

COUNCIL MEETING
AUGUST 20, 2008
7:30 PM

1. Invocation: David Howells, Sr.

2. Pledge to the Flag

3. Roll Call:

Mr. Donovan, Ms. Eichenwald, Mr. Guridy, Mr. Howells, Mr. Schweyer, and Mr. D'Amore
Mr. Phillips was absent.

4. Courtesy of the Floor

Dennis Pearson, 942 East Tilghman Street, said he found out Allentown is faced with the dumping of trash on a City property close by the Lehigh River, on the east side. The other is we're spilling over from the renovations at the old Hanover Acres. Pennrose wants to see money from the County to rehab about 20 homes for housing for mental and drug abusers. This has always been a concern of east siders since they fought the state on an issue at the State Hospital. The state hasn't given them money for the Linden Street Bridge, which is under construction. The County has to give additional money themselves. Some commissioners are debating whether they should do that or not, which would create a big detour, or mess for the citizens of east Allentown for some time, especially since there's a detour at the County Court House, too.

Louis Hershman, 405 Gilmore Street, said he requested a copy of the CAFR report. He read it's available on the Internet. The Administration said they aren't going to distribute it, and when they do it's going to cost \$15. Why would the Administration be responsible for the distribution of the CAFR when City Council pays to audit the Administration? City Council, by the Charter, audits the Administration. We pay for it in the budget. Council is responsible for setting a fee for the budget. Why wouldn't they be responsible for setting the fee of the CAFR? The City Controller is the internal auditor for the City of Allentown. He was surprised to read that the Administration is not cooperating with the Controller. That's not the way government is supposed to work. The Charter provides an opportunity for performance audits. If the Controller wanted to do a performance audit, all he has to do is come to City Council. Afflerbach's argument was when we passed it that it could become political.

Mr. D'Amore said the CAFR is a report that is issued by the Administration's Department of Finance.

Larry Hilliard said it will be on line on Tuesday morning. We normally charge \$.25 per page for copies.

Mr. Donovan asked what is the typical policy for a public document to be given out in hard copy?

Mr. Hilliard said we don't publish anything . . . for the budget book we charge \$15.

Jay Goldstein, 1718 Crown Blue Street, said the article you're looking at caught his attention. The News Observer in Greensboro adding itself on the map of getting Mack Trucks. The 2nd paragraph said 20 operations – the state awarded the company a grant for \$8.5 million. Winning the facility is a boon for the triad area, Winston-Salem-Greensboro highpoint area, much like Allentown-Bethlehem-Easton area. What do they know about aviation assets that we don't know and what they're doing with them and we're failing to do? His pet project is to get Queen City Airfield Country Club out of the south side of Allentown. Resolution 4090, something the City never acted on, was an insult to the City. That's how it was designed. He was there to watch the spectacle. The Morning Call person was stunned.

Ernie Atiyeh, 1909 East Congress Street, said he hears people complaining about not getting tickets validated for the parking deck. We want to encourage people to come to public meetings. You come down the walkway from the deck, and the door is locked on the east side of the building.

The City Clerk said the sound system should be up and running on August 25th.

5. Approval of Minutes: July 16, 2008

6. Old Business: None.

7. Communications:

Mr. Donovan said last week he attended an Allentown School Board meeting. He feels it's imperative that Council take a strong interest in the outcomes of our school system since the City is affected as a whole so greatly. He's encouraging his colleagues to stop by on a Thursday evening and attend and observe a meeting. He's been giving some thought about Council having a resolution calling for the School Board and us to develop some type of meeting arrangement for us to talk about common issues.

8. REPORTS FROM COMMITTEES:

PUBLIC HEARINGS

The following public hearings have been scheduled to take public testimony on the following issues:

September 3, 7:00 PM

Bill 37 amending the Zoning Code by adding a definition of yard sales and limiting yard sales to (4) per calendar year, and **Bill 57**, amending the Zoning Code by granting the Zoning Hearing Board the authority to modify, by special exception, off-street parking requirements within the B-1/R District.

September 17, 7:15 PM

R5, authorizing the transfer of a liquor license from Upper Macungie Township to Wegmans Food Markets at 3900 Tilghman Street.

ADMINISTRATION – Chairperson Donovan

The Committee has not met since the last council meeting. The next committee meeting is scheduled for August 27th at 6 PM.

COMMUNITY AND ECONOMIC DEVELOPMENT – Chairperson Schweyer

The Committee met on August 13th at 6 PM, a future meeting has not yet been scheduled.

PUBLIC WORKS – Chairperson Guridy

The Committee has not met since the last council meeting, a meeting is scheduled for September 3rd at 6 PM where we will review Bill 74, which provides for the vacation of North Boyer from Edison to Linden Street and discuss the proposal to make 7th Street 2 ways.

PUBLIC SAFETY -Chairperson Howells

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

APPOINTMENTS - Chairperson D'Amore

The committee is currently considering a number of appointments.

LEGAL AND LEGISLATIVE – Chairperson Phillips

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

RULES AND CHAMBERS – Chairperson D'Amore

The Committee has not met since the last Council meeting; a future meeting has not been scheduled as there are no agenda items.

OTHER COMMITTEE REPORTS

AEDC - Councilperson Donovan said they meet the 3rd Thursday of each month at 7:30 AM.

Pension Board: Councilperson Donovan said the committee met yesterday. We're putting together an asset/liability report which will tell the committee a great deal of information with all 3 pensions. That report is due out next November.

Presales Inspection Meeting: Councilperson Donovan said the next meeting is scheduled for September 24th, at 6 PM. By that time, we should have well over 700 applications for presales inspections that will have occurred. We'll have a history and we would like to talk to the owners about their experience in order to help Council

Blighted Property Review Board: Councilperson Schweyer said the Redevelopment Authority is currently looking at setting up a meeting on September 8, but it is not cast in stone.

Council Reform – Councilperson Schweyer said the Committee has not met since the last council meeting.

CONTROLLER'S REPORT

William Hoffman said he has a copy of Sunday's newspaper article. It was sort of the operating assumption that the Controller's Office could not do audits unless requested by the Administration or Council. After discussion with the City and officials in the City, and asking the Solicitor's Office if they had an opinion on this, he's come to the opinion that that's not true. If we can do a financial audit of any City authority, board or commission of the City operation, that's what they're going to move forward with. At the end of every year, for the next 3 or 4, he hopes to put out a report saying this is what we did. Here are the audits we did and making sure we have them published, and make them available to the public.

Ms. Eichenwald said she is pleased with his attitude. It makes the citizens more comfortable with the way you're doing business.

Mr. D'Amore said he knows the Solicitor's Office has rendered a question on performance or operational audits vis a vis the Charter. City Council, as a legislative body, has inherited oversight of the authority – if inherent oversight of the authority Council could empower the Controller to do some type of operational audit, would that be legitimate?

Attorney Marchetto said you're empowered to do those investigations. It is granted by the Home Rule Charter, Section 210. It does allow Council to investigate any office, department, agency of the City, and to do so they have to pass an ordinance to authorize that investigation. Council can also retain technical assistance to subpoena and do anything they need to do to conduct the investigation. You're asking can you retain Mr. Hoffman as your professional investigator and do the work for you?

Mr. Donovan said would that mean we would instruct Mr. Hoffman or whatever agency we wanted, and we'd have to have an ordinance to do that?

Attorney Marchetto said that is correct.

Mr. D'Amore asked if that can be vetoed by the Mayor?

Attorney Marchetto said yes, it could.

Mr. Donovan asked Mr. Hoffman how he would characterize an operational or performance audit?

Mr. Hoffman said his understanding is a performance audit is one where you examine the function, the work flow, the assets attributed to a certain function for efficiency to see if it's working the way it was intended to work, and are there improvements to be made.

Mr. Donovan said he's on the same page. He said he looks forward to seeing his results.

Attorney Marchetto said the question from Mr. D'Amore, in summary, was can Council use Mr. Hoffman as their "professional" expert to do that.

Mr. Howells said anytime we're having some sort of investigative meeting – whether it's an audit report or whatever – we have subpoena powers, anyone we wish to testify for us. In 1984, City Council authorized a \$50,000 study of the Allentown Police Department. It was actually a performance audit. They've each been given a copy of the Burracker Report. That's one way to handle it, and that could be done not by someone in house, like Mr. Hoffman, but we would bring someone in from the outside to do it. He likes that idea better. It worked well for him and the City. He doesn't think an audit that he would look at – something as extensive and intensive. He thinks it would be wise to bring someone in from the outside. What that does, it substantiates the way our department directors are performing their responsibilities. It also shows that monies that are being spent for various projects that each department is required to engage in, it shows you each department is doing the best they can with the little bit they have.

Ms. Eichenwald said what she's hearing is that Mr. Hoffman feels he has the responsibility and the right to do audits. Every non-profit in the City, of course, is non-profit. Every non-profit she's ever known of has always done an audit. It appears to her that it should be done on a routine basis that our departments may be subject to change without setting up an adversarial relationship.

Mr. D'Amore said he just looked at the Charter clause you spoke of. There's inherent in legislative power, at any level, is the power of oversight and that is not an explicit power. It's an inherent power. Inherent in our oversight,

not to actually launch a formal investigation. In this inherent power, do we have the authority to request, not to order, but to request, that the Controller do an audit. Thereby granting him a slice of our oversight authority giving him the power to do it.

Attorney Marchetto said he doesn't think you can use your "oversight authority" to authorize the Controller to do anything more than what the Home Rule Charter grants him power to do just by the fact that you authorized him to do it. The inherent oversight authority, he thinks, is both limited by the power granted to the City, by the state, because it was borne by the state, and by the Home Rule Charter because that clearly sets forth and actually limits what Council can do and what anybody can do in terms of authorizing the powers what they can do.

Mr. D'Amore said we're all limited by the state. He's not suggesting we have the power to investigate the President of the United States. He's suggesting they have the authority to investigate this same Administration whose power also comes from the State Enabling law.

Attorney Marchetto said he understands, but he wanted to be clear that that "inherent power" that you speak of. He'll look into it and give him a memorandum. He doesn't know they're authorized by the legislation of the Home Rule Charter.

Mr. Guridy said according to the Home Rule Charter, we have the power to request an audit from the Controller. We talked about, during budget time, to allocate money so we can do one at the request of the Controller-ordered performance audits. Earlier, we discussed we were not looking for the Controller himself to do the performance audits but to hire a company to do them.

Mr. Howells said your memory is very accurate.

Mr. Guridy said he doesn't know if we allocated money for that.

Mr. Howells said we have some money in our budget that could be moved around if necessary in order to perform such an audit.

Mr. Guridy said we would probably look at the department to see if it is effective and efficient for the City.

Mr. Howells said about the adversarial situation – that absolutely is the responsibility of the department director and all the people who work in that bureau. He would hope that wouldn't happen. When it was happening in the Police Department, they had an opportunity to have an adversarial situation to occur, but we did not allow that to happen. Everyone cooperated.

Mr. Schweyer asked Mr. Hoffman when is the last time anybody has looked at our budget – any independent audit of Council?

Mr. Hoffman said he thinks it's overdue.

Mr. Schweyer said he is going to ask him to do that. The assumption of this entire conversation is that Council thinks the Administration . . . he thinks there's always the chance that we could be doing better as well. We are just as responsible for City taxpayer dollars as every branch of this Administration as well.

Mr. D'Amore said he has no objection to that.

Mr. Donovan said one of the things he does is teach a variety of courses. The Institute of Internal Auditors focuses almost entirely on cooperative efforts between the internal auditors and the organization. The internal auditors' process includes both financial issues and safeguarding of assets. There's also the issue of efficiency and effectiveness, personnel management. He's glad Mr. Hershman and others in the City are asking about how we look at ourselves, and he's also glad Mr. Hoffman, with his experience, is asking those questions. Clearly, we are restrained by the governmental process, in terms of the Charter. This is all about a good managerial process of looking at ourselves in cooperative fashion professionally and coordinated with the standards of internal auditing. He thinks that's very important.

9. ORDINANCES FOR FINAL PASSAGE:

There was a motion to suspend the rules to move R37 to the top of the agenda.

The rules were suspended by common consent.

R37

Administration Sponsored: Authorizes Keystone Municipal Collections to Bill and Collect Certain Taxes: earned income tax, local services tax, and the per capita tax.

Mr. Donovan said R37 was forwarded with no recommendation. There are 3 key points to this legislation. There are distinct deficiencies that occurred in the Administration of the processes without anyone losing their position. Real estate taxes are not part of this proposal. They are a minor tax – the smaller taxes that exist in the City. The Commonwealth recently passed legislation that could cause the County to designate us as the bill collector for all jurisdictions within the County. Whereby doing this we need to be in a position to better manage that. Any arrangement would need to be approved by us by ordinance. This approves that the Administration, in an agreement that was negotiated, will still come back to us for final approval.

Mr. Hilliard said we started this process without the knowledge that the Senate bill was going to designate – there are 570 tax collecting entities in the State of Pennsylvania – the state asked and was approved that that be reduced to 1 per County. The County will have some type of convention in 09 with all the tax collectors and create some process to select who is going to be the single tax collector within the County of all the municipalities. They expect huge benefits in the form of increased collection because it's more efficient, less redundancy and recognizing the system people have – card files, some 30/40 year computer systems – are very expensive to replace. They're dealing with centralization. He would bet the vast majority, not all, are third parties. The questions that came up in the committee meeting dealt with the subject of some of the IT statements he made. Our weaknesses, and particularly, while this doesn't take place for a couple of years, to invest our very little IT resources that support the EIT, and most recently the LST, which is going to help tremendous tax cuts. There's been a change 3 times in 3 years. The IT infrastructure – we literally are using systems that are dedicated tools, slicing in a lot of machinery. You asked the IT director to come here and speak a little bit and answer questions on the IT aspect.

Matt Leibert, IT Director, said to summarize the project we're talking about here they refer to as the people taxes – earned income, local services. The IT part is currently responsible for collecting all these business requirements right in the software and ultimately providing customer service through all City departments, not only tax collection, but all technology functions. It is certainly a strain on our existing resources. The IT Department is sort of borne out of the Finance Department dating back into the '80's when automation came to the City of Allentown. The first systems were to support financial functions.

Mr. Hilliard said our systems were to also support the Allentown Police Department.

Mr. Howells said they had the first computer system in the entire City.

Mr. Leibert said at that time the Financial Department developed tax collecting software. As Mr. Dougherty indicated, some of these programs are changing rapidly. The requirements are changing. We have difficulty keeping up. This platform that we run on known as Admins, and our objectives in the IT Department, are to move away from this platform. It does a number of our City functions right now besides tax collection. The effort they are going to need to put into rewriting new software to support this is going to cause the other departments to suffer. What they hope to be able to do across the City is improve customer service in other areas, and Keystone, who we're entering into an agreement with, their whole business is tax collection. They are in a better position than the City of Allentown with this statewide resolution if this goes through. We're going to bear a tremendous burden. In February, he went out with his team to visit these 3 sites. They had 3 responses to RFP. The Keystone Company is by far ahead of the other sites they visited. The one site put together alternatives that we looked at. Is the platform on a solid foundation? No, it is not. We do nothing? That's the risk they're going to take. Upgrading Admins is not an option because it's aging equipment as well as the software. Was new software considered? Yes, but IT still needs to support it, and there are other objectives that need working on – City website, other projects. That's what's been submitted, and they're the alternatives. We're risking inability to reliably produce bills even now. We have printers that are old. They constantly break. They're hard to get under maintenance contracts. No one wants to service them, and the software is difficult to find personnel to maintain them. The growing inability to continue to support the non-mainstream (inaudible) will certainly increase overtime, and we will continue to fall behind in tax collection capabilities. The IT objectives we really want to focus on are reducing costs to the customer, improve customer service. We can't do those if we are in the software developing business. We need a solid tax collection platform. IT

needs a system that it can support. Finance needs a system they can use. The taxpayers need a system that is customer service oriented, and Admins is not going to support that.

Mr. Hilliard said when you define the IT environment and what he has to accomplish, the fact that we have a finite life remaining before this is taken over by another party, this makes perfect sense and to prepare ourselves for a natural change in the way we control to respond at the last minute. We don't have the capability.

Ms. Eichenwald asked what will be the cost?

Mr. Hilliard said they get a percentage of the revenue collected, and that amount with what we're paying now maybe slightly negative for the first couple of years since we're subsidizing the school district. Once the school district taxes are collected by a third party, we'll be ahead slightly. Within the estimated year, the 5 or 6 positions that will be lost by attrition would be a wash. We're labor intensive . . .

Ms. Eichenwald said in the beginning of the presentation, you said no jobs would be lost.

Mr. Hilliard said there are about 6 people performing those functions now. When we start this in 09 – it will take all year to fully implement. Over that year as functions move out – we have a fair amount of attrition in that function. People will bid out.

Ms. Eichenwald said those 5 employees . . .

Mr. Hilliard said we lost 3 in the last 6 weeks.

Ms. Eichenwald asked who collects our real estate tax?

Mr. Hilliard said we're responding to the state law, which only effects IT, but because LST and per capita are main person related, they're put together. There's a horrendous amount of IT work. The City collects the real estate. Once the year is up, it's turned over to a 3rd party platform. Right now Portnoff – Jerry Snyder is working with George Crawford, himself and the school district to see what options there are.

Ms. Eichenwald said if this is such a good thing, why is it not used as the 3rd party for the real estate? Is that also labor intensive . . .

Mr. Hilliard said we're biting off as much as we can chew to start with. If this is successful, we might go to long term use. Real estate tax is still the one collected. You don't have this quarterly – EIT is a self-assessed tax. The real estate, the County produces a file, you produce a bill for the exact amount of money. At the end of the year what's not collected is turned over to a firm to collect it. It's not a labor intensive process of earned income. We get quarterly filings.

Ms. Eichenwald said customer service. That was one of the problems with Portnoff. The hounding letters . .

Mr. Hilliard said unlike real estate where the state has rigid sets of rules about putting properties up for sale – you don't put properties up for sale on the (inaudible). There's a process of enforcement. It's not that threatening to take somebody's home away from them.

Ms. Eichenwald asked if we'll have some monitoring control over that process with Keystone? Will we see the letters and the process? What the delinquency rate is?

Mr. Hilliard said they're reporting will be fabulous compared to what we have now.

Ms. Eichenwald said she's not concerned about the reporting. She's concerned about the customer service and how they'll handle the members of the community who are delinquent.

Mr. Hilliard said they're hoping they're somewhat aggressive because we need the money. There's a balance between – it doesn't matter who it is. They're being effective bringing money in and no one wants to pay.

Ms. Eichenwald said of course she wants them to be aggressive and collect the money . . .

Mr. Hilliard said they also want to expand their business, so they've got to make the clients happy. They're moving from the west part of the state, where they're very dominant, to the east. They see this as an opportunity and the change in the law. They're going to be very flexible. The 3 firms are Burt, Centax and Keystone. This firm seems very interested in getting into the eastern part of the state. They sold us on this business as opposed to the biggest of the 3. There's one firm that does expense reports for MR, tax liens on cars. This outfit focuses on tax collection. We had 3 people to choose from. In our opinion, IT wise, this firm was the strongest.

Ms. Eichenwald said you said it would take about a year to break even to train and service people in other positions. How will you meet the budget requirement in the first year?

Mr. Hilliard said we'll just have to budget what we expect it to be. The cost is a lot less . . .

Ms. Eichenwald said you have to change the budget . . .

Mr. Hilliard said we're not over budgeted. As we go through the year, we'll weed positions.

Mr. Guridy said at one point Matt said there could be some detriment to some of the departments. He isn't sure if he meant they're losing some employees or hiring in other departments. He said we will have debt in some departments. What does he mean by that?

Fran Dougherty said he was saying if we do not go this path, and has to use the existing IT resources to retool it for us to continue now, the reforms and other things that have to be done in other departments, in terms of streamlining IT, identifying their new needs and new technologies will suffer as a result because of the time needed to address this.

Mr. Hilliard said there are a couple of systems we've identified for high potential to do next year, which could be put on the back shelf, if it goes through. So move this stuff out and work on the better stuff.

Mr. Schweyer said 3 RFP's came back. You chose Keystone because they were specific to this industry as well as branching out; they were cheaper.

Mr. Hilliard said they have a strong IT position, very willing to work with you and customize, as opposed to our perception of operating. The low bid seems to be the quality company.

Mr. Dougherty said the real difference for him was Matt took himself and other IT experts out to each of these headquarters to see their automation systems, technology, understanding how progressive they were, and he reported back to him that Keystone was far above the others.

Mr. Schweyer asked what's the length of the contract?

Mr. Hilliard said he thinks it's 3 years with an option to renew. By 2012 the County will have had the convention and will select a tax collector. Keystone may not be the one. Our idea is do we want to go through the pain of transferring to a modern platform, and we won't be given the name of x y z corporation. If we move to a modern system, and they have about 3 years to clean up the data bases, it will be a lot easier for them to transfer. They intend to serve us well – by performing well for us, we have a shot of being the Lehigh County tax collectors.

Louis Hershman, 405 Gilmore Street, said in 1980 City Council looked at this with the Controller. We wanted to maximize our interest income. Do they pay us interest on the day of collection or the day they transfer to Allentown?

Mr. Hilliard said right now they're going to transfer the money in areas twice a week. He doesn't see us having a major impact interest-wise. A company that specializes in something – they've optimized the collection of cash, they're not sitting around opening checks. Their slicer machines whip them out. Our focus and the money they give to the bank, and we'll get that, I believe that what we've seen the cash will get to us faster than us doing it ourselves.

R37 was approved, 5 Yeas and 1 Nay (D'Amore)

Bill 50

Administration Sponsored: Amending the General Fund by reorganizing the Police Department to eliminate a Lieutenant position and create a new Captain position.

Mr. D'Amore said this came out of a Committee of the Whole. It was thoroughly discussed.

Chief MacLean said he hopes they vote favorably on the bill.

Mr. Donovan said it is extremely important that the data that is used to demonstrate the size in various sections of the City be made available. He would like to see that data. He would like to make sure we have work plans that demonstrate responsibility and police management and the officers. Community policing is very much a management process.

Chief MacLean said in response to Mr. Schweyer's question, the last time he spoke with the consultants who were looking at something in September. There's still a little work they have to do, but they're trying to get things rolling. Captain Warg has been tasked with redoing the reporting areas and car assignment areas. They finished that task today.

Mr. Schweyer requested an update by the first Council meeting in December.

Mr. D'Amore suggested the update be part of the budget hearings in late November.

Mr. Guridy said he will be supporting this bill. He suggested reconsidering the job description for the Community Relations position. It's a position he feels would help our relationship with the community and the Police Department and the residents.

Ms. Eichenwald said she also is pleased to support this bill. She'd also like to take the opportunity to listen to the consultants in every way possible.

Chief MacLean said he'll take any help he can get.

Mr. Howells said he certainly supports this without question. He would have preferred to see you make a captain and not get rid of the lieutenants. He would have preferred if one of the lieutenants would have been a captain, you would still have the lieutenants in there because he thinks it would give more supervision.

Chief MacLean said he agrees. One of the items that the consultants suggested was more supervision on the streets with the amount of newer officers.

Mr. Howells said the Mayor was under the impression that to do what he just suggested would have cost \$71,000 a year, but that's not the case. It would only cost the difference between a lieutenant's pay and a captain's pay.

Ernie Atiyeh, 1909 East Congress Street, said we have 4 PSA's and 3 captains. The captains we have right now are doing an outstanding, fabulous job and that goes as well as the Chief. They appreciate what they're doing. We need another captain.

Bill 50 was adopted, 6 Yeas and 0 Nays.

Bill 54

Administration Sponsored: Amending Article 903, Permanent Obstructions, by providing regulations for the placement of tree wells in the City.

Mr. Guridy said Dan Mest had concerns about planting flowers instead of trees in the wells. It was forwarded favorably.

The City Clerk said this ordinance doesn't allow anyone to put in a tree. This is at the request of Old Allentown to put tree wells around the trees they are planting so they don't have to come back to Council for an encroachment request every time they plant one.

In response to Ms. Eichenwald's question, this would allow Rich Young's department to sign off on putting decorative tree wells in Old Allentown's historic district. They're putting the trees in themselves.

The actual planting of the tree comes under the auspices of the Shade Tree Commission and a planting plan must be approved.

Bill 54 was adopted, 6 Yeas and 0 Nays.

Bill 58

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$70,753 from a Department of Justice grant to the Anti-Crime Program of the Police Department to provide for cameras, related equipment and maintenance

Mr. Howells said Bill 58 was forwarded favorably, 3-0.

Bill 58 was adopted, 6 Yeas and 0 Nays.

Bill 59

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$1,906.78 to provide for the funds received from vendors who participated in the Blues, Brews and Barbecue event to the City of Allentown.

Mr. Schweyer said Bill 59 was recommended favorably, 2-0.

Karen Beck-Pooley said for every vendor that was part of the event, they paid a fee to have their spot and they also paid to participate in the competition. We didn't fund any money from the City. All the money came in through the City.

Mr. Donovan said so we're just moving funds.

Bill 59 was adopted, 6 Yeas and 0 Nays.

Bill 60

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$3,400 as a result of a grant from the Eastern Pennsylvania EMS (Emergency Medical Services) Council to the City of Allentown Paramedics for Reflective Safety Markings on the Rear Facing Surface of Four (4) Front-line Ambulances.

Mr. Howells said Bill 60 was forwarded favorably, 3-0.

Bill 60 was adopted, 6 Yeas and 0 Nays.

Bill 61

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Four Thousand One Hundred Sixty (\$4,160) Dollars as a result of payment from the Lehigh Valley IronPigs Baseball Team to the City of Allentown Paramedics for provisioning of on-site Emergency Medical Services during baseball games at Coca-Cola park for the month of April 2008

Mr. Howells said Bill 61 was forwarded favorably, 3-0. The public has been very support and appreciative of the EMS services we have at the stadium.

Bill 61 was adopted, 6 Yeas and 0 Nays.

Bill 62

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Fifteen Thousand Three Hundred Forty Dollars and Thirty Cents (\$15,340.30) as a result of a grant from the Eastern Pennsylvania EMS (Emergency Medical Services) Council to the City of Allentown Paramedics for improvements to the service's State Records Reporting System.

Mr. Howells said Bill 62 was forwarded favorably, 3-0.

Mr. Donovan asked if the \$15,340 covers all costs?

Mr. Van Allen said it covered all of our programming and software costs. We spent approximately \$6,000 in budgeted money to upgrade printers and scanners.

Bill 62 was adopted, 6 Yeas and 0 Nays.

Bill 63

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$49,999.62 in Enterprise Zone funding from the Pennsylvania Department of Community and Economic Development for implementation of the City Enterprise Zone program.

Mr. Schweyer said Bill 63 was recommended favorably, 2-0. These are operating funds for the Bridgeworks Manager to assist businesses with grants, loans and taxes.

Mr. Donovan said its important for Council to hear the overall strategy and economic development in the City, especially when you have so many entities

Bill 63 was adopted, 6 Yeas and 0 Nays.

Bill 64

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$52,790.10 for Fire Training and Fire Safety Equipment and Witness and Haz-Mat salary reimbursements

Mr. Howells said Bill 64 was forwarded favorably, 3-0.

Bill 64 was adopted, 6 Yeas and 0 Nays.

Bill 66

Administration Sponsored Ordinance: Amending the 2008 General Fund Budget to provide for a reimbursement of \$77,278.47 from the Lehigh and Northampton Transportation Authority to the Surveillance Camera account of the Police Department to provide for surveillance cameras and related equipment around the LANTA Transportation Center

Mr. Howells said Bill 66 was forwarded favorably, 3-0.

Chief MacLean thanked Councilperson Schweyer for being instrumental in receiving this reimbursement.

Mr. Donovan said he had an opportunity to get to the CommCenter for the first time. He was very impressed with the staff and the knowledge.

Bill 66 was adopted, 6 Yeas and 0 Nays.

Bill 67

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$450 to provide for the funds received from participants of the Weed and Seed workshop entitled "Being an Effective and Trusted Ally."

Mr. Howells said Bill 67 was forwarded favorably, 3-0.

Bill 67 was adopted, 6 Yeas and 0 Nays.

Bill 68

Amending Article 911, Shade Trees, by adding two members to the Shade Tree Commission

Mr. Schweyer said Bill 68 was forwarded favorably, 2-0.

Dan Mest, 940 East Jackson Street, said he doesn't see anywhere where a property owner can object if they don't want a tree in front of their house. Who decides where a tree well goes, and if the property owner doesn't want it, what happens to the tree well?

Greg Weitzel said an appeal would have to be brought up and the Shade Tree Commission would make a recommendation to the Administration to quote a deal.

Mr. Mest said even though the property owner is responsible for the tree, and doesn't want a tree, why don't you ask the property owner first if they want a tree or not?

Mr. Howells said if the Shade Tree Commission wants to put a tree well in front of his house, but he objects to it and it goes before the Shade Tree Commission for them to make a determination whether he has a right to object.

Mr. Weitzel said usually when the sidewalk replacement plan is forwarded through the Engineering Department, at that time a recommendation for a shade tree or a planting plan is forwarded and approved and that planting plan goes before Shade Tree Commission to approve or not approve. Each instance is taken on its own merit.

Mr. Howells said the Shade Tree Commission ascertains where they want to put the tree. The property owner knows a tree is going to be planted in front of their house.

Mr. Weitzel said no, that's not the case.

Mr. Howells asked how do you determine where the trees are going to go?

Mr. Weitzel said the planting plan has to be forwarded to multiple City departments.

Mr. Howells said ultimately the planting plan shows there's going to be a tree in front of his house?

Mr. Weitzel said if your sidewalk is going to be replaced . . . it's your responsibility, as the property owner . .

Mr. Howells said if you know the full plan, and he sees there's going to be a tree well in front of his house, because the Shade Tree Commission decided a tree should be there. Is that how it's done?

Mr. Weitzel said no. Each incident is different. If you do not have a shade tree in front of your house . . .

Mr. Howells said if there's already one there, you're not going to put another one there.

Mr. Weitzel said if one is gone, they can say you have to replace that tree.

Mr. Schweyer said what if the owner doesn't want a replacement tree?

Mr. Weitzel said they submit their appeal to the Shade Tree Commission.

Mr. Dougherty said if it goes back to the Shade Tree Commission, you said you make a recommendation. To whom do you make that recommendation?

Mr. Weitzel said the Shade Tree Commission makes a recommendation to the Mayor and the Administration.

Mr. Dougherty said doesn't it come to City Council? It should be treated as an encroachment, which goes before City Council, not the Administration.

Mr. Howells said if the Shade Tree Commission is going to say where there's going to be a tree, and there going to put a tree in front of his house, and he doesn't want it there, I end up appealing to the people who are going to put it there.

Mr. Weitzel cited the ordinance: "The City, having exclusive custody and control of all shade trees in the public right of way, may plant, remove, maintain and protect such shade trees. The Commission shall give recommendations and advice as to species selection, planting, maintenance or removal of trees on all public rights of way." We know this ordinance needs better review.

Mr. D'Amore said he agrees with Mr. Howells. We'd be glad to sponsor an ordinance to the effect of changing the appeal process because it is in appropriate to have the body that makes the decision also hear the appeal. This ordinance simply changes the number of members on the Commission.

Mr. Scheirer suggested putting in that the Shade Tree Commission is responsible for the sidewalk it ruins in about 5 or 6 years. The people who own the homes pay thousands to get their concrete redone that the City orders.

Bill 68 was adopted, 6 Yeas and 0 Nays.

Bill 69

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$450,000 to provide for the grant from the Commonwealth of Pennsylvania Office of the Budget. Funds are to be distributed to the Allentown Parking Authority (\$200,000), Allentown Symphony Association (\$200,000) and the Baum School of Art (\$50,000)

Mr. Schweyer said Bill 69 was recommended favorably, 2-0.

Bill 69 was adopted, 6 Yeas and 0 Nays.

Bill 70

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$67,675 to provide for the grant from the Pennsylvania Department of Community and Economic Development to the City of Allentown for Community Action Committee of the Lehigh Valley to renovate the Sixth Street Shelter in Allentown.

Mr. Schweyer said Bill 70 was recommended favorably, 2-0.

Bill 70 was adopted, 6 Yeas and 0 Nays.

Bill 71

Administration Sponsored: Adopting the 2006 International Fire Code as amended.

Mr. Howells said Bill 71 was forwarded favorably, 3-0.

The City Clerk said in Section 903.6.2, High Rise Buildings, add at the end of the sentence as defined by and with the exception located in the 2006 International Building Code, Section 403. In 907.3.2.4, Fire Alarm and Detection Systems, subsection D, the following Section 1: EXCEPTION 1: Mixed-use buildings that comply with the currently adopted International Fire Prevention Code and were constructed or converted by alteration to a different use and occupancy by meeting the standards of the Pennsylvania Uniform Construction Code or prior Building Codes adopted by the City of Allentown; (14626 §1 8/26/08). Add under B, Section 2, All dwelling units must have at least one approved smoke detector installed inside that unit.

The amendments were approved by common consent, 6 Yeas and 0 Nays.

Bill 71 was adopted, as amended, 6 Yeas and 0 Nays.

10. ORDINANCES FOR INTRODUCTION:

Bill 74

Providing for the vacation of N. Boyer Street from Edison Street to Linden Street in the Fourth Ward of the City of Allentown:

Bill 74 was referred to Public Works.

11. **CONSENT AGENDA:** None

12. **RESOLUTIONS ON SECOND READING:**

R47

Administration Sponsored Ordinance TreeVitalize Metros – \$25,000 grant application to plant trees and train community volunteers to assist in the planting and early care of trees planted throughout the City of Allentown

Mr. Schweyer said R47 was recommended favorably, 2-0. This is for planting between 90 and 200 trees between the 1000 and 1200 block of Hamilton Streets, 7th Street, and also around Lincoln and Washington Elementary Schools.

R47 was approved, 6 Yeas and 0 Nays.

13. NEW RESOLUTIONS:

R49

Authorizes Mayor to Enter into the Attached Easements Agreements with the Coplay-Whitehall Sewer Authority to relocate an interceptor adjacent to the current one

R49 was referred to Public Works.

R51

Approves intermunicipal transfer of a liquor license owned by Ambrosino LLC formerly licensed to conduct business at 1106 South Rte. 100, Upper Macungie Township, Breinigsville, Lehigh County, Pennsylvania, to Wegmans, 3900 Tilghman Street, Allentown, Lehigh County, Pennsylvania.

Mr. D'Amore referred R51 to a Public Hearing scheduled for September 17th, at 7:15 PM

R52

Designates Nathan Kline as the City of Allentown's Official Military Liaison

Mr. Donovan said he does not live in Allentown, but the organization he runs is a major organization for veterans.

Mr. Howells said he won't be running an organization. He would just be our representative for all military affairs.

Mr. Huzinski, 1507 South Jefferson Street, said he was the past president of the Lehigh Valley Military Affairs Council, President Emeritus and is on the board and attends the executive committee meetings.

Mr. D'Amore said he served with Mr. Kline on AEDC for 2 years, and he knows he's a gentleman who cares about the City of Allentown.

R52 was approved, 6 Yeas and 0 Nays.

R53

Certificates of Appropriateness for 515 Park Street and 942 Gordon Street

R53 was approved, 6 Yeas and 0 Nays.

R54

Certificates of Appropriateness: 1624 Chew Street, 1515-1559 Linden Street, 1525 Turner Street, 624½ Park Street, and 626 Park Street

George Schaller, 622-1/2 Park Street, presented Certificates of Appropriateness for Mr. Williams' property. The only proper thing on that property are the doors and the half ground gutter. He wants them torn down. The City made him bring his to historic appropriateness, and he's taken it to the Mayor and everybody. This man assaulted him. Cityline Construction – Williams. He ripped money off of me. Misappropriated funds. It's all been behind closed doors. It's Barbara Hope's birthday today. Mental Health has known him for years. He's shown them pictures of mold. Code told me I couldn't fire Mr. Williams. Why isn't Mr. Williams in jail for assault?

Mr. D'Amore said he doesn't make those decisions.

The City Clerk said Cyndie Carman said the properties were not in compliance. He was issued a citation, and he redid it.

Mr. Schaller said he didn't redo nothing. We don't want him on the block no more. There's 9 residents – owner-occupied. We are the Park Street foundation. We don't want him there. We want his insurance to pay for the stuff. That's a lie.

The City Clerk said the post that held up the porch was 6" short, and that is what HARB approved.

Mr. Schaller said no, Mr. Williams argued. The last argument in HARB was that his pitch in the roof was a 4" of drub and 12" run. His are 6" and 12". All the rest are 3" and 12".

Mr. D'Amore said HARB denied Mr. Williams. They gave him a list of things he needed to do to reach appropriateness. He did those things, and then they issued a Certificate of Appropriateness.

Mr. Schaller said, no, he did not.

Mr. D'Amore asked what part of his statement is not correct?

Mr. Schaller said a 65 year old woman was assaulted by a Code official, and they were told they don't care. This is the ghetto. He closed the door on her leg.

Mr. D'Amore asked at what point do you believe HARB was in error in the statement he made?

Mr. Schaller said they won. We told Mr. Williams this was wrong. We called HARB. Nothing. Right now, on our block, they're putting in windows, and nobody is going down and checking it because this is the ghetto. We don't care. Mr. Williams can throw his garbage there. 624 ruined his property after they made him make it historically appropriate. He had to hire a firm to do that. This is 2 years ago.

Mr. Donovan said you may be making very legitimate claims. He doesn't know. He's going on the HARB officials involved with this.

Mr. Schaller said this is bureaucratic bull.

Mr. Donovan said you are bringing to us complaints that sound very serious, but he has to tell him his approach is leaving him not interested. If you calm down and attempt to make this clear, and if we can get some other information in terms of the dispute, then maybe we'll listen to you. If you don't calm down, you're going to be asked to be removed from Chambers.

Mr. Schaller said he's just voicing his opinion again.

Mr. Donovan said there was a devastating fire and Cityline came in to do the repairs.

Mr. Schaller said that is not correct. Actually, they wouldn't give him permits The HARB fine establishment of the City – he was gutting his home because the City did work in 1991, and they wouldn't give him any permits. They left and giggled behind the wall.

Mr. Donovan said at the time of the fire, Cityline came in to do the work?

Mr. Schaller said actually, they came in and put electrical wire in his house. He can run almost anything in each room. A power saw.

Mr. Donovan said the fire occurs. Cityline comes in to fix your home and other homes in the block. When Cityline was done, they denied you a certificate because the claim from HARB is they did not follow certain laws?

Mr. Schaller said no. Those are properties that he fluffed. That couldn't be sold for \$50,000 for 2. We won't even get into the property at 631 that has 15 people living in it at any given time that nobody addresses.

Mr. Donovan said Cityline was denied a certificate of appropriateness because they did not follow appropriate historic plans?

Mr. Schaller said no, actually . . .

The City Clerk said the memo we received – they responded by submitting new applications to HARB.

Mr. Donovan said then Cityline made changes which got approved.

Mr. Schaller said never.

Mr. Donovan said what he hears in his complaints, some of which are very serious. There's a claim of assault by a City employee.

Mr. Schaller said no, Mr. Williams and then a City employee. As well as an assault on him when the money went from him -- \$22,000.

Mr. Donovan asked was there a claim of an assault by a City employee?

Mr. Schaller said yes.

Mr. Donovan said you are also claiming that you were denied permits at one time and now they're allowed and you're upset about that?

Mr. Schaller said no. He fired Mr. Williams when he saw his little guy cruise up at night, off hours, and come with a 14 tube connected his 12 to, which is a fusible link to him. A fire hazard.

Mr. Donovan said he understands the situation better, but he sees as it pertains to this, you are disagreeing with this acceptance and you made your point the best you can.

Mr. D'Amore said we'll keep the documents. We have heard the report from HARB and Mr. Schaller.

Mr. Howells said Mr. Williams assaulted you. Do you intend to press charges?

Mr. Schaller said he went to the police. They rolled their eyes.

Mr. Howells said if you were assaulted by him, and you went to the police, you still have the option of going to a magistrate and filing charges there as well.

Mr. Schaller said he went to the Mayor.

Mr. Howells said you have the opportunity to go to a magistrate and file a civilian claim.

Mr. Schweyer asked if any of the 5 parcels HARB approved , which do you have objections to?

Mr. Schaller said Mr. Williams was paid . . . he owns 622-1/2. There are 4 . . .just 624-1/2 Park and 626 Park.

Mr. Guridy said HARB checked it out after we contacted them?

Mr. D'Amore said yes. They confirmed that the work had been done according to their standards.

R54 was approved, 6 Yeas and 0 Nays.

Mr. Schaller said the work isn't on the paper.

Mr. D'Amore said he can only do the work that he is given permission to do. He will speak with Mr. Dougherty and make sure someone from Code comes out to make sure what is being done is only on the permit.

14. **NEW BUSINESS:** None.

15. **GOOD AND WELFARE:**

Mr. Howells said you're aware the Clean Air Act goes into effect in a few days. He knows the departments and bureaus will make whatever reports are necessary.

16. **ADJOURN**

The meeting was adjourned at 10:10 PM.

Michael P. Hanlon
City Clerk