

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



Allentown City Council
435 Hamilton Street
Allentown, Pa. 18101
Phone: 610.437.7539

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COUNCIL MEETING MINUTES
September 2, 2009 - COUNCIL CHAMBERS
COUNCIL MEETING - 7:30 PM

- 1. Invocation:** Julio Guridy
- 2. Pledge to the Flag**
- 3. Roll Call**

The meeting was called to order at 7:30 PM. Councilpersons Eichenwald, Phillips, D'Amore, Guridy, Donovan and Schweyer were present.

4. Courtesy of the Floor

Lou Hershman, 405 North Gilmore Street, said Council is not approving transfers appropriately under the administrative code – stating that there should be no transfers between capital programs unless by ordinance but only within the program – specifically referring to section 130.10. 2(a) when asked; and noted Section 951, Park Regulations, refers to the Community and Economic Development Director, not the Parks and Recreation Director.

Mrs. Eichenwald inquired about changes that have taken place in regard to the transfer process – when did we approve capital projects by ordinance and when were changes made to the to the transfer process.

Mr. Donovan noted Council approved a number of transfers by ordinance in regard to Park improvements and said the transfer issue and other oversight issues in regard to the capital projects will be addressed by the Budget and Finance Committee on September 23.

- 5. Approval of Minutes:** The minutes of August 5, 2009 were approved 6-0.
- 6. Old Business**
- 7. Communications**
- 8. REPORTS FROM COMMITTEES:**

Budget and Finance: Chairperson Donovan

The Committee met on August 26th and September 1; the next meeting will be on September 23rd.

Mr. Donovan noted the Auditors confirmed the 2008 deficit in the General Fund was almost 6 million and the major management issue was the promptness of the reconciliation process. In response to Mrs. Eichenwald requesting more work on reconciliation, Mr. Hoffman said the Controller's office plans to expedite the process. Reviewing the July financial reports at the meeting, the committee raised concern over premium pay for fire, expressed concern over the Mayor's fiscal plan in regard to selling property in a timely manner to address the budget gap, and suggested the budget be submitted at the second meeting in October.

Mr. Donovan said he has pulled his bill on capital improvements from the agenda for legal reasons but noted there are steps in the capital process at approval and reauthorization where Council can exert oversight. He reviewed the history of the Cedar Beach plans from 2007 and 2008, noting there was a lack of detail in the initial proposal, master plan and grant approval. He noted he will be looking at ways to enhance oversight of the capital process; and suggested establishing rules on capital projects, looking at halting the process if there are not details in what is presented to Council, amending the administrative code to create oversight rules, and demand details when we look at capital projects.

Mrs. Eichenwald requested that we make sure the approval of transfers and the capital oversight process is done in a public forum.

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

Community and Economic Development: Chairperson Schweyer

The Committee has not met since the last Council meeting; a future meeting has not been scheduled – noting we will be look at having a meeting on light rail and the bio fuel facility.

Parks and Recreation: Chairperson Phillips

The Committee has not met since the last Council meeting; a future meeting has not yet been scheduled but plans are to look at the permit system for using parks, regulating loud music and noise at the park, and traffic control.

Public Works: Chairperson Gurdy

The Committee has not met since the last Council meeting; a future meeting has been scheduled for September 16 and we are setting up a tour of the public work facilities in the near future.

Human Resources, Administration and Appointments: Chairperson Eichenwald

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

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

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

OTHER COMMITTEE REPORTS

Ad Hoc Ethics Committee – Councilperson Donovan noted the next meeting will be Tuesday, September 15th 6:30 PM.

Webcast Meeting: Mr. Donovan noted they will be meeting on September 18 at 9:30 AM.

CONTROLLER'S REPORT

Mr. Hoffman noted in regard to sewer capacity – it is being sold to an existing signatory – and this is why there is no contract and that there is little else to sell.

Mr. Hoffman reviewed the attached spreadsheets noting problems in the overtime in the fire department which is currently overdrawn – using a straight line projection, the account would fall short by about \$600,000 at the end of the year.

Mr. Phillips, questioning the accuracy of the police premium pay, suggested that the Administration double check the premium pay account in the police department. He suggested that it might not be accurate.

Mr. Bennington said he will get back to Council on this.

Mr. D'Amore pointed out that fire premium pay was under budgeted for a few years but the police department was budgeted more accurately – the fire premium pay does not accurately reflect reality.

Mrs. Eichenwald and Mr. Gurdy noted the overtime issue for fire fighters should have been taken into consideration at budget time and we should not be running over budget at this point of time.

9. APPOINTMENTS:

Ms. Eichenwald expressed frustration that vacancies are not being filled on a timely basis by the Mayor.

10. ORDINANCES FOR FINAL PASSAGE: None

There was a motion made by Mr. Phillips and seconded by Mr. Donovan to bring Bill 67 from committee – Bill 67 places funds in the Cedar Park improvement project into the unappropriated balance.

Mr. Donovan said while there are legal difficulties with this, we still need to discuss controls of the capital budget which will be done at the next Budget and Finance meeting.

The motion to suspend the rules and pull the bill from committee failed (3 yeas – Eichenwald, Phillips, Donovan – 3 nays, D'Amore, Gurdy, Schweyer)

11. ORDINANCES FOR INTRODUCTION:

[B68PENN STATE PCCD GRANT8.DOC](#)

Referred to CEDC

Amending the 2009 General Fund Budget to provide for the supplemental appropriation of Thirty-Seven Thousand Eight Hundred Sixty-Three (\$37,863) Dollars from the Pennsylvania Commission on Crime and Delinquency for the Weed and Seed Strengthening Family Programs

[B69BROWNFIELD HDR \(2\).DOC](#)

Referred to CEDC

Amending the 2009 General Fund Budget to provide for a supplemental appropriation of Three Thousand Three Hundred Forty-Nine Dollars and Fifty-Eight Cents (\$3,349.58) from the Environmental Protection Agency for Brownfield Redevelopment Projects

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.

12. **CONSENT AGENDA:** None

13. **RESOLUTIONS ON SECOND READING:**

[R59ELECTPREZ&VP.DOC](#)

Establishes procedures for the election of Council President and Vice President by requiring prospective nominees to notify council office in December prior to the election stating the office they seek, their goals and visions for the ensuing year, past achievements and any other information they might find useful to secure the nomination

The following amendments in bold were made and adopted, as was the resolution, 6-0.

RULE VI

ELECTION AND REMOVAL OF PRESIDENT AND VICE PRESIDENT

A Election of the President and Vice President of Council

Council will elect a President and Vice President at its organizational meeting. The prospective nominees for President and Vice President must submit a memo to the Clerk's Office indicating the office they seek to secure no later than 4:00 PM on the Tuesday preceding the second regular Council Meeting in December. At this meeting, the Clerk shall in a random fashion, by lottery, determine the voting order of the prospective nominees for each position that will take place at Council's organizational meeting.

One week prior to the Council Meeting at which a vote is to be taken on the election of a President and Vice President, **nominees who have previously declared their candidacy** ~~prospective nominees~~ shall submit a memo to the City Clerk's office restating their intention of the office they plan to seek, their goals and vision for the ensuing year, past achievements and any other information they might find useful to secure their **election** ~~nomination at least one week prior to the council meeting~~. This memo will be public and be published as part of the agenda for the Council meeting at which the election takes place.

At the organizational meeting, the President (or Acting President) will call for a vote on the prospective candidates for each position in the order that has been randomly determined. **The vote for the President shall be first, followed by the vote for Vice President.** Nominations will be limited to those Councilpersons that have submitted a memo outlining their intentions and only for the office they so indicated. If there have been no candidates for Vice President, Council shall vote for Vice President on the basis of the requests to be elected President, provided the potential candidate **desires** ~~does not seek~~ such office.

The first nominee to secure a majority of affirmative votes shall be elected. If no Councilperson that has submitted a memo to Council has secured the nomination for President or Vice President by a majority vote, a revote shall be taken and shall be in the same order unless a nominee removes their name for consideration.

If a Councilperson is not able to attend such meeting, they may participate in the election of the president by phone.

14. **RESOLUTIONS ON FIRST READING:**

[R65LEHIGHCOUNTYENCPLANTS&STRIP.DOC](#)

Referred to Public Works

Encroachment for Plants and Bollards in Sidewalk/Planter Strip at 455 Hamilton Street

[R66ENCROACHSECBOLLARDS.DOC](#)

Referred to Public Works

Encroachment for a Security Crash Bollards at 455 Hamilton Street

15. NEW BUSINESS

Mr. Phillips requested Mr. Bennington investigate the police setting fees at the police academy – this is outside the scope of their powers – fees, under the charter should be established by Council. Mr. Phillips mentioned Lt. Flowers in regard to setting fees.

16. GOOD AND WELFARE

17. ADJOURN – 8:45 PM