

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



Allentown City Council
435 Hamilton Street

Allentown, Pa. 18101
Phone: 610.437.7539

AllentownPa.Gov

COUNCIL MEETING MINUTES
February 9, 2011 COUNCIL CHAMBERS

COUNCIL MEETING - 7:30 PM

1. Invocation: Julio Guridy

2. Pledge to the Flag

3. Roll Call: D'Amore, Donovan, Eichenwald, Guridy, O'Connell, Schlossberg, and Schweyer were present. Dale Wiles represented for the Solicitor's office.

4. Courtesy of the Floor

None

5. Approval of Minutes: January 19, 2011

Minutes approved by Common Consent.

6. Old Business

Ms. Eichenwald asked the status of the COPS Program. They have the Solicitor's Opinion and what are the next steps.

Mr. D'Amore stated that they are not approving the program and asked if she was asking about the discussion of some members of council regarding a donation.

Ms. Eichenwald stated no, she wants to know when they will proceed on the discussion of the program and instituting the program. When last they met some of City Council wanted an opinion from the solicitor. When will they continue the discussion?

Mr. D'Amore asked Ms. Eichenwald what she means when she says approving the COPS Program.

Ms. Eichenwald stated when they will begin the discussion of going forward with the COPS Program. When will they bring it up and what is the discussion. She stated that they have a proposal in front of them that they have preliminary discussions about. When last they met in the Executive Session they decided to have an Opinion from the Solicitor.

Mr. D'Amore stated that he does not know if it is a next step.

Mr. Schweyer stated that he would prefer to see it under Community and Economic Development or the Public Safety committee. It could be a Committee of the Whole if any one wants to come.

Mr. D'Amore stated that Council committees can have meetings about anything they deem appropriate. The COPS program is becoming its own independent 501(c) (3) organization. Therefore, they are an independent entity.

Mr. Schweyer stated yes, but if they are an independent entity that will be getting grant funding or pass-through funding they have the ability to have a conversation about policy. If there are any action items, they would come out of the committee hearings.

Mr. Guridy stated that he would volunteer the Public Safety Committee to hold the meeting. The meetings are usually the first Wednesday of every month and they could put it on an agenda if there are things on the agenda.

Mr. Atiyeh stated that he does not know if it is a need for discussion. They already committed the funds and he is just waiting to hear something from the Solicitor.

Mr. D'Amore stated that no funds were committed or voted on.

Mr. Schlossberg stated that Mr. Atiyeh has been soliciting donations from City Council and they never approved such donation.

Mr. Atiyeh stated that they had a meeting on the 5th floor Conference Room with a number of Councilpersons and it was approved.

Mr. D'Amore stated that no, there was a request for a Solicitor's Opinion in which they received.

Mr. Atiyeh stated that when the request went out he had asked everyone to approve the funds and when the Solicitor's Opinion came back they can move forward.

Mr. D'Amore stated no it was a statement made by members of Council pending the Solicitor's report. Ms. Eichenwald has definitively weighing in on her opinion post Solicitor's Report. She stated that the program should be supported one hundred percent.

Ms. Eichenwald stated that it was her recollection that majority of approval from the city of the COPS Program however, it was pending the report from the Solicitor. She reviewed the Solicitor's report and gave her one hundred percent. She stated that they need another meeting to gather the rest of the support. She likes for them to proceed and likes that it will proceed to the Public Safety Committee.

Mr. Donovan stated that he was not at the meeting when that was discussed and was not at the City Council meeting this summer. He stated that he would be adamantly against this program and donation of the City Council funds or from the City of Allentown. Even though it is a 501(c) (3), it has significant policy ramifications for the city and he will be against this for a long time.

Mr. D'Amore thanked Mr. Donovan and stated that so far Mr. Donovan and Ms. Eichenwald are the only two that have gone on the record. He stated that it was not a meeting and he is not being overly technical here. There are laws that preclude meetings. There were discussions that took place with members of Council, the Administration and members of the COPS Program.

7. Communications

Committee of the Whole Meetings:

- **February 16, 6:30 PM** – Council will have a discussion with Superintendent Gerald L. Zahorchak about school district plans, and ways the City and School District can work together.
- **February 23, 6:30 PM** – Bond Issue
- **March 2, 6:30 PM** – Human Relations Strategic Report

- **March 16, 6:30 PM** – Parking Authority Strategic Report
- **April 6, 6:30 PM** – Recreation Commission Strategic Report
- **April 20, 6:30 PM** – Arts Commission Strategic Report

Mr. D'Amore asked Mr. Donovan, Ms. Eichenwald, and Mr. O'Connell to Chair the Strategic Report meetings.

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Donovan

The Committee met this evening; the next meeting has not been scheduled. Review end of the year preliminary financial results that he talked about in January. If there is time on the Bond Issue discussion and there are no other meetings that night Council at the Committee of the Whole can talk about the budget process in terms of any enhancements. They have an opportunity to talk about the budget process.

Public Safety: Chairperson Guridy

The Committee has not met since the last council meeting – the next meeting is scheduled for February 16th at 6:00 PM – an executive session in Council Office on the Emergency Management Plan.

Mr. D'Amore stated that it is a federal requirement. The particulars of the plan can not be made public because of security reasons.

Community and Economic Development: Chairperson Schweyer

The Committee has not met since the last council meeting; the next meeting is tentatively scheduled for February 23rd at 6:15 PM. The Redevelopment Authority conversations are on-going on Friday specifically on the Redevelopment Authority and Ms. Hailstone will discuss that to Mayor Pawlowski when he comes back. He spoke to their Board Chairman David Hoffman on Monday or Tuesday and they are going to circle back next week.

Parks and Recreation: Chairperson Ray O'Connell

The Committee has met on January 19th and had four topics discussed; the next meeting has not yet been scheduled.

Public Works: Chairperson Schlossberg

The Committee has not met since the last Council meeting; the next meeting is tentatively scheduled for February 23rd at 6:00 PM.

Human Resources, Administration and Appointments: Chairperson Eichenwald

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

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

The Committee has not met since the last meeting; a future meeting has not yet been scheduled.

OTHER COMMITTEE REPORTS

Mr. Schlossberg stated that the Ad Hoc IT Committee held a meeting a reviewed a process on Information Technology and how computer related improvements can be made in the city. The Urban Observatory has not held a meeting. The next meeting is scheduled for March 1st from 1:30 PM to 2:30 PM and will discuss the Citizen Satisfaction survey that they are looking to send out to get more in-depth feedback from Allentown residents and third he attended a Council of Governance meeting at Lehigh County. The one particular item he has to note is the County for the first time since 1991 would be starting the tax reassessment process and that will begin with blue vans traveling around the county and taking pictures. It will go into effect on 2013. It is long overdue. The County for the first time in decades lost money on property taxes last year because they keep losing property reassessment appeals.

Mr. Donovan stated that he sits on the Police Pension Board and they will be meeting on a quarterly meeting next week. There are some issues that may affect us. He will report back next Wednesday what those are. He is currently reading the legislation and talking to Mr. Strathearn.

Mr. D'Amore stated that Mr. McAnany is coming in.

Mr. Guridy stated that the Housing Authority has not had a meeting since the last Council meeting however; they do have a Grand Opening for the Community Center at Cumberland Gardens. It was cancelled due to the inclement weather. They will have another Grand Opening and he encourages everyone to attend. It will be at the Cumberland Gardens which was renovated and they still have a lot of work to do there.

Mr. Schweyer stated that the Blighted Property review board has not met in a while. It has been tied up with the question of the Redevelopment Authority. Blighted Property does not set policy nor does it review policy. It acts as a pellet board or a judicial board. He is under the impression that they will soon start facing some issues that the board has to reconvene. He stated that as soon as he hears something, he will let everyone know.

CONTROLLER'S REPORT

Mr. Hoffman stated that he did miss the beginning of the Budget and Finance Committee meeting and he assumes that the December finances were discussed and he stated that the problem with the monthly financial report that when it gets to year-end they do not close the books on the city until the end of February. The numbers that we receive are really not the final numbers. The General Fund is showing a negative \$81,000 and today it is a negative \$968,000 and it could change from now until the end of the month. He would suggest that they have the Administration update that report when the books are closed. The \$78,000 is not and there is changes and entries still being made and is not the audited numbers. We will not have those until June 1st. You do not want to wait until June 1st to have something to compare the results with and these numbers as presented at Budget and Finance and his numbers are just comparable to the budget. You can compare the Budget to previous years to previous years of what actually happened in 2010. Come June 1st you can compare it to the CAFR's. He ask or recommends that they make the standard process of once the books are closed for the year, update the report and then they could get a better indication where they will finish the year at.

Mr. Donovan stated that he knows last year he and Mr. Hoffman had an informal conversation and believes it is an excellent recommendation. He would ask that the March 14th day that would reflect February of this year. You have an updated December 31st report based on the standard designs that you do.

Mr. Strathearn stated that he will not agree to a date until he talks to Ms. Bowman. To have the March 14th which will be the February report page or monthly report and end of year because as Mr. Hoffman stated those are unaudited numbers, but if you are going to take it as a report, that report requires a great deal of time to make them accurate as possible and that is not just a tabulation thing. He stated that some time in the month of March let's knowing what that is; let us get back to you with how long that is going to be. He does not want to eliminate the monthly report for February at the expense of this. Those numbers are going to fluctuate and you know where we are at approximately.

Mr. Donovan stated that it would be his request that if something had to give; they could give up on the February report because we are only partially into the year and we could as fast as we can have a general idea on how they ended of December. He stated to do the best that you can. Council received today and he reviewed with Mr. Strathearn on Monday the end of the year Cash Balance Reports and if they have not taken a look at them they will see that the city has \$14.4 million of pooled cash which is then on an accounting basis allocated to various funds in the city and the general fund on December 31st had a negative balance of a little over \$5 million. None of the lockbox money has been touched and he physically saw a statement showing that money as of December 31st was there. What does that negative balance mean, it continues the message for the last few years has been very stressful and every year even though they have come out ok we had deficits every year and it is beginning to show up on a cash basis. It is one more piece of information to show how important that how this upcoming budget year is going into 2012.

Mr. Guridy asked Mr. Donovan if they did not use the \$5 million lockbox money for several years is it necessary having the money there. Is it earning enough interest? Would it be wise to pay off some of the debt?

Mr. Donovan stated that going back and this is going back to discussions with Mr. Hilliard, the net cost to the city at the time when it first came out was virtually zero because of the investment funds against the loan funds.

Mr. Strathearn stated that gets into a whole different discussion. We need to be developing a cash reserve/cash balance policy and he is working on it now. Definitely, absolutely not suggest touching that to pay down debt. We need to save as much as we can in a reserve even though the General Fund is in a negative position now. He explained to the Council committee after meeting with Mr. Donovan earlier this week. He went back and looked on how the General Fund fluctuates throughout the course of the year. Three months in a year it is generally three months in a year when it is negative and the rest of the course of the year it is a solid balance and it needs to be strengthened. We want to build reserves. Reserves are one of the single most important variables when the rating agencies are looking at our strengths. He is thankful and glad that the money has been disciplined and stayed there. He is happy that they are strong enough to do inter-fund borrowing during the course of the year. When we do the cash flow and cash from our taxes when it comes in and the cash balances within the General Fund can interchange from one another without doing tax anticipation notes or revenue anticipation notes.

Mr. Guridy stated that is what they got it originally and his question is that since they have not used have we needed it at some point even though it is borrowed money are we paying interest. He stated that if he owed his mortgage and he feels like he wanted money in the bank he says let me borrow some money from the bank, pay interest just to show I have money in the bank instead of paying off my debt.

Mr. Donovan stated to Mr. Guridy let's say you used all of that to pay down some debt you save some interest. The question now is since for a few years we have had structural deficits and our cash balance at the end of the end is getting worse even though during the year it is ok, the question is always what happens if we turned around and we had no cash and no one wanted to lend it to us. While his wishes that they can do certain things to build up our cash reserves he agrees with Mr. Strathearn that would not be a good strategy right now. He thinks having that balance there such that if something were to happen that was serious they would have to dip into it.

Mr. Guridy stated in other words you are using it as a line of credit.

Mr. Strathearn stated that it is his understanding with the terms and conditions of that loan that was taken four or five years ago. He thinks that the pre-payment penalty on that particular loan is egregious and it is what it is. He strongly suggests that they leave it the way it is. They have a debt payment and proportionately, the city's debt is very moderate compared to other cities and other cities not just in the Commonwealth, but around the country of our size and demographics. We are not hurting in that way and having that pocket of money that is a positive when the rating agencies look at it. Another critical thing that the rating agencies look at is the financial strength and financial ability and capacity to pay off its debt when it looks at an entity like that.

Mr. Guridy stated that he listened to him and thinks that he is convinced. He stated that is something that he would like to continue to look at in the future.

Mr. Strathearn stated that he appreciates that and takes what Mr. Donovan said very seriously. He is very cognizant of the fact and the Mayor is and is looking at ways now in terms of developing additional sources of steady, consistent, fair, and progressive forms of revenue for the city because we need it and it is necessary for us to have.

9. APPOINTMENTS:

[Appointment of J. Brooks Joyner to the Arts Commission.pdf](#)

Arts Commission Appointment, J. Brooks Joyner, term would extend to 1/3/2016

Ms. Eichenwald stated that she considers this to be a privilege to be able to put into nomination the name of Mr. J. Brooks Joyner to that Arts Commission. Mr. Joyner is the President and CEO of our own Allentown Arts Museum and he has a long and extraordinarily long and distinguished career in this field. She stated how fortunate we are that he will be lending his talent and expertise and intelligence, his knowledge and passion for arts to the Arts Commission. This appointment will be until January of 2016. It is with great pleasure that she introduces J. Brooks Joyner to join the Arts Commission with the City of Allentown.

Mr. D'Amore stated to Mr. Joyner that they always like to have their nominees come by and say hello.

Mr. Joyner thanked the Council and Ms. Eichenwald for the very generous introduction. He stated that he is President and CEO of the Allentown Art Museum and is very proud to be here and honored for the distinguished position. He stated that he arrive here is May of last year to a campaign of construction and demolish at the Arts Museum. He has followed the Allentown Arts Museum for about 25 years and you have a remarkably fine Art Museum and a great collection which is world renowned. We are working on a new building as you may know and is closed to the public currently because we are a construction site. We are a hardhat location. We will reopen in October with a spectacular new space and an additional 8,000 square feet. We have some expeditions that he will not go into tonight that is highly distinguished. The opening exhibit will be a tribute to Samuel H Kress from the Kress collection and we will be borrowing thirty painting from other museum around the country. It is a remarkably important asset to this community and to this city and he is humble and to be a part of this great museum and remarkable city. The highlight of this first several months have been his son that is a sophomore at Central Catholic is on the football team and plays on the offensive and defensive line and they went to Hersey for the remarkable game when they won State Championships this past year. He is thrilled to be here and hopes that he can contribute some of his talent and experience to the Arts Commission. He stated that the Arts Museum wants to reinvigorate the Arts Park and wants to have more activities and development in that area. He is talking to the city's Planning department and discussing a number of things they will be doing with the Baum School and the Symphony.

Mr. D'Amore asked Mr. Joyner was he here when the City Council honored the Central Catholic Football team.

Mr. Joyner stated that he missed it.

Mr. D'Amore stated that at the beginning of the Council meeting they had some of the players.

Mr. Donovan stated that as he can see that they are having the Arts Commission come in and he assumes Mr. Peter Lewnes and others will be here to present their recommendations to Council. Mr. Donovan stated that he is happy that the Arts Museum on that. He stated that one thing he has pushed at the meetings is the importance of the Arts to the social community of Allentown. The Arts Museum for years has done a variety of great projects throughout the city and he hopes that they can maintain and expand that in the future. He stated that in terms of working with the school system, working outdoors, working with the youth as well as our seniors as well.

Mr. Joyner stated that is our intentions.

Mr. O'Connell stated to Mr. Joyner welcome to Allentown and your resume is outstanding. He stated that he will be a wonderful addition to the Arts Commission. He asked when he was the executive director of South Bend Arts Center in South Bend Indiana what was your favorite college football team.

Mr. Joyner stated that they were there during the Gerry Fauth years. We never sat down during a game.

Resolution passed, 7- 0

10. ORDINANCES FOR FINAL PASSAGE: None

11. ORDINANCES FOR INTRODUCTION:

[Bill 1 Bond Issue \(revised 1 26 11\).pdf](#)

Referred to Committee of Whole, 2/23/11 at 6:30 PM

Capital Projects Funding and Refunding of General Obligation Bonds, Series of 2001 Bonds and Guaranteed Sewer Revenue Bonds, Series of 2001 and Guaranteed Water Revenue Bonds, Series of 2001 General Obligation Bonds, Series of 2011

[Bill 2 6th Street Vacation.DOC](#)

Referred to Public Works

Provides for the Vacation of South 6th Street from Cumberland to Susquehanna Street

[S6th Vac Report 2.pdf](#)

[S 6th Vac Report.pdf](#)

[BILL 3 EECBG 2011.DOC](#)

Referred to CEDC

Amending the 2011 General Fund Budget by appropriating funds from the unappropriated balance in the amount of Five Hundred Seventy Three Thousand, Six Hundred Eighty dollars and Nine Cents (\$573,680.09) to provide for year two of the Energy Efficiency and Conservation Block Grant (EECBG) from the United States Department of Energy.

12. CONSENT AGENDA:

[CA-1 HARB Approval.DOC](#)

[HARB Approval Case Reports.pdf](#)

CA-1 Certificates of Appropriateness

Resolution passed, 7 – 0

13. RESOLUTIONS ON SECOND READING: None

14. RESOLUTIONS ON FIRST READING:

R5 Denial of Certificate of Appropriateness

[R5 HARB DENIAL.DOC](#)

[HARB Denial Case Report.pdf](#)

Denial - 1639 West Turner Street

Mr. D'Amore stated that there was a request to vote on this tonight and asked were there any objections from Council on voting on the Resolution on this evening. We will begin the discussion with members of Council. He asked were there any comments from Council or comments from the public on the Resolution.

Mr. Jose Banata, 1639 Turner Street, the owner is willing to do any repairs that are required by the city and the Historical District. Unfortunately, her husband when they first purchased the property her husband installed ceramic tiles on the front porch. It was a gap about an inch with some sort of cement and he thought that he

was doing a good thing by installing the ceramic tile. If they are taken off the floors underneath are no good. Any recommendation from the Historical District Ms. Fernandez is willing to do.

Mr. D'Amore thanked him.

Mr. Donovan asked for clarification, he thinks that he understands that the owner is prepared to carry out the recommendations and so what will happen is that we will deny this and the owner is prepared to go ahead.

Mr. Banata stated yes.

Mr. Schweyer reminded his colleagues that a yes vote is a yes for Denial.

Mr. Tommy Racka stated that he lives across the street from the property and he wants to clarify that it is not only the porch floor, but also windows that were also removed and he wants that to be corrected. He stated that the third floor windows should also be listed under that.

Mr. Hartney stated that the windows are included.

Mr. D'Amore stated that all Council is doing is upholding the determination held by HARB. If HARB made the determination on both that would be if they uphold it, that would be what we were upholding.

Mr. Schweyer stated that the first violation letter was dated September 9th 2009 and it was front porch floor. There were windows mentioned multi-panel third floor windows with the wrong size sashes and it was a unanimous vote to uphold the denial from HARB.

Mr. D'Amore asked were there any other comments from Council or the public on this matter. A yes will be to uphold the denial and no will be to reject the denial.

Resolution passed, 7 – 0

15. NEW BUSINESS

Mr. O'Connell stated that he spoke to Mr. Schlossberg earlier and he would like the Chief of Police Roger MacLean to get some numbers on cell phone violations from the time it has been passed. He stated that he sat at Liberty and Ott Street today for 45 minutes and it was unbelievable. If we have an Ordinance let's enforce this, he would like to see the numbers and see where we are at.

Mr. Schlossberg stated to Mr. O'Connell thank you for bringing this up. It would certainly be appreciated to have some updated figures. A big part of the legislation was not only to punish violators, but also try to change a culture and try to make people more aware. He is exceptionally pleased to see that massive corporations like AT&T and local hospitals like Lehigh Valley Health Network has become so active on the issues. It will take decades. In the 1950s seatbelt use was at 20 percent and now it is virtually 100 percent. It takes time.

Mr. Schweyer stated that the City of Bethlehem passed a law after us and as he was traveling on the east side he saw a wonderful sign that says the City of Bethlehem has a no cell phone Ordinance on it. He stated that part of the discussion when they passed the Ordinance is that they will notify as many people as possible. He does not know if a handful of stories in the Morning Call quite cut it. He would like to reiterate a proposal that they talked about in public that they really need to sign it somehow to let people know.

Mr. Guridy stated that he wanted to follow up on that as well. A lot of people come into the city especially on McArthur Road down to Seventh Street and they do not know sometimes that this is a city that has a cell phone while driving prohibition. If we could put signs on every entrance of the city would help to make people

aware. Every artery that enters the city will help. He sees people talking on MacArthur Road and they keep talking when they get to Allentown.

Mr. Bennington stated if you go to the Allentown webpage and page down to the bottom you will see a Google translate and you can translate the website into 52 different languages and it will carry through to the whole website which is fantastic. He was just contacted by the FOP, Tony Alsleben and they passed the approval of the same sex health benefits and he will have a signed MOU by Monday.

Mr. D'Amore stated fantastic.

Mr. Schweyer stated that is wonderful news.

Mr. D'Amore thanked Mr. Bennington and stated that he wished Mr. Strathearn had stuck around because we do have a matter for him. He stated that he is not sure if the Budget and Finance Committee was able to address it, but they did receive a number of Transfers and some members of Council and he initially weighed in and a number of members of Council concurred. Not everyone did formally weigh in. The largest one is \$656,000 and all are relatively the same covering negative balances which are what we requested. The general feeling and any one in here can certainly correct him if he is wrong, the general feeling is that they want these discussed in a meeting rather than go through the paper transfer process particularly \$656,000. That is quite a large transfer and he would suggest to his colleagues that they hand this one off to Mr. Donovan and have this done at the Budget and Finance Committee meeting, but he is looking for suggestions here.

Mr. Donovan stated that he prefers that.

Mr. D'Amore stated that he is going to ask Mr. Strathearn that we are going to hold on these and Mr. Donovan is going to when we have the next meeting take care of them.

Ms. Eichenwald stated that she fully concur because she thinks the climate that they were working under was that you put a Transfer in front of us and we signed and with these kinds of numbers and these kinds of budgetary concerns we could no longer do that and it has to be a formalized process for these Transfers.

Mr. D'Amore thanked Mr. Bennington and stated that he was correct, Council did ask for these and he did provide them. He asked were there any other New Business.

Mr. O'Connell stated that he would like to welcome along with his colleagues the new beat writer for the Morning Call. He welcomed him to the Allentown City Council and hopefully he will do fair and accurate reporting. He stated Mr. Christopher Baxter welcome aboard in Allentown.

Mr. D'Amore thanked Mr. O'Connell and stated to Mr. Baxter that is correct, we do welcome you aboard.

16. GOOD AND WELFARE

Mr. Schweyer stated that the aforementioned Allentown Central Catholic Football Team will be honored on the floor at the State House on the 14th of February. They will be on the floor of the House of the 14th.

Mr. D'Amore stated that he notes with great sadness and deep regret the passing of Mr. Melvin Keiser who served the city as Assistant Fire Chief. His services were held today, but we want to recognize the lost of his service to the city.

17. ADJOURNED 8:20 PM

Council meetings are held on the first and third Wednesday of each month beginning at 7:30 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at www.allentownpa.gov, or contact the Clerk at hanlon@allentowncity.org to receive an email notice of the meetings.