

Michael D'Amore, Ph.D., President  
W. Michael Donovan, Vice President  
Jeanette Eichenwald  
Julio A. Guridy  
David M. Howells, Sr.  
Tony Phillips  
Peter Schweyer



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**COUNCIL MEETING MINUTES**  
**October 7, 2009 - COUNCIL CHAMBERS – 7:30 PM**

**1. Invocation: David M. Howells, Sr.**

**2. Pledge to the Flag**

**3. Roll Call:** The meeting was called to order at 7:30 PM. Councilpersons D'Amore, Donovan, Eichenwald, Guridy, Howells, Sr. and Schweyer were present. Councilperson Phillips was absent

**4. Courtesy of the Floor**

Mr. Hershman, 405 North Gilmore Street, said he has not received information on the Keystone mailing from the Administration, inquired about the transfer process, and asked if the Administration has verified the overtime time sheets to see if the entries in the Fire Department are correct.

Mr. D'Amore pointed out legislation is forthcoming on the transfer process.

Dan Mest, 900 Block of Jackson Street, thanked the City and Parks Department for the work done at Canal Park.

**5. Approval of Minutes:** September 16, 2009

**6. Old Business**

**7. Communications**

Mr. Donovan noted Dennis Pearson alerted the City about problems at Dieruff. Mr. Bennington said it will be addressed by the police.

Mr. Schweyer noted he will be on vacation and will miss the next meeting.

**8. REPORTS FROM COMMITTEES:**

Budget and Finance: Chairperson Donovan

The Committee met on September 23<sup>rd</sup>, the next meeting is scheduled for October 28<sup>th</sup> at 6:30 PM. The Committee forwarded a bill on tonight's agenda amending the pension ordinance and reviewed the city's financial report which is included as part of this agenda. Mr. Donovan noted the Controller, at the meeting, stated there is no evidence that police overtime is coming from inappropriate accounts. Mr. Hoffman is also requesting an opinion on the stabilization fund and its relationship to the city's cash flow. At the next meeting, the Committee should have a better indication of the revenues and expenditures.

Mr. Donovan noted on the capital process, a problem is with what layer the approval process takes place - from concept to details - noting council needs to be involved in the details of the project that is approved. This could take place at the appropriate committee level in conjunction with the reporting requirement and public notice.

In response to Mrs. Eichenwald, Mr. Bennington said the Administration is trying to deliver the budget by the second meeting in October. Mrs. Eichenwald also suggested the Finance Committee review sick days that are being taken by the Fire Department - how many took two days, three days, etc. - to determine any patterns. The overtime issue needs to be rectified.

Mr. Donovan agreed that information needs to be analyzed and there needs to be more internal auditing, noting there is a need for more appropriate staff in the Controller and Council office. He suggested there be a joint committee meeting on the overtime issue since it is a Human Resource issue.

Mr. Bennington said the Fire contract is in place until 2011 - the contract must be followed. The Fire Chief is attempting to convince the firefighters to follow better guidelines.

Mr. Guridy noted more diligence needs to be made in regard to managing overtime – he suggested meeting with the individuals in the Fire Department, perhaps pressure could be exerted to save money. This is bad for the City.

Mr. Bennington said if the newspaper article didn't shame people into changing people's ways, they will be difficult to change.

Mrs. Eichenwald said if we have an attitude that there is nothing we can do, the problem will continue, this is counter-productive.

Mr. Donovan said we need to manage the system better and do more internal analysis with appropriate professionals, rather than just react to stories; the overtime issue exhibits disrespect to the City and is being exploited by some.

Public Safety: Chairperson Howells

The Committee met this evening; a future meeting is not yet scheduled.

Community and Economic Development: Chairperson Schweyer

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

Parks and Recreation: Chairperson Phillips

The Committee met on September 30 and reviewed the permit and fee process for recreational, park activity and special events; a future meeting has not yet been scheduled.

Mr. Schweyer delivered the committee report noting Parks and Recreation is reviewing the fee structure.

**Committee Report:**

There was testimony on noise in and around the pavilions at Cedar Park on the west side of Ott Street and in the Parkway. Concerns were raised over inadequate rules/legislation governing music devices at the park. It was noted there has been an eightfold increase in the number of tickets for noise disturbances over the last few years. The committee intends to see what other measures can be taken to enforce noise regulations – like looking into the field ranger having enforcement powers, pulling future and current permits from the organizations that have complaints registered against them or violated the ordinance, and requesting a deposit that will not be refunded if there are problems, and reviewing the ordinances. Kevin Easterling reviewed the special event procedures inclusive of the fees and application process; and the process for reserving the pavilions and picnic grove.

Mr. Donovan suggested limiting amplified sound and the time; and said he has received concerns about the potential for asphaltting the trail at Cedar Park – mentioning the running coach from Cedar Crest.

Mr. Howells noted that asphalt would be an advantage to people in wheelchairs and others with disabilities.

Ms. Eichenwald suggested Mr. Weitzel attend a future meeting to address these issues.

Public Works: Chairperson Guridy

The Committee met this evening; a future is being set up to take a tour of the Public Works facilities.

Mr. Young explained that they are working with DEP, Army Corps of Engineers and Bethlehem on the wash-out in the towpath.

Human Resources, Administration and Appointments: Chairperson Eichenwald

The Committee has forwarded a number of appointments for Council to vote on tonight.

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

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

**OTHER COMMITTEE REPORTS**

Ad Hoc Ethics Committee – Councilperson Donovan noted they met with the solicitor's office and will put together findings.

Webcast Meeting – Mr. Donovan noted they had a presentation from a vendor. A meeting was set up prior to the October 21<sup>st</sup> meeting to review webcasting and meeting management.

**CONTROLLER'S REPORT**

Mr. Hoffman noted the state has passed legislation that conflicts with our requirement for an annual actuarial study – the state law making such a report useless. We still will face a future obligation with the loss of asset value in the pension funds whenever it's reflected in the MMO. Act 44 potentially allows us to reduce our MMO by about 2 million dollars. Mr. Hoffman also suggested amending the Officers and Employment pension membership to include active and retired members in order that we more readily get a quorum. He also noted the fire sick days will bump up the pension payouts.

## 9. APPOINTMENTS:

ACIDA – Thomas Shaughnessy – reappointments term to expire 1/1/2014.  
Electricians Examining Board – Alfred Lutz, Jr. and Karl H. Buesgen, Jr. – reappointments terms to expire 4/4 and 4/18 2012.  
Environmental Advisory Council – Council's Appointment Betsy Levin – filling the remainder of Michael Adams' term.  
Noise Control Hearing Board – Michael Hefele – CEDC representative.  
Shade Tree Commission – Randy Fey – term to expire 1/1/2013.

All of the appointments were approved, 6-0.

## 10. ORDINANCES FOR FINAL PASSAGE:

The following bill has been removed - there continues to be a problem getting a reply from one of the abutting property owners.

### [B66ANNSTVACATION.DOC](#)

Providing for the vacation of South Ann Street from East Hamilton Street to East Maple Street in the Fourteenth Ward of the City of Allentown

### [B70POLICEPENMEMBERS.DOC](#)

Budget and Finance, Recommended Favorably.

Amending Article 143, Police Pension Fund, by repealing the residency requirement for those selected from among the policemen of the City to the Police Pension Board

The bill is a result of a potential agreement that would get rid of an unfair labor practice between the City and the FOP - allowing the increase in membership to the board but rescind the residency requirement.

The bill was approved, 5-1 (Schweyer).

### [B71RV EXEMPTION.DOC](#)

Amending Article 532, Limitations on the Parking of Trucks and Trailers by providing for the loading and unloading of Recreational Vehicles and Truck Campers

Mr. Howells noted the bill was forwarded favorably by the Public Safety Committee and would allow owners to load or unload their recreational vehicles.

There was discussion as to whether there should be a 24 or 48 hour permit.

Ken Laudenslager, 721 West Cumberland Street, said when this ordinance was drafted, the longest time frame we discussed was 12 hours, 24 hours is enough.

Dan Mest, 900 Block of Jackson, said if someone needs more than 24 hours, they can get another permit.

Council approved the following amendment and the bill, 6-0.

### 532.05 Permit for Loading or Unloading Recreational Vehicles or Truck Campers

Permits shall be issued by the Allentown Parking Authority to the owners of Recreation vehicles or truck campers for a 24 hour permit to unload or load said vehicle wherein the owner is actively engaged in the loading or unloading of the vehicle, provided that such vehicle doesn't constitute any traffic hazard. (14421 §1 9/15/2006)

### [B72JAG GRANT.DOC](#)

Amending the 2009 General Fund Budget to provide for a supplemental appropriation of One Hundred Fifty Thousand Nine Hundred Forty-Seven Dollars and Seventy-Seven Cents (\$150,947.77) from The Department of Justice, Joint Justice Assistance Grant, Award Number 2009-SB-B9-2087 to the Joint Justice Assistance Grant Program of the Police Department to provide for Computer Related equipment and software and Crime Analysis Consulting Services. This ordinance also reflects pass through grants to South Whitehall Township, \$30,565.30, the Borough of Emmaus, \$11,951.95 and The Borough of Fountain Hill, \$11,560.55

The bill was approved 6-0.

## 11. ORDINANCES FOR INTRODUCTION:

### [B73HPRP FUNDS.DOC](#)

Referred to CEDC

An Ordinance providing for the expenditure of certain monies received by the City of Allentown from the Homelessness Prevention Fund created under Title XII of Division A of the American Recovery and Reinvestment Act of 2009. This Program, the Homelessness Prevention and Rapid Re-Housing Program (HPRP), falls under the jurisdiction of the United States Department of Housing and Urban Development (HUD).

[B74AHA RACP GRANT.DOC](#)

**Referred to CEDC**

Amending the 2009 General Fund Budget to provide for a supplemental appropriation of One Million (\$1,000,000) Dollars to provide for the grant from the Commonwealth of Pennsylvania Office of the Budget. This is a pass through grant to the Allentown Housing Authority for work done on the Hanover Acres Project

[B75CDBG-R.DOC](#)

**Referred to CEDC**

An Ordinance providing for the expenditure of certain monies received by the City of Allentown from funds authorized under the American Recovery and Reinvestment Act of 2009. This Program, the Community Development Block Grant-R (CDBG-R) Program, falls under the jurisdiction of the United States Department of Housing and Urban Development (HUD).

[B76DEFY.DOC](#)

**Referred to Public Safety**

Amending the 2009 General Fund Budget to provide for a supplemental appropriation of Three Thousand Sixty-Two (\$3,062) Dollars from the U.S. Department of Justice for the youth program entitled Drug Education for Youth (DEFY)

[B77MAINST.DOC](#)

**Referred to CEDC**

Amending the 2009 General Fund Budget to provide for a supplemental appropriation of Seventy Thousand (\$70,000) Dollars in Main Street funding from the Pennsylvania Department of Community and Economic Development to provide funding necessary to continue the implementation of the *Main Street Program* in Main Street Program Area.

[B78BYOBAMEND.DOC](#)

**Referred to CEDC, Planning Commission and Lehigh Valley Planning Commission**

Amending the Zoning Code, Article 1301-1331, of the Codified Ordinances of the City of Allentown by allowing BYOB establishments whose sole use is as a restaurant in Limited Business Residential District (B-1/R).

**12. CONSENT AGENDA**

CA – 1 Approval of a Certificate of Appropriateness: 236 N West Street

The resolution passed 6-0.

**13. RESOLUTIONS ON SECOND READING:**

[R67MLKPROPERTY.DOC](#)

Resolution by the Council of the City of Allentown to Cooperate with the Salisbury Township Board of Commissioners in Planning the Acquisition of a Parcel of Real Property at 1900 Martin Luther King Blvd, Lying Partially Within Both Municipalities, and, upon Purchase by Said Municipalities, to be Converted to Watershed Protection Lands in Perpetuity, in Accordance With PA Dept of Environmental Protection Initiatives

Don Mest, 900 block of Jackson Street, recommended Council vote favorably.

R67 was approved 6-0.

**14. RESOLUTIONS ON FIRST READING: None**

**15. NEW BUSINESS:**

The President said council will meet following this meeting in executive session to discuss the Deputy Clerk position.

**16. GOOD AND WELFARE**

**17. ADJOURN:** The meeting was adjourned at 9:10 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](http://www.allentownpa.gov), or contact the Clerk at [hanlon@allentowncity.org](mailto:hanlon@allentowncity.org) to receive an email notice of the meetings.*