

**COUNCIL MEETING - 7:30 PM
MARCH 5, 2008**

1. Invocation: Julio A. Guridy

2. Pledge to the Flag

3. Roll Call

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

4. Courtesy of the Floor

Harry Crapser, 1522-1/2 Chew Street, said he'd like to discuss the stop sign that was removed from 16th and Chew Streets. The whole neighborhood is upset. A year and a half ago they did a study and said we needed the stop sign, and it was put up. Now it's coming down because there's a liability. What's the liability if you take it down and somebody gets hit by a car? He's requesting Council do some type of street survey, from Monday to Friday. There has to be 500 cars in an 8 hour day. He's pretty sure 500 cars go through there. Traffic has picked up recently, quite a bit. Mr. Penrose told him the number of accidents in 2004 were 3; in 2005, there were 4. In January, February, May and October – 2 months later there was another one. He said there has to be 5 in a 12 month period. In 2006, Mr. Penrose was asked what does he do with the requests on his desk right now? Mr. Howells said they take them one at a time. 16th Street is a true street block. The parish is upset about it. Please do another study.

Mr. D'Amore said you said the stop sign was taken down. They're actually down?

Mr. Crapser said yes, it's been down since February 25th.

Mr. D'Amore said he spoke with Mr. Penrose, and he was made aware that Mr. Phillips planned on introducing another ordinance to reverse the previous one. I asked Mr. Penrose to keep the signs up.

Mr. Crapser said he went from Jordan Street to 17th today. Jordan Street has a 3 way stop sign. It's a dead end. He guesses it's there because of the Catholic school there. There's a stoplight at every intersection -- all the way up to 17th, nothing at 16th.

Mr. Phillips said studies have been done, and the study said it didn't meet the criteria. A study was just done again that says it didn't meet the criteria, as far as the traffic and the accidents. He doesn't think we need to have another study done. He stands with the community because he supported it 18 months ago. He isn't changing his mind. He thinks what's happened is that there was not enough information provided when this was brought before us. That lack of information – our legal beagle said there's some liability issues, not so much about being sued, but because we can't enforce it. That's one of the biggest concerns he heard. He doesn't necessarily even know if that's the case. He heard at the last meeting that the magistrate is going to side with the City, if the signs were erected. Is that correct?

Assistant City Solicitor John Marchetto said yes, you heard correctly.

Mr. Phillips said he is reintroducing the bill and he did have a second so there would be some discussion. When it's introduced, it will go to committee, and we'll make sure you're informed about the committee meeting so you can come and we can dialogue and find out all the nuances of what is necessary and how we can re-erect the sign.

Mr. D'Amore asked if it was District Judge Merlot?

Mr. Phillips said yes.

Mr. Howells said this legislative body, over the last 10, 20 or 30 years has placed innumerable 4 way stop signs throughout the City that did not meet -- and he can think of 4 or 5 but he's not going to mention them now or we're going to have people check on those as well. Over the years we've placed stop signs contrary to the wish of our Traffic Department. As long as it's not a state highway, we do not need state approval to do that. This body can do that. He'll reiterate what he said before, we have done that. He's in favor of having the stop signs at 16th and Chew, because no one has been able to show him what harm there is or what harm can be done by having them there. He thinks the community is better off having them there than not having them there. Whether we meet the criteria that has been established by the City for that stop sign, he's not sure if it's a state criteria or a self-imposed City criteria. But regardless, no one is going to tell him what harm there is by having the sign there. If they don't meet the criteria

that is established now, then perhaps we should change the criteria so we can meet the needs of various neighborhoods. It's been done. It's been done when he was police chief. They put lots of 4 way stop signs up. Those he's thinking about right now, have not had any dire consequences because of a placement of a 4 way stop sign. He thinks it's safer than not having them there. He is certainly in favor of putting the stop sign back.

Mr. Donovan said being new to Council, and living in this neighborhood, safety in that neighborhood is very important to him. As he said to the West Park Association last night, with his life in his hands as he pulls out on several streets from West Street, he understands significantly the issue here. It is quite clear to him it is ambiguous as to whether the state supersedes what we do or does not. That's one of the questions he has. Is it a recommendation from the State of Pennsylvania? Is it a standard we follow from the State of Pennsylvania? Or is it a regulation we must follow? Mr. Young can you answer that?

Richard Young said he believes we must follow our regulations.

Mr. Donovan said you're saying "believe" so it would be important for all of us in the City to confirm that. He would like that to be done. He doesn't know the exact procedure, but that's the first question he has.

Mr. Donovan said Mr. Howells' point, as far as Council taking the initiative to put a sign there. He sees the merit in that as long as it falls within the purview of what the state allows the City to do or does not allow a City to do. He's heard a variety of comments about counts. If you could explain the typical procedure of what Traffic does to count vehicles in a situation like this.

Mr. Young's response is inaudible.

Mr. Donovan asked how long are those out for when you're evaluating a situation like this?

Mr. Penrose said typically they put them out 3 days. Usually, Tuesday, Wednesday and Thursday.

Mr. Donovan said there's not real serious incremental cost to having them out for a couple more days. When was the last time this equipment was used to count the number of vehicles at that intersection?

Mr. Young said this year.

Mr. Donovan asked if that was for a 3 day period, or you don't know at this time? Again, he recommends that when this comes back to Council, that we have that information in hand. Even if it does take throwing the cords out. He is familiar with the cords and putting them out so we have that information. It strikes him that if we can get answers for 2 things. The exact relationship with the state, what we can and cannot do and specific counts. Then we'll be able to make informed decisions.

Ms. Eichenwald said she seconded the ordinance Mr. Phillips will be reintroducing today. She takes to heart what the citizens are requesting of this body. What concerns her though is the process we follow. The sign was originally put up. Was it put up in violation of what the state ordinance is? She's really concerned about the process. When an issue such as this comes before City Council, that obviously is the bottom line of what we need to know. Before we made that original decision, and that particular night we voted to remove that stop sign, there were 10 or 12 other stop signs that were removed. To make this system work, we need to have a full understanding of how we are in compliance with state resolutions. Normally, it works that way from federal and state and city. Normally, if the state doesn't prohibit the lesser entity from doing it, then that entity can do it. It seems to her that logic would follow that we can put that stop sign back up. She followed those articles in the newspaper. She thinks if the citizens feel strongly that their safety and welfare is enforced by using this stop sign, than the stop sign should be placed back. She agrees with Mr. Donovan that we need to have it. She doesn't think things like this should happen. We should understand the facts before we were originally asked to remove it.

Mr. Schweyer said Mr. Young you had said that quite often the method of study on the total number of vehicles is by putting a cord across. In conversation and debate when we initially talked about removing the sign, we specifically asked if that includes pedestrians? We were told it does. Does that 500 number per hour include pedestrians? If it does, how can a cord accurately count them when they come from different angles or jaywalking. How can you accurately include pedestrian traffic if there's not a live person counting that?

Mr. Young said there are 3 forms. One is traffic volume, the second is pedestrian volume, and the third is the accident history. The traffic volume is 300 per hour in 8 hours; the pedestrian is 200 per hour.

Mr. Schweyer said when the traffic study happened did Ron Penrose actually go out there and count cars as well?

Mr. Guridy said when we voted for this, and we asked the Solicitor about the liability, the Solicitor advised us that there would be a liability if we maintained the stop sign. The other issue was that we put the stop sign up illegally the first time because it was against the state law. He remembers Mr. Howells saying we put other stop signs in different areas. He wants to do what's right for the citizens and the law.

Mr. Phillips said if this stop sign is a liability, than most stop signs west of 17th Street are a liability. Is it not a fact that state regulations give guidelines on state roads and not municipalities?

Mr. Young said state regulations are not guidelines for us.

Ernie Atiyeh, 1909 East Congress Street, said state law normally supersedes the City. We could ask the Administration to send a letter to the state that the citizens want the stop sign, and how can we work around it. Ask for a PennDOT representative to attend the next West Park Civic meeting.

Ms. Eichenwald said before this discussion can go any further, we have to see it in black and white. What does the state say? If we don't have that, the discussion is nil. If the state says we can do it, then we can proceed. First she needs to see what is written.

Mr. D'Amore said he thinks that's a good point. All of these questions should have been asked at a committee meeting.

Mr. Phillips moved to introduce Bill 16.

The Solicitor said you can move on that after Courtesy of the Floor.

Mr. Crapser asked if they are doing a survey, they should tie the counter down to the street. It wasn't the last time they did the survey.

Mr. Phillips and Mr. D'Amore moved to suspend the rules and introduce Bill 16.

The rules were suspended, 7 Yeas and 0 Nays.

Bill 16

Amending Article 507 (Traffic Control Maps) of the Codified Ordinances of the City of Allentown: Stop Sign on Chew Street at 16th Street

Bill 16 was referred to Public Works.

5. Approval of Minutes: February 6, 2008

6. Old Business: None.

7. Communications:

Mr. Phillips wanted it noted that no one was here from the Administration tonight.

8. REPORTS FROM COMMITTEES:

COMMITTEE OF THE WHOLE – Council President D'Amore

There will be a Committee of the Whole meeting on March 19th at 7:00 PM on the proposed appointment of the Public Works Director, Richard Young.

ADMINISTRATION – Chairperson Donovan

The Committee met last Wednesday and has an item on tonight's agenda; a future meeting is not yet scheduled.

COMMUNITY AND ECONOMIC DEVELOPMENT – Chairperson Schweyer

The Committee has not met since the last Council meeting; but has a meeting scheduled for March 12th at 6:30 PM in Council Chambers.

PUBLIC WORKS – Chairperson Guridy

The Committee met tonight; a future meeting is not yet scheduled. One item was removed at the committee meeting.

PUBLIC SAFETY -Chairperson

The Committee met this evening; a future meeting has not yet been scheduled. A chairperson was nominated, but it was a tie. The current chairperson will remain until it is voted on again.

APPOINTMENTS - Chairperson D’Amore

The Committee is currently reviewing a few 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 is not yet scheduled.

OTHER COMMITTEE REPORTS

AEDC - Councilperson Donovan said they met 2 weeks ago. They will continue work on the Riverfront property. They’re working closely with the Arts Commission in identifying opportunities with the Art Center in the City.

Urban Observatory Report – Councilperson Phillips said they met February 8th. They discussed long term strategic plans on quality of life issues and compared them to other cities. They discussed crime and economic development. They are currently developing a survey.

Connect the Parks Meeting – Mr. Philips said they will meet on March 19th, at 5:30.

9. ORDINANCES FOR FINAL PASSAGE:

Bill 6

Renames the street behind Malone’s Bakery to Malone’s Alley

That the road located between Brownstone Street and West Juniata Street, running obliquely south from Brownstone Street to West Juniata Street shall be called “Malone’s Alley.

Bill 6 has been tabled.

Bill 7

Introduced by the Administration: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Five Thousand (\$5,000) Dollars as a result of a grant from the Pennsylvania Department of Economic Development (DCED), Local Government Municipal Resources and Development Grant Program, to the Fire Department, for Fire and Hazmat rescue equipment.

Mr. Howells said Bill 7 was forwarded favorably, 4-0.

Bill 7 was adopted, 7 Yeas and 0 Nays.

Bill 8

Introduced by the Administration: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Five Thousand (\$5,000) Dollars as a result of a grant from the Pennsylvania Department of Economic Development (DCED), Local Government Municipal Resources and Development Grant Program, to the Fire Department, for gas meters

Amendment: Add an additional supplemental appropriation of \$500 from UGI Utilities to the Fire Department as a donation for the gas meters, for a new total of 5,500 and 500 to the expenditure

Mr. Howells said Bill 8 was forwarded favorably, 4-0.

The amendment to Bill 8 to add an additional supplemental appropriation of \$500 from UGI Utilities to the Fire Department as a donation for the gas meters, for a new total of \$5,500, and \$500 to the expenditure, was approved, 7 Yeas and 0 Nays.

Bill 8 was adopted, as amended, 7 Yeas and 0 Nays.

Bill 120

Amending the 2007 General Fund Budget authorizing a supplemental appropriation as a result of a donation from the Allentown Patriots for One Hundred and Fifty (\$150) Dollars, Traffic Control Services, LLC. for One Hundred and Fifty (\$150) Dollars, and from Robert Kudlak and David Xander, each for Ten (\$10) Dollars
Mr. Howells said Bill 120 was forwarded favorably, 4-0.

In response to Mr. Phillips question, Mr. Scheirer said Traffic Control Services is the official name of the Fire Police.

Bill 120 was adopted, 7 Yeas and 0 Nays.

Bill 112

Amending the Police, Fire and O&E Pension Funds by requiring an actuarial study shall be done every year and made public no later than ninety (90) days prior to the ensuing fiscal year.

Mr. Donovan said Bill 112 was forwarded favorably, 3-0. After some discussion about the timing of the legislation and the fact that an actuarial study was shortly forthcoming, the committee questioned if a new actuarial study would be necessary given a seven month difference. The Committee concluded, given this short time frame, that the effective date of the ordinance be in 2009; and that the Legal Department be consulted to make it effective 1/1/09 and to clarify if anything else would be necessary on the enforcement of the 90 day limit.

Mr. D'Amore asked if we got anything from the Solicitor's Office for language for an amendment.

The City Clerk said they recommended the following amendment be added to the beginning of each paragraph: "Commencing in 2009, an actuarial study shall be done every year and made public no later than ninety (90) days prior to the ensuing fiscal year."

Mr. Howells and Mr. Phillips moved to amend Bill 112 by adding Commencing in 2009, an actuarial study shall be done every year and made public no later than ninety (90) days prior to the ensuing fiscal year.

Mr. Phillips asked what are we putting on the front of the contract?

Mr. Donovan said the phrase has to be inserted in each paragraph. The first amendment is putting in the effective date. In committee, he asked what would be necessary to enforce the 90 day limit.

The amendment to Bill 112 was approved by common consent.

Bill 112 was adopted, as amended, 7 Yeas and 0 Nays.

10. ORDINANCES FOR INTRODUCTION:

Bill 12

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$5,000 to provide for the receipt of a grant from the Pennsylvania Community Revitalization Assistance Program. This grant is *for the support of the revitalization of Cedar Creek Parkway.*

Bill 12 was referred to CEDC.

Bill 13

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$10,000; to provide for the receipt of a grant from the Pennsylvania Economic Growth and Development Assistance Program. This grant is *for the support of the renovation of Cedar Creek Parkway.*

Bill 13 was referred to CEDC.

Bill 14

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$4,882; to provide for the receipt of a grant from the Pennsylvania Council on the Arts. This grant is *for the support of the City's Summer Concert Series and Art in the Park.*

Bill 14 was referred to CEDC.

Bill 15

Amending Article 734, of the Codified Ordinances by establishing regulations relating to the discharge of firearms.

Bill 15 was referred to Public Safety.

11. **CONSENT AGENDA:** None

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

13. NEW RESOLUTIONS:

R7

Appointment of Police Officers

R7 was approved, 7 Yeas and 0 Nays.

R8

Adopts the National Incident Management System (NIMS) and recommends all public safety agencies, emergency responders, hazardous materials users and transporters, hospitals and school districts situated within the municipality do the same.

R8 was referred to Public Safety.

14. NEW BUSINESS

Mr. Schweyer said the Blighted Property Review Board will be meeting on March 10th at 7 PM. He will present a report at the next Council meeting.

Mr. Schweyer referred to the Connect the Parks meeting and asked Mr. Phillips if the 14 acres of development on the east side of Allentown will be up for discussion at the next Connect the Parks meeting?

Mr. Phillips said he will try to make contact with the developer and add it to the agenda as well.

Mr. Schweyer said he would appreciate that.

15. GOOD AND WELFARE:

Ms. Eichenwald commended Tamara Weller and the Parking Authority for the new parking garage.

Mr. Schweyer congratulated the William Allen High School Girls Varsity Basketball Team on their victory last night.

16. ADJOURN

The meeting was adjourned at 8:30 PM.

Michael P. Hanlon
City Clerk