

**CITY COUNCIL MINUTES  
JULY 16, 2008**

1. Invocation: Jeanette Eichenwald

2. Pledge to the Flag

3. Roll Call

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

4. Courtesy of the Floor

Dan Mest, 940 East Jackson Street, said this is the 4<sup>th</sup> time he's been up at this podium to ask for a 2 way stop sign at 9<sup>th</sup> and Jackson Streets. They met the requirement of cars coming up Jackson Street, but they missed it by a few on 9<sup>th</sup> turning on Jackson. He asked by a few, how many is that? He would like Council to look at the intersection.

Ms. Eichenwald asked how do we begin to put this into process for a formal discussion?

Mr. D'Amore said he will personally follow up with Ron Penrose and Richard Young.

Mr. Howells said he's in favor of introducing some legislation if he has a co-sponsor, and then it would be referred to the appropriate committee.

5. Approval of Minutes:        June 18, 2008  
   July 2, 2008

6. Old Business: None.

7. Communications:

Mr. D'Amore said the public is invited to attend a meeting on a potential dog park.

Greg Weitzel said the program will be presented on Thursday, July 24<sup>th</sup>, at 7 PM, in City Council Chambers. They'll be discussing the formation of a committee to study the feasibility.

Mr. Donovan said he will not be able to attend his meeting. He'll be out of town.

8. REPORTS FROM COMMITTEES:

**COMMITTEE OF THE WHOLE**

There will be a Committee of the Whole Meeting, August 6<sup>th</sup> at 6:30 PM to review the police reorganization.

**ADMINISTRATION – Chairperson Donovan**

The Committee met this evening. The next committee meeting is scheduled for August 27<sup>th</sup>.

**COMMUNITY AND ECONOMIC DEVELOPMENT – Chairperson Schweyer**

The Committee met on July 8<sup>th</sup> at 6:00 PM, and will schedule a meeting in August.

**PUBLIC WORKS – Chairperson Guridy**

There is a tentative meeting scheduled for Wednesday, July 30<sup>th</sup>, at 7:00 PM. The school district has a request for an encroachment.

**PUBLIC SAFETY -Chairperson Howells**

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

**APPOINTMENTS - Chairperson D'Amore**

The Committee received the designation of Dan Poresky as chairperson of the Environmental Advisory Council.

**LEGAL AND LEGISLATIVE – Chairperson Phillips**

The Committee met this evening, 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 is not yet scheduled.

**OTHER COMMITTEE REPORTS**

**Connect the Parks – Councilperson Phillips** said there was a meeting prior to the last council meeting to discuss possible settlement options. He asked Greg Weitzel to go back to the Friends of the Park Committee and ask them for a seat for members to be on it.

Mr. Weitzel said he did ask the president, and he did not get an answer back.

Mr. Phillips asked if this is a private committee or a City committee?

Mr. Weitzel said it’s a 501(c)3 organization They’re still in the formation stage at this time.

Mr. Phillips said Mr. Weitzel should have gotten back to him so he could get in touch with the president of that organization. This is the second time we’ve had issues.

Mr. D’Amore said there are quasi independent entities involved in City affairs that have members of Council as reps on the boards. Sometimes they’re voting members.

**Lehigh County Council of Governments– Councilperson Phillips** said there is a meeting scheduled for Tuesday, July 29<sup>th</sup> from 12:00 to 2:00. As requested by the COG members, the committee will be continuing their "Smart Growth" discussions.

**Pension Board: Councilperson Donovan** said the next meeting is scheduled for August 19<sup>th</sup> at 9:00 AM in the 5<sup>th</sup> Floor conference room.

**Presales Inspection Meeting: Councilperson Donovan**

The Committee met on June 25<sup>th</sup>, at 5:30 PM in Council Chambers. Another public meeting will be held in September.

**Council Reform – Councilperson Schweyer** said the Committee is set to meet on July 30<sup>th</sup> at 5:30 PM.

**CONTROLLER’S REPORT**

Bill Hoffman said the Controller’s Office attempts to provide financial oversight of the City, i.e., examining contracts, making contracts to bids, looking at transfers, etc.

Mr. Donovan asked about testing our systems, attachments, process flow.

Mr. Hoffman said the Eden system is our bookkeeping system.

Larry Hilliard said the auditors take samplings of documentation.

Mr. Donovan said what he’s looking at is more of an internal process that may not be financially oriented.

Mr. Hoffman said that falls in the area of performance audits.

Ms. Eichenwald said last year’s Council questioned the efficiency of how everything was operating. Have you had an opportunity to look at that?

Mr. Hoffman said the position that was added to the budget this year, he doesn’t anticipate filling that. With what they’re doing right now, they are adequately staffed.

**9. ORDINANCES FOR FINAL PASSAGE:**

Mr. Howells and Mr. Donovan moved to suspend the rules to bring Bills 52, 47 and 49 to the front of the agenda, as well as CA1.

The rules were suspended by common consent.

**Bill 52**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Sixteen Thousand Eight Hundred (\$16,800) Dollars as a result of grants from the Pennsylvania Commission on Crime and Delinquency and the U.S. Department of Justice to the City of Allentown for Weed and Seed.

Mr. D'Amore said Ms. Alexander has more information regarding Weed and Seed.

Mr. Howells said Bills 52 and 47 were discussed in tonight's Public Safety Committee and were forwarded favorably, 3-0.

Phyllis Alexander said Weed and Seed received authentication to our CCD quality of life grant twice. We received \$5,000 to redo their plan and \$6,000 for leadership training. We received \$5800 from the 222 anti-gang initiative to do their strengthening family program. There are dollars going into the 26 Account, which is printing. That has to do with the grant received to reevaluate and redo their implementation plan. Those dollars have been used for a survey. Some time ago we asked for a referral or institution that could help them with a survey and evaluation, so those dollars went toward sending out letters to residents within the Weed and Seed areas.

In response to Ms. Eichenwald's question, Ms. Alexander said they received funding to do 2 programs – 2 sessions of strengthen the family program. There were 12 young people and 6 families.

Ms. Eichenwald asked on what basis are they chosen?

Ms. Alexander said they must reside within the Weed and Seed area.

Dan Mest, 940 East Jackson Street, asked how often is a study done on expanding the area where Weed and Seed boundaries are?

Ms. Alexander said they are in the process of evaluating where the second site should go, and it's determined by the amount of crime. Crime drives the decision to create a Weed and Seed site. She's made a request to the Police Department for data on where the crime is, and then they make decisions about whether the new site will be beneficial.

Mr. Mest suggested spreading the money out instead of concentrating in the same area.

Ms. Alexander said they are anticipating that the data is going to show crime has increased west, from 8<sup>th</sup> Street and past north of where they are – Tilghman, Green and Whitehall Streets.

Mr. Mest said crime has risen in his area significantly over the years.

Paulette Hunter said she has the same concerns. Her area has a lot of crime.

Mr. Donovan said the Weed and Seed Program is a federally funded program.

Ms. Alexander said in the City of Allentown it is federal and state funded. Once they graduate, after 5 years, they do not have to use the Weed and Seed name, but we'll receive funding, under the auspices of Weed and Seed.

Mr. Donovan asked if she would characterize the Weed and Seed program as one of the few community development programs that is operated by the City that addresses a variety of the social concerns we have, and it's driven primarily by the crime statistics?

Ms. Alexander said Weed and Seed is driven by crime, but the CDBG dollars it seems to her are based on income.

Mr. Donovan asked to what extent does the City Administration take a wholistic view of the numerous issues of poverty and social stresses that we have, which includes crime? Are you the leading force?

Ms. Alexander said you asked to what extent do we coordinate the social issues that contribute to poverty?

Mr. Donovan said it's extremely important to him they take a very strong look at how we are managing these various programs. Whether they exist, in terms of how they effect the City, the fact we do have neighborhoods around the City that will have issues that are partially crime and partially child delinquency. It's something he'd like on the radar screen.

Ms. Alexander said she agrees with him. Weed and Seed, Main Street, Elm Street, CDBG . . .there are lots of initiatives that are going forward and we are all doing our best within our parameters. We can do a better job of capitalizing by working more cooperatively. It's just challenging. It is on her radar screen as well. She has joined Main Street and Elm Street in an effort to be included in that particular dialogue. We have to leverage our resources through cooperation and partnership.

Mr. Phillips asked what cycle are we at with Weed and Seed? Are we towards the end?

Ms. Alexander said we'll receive our last dime in March 2010. If we are successful in 2009 and 2010, with the state, we will spend our last dime from the state in June 2015. It's on the horizon.

Mr. Howells said Weed and Seed was originally a City Council Committee. He had the privilege of chairing that for many years. He thinks there is still a vacant seat.

Ms. Alexander said you do.

Mr. Howells said City Council had a seat on the Weed and Seed Board. For years, we've been trying to get someone to serve on that since he's been off of it.

Mr. D'Amore said if Mr. Donovan can make the meetings, he will nominate him to sit on the Board.

Ms. Alexander said they meet at 8 o'clock in the morning.

Mr. Donovan said that's fine.

Mr. D'Amore said Mr. Donovan is now the Council rep on the Weed and Seed Board.

Tatiana Tooley said she used to live on Oak Street. That was her inspiration to become a Weed and Seed member. It needs volunteers and residents to meet this phenomenal organization. She became the concierge of the Steering Committee. They have a great need for residents to be on Weed and Seed, as well as Council, government, police. They are located at 443 North 7<sup>th</sup> Street. Their doors are always open to receive and give out resources.

Bill 52 was adopted, 6 Yeas and 0 Nays.

#### **Bill 47**

Amending the 2008 General Fund Budget to provide for a donation of \$700 from David B. Schwartz, Esquire to provide for bullet resistant vests.

Mr. Howells said Bill 47 was forwarded favorably, 3-0.

Bill 47 was adopted, 6 Yeas and 0 Nays.

#### **CA1 Police Appointments**

CA1 was approved, 6 Yeas and 0 Nays.

#### **Bill 49**

Authorizing the Lehigh County Board of Elections to place the following question on the November 4, 2008 ballot, for the Allentown electorate that would amend the Home Rule Charter, Section 815, Bidding Process, by allowing Allentown City Council to adopt the Competition Principle and New Competitive Policies Code.

Mr. Phillips said Bill 49 was discussed in tonight's Legal and Legislative Committee and was forwarded favorably, 3-0.

Mr. Phillips moved to table Bill 49 to have more time to look at the issue as a whole and do more research.

Ms. Howells said there's a time line and that's the reason we're being asked to vote on this tonight.

Ms. Eichenwald said she agrees we can no longer operate under the way the Charter is. Will Council have an opportunity to look at all the codes?

Mr. Dougherty said the rules governing purchasing will be set by ordinance by City Council.

Ms. Eichenwald said what we are voting on tonight is only saying (inaudible).

Mr. D'Amore said normally that would fall under the Administration Committee, but there's a consensus among Council we need to put it in the Committee of the Whole.

There was no second to Mr. Phillips's motion.

Mr. Donovan said we are held back by the Charter in what has become an extremely fast changing supply chain.

Mr. Howells said the Charter has tied us up in many areas. We cannot govern our City the way we feel it should be governed because of the poorly written Charter. He will support this legislation. He suggested a Charter Commission to pick apart the rest of this poorly written document

Mr. D'Amore said his recommendation to his colleagues and the Administration is they work together and have a draft of an ordinance, so when the voters vote on the ballot, they will at least have an idea of what is in our minds.

Mr. Howells said at one point in time we were successful in forwarding these to the public, and the public was voting as we saw fit. Then we ran into an Administration that every time they put something out to the public, the public would vote it down.

Mr. Schweyer said he hoped his colleagues would join him in supporting this actively in trying to persuade our electorate to move this forward.

Bill 49 was adopted, 5 Yeas and 1 Nay (Phillips).

Mr. Howells left the meeting.

### **Bill 30**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of One Hundred and Fifty Thousand (\$150,000) Dollars in Elm Street Program funding from the Pennsylvania Department of Community and Economic Development to provide funding for the purpose of improving neighborhoods proximate to central business districts and commercial shopping streets

Mr. Schweyer said Bill 30 was forwarded favorably, 3-0. They're expanding and building an addition at the old auto parts store.

Mr. Donovan said he supports this expansion.

Mr. Schweyer said he feels tremendous satisfaction that the owners decided to stay in Allentown. It demonstrates a real commitment and confidence in the City.

Ms. Eichenwald said she also would like to add her voice of approval to this.

Bill 30 was adopted, 5 Yeas and 0 Nays.

### **Bill 36**

Amending the 2008 ~~General~~ Capital Fund Budget to provide for a supplemental appropriation of Forty Thousand (\$40,000.00) Dollars to provide for the receipt of a matching grant from the Pennsylvania Department of Conservation and Natural Resources. This grant is *for the support of an Aquatic Feasibility Study within the parks of the City of Allentown.*

Mr. Schweyer said Bill 36 was forwarded favorably, 3-0. It will also be used to look at spray parks.

Mr. Phillips asked if this includes all of our pools?

Mr. Weitzel said all 5 pools and spray parks.

Mr. Hoffman said in Bill 36, you're approving the receipt of \$40,000. In Section 2, you're approving a supplemental appropriation for Capital Project 1914, which you've already approved. You should not be approving a capital project twice. He thinks it's wrong the way the bills are structured.

Mr. Hilliard said some of those capital projects may exist, but you're getting additional funds to do an additional scope of work. You're increasing that appropriation, you're not creating a new project.

Ms. Eichenwald asked if they're sure this is an additional \$40,000?

Mr. Weitzel said yes. The total cost is \$80,000.

Mr. Donovan asked what is being assessed as feasible?

Mr. Weitzel said all our aquatic facilities need a lot of work. They are assessing how much work needs to be completed to get them up to code and keep them from falling apart. Right now they're being held together with bubble gum and toothpaste. We need to look at how we currently manage our pools, internally, and what can we do to increase our management of our existing facilities and make it more enjoyable. It also includes concession operations and safety. That's a synopsis.

In response to Ms. Eichenwald's question, Mr. Weitzel said they'll be doing a request for proposals. Because it's a state-funded project, they have to approve the RFP before it's released.

Mr. Schweyer and Mr. Donovan moved to amend Bill 36 with a technical change by replacing the word "General Fund" to Capital Fund and Aquatic Feasibility Study to Pool Renovations and Feasibility Study.

The amendments were approved by common consent.

Bill 36 was approved, as amended, 5 Yeas and 0 Nays.

#### **Bill 40**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Three Hundred Seventy-Five Thousand (\$375,000) Dollars to provide for the receipt of a grant from the Pennsylvania Department of Conservation and Natural Resources. This grant is *for the support of the Cedar Parkway Renovations within the parks of the City of Allentown.*

Mr. Schweyer said Bill 40 was forwarded favorably, 3-0. They discussed all these bills simultaneously because one of the major concerns Council had is we wanted to make sure all of our dollars are located throughout the entire City and not in one area.

Mr. Donovan complimented Mr. Weitzel in working with Council.

Paulette Hunter said this has been a dream of hers for 4 years. She thanked Council.

Mr. Donovan and Mr. Schweyer moved to amend Bill 36 with a technical change by replacing the word "General Fund" to Capital Fund and change the account number to Account 001-08-1638-~~0860~~0810-72

The amendment was approved by common consent.

Bill 40 was approved, as amended, 5 Yeas and 0 Nays.

#### **Bill 41**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of One Hundred Twenty-five Thousand (\$125,000) Dollars to provide for the receipt of a grant from the Pennsylvania Department of Conservation and Natural Resources. This grant is *for the support of a Lehigh River Trail-East Side Trail Rehabilitation and Development Project.*

Mr. Schweyer said Bill 41 was forwarded favorably, 3-0.

Mr. Weitzel said within our system, it connects with Canal Park and Kimmets Lock.

Mr. Donovan and Mr. Schweyer moved to amend Bill 36 with a technical change by replacing the word “General Fund” to Capital Fund and change the account number to Account 001-08-1638-~~08600810-72~~ and change Lehigh River Trail Development ~~East Side Trail Capital~~.

The amendment was approved by common consent.

Dan Mest, 940 East Jackson Street, said it’s a great trail.

Mr. Donovan asked to what extent do these urban trails with larger organizations such as the Appalachian Mountain Club interact?

Mr. Weitzel said the next bill outlines the Trail Feasibility Study that will bring in a series of partners within the City, and regionally,

Bill 41 was adopted, as amended, 5 Yeas and 0 Nays.

**Bill 42**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Fifty Thousand (\$50,000) Dollars to provide for the receipt of a grant from the Pennsylvania Department of Conservation and Natural Resources. This grant is *for the support of a City Wide Trail Feasibility Study*.

Mr. Schweyer said Bill 42 was forwarded favorably, 3-0.

Mr. Schweyer and Mr. Donovan moved to amend Bill 42 with a technical change by replacing the word “General Fund” to Capital Fund and change the account number to Account 001-08-1638-~~08600810-72~~.

The amendments were approved by common consent.

Bill 42 was adopted, as amended, 5 Yeas and 0 Nays.

**Bill 48**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Five Hundred and Sixty-Nine Thousand Six Hundred and Fifty-Two Dollars and Twelve Cents (\$569,652.12), Parks and Recreation, Capital Fund, to various accounts in Parks and Recreation to complete City-Wide park improvements, renovations and feasibility studies.

Mr. Schweyer said Bill 48 was forwarded favorably, 3-0. This reflects an extensive amount of work. He asked Mr. Weitzel to make sure the Controller was aware of this. Mr. Hoffman assured him he has all the information.

The City Clerk said this is a transfer from different accounts.

Mr. D’Amore noted that the transfer deals with multiple parks in the City.

Mr. Weitzel noted there is not much flash but is directed at maintaining and rehabbing existing items.

Mr. Schweyer requested not just figures but descriptions of all the accounts.

Mr. Schweyer and Mr. Donovan moved to amend Bill 48 by changing the General Fund to the Capital Fund and to change the Accounts to 0001-008-1631-0160-44, 001-08-1631-0160-44, 001-08-1638-0220-44 and 001-08-1638-0660-68.

The amendments were approved by common consent.

Mr. Weitzel said this bill consolidates 44 different capital projects within Parks and Recreation – 16 capital projects. The benefit is the creation of a manageable capital project improvement program that prioritizes the improvements on the master plan.

Mr. Hilliard said you're taking residual funds from existing projects, otherwise you would be charging expenses to projects we really don't need.

Mr. Hoffman said he doesn't know if we can amend – or we can say it's the 2008 budget.

Mr. Hilliard said you're amending the current budget, you're not going back and amending a prior budget ordinance.

Mr. Hoffman said you can add new money to a project anytime. It's a 2002 project.

Mr. Hilliard said the unusual thing here is this originally started as a bunch of transfers. Because of the size, the President of Council wanted it made into an ordinance.

Mr. Phillips said if monies are stipulated for a certain capital project and it's done, and you have monies left over, don't we have some obligation for that money to be used for the project or returned to the grantor?

Mr. Hilliard said normally when you close a project out – the City was not good at closing projects – you return the balance of the funds to authorize – back into the unappropriated fund balance. That's what they're trying to do here. It's a cleanup process. It would have been easier to have done it with a series of transfers than an ordinance.

Francis Dougherty said that's important, also to tie it in to the Trexler settlement.

Mr. Hilliard said the Trexler settlement wants these projects set up and monitored so they can prevent that from reoccurring. Mr. Weitzel can report back to Trexler on the spending line. You have all these little projects that don't align on what's reported back to them, it's not going to work.

Ms. Eichenwald said wouldn't it be in our best interest if we just delayed the passage of this and to leave Mr. Hoffman and everyone and make sure the work is absolutely correct and the process understood by all? There seems to be some flux.

Mr. Hoffman said he's not 100% sure that's why he raised the issue. If Fran and Larry are happy with it – we can transfer – they think we can amend the 2008 capital budget and bring dollars, new dollars, into old projects that are outstanding, and that's appropriate. That's his question.

Ms. Eichenwald said many capital projects were approved. There was no money expended yet.

Mr. Hoffman said there was probably lots of money expended, but they were long term projects. 2002 projects go 3, 4, 5, 6 – could last for 10 years, and you can add money to it.

Ms. Eichenwald said you raised the issue. Are you comfortable? That's where her confusion lies.

Mr. Hoffman said if Larry is comfortable that we can bring those dollars forward in 2008 and amend the 2008 budget . . . the project was originally created in 2002.

Mr. Hilliard said yes, you could have done it with an ordinance or you could have done it with a transfer, so he doesn't see why an ordinance couldn't do it. It's just not the way we normally do this. Somebody wanted this to be done by ordinance rather than transfer, so if the transfer can do it, he assumes an ordinance can.

Ms. Eichenwald said she's still not convinced we have all the wording correct.

Mr. Donovan said this is capital fund money not general fund monies. We have to go through a process to give money that was left over in 2007 to appropriate it for 2008. There would be a budget at the end of the year and a line item that was not expended, \$10,000 in 2007, that would go into an unappropriated balance at the end of the year. It would be residual funds at the end of the year and then reappropriated in 2008. Because the capital budget goes over one year, they don't expire the same way as the general does. He realizes some projects will have lives specifically dedicated how long you have to spend the money. We have a line item in the capital budget dated back to 2002, and we are now transferring it to another account in 2008. Unless there's a legal situation that says that fund expired and the line item expired at a certain time and you must go through a formal closing, he doesn't see any problem with it.



Mr. Hilliard said the transfers have no expirations. They do it all the time. He wants to reduce the work in a 2007 project and increase the work in a 2008 project. You could do it by transfer. We never did this type by ordinance before. He assumes an ordinance that supports a powerful transfer – you can do it that way.

Mr. Donovan said he doesn't disagree with doing it by ordinance, but he also feels the general fund would be a very different caliber budget. Unless we can be told that 2002 has an expiration of some type and does not allow us to do it

Mr. D'Amore said so there are no expiration dates on these projects.

Mr. Schweyer said it's important to have as much fiscal oversight as possible, which is why they asked Mr. Hoffman to be part of this process. Mr. Weitzel has been beaten up over this for 6 months. He's comfortable with this after examining a number of projects. This is a glaring example of how over time projects were misclassified as capital expenditures. They were maintenance issues that were used by the prior Administration to use funds and in many cases were not City funds, they were Trexler funds to cover other glaring weaknesses in our budget for maintenance purposes. This is more in line in what we are legally obligated to follow with the Trexler Trust. This brings a lot of things in line so that we know where the money is going. His experience with the state is with their biggest expenditure. Their capital expenditure is a program called Redevelopment Capital. Those projects have a shelf life of 10 years. That seems to make sense. If we're building in Parks and winter comes along, we can no longer dig, so we very well may move it to next year. We are ready to move forward on this so we can get this process wrapped up and move forward on our capital expenditures and future ones throughout the City.

Mr. D'Amore said he was the one who made the determination for it not to be done by transfer. We needed more transparency. We're talking about moving large amounts of money from all the different funds into a whole set of different and some same projects. It gives transparency. The only thing it allows us to do is allow every member of Council to weigh in on priorities when it comes to parks. Parks are very important to those of us here. We love our parks. Mr. D'Amore requested the City Clerk to put on the screen the Capital Project Improvement Program costs. The Parkway, the Arts Park, West Park, Cedar Beach, Keck Park, Roosevelt Park, Mack Pool, the Golf Course, City-wide improvements in Parks, City-wide Master Plan, City-wide Trail Plan. Mr. Weitzel has been very responsive to the suggestions we all brought. If you look at that list, you'll notice no part of the City was missed. Mr. Hilliard said these could be done as transfers, would it not be in order to it as an ordinance?

John Marchetto, Assistant City Solicitor, said Council approves all transfers. Council is essentially approving a budget transfer here although the mechanism for doing so is an ordinance rather than your normal approval process which is a paper transfer that is signed off on and okayed by a majority.

Mr. D'Amore said approved by a majority and reported at a public meeting.

Attorney Marchetto said the only thing you're doing differently is the vehicle by which you're facilitating it. The only reason it's an ordinance is because of the magnitude of it and you're comfortable using that form and having a committee meeting, etc. He doesn't see a difference in that respect. A lot of this money is effected by the lawsuit. He understands the Trexler Trust gives the City "x" amount of money for capital projects per year, and we're spending that money on capital projects. He believes we satisfy what the will or lawsuit had changed. As long as the money is available to be transferred.

Ms. Eichenwald said what she has heard from Mr. Schweyer and the Solicitor has made her more comfortable with this project.

Dan Mest, 940 East Jackson Street, said the \$5,000 you allocated for the Jackson Street Community Park, what is that going to be used for?

Mr. Weitzel said that's going to help with the Master Plan that we need to move forward and any grants to develop that project.

Mr. Mest asked if that's going to be drawn up in blueprints?

Mr. Weitzel said for what you have now and what we will do.

Bill 48 was adopted, as amended, 5 Yeas and 0 Nays.

**Bill 53**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Fifteen Thousand One Hundred (\$15,100) Dollars from Lehigh County Office of Children & Youth to the Health Bureau’s Injury Prevention Program budget and the Nutrition and Physical Activity Program budget to enable the purchase of supplies and equipment for each program (bed risk program) and to reimburse the City of Allentown for costs incurred in coordinating and conducting the Alliance Hall Summer Recreation program.

Mr. Schweyer said Bill 53 was forwarded favorably, 3-0. This is 2 grants put into one bill.

Mr. Phillips asked what do the temporary wages entail?

Tina Amato said that is the recreation part of the bill. It’s for students they hire in the summer to help out with the program.

Bill 53 was adopted, 5 Yeas and 0 Nays.

**10. ORDINANCES FOR INTRODUCTION:**

**Bill 58**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Seventy Thousand Seven Hundred and Fifty-three (\$70,753) Dollars from a Department of Justice grant to the Anti-Crime Program of the Police Department to provide for cameras, related equipment and maintenance.

Bill 58 was referred to Public Safety.

**Bill 59**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of One Thousand Nine Hundred Six Dollars (\$1,906.78) and Seventy-eight Cents; to provide for the funds received from vendors who participated in the Blues, Brews and Barbecue event to the City of Allentown.

Bill 59 was referred to CEDC.

11. **CONSENT AGENDA:** None.

**12. RESOLUTIONS ON SECOND READING:**

**R39**

Denial of Certificate of Appropriateness to Maintain a Satellite Dish – 31 North 12<sup>th</sup> Street

Mr. Schweyer said R39 was forwarded favorably, with the caveat that the Administration try to work with the applicant for an appropriate location for the dish. This began a process for the committee to review all the decisions. We’ve learned there are a number of issues with satellite dishes. They not only look inappropriate, but a lot of them are rental properties with the renter moving in with the dishes already there. The applicants for R40 and R41 did not appear before the committee. Ms. Carman worked with the applicant for R39 to find a suitable place for the dish. Their goal is to make sure as people move into the Historic District, many are renters, that they are made aware of the ordinances. If they have already entered into a contract, which can extend for 1, 2 or 3 years, they’re not made to break that contract, for which there is a penalty. They want to remove as many dishes as possible that are not in compliance with the HARB District.

Mike Hefele said as of today, Cyndi was not able to get a hold of the tenant. She discussed the matter with the satellite company. They weren’t willing to talk about any specifics. They directed her to the website for technical information, i.e., how the dish needs to be located, what direction it needs to be facing. She went out to the site and took photos. It appears it could be located on the roof. We have no reason to believe it can’t.

Mr. Donovan said he’d like to put the responsibility on the satellite dish installers. There are a lot of buildings where you have multiple devices in very haphazard ways. In wind storms, etc., there’s a great potential for these to blow off the sides of the buildings. There is a broader issue here.

Mr. Phillips said it behooves us to research this and find out if we can curtail, or give parameters so they know where they can install them. He suggested starting a permit process like Zoning. They come in with a proposal where they're going to install one and maybe charge \$15 or \$20. That way we know where we want them, not where they want to put them. Maybe they should go through Zoning.

Mr. Hefele said it's a larger issue and involves more people than zoning. The Historic District issue is a legal issue. Our hands are somewhat tied by the Federal Telecommunications Act. It limits how much we can regulate.

Mr. Phillips said he's talking about the contractors.

Mr. Hefele said he's not sure how far we can go with that. We have to have the Solicitor's Office involved. There's an ordinance that was passed in Burlington, Wisconsin, that seemed fairly comprehensive and seems like they paid a lot of attention to staying within the prescription of the Telecommunications Act. If they're located on the front of the building, that is located on the front property line, technically it's an encroachment in the right-of-way.

Mr. Dougherty said he looked at this when they were looking at renewing the cable franchise. They learned they have the power to restrict them. The Mayor switched to the satellite TV. When they came to install the equipment, their first inclination is to put them on the front of the house because of the convenience, and they get more done in one day. He said no, it can't go there. They went through great pains to put it on the back of the house.

Mr. Schweyer said the Zoning Task Force. Have they looked at this issue?

Mr. Hefele said it didn't come up during the meetings. It's something they've talked about internally. It's really been affecting the Historic District.

Dan Mest, 940 East Jackson Street, asked Mr. Phillips if he would be passing the buck to the consumer by charging for permits? On multi-unit apartments it looks hideous having 15 of them on the building.

Mr. Phillips said his concern was to address the idea that we could go out and inspect where they put them.

Mr. Mest said he thinks there should be some type of regulations City-wide.

R39 was approved, 5 Yeas and 0 Nays.

#### **R40**

Denial of Certificate of Appropriateness to Maintain a Satellite Dish – 809 Turner Street

Mr. Schweyer said R40 was forwarded favorably, as a denial, 3-0. The applicant did not show.

R40 was approved, 5 Yeas and 0 Nays.

#### **R41**

Denial of Certificate of Appropriateness to Maintain a Satellite Dish – 945 Oak Street

Mr. Schweyer said R41 was forwarded favorably, as a denial, 3-0. The applicant did not show.

R41 was approved, 5 Yeas and 0 Nays.

#### **R37**

Authorizes Keystone Municipal Collections to Bill and Collect Certain Taxes

R37 was forwarded to Council without a recommendation.

R37 was removed from the agenda.

### **13. NEW RESOLUTIONS:**

Mr. D'Amore and Mr. Donovan moved to suspend the rules to introduce and vote on R45.

The rules were suspended by common consent.

**R45**

Appointment of Daniel Poresky as the Chairperson of the Environmental Advisory Council.

R45 was approved, 4 Yeas, and 1 Nay (Phillips).

14. **NEW BUSINESS:** None.

15. **GOOD AND WELFARE:** None.

**16.ADJOURN**

The meeting was adjourned at 10 PM.

Michael Hanlon  
City Clerk