

**COUNCIL MEETING - 7:30 PM
NOVEMBER 19, 2008**

1. Invocation: Jeanette Eichenwald

2. Pledge to the Flag

3. Roll Call

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

4. Courtesy of the Floor

Paulette Hunter asked how do they determine where they are going to put a video camera?

Mr. D'Amore said it's a combination of things. High crime areas and what the technology will allow.

Captain Stevens said Captain Warg is the person in charge of deploying the cameras throughout the City. The PSA Captain in Ms. Hunter's area is Captain Mould. He can also answer some of the issues that are happening in her neighborhood.

Ken Bennington said we will have Captain Warg give Ms. Hunter a call.

Ms. Hunter thanked Councilpersons D'Amore and Schweyer for explaining why it's important dealing with deadbeat landlords and cleaning up your property.

5. Approval of Minutes:

Public Hearing and Council Meeting: September 17, 2008
Committee of the Whole and Council Meeting: October 1, 2008

6. Old Business

7. Communications:

8. REPORTS FROM COMMITTEES:

ADMINISTRATION – Chairperson Donovan said we don't have a meeting scheduled currently because of the Thanksgiving holiday. One will be scheduled for early December. The ballot question that passed in November allows Council to create a purchasing ordinance. We have a draft ordinance and we will begin to fine tune that ordinance. Our Human Resource Director announced they have drafted a Personnel Policy Manual. PFM was asked to examine the fleet management choices to decide whether it should be brought in house or outsourced.

COMMUNITY AND ECONOMIC DEVELOPMENT – Chairperson Schweyer said they met at 6:30 this evening. The Administration has requested a technical change to Bill 121.

PUBLIC WORKS – Ms. Eichenwald said the Committee has not met since the last Council meeting; a future meeting has not been scheduled.

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

APPOINTMENTS - Chairperson D'Amore said the Committee has not met since the last Council meeting; there are appointments that need to be considered.

LEGAL AND LEGISLATIVE – Mr. Schweyer said no meeting; no report.

RULES AND CHAMBERS – Chairperson D'Amore said no meeting; no report.

CONTROLLER'S REPORT

Mr. Hoffman said he has no report this evening.

9. ORDINANCES FOR FINAL PASSAGE:

Mr. Schweyer and Mr. Howells moved to suspend the rules to introduce Bill 118, Street Cleaning.

The motion was approved by common consent.

Bill 118

Amending Article 539, Street Cleaning, by deleting a sunset provision on year round street cleaning that provided for the termination of the program unless reauthorized by Council; in effect, repealing Section Three of Ordinance No. 14437.

Mr. Howells said he's in favor of the bill.

Mr. Donovan said the amendment will rescind the clause for the Sunset Rule which would enable them to continue to do the annual street cleaning.

Mr. Donovan requested that Council receive a report on the winter cleaning by May 15th of each year.

Craig Messinger said they'll report how much is cleaned, what days they were not able to, how much snow was removed or plowed, a report on the number of tickets issued, and the amount of money brought in.

The City Clerk read the following amendment: new article: Article **539.06 Reporting Requirements**. The Department of Public Works and the Allentown Parking Authority, by or on May 15th of each year shall prepare and submit a report on year round street cleaning, focusing on winter street cleaning, to Allentown City Council's Public Works Committee for review at a public meeting.

The amendment to Bill 118 was approved, 5 Yeas and 0 Nays.

Mr. Donovan said much of the trash that exists in the City originates on the sidewalks. We need to get a handle on that. There's \$1 million budgeted for just street cleaning.

Mr. Messinger said that does include street cleaning and part of that is leaf collection also. Days they're not street cleaning, they're plowing or salting.

Bill 118 was adopted, as amended, 5 Yeas and 0 Nays.

Mr. Phillips joined the meeting.

Bill 113

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Twenty-Five Thousand (\$25,000) Dollars to provide for the receipt of a grant from the Lehigh County and the Pennsylvania Department of Conservation and Natural Resources. This grant will provide funding to purchase and install ninety (90) shade trees in the City at various locations.

Mr. Schweyer said this bill was forwarded favorably, 2-0. The Shade Tree Commission concurred with the placement of these trees.

Mr. Donovan asked if the \$25,000 includes the administrative charge for us or is it just the purchase of the trees?

Greg Weitzel said there is no administrative pass through. This grant also includes the cost of materials – soil, fertilizer, sidewalk cuts, and delivery.

Mr. Donovan said we incurred the labor costs.

Mr. Weitzel said they were built into this grant.

John Scheirer, 173 Green Street, said a while ago it was brought up about amending legislation that would take the responsibility off the homeowners when trees damage sidewalks.

Mr. Weitzel said the sidewalk issue is Public Works' responsibility. Trees are the Parks Department's

responsibility. They have a meeting next week with the Public Works Director to discuss this very issue. The average life of a tree is much longer than a sidewalk. You'll replace a sidewalk about 3 times over the lifetime of a tree.

Ms. Eichenwald said we also discussed if the homeowner has any say – or do you just knock on the door and tell them you're planting a tree?

Mr. Weitzel said they don't randomly choose houses to put trees in front of them. The result of this grant is to begin a Tree Tenders Program which is a volunteer effort. Since the launching of this grant, we've received 10 requests or more from neighborhood groups and individuals who want trees in front of their house. We want to put trees where people want trees.

Ms. Eichenwald said a homeowner can say they don't want a tree or has no say?

Mr. Weitzel said yes, they can say they don't want a tree, which is then appealed to the Shade Tree Commission. The Shade Tree Ordinance needs a thorough review, and they will be looking at that shortly.

Bill 113 was adopted, 6 Yeas and 0 Nays.

Bill 114

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Five Thousand and Five Hundred (\$5,500) Dollars to provide for the receipt of a grant from the Pennsylvania Urban and Community Forestry Council. This grant will provide funding to purchase twenty-five (25) shade trees in the City at various locations.

Mr. Schweyer said this bill was forwarded favorably. Most of these trees will be for reforestation of our parks.

Mr. Phillips said our parks are getting trees?

Mr. Weitzel said yes. The City's arborist came up with a plan for parks across the City. The Shade Tree Commission will decide what type of trees and where the priority locations will be.

Mr. Phillips asked if we're taking down old and diseased trees?

Mr. Weitzel said he has a whole plan that details and outlines where all the major trees are needed. In some cases it's to provide shade for youth sports groups.

Mr. Schweyer said some of them are being used to prevent erosion.

Bill 114 was adopted, 6 Yeas and 0 Nays.

Bill 115

Administration Sponsored: Amending the 2008 Capital Fund Budget to provide for a supplemental appropriation of Seventy-One Thousand Two Hundred and Twenty-Nine (\$71,229) Dollars to provide for the receipt of a grant from the Lehigh County Green Futures Fund. This grant will provide funding which will be used to assist with the Roosevelt Park Improvement project which involves restoration of a historic stone building located near the center of the park.

Mr. Schweyer said this bill was forwarded favorably, 2-0.

Mr. Donovan asked if they can explain the plan to make sure these will be maintained and stay in good shape.

Mr. Weitzel said this is a restoration of an older stone building. We're looking to replace it with stainless steel features and fixtures which is a lot easier to maintain and they're virtually vandal resistant. It's also replacing the roof, fixing the Allentown Summer Playground Program area, exterior lighting, for security, doors, walkways, roofing, etc. We spend a lot of money every year on port-a-johns in the parks. Part of the reason is the restroom is either in deplorable condition and locked up. The ability to unlock those restrooms is a major issue. This is a pilot project in respect to installation of time security locks on the restrooms. The time locks can be set from the main office – opened and unlocked in a specific amount of time. Most of the facilities you see today are prefab units because they're more efficient.

Mr. Donovan asked if they're graffiti proof, have they been coated?

Mr. Weitzel said yes, the walls also have been painted with graffiti-resistant paint. What's used today is called Safety-by-Design.

Mr. Donovan asked about cleaning them.

Mr. Weitzel said cleaning is a major issue. When he came here, we did not have a dedicated schedule for cleaning. Now the labor staff has to sign off if the restroom was cleaned on a periodic schedule, also on weekends as well. We have 22 outdoor restrooms and out of those, he would consider about 10 of them in good condition and the rest in poor condition. This is going to be a costly project. They will try to renovate 1 or 2 a year.

Bill 115 was adopted, 6 Yeas and 0 Nays.

Bill 116

Administration Sponsored: Amending the 2008 Capital Fund Budget to provide for a supplemental appropriation of Ninety Thousand (\$90,000) Dollars to provide for the receipt of a grant from the Lehigh County Green Futures Fund. This grant will provide funding which will be used to assist with the construction of a new restroom in the Little Lehigh Parkway near Kline's bridge. The project will also include installation of an additional concrete pad, information kiosk, site amenities and security lighting.

Mr. Schweyer said this bill was forwarded favorably, 2-0.

Mr. Phillips asked if we're going to do other parks, not just the Parkway?

Mr. Weitzel said the Parkway was a priority. It was in deplorable condition and had to be demolished. This is the most heavily used within our park system. It's where the 5K's are held. There will also be a kiosk for information about things that are happening in the Parkway. There are no restrooms at Fountain Park, and the port-a-johns that have been placed there have been repeatedly burnt to the ground.

Mr. Phillips said there used to be a restroom there. They razed that building.

Mr. Weitzel said the only restroom facility there now is at the pool. The restrooms at Jordan Park are functional but need to be renovated – South Mountain Reservoir, East Side Reservoir. This year they renovated Canal Park's restrooms, and the Rose Garden's restrooms were renovated due to vandalism over the winter.

Mr. Phillips said if we applying for a grant at the Road Runner's who rents the space from us, and we put a kiosk outside of that facility, they have road races and have lots of money, why aren't they putting some money towards the kiosk or any upgrades were doing?

Mr. Weitzel said good question. They are a non-profit organization. They've been very generous to the City and City staff. They give free turkeys out to the City staff every year for their help. He doesn't know what their financial situation is, but they've been a great partner to the Parkway. They're great to work with. He believes we're responsible for providing restrooms, not only to the Road Runners but for all the races that take place there.

Paulette Hunter said as an advocate for the disabled she was wondering about the restrooms for the disabled. The one at 6th and Tilghman is not handicap accessible.

Mr. Weitzel said all these restrooms are required to be ADA accessible.

Bill 116 was adopted, 6 Yeas and 0 Nays.

Bill 117

Administration Sponsored: Amending the 2008 Capital Fund Budget to provide for a supplemental appropriation of One Hundred Eighty-Seven Thousand Five Hundred (\$187,500) Dollars to provide for the receipt of a grant from the Lehigh County Green Futures Fund. This grant will provide funding which will be used to assist with the construction of the Lehigh River Trail Development project, an approximate 1.5 mile multi-purpose trail from north to south along the Lehigh River on City of Allentown owned property that will link Canal Park to Kimmets Lock Park

Mr. Schweyer said this bill was forwarded favorably, 2-0. It will allow people to traverse from Kimmets Lock all the way down to Sand Island in Bethlehem.

Mr. Donovan asked if \$187,500 is our complete cost?

Mr. Weitzel said it is not the complete cost. We received a grant award from the Department of Conservation and Natural Resources in cooperation with the Delaware and Lehigh Heritage Corridor for an additional \$125,000. This project is in its final design phase. The trail will create a beautiful overlook of the City right by Hanover Acres.

Mr. Donovan asked what the total cost will be?

Mr. Weitzel said it has not been bid out yet, but they're estimating between \$250,000 and \$300,000. They are looking for a member of Council to be on the Trail Networks Advisory Committee.

Mr. D'Amore asked if there will be signage on the trails to let you know which way to go?

Mr. Weitzel said the Delaware and Lehigh Heritage Corridor just created a new signage system. They put a sign at Canal Park that directs you to Kimmets Lock. As part of their Trails Network Study is a whole component just on signage for our current system and our future system.

Bill 117 was adopted, 6 Yeas and 0 Nays.

Bill 119

Administration Sponsored: Amending the 2008 Capital Fund Budget to provide for a supplemental appropriation of Eighty-Seven Thousand Five Hundred (\$87,500) Dollars to provide for the receipt of a grant from the Lehigh County Green Futures Fund. This grant will provide funding which will be used to assist with improvements and restoration of various fields and courts in City of Allentown parks. The tennis courts at Percy Ruhe and Irving parks will undergo complete restoration. Fountain, Trout Creek, Jordon Meadow and Buck Boyle athletic fields will include re-grading, installation of new fencing, bleachers, backstops, and new open air dugouts and other miscellaneous site improvements.

Mr. Schweyer said this bill was forwarded favorably, 2-0. It addresses a number of parks across the City.

Ms. Eichenwald said she's glad to see this addresses multi-parks throughout the City.

Bill 119 was adopted, 6 Yeas and 0 Nays.

Bill 121

Administration Sponsored: Amending the Noise Ordinance by allowing the City and APD the ability to issue SWEEP violation tickets for noise disturbances such as loud music from residences and vehicles, loud mufflers, illegal use of fireworks, other violations specified under article.

Mr. Schweyer said this bill was forwarded favorably, 2-0. The Police Department suggested an amendment that he will submit when appropriate.

Ann Saurman said right now it's a cumbersome process when the police deal with a complaint. By allowing the SWEEP tickets as a new tool it allows them to address the problem and get back to the next service call.

Ms. Eichenwald asked who established the parameters of what is loud?

Ms. Saurman said it's any sound which (1) endangers or injures the safety of health of humans or animals, or (2) annoys or disturbs a reasonable person of normal sensitivities, or (3) endangers or injures personal or real property.

Ms. Eichenwald asked who makes that determination? Police . . . one person's noise is not another person's noise.

Captain Stevens said it's up to the discretion of the officer. They try to problem solve before they issue any citations. There may be other witnesses or neighbors who agree that there is a disturbance.

Ms. Eichenwald asked if the person who receives a citation has any recourse?

Captain Stevens said they can have a hearing. With the SWEEP, they go through the SWEEP office.

Ms. Eichenwald asked if a warning is issued first?

Captain Stevens said that is up to the officer. Usually, they try to rectify things without an arrest. Tickets and arrests are last resorts.

Ms. Eichenwald said sometimes there's a cultural difference. She doesn't want to see this used as a means to enforce a certain level of music listening that may be uncomfortable to one group of people and not another.

Captain Stevens said instead of writing a citation, they'd be writing a SWEEP ticket. That is better for the violator because the citation is an actual arrest.

Mr. Schweyer and Mr. Donovan moved to amend Bill 121, Section 710.03, Prohibited Acts, by striking out: the following: "d. At such a sound intensity that the sound ~~is audible from a distance of forty (40) feet~~ creates a noise disturbance in any public area, street or sidewalk of the City; when the sound source is in any public area, street or sidewalk of the City; or"

Mr. Phillips said he doesn't understand why they are deleting the footage.

Captain Stevens said he would have to have every officer carry a tape measure around. Secondly, there are at least 5 different areas in the City that deal with noise that have different distances. It's all contradictory.

Mr. Phillips said he's concerned about the vagueness.

The amendment to Bill 121 was approved, 5 Yeas and 1 Nay (Phillips).

Mr. Phillips said the officer is going to decide if it's too loud and will issue a ticket.

Mr. D'Amore asked the Solicitor if this will hold up in court?

Attorney Danks said it's common language used in most noise ordinances. This is constitutionally firm language. There's no vagueness problem. They arrest people for public drunkenness. Drunkenness means that you're a threat to yourself or others. It's a judgment call the officer makes and he has to explain to the judge.

Mr. Donovan said suppose a complaint is made about a dog constantly barking or very loud music. Does the officer have to hear it when he comes?

Captain Stevens said it would be preferable. The dog issue would go to the animal control officer.

Mr. Phillips referred to Definitions, "30. **Weekday:** Any day, Monday through Friday, which is not a legal holiday." Does that need to be there?

Attorney Danks said it's in the existing ordinance.

Captain Stevens said they're just describing what a weekday is.

Paulette Hunter said she has a friend who has a child with disabilities who is non-verbal, and he was screaming in the park. People in the park called the Police. They came out and told her she had to leave the park. How will this affect children with disabilities?

Captain Stevens said he doesn't know the circumstances behind it. This is the first he's about it. He suggested contacting Captain Mould.

Ms. Hunter asked if this would cause them to leave?

Captain Stevens said no, it would not. He is the father of a disabled child himself. Captain Mould would also make an exception.

Bill 121 was adopted, as amended, 6 Yeas and 0 Nays.

10. ORDINANCES FOR INTRODUCTION:

Bill 123

Administration Sponsored: Providing for the vacation of North Mohr Street from Gordon Street to Wayne Street and a portion of Wayne Street from North Mohr Street west to the west property line extension of 412 Gordon Street.

Bill 123 was referred to Public Works

Bill 124

Administration Sponsored: Amending Article 395, Community and Economic Development Fees, by including Under Section 395.07.5 “including the installation of signs and pools; include a Commercial Plans Examination Fee of \$85 for up to 500 square foot applications; increasing the maximum fee for parking lots from \$50 to \$150; removing Section 395.07.12, “Work without required permits” and moving it under its own heading, 395.12, Penalty Fees; creating a new penalty fee for excessive inspections under the new heading 395.12, Penalty Fees. The fees would be assessed for permit holders that require above and beyond 2 rough and 2 footer/ foundation inspections; the fee schedule will be as follows: if a permit holder requires a 3rd rough or CO inspection, the fee will be \$25 for each permit that requires reinspection; if a permit holder requires a 4th rough or CO inspection, the fee will be \$50 for each permit that requires reinspection; if a permit holder requires a 5th or more rough or CO inspection, the fee will be \$100 for each permit that requires reinspection

Bill 124 was referred to CEDC.

Bill 125

Administration sponsored: Establishing fees associated with Keystone Municipal Collections for the collection of delinquent taxes of Act 511.

Bill 125 was referred to Administration.

Bill 126

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Eighteen Thousand Seven Hundred Fifty (\$18,750) Dollars; to provide for the grant from the Pennsylvania Weed and Seed Second Steps Violence Prevention Initiative Grant.

Bill 126 was referred to CEDC.

11. CONSENT AGENDA:

CA1

Certificates of Appropriateness for properties at 105 North 11th Street, 435 North 5th Street and 302-304 North 9th Street

CA1 was approved, 6 Yeas and 0 Nays.

12. RESOLUTIONS ON SECOND READING: None

13. NEW RESOLUTIONS:

R83

Convey 925 Turner Street to the Old Allentown Preservation Association. – plan is to construct a small passive park

Mr. Schweyer said this was forwarded favorably, 2-0. The homes were swallowed up by a sinkhole. They are going to create a pocket park there.

Mr. Donovan asked if the pocket park is Old Allentown’s expense?

Mr. Schweyer said yes, they are applying for a number of grants through the Elm St. Program.

Mr. Phillips asked if we’re conveying 923 or 925 Turner?

Mr. Schweyer said 925.

Ms. Eichenwald said it should be tabled.

Mr. Bennington concurred.

Mr. D'Amore said on the tax claim bureau's deed it says 925 West Turner Street.

R83 was approved, 6 Yeas and 0 Nays.

R84

Encroachment for a Handicap Accessible Ramp at 435 North 5th Street

R84 was referred to Public Works.

14. NEW BUSINESS

Mr. D'Amore said tomorrow at 6:30 PM Council reviews the Parks and Recreation Budget. On Monday, November 24th, at 6:30 PM, the CEDC budget and on November 25th, at 6:30 PM, Finance, Capital Projects, Revenue and the Administrative offices. The final budget will be passed on December 3rd.

Mr. Donovan requested Mr. Bennington relay to the Mayor that Council would like him to attend Tuesday's budget meeting. He will express his deep concern if he does not attend.

Mr. Bennington said he will pass on his concerns.

15. GOOD AND WELFARE: None.

16. ADJOURN

The meeting was adjourned at 9:00 PM.

Michael P. Hanlon
City Clerk