

**CITY COUNCIL MINUTES
PUBLIC HEARING - 7:15 PM
OCTOBER 1, 2008
7:15 PM**

The public hearing was called to order at 7:15 PM.

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

R59

Introduced by the Administration and City Council: Approves the Application for the Issuance of an Economic Development Liquor License for Pasha, Ltd., the Palace Center at 316 North Fenwick Street

Albert Abdouche, 5443 Prospect Street, Whitehall, said he bought the building in 2004 in a bankruptcy sale. He's been open since June 5th. They've had 10 to 12 banquets, and 4 or 5 weddings. He feels if he has a liquor license on the property people will drink less. He also has fundraisers. It is a conference center and banquet center, not a bar.

Linda Joseph, 627 Hanover Avenue, said the property is nicer now and the parking lot is paved. She doesn't see any reason why they shouldn't be granted a liquor license.

Oscar Aboul, 635 Hanover Avenue, said he supports what Albert wants to do there.

Alex Harper, 604 Hanover Avenue, said at the Zoning Hearing Board Albert applied for a BYOB. At that time, the neighbors were fearful that it would open as a club or nightclub. We felt he wanted a liquor license so he could sell the place as a nightclub. Zoning told him he could not have liquor sales unless there was an event. Why doesn't he surcharge them for the liquor? He does object to this. There are about 5 bars within a mile of the banquet hall. We do not want to see constant traffic.

Mr. D'Amore said he wanted to clarify that this is not a transfer of a liquor license. It is a proposal for approval for an economic development liquor license, which is a little different than a transfer. We may only approve so many economic development liquor licenses per year. There is a stipulation that the licensee show that it not adversely effects the health, welfare, peace and morals of the residents of the City.

Mr. Harper asked if he is saying this is more like a private club license?

Mr. D'Amore said no. It's a regular liquor license. It cannot be transferred. The municipality can only grant 2 per year. Todd Collins, from the City, will explain this at greater length.

Todd Collins said that property was zoned in a way that no liquor consumption or liquor on the premises was allowed at all. The variance gave him the ability to have a BYOB. Each county with a certain population is allowed 2 licenses within a given calendar year. It's a competitive process and it's a liquor license that has to stay with the building and the actual business. The purpose is for economic development and to serve. There was serious redevelopment of the facility.

Mr. Harper asked if he can only serve alcohol per event or can he come in on Monday morning, open up at 9 AM and serve until 2 AM? If that's the case, we are definitely not in favor of that.

Mr. Donovan said the resident has brought up an issue that we need to explore. We don't have the information. We don't need to give an answer now.

Mr. D'Amore said it's a very important question.

Nicholas Butterfield, Human Relations Officer, said the Human Relations Board will be holding their annual banquet at this facility on October 14th. Mr. Abdouche has done a fantastic job by taking a derelict property and turning it into something not only valuable to him but the entire City. He thinks requesting a liquor license is appropriate. Having a liquor license puts it fully under his control. This is an establishment that needs encouragement to succeed.

Charles Boner, 515 Hanover Avenue, said you didn't answer the question whether Mr. Abdouche can open up at 9 AM and serve alcohol until 2 AM or whether it's reserved for events.

Mr. D'Amore said he can't answer that because the language of the Resolution does not answer that question. He's going to assume it's a full use liquor license. It is a final determination of the Liquor Control Board to issue the license.

Mr. Boner said this is opening up the door for Mr. Abdouche to get the license so he can serve alcohol whenever he pleases.

Mr. D'Amore said theoretically, yes.

Mr. Boner said he's definitely against it. He's run his repair business since 1990. His main concern is children playing in the area. He has a lot of customers. There's drunks driving around, glass in his parking lot in the mornings, things getting destroyed when the drunks come out of the bar. He doesn't feel the neighbors have to put up with this because he can run a banquet hall successfully without alcohol.

The public hearing was adjourned at approximately 7:45 PM.

**COUNCIL MEETING - 7:30 PM
OCTOBER 1, 2008**

1. Invocation: Jeanette Eichenwald

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

Louis Hershman, 405 Gilmore Street, said you promised to get me what the cost of the FOP negotiations were, the name of the law firm and the cost per hour. You also promised the voters of Allentown -- with the Charter question coming up on the ballot -- to provide us with a new bill so we can decide to vote yes or no. The election is 4 weeks away. The Chair has always been responsive to the voters of Allentown.

Mr. D'Amore said the issue of the FOP attorney request went out. We received no response yet. He's interested, too.

Mr. Hershman asked if are we going to find out what's going to replace the Charter amendment?

Mr. D'Amore said yes, but he doesn't know when.

Irene Santos, 903 North 4th Street, said her and other DHL workers were ordered out of the building. DHL gave them no assurances that when the need for more work arrives either by attrition or work value that we would be offered the opportunity to return to DHL. Many of us have worked there for years. She has for 3 years. It is only fair that we are offered to return to work before any new workers are hired. It also makes the most business sense because they are experienced. They are asking Council to contact DHL and work with them prior to hiring any new employees, temporary or regular, that we have the right to be called back first. Council has always been supportive of the DHL employees. They thank Council for that.

Mr. Guridy asked if she knows if DHL is coming back?

Ms. Santos said they are not going down hill. They were not told any reasons that they were getting laid off. Volumes have gone down, but they never gave them options where they could work less hours. Some of them would have taken partial unemployment. They know they need a union to make things better and fair for all of them.

Mr. Guridy asked if they are still operating there?

Ms. Santos said yes, they're still there. She heard they are hiring employees. This should be handled by performance.

Mr. Guridy said he thinks it is our responsibility, as Council, for us to take action proactively.

Mr. D'Amore said he agrees.

Mr. Phillips said he agrees. He thinks we should all sign on and support them.

Michael Adams, 28 South 14th Street, said he's been involved in abating gun violence for quite some time. We already have a problem with Article 734.01. Someone who spent decades involved to wake up to The Morning Call to find out anytime he legally carried a firearm in Lehigh County he was breaking the law. We need to deal with the miscommunication of the ordinance as it's written and then proceed with any amendments.

Mr. Howells said the Public Safety Committee is going to look at the whole bill. There are many others, including people in this room, who carry concealed weapons.

Frank Concannon, 939 North 32nd Street, said he is here to speak on some proposed changes that he would suggest to the function of the Controller of the City. He believes Mr. Hoffman is doing an excellent job. Reporter Paul Muschick reported the Controller's Office be given more authority. He suggested Council give serious consideration to proposing changes to the Charter. He thinks the title of the Controller should be changed to Internal Auditor. It's a much more descriptive title. Controller traditionally has been the Chief Financial Officer of any organization. That is not true of the functions of the Controller of the City. The Internal Auditor should be appointed by the Mayor, not elected, with the advice and consent of Council. There should be qualifications for such an appointee. The operative word is credential. He should be recognized by the American Institute of CPA's and the Institute of Internal Auditors. The Internal Auditor should be one of the Mayor's closest advisers while maintaining complete independence. The Mayor should use the Internal Auditor to review the various departments and agencies and any requests from Council. The Internal Auditor should be a person of very high level ability and character, and therefore, should be highly compensated, at least on the same level as department heads. The job description should be based on the United States Controlling Currency and Accountability Office. The term of appointment should be 5 years subject to termination only for cause, and with the consent of Council. He requested they give very serious consideration to such a proposal and to establish a committee of qualified people to review it.

Paulette Hunter said they had a meeting on the Youth City Council. She was told the sound system wasn't working so we don't have all the information that was stated. She was hoping someone could provide accurate information. There is the problem of youth violence in our nation. She requested that committee be restarted again. That recommendation came from the Commission on Children and Family. She is aware they have discussed making 7th Street 2 ways. She travels 7th Street daily. She doesn't understand how it's going to be changed to a 2 way street. The tape recorder wasn't working at the last meeting, and we missed some vital information from Parks.

Mr. Schweyer said, in response to Ms. Hunter's concerns, he would schedule another meeting to go over the information that may have been missed.

Ms. Hunter said the woman from Weed and Seed was also interested in the discussion.

Mr. Schweyer said it's a public meeting. Invite anyone you think may be interested.

5. Approval of Minutes: None

6. Old Business: None.

7. Communications:

President D'Amore: The MMO, Minimum Municipal Obligation, based on the Actuarial Valuation Report of January 1, 2007 was certified and forwarded to City Council on September 29th in regard to the City's three pension funds. A copy has been sent to each Councilperson and is available to the public and will hereby be made part of our official minutes.

8. REPORTS FROM COMMITTEES:

COMMITTEE OF THE WHOLE – Mr. D'Amore said at the last meeting, it was noted there would be a meeting on October 29th, 6:30 on the Goals and Objectives of the Community and Economic Development Department. We are attempting to reschedule this meeting.

ADMINISTRATION – Chairperson Donovan said the Committee has not met since the last Council meeting; a future meeting is scheduled for October 29th at 6:30 PM.

COMMUNITY AND ECONOMIC DEVELOPMENT – Chairperson Schweyer said the Committee has not met since the last Council meeting; a future meeting is scheduled for October 8th at 6:30 PM; on October 2nd to visit Community Bike Works and we are looking at booking a visitation to LANTA.

PUBLIC WORKS – Chairperson Guridy said the Committee has not met since the last Council meeting; a future meeting is scheduled for October 15th prior to the Council meeting.

PUBLIC SAFETY -Chairperson Howells said the Committee met this evening; a future meeting has not yet been scheduled. Mr. Howells said he wanted to move to suspend the rules to move Bill 81 up to the front of the agenda, because we have some officials here from Philadelphia.

APPOINTMENTS - Chairperson D'Amore said the committee has not met since the last Council meeting,

LEGAL AND LEGISLATIVE - Chairperson Phillips said the Committee has not met since the last Council meeting; a future meeting has not yet been scheduled.

RULES AND CHAMBERS – Chairperson D'Amore said no meeting; none scheduled.

Mr. D'Amore said they are attempting to put a public hearing together on the east side of Allentown about the proposed trash transfer station on October 23rd, at 7:30 PM, at the East Side Youth Center.

OTHER COMMITTEE REPORTS

Council Reform – Councilperson Schweyer said the Committee met yesterday and reviewed the committee structure; no future meeting is scheduled.

Lehigh Valley Planning Commission Report – Council President D'Amore said the monthly meeting was held and the general topic was water. The Lehigh County Authority presented its capital plan.

CONTROLLER'S REPORT

Mr. Hoffman said in light of recent events in the world of banking and stock markets he wanted to give an update. The deposits of the City are in various banks, the largest one being Wachovia. The CitiCorp merger will not happen until the end of the year. They are under the oversight of FDIC guaranteeing all the deposits. We're in good shape there -- the Pension Funds and some indirect investments we have with Wachovia. They're not bank assets. They're money market funds – you may have read one money market fund broke the proverbial buck which means it didn't maintain its \$1 asset value, which is unheard of. Our money market funds are evergreen funds, and they are treasury money market funds. They are investing directly in treasury securities for their investments. They're collateralized by treasury bills. This is not the type of money market fund which broke the buck and caused some other things to happen. It's conservative but safe. In response to Mr. Concannon's suggestion, he thinks some changes would be good. There's lots of different structures. The one Mr. Concannon proposed versus keeping the structure the way it is. Some changes ought to be made and put in front of the voters possibly for next year. Next year he'd like to start working with Council and the Administration and talk about some different models that work better than what we have right now.

Mr. D'Amore said Sovereign lost a great deal in their stock early in the week. They're well capitalized; they just had an increase in their ratings, and he also understands the stock has regained much of what it lost, so we're pretty safe with Sovereign. Is that right?

Mr. Hoffman said there were rumors about Sovereign being the next "to go." Who knows? Their stock has recovered. Our deposits are safe no matter what happens to Sovereign.

Mr. Guridy said he heard the FDIC was increasing their deposits from \$100,000 to \$250,000, but that's only personal. That doesn't include municipal types of deposits?

Mr. Hoffman said that is what's proposed and is in front of the Senate tonight. The \$250,000 would apply to all deposits – municipal, business deposits, personal.

Mr. Guridy asked if we have for \$250,000?

Mr. Hoffman said yes. We may have \$30 million with Wachovia. That's why we have the collateral pledge to them.

Mr. Guridy said it doesn't really effect anything.

Mr. Hoffman said not for us.

9. ORDINANCES FOR FINAL PASSAGE:

Mr. Howells and Mr. Guridy moved to suspend the rules to move Bill 81 to the top of the agenda and vote on it.

Bill 81

Introduced by Council and the Administration: Amending Article 734 of the Codified Ordinances, by adding a new Section, entitled "Failure to Report Lost or Stolen Firearm," requiring prompt notification to authorities of lost or stolen firearms, and imposing penalties.

Mr. Howells said testimony was taken tonight on Bill 81. We are discussing and voting on those items underlined on the back of the front page. He also has some problems with Article 734.01. The Public Safety Committee is going to look at the whole bill and rework it and make the changes that are necessary. Tonight we are only discussing and voting on the lost and stolen firearms.

The Mayor said he's here tonight to recommend approval of Bill 81. It adds a new section to report lost and stolen firearms. Enacting Bill 81 is in the best interest of our citizens. It will increase public safety by keeping illegal weapons out of the hands of criminals.

Mr. Phillips said in light of the memo from the DA, and him choosing not to enforce this, what happens? We write the citations and spend the manhours . . . and he isn't going to enforce it.

Attorney Danks said the DA doesn't normally enforce ordinances.

Mr. Phillips said they come before him for adjudication.

Attorney Danks said he doesn't get involved in City ordinances.

Mr. Phillips said if a person has a hearing, it goes to the district justice, which is part of the system.

Attorney Danks said no.

Mr. Phillips said he approves or disapproves.

Mr. Donovan said about 3 months ago we were looking at another gun control ordinance. In reading Article 734.01, he mentioned to the City Clerk there was a problem with the language. It flew in the face of the U.S. Constitution. He doesn't see the lack of severability. If one particular part was thrown out, then the rest of it stands. He's in favor of this plan, but he does agree this ordinance which was written in 1962, it seems like the language – should we be looking at 734.01 or can we go ahead and do this as a separate item?

Mr. D'Amore said there is in the note before Article 734.01 which is like a footnote of 2 common law statutes. One is the Uniform Firearm Act. By the list, is there an implication here that all the provisions of this ordinance must conform to the discharge of weapons in a Third Class City and the Uniform Firearms Act. Would that automatically, just by being there, nullify the portion of 734.01, which we object to?

Attorney Danks said carrying is regulated by the state. Some parts of this may or may not be preempted by the state. In 1962 when this was passed, who knows what it was. There have been a lot of firearm regulations in Pennsylvania since then. Should 734.01 be looked at and brought up to date? He thinks so. Do you have to do it tonight? He doesn't think so. Has anyone ever tried to enforce this in a substantive way that anyone is aware of? There's a lot to understand about these issues. As far as the other additions to this, it has a severability clause. Lost and stolen guns are what we're really talking about. There's no problem going ahead with that.

The Mayor said the ordinance is based upon discovery.

Mr. Donovan said that's somewhat of a loophole that someone could stretch if they wanted to.

The Mayor said a gun is found with a committed crime. They report the gun, and they say they were on vacation. If it happens 3, 4 or 5 times, then you have suspicion that something else is happening.

Mr. Donovan said he does believe in the argument that the Constitution gives the person the right of possession, and he also agrees with the argument that once the gun is out of a person's hands, it's no longer in possession. Therefore, we worry about a variety of types of hazardous situations for the public – we're supposed to report code and hazardous material issues. It strikes him that if an individual has the right to carry a firearm in this country as part of the militia clause in that amendment, therefore they have a duty to the citizens of the country, therefore they have a responsibility, duty and obligation if they lose something that's very hazardous, it behooves the City to have an ordinance to say you must report it.

Mr. Gurdy said this bill was discussed at length tonight. He thanked Ms. McCausland and Mr. Gillison for attending the meeting this evening. He doesn't think we should not pass a bill even though it may be challenged. He encouraged Council to support this bill. He believes Article 734.01 should be amended as soon as possible.

Ms. Eichenwald said, we as municipal legislators, often have a problem with the state. She is going to take advantage of the wisdom of the Deputy Mayor of Philadelphia. When you had the difficulty of the original bill that passed in Philadelphia, what was the discussion with the state? It's her understanding that municipalities cannot pass stricter legislation than that which the state has, or legislation that in any way differs from the state.

Everett Gillison said the whole idea of preemption is really what we're talking about. The state has the sole responsibility to act in this area. As a lawyer, one of the things we have to examine is is this a floor or a ceiling? The way we have and the City Solicitor have analyzed it has said this is an area outside of what the state has actually acted on. As a result, we have the power and the right to support what our City Council did, which is to say this is something that's silent. This is something outside of the area of what the state has done. As a result, City Council thought they had the duty to act and stop the carnage. This is a small matter but helps change the culture. That is why we thought we were not preempted in any shape or form. We're not going past what the state says we can and cannot do. That's why we're seeking to expand and go forward.

Ms. Eichenwald asked if she's correct that the preemption has to do with the fact that state law has to do with while the gun is in the purchaser's possession?

Mr. Gillison said that is correct.

Ms. Eichenwald said since the gun is stolen, it's no longer in the purchaser's possession. Therefore, the state regulations no longer apply.

Mr. Gillison said that's correct.

Louis Hershman, 405 Gilmore Street, said the Deputy Mayor of Philadelphia raised some interesting questions. He cited Article 734.05 and said should this refer to a public safety officer or what is an appropriate officer of the law? Mr. Gillison said he had to get a police officer to make the arrest. That should be defined better.

Mr. Howells said where it says owner of a firearm, that is all inclusive. You don't have to get involved any further, and an appropriate law enforcement officer would be a police officer.

Mr. Hershman asked what about a sheriff?

Mr. Howells said sheriffs don't arrest.

Mr. Hershman asked what happens when this bill is before the state legislature? There's a bill there now. If that passes, will it supersede ours?

Mr. D'Amore said he's not even sure if it stands a chance of passing.

Mr. Howells said he finds nothing wrong with the way it is written.

Mr. D'Amore asked Mr. Schweyer if the lost and stole gun provision in the state has any chance of passing?

Mr. Schweyer said it failed in the State House.

Ms. Eichenwald also said the language is perfectly fine.

Frank Concannon, 939 North 32nd Street, said he is not a member or supporter of the NRA. This legislation has taken the City of Allentown pretty close to the City of Hazleton where they attempted to pass legislation that was beyond their authority. With all the controversy, he thinks they should give serious consideration to that.

Nicholas Butterfield, 223 South 13th Street, said this is a very common sense piece of legislation. He would hope this is one small part of keeping weapons out of young people's hands.

Bill 81 was adopted, 7 Yeas and 0 Nays.

Mr. Howells requested the City Clerk to schedule a Public Safety Committee meeting for Wednesday, November 5th, to get necessary changes made to this article.

Mr. Schweyer asked the guests from Philadelphia to extend their gratitude to Mayor Nutter. He has been on the forefront with violent crime. Your efforts and the expense your city has already incurred in fighting these lawsuits is commendable. We appreciate it very much .

Bill 75

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

Mr. Guridy said Bill 75 was recommended favorably, unanimously. This is at the request of the Redevelopment Authority to purchase 716-718 Linden Street. A vacant 3-story apartment building that is proposed to be demolished due to its deteriorated condition. They are now unsure whether that purchase will occur. The Redevelopment Authority has decided to continue to seek the vacation because once the building is demolished and North Boyer Street is vacated, the property will become more marketable. The original intended reuse was for a parking lot.

Richard Young said the Fire Chief had an objection but removed it due to a clause that was added to the ordinance requiring a buffer be provided around adjoining properties in order to get fire equipment in.

Bill 75 was adopted, 7 Yeas and 0 Nays.

10. ORDINANCES FOR INTRODUCTION:

Bill 82

Introduced by the Administration: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of One Thousand Nine Hundred Ninety Nine (\$1,999) Dollars as a result of a grant from the Commonwealth of Pennsylvania Emergency Management Agency to the City of Allentown Paramedics for training sessions and materials to hold such sessions on the handling local-scale mass casualty incidents (MCI) within the City of Allentown

Bill 82 was referred to Public Safety.

Bill 83

Introduced by the Administration: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Three Thousand Eight Hundred (\$3,800) Dollars as a result of a grant from the Central Susquehanna Intermediate Unit to the City of Allentown Paramedics for bike helmets and associated materials used to hold the annual Allentown Bike Safety Day

Bill 83 was referred to Public Safety.

Bill 84

Introduced by the Administration: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Two Thousand Five Hundred (\$2,500) Dollars as a result of a grant from the Eastern Pennsylvania EMS (Emergency Medical Services) Council to the City of Allentown Paramedics for equipment to enhance the readiness of our bureau's participation in the Regional Disaster Emergency Medical Services 'Strike Team'

Bill 84 was referred to Public Safety

Bill 85

Introduced by the Administration: Amending the 2008 Capital Fund Budget to provide for a supplemental appropriation of Two Hundred Sixty-Four Thousand Two Hundred Ninety Dollar (\$264,290) to provide for the receipt of a grant from the Lehigh County Green Futures Fund. This grant will provide funding to renovate the Cedar Creek Parkway

Bill 85 was referred to CEDC.

Bill 86

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Twenty Five Thousand (\$25,000) Dollars to provide for the grants from the Pennsylvania Commission on Crime and Delinquency to the City of Allentown for Weed and Seed

Bill 86 was referred to Public Safety.

Bill 87

Amending Part Seventeen, Building and Housing, Title One of Codified Ordinances of Allentown, Pennsylvania, entitled Standards and Administration, by adding a new Article entitled "Sheet Metal Technician," requiring certain licensing of persons performing duct work used in HVAC systems, under certain terms and conditions.

Bill 87 was removed at the request of the Administration.

11. CONSENT AGENDA: None

12. RESOLUTIONS ON SECOND READING:

R59

Approves the Application for the Issuance of an Economic Development Liquor License for the Palace Center at 316 North Fenwick Street

Erlinda Aguiar said the application is under the name of Pasha, Ltd. They do business as the Palace Center located at the above address. It is a full use liquor license.

Ms. Eichenwald asked if they choose to sell or lose their business, do they have the right to sell the liquor license?

Ms. Aguiar said no. That is one of the characteristics of an economic development liquor license. It is non-negotiable. It stays with the business. If the business is sold, then it goes back to the state.

Ms. Eichenwald asked if it goes from a banquet hall to a bar, does the owner of the license have a right to do that?

Mr. D'Amore said Zoning approved the serving of alcohol on the premises as a variance. The liquor license is separate from that use. If Mr. Abdouche remains the owner and seeks to change the use, he would have to go back to the Zoning Board and get a variance.

Mr. Donovan said he's concerned about the use, and he's hearing a couple of interpretations. Zoning gave it the right to serve liquor, but they did not go into the detail as to what rights were given as to when and how liquor will be served. He requested clarification.

Todd Collins said as he understands it, the Zoning Hearing Board granted a variance to allow liquor on the premises, which in this stage, because there is no liquor license, and it only allows for BYOB, the variance only permitted liquor to be on the premises because of the way it was zoned. Prior to the variance, no liquor was allowed on the premises.

Mr. Donovan said currently liquor is allowed on the premises brought in by patrons of the facility. The owner is now petitioning to obtain a license that would allow it to sell liquor. This resolution, last paragraph, number 2, that clause suggests it's a banquet facility and the owner cannot change it. But what you're describing of the zoning ruling, and what he understands of the liquor license itself, he needs to understand whether we have the right to say no if the owner attempted to treat this as a regular tavern. Are you saying Zoning allowed liquor but only up to a certain point?

Mr. Collins said Zoning variances are very specific to the use. They granted a variance for a banquet hall facility.

Mr. Donovan said that's different than what you just said.

Ms. Aguiar said when the Zoning Hearing Board took place, there were 3 things that were approved. When he would obtain a liquor license, if he could provide it for free, if he wanted to and also the BYOB. He had those 3 options. Now he's moving on, and the Zoning Hearing Board understood the next logical step in the process of the business was to obtain an economic development liquor license.

Mr. Donovan asked if the Zoning variance says banquet facility?

Ms. Aguiar said banquet and conference center.

Mr. Donovan said the public can rest assured that it's approved only for banquet and conference. Any attempt to change would have to come back to Zoning.

Ms. Aguiar said absolutely.

Mr. Donovan said that should alleviate the fears of the residents from it switching to anything other than a banquet facility.

Mr. Guridy said he heard Mr. Abdouche say it will only be a banquet and conference center. If he would attempt to change it in any way, he would be in violation of zoning. Read the whereases.

Mr. D'Amore deferred to Attorney Danks. He said the whereases in the resolution are not legally binding.

Attorney Danks said there is a requirement, he believes, based the transfer law – City Council needs to make specific findings regarding the safety, health, morals, etc.

Mr. Guridy said if he does operate a nightclub or bar there, he'll be the first one to oppose it.

Mr. Schweyer said the Liquor Control Board's website says a recent change in the liquor code added a new type of license which may be issued by the board for the purpose of economic development. Under highly regulated circumstances which includes 70% food sales and the payment of a surcharge of \$25,000 depending on the license. A bar probably wouldn't have 70% in food sales. As soon as he goes below 70% in food sales, he would be in violation of this license.

Attorney Danks said his license would be revoked by the Liquor Control Board or the City could seek action to shut him down for violating the liquor license.

Ms. Aguiar said a copy of the resolution you approve tonight is submitted with the application, and they are for specific uses.

Alex Harper said one of his concerns goes back to the original variance. They were told at the first hearing that it wasn't necessary for a variance. It was almost like the BYOB issue was shoed in. We were told when it was the Ice Palace that they had a variance for BYOB and somehow this was being grandfathered over. They were told there isn't any reason why a BYOB shouldn't be there now. If his establishment is to be a banquet hall and conference center why is this major concern for having a liquor license? You can work around BYOB. He still fears they're going to end up with a nightclub on the east side. This license isn't going to do anything to benefit our community.

Mr. Abdouche said he is not going to open this place as a bar. He can put that on paper. If he was opening a bar he would have to go through Zoning again, and he's not willing to do that. People don't want to bring their own liquor. They want a cash bar.

Mr. Donovan said do you see 2 or 3 events a day at the most or one event a day?

Mr. Abdouche said he can hold events for 50 up to 1,000 people. The most he's had so far have been 450/500.

Mr. Donovan asked if that was a BYOB event?

Mr. Abdouche said yes.

Mr. Donovan asked what did it look like afterwards – the parking lot?

Mr. Abdouche said they have security 90% of the time; they have lights outside; a security camera outside. There are over 30 homes in the neighborhood. Only 2 people showed up tonight.

Mr. Donovan asked if he's working with people in the area?

Mr. Abdouche said he's working with Weed and Seed and Erlinda. They are going to hire over 40 people. They have a parking lot in the east side. When we have proms they park in the lot on Union Boulevard and they shuttle the people back and forth. They're trying to control the traffic. If he does valet parking at the hall, they have over 217 spaces.

Chuck Boner said when they bused people from the Allentown School District event, the alley by his shop was blocked for 20/25 minutes. At the other entrance to his shop was blocked for 10/15 minutes. His customers couldn't get in. He lives in Faringold, PA. His concern is his infringement on his business.

Mr. D'Amore said he thinks the Palace Center is a perfect establishment for an economic development liquor license. He has engaged to participate in the Weed and Seed Program and makes him very qualified for this license.

R59 was approved, 7 Yeas and 0 Nays.

13. NEW RESOLUTIONS:
R72

Authorizes that the following properties be acquired through eminent domain, if necessary, by the Redevelopment Authority of the City of Allentown:

35 North 2 nd Street	402-406 North 7 th Street
123 North 2 nd Street	929 Chew Street
624 North 2 nd Street	624 North Fair Street
556 North 4 th Street	628 North Front Street
547 North 5 th Street	165 Gordon Street
614 North 5 th Street	530 North Jute Street
453 North 6 th Street	538 North Jute Street
508 North 6 th Street	

R72 was referred to CEDC. A public hearing is scheduled for October 15th, at 7:15 PM

R73

Request for an encroachment at 1646 Sumner Avenue for a Fence and Wall to allow a Slide Gate; denied by Traffic as it encroaches more than 1/3 into the right-of-way and by Zoning, noting that the structure should be placed on private property

R73 was referred to Public Works.

R74

Request for an encroachment for a concrete ramp at 102-144 North 17th Streets, which was denied by the Administration as it encroaches more than one third (1/3) into the right-of-way and Engineering suggesting a straight ramp be considered.

R74 was referred to Public Works.

14. NEW BUSINESS

Mr. Phillips asked Ken Bennington to contact the owner about a wall falling down at the parking lot at the former Corporate Plaza on 7th Street.

Mr. D'Amore said some Councilpersons are planning on supporting the DHL workers through a resolution or letter.

Mr. Donovan said a lot of the bills we see are pass-through bills. He thinks going through the budget cycle that we should talk in a more wholistic way. He hopes in the coming year the departments will bring more comprehensive policy proposals rather than hit and miss ordinances.

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

16. ADJOURN

The meeting was adjourned at 9:30 PM by common consent.

Michael P. Hanlon
City Clerk



Larry Hilliard
Director of Finance
610.437.7500 fax 610.437.7675
hilliard@allentowncity.org

TO: President and Members of City Council
FROM: Lawrence F. Hilliard
DATE: September 30, 2008
SUBJECT: 2009 Minimum Municipal Obligation for the PMRS Pension Plan

Act 205 of 1984 requires that the "Chief Administrative Officer" of the pension plan inform the "governing board" of the municipality of the Minimum Municipal Obligation (MMO) for the following year by the last day in September. This memo, provided under the guidance of the Pennsylvania Municipal Retirement System (the plan's administrator), is intended to satisfy this legal requirement.

The calculation of the 2009 Minimum Municipal Obligation required an estimate of the 2008 W-2 wages of the employees covered by the plan. I have indicated on the attached certification my best estimate of the same.

Please understand that the MMO is the City's 2009 bill for this pension plan. The calculated obligation must be paid by December 31, 2009. The obligation must be met with general fund monies or with any General State Aid to Municipal Pensions to which we may be entitled under Act 205.

If you have questions regarding our pension cost calculations, they can be addressed either to me or to James Allen at the Pennsylvania Municipal Retirement System at 800.622.7968.

c: Ed Pawlowski, Mayor
Beth A. Mohylsky, Manager of Treasury & Accounting
Diane Castner, PMRS Accountant

Attachment: 2009 PMRS MMO Worksheet



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Larry Hilliard
Director of Finance
610.437.7500 fax 610.437.7675
hilliard@allentowncity.org

TO: President and Members of City Council
FROM: Lawrence F. Hilliard
DATE: September 30, 2008
SUBJECT: 2009 Minimum Municipal Obligation for the Officers & Employees' Pension Plan

Act 205 of 1984 requires that the "Chief Administrative Officer" of the pension plan inform the "governing board" of the municipality of the Minimum Municipal Obligation (MMO) for the following year by the last day in September. This memo, provided under the guidance of Beyer-Barber Company (our plan's actuary), is intended to satisfy this legal requirement.

The calculation of the 2009 Minimum Municipal Obligation requires several assumptions relating to projected payroll. The attached 2009 Minimum Municipal Obligation certification details this determination.

Please understand that the MMO is the City's 2009 bill for this pension plan. The calculated obligation must be paid by December 31, 2009. The obligation must be met with general fund monies or with any General State Aid to Municipal Pensions to which we may be entitled under Act 205.

If you have questions regarding our pension cost calculations, they can be addressed either to me or to Randee Sekol at Beyer-Barber Company at 610.435.9577.

c: Ed Pawlowski, Mayor
Beth A. Mohylsky, Manager of Treasury & Accounting
Randee Sekol, President, Beyer-Barber Company

Attachment: 2009 O & E Pension Plan MMO Worksheet



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Larry Hilliard
Director of Finance
610.437.7500 fax 610.437.7675
hilliard@allentowncity.org

TO: President and Members of City Council
FROM: Lawrence F. Hilliard
DATE: September 30, 2008
SUBJECT: 2009 Minimum Municipal Obligation for the Police Pension Plan

Act 205 of 1984 requires that the "Chief Administrative Officer" of the pension plan inform the "governing board" of the municipality of the Minimum Municipal Obligation (MMO) for the following year by the last day in September. This memo, provided under the guidance of Beyer-Barber Company (our plan's actuary), is intended to satisfy this legal requirement.

The calculation of the 2009 Minimum Municipal Obligation requires several assumptions relating to projected payroll. The attached 2009 Minimum Municipal Obligation certification details this determination.

Please understand that the MMO is the City's 2009 bill for this pension plan. The calculated obligation must be paid by December 31, 2009. The obligation must be met with general fund monies or with any General State Aid to Municipal Pensions to which we may be entitled under Act 205.

If you have questions regarding our pension cost calculations, they can be addressed either to me or to Randee Sekol at Beyer-Barber Company at 610.435.9577.

c: Ed Pawlowski, Mayor
Beth A. Mohylsky, Manager of Treasury & Accounting
Michael Rooney, President, FOP
Randee Sekol, President, Beyer-Barber Company

Attachment: 2009 Police Pension Plan MMO Worksheet



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The Minimum Municipal Obligation Worksheet (MMO)
 For The
 Allentown City (39-006-2 N2)
 Pension Plan For The Year 2009

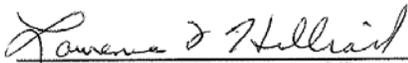
CHARGES

Projected 2008 W-2 Payroll for Covered Plan Members:	(A) <u>26,538,708</u>	
PMRS Determined Normal Cost Expressed as a Decimal:	(B) <u>0.12400</u>	
RESULT: (A) * (B) =		(C) <u>3,290,800</u>
Administrative Charge (PMRS Determined) # of Plan Members times \$20:		(D) <u>16,100</u>
Amortization of Unfunded Liability (PMRS Determined)		(E) <u>0</u>
TOTAL CHARGES: (C) + (D) + (E) =		(F) <u><u>3,306,900</u></u>

CREDITS

Repeat Projected 2008 W-2 Payroll for Covered Plan Members:	(A) <u>26,538,708</u>	
Employee Contribution Rate Expressed as a Decimal:	(G) <u>0.075</u>	
RESULT: (A) * (G) =		(H) <u>1,990,403</u>
Amortization of the Actuarial Surplus (PMRS Determined)		(I) <u>98,552</u>
TOTAL CREDITS: (H) + (I) =		(J) <u><u>2,088,955</u></u>

MINIMUM MUNICIPAL OBLIGATION (Based on 1/1/2007 Actuarial Valuation) Equals TOTAL CHARGES Minus TOTAL CREDITS (F) - (J) =	1,217,945	(MMO) <u><u>1,217,945</u></u>
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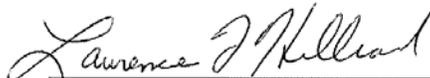


 Signature of Chief Administrative Officer

Prepared by: Larry Hilliard (Name)
Director of Finance (Title)
610.437.7500 (Telephone #)

**CITY OF ALLENTOWN
OFFICERS & EMPLOYEES' RETIREMENT PLAN
WORKSHEET FOR 2009 MMO**

1. TOTAL ANNUAL PAYROLL (W-2 payroll for 2008)	\$ 369,853
2. TOTAL NORMAL COST PERCENTAGE	3.24%
3. TOTAL NORMAL COST (Item 1 x Item 2)	\$ 11,983
4. TOTAL AMORTIZATION REQUIREMENT	\$ 426,761
5. TOTAL ADMINISTRATIVE EXPENSES (Estimated based on recent experience)	\$ 34,500
6. TOTAL FINANCIAL REQUIREMENTS (Item 3 + Item 4 + Item 5)	\$ 473,244
7. TOTAL MEMBER CONTRIBUTIONS (Member Contribution Rate x Item 1)	\$ 22,191
8. FUNDING ADJUSTMENT	\$ 0
9. MINIMUM MUNICIPAL OBLIGATION (Item 6 - Item 7 - Item 8)	\$ 451,053



Signature of Chief Administrative Officer

9/29/08

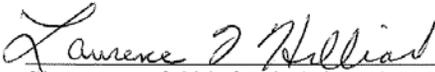
Date Certified to Governing Body

Note: The 2009 Minimum Municipal Obligation is based on the most recent Actuarial Valuation Report on January 1, 2007.

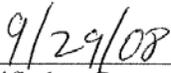


**CITY OF ALLENTOWN
POLICE PENSION PLAN
WORKSHEET FOR 2009 MMO**

1. TOTAL ANNUAL PAYROLL (W-2 payroll for 2008)	\$ 13,218,084
2. TOTAL NORMAL COST PERCENTAGE	18.23%
3. TOTAL NORMAL COST (Item 1 x Item 2)	\$ 2,420,595
4. TOTAL AMORTIZATION REQUIREMENT	\$5,299,804
5. TOTAL ADMINISTRATIVE EXPENSES (Estimated based on recent experience)	\$ 59,000
6. TOTAL FINANCIAL REQUIREMENTS (Item 3 + Item 4 + Item 5)	\$ 7,779,399
7. TOTAL MEMBER CONTRIBUTIONS (Member Contribution Rate x Item 1)	\$ 663,904
8. FUNDING ADJUSTMENT	\$ 0
9. MINIMUM MUNICIPAL OBLIGATION (Item 6 - Item 7 - Item 8)	\$ 7,115,495



Signature of Chief Administrative Officer



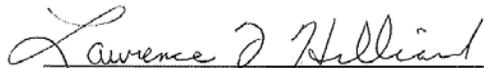
Date Certified to Governing Body

Note: The 2009 Minimum Municipal Obligation is based on the most recent Actuarial Valuation Report on January 1, 2007.

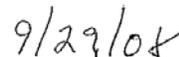


**CITY OF ALLENTOWN
FIREMEN'S PENSION PLAN
WORKSHEET FOR 2009 MMO**

1. TOTAL ANNUAL PAYROLL (W-2 payroll for 2008)	\$ 9,601,816
2. TOTAL NORMAL COST PERCENTAGE	19.12%
3. TOTAL NORMAL COST (Item 1 x Item 2)	\$ 1,835,867
4. TOTAL AMORTIZATION REQUIREMENT	\$2,162,608
5. TOTAL ADMINISTRATIVE EXPENSES (Estimated based on recent experience)	\$ 47,000
6. TOTAL FINANCIAL REQUIREMENTS (Item 3 + Item 4 + Item 5)	\$ 4,045,475
7. TOTAL MEMBER CONTRIBUTIONS (Member Contribution Rate x Item 1)	\$ 480,091
8. FUNDING ADJUSTMENT	\$ 0
9. MINIMUM MUNICIPAL OBLIGATION (Item 6 - Item 7 - Item 8)	\$ 3,565,384



Signature of Chief Administrative Officer



Date Certified to Governing Body

Note: The 2009 Minimum Municipal Obligation is based on the most recent Actuarial Valuation Report on January 1, 2007.

