of this magnitude from the other hospitals.

Mr. Young stated not to his recollection.

Mr. Guridy stated that some of the street lights have already been installed in that area. If anyone has a chance to drive through the city at night by Central Catholic, it is very much welcomed by the students, teachers and people that come to see the sports activities there especially in the evenings. Now it is looking nice, but it is another Public Safety support to the city.

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

Mr. Samuel Cordova, stated that he was born and raised in the 4th quarter area and has been there all his life and the street lights, he likes them and has seen them, but what about 4th up towards Allen and Tilghman, it is still dark there. Is it anything that we can do about it?

Mr. Guridy stated that he agrees with Mr. Cordova 100 percent, if we get the funding, we should go forward as much as we can, not only in your area, but throughout the city as much as you can. He stated that fortunately, we got a donation from Sacred Heart for \$307,500 which allows us to the Capital Projects, but we do have other Capital Projects throughout the city. He asked Mr. Young are there any other things in the plans to do further from Gordon Street.

Mr. Young stated currently there are no plans to moving as far as lighting in that direction, but they are looking to extend the paving both north and south of this location on 4th Street. He stated that section of 4th Street existing pavements are starting to get beat up and we are going to do extensions of that work and they could certainly look on seeking a grant opportunities for extending the lighting.

Mr. Guridy stated that he is not sure if that section belongs to Jordan Heights Project.

Mr. Young stated yes.

Mr. Guridy stated there is a project called Jordan Heights which includes that area and has been many individuals including Representative Jennifer Mann.

Mr. Samuel Cordova stated that in the evening, it gets a little dangerous for people that live in that area because it is really dark out there.

Mr. Guridy stated that they are in agreement and the funding needs to be brought in.

Mr. Samuel Cordova stated that his concern is if something happens in the near future.

Mr. Guridy stated that he thinks the paving of the streets.

Mr. Samuel Cordova stated that he likes the idea of the lights and police cameras.

Mr. Schweyer stated to Mr. Cordova that the reason why this particular area was targeted first was because it was private money involved and they had a donation. He stated that Mr. Cordova is absolutely right and a lot of folks that are walking up and down there, you are right it is a pretty dark neighborhood, but Mr. Guridy was saying earlier there is an organization called Jordan Heights which is a state program and asked Mr. Atiyeh if he was involved in some of those conversations. He stated that he is not going to hash them out here and asked Mr. Atiyeh to have a conversation with this gentleman. He brings up a very valid point and maybe Jordan Heights can help bring that out.

Mr. Ernie Atiyeh, 1909 E Commerce Street, stated that as part of the Jordan Heights initiative, we are installing porch lights in the 400 and 500 Blocks of Liberty Street. He stated that they got a grant and will be working on another grant to do the 400 block of 4th Street and move towards Tilghman. We are looking at that and are concerned about the darkness.

Mr. Schweyer stated to Mr. Cordova to make sure he gives Mr. Atiyeh a call.

Ordinances passed, 6 – 0

Bill 47 Training Reimbursement

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Five Hundred Forty-Eight Dollars (\$548.70) and Seventy Cents. This reflects reimbursement from the State of Pennsylvania, Office of the Attorney General for training.

Mr. Guridy stated that this Bill was discussed this evening as an appropriation from the office of the Attorney General for training and it is welcomed and recommended favorably to Council.

Ordinance passed, 6 – 0

Bill 48 Blue Cross Camera Donation

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Sixteen Thousand Six Hundred Seventy (\$16,670.00) Dollars. This is a donation from Capital Blue Cross to the Police Department Anti-Crime program to provide for a surveillance camera at Hamilton and Jefferson Streets.

Mr. Guridy stated that they discuss this Bill as well this evening and it is a donation \$16,670 from another private company as well that donated this money for our cameras in the area of Hamilton Street and Jefferson Streets. It is a welcome donation and he stated that the committee is talking to the Chief to see if they could get more of these types of donations throughout the city. They have done some projects like that with other entities including Allentown Housing Authority and Muhlenberg College is also one that they are going to be targeting to do some more projects likes this. They forwarded favorable unanimously to Council for approval.

Ordinance passed, 6 – 0

Bill 49 K-9 Donation

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Three Hundred (\$300.00) Dollars. This is a donation to the Police Department for the K-9 program from Linda J. DeLong.

Mr. Guridy stated that they discussed this Bill as well and it is \$300 from Ms. Linda J DeLong for the K-9 program and we have four K-9 units in the city and we will benefit from this for training and any other equipment they may need in the department.

Ordinance passed, 6 – 0

Bill 50 LV Kennel Club Donation

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Three Hundred Fifty (\$350.00) Dollars. This is a donation to the Police Department for the K-9 program from the Lehigh Valley Kennel Club.

Mr. Guridy stated that this was a donation from the Kennel Club and they forwarded it favorably unanimously.

Ordinance passed, 6 – 0

Bill 51 Red E Fox Donation

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of One Thousand Five Hundred (\$1,500) Dollars from St. Luke's Hospital to the Communications program of the Police Department to provide for public education for the 911 program.

Mr. Guridy stated that this is another donation from St. Luke's Hospital Communications program and they felt that it was well needed and used for the Red E Fox. He stated that Mr. Hilbert and his staff volunteer for this program and they do not get paid. It is volunteering their own time and we want to thank them for volunteering for this program.

Mr. D'Amore stated that Mr. Hilbert also lives in the city.

Mr. Donovan stated that he would like to compliment Mr. Hilbert and stated that they are an asset to the city.

Ordinance passed, 6 – 0

Bill 52 6th Street Shelter

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of One Hundred Fifteen Thousand (\$115,000) Dollars to provide for the grant from the Pennsylvania Department of Community and Economic Development to the City of Allentown for a grant for Community Action Committee of the Lehigh Valley to renovate the Sixth Street Shelter in Allentown.

Mr. Schweyer stated that they received DCED for \$115,000 for the Sixth Street Shelter and recommended favorably by a vote of 3 – 0.

Ordinance passed, 6 – 0

Bill 53 Revised 2011 CDBG, HOME and ESG

An Ordinance providing for the expenditure of certain monies received by the City of Allentown under Title I of the Housing and Community Development Act of 1974, as amended; Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act of 1987, as amended; and Title II of the National Affordable Housing Act of 1990, as amended; for the purpose of undertaking programs of housing and community development within the City.

Mr. Schweyer stated that after Bill 54 and Bill 55 he will reserve right to make a motion to move R 40 and R 43 up as well. They had four pieces of legislation 4 Bills and 4 Resolutions that dealt with CDBG and figured they could them all done at once. He stated that Bill 53 is to reallocate monies based on the cuts that they got from the federal government and recommended favorably 3 – 0.

Ordinance passed, 6 – 0

Mr. Schweyer asked if he could move R 40 and R 43 to this point of the agenda.

Mr. Guridy seconded the motion.

R40 Revised 2011 Action Plan

Approves the Submission of the 2011 Revised Action Plan to the United States Department of Housing and Urban Development.

Mr. Schweyer stated that it was recommended favorably 3 – 0. This is the official document that they have to send up basically stating that they just did Bill 53.

Resolution passed, 6 – 0

R43Emergency Shelter Grant (ESG) Program

Emergency Shelter Grant Application for 6th Street Shelter

Mr. Schweyer stated that it was recommended favorably 3 – 0. This allows them to apply for this grant. He stated that they are applying for \$153,000 for an emergency shelter grant program.

Resolution passed, 6 – 0

Bill 54 VAC-ORD N 4TH St

Providing for the vacation of a widened portion of N. 4TH Street between Chew Street and Gordon Street in the Ninth Ward of the City of Allentown:

Mr. Guridy stated that they discussed it at the meeting and it is part of the previous Bill that they voted on to allow the beautification and work on 4th and Chew area. Basically, what this Bill is, they have done it in the past with the historical committee on Walnut between 4th and 5th. They indented the streets so that the buses can stop over there with the lay-bys. This Bill will help alleviate the negative impact on traffic in the morning and in the evening. It was recommended unanimously.

Mr. Donovan asked Mr. Guridy is this a cut out so that vehicle can get out of freeway.

Mr. Guridy stated no the cut out will allow buses to park in front of the school so that car can go by and keep driving as opposed to waiting behind the buses until the students get of the buses or get in the buses.

Mr. D'Amore thanked Mr. Guridy for the clarification.

Ordinance passed, 6 – 0

Bill 55 HRC GRANT

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Five Thousand (\$5,000) Dollars. Reflecting receipt of a grant from the Pennsylvania Department of Community and Economic Development for the Allentown Human Relations Commission.

Mr. Schweyer stated that this was recommended favorably by a vote of 3 – 0. He stated that Mr. Arcelay was here from the administration and they decided and told him that he did not have to come for Bill 55. It is additional appropriate from DCED for the Human Relations Commission. He stated that mostly for training for the Human Relations Commissioners. The details are outlined below. As always it is always nice to support our commission and in this case they have a member of Council that serves on the Human Relations Commission.

Ordinance passed, 6 – 0

Bill 56 HARB Budget

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Fifteen Thousand (\$15,000) Dollars of funds received from the Pennsylvania Historical and Museum Commission (PHMC) for consulting services for the City's Historic Architectural Review Board (HARB).

Mr. Schweyer stated that this was appropriation of \$15,000 from PHMC for consulting service for HARB. We are brining on an architect to bring the staff some direction. It is important to note that the outsourcing of this was approved unanimously and they passed by Resolution last Council meeting and it was recommended favorably with a vote of 3 – 0.

Ordinance passed, 6 – 0

Bill 57 HANOVER PROJECT PENNDOT GRANT

Amending the 2011 Capital Fund Budget to provide for an appropriation of Eight Hundred Thousand (\$800,000.00) Dollars reflecting receipt of additional funds from PennDOT due to a change in scope to extend the project limits from Graham Street to Irving Street. The overall project is to install waterline and provide milling and paving from the Hamilton Street Bridge to Graham Street and ADA standard handicap ramps,

traffic signal and other improvements of Hanover Avenue within the reach extending from the Hamilton Street Bridge to Irving Street. The Bureau of Engineering is supervising and monitoring the funds.

Mr. Guridy stated that they discussed this and found it to be in line of what they want. The state gave them \$800,000 which we welcome very much and forwarded favorably unanimously. He stated that they will continue to do work on Hanover Avenue with paving and over things that need to be done including installing waterlines and Mr. Young is here and if you have any questions, please ask him.

Mr. Donovan stated when he returns next week, will he have access to Hanover Avenue.

Mr. Young stated yes you will.

Mr. D'Amore stated that his question was from a constituent, his wife; she wanted to know when she was going to drive on Hanover Avenue again with no problems.

Mr. Young stated that he drives it everyday too and is anxious to see it back to normal.

Mr. Guridy asked when is the project will be completed.

Mr. Young stated that a little over a week. About ten days.

Mr. Guridy asked the whole project, the entire project.

Mr. Young stated that this will add some funding for some additional paving between Graham and Irving. Right now the project ends at Graham Street. This will allow them to extend to Irving and do a lot of traffic signal improvements which will help with the flow through the corridor.

Mr. Guridy stated that he does not want everyone to get the wrong idea that the whole is going to be completed.

Mr. Schweyer stated up to Graham Street and the bridge.

Mr. Young stated the reason for saying that is the addition work would be done and probably extends the time on the contract, but that will not be lane restrictions that will be on the sides of the road.

Mr. Guridy asked Mr. Young if they have to rebid this part of the project, you will just do it along with it.

Mr. Young stated that it would be a change order on the contract.

Mr. Guridy said \$800,000 that is a big changeover.

Mr. Young stated that it is. Right now the entire project is federal funds and adds \$800,000 of state funds.

Mr. Donovan thanked Mr. Young.

Mr. D'Amore pointed out to Mr. Schweyer that Mr. Young also lives in the city. He asked were there any other comments from Council or the public.

Ordinance passed, 6 – 0

11. ORDINANCES FOR INTRODUCTION:

Bill 60 HPRP Reallocation

Referred to CEDC

An Ordinance providing for the re-allocation of funds within the Homelessness Prevention and Rapid Re-Housing Program (HPRP) Grant Program

Bill 61 Weed and Seed Youth Coordinator Grant

Referred to CEDC

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Twenty-Eight Thousand Five Hundred (\$28,500) Dollars to provide for a Penn State University Grant for the Weed and Seed Youth Coordinator.

12. CONSENT AGENDA: None

13. RESOLUTIONS ON SECOND READING:

Moved up

14. RESOLUTIONS ON FIRST READING:

R44 American Parkway Condemnation

A Resolution of the City Council of the City of Allentown Authorizing the Preparation and Submission of a Declaration of Taking and Related Documentation pursuant to the Eminent Domain Code of 1964, as amended, to Acquire Certain Portions of Properties owned by Lehigh Valley Properties on North Ivy Street within the City of Allentown as part of the American Parkway Project.

Mr. D'Amore stated there is a request to vote on it this evening and asked if it is any objections. This was heard by the Public Works committee.

Mr. Gurdy stated that they did not vote on it.

Mr. Schweyer stated that it was not an official vote.

Mr. D'Amore asked was it an informal recommendation from the committee.

Mr. Gurdy stated yes.

Mr. Young stated that associated with the American Parkway project, they had a total of twelve properties that they had to acquire portions of and they come to agreement and have settled on seven of them and there are four that are close to completion on. The four that are close are people who wanted to get their own appraisals and one has come in and the others will come in very shortly. There is one property that has numerous liens and the properties. Because this is a federal funding project, they have to follow PennDot's procedures and PennDot procedures will not allow them to clear those liens on those properties. They want the properties cleared before they pay them. They had some discussions and Ms. Fruhwirth had conversations with their attorneys. There is a possibility they may be challenging some of the liens. Last he heard, they were not sure, but they were looking at that. They are concerned because of the timeframe that they need to get this project out in time. They started the process of the condemnation. He stated that Ms. Fruhwirth may be able to add something to it.

Mr. Fruhwirth stated that under the Eminent Domain Code and PennDot's regulations, if the property is not cleared of liens and there are numerous on this given property. They are not at liberty to settle claims. They need a judge's order to decide who gets paid out of the just compensation that the city is prepared to offer.

Mr. Donovan stated to Ms. Fruhwirth that he did not hear her last three to four sentences.

Mr. D'Amore stated that what Ms. Fruhwirth said was basically because there were liens on the property there needs to be a judge's determination rather than a negotiated settlement between the city and the party.

Ms. Fruhwirth stated that is correct.

Mr. Guridy stated that with their discussion, it is one of the properties that the person was not at the meetings and he thinks this will be an easy vote and it would be safe to vote on it and introduce it. He asked if they had to vote on the introduction of it.

Mr. D'Amore stated no, it is in Resolution. They can vote on it tonight.

Mr. Donovan stated that based on what Mr. Young said this is what he understands and want to make sure he understands that they have some properties in agreement, some properties close to agreement and we have this property with liens on it and it sounds like what we are doing is following an appropriate legal procedure. He asked is that correct.

Mr. Young stated that is correct.

Mr. Donovan stated that his only question is it is consistent with their other eminent domains decisions. He asked is there a reason why they have to vote on it tonight.

Mr. Young stated that they have to meet a time schedule to get the project out for bids.

Mr. Donovan asked is there any disputes from the land owners.

Mr. D'Amore stated that the current property owner is not present and the current property owner was not at the Public Works meeting.

Mr. Donovan stated that is all he needed to know. He does appreciate it.

Mr. D'Amore asked were there any other comments from council and stated that this is about as clear public use that you could possibly get for the issue of eminent domain. He asked for comments from the public.

Resolution passed, 6 – 0

15. NEW BUSINESS

None

16. GOOD AND WELFARE

Mr. Donovan thanked the public for putting up with him while he is on the phone and thanked council.

Mr. D'Amore thanked Mr. Donovan for his concern and for spending an hour and a half of his vacation with them.

Mr. Donovan stated that he is not sure he will be back on the 17th and he believes he would be able to make the 17th meeting, but wanted to alert Council that he might not. It depends on the wonderful traffic between New England and Allentown.

Mr. D'Amore thanked Mr. Donovan and said to come back safe.

Mr. O'Connell stated as a reminder that this coming Monday, the City of Allentown will have Romper Day. Romper Day is being switch from the normal Sunday afternoon.

17. ADJOURNED: 8:54 PM

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, or contact the Clerk at hanlon@allentowncity.org to receive an email notice of the meetings.