

Michael D'Amore, Ph.D., President
W. Michael Donovan, Vice President
Jeanette Eichenwald
Julio A. Guridy
Ray O'Connell
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COUNCIL MEETING MINUTES
November 3, 2010 COUNCIL CHAMBERS

COUNCIL MEETING - 7:30 PM

1. Invocation: Jeannette Eichenwald

2. Pledge to the Flag

3. Roll Call

Councilpersons D'Amore, Donovan, Eichenwald, Guridy, Schweyer, Schlossberg, and O'Connell were present.

Jerry Snyder and Dale Wiles represented for the Solicitor's office.

4. Courtesy of the Floor

Mr. Mike Schware, 118 S. 16th Street, stated that the Budget books are not available to the public. He stated that it is a violation of the Charter; it is wrong, and inexcusable.

Mr. D'Amore asked Mr. Strathearn to respond to Mr. Schware.

Mr. Strathearn stated that sixty days prior to the ensuing fiscal year the budget will be submitted to Council. He stated that as Mr. Schware can see with the Budget books they are enormous and complicated to be put together. He stated that it was a major decision by one of their bargaining units that occurred late Friday evening which threw their calculations into a tizzy.

Mr. D'Amore asked Mr. Strathearn when could Mr. Schware and any other citizen would be able to get a copy, if they prefer a hard copy.

Mr. Strathearn stated that normally he would say tomorrow, but does not want to commit to tomorrow. Department Directors have not gotten them yet. They will have them available for the public tomorrow on a first come first serve basis or online.

Mr. Schware stated that it is not the sixty day requirement, it is Section 805 of the Charter that says public access to the budget says that it should be available at City Hall, the Public Library, the County Library, and copies should be available to the public at a reasonable fee. He stated that he understands what Mr. Strathearn is saying, but if the City Council has copies, then the public should have access.

Mr. D'Amore stated by tomorrow they should have some Budget books available for the public on a first come first served basis in hard copy for citizens that wish to have a hard copy and also it will be made available online.

Mr. Hershman asked does the Council advocate their duty of approving union agreements on Labor Contracts. It is also City Council's responsibility to approve all contracts.

Mr. D'Amore stated that he agrees with Mr. Hershman, but it is not clear to him that they are not going to get the contract. He stated that he believes what Mr. Strathearn said to base a budget projection on the agreement they had to at least be secure enough to know that the members of the union had to approve it. He believes they will send a copy to the Council. He stated to the Mayor that it is an extension of the contract; it is more than an MOU.

Mr. Hershman stated that suppose you turn it down.

Mr. D'Amore stated that then it will be a budget memo.

Mr. Hershman thanked the Morning Call about coming out with the article regarding the tax hike.

Mr. D'Amore stated to Mr. Hershman if he is going to speak to the substance of the budget, he will have to ask him not to speak on the issue. He stated that it would be on the agenda later.

Mr. Hershman asked about the tax increase of 40 percent. He stated that Mr. D'Amore and the Mayor had a Blue Ribbon Panel to provide ideas to reduce cost and increase revenue for the City of Allentown. No one is provided oversight of what has been done. He asked has it benefited the City of Allentown.

5. Approval of Minutes: October 20, 2010

Minutes approved by Common Consent

6. Old Business:

None

7. Communications:

Mr. D'Amore stated that the file is called Building New Foundations.

Budget Presentation: Mayor Pawlowski

Mayor Pawlowski presented the Budget. **(See attached PowerPoint Presentation)**

Mr. D'Amore asked were there any comments or opinions from Council.

Ms. Eichenwald thanked Mayor Pawlowski and congratulated him on the negotiations with SEIU union and gave congratulations to the heads of the departments that worked diligently on containment of costs. In order to have a positive discussion she is interested to know why his presentation did not record any of the deficits over the last years.

Mayor Pawlowski stated that in the beginning the city had deficits and they were a result of decreases in revenue.

Ms. Eichenwald asked is it not a sheet that details it as well as other issues.

Mayor Pawlowski stated that if Ms. Eichenwald wants a sheet on deficits, he will put a sheet together.

Ms. Eichenwald stated that it would be helpful, and that they do have a debt close to \$120 million.

Mayor Pawlowski stated that is true which is far less than most municipalities in the state of Pennsylvania. He stated that they are one of the lowest ones in the state of Pennsylvania. If she compares that in contrast with the neighbor next door which is Bethlehem they have 40,000 less in population and they have close to ½

billion dollars worth of debt. The city's debt is relatively low per capita for a municipality its size. We have not done significant infrastructure improvements in many years.

Ms. Eichenwald stated that she recognize that but learned a long time ago working on her own family's budget that it does not help her to consider what other areas around me or other families in her neighborhood are dealing with. They do have to always be ever-mindful of the fact that the City of Allentown has a \$120 million budget.

Mayor Pawlowski stated absolutely. The amounts have decreased over \$10 million in the five years that this administration has been in office and the overall debt services has increased over \$3.9 million. Mayor Pawlowski stated that they have not invested in any infrastructure in the last five years.

Ms. Eichenwald stated that she recognizes that and she looked at the numbers. She commented on increasing the EIT, she is a little bit concerned. She does not want to say offended, but is a little bit perturbed that the Mayor talks about an increase of \$200 being equal to no more of a cost of a newspaper or cup of coffee or can of soda, but for many of the citizens those three items are not even possible. She stated that they have to be ever-mindful of the fact that \$200 or break it up to a can of soda or a cup of coffee is an important aspect of their daily life. She stated that she looks forward to the next couple of weeks on having a frank and honest discussion about the finances of our city and hopefully when the budget is put to rest and passed by the Council they would have done what is best for the citizens of this city.

Mr. O'Connell thanked the Mayor for his presentation and asked if Act 205 supersedes the Charter, does he or Mr. Snyder have case law that verifies that?

Mr. Snyder stated that the city's Charter comes under the Home Rule Statute that allows them to enact a Home Rule Charter. We can not do anything that contradicts state law. He stated that the State of Pennsylvania allows them to have a Home Rule Charter by state statute. Just like the Pension, they can not make the pension go away because we do not want to pay it. This particular case with the state of Pennsylvania, his research and discussion with the people in Harrisburg that control the pension. The state of Pennsylvania gave them some remedies which are helpful and this is one of the remedies.

Mr. O'Connell stated that he wanted to get a general understanding for the public rather than just saying Act 205 supersedes the Charter. The City of Allentown distress score is level 2, are there any other cities or municipalities that utilize Act 205 to offset that MMO costs.

Mr. Snyder stated yes, Hazelton. He asked the folks at PERC are the Solicitor's interpretation of the availability of this remedy is correct and if yes, has any one has done. He asked was his interpreting of the remedy correct and if the answer is yes, has anyone else done it and the answer is yes. Most cities face the same problems that Allentown faces. Maybe not the extent of early retirements, but they have problems.

Mr. O'Connell stated that he looks forward to November when they go department by department. He stated that it will be a challenge as City Council members to do what is best for the citizens of Allentown.

Mr. Guridy thanked the Mayor for presenting the budget and for thinking considerably for the city to have a balanced budget. He thanked them for cutting some of the expenses and meeting with Council to discuss the EIT increase. He stated that if they continue to grow the MMO that it will cost a future for the city's finances. Is it anything else that can be done under Act 205 to make sure this does not happen?

Mayor Pawlowski stated that there are different programs in Act 205 that address the issue in the present and in the future. One of them is looking restructuring pension benefits for new hires going forward. Act 205

requires a plan that has to be submitted to PERC as well as the aggregation of the funds. They can not go back and re-adjust people that have already retired, they are bound by contract.

Mr. Guridy stated that when they discussed before it was a lower percentage rate increase, now it is 40%.

Mayor Pawlowski stated they are going to have so many firefighters going in next year. If they did this, they would only have to do it one time. They know going into next year they are going to have a large exodus from fire. The question is how much overtime will they have. It is hard to actualize out and determined so they just want to make sure they have even funds there. He stated to Mr. Guridy that he is not going to tell them that going into the future nothing would happen. Mayor Pawlowski stated as they calculated their cost going forward.

Mr. Guridy stated that EIT increase can only be towards the Pension. Firefighters and increase in the Pension, and the premium time, but one of the reasons that the pension and the overtime went so high is because in the contract they have a minimum staffing clause. He wanted to know if there is any corrective action to this. This will be three consecutive years that they had a deficit. He asked that the Mayor make himself available for the budget hearings.

Mayor Pawloski stated not in the currently contract. It runs out 2011. They will be negotiating the contract next year and that is one issue they will address.

Mr. Guridy stated that he knows the Mayor said the SEUI provided some concessions and he is not sure if he stated the FOP and the Fire Department have given some concessions.

Mayor Pawlowski stated that the FOP came up with a list of concessions.

Mr. Guridy asked was it still in negotiation?

Mayor Pawlowski stated that they have not come to a consensus with the Fire Department. He will try to attend as many meetings as possible.

Mr. Guridy stated that they will have three consecutive years with a deficit and that can put the city in a position of distress. He stated that he hopes people realize this. He has not had a chance to look over the budget. He stated that the only thing that he would like to see if Mayor Pawlowski would make himself available.

Mr. Schlossberg thanked the Mayor and stated that it was depressing and enlightening. He stated that in Allentown it is a budget of bad choices. It is a matter of raising taxes or cutting vital services. He stated that a tax increase does seem likely. He stated that this should be the beginning of a broader conversation about what third class cities are up against. Pension costs are rising. He stated that they have fragmented government service and healthcare cost that is out of control. It is difficult to govern when services are that fragmented. They need to have a conversation on how they can govern themselves and how they can consolidate, find efficiencies and better represent. People have to know what they are up against. The deck may be stacked against them. It falls to them to make some very difficult and unpopular decisions.

Mr. Donovan thanked the Mayor. He stated to the public that he would like to draw attention to Ken Bennington and Gary Strathearn who are managers that put the budget together. He also thanks Deb Bowman and Barbara Molitoris for putting in incredible hours in putting the budget together. He stated that the Mayor is correct they have a structural problem. He stated that it is not just with pensions and they should know that permanent wages were \$28 million in 2006 and \$36 million in the upcoming budget year. Staffing in 2006 was 647 and now 639, so they had a tremendous increase in salary. Services and charges have gone

up during that time, as well as materials and supplies. While he believes that they were given a rabbit to pull out a hat in order to solve the pension problems, he believes that fiscally it is wrong for a city/municipality or county to go years without a real estate tax increase. He stated that they set themselves up and get massive debates. When you run a city and ask for services know matter what they are from Community Development to Police Fire or Emergency Services, you are going to have an increase in salary. Good management hopefully keeps those within reason, but that means you have to fund them over time and to try to chip away and find other taxes and other fees and not say that you will accept a couple of percentages in your real estate taxes a few years is wrong. He stated that he thinks they have to bite the bullet. He thanked the SEIU for sharing some of the burden.

Mayor Pawlowski stated that the salaries have gone up, but they have not been outrageous. They have been contractual increases that they are bound to. The Mayors across the Commonwealth and the Chamber of Commerce are looking at legislation for the next session of the house and senate to provide relief for some municipalities if they do not have major reform they will be rapidly falling into Act 47. Everything that can give revenue to the city is right outside of Allentown.

Mr. Schweyer stated to the public this will be the most complex budget that he has seen. He stated that there are massive restructurings in some of the departments that will have tremendous ramifications for the city because of staff changes. Hopefully it will increase productivity and streamline the results, but could result in a reduction of services. They are down seventy-five from two years ago. They are required to balance budget which is required by the Charter based on the explosion of pension costs and personnel costs and they are being asked by the administration in a way that they have not been asked before. There are legal questions here and he is not satisfied they have been answered appropriately. They have six or eight budget meeting between now and this budget will ever be approved or declined. He stated that it will be a difficult one for all of them. This is the money they expect to come from real estate taxes, real estate transfer taxes, etc. This is an introduction to a brand new tax in many ways. Not only increasing the EIT, but taxing folks who work in the city, but do not necessarily live in the City. They have to figure it out in a relatively short time and as many angles as possible. He stated that if the public has any questions or comments, please contact them at any time and come to the meetings as often as they can.

Mayor Pawlowski stated that they have done this tax (EIT) taxing residents and non-residents who work in the city since its inception in 1971. The difference is raising it over one percent since many municipalities have EIT of one percent which makes it a wash. 19 municipalities have raised their EIT tax over one percent. They have not followed suit in the past, but they have always taxed residents and non-residents. If any councilors need to meet with the solicitor, he is sure that they can meet with him one on one and he will answer any legal questions.

Mr. Guridy thanked Mayor Pawlowski and stated that it is the more sensible way to increase taxes in the city. He stated looking at the county, they have increased taxes by seventy percent not long ago and they have increased it again by sixteen percent. He stated that this will not hurt everybody, especially those with lower income and those who can not afford a cup of coffee. He does not like to increasing fees and taxes, but in the situation they find themselves it is a more sensible way of doing it.

Mayor Pawlowski appreciated Mr. Guridy and Mr. Donovan's take on the situation. He stated that no one wants to raise a tax, but as Councilman Donovan stated that costs have increased and the cost of providing services have increased. They tried to cut costs any way they possible can. They try to raise the revenue to provide services that benefit Lehigh County through shared services from other municipalities. An extra \$30 million on top of the costs it takes to run the city is huge and it is burdensome for the entire fiscal process. They have to look to address that structurally and Act 205 gets to the heart of that.

Mr. Guridy stated that people might say that increasing EIT may motivate some employees to leave the area and look for places that probably do not have EIT. There are some cities that do not have EIT at all.

Mayor Pawlowski stated that there are not many that do not have an EIT. He does not think that it affects businesses. It does not provide another tax for businesses. It is purely on the employee itself. They have to withhold EIT now and whether they hold it at one rate or the next, it is not an additional burden to them. He believes every municipality in Lehigh County has an EIT. Some small/rural township may not have one. The city is fairly low compared with other third class cities in the Commonwealth as well as second class cities. The city of Philadelphia is at 3.9%, Scranton is at 3%, Wilkes Barre is at 3%, Hazleton is over 2%, and Pittsburgh is at 3%. There are still businesses and economic activity. EIT does not dramatically affects businesses.

Mr. Schlossberg stated that there will be residents that will be understandably upset that this budget proposing a tax hike. He stated that they are more than welcome to express their outrage, but encourage them to help them find solutions. He said that if anybody has a way out of this, they would love to hear it. Please come and let your voice be heard that is what a democracy is based on.

Mr. Damore asked was it any other comments from council and stated that they have a schedule for the budget presentation and it is available in print. He will read it briefly:

Wednesday, November 10

6:00 PM Public Safety: Fire, Police, CommCenter (E911 Fund), EMS
8:00 PM Finance, Human Resources, Risk Management, Debt Service, Revenue

Wednesday, November 17

6:30 PM Prior to Council Meeting
Mayor, Managing Director, Controller, Solicitor's Office, Council

Monday, November 22

6:00 PM Parks and Recreation, Trexler, Golf
8:00 PM Community and Economic Development

Tuesday, November 23

6:00 PM Public Works, Solid Waste, Water, Sewer, Liquid Fuels - Equipment and
Capital Projects
Additional Topics If Needed

December 1

7:30 PM Regularly Scheduled Council Meeting
Adoption of All Budgets

Mr. D'Amore thanked Mayor Pawlowski and the members of the Administration. He thanked Gary Strathearn, Deb Bowman and Barbara Molitoris for putting the entire budget book together. He thanked the Bureau managers and department directors that were there because they know how hard they worked and they cut and were asked to cut again.

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Donovan

Mr. Donovan stated that there is one item on a bill to do with long range planning and finances. He stated that he will be commenting to the public about the tax issues. Whenever you make a tax decision some people pay and some people do not. They will not be meeting until late December or January.

Public Safety: Chairperson Guridy

Mr. Guridy stated they have two items on the agenda, and a discussion on the COP program which is Citizens on Patrol. They do not have any scheduled meetings.

Community and Economic Development: Chairperson Schweyer

Mr. Schweyer stated that they met on October 25th. He has a number of Bills on the agenda this evening including the Zoning Ordinance for adoption.

Parks and Recreation: Chairperson Ray O'Connell

The next meeting is scheduled for November 17th. They have to work around the budget schedule.

Public Works: Chairperson Schlossberg

Mr. Schlossberg stated that they met on October 25th and they forwarded favorably two Ordinances both pertaining to right of way on-site septic facility. They had a conversation about the 537 Plan which Mr. Young assures that it will be ready at the beginning of the year. They discussed the recent sewer overflow and some of the repairs that are in this year's capital improvement budget and the probable construction of a holding tank that will alleviate the problems.

Human Resources, Administration and Appointments: Chairperson Eichenwald

Ms. Eichenwald stated that they met this evening.

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

No meeting, no report.

OTHER COMMITTEE REPORTS

Mr. Schlossberg stated the Ad Hoc IT committee met and discussed with Mr. Leibert the current information technology in the city. It made a case of what they have to improve. It will be the focus on the next meeting set for December 8th at 1:00 PM. He stated that Mr. Donovan and he along with Professors at Muhlenberg and Cedar Crest, held the first meeting of the Urban Observatory meeting which was an organizational meeting.

Mr. Guridy stated that they had an Allentown Housing Authority meeting last Thursday and spent a lot of time discussing the long-term planning Allentown Housing Authority plan. There will be some changes. They have not come to a conclusion. That information will be provided to Council.

Mr. O'Connell stated that the Partnership Taskforce met several times. Mr. Donovan and Mr. Guridy are on that committee. They discussed some of the issues they are undertaking was busing more students from Allen and Dieruff and taking students to their local elementary school so they do not have so many students on the streets at one time. They did an Alternative Educational site for the most disruptive students, not for students that were excelled for bringing a weapon in the school, but the student that been continual being in the assistant principal office and has been suspended and the school not meeting the educational needs of the students. It has been approved at will open November 8th or 9th at Jackson Elementary School which is 15th and Allen Street for the disruptive students from middle and high school students. He thinks that it will be a win/win and a step in the right direction.

CONTROLLER'S REPORT

No Report

9. APPOINTMENTS: None

10. ORDINANCES FOR FINAL PASSAGE:

Bill 49 Campaign Finance Reports.doc

Amending Article 171, Code of Ethics, by requiring that copies of campaign finance reports for candidates running for the offices of Council, Mayor and City Controller be filed with the Clerk's Office before or on the due date such candidates must file with the County of Lehigh as mandated by State law and that such reports be posted on the City's Website no later than ten working days after the due date.

Ms. Eichenwald stated that their discussion focused around ten day requirement. They reached a compromise and will offer an amendment. She asked Mr. Schweyer or Mr. Donovan to offer an amendment.

Mr. Schweyer offered an amendment to reduce the working days from ten to five for the reports to be posted online.

Mr. Donovan seconded the amendment.

Amendment passed by common consent.

Ms. Eichenwald stated the reason that they reduced it because they felt three was not enough to accomplish the task and ten would be too close to the final report and Election Day and would not serve the purpose in which it was instituted. She highly recommended passage of this.

Mr. Schlossberg stated that ultimately there are no fines for violation of this.

Ms. Eichenwald stated there is a fine from the election board if they do not file it on time

Mr. D'Amore asked Mr. Schlossberg was his question is if the city is imposing a fine.

Mr. Schlossberg asked once it gets filed at Lehigh County it gets transferred to us.

Ms. Eichenwald stated that it is the responsibility of the County Aide to give to both to Lehigh County and the Clerk. The fine only exist from the election board.

Mr. Schlossberg asked is it a reason why the fine was no fine imposed by the city.

Mr. Schweyer stated that they spoke about this. The consensus was that they do know if it is broken. They are trying it out first. If candidates are refusing to follow the Ordinance which is they file with the Clerk and the County than the committee on ethics will take care of that and address it at that point. He has some doubts about staffing issues, if it will be posted on time and there is a fine at the county if they do not turn it in. They are asking for another level of openness. They are trying to increase transparency and if for some reason that candidates are continually ignoring rules they would look towards a fine or penalty of some sort. He stated that Bill 49 is not something that is groundbreaking however they are all concerned about the appearance of money in campaigns it gives an opportunity and the public to show their ethical responsibility seriously. It provides a level of comfort to see where campaign contributions come from. It came as an initial conversation. It is a good compromise and an excellent start for the city.

Ordinance passed, 7 - 0

Bill 50 DCR Drug Amendment.doc

Amending Article 1759, Licensing Residential Rental Units, by requiring the owner, operator, responsible agent or manager to begin eviction proceedings against the occupants for any violation of the Landlord Tenant Act relating to drug offenses.

Mr. Schweyer stated that they looked at Bill 50 twice. On bill 50 it amends that residential licensing rental units that will mandate that landlords once notified that their tenant is convicted of a drug charge will have to begin the process of eviction. It builds part of the state law of the landlord/tenant act as well as the disruption policy and procedures and strengthens the rules. He appreciates the work of the Administration Mr. Marchetto and Mr. Paulus. They have done a tremendous amount of research to make sure it is legal and have a positive impact on the community. The Department of Community and Economic Development will keep a list whether from a drug offense or disruptive conduct process who has been evicted. The landlord can do an informal background check to potential tenants. To give landlords extra level of comfort that they can rent to good people and make the community a safer place. Mr. Schweyer stated that this bill was voted favorably 3 - 0.

Mr. Donovan stated that he has a question for the Solicitor. He stated to Mr. Schweyer that a landlord would be allowed to evict someone convicted of a drug charge. In looking at Appendix A which describes Section 202.505.A Landlord/Tenant Act 68 Use of illegal drugs – the following acts related to illegal drugs would be a breach of condition of the lease and shall be grounds for removal of a tenant of a single family dwelling, apartment, multiple dwelling, apartment or tenant building than it goes through a list of three items. He stated that the first conviction for illegal sale, manufacture or distribution of any drug in violation of the act known as a controlled substance on a single family dwelling or any portion of a multiple family dwelling premises. He asked does he interpret that as meaning that the person is evicted if they were charged in that building versus someone that has charge from the street somewhere. On each one of the paragraphs it refers to the resident not the street. He read the Appendix and interpreting it meaning onsite of the landlord facility. He stated that he wants the public to understand that this is not the landlord can evict someone that was found guilty of a drug charge offsite from where they live.

Mr. Schweyer stated that is the interpretation. It was meant to get drugs out of the neighborhood. He stated that Mr. Donovan is interpreting that correct.

Mr. Donovan stated that is good because he heard it several times and it came across differently.

Ms. Eichenwald stated that she has a concern. What about the family or the people with whom the drug dealer resides. What happens to them and the children? In reality how does that play out? Do they wind up on the street? How does that work.

Mr. Paulus stated that the reality is that 2010 they had 32 evictions under the DCR. They have to find another location on their own. They do not supply any relocation.

Ms. Eichenwald asked about the stability of what is left of the family. There are deep ramifications for doing this. She does not want to create a subclass of people that are being harmed by this. She stated especially the children.

Mr. Schlossberg stated that Ms. Eichenwald has a good point. He stated that it is not one that he had previously considered. He stated that ideally when a situation like this arises when it is a drug conviction followed by an eviction that would alert Social Services to some pretty significant family problems and let the authorities step in and make some positive change. This situation is never going to be ideal.

Mr. O'Connell stated from the time of the arrest to the eviction could be six to eight months. The family is disruptive but it is a time lapse.

Mr. Paulus stated that they can appeal the eviction. They have a DCR appeal court. There are three DCR before you are evicted so they can appeal and some do appeal.

Mr. Guridy asked Mr. Paulus that there were 32 displaced or evicted from the home because of the Ordinance. Do they move out of the city or do they move somewhere else in the city.

Mr. Paulus stated that they can move anywhere they want and they also track once a person is faced with eviction, they do not get another DCR from them. If they go to another place in Allentown, they have been behaving themselves.

Ordinance passed, 7 – 0

Bill 58 HOMESTEADING LOANS.doc

Amends the Revolving Loan Fund in the 2010 Budget and, in addition, provides a supplemental appropriation of One Hundred Fifty Thousand (\$150,000) Dollars in Housing Redevelopment Assistance (HRA) funding from the Pennsylvania Department of Community and Economic Development. These funds will be loaned to provide funding opportunities for development projects throughout the City. Initially, these funds will be utilized for the purpose of rehabilitating blighted properties for our Homesteading Program.

Mr. Schweyer stated that funds will be used as a loan for projects in the city. It will be for homesteading projects and rehabbing blighted properties. They are bound by the contract that was between the city and the Commonwealth to use these funds for the purposes and it was a highly competitive grant HRA grants are very difficult to get.

Ordinance passed, 7 – 0

BILL 59-2010 NEW ZONING ORDINANCE AND MAP 9 15 10 (2).doc

Provides for a New Zoning Code

Mr. Schweyer stated that there were no changes since the public hearing. It has been reviewed by the CEDC committee, the Allentown Planning Commission and the Lehigh Valley Planning Commission and it was recommended favorably 3 - 0.

Mr. Donovan stated that they had a public hearing tonight and there was one comment from the public.

Mr. D'Amore thanked Mr. Donovan for running the meeting.

Mr. Pearson, 942 E. Tilghman Street, stated that unbeknownst to the public the IG it was changed from the 99 zoning law to more permitted uses. He stated that it was provided by a state law which people did not know. In relationship to provision EE in the zoning ordinance it seems to him for the potential 233 houses whether there are senior citizens or not, are too much for him to accept. The 29 acres which would have been 36 acres if Samuelson had not taken 7 acres. He stated in a worse case scenario if you could build 233 houses that is not a median thing that is eight houses per acre. He stated that if he had his way, it would be tabled in order for the public to have better understanding of the institutional government zoning will be.

Mr. Schlossberg stated that the fact that only one person at the most recent public hearings speaks volumes of the community outreach. Mr. Hefele, Ms. Hailstone, and Mr. Bennington deserve a great deal of credit.

Mr. Schweyer stated that after putting up with them in the public hearings and the numerous changes that were made, he would like to thank Mr. Hefele, Ms. Hailstone and Mr. Bennington. It was incredible work.

Mr. Guridy thanked Mr. Hefele for his hard work and for providing all the answers to the questions they had in the process. He thinks that Mr. Hefele did an excellent job going out to the community and explaining it.

Ordinance passed, 7 - 0

Bill 60 2009 IFC Code (2).DOC

Adopting the 2009 International Fire Code as amended.

Mr. Guridy stated that it was forwarded favorably to Council. It is amending the Fire Code to be consistent with the state fire code.

Mr. Guridy stated to move to make the amendments with the exception of B which is struck out of the bill.

Mr. D'Amore stated for the record he is going to ask that they moving amendments A keeping and not striking subparagraph 8 in section 3309.1. They will remain that subparagraph rather than strike it which is in the original proposal. The second one is taking out the first full sentence in section 3309.22 which is in page 8.

Mr. O'Connell seconded the amendment.

Mr. D'Amore stated by common consent the bill is amended.

Ordinance passed, 7 - 0

Bill 61 FIREWORKS.doc

An Ordinance of the City council of the City of Allentown, Pennsylvania, adopted in conjunction with the adoption of the 2009 International Fire Code, as amended, prohibiting the sale of fireworks within the City limits, prescribing penalties for the violation thereof and repealing all other ordinances.

Mr. Guridy stated that it was forwarded favorably. Most of them were at the press conference to discuss this. The state has a law that you are not able to use fireworks.

The bill was amended by common consent.

Mr. Donovan read the amendment:

SECTION THREE: That the City of Allentown intends to forbid the sale of "Consumer Fireworks" as defined by Pennsylvania State Law at 35 P.S. Section 1271(1) which can only be sold to out-of-state residents according to 35 P.S. Section 1275 but to permit the sale of devices known as "ground and hand-held sparkling devices," "novelties" and "toy caps" in American Pyrotechnics Association (APA) Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth according to 35 P.S. Section 1271(2); and

SECTION FOUR: That the City Council of the City of Allentown, contemporaneously herewith, adopts the International Fire Code of 2009, amending Section 3309.2 by deleting this Section which currently permits the sale and storage of fireworks from tents, canopies and temporary structures in its entirety with the express intent of prohibiting the sale of any type of fireworks from tent, canopies and temporary structures within the corporate limits of the City of Allentown.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLENTOWN AS FOLLOWS:

Section 1. Fireworks – Sales Prohibited.

It shall be unlawful for any person, partnership, association or corporation to sell or offer for sale any "Consumer Fireworks", as defined by law, 35 P.S. Section 1271(1) within the corporate limits of the City of Allentown.

It shall be lawful for any person, partnership, association or corporation to sell or offer for sale, possess or store any device defined in 35 P.S. Section 1271(2) as "ground and hand-held sparkling devices," "novelties" and "toy caps" in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth, except such sales from tents, canopies and temporary structures, which shall be unlawful.

The revisions to Ordinance 61 (prohibition on sale of fireworks) recognize that "consumer fireworks" may not be sold but "novelties" such as sparklers and caps may be sold in stores but not from tents or temporary structures.

Mr. Schweyer seconded the amendment.

The bill was amended by common consent.

Ordinance passed, 7 - 0

Bill 62 Five Year Plan App.doc

Amends the 2010 General Fund Budget to provide the supplemental appropriation of funds from The Century Fund (\$15,000), Air Products (\$25,000), PPL (\$15,000) and the Pennsylvania Department of Community and Economic Development Early Intervention Program Grant (\$67,800) for a total of One Hundred Twenty-Two Thousand Eight Hundred (\$122,800) Dollars to cover the cost of the Five Year Plan.

Mr. Donovan stated that the mayor has put together a team of individuals in which Mr. O'Connell and he are on to prepare a five-year financial plan for the city. This bill is the appropriation of funds from various entities to help finance this effort.

Ordinance passed, 7 - 0

Bill 63 OAPA CENTURY FUND.doc

Amends the 2010 Capital Fund Budget to provide for a supplemental appropriation of One Hundred Thousand (\$100,000) Dollars as a result of a grant from the Century Fund to the City of Allentown for the Old Allentown Homeownership Initiative Program.

Mr. Schweyer stated that it was recommended favorably.

Ordinance passed, 7 - 0

Bill 64 BUTZ RACP.doc

Amends the 2010 General Fund Budget to provide for a supplemental appropriation of up to Five Hundred Thousand (\$500,000) Dollars to provide for a grant from the Commonwealth of Pennsylvania to the City of Allentown in the form of a RACP pass through grant to Alvin H. Butz, Inc.

Mr. Schweyer stated that it was recommended favorably. There were outstanding RACP commitments. It will not exceed \$500,000.

Mr. Donovan stated that it is a lot of money and Mr. Schweyer explained the uses. He stated that when they deal with a corporation to help improve. He is curious of the extent that negotiation has taken place. He

stated that he knows that they had a lot of experience with grants, but it has been his experience that they sometimes end up really making a great return from the amount the investor uses with his own cash. He stated that he is curious what type of give and take for these projects.

Ms. Hailstone stated that RACP is an interesting program that states technically they are the applicant on the path of the project, but the funding goes to the project. The projects are negotiated between the property owner and the commonwealth.

Mr. Donovan stated that they actually go through the hard ball or what ever is necessary in terms of putting money in the project.

Ms. Hailstone stated correct.

Ordinance passed, 7 – 0

Bill 67 Human Relations Amendment.doc

Amending Article 181, Human Relations Commissions, Section 181.02, Definitions, 6. Discrimination.

Ms. Eichenwald stated that it was recommended favorably 3 - 0. It eliminates the cause of discrimination for providing insurance to same-sex couples in the City of Allentown.

Mr. D'Amore stated it changes the Human Relations Ordinance that applies to private and public employers in the City of Allentown.

Mr. Donovan stated that this is the first step that is necessary to provide same-sex domestic benefits. He stated that at the committee meeting tonight he went over the reasons he is in support of this. It does create a way to make sure that the focus is on same-sex partners. He stated that he does believe that in the Commonwealth of Pennsylvania there is a wrong with same-sex partners who can not marry and therefore can not obtain benefits for their partners. This particular bill will help move this forward.

Mr. Guridy asked if it would be enacted in ten days. He stated that he is thinking there will be some changes in the actual budget and are there any provisions to that budget item.

Mr. D'Amore stated correct. He stated that this is not a benefits proposal. This is to change the Human Relations Ordinance only. This is just a declaration not an act of discrimination to provide employee to same-sex partners that are not provided for opposite sex partners. It is not specific to the city and not specific to employers. It is any employer in the city of Allentown public and private.

Ms. Eichenwald stated that it is only an amendment.

Liz Bradbury, 427 ½ N. 9th Street, stated just to answer what Mr. Guridy stated that in the current Allentown Human Relations Ordinance, the discrimination section by specific amendment, the current ordinance language allows an Allentown employer to choose to not give the benefits to same-sex partners if they choose to do so without fear of lawsuit. This one small change would allow companies to choose to give benefits if they desire to do so without fear of a lawsuit. This does not require any business to give any benefits; it only allows businesses to choose to do so if they choose.

Adrian Shanker, 1020 Chew Street, stated that along with Liz he is a member of the Human Relation Commission for the City and the entire commission is unanimously in support of this change. He stated that he spoke to Anne Speck who is the Vice President at Muhlenberg College which is one of the many companies in Allentown which provides benefits for same-sex partners, but not for unmarried heterosexual

partners and she wanted to be here tonight, but could not fit it into her calendar so she asked him to relay this message to all of them. Muhlenberg has found that providing domestic partner benefits to same-sex partners of their employees has been a valuable recruiting tool and retention tool for keeping talented faculty and staff at the college. The college encourages swift passage of this amendment to the Human Relations Ordinance in order to protect the college in their decision to provide benefits to their gay and lesbian employees. This change will encourage other employers to do the right thing and offer benefits to their employees without worrying about being sued. This is an important bill. The Commission is also asking for swift passage.

Mr. Ken Laudenslager, 721 W. Cumberland Street, stated that his only concern is this bill and he ask the solicitor since the state does not recognize same-sex marriages are they not going up against the state and is this bill even valid.

Mr. Dale Wiles stated that this is a policy decision. They are not legislating anything that they can get married; they are essentially creating another class under the Human Relations therefore people can be provided with benefits. It basically creates another class of beneficiaries under the benefits. It does not go against the laws in the state.

Ordinance passed, 7 – 0

11. ORDINANCES FOR INTRODUCTION:

Bill 68 American Parkway Right of Way Acquisition .doc

Referred to Public Works

An Ordinance of the City Council of the City of Allentown, Pennsylvania, for the purpose of authorizing the administration of the City of Allentown to open and acquire property for the American Parkway and authorizing the mayor to execute the American parkway right-of-way plans prepared by the Commonwealth of Pennsylvania, Department of Transportation

Bill 69 EMS IRON PIGS.DOC

Referred to Budget and Finance

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Eight Thousand Three Hundred Thirty Eight Dollars and Seventy Five Cents (\$8,338.75) as a result of payment from the Lehigh Valley IronPigs Baseball Team to the City of Allentown Paramedics for provisioning of on-site Emergency Medical Services during baseball games at Coca-Cola park for the months of August and September 2010.

Bill 70 GOLF COURSE FEES.doc

Referred to Budget Meeting 11/22/10

Amending Article 400 Department of Parks and Recreation Fees, Article 400.04, Golf Course Fees by revising and establishing new fees for the Allentown Municipal Golf Course.

Bill 71 PUBLIC WORKS FEES.DOC

Referred to Budget Meeting 11/23/10

Amends Article 393, Fees for Public Works, by revising permits and fees for streets, utilities, waste water permits, chemical assessment and evaluation fees, and various other miscellaneous fees.

BILL 72 HEALTH FEES.DOC

Referred to Budget Meeting 11/10/10

Amending Part III, Business Regulation and Taxation Code, Title Nine, Fees, Article 395, Community and Economic Development Fees, Section 395.23, Child Care Certificates Fee, by including and increasing certain fees for food facilities that were previously established under the AIM regulations. The food facility fees have not been changed since the issuance of an AIM regulation in 1995 – this bill would place the fees in the code.

BILL 73 EMS FES.doc

Referred to Budget Meeting 11/10/10

Amends Article 391, City Billing for Emergency Medical Services, by updating this ordinance to adjust language to make the definitions consistent with the new Pennsylvania EMS Act 37 and increase fees to meet increases in cost of doing business.

BILL 74 BLDG STANDARDS FEES.DOC

Referred to Budget Meeting 11/22/10

Amends Article 395, Community and Economic Development Fees, by increasing fees charged by the Bureau of Building Standards and Safety.

Bill 75 PLANNING-ZONING FEES.doc

Referred to Budget Meeting 11/22/10

Amending Article 395, Community and Economic Development Fees, by increasing Zoning, Land Development and Subdivision Fees.

Bill 76 SWENTERPRISE.DOC

Referred to Budget Meeting 11/23/10

Adopts the Solid Waste Enterprise Fund: \$14,754,232

Bill 77 SWFEE.DOC

Referred to Budget Meeting 11/23/10

Adopts the Solid Waste Fee: \$340

Bill 78 WATERFUND.DOC

Referred to Budget Meeting 11/23/10

Water Fund Budget: \$15,165,559

Bill 79 WATERRATES.DOC

Referred to Budget Meeting 11/23/10

Adopts Water Rates for 2011 (2010 Rates)

Bill 80 SEWERFUND.DOC

Referred to Budget Meeting 11/23/10

Sewer Fund Budget: \$16,519,037

Bill 81 SEWERRATES.DOC

Referred to Budget Meeting 11/23/10

Adopts Sewer Rates for 2011 (2010 Rates)

Bill 82 LIQUIDFUELS.DOC

Referred to Budget Meeting 11/23/10

Adopts the Liquid Fuels Fund: \$2,287,973

Bill 83 TREXLER.DOC

Referred to Budget Meeting 11/22/10

Adopts the Trexler Fund Budget: \$1,370,613

BILL 84 GOLFCOURSE.DOC

Referred to Budget Meeting 11/22/10

Adopts the Golf Course Fund Budget: \$1,527,081

BILL 85 EQUIPMENTFUND.DOC

Referred to Budget Meeting 11/23/10

Adopts the Equipment Fund Budget: \$889,002

BILL 86 RISKFUND.DOC

Referred to Budget Meeting 11/10/10

Adopts Risk Management Fund: \$17,140,295

BILL 87 CAPPROJECTS.DOC

Referred to Budget Meeting 11/23/10

Adopts the 2009 Capital Projects Fund: \$29,200,000

BILL 88 DEBT.DOC

Referred to Budget Meeting 11/10/10

Adopts the 2009 Debt Obligations Fund: \$7,515,386

BILL 89 E911.DOC

Adopts the 2009 911 Fund: \$2,952,119

Referred to Budget Meeting 11/10/10

BILL 90 GENERALFUND.DOC

Adopts the 2010 General Fund at the sum of \$88,582,576 Dollars, net of a planned vacancy factor of \$853,081 Dollars.

Referred to Budget Meeting 11/17/10

BILL 91 TAXRATE.DOC

Adopts Tax Rate: 10.71979 mills on improvements and 50.38031 mills on land.

Referred to Budget Meeting 11/10/10

BILL 92 EIT TAX.doc

Amends the Earned Income Tax to be increased from 1% to 1.4% on salaries, wages, commissions and other compensation earned on and after January 1, 2011 by individual residents and non-residents.

Referred to Budget Meeting 11/10/10

Bill 93 RACP SYMPHONY HALL.doc

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Two Hundred Thousand (\$200,000) Dollars to provide for the grant from the Commonwealth of Pennsylvania Office of the Budget to the Allentown Symphony Association.

Referred to CEDC

Bill 94 LVEDC CHAMBER GRANT.doc

Amending the 2010 General Fund to provide for a supplemental appropriation of Six Thousand (\$6,000) Dollars from the Lehigh Valley Economic Development Corporation to the Lehigh Valley Chamber of Commerce for the Hamilton District Main Street Program and downtown events.

Referred to CEDC

Bill 95 HANOVER PROJECT.doc

Amending the 2010 Capital Fund Budget to provide for an appropriation of Two Million Seven Hundred Seventy-two Thousand Six Hundred Forty-Two Dollars and Eight Cents (\$2,772,642.08) reflecting receipt of funds from the America Recovery and Reinvestment Act (ARRA) to install replacement water line, install ADA standard handicap ramps, and provide milling and paving of Hanover Avenue extending from the Hamilton Street Bridge to Graham Street. The Bureau of Engineering is supervising and monitoring the funds.

Referred to Public Works

Bill 96 Revised PLA.doc

Amends Article 130, Financial Procedures, of the Administrative Code by adding Section 130.22, State and Federally Funded Construction Projects requiring a Project Labor Agreement to be included in all construction project bids excluding architectural and engineering services having a total value equal to or in excess of Two Hundred Fifty Thousand Dollars (\$250,000) as set forth in Appendix A.

Referred to Budget and Finance

12. CONSENT AGENDA: None

13. RESOLUTIONS ON SECOND READING:

R44 601 N 8th Street.doc

Encroachment 601 N. 8th Street.pdf

Encroachment for a Basement Door Repair with Raised Application at 601 N. 8th Street

Mr. Schlossberg stated that this particular encroachment will encroach into 1/3 of the right of way. This does not present any safety risks. It was forwarded favorably.

Resolution passed, 7 - 0

R 47 215-221 Fenwick Street Sewage Plan Module.DOC

Adopts and authorizes submission to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" the proposed development of a parcel of land identified at 215–221 N. Fenwick Street.

Mr. Schlossberg stated that this is for an on-site septic tank that they are seeing increasing amount of because of continued issue do to hooking into the sewer system. This is more of a technicality.

Resolution passed, 7 - 0

R45 OAPA STREETSCAPE.doc

Authorizes submission of a Redevelopment Assistance Capital Grant from the Commonwealth of Pennsylvania for Streetscape Improvements in the Old Allentown Preservation Association District.

Mr. Schweyer stated that they were asking for money and CEDC recommended the money favorably 3 – 0.

Resolution passed, 7 - 0

R46 STATE HOSPITAL HRA GRANT.doc

Authorizes submission of a Housing Redevelopment Assistance grant application to develop a best use plan for the State Hospital Site

Mr. Schweyer stated that CEDC Recommended favorably, 3-0.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that it is not a blighted area now maybe they will make it so by their actions. He stated that they already have a site plan with Institutional of Government Zoning which tells them the public uses. He wanted to know why they needed the \$325,000 there. He stated maybe they have the possession of the land already and nobody is telling him. No one would tell them about the possession of the 29 acres. If no one is active or not here is because if you would have provided people public hearing notices people might have shown up. When are they going to talk about the 29 acres and the rezoning or allowing stuff to go on? He stated that he is thinking about the animal life. He stated that a lot of the east siders like to watch the deer and the turkeys and they do exist there. He stated that he wants more green and everyone wants to make Allentown State Hospital a cash cow.

Mr. D'Amore asked Ms. Hailstone that this the best used plan proposal this will be a study and presumably as part of the study you can request that there be one of more public hearings. He stated that he thinks that this is a wise thing to do. He stated that it should be a public hearing on the east side of Allentown. He stated to Mr. Pearson that he is just as concerned of what will happen to the State Hospital.

Resolution passed, 7 – 0

R51 628 MEADOW ST.DOC

Authorizes the Administration to Sell the City-owned Real Property located at 628 North Meadow Street.

Mr. Donovan stated that this is a \$4000 value piece of property and they are authorized to authorize that and asked Mr. Bennington and stated that it is a small piece of property. He stated that it is a small piece of property and the abutter is willing to take it at the price of \$4,000 and everyone is happy at the end.

Resolution passed, 7 – 0

14. RESOLUTIONS ON FIRST READING:

R-52

Referred to Budget Meeting 11/23/10

Adoption of Capital Improvement Program

15. NEW BUSINESS

Ms. Eichenwald stated that Ernie Atiyeh discussed Citizens on Patrol and there was a request for an \$8,000 financial disbursement from City Council. She asked for it to go on the agenda and get the ball rolling.

Mr. D'Amore stated that this would be the appropriate place for it. He stated to Mr. Wiles that the precedence that they have established is the money in the City Council's budget has already been allocated so effectively it has gone through the legislative process to be allocated. It is generally a consensus that City Council is allowed to release that money. They do not do resolutions to do that. He asked if they do add a resolution to introduce this tonight would they be establishing a precedence that they then have to follow every time in the future that they disburse any money in the City Council's budget.

Mr. Dale Wiles stated that it is a valid concern and it should be research before they do that so that they do not set that precedence. He stated that they do not what to repeat that process over and over again.

Mr. D'Amore stated as a result of that he asked Ms. Eichenwald is she willing to hold this for the next City Council meeting until the Solicitor can give them an opinion on that.

Ms. Eichenwald stated that she is willing to do that, but with a guarantee that even though they are doing that presently in the Budget process there will be time to take care of this issue.

Mr. D'Amore stated that they will put it on the agenda under new business on the agenda and they will hopefully have a written opinion from the solicitor on that matter.

Ms. Eichenwald stated on the November 17th meeting.

Mr. D'Amore stated on the November 17th meeting.

Mr. Wiles asked for a written LSR sent to the solicitor's office so that they can review it.

Mr. D'Amore asked Mr. Hanlon if they can get that for the solicitor's office by tomorrow.

16. GOOD AND WELFARE

Mr. D'Amore stated that he enjoyed himself at the Allentown Halloween Parade. He stated that a number of his colleagues were judges. He stated it was a great time.

17. ADJOURNED: 10:00 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.