

CITY COUNCIL MINUTES
JANUARY 16, 2008

1. Invocation: David M. 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

Louise Leggin, 621 North St. Elmo Street, member of the Bill of Rights Defense Committee, said she believes there's a constitutional crisis in the country, and she believes it's more urgent now than at any time since our Republic began. At an independent state rally in 2004 in Charleston, West Virginia, President Bush spoke the following words: "On this 4th of July, we confirm our love of freedom, the freedom for people to speak their minds, the freedom of people to worship as they so choose; free thought, free expression, that's what we believe. Freedom is Almighty God's gift to each man and woman in this world." Just prior to the start of that event, that political rally, there was a young couple – Jeff and Nicole Rank – who worked for FEMA who were spotted wearing a particular t-shirt. When they were spotted wearing the t-shirts, they were asked to leave the event and they refused. They sat down. They were subsequently handcuffed and marched out of the rally and were taken to Charleston City Jail. While President Bush was making his speech, Nicole and Jeff Rank were fingerprinted and incarcerated for insulting the President by wearing these t-shirts. Meanwhile, the Charleston City Police, having had no previous experience with having to handle a demonstration, were trying to figure out what law the couple had broken. Nicole Rank managed to take photographs of each police officer before they left the rally. She and her husband have since filed a lawsuit against the Secret Service and the 4 Charleston Police Officers, who were involved in the arrest. The outcome of that lawsuit is still pending. We aren't required to write, defined in the First Ten Amendments of the Constitution. Yet, on July 4, 2004, federal agents really trashed the First Amendment Rights, and did it in a cowardly way, by using local law enforcement to be the heavy.

Judith Woodruff, 621 North St. Elmo Street, said she believes that most everybody here knows October 26, 2001, President Bush signed into law the U.S.A. Patriot Act, which forfeits many rights guaranteed to citizens and non-citizens by the Bill of Rights of the Constitution. Among things, it gives the FBI greater rights to wiretap phones, monitor email, seek records from libraries and book stores, certified medical, financial and student records, and break into homes and offices without prior notification without showing probable cause of a crime, as it did in the case of Attorney Randy Mayfield, and U.S. citizen falsely accused of the Madrid train bombing, also in 2004. After being arrested and taken away from his family and held incommunicado for several weeks, Mayfield was released. He was in court without being charged with a crime, and yet, on trial for his life. He recently won a suit against the government with the judge declaring portions of the Patriot Act unconstitutional, specifically, Section 213, the Sneak-And-Peak Provisions, and Section 218, which amended the Foreign Intelligence Surveillance Act. Since the Patriot Act was passed in 2001, Congress has passed a number of laws, which has so eroded the freedoms in the Bill of Rights, as to make it impotent. There is the realization of the Patriot Act, the military commission backed, which allows the President to declare any citizen a terrorist and throw him/her into prison indefinitely at the President's whim. Congress approved the "Protect America Act", which is in reality a protection for government officials and telecommunication companies that have been illegally wiretapping since early in 2001, months before the 9/11 attacks. The government is issuing national security letters, which impose a gag order for life on anyone who receives one of these letters. Most recently Congress passed the Violent Radicalization and Home Grown Terrorism Prevention Act. This law's intent is to apprehend individuals before they commit a crime. It relies on suspicion and gut feelings and veers away from the rule of law that protects and balances. For example, this Act could be used to

prosecute anti-war protestors, who sit in their Congressman's office. Finally, there are hundreds of signed statements that President Bush has signed which allow the President to obey the law when it suits him. A prime example is John McCain's Anti-Torture Amendment which passed the Senate by an overwhelming majority of 90-9. She's here tonight to sound the alarm that our country is in deep trouble and need. We are well on a path to a dictatorial society where sense is no longer tolerated. While the government is using the pretense of war on terrorism, abuses of the laws are well documented. Individuals and groups that are out of favor with the Administration, such as religious, ethnic, political or activist groups can and are being targeted for abuse of their civil liberties. This is un-American. The second reason she is here is to go to on public record to say such abuses are (inaudible) with the majority of the public being totally unaware. I am calling on Allentown City Council to work with the Bill of Rights Defense Committee to find a way to protect the citizens of our community from the illegal intrusions by federal agencies and to assure that public funds and public resources are not misused to carry out the evil actions of the federal government. One recommendation would be to ask all Presidential and Congressional families to sign the American Freedom Agenda Declaration. I have a copy for each of you tonight. Finally, she is calling on each Council Member to examine his/her conscience. As public officials, each one of you has sworn an oath to protect and defend the Constitution of the United States.

5. Approval of Minutes: December 19, 2007

6. Old Business: None.

7. Communications:

Mr. D'Amore said there will be a Committee of the Whole Meeting on February 6th, at 7 PM, on the Cedar Beach Project Update, by Greg Weitzel.

8. REPORTS FROM COMMITTEES:

ADMINISTRATION – Chairperson D'Amore said committee has not met since the last Council meeting.

The committee members are myself, Mr. Phillips and Mr. Donovan. He will schedule a meeting before the next scheduled Council meeting.

COMMUNITY AND ECONOMIC DEVELOPMENT – Acting Chair Guridy said the committee has not met. There are some things slated for the next agenda. There will be a meeting scheduled this week.

The committee members will be Mr. Guridy, myself and Mr. Schweyer.

PUBLIC WORKS - Chairperson Guridy said the committee has not met since the last Council meeting. They will schedule a meeting next week.

The committee members are Mr. Guridy, Mr. Phillips, and Ms. Eichenwald.

PUBLIC SAFETY -Chairperson Howells said no meeting; no report.

The committee members are Mr. Howells, Mr. Guridy, Mr. Phillips and Ms. Eichenwald.

APPOINTMENTS - Mr. D'Amore said the committee has not met since the last Council meeting.

The committee members are myself, Ms. Eichenwald, and Mr. Schweyer.

LEGAL AND LEGISLATIVE – Mr. Guridy said no meeting; no committee yet.

The committee members are Mr. Guridy, Mr. Phillips and Mr. Schweyer.

RULES AND CHAMBERS – Howells said no meeting; no report.

The committee members are Mr. Howells, myself and Mr. Donovan.

OTHER COMMITTEE REPORTS

AEDC - Councilperson Donovan

Mr. D'Amore said Mr. Donovan will be the representative for AEDC.

CONTROLLER'S REPORT

William Hoffman said they're exploring a way for the Controller's Office to interact with City Council, since they interact with the Administration everyday. So they're looking for input into how they can formalize this. In talking to the staff, who have been very helpful, we wanted to pass on some things. They started the audit of completing capital projects, that had been done before by taking a look at the projects, look at the expenditures and timing. As well as helping myself, perhaps helping you all to understand how dollars flow and are allocated, etc., which to me, at this point, is a great mystery. We're looking how we can verify cash balances independently of the Administration on a regular basis and provide that oversight procedure – when we say we have “x” dollars, is there somehow the Controller's Office can possibly electronically check the account. He has scheduled talks with the Bethlehem and Reading Controllers/Auditors about staffing, authority, functions and see what we might want to do in the future. Everyday he tries to understand what's going on, what issues have to be resolved, what issues are outstanding. The City has a lot of moving parts. It's going to take me a while to understand.

Mr. Donovan said I really appreciate you making the effort to reach out to us and to have a conversation with us, which will result in this type of standard reporting at each Council meeting.

Mayor Pawlowski said they've indicated to him in the past that they would like to meet with the School Board jointly. I have reached out and they have a meeting with the superintendent this week, and they're working trying to set up a meeting with the 2 bodies sometime in February. We have presentations that might be a comprehensive plan.

9. ORDINANCES FOR FINAL PASSAGE: None

10. ORDINANCES FOR INTRODUCTION:

Bill 1

Traffic Control Map Amendment

Bill 1 was referred to Public Works.

Bill 2

Creates an Environmental Advisory Council by providing operating procedures and stating the powers of the Council

Bill 2 was referred to CEDC.

Bill 3

Amending Article 395, Community and Economic Development Fees, by establishing Recreation Fees for events and special ceremonies in the Rose Garden

Bill 3 was referred to CEDC.

11. CONSENT AGENDA:

CA1

Certificates of Appropriateness

CA1 was approved, 6 Yeas and 0 Nays.

CA2

Appointment of David Bausch to the Board of Health

CA2 was approved, 6 Yeas and 0 Nays.

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

13. **NEW RESOLUTIONS:** None

14. **NEW BUSINESS:** None.

15. **GOOD AND WELFARE:**

Mr. D'Amore said on Sunday, January 20th, at 2 PM, at the Congregation Keneseth Israel at 2227 Chew Street, there is a program called "We Share the Dream", a commemoration of Dr. Martin Luther King, Jr. On Monday, January 21st, at 11 AM, St. James AME Zion Church, at 4th and Union Streets, will have another Martin Luther King, Jr. Observance. He encouraged everyone to attend.

16. **ADJOURN**

The meeting was adjourned at 8:10 PM.

Michael P. Hanlon
City Clerk