

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
June 2, 2010 - COUNCIL CHAMBERS

COUNCIL MEETING - 7:30 PM

1. Invocation: Ray O'Connell

2. Pledge to the Flag

3. Roll Call

D'Amore, Donovan, Eichenwald, Guridy, O'Connell, Schweyer and Schlossberg; John Marchetto represented for the Solicitor's office.

4. Courtesy of the Floor

Mr. Lou Hershman wanted to know if Council had any answers for unanswered questions regarding ADEC and will it be released to the public.

Mr. Schweyer stated that he and Mr. Donovan have a meeting with the administration tomorrow at 4:45 PM

Mr. Hershman questioned a contract for ADEC. Mr. D'Amore stated that he could see the contract and Mr. Hershman requested a copy from the Controller's office and has not received a response. He stated that Council should ask for reconciliation of the \$852,000 that was appropriated. He wanted to know if Council received the \$800,000 transfer.

Mr. D'Amore stated that he will remind Mr. Hoffman that Mr. Hershman would like a copy of the contract.

Mr. Donovan asked Mr. Schweyer to arrange a meeting and they could not do it tonight. The committee discussed at length about the transfer. They struggled with the fact that this was a practice since 2002 and he does not believe this will happen again, given the commitment of the administration.

Mr. Bennington stated that the administration is committed to moving forward with Council.

Mr. Dan Mest wanted to discuss the Jackson Street Community Park. They have a terrible rut in the entrance that he has been asking for a year now to get blacktopped because the Parks Department does not want to invest too much money. It is getting pretty dangerous. He asked Mr. O'Connell and Mr. Bennington to come and take a look at it. He asked for Council to do something temporary there. It is hard for the kids and the strollers to get on the sidewalk. The question was asked who was in charge on the weekends. His other question was who is in charge on weekends to make executive decisions on how to get landlords to do something until Monday morning.

Mr. D'Amore thanked Mr. Mest for letting them know and stated that there was discussion on it.

Mr. Bennington did not have Mr. Mest's email, but forwarded a response to the Clerk's office who forwarded it to Mr. Mest.

Mr. Murphy, South Elmer Street, stated that he has begun to see police presence in his neighborhood.

Mr. Schweyer provided gratitude to Captain Hendricks who helped out on South Elmer.

Ms. Paulette Hunter stated that she saw passing the grant application that came across her email. She thought it would be good idea to assist with the youth council. It is pleasing to see the youth for HYPE and she went to Allentown's school board meeting and she spoke about the youth council and they are very interested. She hopes that HYPE can go to the jail to see what went wrong with the youth. She hopes and pray that they can do something for Caring Place.

Ms. Tracey Rice-Treeworth, Whitehall, stated that she, Mr. Atiyeh, and Mr. Young have a meeting and they should get the ball rolling on Hanover Avenue.

Mr. D'Amore stated there is a Community meeting at 7:00 PM on June 23rd.

Mr. Todd stated that today was an interesting day. They are getting ready for the 3rd Annual Upward Bound Allentown. Last year they had 700 people this year they may have 1000. He wants to do an event to bring the city to the community. The event is on June 28th at 10 AM – 6 PM on Hamilton and 12th Street.

Ms. Deb Allen, Cetronia Ambulance Corp., stated thank you and she is the Scholarship Chair for the Greater Lehigh Valley Chambers and they honored their youth.

5. Approval of Minutes: May 19, 2010

Minutes approved by Common Consent.

6. Old Business

Mr. Schweyer stated that the meeting regarding the grant and loan funding for ADEC, he and Mr. Donovan are meeting with the administration tomorrow at 4:45 PM. He was hoping to have a report prior to this evening. They will pull out a strategy that will make this program more comfortable.

Ms. Eichenwald stated that a while ago they had a discussion about income tax that they are claiming for the city. Do they have to share with the Allentown School district? They spoke last Council meeting about formulating a procedure that the city uses when they decide to sue anyone. Do they have any information on that? How is that determined?

Mr. D'Amore stated that he did not do that and he promised to do that. Mr. D'Amore will provide the information before Ms. Eichenwald leaves the country.

Mr. Donovan asked what is the policy for sound systems in the park or at pavilions. Take a look at the rules and regulations for sound systems.

Mr. Schweyer stated that the rules are you can have a radio without a permit.

Mr. O'Connell stated that Mr. Donovan was referring to the Soccer League on a Sunday afternoon. Mr. O'Connell stated that they do have a permit to utilize the soccer field. He does not know what that permit entails. How loud they could jack it but it is very annoying. He had preliminary discussions with Mr. Weitzel and he spoke to the president of the soccer league and he said that if they are in violation of any items on the permit, he will pull the permit.

Mr. Bennington stated that he met with the Latin Soccer League and advised them of health issues for the selling of food and loud music for the parking and the trash and they agreed to address it and based on Mr. Weitzel they addressed it much better than they did in the past.

Mr. O'Connell asked how long ago was that.

Mr. Bennington stated that it was several weeks ago. There has been two Sundays that have passed since they met with them.

Mr. Donovan stated that the reason he brought this up. It was a large party He decided to drive around without his hearing aids and it was loud to him without his hearing aids. He is curious what the exact rules are. He complimented Mr. Weitzel in regards to the Arch that is in the Rose Garden that crossing over the brick walk way that he suggested to Mr. Weitzel that would allow people with wheelchairs or motorized assistance to be able to underneath the Arch.

Mr. Schweyer stated part of the explanation is the Park Ranger that does an excellent job. Mr. Schweyer asked does the Park Ranger get called by Comp Center if a neighbor calls in.

Mr. Bennington stated that the Park Ranger was asked to keep an eye on Fountain Park because of the issues that were raised.

Mr. Donovan stated that he called Mary Griffin from the Caring Place and had a long conversation and there are a variety of issues. One would be of a possibility of a variance issue that she is waiting confirmation on. He believes that if they don't come up with a solution about the youth in the city in the next year, it will be more difficult in ten. What are they doing at a young age or what they are doing after school? They do not have proper funding. It represents that city. The city does not have a successful youth programs. The Caring Place is a symptom of a bigger problem. They don't have proper funding for dealing with youth in the city to help them stay involve and to review their aspirations.

Ms. Eichenwald stated that the Allentown School District does have a historic and an early childhood center.

Mr. Donovan stated that it is a capacity issue. They certainly could do more, if they had the capacity. This is a strategic issue of the laws of the Common Wealth of Pennsylvania. If they don't take a look at the capacity issues or funding issues and stretch your hand across the street at the school district and talk strategically about the next ten years and they continue that he believes that the city is going to have a hard time.

Mr. O'Connell stated that he does agree. There are school districts that have full day kindergarten they don't have room for full day kindergarten. In the middle schools and in the high schools they have many programs for youth for afterschool. Each middle school has a list of activities. Allentown has two Freddy Awards Winners. He always felt that they needed to do more at the Elementary level for afterschool activities.

Mr. Donovan stated that he understands that activities are going on. The school district is in the city of Allentown and there are things that they need to worry about the school and its performance. The law says that it is separate. He is concerned what the school system does not have. He is not part of the school district and understands Mr. O'Connell and Ms. Eichenwald served the school district and understands their loyalty to it. The school system went twenty years without building a building and that is unacceptable. Part of it is that Allentownians did not want to invest in the school system. They did not build sufficient capacity. Now it is a half of million dollars going out. He has been in the basement of some of the buildings and he would not leave his child there. There are no exit signs, there was nothing. He was shocked when he went into some of the buildings.

Mr. O'Connell stated that they could agree that they could do more for the youth of Allentown and they could leave it at that.

Mr. Guridy stated that they should have built more school and they are building it now and things will be better. He invited Council to the Jackson Elementary School new school will be ready for a ribbon cutting on June 9th at 10:00 AM on 15th and Allen.

7. Communications

None

8. REPORTS FROM COMMITTEES:

Workshops on Zoning Amendment:

Midway Manor - Monday, June 7, Faith Fellowship Church, 7:00 PM
West Watch – Tuesday, June 8, West End Youth Center, 7:00 PM
Center City - Thursday, June 17, Council Chambers, 7:00 PM
Little Lehigh – Tuesday, June 22, Trinity Church, 7:00 PM

Mr. D'Amore stated that the City Council, the administration and with coordination of Presidents Council with Ernie Atiyeh to announce four workshops for a Comprehensive Zoning Amendment. These four meetings will take place in four distinct areas of the city East Side, West End, Center City and South Side.

Budget and Finance: Chairperson Donovan

They met on May 26th. They will meet on June 14 or June 23rd at 6:00 PM. The Mayor is working on a committee and he understands that the RFP went out. It is a continue discussion on how to close the budget deficit as he reported earlier. Bill 27 was forwarded favorably and it is on tonight's agenda.

Public Safety: Chairperson Guridy

They have not had a meeting and will have one soon to discuss EMS.

Community and Economic Development: Chairperson Schweyer

The Committee has not met since the last Council meeting their next meeting that was scheduled for June 8th will need to be rescheduled because the West Watch Public Meeting. They will have a brief meeting on June 16th at 7:00 PM to preview one HARB denial.

Parks and Recreation: Chairperson Ray O'Connell

They have not met. They will have a meeting at June 16th at 6:30 PM.

Public Works: Chairperson Schlossberg

They have not met since the last committee meeting. The meeting was scheduled for June 8th but will have to be rescheduled. They will be reviewing the various bureaus within Public Works at a later date.

Human Resources, Administration and Appointments: Chairperson Eichenwald

They have an Appointment on tonight's agenda.

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

No Reports

OTHER COMMITTEE REPORTS

Mr. Donovan stated that the ADHOC Ethics Committee comprised of citizens, Ms. Eichenwald and Mr. Hoffman concluded their final meeting and have endorsed and will be making a series of recommendations to Council in the coming weeks. They endorsed legislation that would require posting of campaign financing on the city's website. It was introduced by Mr. Schweyer. They suggested that information relating to the ethics code be more prominent on the website and they are supporting through Charter Amendments that Council will be making the appointments to the Ethics Board. They will rewrite the language as it relates to some or all employees.

Mr. Schweyer stated that the Shade Tree Commission report is moving forward on a suggested rewrite of some of the bylaws. They did it a year and a half ago but there were deficiencies in them. He looks forward to having some presentation about what they are hoping that is going to be changed by an Ordinance by Council in September to strengthen the Shade Tree Commission.

Mr. O'Connell stated that the Allentown School District – City of Allentown Safety Taskforce will have their second meeting on Monday June 7th on 5th floor at 5:00 PM and they will have a report at the meeting on June 16th.

Mr. Guridy stated that the Allentown Housing Authority Committee had a meeting last Thursday and Ms. Sara Hailstone joined them for the first time and they have been working on the 2010 and 2011 budget for the fiscal year and they are using the \$2.6 million of stimulus grants for the development of the Cumberland Gardens area. In July they will start the projects. They will have the relocation of the residents starting in June. They are working on a committee in regards to the Connect the Park Trail a project that City Council gave to or allowed the Housing Authority to have and it's in the Hope VI Project that is up by Overlook Park. They want to know if they should give it back to the city because it is an issue of maintenance. Penrose has control over the area. That is something that the City Council has to deal with in making a decision. Hope VI project they converted 421 public housing units and into 269 apartments, 53 will be single homes that will be sold and they will have a 5-year strategic plan. In the Allentown Housing Authority they are working with the Teamster local 773 and they are under negotiation with them for a contract. He also send Council a copy of the report. It will be in their email. He sent it too late to get it printed today. If they have any questions, feel free to ask him.

CONTROLLER'S REPORT

None

Ms. Eichenwald stated that Mr. Bennington assured her that the Mayor is looking at appointments for the Ethics Commission. They still need one appointment due to the resignation of Mr. Velasquez and it will soon be accomplished. She looked forward to that appointment.

Mr. Bennington said that he asked.

9. APPOINTMENTS:

Theodore Schick, Fireman and Environmental Protection Specialist Civil Service Board

Term to expire 1/26/2011

Resolution passed, 7 - 0

10. ORDINANCES FOR FINAL PASSAGE:

Bill27ABCManagement

Amending the Administrative Code, the Articles relating to the Recreation Board, Arts Commission, Parking Authority, Ethics Board, Human Relations Commission, and Environmental Advisory Board by requiring annual reports and long term strategies to be completed and reported to City Council, the Mayor and in some cases the Allentown School District.

Mr. Donovan stated that the committee has an Amendment.

Amendment

The Board of Recreation shall annually report, in writing, to Council and to the school district. The Board of Recreation shall annually prepare a written report of the year's activities, and a one (1) year plan three (3), and ten (10) year and long term goals and scenarios to enhance the City's recreational programs and facilities using a template provided by City Council. The report shall be provided to the Mayor and Allentown School District, and shall be presented to Allentown City Council at a public meeting (1271 §6 12/12/21)

165.07 ANNUAL REPORTS

The Allentown Arts Commission shall annually report in writing to Council. The Allentown Arts Commission shall prepare a written report of the year's activities, and a one (1) year plan three (3), and ten (10) year and long term goals and scenarios to enhance the City's art programs and facilities using a template provided by City Council . The report shall be given to the Mayor and Allentown School Board, and shall be presented to Allentown City Council at a public meeting. (12531 §1 12/15/82)

168.06 ANNUAL REPORTS

The Allentown Parking Authority shall prepare a written report of the year's activities and , a one (1) year plan and long term goals and scenarios, (1), three (3), and ten (10) year to enhance the City's on and off-street parking resources using a template provided by City Council. The report shall be given to the Mayor and shall be presented to Allentown City Council at a public meeting

171.13 REPORTS

7. The Human Relations Commission shall annually, prepare a written report of their year's activities, a (1) one year plan three (3), and ten (10) year strategies and long term goals and scenarios that promote the elimination of discrimination and strife among racial or ethnic groups using a template provided by City Council. The report shall be given to the Mayor and Allentown School Board, and shall be presented to Allentown City Council at a public meeting

Amendment passed by Common Consent

Mr. Schweyer offered an Amendment that would add the Shade Tree Commission to the Commission as well. He spoke to Matt Turk who is one of the Shade Tree Commission members and he feels that this will legitimize the Shade Tree Commission.

Mr. D'Amore seconded. He asked Mr. Marchetto if it was good for the Proposal.

Mr. Marchetto stated that he prefers to see the Amendments in writing. Nothing prevents them from doing it orally; it is just hard to manage.

Mr. Donovan stated that he spoke to Mr. Schweyer and they will introduce a very similar Bill for the Shade Tree Commission. Time is not of the essence.

Mr. Schweyer withdrew his Amendment.

Ms. Eichenwald asked since time is of the essence if they could table it and includes all of them and rewrites the Amendment so Council is not piece mailing it.

Mr. D'Amore stated that Mr. Donovan is the sponsor of the Bill so he will leave that up to him.

Mr. Donovan stated that at the committee meeting they recommended getting rid of the number of years and putting in long range. He stated Mr. Schweyer felt legitimately and other committee members looking the

same way. What is happening on this particular Amendment 171.13, is merely adding shall prepare a written report for Council and the Mayor and shall prevent any meeting with City Council. All it was a written report.

Ms. Eichenwald stated to add the Ethics Board.

Mr. Donovan stated that it is not the Ethics Board.

Mr. D'Amore stated that the Ethics Board was already added.

Mr. Bennington stated that he believes that the Mayor was omitted from the original.

Mr. Donovan stated that it only said the City Council so they are added and the Mayor.

Mr. D'Amore stated that the Mayor requested to be a recipient of this Annual Report as well. He asked Mr. Donovan if he had an Amendment Proposal for that.

Mr. Donovan moved to adjust 171.13 Reports by after the words written report to City Council and the Mayor and should present in a meeting with City Council.

Ms. Eichenwald stated that is says on the cliff notes and sometimes the Allentown School District is that part of the initial Resolution or is it part of an Amendment.

Mr. Donovan stated that he will go back to the Bill for first the Recreation, the language was change such that the Board of Recreation shall prepare a written report of the year's activities and , a one (1) year plan and long term goals and scenarios. He stated that he is looking at the actual Bill went on to state to enhance the City's recreational programs and facilities using a template provided by City Council. The report shall be provided to the Mayor and Allentown School District, and shall be presented to Allentown City Council at a public meeting. The Recreation Commission, The Arts Commission, and the Human Relations Commission he made the recommendation that they are so important to the school department to they may be of interest for those reports.

Mr. O'Connell stated that in terms of the meeting he believes that they summarized that by saying if the Allentown School District has membership on those committee....They have membership on the Arts, Recreation, and Human Relations and those are the three you just addressed. He said to Mr. Donovan that he said if any of those are represented on any of those committees they should receive the report.

Mr. Donovan stated that they would not be one of the conditions, but that was one of the reasons since they were involved anyway.

Mr. D'Amore asked where are they with the Amendments.

Mr. Donovan stated that they have two Amendments and explain the reasons why he forwarded the Bill.

Mr. D'Amore stated that Mr. Schweyer is correct that they have to action on the second.

Mr. Schweyer seconded.

Mr. D'Amore stated by Common Consent.

Mr. Donovan stated that they only had one report from the city is going through a variety of changes. He felt that the boards should make recommendations to Council.

Mr. Schweyer stated that he is supporting the legislation but make a point to send an email to the Board members of the changes that are aware if these changes are going to be adopted this evening. He stated that they should be cognizant to give them reminders close to their deadlines for their Annual Reports most of these commissions don't have staff and Council is asking volunteers to take more time of the day. He does not think it is unreasonable thing for them to do by any stretch of the imagination but they will have to remind and assist them any way that they can.

Ms. Eichenwald asked if the organizations been notified of Council's intention or discussed with them their opinion. Are they willing? Are they able? Do they see the value in this?

Mr. Donovan stated that they were informed. He asked the City Clerk did he forward to the various groups.

Ms. Eichenwald asked are the comments favorable.

Mr. Guridy asked if they sent a template or have it been created. Did they agree on the template?

Mr. Donovan stated that the template is on the back of the Bill itself. He believes that it was sent out to them as well.

Mr. Guridy stated that his only concern is that it is attached to the Bill. Do they have to adhere to it not knowing what it is?

Mr. Donovan asked to the various commissions, what did they think.

Ordinance passed, 7 - 0

11. ORDINANCES FOR INTRODUCTION:

Bill 29 MUHLENBERG RACP

Referred to CEDC

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of One Million Two Hundred Thousand (\$1,200,000) Dollars as a result of a grant from the Commonwealth of Pennsylvania to the City of Allentown in the form of a RACP pass-through grant to Muhlenberg College

Bill 30 EMS Records Management

Referred to Public Safety

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Eight Thousand One Hundred Ninety Dollars and Fifty Cents (\$8,190.50) as a result of a grant from the Eastern Pennsylvania EMS (Emergency Medical Services) Council to the City of Allentown Paramedics to supplement the ongoing yearly cost of the EMS Records Management System.

Bill 31 EMS Training Grant

Referred to Public Safety

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Two Thousand Nine Hundred and Ninety-Nine (\$2,999.00) dollars as a result of a reimbursement from the Eastern Pennsylvania EMS (Emergency Medical Services) Council to the City of Allentown Paramedics for mass casualty incident training exercises.

Bill32EACHairappt

Referred to CEDC

Amending Article 177, Environmental Advisory Council, by providing for the election of the Chair of the Environmental Advisory Council by the Environmental Council rather than by the Mayor with the approval of Council.

12. CONSENT AGENDA: None

13. RESOLUTIONS ON SECOND READING: None

14. RESOLUTIONS ON FIRST READING: None

Rules Suspended

Mr. Donovan stated he wanted to suspend the Rules to review the Mayor's decision to run for state Democratic office for the state Democratic committee.

Mr. D'Amore seconded.

Mr. Marchetto asked if Mr. D'Amore's second for the Resolution itself

Mr. D'Amore stated that his second was to suspend the Rules.

Mr. Marchetto stated that they need a second on the Resolution. They can bring it to suspend the Rules to introduce it. You need one more step.

Mr. D'Amore seconded Mr. Donovan proposal of the Resolution. He asked Mr. Donovan to read the Resolution to the record. This will be a first reading. You can have a second reading on the same night as the first reading. They need two suspensions of the Rules. What they are doing is seconding the Resolution.

Mr. Donovan read:

WHEREAS, Section 305 of the City Charter of Allentown states: The Mayor shall forfeit office if the Mayor violates any expressed prohibition of the Charter, and

WHEREAS, Section 306B of the City Charter states: The Mayor shall not serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof, and

WHEREAS, Pennsylvania and Lehigh County law proscribe specific election procedures for offices in each of the recognized political parties, and

WHEREAS, these procedures include gathering endorsements using petitions, being placed on an official ballot, receiving votes from registered voters in the Commonwealth, and being certified as winning the elected office by the local County voter registration office, and

WHEREAS, an elected officer of a political party has important political tasks that relate to the governance of the Commonwealth and its political subdivisions, and

WHEREAS, the intent of the Charter's restriction is to ensure that Allentown citizens are not affected by the time, effort, and partisan commitment implied by pursuing another elected office, and

WHEREAS, Mayor Ed Pawlowski has actively sought and won election as a State of Pennsylvania Democratic Party Committee Official, and

WHEREAS, while holding the office of a political party may not explicitly fall under the Charter's prohibition, any attempt to pursue an elected office that parallels standard election practices of the Commonwealth, is an act that disrespects the intent of the Charter and the desires of Allentown residents,

NOW, THEREFORE, we the members of Allentown City Council, strongly request the Mayor not accept the elected position of Democratic State Committee and further note that if the Mayor does accept the position, members will have no choice but to file a complaint with the Allentown Board of

Ethics. City Council further notes that it may have to follow steps to carry out the requirement of the Charter that call for the Mayor to forfeit his office.

Mr. Donovan stated that the Charter was created with very specific language in order for the Mayor not to run for any other office.

The motion to suspend the rules and introduce the Resolution failed, 1 – 6.

15. NEW BUSINESS

16. GOOD AND WELFARE

17. ADJOURNED

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.