

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
July 20, 2011
COUNCIL CHAMBERS

COUNCIL MEETING - 7:30 PM

1. Invocation: Ray O'Connell

2. Pledge to the Flag

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

4. Courtesy of the Floor

Mr. Hershman asked about the unanswered questions about the wage taxes. He stated that the city does not come up with documentation for the people on the wage tax. He stated that voters of Allentown need to put a petition together and throw this out. He stated that they need to come out with the Arena. Where is the 130 acres, how will it be financed and how is the progress. He stated that Council are homeowners like he is and they should have received a letter from Berkheimer for school real estate taxes. How did Berkheimer become the collector of real estate taxes? The City of Allentown was the tax collector and it paid for the crossing guards. Who made the decision that Berkheimer collect the taxes.

Mr. D'Amore stated that Mr. Donovan will respond to you.

Mr. Donovan stated that his comments will be during the Budget and Finance committee and asked him to wait on those answers. He stated that like Mr. Hershman, he has been asking about the arena and he was told that a variety of information is coming together and he and the public will be briefed real soon. On the collection, he turned to Mr. Bennington and stated that it was news to him.

Mr. Hershman stated that when he was Controller, he signed the contracts.

Mr. Bennington stated that it is not totally correct. The City of Allentown was collecting real estate taxes for the Allentown school district and was being paid a minimal amount to do that and it was not cost effective and they turned it back to the Allentown School District to collect those taxes which Berkheimer is their tax collector. He stated that the City of Allentown was not paying the school crossing guards out of the money they are getting out of the Allentown School District.

Mr. Donovan stated that the City of Allentown is still collecting for our taxes. He stated that for the school district we were sending it out ourselves and they were delivered to ourselves and now the school district has contracted someone. He stated to Mr. Hershman that he has to take that up with the school department.

Mr. Hershman stated that what happened was we collected the school district taxes with interest. He stated that it went into the general fund and helped pay the salaries to the crossing guards. The money is not going into the general fund because it is not there.

Mr. Donovan stated that Mr. Hershman's comments about the allocation specifically to crossing guards are the first time he heard it.

Mr. Bennington stated that the costs to the crossing guards were about \$350,000, and we were not getting anything close to that from the Allentown School District to collect their taxes and getting all the grief from people that thought we were collecting the school district taxes.

Mr. Donovan stated that there is an entity Berkheimer that is arranging the collection, but it is for the school district and it is not our responsibility and he guesses Mr. Hershman wants to know who arranged and authorized that. He stated that Mr. Hershman is raising an issue about interest that existed when Mr. Hershman was on Council, but he was not sure that it was cast in stone. He suggested that they look into that because it is the first he has heard it. He stated on the EIT question, and stated to Mr. D'Amore that it will take a moment because it is important. He stated that he was concerned like Mr. Hershman on how the EIT would be calculated based on the state's law, Act 205. Over the last six months, he repeatedly asked the administration for numbers in order to understand the calculations and he received those numbers and the same numbers Mr. Hershman has. He stated that the city was raising more money than the Act 205 specifically said that they were allowed to raise based on his interpretation. He stated that however, it was explained and he went back to the minutes of the evening when it was discussed and a legal opinion given to council which in addition to the justification of Act 205 and subject to certain limits there was case law cited that allowed the City of Allentown to raise the EIT without being subject to the Charter's limitation. He stated that he was surprised and based on the information he thought it was based on Act 205 and was part of the justification for the increase. There is legal justification for the 1.35 percent of EIT Tax. He stated that the only problem it was not clear to him. There were two justifications for it. He stated that one was a justification for Act 205 which allows a certain amount and the rest was a justification from Pennsylvania Case Law that allowed that.

Mr. Hershman asked Mr. Donovan will they make all this public with the justifications.

Mr. Donovan stated that they passed it on to the legal department. He stated that as far as the two legal documents on whether they should be releasing that.

Mr. Hanlon stated that it was the legal opinion and Council did not release it.

Mr. Hershman asked if they could make the letter available to the public.

Mr. Donovan stated that he will leave it to the law department, if they want to release that. We do not have that.

Mr. Hershman stated that the Council is a client and a client can release an opinion if they want to.

Mr. D'Amore stated that yes they can, but speaking on behalf of the body, they choose not to because it is legal counsel.

Mr. Donovan stated that he was shocked when the Solicitor called him and said that my premise is wrong because he called Harrisburg and went through a long conversation with a representative. He stated that he went away on a Friday and stated that maybe they had miscalculated and the Solicitor called him on Monday morning and stated that there were two justifications. He stated that he thought Act 205 was the justification of the .35 percent increase with one caveat that the law did not make sense to him to justify the .35 and he did not know why it did not add up, but he found out there were two justifications.

Mr. O'Connell thanked Mr. Hershman for his comments and stated that Mr. Donovan spoke about the EIT and was very verse on the numbers. On the arena project, he sent a letter to the Mayor and copied all of Council about two weeks ago. He stated that the communications plan about the arena, not only to council but the entire Allentown community has been a very poor one at best. The Mayor and Ms. Hailstone promised them bi-weekly updates on the arena. He stated that when they are walking through the city and driving through the city, they are asked simple questions on where the arena is going to go, have you done traffic and geological studies and you look dumb-founded because you really do not know. The communication plan has to move rather quickly from the Mayors office and the administration. He stated that they had two meetings and the financial advisors gave the numbers and they understand that but this point forward it is incumbent from the administration to let council know what is going on, but the citizens know what is going on with this arena. He stated that he supports the project and it will be good for Allentown, but there are a lot of questions and naysayers out there that are asking good solid questions and it has to come to the mayor's office. He stated that the school district is now collecting the school taxes. He stated that they city use to do that and is there a cost-savings to the city in manpower or money.

Mr. Bennington stated that they did not make as much money as they should have collecting taxes for them and getting the abuse from people thinking we were raising the school district's taxes.

Mr. Guridy stated that he wanted to follow-up on the Berkheimer issue and it was a decision made by the administration which should have gone through City Council. He asked if that should have been done by a resolution or a bill.

Mr. Bennington stated that they should have been collecting their taxes all along. He stated that is a question from the solicitor.

Mr. Wiles stated that he will find that out.

Ms. Eichenwald stated that she remembers the days when she was on the school board and it certainly seems that it was a tax-saving to have the city do it. They were always looking at ways in which the school district and the city can work together was a concertive effort to have one entity do the tax collection. She stated that she is concerned about that and the process. She stated that she is concerned that they are not consulted on it or told about it or a memo about it that it is unilaterally done. She stated that she has the same concern about the arena. There are only two issues that the city council can vote on in the arena project one was eminent domain and they did that and know the results and the other is a street vacation which is null and void. If the project goes through, we are not going to stop it in that fashion. Everyone will be afraid to do business in the city and it is a matter of trust and good government for the citizens of Allentown to be informed as much as possible about the arena. She stated that it behooves the administration and the city to tell council as much information as possible without jeopardizing the project. She hopes in the future there will be many more public discussions on this issue.

Mr. Donovan stated that as chair of the budget and finance committee, the finance department should have let them know so that he does not have to hear about it. He stated that he has been very vocal at AEDC and told the mayor where he stands.

Mr. Ed Amway, 520 N. Tenth Street, stated that he has a problem on North Street and it is no way to enforce this law. He stated that a young couple moved across the street and they rented a garage and started an auto repair business. This is a very high residential area. The street that they opened their shop is no parking on that street. They have a fleet of vehicles (7 of them). The parking authority will come out and give them a pink slip and say they have three days to remove the vehicles and instead of three days they have six days and the seventh day the parking authority do not ticket the vehicle. On Monday, they move the vehicles ong enough

for the street cleaning vehicles to go by. He stated that he has been living in Allentown since 1944 and he owns his house.

Mr. D'Amore stated that he and Mr. Bennington are taking steps to remediate the problem.

Mr. Bennington stated that he has a letter from Ms. Weller and has talked to Zoning as well as Mr. Arcelay. He stated that the Ms. Weller stated that the 500 Block of North Tenth Street came to the Parking Authority's attention on June 30th and stated that Mr. Amway and stated that J West auto shop was responsible for numerous cars parked in violation to the 72-hour ordinance and she explained that the officers has to witness the vehicle violating the ordinance in order to enforce it. They marked a notice on the vehicle reminding them of the 72-hour ordinance since that time. In the letter she discussed the residential permit process in a residential RPP zone and 70 percent of legal space is occupied. Approximately 68.5 were occupied when the Parking Authority canvassed the street. A third of the residence must approve the requirements of the zone. He stated that Ms. Weller will be sending out letters to the residents and will keep them posted.

Mr. Amway stated that the permit section is probably did not approve is because they give the spots to the customers at the end and they are only allowed four customers a day.

Mr. D'Amore stated that council is aware of the issue and they are taking steps towards improving it.

Mr. Schweyer stated that he sympathizes and have seen auto garages pop up that are legal and sometimes illegal according to our zoning standards. He asked do they rent or own the property.

Mr. Amway stated that they rent it.

Mr. D'Amore stated that it is a non-conforming use and has existed since the zoning change.

Mr. Schweyer stated that they should look at any DCRs they may have or disruptive conduct. He stated that he is not sure if it applies to commercial. He stated that they will talk about that.

Mr. Bennington stated no. He stated that they are planning on leaving the beginning of next year based on Mr. Arcelay told him. He stated that the gentlemen that rent the auto body will be moving out the beginning of next year.

Mr. D'Amore advised Mr. Amway to give any information to Mr. Hanlon.

Mr. Donovan stated that he thought he heard threats and asked Mr. Bennington to bring the police into the conversation.

Ms. Carol Rumsfeld, 940 Pratt Street, stated that she is here for the same problem. They harass and her husband is a handicapped person and they will stand there and argue with her husband. She stated if she calls the cops, they take the name down and do nothing. She stated that these cars are not inspected, not licensed and no one will check to see if these cars are stolen. A truck is leaking oil and antifreeze she went through the Mayor's office, Zoning office and Mr. Atiyeh and tried to do everything possible. They say we harass them. They block the alley and she can not get out. It is a no parking street. She stated that she should not have to put up with this everyday. She thought that cops supposed to patrol the area. The only time she sees cops are if there is a crime there. She stated when she gets home around 3:00 AM and she is afraid to get out her car because there are a number of cars there.

Mr. D'Amore asked Mr. Bennington if he can send an inspector and if there are vehicles that are leaking fluid onto the city streets, he is sure that is a violation of a city or state environmental law.

Mr. Bennington stated that zoning has been going out.

Mr. Rumsfeld stated that Zoning said they could not do anything about it because it is a private lot.

Mr. D'Amore asked Assistant Chief Warg to take it back to command staff.

Ms. Kim Oliver stated that she is here regarding the matter she is having with the adjoining properties on Hanover Avenue. She stated that her property is 350 and she has 348 Hanover Avenue and 350 and she has been to Mr. Paulus, Mr. Rizzotto, Mr. Arcelay and Mr. Bennington's office and she does not get anywhere. She stated that the problem initially started last year. She wanted to repair her front porch overhang which she discovered that the person at 352 had built on her property. She stated that she sent him a certified letter telling him he had thirty days to remove it or she was going to remove it. He is a city employee and that does not give him any special privileges. He did not take it down. She stated that she asked a friend of hers to come and take it down and first they stated that it was not a city matter or a police matter, but the day she took it down, she had Mr. Rizzotto come out with the police to intimidate her for something legally that she was doing, taking the structure down on her property. She stated that had the inspector been involved when it was going up, it would not have been on her property or an eyesore of a mess because it was not done properly. He closed his porch illegally. They pat him on the back and say Mr. Gonzales just buy the permits and I will approve it. She stated that she was under the impression that the first time you do an illegally structure like that you will get a warning. This guy continuously is building structures. He built a deck in the back.

Mr. Bennington stated that Mr. Paulus has not ignored Ms. Oliver, and he has not ignored Ms. Oliver. He stated that they all know that he responds to people that call. He stated that this is a neighborhood issue that has gone through serious litigation and he stated that if anyone wants a complete analysis of this he would give it to them.

Mr. D'Amore asked is it correct that it is a city employee that they are talking about.

Mr. Bennington stated that he believes so.

Mr. D'Amore stated that he is concerned that it is a city employee and somewhere along the way there was certain special consideration given to this individual and if it is, ask the city to take an action against that.

Mr. Bennington stated that he will be sure that council gets a synopsis.

Mr. Oliver stated that she never approved of that enclosure and never got anything to come to a meeting. She stated that she went to Zoning with pictures about the illegal structure that went up on July 4th and has been calling since last year. She stated that his permit read that he was replacing floorboards to the deck. There was no deck there. She stated that she has pictures of the new deck. She stated that Mr. Bob Sandt is there every other day and does not know who the inspector is for 351, the garage over there, but that is a fire hazard.

Mr. D'Amore stated that they will look at it and wait to hear what Mr. Bennington said and she can take a look at it and stated that she can come back to the next City Council meeting.

Mr. Schweyer asked Ms. Oliver to give her contact information to Mr. Hanlon.

Mr. Guridy asked Ms. Oliver does she own the property in question. He asked did he put a porch on your property without your permission.

Ms. Oliver said yes.

Mr. Jim Bass, 527 N. Howard Street, stated that he is starting to be concerned about the seventy-two hour limit. He stated that his belief is that they are vehicles parked on a public street in a predominant residential neighborhood and has no business on that street even for one night. Service One does not let their tow trucks sit on a public neighborhood streets and neither does Outten Chevrolet. He stated that he has seen a pick-up truck with a plow on it up to a few weeks ago. The head of the Parking Authority spoke to the neighborhood group and after the meeting she walked over and his sticker on the rollback said it was a weight limit on a public street. That should not have been on a public street overnight because it was related to the business and this is what the neighbors and he is complaining about. Parking is at a premium. Should businesses store their vehicles on a public street overnight?

Mr. D'Amore stated that they spent a lot of time on heavy truck parking. He stated to Mr. Hahn that he went over there. He asked Mr. Wiles if he could for them and believes the ordinance that they passed in 2007 - 2008 would preclude a rollback. He stated that maybe not the pickup truck with the plow that may be ok. The rollback may exceed the weight considerations and asked Mr. Wiles to find that out and stated that if Mr. Wiles finds that out, they will send the information to Ms. Weller.

Mr. Schweyer asked Mr. Wiles for a copy of that.

Mr. Richard Stein, Midway Manor, Club Avenue, stated that he purchased a property at 1012 Club Avenue in October 1980. His neighbors were Don and Sarah Bline, and Ms. Roy Morale was living at 1004 Club Avenue. There was a common second floor used by both families. They shared expenses while living in the house. Lehigh County records show that the house was built in the 1800s. The Bline purchased the property in 1962 they removed and had wood walls. In the early 90s the powder room was added to first floor. After passing of Mr. Bline and Mr. Morale, the house was sold and purchased by a doctor. Louis Vasquez rented the house to own. Calls were made to the police department about excessive noise. Their pit-bull was left on a leash and they never cleaned after their dog. The grass was rarely cut; and due to no payments of Allenton city's water bills, the water was turned off and deemed the house inhabitable. Due to them not paying their water bills. A condemnation order was issued and is on file at Lehigh County Courthouse. They leave windows open no matter of the weather with no concern of the occupant. Just imagine the moisture damage to the interior of the building. In the inside of the building and the walls that leaves to dry rot. He stated that his observation is when the siding was applied in 1962 that was the start of the deterioration with the log cabin.

Mr. D'Amore stated that they have updates for him and asked Mr. Bennington to give them.

Mr. Bennington stated that Mr. Paulus could not make it and he has a note from Mr. Paulus regarding this property and also has a note Ms. Smethers who is the Acting Director of ARA and she can respond. He stated that according to Mr. Paulus the property was not the problem they received a raised repair order from the building inspector and was put on the blighted property list. The Redevelopment Authority filed the declaration of taking. The relatives of the previous owner approached the Redevelopment Authority on taking the building back into shape and paid \$13,000 of back water bills and were allowed to submit plans and rehabilitate the building in a specific timeframe. The water bill was paid, plans were submitted and permits were pulled. Work is being on going and being inspected. To date, the water is and is considered a two unit by Redevelopment Authority. It is a two unit building by Zoning.

Mr. D'Amore stated that he wanted to clarify and the Lehigh County Assessment Record shows the Redevelopment Authority is the owner of the property. What were the considerations? This is a two unit residence and will the Redevelopment Authority return the property that is out of character of the neighborhood to owners that proven themselves as not able to take care of the property. At what point in time was seemingly a one unit house owned by family members.

Ms. Smethers stated that she spoke to Mr. Stein and the Redevelopment Authority did enter into an agreement with the previous property owners. The redevelopment authority allowed them to buy it and is monitoring it very closely. They are doing everything they can to make sure the issues are being addressed.

Mr. D'Amore stated that he wanted to clarify something. He stated that he has on his screen the Lehigh County Assessment records and the current owner of the property is the Redevelopment Authority. This was a discretionary decision to allow these individuals to pay fines and potentially repair. What were the considerations? He stated that he is concerned about that decision. This is a two unit residences and is out of character for the neighborhood. Why would the redevelopment authority allow the return of a property that is out of character with the neighborhood to owners that have proven not to take care of the property?

Ms. Smethers stated that they put together plans to prove what they are doing with the property. The Blighted Property list is not to take properties, but to get properties repaired and if owners are willing to take steps to do that, they allow them time to do that. The agreement that was put into place is very much in favor of the Redevelopment Authority. They are under a strict timeframe and if they do not fix the property, it goes back to the Redevelopment Authority. There will be no extensions allowed.

Mr. D'Amore asked in one point in time which is seemingly one unit house that happened to be shared by to relatives became classified as two units.

Mr. Bennington stated that the building was and still is classified, but there are no dates on it.

Mr. D'Amore stated that they can get that from zoning because the main issue is that it is so out of character for the neighborhood particularly the two units and that is the concern of the neighbors. That is where the major concern lies.

Mr. Stein stated that the structural issue is more a concern now. He stated that he has pictures showing structural issue that have not been address. You don't put finished walls on before you repair the structure and that is what the major issue is. The structural issue is the main concern and the second is the two family units. If you look at the pictures, it is self explanatory.

Mr. D'Amore asked do we have a specific code governing log cabins. That is another unique component that it is a log cabin built 200 years ago that predated zoning.

Ms. Eichenwald stated that it is her understanding that it is the policy of the Redevelopment Authority to have a single family dwelling and that is our goal and she must admit that she is surprised and not pleasantly surprised that they will entertain the idea that this will be a two family residence. It is out of character of the neighborhood and midway manor. Why would we proceed as a two family? Reading the history it does not seem to have functioned in the fashion. It happened to have a brother and sister in it, and does not equate it as a two family unit. She stated that they owe a responsibility to protect the neighborhood and the neighbors. She stated that she would not be happy if it happened next to her home. She stated that she lives in a single family area and would not be pleased. Dr. Beck-Pooley would come time and time again to report to council about the attempts of the redevelopment authority to have a single family unit.

Ms. Smethers stated that she agrees. She stated that she was not involved in it and she was told that it was zoned a two unit and they allowed it to be zoned as a two unit.

Mr. Schweyer stated that he wants to make sure they are addressing the right questions and stated to Ms. Smethers that she was not involved in the initial zoning and the redevelopment authority is not involved in the initial zoning. He stated that he recognize it, but share his colleagues sentiment. Any multiunit home in

midway manor is inappropriate and all of us agree there are too many multiunit properties. He asked when it was zoning multiunit or two units was it done by the letter of the law. He asked Mr. Wiles to look at the research on it and make sure they did not miss anything at the time. He stated that if it was not always maintained as a multiunit property maybe they will have something there. He stated that perhaps it was an error along the way that will allow us to convert it back to a one family unit.

Mr. Hahn, 2016 E Highland Street, stated that he handed out the packet of information as a reminder and would like to state for the record and has been a resident of midway manor for 48 years and would like to thank council for allowing them to bring this situation to the forefront. He stated that his community has issues and the property in question at 1004 Club Avenue at this point the questions that had to be clarified about this address and he is here for the community in the quest to maintain neighborhood as a single family home with a unique quality of life that midway manor possesses. In researching the records of Rittersville, East Allentown along with a primary source, the oldest living in midway manor is Mr. Phillips has come to our attention that we were Annexed and became the fifteen ward district as a result of being part of Northampton County originally. We have been halted in our search of documentation. In 1910, the construction of a golf course was put on the property between Club Avenue in Allentown and Pennsylvania Avenue in Bethlehem and it was called Lehigh Golf Club. There is no deed or information about this because it was a walking purchase as a single family household. How do you find walking purchase documents. The reports that Mr. Phillips gives us has proven what they are telling them today. They have photographs and documentation that says that the property is moving. The life of the logs is over. Once you look at a barn that was put together without nails and used pegs, there is no rot and everything extracts the same.

Mr. D'Amore stated that he will make him a proposal and stated to Mr. Bennington that Mr. Hahn has taken time to put together this information and the least we can do is to present this to our building inspectors in addition to the duties they present for this property. We will give it to Mr. Paulus.

Mr. Hahn stated that they are open to any discussion so that people can understand what the building is so they can make the property judgment. They closed the open to put in a single waterline. When I had to do the same thing, I had to put stones down on the bottom and the top to protect it.

Mr. D'Amore stated that they will schedule a meeting with Mr. Paulus who will understand this better than council would. Mr. Paulus is the supervisor of all the inspectors.

Mr. Hahn stated that he is trying to help here. How does the Redevelopment department work? They give a property to somebody and then it is buyer beware.

Mr. D'Amore stated that he will get a meeting with Mr. Paulus on the questions of the status of the house.

Mr. Kenneth Laudenslager, 721 W. Cumberland Street, stated that he is addressing an issue that was brought up earlier. A rollback could be a legal vehicle on the street. There was a lot of discussion on the oversize vehicles on the streets. We went with a weight class size 5. If it is a 4B, it is allowed on the street.

Mr. D'Amore stated that he did not remember what weight class they used.

Mr. Laudenslager stated that they went with a GDW and went with a weight class because they are based on the GDW.

Mr. D'Amore stated that they went that way because it was easier for the police to enforce it.

Ms. Julianne Jackson, 230 S. Fulton Street, thanked city council for what they do and their time. She greatly appreciates of their efforts. She sated that she almost in center city Allentown and want to tell you what

happens when single family homes turn into multiple family homes. The pre-existing neighborhood was originally single family homes and a disaster has occurred in her neighborhood because it has been turned into a multiple family home and there is a density issue with the population and they have difficulty with parking and an overcrowded school. Research indicates that when you reduce a person's personal space you enhance the opportunity for conflict and conflict that has no resolution. Midway Manor is a premier community in our city. It is a real gold nugget. That neighborhood must not have a multiple dwelling. It is not characteristic of that neighborhood. It will create the same type of issues that she is dealing with on Fulton Street. I know you will find a way to correct this dilemma.

Mr. Rich Wilburn, president of Midway Manor Community Association, 1039 N Van Buren Street, stated that Club Avenue is the issue. He stated that Midway Manor is not only concerned about the property on Club Avenue. They also have several other properties that have been vacated and abandoned. He stated that they want to work with the city to make sure that the problems that they have with Club Avenue does not extend to these other abandoned properties. He stated that he spoke to Mr. Paulus and invited him to the community association and got nowhere and he would appreciate contact with Mr. Paulus to arrange a meeting with members of the community. It is important that the Redevelopment Authority send a representative because many questions they have may not be answered by Mr. Paulus. He stated to Mr. Paulus there were specific questions that the people in the neighborhood had about what was happening at 1004 – 1005 Club Avenue and he received an email from Mr. Paulus which is in his opinion lip service. We are not going to settle for that, we want more than that. He stated that they were going to look when the two family units was established. If there are any changes in the property, please notify the neighbors of the property being switched to a multi family unit and would like to meet at the church on the corner of Pennsylvania and Ulster Street and will invite people in the neighborhood that are interested.

Mr. Schweyer stated that along the lines of potentially blighted property in Midway Manor, there was a property that he and Ms. Hailstone discussed and a property on N. Van Buren. He stated that inspectors went over and they are working on the property. How is the grass there?

Mr. Wilburn stated that it was mowed a few weeks ago, but it is at the point where it should be mowed again.

Mr. Schweyer stated that if they could send Solid Waste to mow the lawn and check the weeds again he would appreciate it.

Mr. Wilburn stated that there are two properties that are in foreclosure and the weeds are growing.

Mr. Bennington stated that if he could get Mr. Hahn's phone number, he will have Mr. Paulus call tomorrow and get pictures and documentation and set up a meeting with Mr. Wilburn.

Mr. James Serfass, 1904 Fairmount Street at the corner of Sherman, stated that he was under the impression that Fabric was to use the back entrance. How come they are not using it?

Mr. Schweyer stated that they brought that up as well. He stated that is on the agenda for Friday. He stated that he does not know, but they may talk to them directly and if they have to look at traffic patterns on Turner Street. He just heard about it last week. He stated that they and Allentown Economic Development Corp worked very hard so they can use Quebec Street. The obvious impact on the neighborhood is clear. It is on the agenda on Friday with the administration.

Mr. D'Amore stated that they took care in making this neighborhood a right-a-way happens and it was not easy. It is highly disappointing that they were not using.

5. Approval of Minutes: June 15, 2011

Minutes approved by common consent.

6. Old Business

None

7. Communications

Mr. D'Amore stated that there will be Public Hearings on August 3rd at 7:00 PM on two Zoning Amendments.

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Donovan

The Committee has not met since the last Council meeting; the next meeting is scheduled for August 24th at 6:30 PM. The EIT revenues continue to fall under forecast. He will call Mr. Strathearn to find out what has happened. We were supposed to have an audit and the audit has been delayed for the following reasons the city's audit itself has been completed, the component units and undergoing its own audit and the debt. The auditors can not release the audit until all components are completed.

Public Safety: Chairperson Gurdy

The Committee has not met since the last Council meeting; the next meeting is scheduled for August 3rd, around 6:00 PM.

Community and Economic Development: Chairperson Schweyer

The Committee met this evening; the next meeting is scheduled on Tuesday, August 2nd, at 6:00 PM.

Parks and Recreation: Chairperson Ray O'Connell

The Committee met this evening; the next regularly scheduled meeting is on August 18th prior to Council meeting.

Public Works: Chairperson Schlossberg

The Committee met this evening; the next meeting is scheduled on August 2nd, at 6:45 PM.

AWOP –Top Performing Water Filtration Plants Award

Human Resources, Administration and Appointments: Chairperson Eichenwald

The Committee met this evening; the next meeting has not been scheduled.

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

The Committee has not met since the last Council meeting; a future meeting is going to be scheduled in the near future.

OTHER COMMITTEE REPORTS

Ad Hoc IT Committee – Councilperson Schlossberg – the committee met on June 30th and reviewed the IT needs and planning in Public Safety – Police and.

CONTROLLER'S REPORT

9. APPOINTMENTS:

Reappointments and Appointments

David M. Howells, Sr. – Police Civil Service – Expire 01/24/2015

Deborah Rabinsky – Arts Commission – 01/03/2016

Joan Gaydos – Arts Commission – 01/03/2016

Kirk Saylor – Sheet Metal Technician Board – 05/06/2016

Walter Felton – Human Relations Board – 01/25/2013

Juan P. Camacho – Zoning Hearing Board – 09/06/2014

Ms. Eichenwald thanked them for their efforts and stated because of people like them it is a wonderful place they call home. She stated that they have the council's appreciation and gratitude.

Mr. D'Amore stated that everyone that came forward thanked them and there is no reason to thanked the council.

Resolution passed, 7 – 0

Mr. Donovan asked to suspend the rules and bring forward for passage R31 – Supports the Federal Passage of the Dream Act.

Mr. Guridy seconded the motion.

Mr. Schlossberg objected.

Mr. Guridy stated that this resolution is that he introduced and was signed by many council members and had opportunities to discuss the resolution. He stated that the resolution is The DREAM Act (acronym for Development, Relief and Education for Alien Minors) is an American legislative proposal first introduced in the Senate on August 1, 2001 and most recently on May 11, 2011, when the bill was re-introduced in the U.S. Senate. This bill would provide conditional permanent residency to certain illegal alien students who graduate from US high schools, who are of good moral character, arrived in the U.S. illegally as minors, and have been in the country continuously for at least five years prior to the bill's enactment. If they were to complete two years in the military or two years at a four year institution of higher learning, the students would obtain temporary residency for a six year period. Within the six year period, a qualified student must have "acquired a degree from an institution of higher education in the United States or [have] completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States," or have "*served in the armed services for at least 2 years and, if discharged, [have] received an honorable discharge*". Military enlistment contracts require an eight year commitment, with active duty commitments typically between four and six years, but as low as two years. Any alien whose permanent resident status is terminated [according to the terms of the Act] shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act." This bill would have included illegal aliens as old as 35 years of age. In a December 2010 report, the Congressional Budget Office and the Joint Committee on Taxation estimated that the November 30th, 2010 version of the dream act would "reduce deficits by about \$1.4 billion over the 2011-2020 period and increase government revenues by \$2.3 billion over the next 10 years." The same report, however, stresses that the Act "would increase projected deficits by more than \$5 billion in at least one of the four consecutive 10-year periods starting in 2021". A recent UCLA study estimates that between \$1.4 trillion and \$3.6 trillion in taxable income would be generated for the economy over a 40 year period based upon estimates ranging between 825,000 and 2.1 million potential DREAM Act beneficiaries successfully obtaining legal status through the legislation. He stated that students that come to this.

Mr. Schlossberg stated that if he were a member of the United States Senate of House of Representative he would vote for this in a heartbeat. The United States policy on immigration is broken and it requires to be fixed. He stated that he is not part of the United State Senate of House of Representatives and believes it will be inappropriate for them to pass a resolution to say we support a lifting of the federal deficit ceiling or saying that we support the legalization of gay marriage in New York. We are a local body. He stated that he has problems with passing a resolution that has no effect on the governance of city council which is what they are here to do. He would rather deal with something that substantial impact on policy. If they are going to have a

conversation on ways to better deal with the needs of the immigrant community that is a conversation we should have. Let's talk about things that would have real policy impact and figure out a way to better provide social services to immigrant populations or better spend CDBG funding in order to do the same goal. The goal is admirable. He does not think this is the right way to achieve it.

Mr. Guridy stated that this is exactly why we need this type of legislation. Although we are not the Congress or the senate, we are merely providing a resolution which we have done before. We are not setting any type of precedence. It is merely a resolution that will be sent to congress and the senate and would say the City of Allentown supports its immigrant population and are aware that there are people in the city that are graduating from the Allentown School district high school that can not continue their education due to their immigrant status or adequate immigrant status. These are students that do not have any prior criminal history. He stated that these are students that are doing well. These are A students. They will be contributing to our economy. He stated to Mr. Schlossberg that he stated that they should concentrate on social services and CDBG. He stated that you know what that is, it is supporting people to for welfare programs and the reason he states welfare because it is a grant. He does not think people are asking for grants, they are asking for an opportunity to continue their education. That is the problem that they have in America that they continue to provide social services to people who don't even need it. We want people to work, contribute to the economy in a positive manner and get educated. We have more engineers graduating from American colleges than we have American engineers graduating from American colleges. Those foreign engineers will go back and compete against the economy of this country.

Ms. Eichenwald stated to Mr. D'Amore that she appreciates the allowing of this discussion, but the motion that is on the table right now is whether or not they have the right or agree to have the right to have this discussion. She would prefer that they vote on it rather or not this can be brought to the floor and then they can continue with the discussion. She stated that she says this as chair of the committee. It is more normal procedure that if an issue is brought to a committee the committee meets, there is a discussion and they make a recommendation or make no recommendation, but they are given that right. She stated that she was informed that this was going to be pulled from the agenda this evening when she looked at the email by the very last minute and requests and advocate now that they allow this discussion to continue according to the normal process and the committee discussion and she is not saying people to vote for it or against it. She is just asking to allow the procedure to continue.

Mr. D'Amore stated to Ms. Eichenwald that she is correct and he would need to get to the rationale of this and would read the statement he made to council in accordance with the rules of city council and removing the resolution as a result of a number of members of council who is concerned that members of council simple supports a piece of legislation that will prompt a hostile discussion on a matter that is only peripheral related to city business. To avoid such a distraction, it is wise to refrain from discussion and vote on this resolution for the record, he personally supports the dream act, but however publicly supporting the passage of this act as any public statement in concert with any of his willing colleagues, he simple believes that this resolution would lead to their body to be embroiled in a controversy that will serve to marginalize our ability to positively effect matters that directly impacts the citizens of the City of Allentown.

Mr. Donovan stated that he would like to speak to why he brought the motion to at least see if they will vote on it today and he too thought it was going to be on the agenda this evening and he was a co-sponsor for this. He spoke in favor of this committee and would like to speak in favor to bring it in favor to vote because there are people that came here thinking it was on the agenda and it was last minute and he respects the views of perhaps it is hot topic, but given the fact that they have a very large population with the potential of people that were children that were brought here who are being limited in their opportunity to contribute to the country and

this is a viable option to bring a group to suitable naturalization which is normally not available to them and it is public policy for the City of Allentown City Council to at least stress that we do know that they have a broken immigration program. This is one particular aspect that has a moral fit for children who is not involved in any way for a decision to come here when they are less than 16 years old and urge council to at least bring it to the table tonight. He stated that he is willing to take the heat. He is strongly in favor of it. He hopes they have four votes to bring it forward.

Mr. D'Amore stated that he notes for the record it was not on any public agenda. He asked anyone for the matter to speak to bring this bill forward or comments from the public.

Mr. Guridy stated that before they vote, can they give the public an opportunity to speak on it.

Mr. D'Amore stated only on the question of the procedure.

Mr. O'Connell stated that he thinks that they all are in support of the Dream Act and he thought there were some sort of discussion they had among themselves about a letter of support of the Dream Act and not a Resolution of the Dream Act.

Mr. Guridy stated that you are right Mr. O'Connell. He stated that he spoke to Mr. Schweyer about it Sunday evening. He did say that he was open with the idea, but strongly prefer that they vote on the resolution. The majority of the people here today has been here for this and is in support of it. We have to look at what is going to benefit the greater community.

Ms. Eichenwald stated that those of us that are present this evening are all concerned citizens and the fact that it is controversial should not be enough to silence our discussion. She stated that she is not asking for people to vote in favor of it or against it. She is only asking what is done with other issues that we open the discussion. Whether or not it is decide that it be a letter or a resolution that will come about in the discussion, but to silence the issue is the wrong tact to take at this moment.

Mr. Schlossberg stated that he does not think that they should shy away from an issue because it is controversial. He stated that he does not see how it is an appropriate use of their time or legislative ability to vote on a federal matter that does not have an affect on Allentown's government.

Ms. Eichenwald stated to Mr. Schlossberg that it was a time that they felt very strongly about the cell phone ban even though they knew when they made that vote that it was contrary to the legal procedure and that we had no right to do that. She stated that she was a part of that and if she had to do it over again, she will do it again. She stated that she does not understand why it was ok to pass something that was in violation of the way in which the state functions and not ok to open up a discussion on this issue. We are not making a procedure. We are not saying that the Dream Act will now go into effect in Allentown, Pennsylvania. What we are discussing is whether or not this city like so many other municipalities will pass an ordinance or like Mr. O'Connell said a letter of support to the federal government saying this is something that we have an interest. If we can do it on one, the cell phones, why can't we have a discussion at least?

Mr. Schlossberg stated that two statements Ms. Eichenwald made were inaccurate. There is a significant difference. This is a resolution and the cell phone legislation was an ordinance. Those are two very different legislation as you are aware. Number two you are incorrect in terms of the information given says that the cell phone ordinance was contrary to legal opinion. We did receive an opinion from our solicitor who stated that he believes and others believe that our legislation was legal and a dozen other states passed similar legislation and the last thing he would want anyone from the public to like that we acted in a way that we knew it was illegal. If the legal advice said such a ban was illegal, we would not have done it.

Mr. Schweyer stated that in recent months they had two resolutions that came across this body in calling upon other governments to act in a particular manner. The first in which he supported and author to ask the state government to reenact state money that went to the City of Allentown for the Weed and Seed Program and no one will accuse that of being a welfare program. That was just something that the city received and we paid for half the police department from it and we paid for our Weed and Seed Coordinator and our Youth Coordinator from it and he felt it was appropriate to author. Another one was the renaming of the William Allen High School building and he stated that he voted against it because he said at the time it was not the purview of Council to be telling other governments what to do when it does not have a direct impact on what the City of Allentown does. It is not a question if he supports or not supports anyone of the three particular programs. It is the role of city council and his precedence is that if it is a direct fiscal or operational reason for city council to discuss on this dais during a council meeting a bill. He will feel the same way if the issue was to restore state funding for the Allentown School District, or Penn State. There are Allentown students as resident aliens and as people who were born here that will be adversely affected by the 112 teacher positions that were cut, but it is not the role of city government to say that on the dais and that is why he is opposed to pulling it out of committee because it is not appropriate.

Mr. Donovan stated that it is a little difference between the Ramos School versus this, but he feels what is important is that they actually voted no on that. Here what we are debating is if we want to discuss this which in a way I am appalled and we talk about a lot of resolution yes or no and the reason is that we are not bringing it forward is that we say it is not any of our business, if that is the case, then we vote no. He stated that he does feel as a matter of policy that human relations are a critical asset to the City of Allentown. I would hope that we can vote on this and he is sorry that they have the debate to bring it forward for a discussion even if it is up or down, but he does believe that there are great high school students that wish to go to the military or go to college through no fault of their own will be limited to do this and as a result the country, the city and the commonwealth end up having negative benefits of that and he would like to see it discussed.

Mr. D'Amore asked was it an objection of moving the question.

Mr. Guridy stated that he does respect the people that feel that they should not bring it up and it is your personal opinion. He stated that they are not setting precedence of what they are doing. We have done this before.

Mr. D'Amore asked Mr. Donovan does he still want to move the question.

Mr. Donovan said yes.

Mr. D'Amore asked was it an objection to moving the question. He asked were there any comments of the public only on if we should bring the matter forward or not.

Mr. Marcos Ravina, president of the Mexican Association of the Lehigh Valley, stated that he is here to ring the voice of people that could not come in. They are asking for a chance for the people that have a good moral character and who will bring benefits to this community. Educated people are making better communities. He stated that he has been in the country for 21 years, but our grandparents built this country. He stated that they are not asking for people that are criminals. He asked the council to send a message to the senators that Allentown supports the Dream Act. He stated that he knows it is not in their hands, it is a federal issue. He believes they have a vote on what they say.

Carlos Salis, 822 Tilghman Street, stated that he is here to congratulate them for having the guts to continue the history to the United States. Since the history he learned about the country tells him that it was formed by immigrants and this city gives continual to the history. Furthermore, he can see those that are supporting this motion are the leaders that represent us. He does not regret electing them and he hopes that the community elects them as they are doing the work they are doing now. Thanks to the city for allowing him to live and develop himself here. He wishes God Bless America, the State of Pennsylvania, Lehigh County and the City of Allentown and all who represents us.

Alyssa Raservan, 490 Briarwood Drive, Macungie, thanked them for the opportunity they are giving them to listen to the debate and to think about the importance of the Dream Act for our children. She stated that she is an immigrant and is grateful of what opportunities she had in this country. She had the fortune of being sponsored from the Rotary Club to come to this country legally, but not everyone has the same fortune especially as a child. Please do what we are expecting from you who are representing our city and that is to support and have a discussion on the Dream Act.

Roman El, 919 Tilghman Street, stated that he came earlier to speak about the Dream Act and he await that they will not disappoint him and will give the children an opportunity.

Hector Casio, 86 Pine Street, thanked them for continuously supporting people who come here to give the best of themselves. Not everyone that comes here, come to do the wrong thing.

Jenny Romaine, student at William Allen High School, 2031 Bine Street, stated that she came here to ask for an opportunity and believe they are the future of America. Since they live here, they have a lot of opportunities of something they do not have in their native country. If you give us that opportunity they will not disappoint them and they will be the future.

Mr. D'Amore asked the Clerk to call the vote to bring the Resolution forward.

Mr. O'Connell asked if this is vote on the Resolution forward. It is a Resolution and not a letter of support.

Mr. Schlossberg stated that a yes vote brings it out of committee and a no vote does not.

Mr. O'Connell stated that he understands that.

Mr. Schlossberg stated that he was making sure he understands that a yes vote brings it out of committee and a no vote does not.

Mr. Guridy stated correct.

Vote to bring it out of committee failed, 3 - 4 (Donovan, Eichenwald, Guridy)

Mr. Guridy stated that he thanked them for voting and allowing them to speak about it. He stated that they will try again.

Ms. Eichenwald thanked the residents for coming out and supporting the Dream Act.

10. ORDINANCES FOR FINAL PASSAGE:

Bill 41 Green Cart

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Nine Thousand (\$9,000) Dollars from the City of Allentown's Consolidated Grants Program – Community Development Block Grant (CDBG) and Two Thousand (\$2,000) Dollars from the Greater Lehigh Valley Independent Practice Association, a private donor, to the Health Bureau's Nutrition and Physical Activity Program budget. The funding will be utilized to increase access to fresh fruits and vegetables for youth and families participating in the Alliance Summer Recreation Program, the City's Playground Program, and other selected community events throughout the year through use of a mobile food cart/green cart. The total supplemental appropriation from these two sources would be Eleven Thousand (\$11,000) Dollars.

Mr. Schweyer stated that Bill 41 amends the general fund to appropriate \$11,000 for funding of the Green Cart. He made two amendments. The Greater Lehigh Valley Independent Practice Association increased their donation from \$2000 to \$2500. The first will amend the amount from \$2000 to \$2500 and amend the total amount from \$11,000 to \$11,500. The second amendment was suggested by our HR department would change from Account 46 to Account 3 to Temporary Wages. The Bill was recommended favorably 3 – 0.

Mr. O'Connell seconded the motion.

Mr. D'Amore stated by common consent.

Ordinance passed, 7 – 0

Bill 42 Traffic Control Map

Amending Article 507 (Traffic control Maps) of the Codified Ordinances of the City of Allentown.

Mr. Donovan offered an amendment to Bill 42 to strike the no parking from Emmett Street – from 13th Street to Richland Street.

Mr. Schlossberg seconded that motion.

Mr. Donovan stated that it was a long discussion at the committee meeting about this particular issue on parking regulations and he felt that the Parking Authority was not involved in the discussion and he felt it should strike this until the Parking Authority and parties living in the area that had concerns.

Mr. Schlossberg stated that after speaking with Mr. Donovan and Mr. Young that they can temporarily/permanently strike this ordinance for a moment since the Parking Authority should weigh in on this

as demonstrated by the gentleman that spoke and give Mr. Young an opportunity to investigate some alternatives.

Mr. Schweyer stated that he does not necessarily agree or disagree. He stated that he was there for half the committee meeting and certainly understands why and asked if they do the traffic control maps every six months.

Mr. Young stated that they probably every three months, but it could go to six months depending on what comes up.

Mr. Schweyer stated that he has a question on the motion and understands why they want to strike this. He hopes to avoid is what they did on Sixteenth Street with the stop sign. It is not fair to any of the residents there. Is it wiser to table this for three weeks and see if the parking authority could weigh in on the whole thing and revisit next month instead of waiting for three to six months for a decision?

Mr. Schlossberg deferred to Mr. Young and stated that his feeling is such a minor thing and they can strike this in the back in if that is the best solution. He stated that he does not see a need to hold off on the entire map instead of the Emmett Street portion.

Mr. D'Amore stated that as a point of information, signage is currently up pending the approval of council and 35 MPH to 25 MPH – Parkway Boulevard from Ott Street to Cedar Crest Blvd.

Mr. Schlossberg stated that was in error.

Mr. Young stated that the city ordinance allows the administration to install traffic control signs in the period of 90 days to give the opportunity to put these arguments together. What we could do is strike this one and come back at the next meeting on just this one issue.

Mr. D'Amore asked Mr. Young would it still be in the 90 day period. We can't do that because it is an ordinance and the ordinance has to be introduced.

Mr. Schweyer stated that if they approve this they can reconsider right away.

Mr. D'Amore stated that they will have to reconsider the whole thing.

Mr. Schweyer stated that it is what it is.

Mr. D'Amore stated that it will be an opportunity to speak on the matter.

Mr. Schweyer stated that they have a time constraint and they need to get this done. He is trying to find the best procedure.

Mr. Guridy stated that they should move forward with the ordinance and strike that part and come back in a couple of weeks.

Mr. Donovan stated that if they strike this today, it stays up and you still have time and the question is if you had time to bring the ordinance back up. It is a safety issue. He stated that they had a stop sign that went up and down and up and down and created a traffic issue. If we strike it, it stays up and you still have time and the question is if we can bring the ordinance back in time to fit in order to authorize it to take it down permanently or leave it permanently.

Mr. Young stated that they still have time to do that.

Mr. D'Amore asked what the date it was erected was.

Mr. Young stated that it was the beginning of June.

Mr. D'Amore stated that they have all of June, July and August. The signage will stay up.

Mr. Young stated that the sign will stay up and the way the ordinance was written even though there was no ordinance for this particular location, there is an ordinance to give the administration that ability to put them up for a period of 90 days so they are fully enforceable.

Mr. D'Amore stated that the amendment could pass at the first council meeting in August and could be an ordinance proposed and considered and voted on at the second council meeting of August and it will still fit in the 90 day window.

Mr. Young stated that it would.

Ms. Eichenwald asked if it would be more efficient to hold off on the whole thing.

Mr. Young stated that he is not sure about are other intersections here and other devices that have been put up that are very near the beginning of that 90 day window.

Ms. Eichenwald stated to Mr. Young that he is not sure about the 90 days.

Mr. Young stated that is correct.

Ms. Eichenwald stated that is a big issue.

Mr. O'Connell asked if they are just talking about the amendments and not other parts of the bill.

Mr. Donovan stated that it is just on the amendment to pull it from it or not. What will happen in the next coming weeks will be alternatives and when it comes back to council they will vote to keep it the way it is or will take it down and have another alternative available?

Mr. John Tomecsek stated that if they look at the upper left hand corner by the word Emmett Street, you look at the telephone pole there are two signs back to back that says no parking. He stated by him parking there and getting the ticket, he has lived in Allentown for forty years and there has always been parking there. He stated that by him getting the ticket and contesting that he went to a hearing and at that point he found out it was not an ordinance yet. It was put up but not with the approval of city council. He stated here is the problem, at the hearing he asked for the ticket thrown out and he asked for redress for anyone that got a ticket in that particular area so that their money would be refunded and the magistrate stated they could not do that it had to go to commonwealth court. On the agenda it says, no parking from 13th to Richland. That is half the block, but it is on both sides which means technically you can't park anywhere. Once you get the ticket, there is no way to get the money back. They are parking illegally and he stated that he showed them the pictures. Probably the best thing to do is to remove one part of that sign. It is very confusing.

Mr. D'Amore asked if he is saying that not the question of the temporary nature of the signage, but the signage is given what the proposal is in the bill. The signage is not correctly posted.

Mr. John Tomecsek stated that he has requested to save six parking spots because parking is critical.

Mr. D'Amore stated that he understands his position, but is he saying that the signage is not correct and not in coordination with the request of the ordinance.

Mr. John Tomecsek stated that the original issue was no parking on Emmett Street. Emmett Street goes quite a distance. He stated that he did a survey for several blocks and almost at every alley there is an entrance no matter where you enter there is a sign saying there is no parking on the street. That is almost everywhere in the area, except for Emmett Street. He stated that you won't see a sign until you get to the block and there is that one sign on the telephone pole. He stated that it is confusing.

Mr. D'Amore stated that he sees the sign and asked Mr. Young does he have this. He stated that he sees the view looking eastward from 13th Street.

Mr. John Tomecsek stated that if they enter on 13th Street, that is the corner home on the right and then when you come in, about 60 feet is the telephone pole.

Mr. D'Amore stated that there are no parking signs on Emmett Street, but beyond N. Richland you can see it is far in the distance, but before you get to 12th Street there is yet another no parking sign on Emmett Street between Richland and 12th Street. He asked was he stating that sign was not appropriate. Here is not to have parking from N. 13th to Richland.

Mr. Tomecsek stated that what they have is no parking on either direction of the pole and if you go down a few feet there is a sign that says no parking between these two signs because they have been here for a long time. It is just between the two signs they do not have to park. It was up until Richland. He stated that they are taking away four parking spots by doing that and two parking spots at the other end.

Mr. D'Amore asked was it the section from Richland to Jefferson was always no parking.

Mr. Tomecsek stated that only where the two signs. Adjacent to that is where people back out and there has been never a problem with that.

Mr. D'Amore stated that there is a portion of the street where it was no parking.

Mr. Tomecsek stated only between the two signs.

Mr. D'Amore asked Mr. Tomecsek that the sign on Emmett Street between 13th and N Richland says no parking on this street which will imply no parking on the entire street.

Mr. Tomecsek stated that entire street.

Mr. D'Amore stated there may be confusion on the signage. We have to take a look at that and address that. He stated to Mr. Tomecsek that he appreciates him going through that.

Mr. Donovan stated that it behooves them to strike it and get it right and come back. If it is not a safety issue, but is confusing then the Parking Authority should let it come down until it is rectified. He does not think they should pass it tonight he thinks they should strike it.

Mr. D'Amore stated that they are back to the amendment to strike it. He asked for any objection to this and asked Mr. Hanlon to call the question on the amendment to strike and please restate the amendment.

Mr. Hanlon stated that the amendment will strike from the no parking section from Emmett Street from 13th Street to Richland Street passed, 7 – 0

Mr. D'Amore stated that they will be following up on this and will be back and the signage will remain. He stated that he can not speak for the magistrate the magistrate has a final say on this matter. This is a legally enforceable restriction. If the magistrate does not enforce it, that the magistrates prerogative.

Mr. Young stated that it is.

Mr. Donovan asked if the administration has a right and could take it down if they wanted to or will we have to say take it down. If it was legitimate confusion or needed more research, you could make that judgment.

Mr. Young stated that they could take it down.

Mr. Schlossberg stated that the amendment inside the Bill was recommended favorably 2 – 0. He asked Mr. Young what is the purpose of giving the administration and placing the signs before council approves the ordinance. It is leading to some confusion. They wind up not approving a portion or all.

Mr. Young stated that he is not sure what the justification is. It has been there forever. They may be instances for safety reasons; it has to go up immediately.

Mr. D'Amore stated that the rationale should be by the persons on Council. It is an ordinance, if the administration decided to up and do something; you all know he would be the first one in Mr. Bennington's office screaming, even though Mr. Bennington is a nice guy. We as a body for what ever reason authorized the administration to do this. It was a rationale some where down the line, and he has been on council for six years and only encountered two problems. This one and 16th Street, any other time it goes by smoothly. He does not know if they want to readdress that. He stated that it was noticeably absent.

Mr. Young stated there are a lot of complications here.

Mr. Schlossberg stated besides from the Emmett Street item, they perfectly make sense to him and was forwarded favorably 2 - 0.

Mr. Schweyer stated that he was going to vote for this. He did not see anything under the traffic control map that struck him as irresponsible and unnecessary and asked Mr. Schlossberg to revisit that particular issue.

Mr. Schlossberg stated that he just sent Mr. Hanlon an email and Mr. Bennington and asked for a better explanation of why they have this 90 day.

Mr. Schweyer made a suggestion and stated that he does not know if it is doable and please understands that he is not trying to add administrative work. He stated that he would prefer if it says that this is going to take effect in 90 days or pending in 90 days. This was to prepare residence of what is coming. He would like it flushed out a little bit. He stated to Mr. Young that It is a matter of procedure and was not part of the conversation is that typical.

Mr. Young stated that he is not sure, but knows that the neighbors were polled.

Mr. Schweyer stated that they had two significant transportation entities that are not in control of the City of Allentown in one case. The first is the Parking Authority and the second is LANTA. The odds of this effecting LANTA are slim. Streets could potentially become one-way or two-way and could impact our traffic planning. As we move forward make sure that these two government entities are involved and get a heads up on things

as our standard operating procedure.

Mr. O'Connell asked Mr. Young the rationale for the speed limit to change from 35 mph to 25 mph from Parkway Boulevard to Ott to Cedar Crest Boulevard.

Mr. Young stated that came as a request from the neighbors and when they looked at it as a residential setting on one side and park setting on the another felt it was warranted to decrease the speed limit.

Mr. O'Connell stated that he lives at 2446 Allen Street and asked what the speed limit is on Allen.

Mr. Young stated that if it is not posted it is 35 mph. When you see on Walnut Street from St. Elmo Street that is current not posted and you got complaints of speeding. State statute is to develop a 25 mph speed limit.

Mr. O'Connell stated that from Ott Street to Cedar Crest Boulevard that is a big route from people coming in and out of the city. He stated that he does not see people walking on the sidewalks. Is there a number or minimum number of residents that have to complain or has to be concerned about the speed limit?

Mr. Young stated that it came from the neighborhood association and whether it is one person in the association that he does not know. It came from the association itself.

Mr. D'Amore stated that he has a number of friends that live on Allen Street including Mr. O'Connell and Allen Street he witnessed people clearly exceeding the speed limit. That is a matter that should be looked into, Allen between 19th and Ott Street.

Mr. O'Connell stated that you have a stop sign on 24th and you do not have another until you get to Ott Street. They fly by and he is curious about the procedure. He stated that on Allen Street from 19th and the city limits he see people walking sidewalks and riding bikes and should reduce that to 25 MPH. He stated that what he did see and the state did it or the city did it was the new painting of the lines and that is a good idea.

Mr. Young stated that they did that. He stated that another thing that they did was establish that white line 11 feet from the double yellow that gives it a narrow feel and hopefully will slow people down. The wider the road, the more people speed.

Mr. O'Connell stated that he has a terrible bugaboo about Hamilton Boulevard and Ott Street. There are accidents there when you come on Hamilton into Ott. He stated that he sees police presence there sometimes. It is a bad area on Hamilton Boulevard and Ott Street. They blow the light from Yocco's all the way to Dorneyville all the time. It is a nightmare. He stated that 13th and Sumner you have a delayed red on both ways for ten or fifteen seconds.

Mr. Young stated that understand even to change the traffic light it is the city's traffic signal and Hamilton Boulevard is a state highway and to change the timing on any traffic signal in the city requires a PennDot permit.

Mr. O'Connell stated that he understands that and there is no timeline for him.

Mr. D'Amore stated that 25 MPH on Parkway Boulevard seems a little low. Was there a consideration to go from 35 MPH to 30 MPH? He stated as someone who is always aware of the speed limit and follows the speed limit if there is enough interested he will make a motion to amend from 35 MPH to 30 MPH.

Mr. Young stated that the request was from 35 MPH to 25 MPH.

Mr. Guridy stated that he supports Mr. D'Amore.

Mr. O'Connell stated that he would like to keep it at 35 MPH.

Mr. Eichenwald stated that she supports Mr. O'Connell and does not know how people would realize it. She stated that she always drives down there and if you change it to 30 MPH would she realize it or suddenly lower her speed.

Mr. Young stated that the thing you have to watch when setting the speed limit if you set it at 35 MPH, they are going 40 -45 MPH. If you set it at 25 MPH changes are they are going to do 30 MPH – 35 MPH.

Ms. Eichenwald stated that you have to be a speed sign watcher to see it went from 35 MPH to 30 MPH.

Mr. Young stated that on the other side of Ott Street it is 25 MPH alongside of the stadium.

Mr. O'Connell stated that he does not agree with that. There are not a lot of people out there.

Mr. D'Amore asked does anyone make an amendment.

Mr. O'Connell made an amendment from Parkway Boulevard to Cedar Crest Boulevard remains at 35 MPH. Strike it from the agenda.

Mr. Donovan seconded that motion.

Mr. Schweyer objected. He stated that he is fine with it at 25 MPH.

Mr. Guridy asked could they agree to put it at 30 MPH.

Mr. Schweyer stated that they did their studies and looked at it and it is not that big of an issue.

Mr. O'Connell stated that you are right.

Mr. D'Amore stated that the amendment is to strike and that is what is on the floor right now unless Mr. O'Connell wants to remove that or change that.

Mr. O'Connell stated no.

Mr. D'Amore asked are there any comments from the public on this matter.

Mr. Laudenslager stated that it was part of the Allentown Traffic Committee and the reason it was put down along with the lane restriction is because of the speed on weekends when you have the heavy traffic during the Stellar Tournament and Mayfair and heavy use out there. It is a continuation of the speed on Parkway Boulevard West of Turner Street. Parkway Boulevard from Turner to Ott is already at 25 MPH which is continuing throughout the rest of the city line.

Mr. O'Connell stated that Mayfair is five days; Stellar is five days and Sportsfest four days. Fourteen days out of 365 days we are going to go from 35 MPH to 25 MPH.

Mr. Laudenslager stated that during the weekend it's heavily travelled because of the Rose Garden.

Mr. O'Connell stated that he debates that. He stated that it is not heavily travelled.

Mr. Dennis Pearson stated to Mr. O'Connell that if you go off-centered in places in Salisbury they have places that just made 30 MPH zone into 25 MPH. Beyond the Fish Hatchery is 25 MPH. He stated to relax.

Mr. Guridy asked has it been a lot of accidents there.

Mr. Young stated that he is not aware of any accidents.

Mr. Schweyer stated that he does recall when they were talking about the repairs of the Rose Gardens and recognize it was before Schlossberg and O'Connell were on the dais that there were a number of residents from 27th and Main who came here to discuss a number of things about the park and traffic and speed were an issue.

Vote to strike the Parkway Boulevard passed, 4 – 3 (Donovan, Schweyer, Schlossberg)

Mr. D'Amore stated to Mr. Young that they will come back and discuss the Emmett Street matter if he wishes to talk Mr. Laudenslager or the community group and come back with information the city council would consider looking at this again.

Mr. Young stated that is one that is really close.

Ordinance passed, 7 – 0

Bill 44 EAC Strategic Report

Amending the Administrative Code, Article 177, Environmental Advisory Council, by requiring Council to provide an annual report to Council at a public meeting.

Mr. Hanlon suggested an amended that it be at a public meeting no later than the second council meeting in March.

Mr. Donovan moved that motion.

Mr. Schweyer seconded the motion.

Mr. D'Amore stated by common consent.

Vote on Bill as amended passed, 7 – 0

11. ORDINANCES FOR INTRODUCTION:

Bill 45 Aggregate Board Membership

Referred to Budget and Finance

Amending Article 147, Aggregated Pension Trust Fund, to provide for the Board Membership as required by Act 44.

Bill 46 Heart of the City Phase II

Referred to Public Works

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.

Bill 47 Training Reimbursement

Referred to Public Safety

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.

Bill 48 Blue Cross Camera Donation

Referred to Public Safety

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.

Bill 49 K-9 Donation

Referred to Public Safety

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.

Bill 50 LV Kennel Club Donation

Referred to Public Safety

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.

Bill 51 Red E Fox Donation

Referred to Public Safety

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.

Bill 52 6th Street Shelter

Referred to CEDC

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.

Bill 53 Revised 2011 CDBG, HOME and ESG

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.

Bill 54 VAC-ORD N 4TH St

Referred to Public Works

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:

Bill 55 HRC GRANT

Referred to CEDC

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.

Bill 56 HARB Budget

Referred to CEDC

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).

Bill 57 HANOVER PROJECT PENNDOT GRANT

Referred to Public Works

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.

Bill 58 TNDZ ZONING CHANGE

Referred to CEDC & Allenton Planning Commission and LV PC

Amending the Zoning Code, Article 1301-1331, of the Codified Ordinances of the City of Allentown to clarify various provisions within the Traditional Neighborhood Development Overlay District (TNDZ).

Bill 59 TNDZ ZONING MAP CHANGE Referred to CEDC & Allenton Planning Commission and LV PC

Amends the Zoning Map by placing an area as depicted in Exhibit A - bounded generally by Sumner Avenue, Green, West, Utica, North Cable, Page, Tilghman, North St. George and North Bird Streets but as depicted specifically in Exhibit A, in the Traditional Neighborhood Development Overlay District.

12. CONSENT AGENDA:

CA-1 HARB Approvals

Certificates of Appropriateness for Work in the Historic Districts

Resolution passed, 7 – 0

13. RESOLUTIONS ON SECOND READING: None

14. RESOLUTIONS ON FIRST READING:

R40 Revised 2011 Action Plan

Referred to CEDC

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

R40 Revised 2011 Action Plan.doc

R41 Police Appointments

R41 POLICE APPOINTMENT.DOC

Mr. O'Connell asked if these police officers are male, female and what is their ethnic group.

Assistant Chief Warg stated that they are white males.

Mr. Schweyer stated that he would like to point out that none of them are residents of the City of Allentown.

Resolution passed, 7 – 0

R42 HARB Outsources

Authorizes the Outsourcing of Tasks of the Secretary of the Historic Architectural Review Board

R 42 Outsource HARB Activities.DOC

Historic Preservation Consultant RFP Scope.pdf

Mr. D'Amore stated that it was a request to vote on this tonight and came from the outsourcing committee and they had the HARB position which is the Community Planner II. Mr. Hartney currently occupies as of August 1st will no longer be in the SEIU Bargaining Unit and that is by the agreement of SEUI and the administration.

Resolution passed, 7 – 0

R43Emergency Shelter Grant (ESG) Program.doc

Referred to CEDC

Emergency Shelter Grant Application for 6th Street Shelter

R43Emergency Shelter Grant (ESG) Program.doc

15. NEW BUSINESS

Mr. Donovan introduced his mom Ms. Betty Donovan that has been sitting through one of the longest council meetings they had in a few years and he appreciates it.

Mr. O'Connell stated to Ms. Donovan that Mr. Donovan has been on his best behavior tonight.

Mr. Schweyer stated that he would like to follow up on Club Avenue and asked Council to check their email. Ms. Smethers started following up and started the digging. He thanked Ms. Smethers.

Ms. Eichenwald stated that when you have a Resolution and assign it to a committee and the word gets out to the public and people come and you decide to pull it as Mr. D'Amore, the president, has a right to do at the very last minute and we have this discussion and people come and we do not talk about it, it is a flawed process. We have to find a better way to pull information off the agenda. It is harmful in the democratic process. As the chair she finds herself in an awkward position.

Mr. Guridy thanked them and stated that some did not even want to see this and they have their own personal reasons for doing it. Thank you for discussing it. We brought out members of the community that do not usually come out to the community. It is a process that they will see more and more in the future. He stated that they were willing to send a letter and he hopes that they follow up on that process and draft a letter that will support it.

Mr. D'Amore asked Mr. Hanlon to take the Resolution's language and place it in a letter.

Mr. Schlossberg stated that he would sign a letter and asked that they use any form of communication at their disposal.

Mr. D'Amore stated that he would do a press conference.

Mr. O'Connell stated that he truly enjoys being on City Council and they should as a collective group be on a deadline. He came in tonight knowing that it was going to be pulled. He stated that he heard it was going to be a Resolution and he had heard that even before it was going to be a Resolution from a colleague or two that it was going to be a letter of support. If we are going to pull something from an agenda item, we should know by Monday evening.

Mr. D'Amore stated that they have deadlines that they do not follow and they should look at that. The deadlines are rather onerous. The administration comes on a Tuesday and ask to put something on the

agenda. He stated that they talked about the rules to vote on a successor for someone who resigns from Council and since they need to do that they will revisit the agenda as well.

Ms. Eichenwald stated that it is especially incumbent that the chair of the committee knows that the issue that has been assigned to the committee has been pulled.

Mr. Guridy stated that should have been on.

Mr. D'Amore stated that it is technical. It was on one of the internal drafts, it was not on.

Mr. Donovan stated that he was concerned because he was on vacation and he saw it pulled on the agenda. He stated that he realizes that the final printed agenda, it was not on.

Ms. Eichenwald stated that something the committee meets and it is on a future agenda. It was not a good process.

16. GOOD AND WELFARE

17. ADJOURNED: 11:30 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.