

**Michael D'Amore, Ph.D., President**  
**W. Michael Donovan, Vice President**  
Jeanette Eichenwald  
Julio A. Guridy  
Ray O'Connell  
Mike Schlossberg  
Peter Schweyer



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**COUNCIL MEETING MINUTES**  
**August 18- COUNCIL CHAMBERS**

**COUNCIL MEETING - 7:30 PM**

- 1. Invocation:** Mike Schlossberg
- 2. Pledge to the Flag**
- 3. Roll Call**

The meeting was called to order at 7:30 PM: D'Amore, Donovan, Eichenwald, Guridy, O'Connell, Schweyer, and Schlossberg were present. Frances Fruhwirth represented for the Solicitor's office.

**4. Courtesy of the Floor**

Bill Villa, Allentown, stated that after the July 16<sup>th</sup> visit to the Council meeting, Mr. Donovan has deleted the comments on his blog for the entire month of March 2010. He requested an apology for the posting of the comments.

Lou Hershman stated that he is still waiting for the reports on Grants and Loans that they had a special meeting on, expressed interest in the ethics report issued by the Ad Hoc Committee and suggested there were deficits in Capital Projects.

Mr. Donovan stated that he noted in July he is concerned that perhaps the Mayor got the permit after it was brought to light. It is important to bring this forward. He knows that an ethics file was brought forward. Next week they will meet about the CAFR and Budget and Finance.

Mr. Schweyer stated that they promised to follow-up and they have. The overall audit has not been presented to Council. He and Mr. Donovan met with Sara Hailstone about the grants. This will be a part of a much bigger conversation. No more funding will be distributed through these programs until Council reviews it. They have follow-up and they are making progress with the department. It is part of a much bigger conversation.

Ms. Eichenwald stated that it is a functioning Ethics Committee, there are only four sitting members and they are waiting for the Mayor for the fifth. Four does constitute and institute a quorum. There is an issue addressed to the Ethics Committee in lieu of the Mayor's permit issue. She looks forward to the Ethics Committee dealing with that. The process is in motion and it should continue and they should have a resolution. She stated that the grants and loans there are legitimate businesses out there that can profit from this. It concerns her greatly that they still do not have a procedure. They are now told that the City Council will sign off. She still wants the procedure. It is not the Mayor's decision, it will be the decision of the Ethics Committee if the process was followed correctly and they will decide whether or not to accept it. The Mayor will have an opportunity at that time to make his statement.

Mr. Bennington stated that the Mayor stated repeatedly that if the Ethics Committee wants to examine the repairs done on his home, he would be more than happy to review with them at that time. In the meantime he will be concentrating on much more important issues facing the city.

## **5. Approval of Minutes: August 4, 2010**

Minutes approved by common consent.

## **6. Old Business**

Mr. Donovan stated that at the last meeting they discussed fireworks. He understands that Mr. Bennington and the Chief met with the IronPigs and they will report.

Mr. Bennington stated that he and the Chief met with Kurt Landis who is the General Manager of the IronPigs on August 11, 2010. He stated that Allentown is the twenty-sixth largest city with Triple A-baseball, yet they are Number 1 in attendance with over 600,000 folks that really want to see the game and see the fireworks. In 2010 there were 16 fireworks displayed. Most triple A-teams have 22 – 23 fireworks. Coca-Cola Park is located in a non-residential area. For 2010 there are four remaining shots, the last one will be the Sunday of Labor Day after the 5:30 PM game so it will be an early game and early shoot. They will shoot the fireworks for 2011 on weekends and holidays only. They will use 3 inch shells. Most of fireworks display uses 3.4 to 3.5. They have also eliminated salutes which are the big booms for the demonstration. They will still have the big boom at the finale which is about 60 to 90 seconds. If it is a significant chance of rain, they won't load the tube. The IronPigs are willing to meet with Jim Villaume and talk to him.

Mr. Donovan asked what was Mr. Villaume's response.

Mr. Bennington stated that he never responded back to him.

Mr. Schweyer asked when Mr. Bennington emailed Mr. Villaume.

Mr. Bennington stated that it was right after the meeting.

Chief MacLean stated that the IronPigs hold over three hundred events. The day him and Mr. Bennington were there, they had a camp for youth. They are great civic events.

Mr. D'Amore stated that he lives close to the IronPigs Park and he thinks it is fantastic. He believes that Mr. Donovan was just following up.

Mr. Donovan stated that he will contact the IronPigs and will thank them personally for making some changes. He recognizes that it is a large group of who like and a small group that does not like.

Mr. O'Connell stated that Coca-Cola Park and baseball has been an asset. Not negating the facts, but they received the statistics and 2008-2009 and 2010, there were five complaints about fireworks in 2010. If they were off the charts then he feels that it would have been an issue that should have been or would have been addressed. He stated that he respects Mr. Donovan for supporting the constituents in Allentown, but the bottom-line is that in 2011 they are going to shoot them off on weekends and holidays only and there were sixteen times they shot them off in 2010. How many will be shot off in 2011.

Mr. Bennington stated between 14 and 16. The smallest shell possible and it will also be a delay in loading the tubes to ensure that the rain does not delay the game in which time they would have to shoot them off very late.

Mr. O'Connell stated that they Lehigh Valley IronPigs has been a major asset to the Lehigh Valley, and the job market and that far out ways a complaint about the fireworks.

## **7. Communications**

None

## **8. REPORTS FROM COMMITTEES:**

### Budget and Finance: Chairperson Donovan

The Committee has not met since June; the next meeting is scheduled for August 25 at 6:30 PM. – there will be a review of the CAFR, the most recent financial reports, and any legislation that has been introduced. Mr. Donovan noted he would like for Mr. Bennington to discuss the EIT Escrow. He stated that the Mayor called him to say that they finally put in place Financial Resources from outside entities to finance a five-year plan with PFM and he will be making a formal announcement. The July numbers look good. The expense items are in control and the revenue items are on track.

### Public Safety: Chairperson Guridy

The Committee has not met since the last Council Meeting; the next meeting is scheduled for September 1 at 6:30 PM. He will be discussing some issues with the Fire Department recent increase in overtime, the transfer being distributed. They need to discuss it because it is creeping up.

Mr. Bennington stated that he promised there will be no negative balances by the end of the year.

Mr. Guridy asked Mr. Bennington is that including the Fire departments overtime.

Mr. Bennington stated that the Transfer will reconcile it at this point in time.

### Community and Economic Development: Chairperson Schweyer

The Committee met on August 10th; the next meeting has not yet been scheduled.

### Parks and Recreation: Chairperson Ray O'Connell

The Committee met this evening; the next meeting is scheduled for September 15<sup>th</sup> at 6:30 PM.

### Public Works: Chairperson Schlossberg

The Committee met on August 10th; the next meeting has not yet been scheduled.

### Human Resources, Administration and Appointments: Chairperson Eichenwald

The Committee has not met since the last Council meeting; a future meeting needs to be scheduled for the campaign finance bill if you are 'putting' it in this committee.

Ms. Eichenwald stated that it is universal dissatisfaction on the way the appointments are run. Starting with the Mayor's office and how City Council handles it. She wants some direction from her fellow colleagues on whether to discuss this issue at Committee of the Whole or handle it at the Appointments Committee, but she thinks that they need to establish a better process in which the appointments flow from the citizens, to the Mayor, to them and eventually the Appointments Committee. She stated that she wants to develop a whole process.

Mr. Schlossberg stated that it should be done at the Committee of the Whole.

D'Amore stated the third Wednesday of September which is the 15<sup>th</sup> at 6:30 PM

### Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson D'Amore

The Committee has not met since the last Council meeting; a future meeting will need to be scheduled for the amendment to council rules.

## **OTHER COMMITTEE REPORTS**

AEDC - Councilperson Donovan

Arts Commission – Councilperson Donovan

Housing Authority – Councilperson Guridy

Safety Task Force – School District – Councilperson O'Connell

**CONTROLLER'S REPORT:** None

**9. APPOINTMENTS:** None

**10. ORDINANCES FOR FINAL PASSAGE:**

Bill 39 DANCING UNDER THE STARS.doc

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Eight Hundred Dollars and twenty-six Cents (\$800.26) to provide for the receipt of a donation from the Lehigh Valley Musicians' Association. This funding will be used for the "Dancing Under the Stars" band concert series  
Ordinance passed, 7 - 0

BILL 45 WEEDSEED PENN STATE GRANT .DOC

CEDC Committee, Recommended Favorably

Amending the 2010 General Fund Budget to provide for the supplemental appropriation of Thirty-Eight Thousand (\$38,000) Dollars from Penn State University through the Pennsylvania Commission on Crime and Delinquency in support of the City of Allentown's Weed and Seed initiative.  
Ordinance passed, 7 - 0

**11. ORDINANCES FOR INTRODUCTION:**

BILL 46 LED STREET LIGHTS.doc

Referred to Public Works

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Thirty-Seven Thousand Eight Hundred (\$37,800) Dollars as a result of a grant from the PPL Electric Company for a LED Street Light Pilot Project.

BILL 47 ENTERPRISE ZONE.doc

Referred to CEDC

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Fifty Thousand Dollars (\$50,000) in Enterprise Zone funding from the Pennsylvania Department of Community and Economic Development for implementation of the City Enterprise Zone program.

Bill 48 Responsible Bidders.doc

Referred to Budget and Finance

Establishes criterion for and defines responsible bidders to City Work

**12. CONSENT AGENDA:**

CA1Certificate of Appropriateness.DOC

CA1Certificate of Appropriateness.DOC

Resolution passed, 7 - 0

**13. RESOLUTIONS ON SECOND READING: All Recommended Favorably**

R35 915 Turner Street Encroachment.doc

Encroachment Application 915 Turner Street.pdf

Encroachment Request: Step in the Public Right-Of-Way at 915 Turner Street Side on Egge Street  
Resolution passed, 7 - 0

R36 Habitat for Humanity Sewage Plan Module.DOC

Habitat for Humanity Component 3 Sewage Module.pdf

Sewage Plan Module for 1018 West Walnut Street  
Resolution passed, 7 - 0

**R 39 Encroachment 1141 Emmett Street.doc**

Encroachment Request: Bollards on 1141 Emmett Street – the Amanda Street Side  
Resolution passed, 7 - 0

**14. RESOLUTIONS ON FIRST READING:**

Mr. Schweyer requested for his colleagues to suspend the rules and vote on R 40 that evening. It was brought to their attention at a CEDC meeting. The money is sitting in the city's account.

Mr. D'Amore stated that they did not have to suspend that Rules.

Mr. Guridy recused himself since he sits on the Housing Committee Board.

Mr. D'Amore asked if there were any comments or questions from Council or the Public.

**R 40 REVISED RACP-OVERLOOK PARK.doc**

Approves additional RACP funding for the Overlook Park/Hanover Acres project  
Resolution passed, 6 – 0

Mr. Schlossberg asked if they can dispose of R 41 that evening.

Ms. Eichenwald was concerned about the appointment process to this Committee.

Mr. D'Amore stated that he makes the appointment and then sends it to the Appointments Committee. He is willing to open up the process to however everyone deems as most appropriate.

Ms. Eichenwald stated to Mr. Schlossberg since he is the sponsor of the Bill how his conception of how these people will be appointed was.

Mr. Schlossberg stated that he thought they would come to a consensus on.

Ms. Eichenwald stated that it should be put on the agenda and makes some type of formal decision.

Mr. O'Connell stated that it is a good question. It has to be a process of procedure. They are looking at nine members' selected by City Council. If you get twenty-seven people interested, what is the process? How do they get points by being on this committee?

Mr. D'Amore stated that they are going to send it to the Rule Committee. They will be very cognizant of Mr. Donovan can meet and schedule it in an expeditious manner.

Mr. Donovan stated that he is available every Wednesday.

Mr. D'Amore stated to Mr. Donovan that they will be there next Wednesday along with Mr O'Connell and if Mr. Schlossberg is willing to come in a little early would that be

Mr. Donovan asked if his schedule was such that he could come in early.

Mr. Schlossberg said that he could come in early.

Mr. D'Amore asked Ms. Eichenwald.

Ms. Eichenwald stated that it needs work when it says selected by City Council. It needs to be spelled out. She stated appointed by the President and when that is corrected than they would be in good shape.

Mr. Schlossberg stated that he would certainly work on something before the next Rules Committee meeting.

Mr. D'Amore suggested that they do it next Wednesday, the 25<sup>th</sup> at 6:00 PM.

Mr. O'Connell stated that it is an excellent idea to solve some of their situation.

**R 41 UO Committee.doc**

Referred to Rules

Establishing the Urban Observatory as a Standing Committee

15. NEW BUSINESS

None

16. GOOD AND WELFARE

17. ADJOURNED 8:20 PM