



Ted Zeller – Chairperson
Santo Napoli – Vice Chairperson
Daryl Hendricks – Secretary
Bina Patel – Treasurer
Candida Affa - Member
John N. Morgan – Executive Director
Dan McCarthy, Davison McCarthy – APA Solicitor

ALLENTOWN PARKING AUTHORITY BOARD OF DIRECTORS MINUTES

A regular meeting of the Allentown Parking Authority Board of Directors was held at 12:00 p.m. on Wednesday, February 22, 2023, at the Office of The Allentown Parking Authority, located at 603 W. Linden Street, Allentown, PA 18101.

The following attended:

Ted Zeller – Chairperson
Santo Napoli – Vice Chairperson
Daryl Hendricks – Secretary
Bina Patel – Treasurer
Candida Affa – Member
Dan McCarthy – APA Solicitor
John Morgan – Executive Director (Phone Conference)
Jon Haney – Deputy Director (Phone Conference)
Christina Dayton – Deputy Director
Jill Fessler – Finance Manager
Christina Nolden – Minutes

Guests:

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|----------------|--------------------|
| Ce-Ce Gerlach | Xavier Roden |
| Betty Caulor | Enrique Amoreno |
| Julio Amoreno | Dr. Ashley Strange |
| Jessica Ortiz | Barbara Nixon |
| Melissa Rogers | |

CALL TO ORDER

Mr. Napoli called the meeting to order at 12:19 pm.

APPROVAL OF THE JANUARY MINUTES

Mr. Hendricks made a motion to approve the January minutes, Ms. Affa seconded the motion. The Board voted and approved the January minutes.

EXECUTIVE DIRECTOR'S REPORT

Spiral Deck: Mr. Morgan brought up that he spoke with Pennoni Engineers for Phase II of the Spiral deck repairs in the amount of \$50,000 dollars. Mr. Morgan said that the Pennoni report with the next phase of repairs will be back to us by the next board meeting. It could run upwards of \$600,000.

Mr. Morgan also mentioned that he talked to Barry Isett & Associates to work on the Court Street walkway & the wall partition for the DaVinci redevelopment of the Farr Street lot. This is estimated to be completed by next month.

Maple Street Deck: Mr. Morgan reported that High Concrete, who built and formed the deck is there investigating the new wall. They believe that when the pieces were installed that the welders damaged the wall on the inside. They will be back next week for more inspection work, including drainage issues and some caulking issues, rain is coming in from the upper deck.

Flash: Mr. Morgan said that the Flash gate systems have all been completed. We have had a very good response with the new gate system.

Pay Stations: Mr. Morgan mentioned that we now have our new T2 pay stations in place on Hamilton Street from 4th Street to 9th Street. This is set to continue up to 12th Street. This is a part of the streetscape project.

Mr. Napoli asked if there will be a Phase III for the Spiral deck repairs. Mr. Morgan said that there will be. Mr. Morgan explained that Phase II is more for preventative maintenance than Phase III.

DEPUTY DIRECTOR'S REPORT

January Enforcement Results: Mr. Haney reported on the January enforcement results. On North 7th Street, 211 double parking tickets were issued. For the Hamilton Street targeted area, we issued 28 double parking tickets. We assisted with the recovery of one stolen vehicle in January. Our dispatch line fielded 1,121 calls for enforcement in the month of January.

Customer Service Calls and Complaint Issues: Ms. Dayton reported on complaint issues and customer service calls. From January 26th to February 17th, there were 2,842 customers in the lobby that received assistance. There were 2,300 phone calls that customer service fielded. 5,142 customers total. For the appeal process, in January there were 24% of tickets that were found valid tickets, 41% were dismissed, and 35% were reduced to warnings. For February, 42% were valid, 22% were dismissed, and 36% were reduced to warnings. This came to a total of 214 tickets for January and February so far.

Mr. Napoli asked what the protocol is for tickets that are reduced to warnings. Mr. Haney said that if someone appeals a ticket and it gets reduced to a warning, the next time it happens again they would get a ticket. It stays on their record permanently. Mr. Haney said that this appeals process has always been in place, since the parking authority has been established in 1985.

JANUARY FINANCE REPORT

Ms. Fessler reported on the January finances. The budget shown in the January statement is a temporary 3-month budget based on the 2022 budget. Since it is a temporary budget, the comparison will show the January 2023 results against January 2022. Total revenue for the month of January was \$1,306,677.24 (56.9% higher than January 2022). Operating revenue was \$1,296,865.40 (66% higher than 2022). Enforcement revenue contributed \$785,647.80 (74.40% higher than 2022) and Off-Street and Events contributed \$511,217.60 (54.50% higher than 2022). Non-operating revenue was \$9,811.84. Total operating expenses for the month of January were \$636,800.27 (65% higher than January 2022). Personnel costs were \$470,349.51 (63.3% higher than January 2022). Services and charges were \$158,773.05 (63.4% higher than January 2022), and materials and supplies were \$7,677.71 (1366% higher than January 2022). Overall, for the month of January, total revenue exceeded total expenses by \$669,876.97 (49.90% higher than January 2022). After transfers to Capital, transfers to City, and the debt service fund, the general operating fund shows an excess of \$315,540.54. Project costs for the Maple Street Garage are not included in this calculation because the costs are not paid from operating revenue. The total cost to date for the Garage is \$24,709,482.40.

Mr. Napoli asked if the loan for Maple Street is still in the process of being re-financed. Mr. Morgan said that we are still working with the banks to get a permanent mortgage arrangement. Mr. Morgan added that we still have another year and a half to plan.

COMMUNICATIONS – LOCAL REPRESENTATIVES/CITY COUNCIL FOR REVISIONS TO PARKING ORDINANCES AND FINES

Mr. Zeller asked where we were with revisions on parking ordinances and fines. Mr. Haney said that he is just waiting for council to sponsor this so it can get in to the committee to be discussed and voted on. Mr. Zeller said he identified the issue with the alley tickets. He does not like that ordinance. Mr. Zeller suggested that we need to have a plan of everything that we want to address in front of the committee. Mr. Zeller said that for example, if the mayor looks at the new fine structure, and the fire and police department looks at the safety of getting through the alleys, and street engineering looks into how far from the curb cars can safely park, with all of this we will then send this off to other administrative agencies to look at for further review and comment. Then from there we could work on getting it in front of the committee. Ms. Affa added that if a resident has a garage they should be parking in their garage that way this frees up the apron so emergency vehicles can safely get through alley ways. Mr. Zeller asked Mr. Haney and Mr. Morgan if they would be able to schedule an additional Board meeting to address these ordinances. Mr. McCarthy said that we could have a non-board meeting such as a workshop, or informational meeting, if we would like to propose revisions to ordinances by the city. More than two Board members present would constitute a meeting Mr. McCarthy said. Mr. McCarthy also noted that the Allentown Parking Authority has no ordinances or statutes, we simply enforce laws passed by other entities such as the Commonwealth or state statutes and the city. Mr. McCarthy recommended that this should be open to the public. Mr. Zeller asked Mr. Haney and Mr. Morgan to work on getting a date together for a special meeting to work on parking ordinances. Mr. Morgan added that he is working on getting a date together in March for the night time open session meeting. Mr. Zeller acknowledged this and mentioned that he would like to get together before the night time open session so the Board can further discuss, the parking changes that we want to present to the committee and other agencies for their review. Mr. Zeller asked Mr. Haney to gather all the parking ordinances and create a packet for the Board's review. Mr. Haney said yes and that he has been working with Mike Hanlon, and Chuck Smith in just making some very surface level corrections to the re-codification that took place. Mr. Zeller suggested that we invite Chuck Smith to this special Board meeting as well. Ms. Affa suggested that we invite state representatives in attendance during these meetings. She mentioned that these are the people that have to go to Harrisburg to change these laws for us. Ex: "imprisonment". Mr. Zeller said that we have a meeting scheduled with State Senator Nick Miller for various purposes.

EXECUTIVE SESSION

No action was taken coming out of executive session.

COURTESY OF THE FLOOR

Dr. Ashley Strange introduced herself first. She is a resident of South Front Street in Allentown. She said she is here for several reasons today. The first being that her child received a ticket right in front of their house. Both of the reasons she received the ticket for were incorrect. Dr. Strange said the ticket stated she was parked too far away from the curb. She said that she checked and everyone else was right inline. The ticket also stated that she was parked opposing traffic. Dr. Strange said this was also not true. Her child did not want to fight the ticket because she was afraid of the consequences. Mr. Zeller asked if the ticket was paid already. Dr. Strange said that her child paid the ticket already. Mr. Zeller brought up to Dr. Strange our internal complaint procedure. He said that if you receive a ticket, there is a procedure that we offer and encourage people to be a part of, he mentioned to her that she can appeal the ticket going forward in the future. He also said that Ms. Dayton is handling all complaints as well so that these matters are getting addressed. Mr. Zeller said that last month almost 60% of tickets that were appealed were collectively either dismissed or reduced to a warning. Dr. Strange acknowledged Mr. Zeller but brought up that with these statistics he shared and the fact that people are parking correctly, it puts the responsibility on them to go and correct the problem that the Parking Authority caused by issuing incorrect tickets. Dr. Strange asked if there is training for the people that are going out there issuing tickets. Mr. Zeller said that when we look up the ticket we are able to see who the officer is that issued the ticket, if it's the same officer that's making mistakes then we can internalize and address those types of things. Mr. Zeller said that this is a constant training process. Dr. Strange added that right in front of her house is a fire hydrant and that her neighbors and herself have helped keep it shoveled and however the paint in front of it has been severely worn away. She said she has been asking for over two years

what can be done to fix this and she just gets told that “someone will put in a ticket for it”. Mr. Zeller told Dr. Strange that it is not the parking authority’s responsibility to paint the lines, it’s the city’s responsibility to paint the lines. Mr. Zeller said that yes, painting wasn’t getting done and they’ve noticed it, and that it’s not fair to the citizens and public safety. Mr. Zeller said that last summer we had a program we ran with our event staff, to repaint these lines throughout the city. Mr. Zeller said that he will take her information down that way this will help get her area get painted quicker. Ms. Affa said she will bring this up with the public works department also.

Next Jessica Ortiz introduced herself. She is a resident of Tilghman Street in Allentown. She started off by saying on her block she has seen some improvements and thanked us. One of the cars on their block they’ve been having a problem with received a boot today. Ms. Ortiz suggested to the Board community block leaders maybe coming in once a quarter to express any concerns separately, as it’s hard to make it to the weekday afternoon meetings. Her second issue is that she applied for the Parking Authority Board and she would like to know what is needed so she knows when she’s talking to residents in the community. Mr. Zeller said that he grew up in Allentown his whole life, Mr. Napoli is not originally from here; however, he has his store here in downtown Allentown and is familiar with the city. Ms. Affa has been living here in Allentown for 50 years & Mr. Hendricks is from the Allentown police force. Mr. Zeller said that an intimate understanding of downtown Allentown is needed, as well as knowing the needs of downtown Allentown is really important. Mr. Hendricks told Ms. Ortiz that we are working on getting an evening meeting put together and getting that information out to the public. Ms. Ortiz brought up next that the 24/7 enforcement social media post came off as aggressive and made the Parking Authority look like the bad guys. Mr. Hendricks said that since the pandemic we didn’t have enough staff to enforce 24/7. Now we are finally at a place where we can and that it was the community’s request for us to enforce 24/7. Ms. Affa said that she thinks Ms. Ortiz would be a great fit for the Board.

Betty Cauler introduced herself next. She was here to discuss targeting. Ms. Cauler said that officer 506 has returned to her house on four occasions in less than four weeks. She was cited three times for parking on a non-existent sidewalk, and most recently opposing the flow of traffic too far from the non-existent curb. Ms. Cauler said she was parked in the same spot in all four tickets. Ms. Cauler said she feels like the officer is making up the rules as they go along. Ms. Cauler asked, is the curb her garage door? Is the curb the gate to her backdoor? Or is the curb actually a physical but unseen sidewalk? Ms. Cauler asked how can she be parking on the sidewalk in one ticket but too far away from the curb in another ticket. Ms. Cauler asked what the flow of traffic is for an alley way since two cars will not fit. Ms. Cauler added that she has to waste her own time and that of her local magistrate to fight these tickets, but also fight the emotional toll of not feeling safe at her own home, and the worry of where the money will come from. Ms. Cauler added that it seems to her and others on the street that the Parking Authority has become a secondary policing force. Mr. Zeller said that we have been requested to by the city. Ms. Cauler said show us the proof. Mr. Napoli said that this was by previous administration. Ms. Cauler said that this is a new administration, can we re-visit that? Mr. Zeller said that he does not think dispatch or the Allentown Police are set up to take parking complaints back. They turned them over to us. Ms. Cauler said that the Parking Authority and Center City developers like J.B. Reilly are set on gentrifying Allentown. Ms. Cauler said that it seems a little strange that the president of city council is on the Board along with two other members. She said it seems like anytime we ask for something the rail runs right through. Mr. Hendricks said that’s not true. Mr. Zeller told Ms. Cauler it does not say that you cannot have more than one council member on the Board. Ms. Cauler said that three members are supposed to be from the community. Mr. Zeller told Ms. Cauler that these members are all from the community. Ms. Cauler said she would like to know through the Freedom of Information Act can she receive transcripts of the calls made to dispatch between the hours of 11pm and 7am for the last few months to see if it’s justifying a 24-hour enforcement. Mr. Zeller said that she can submit a right to know request. Ms. Cauler asked who she addresses this to. Ms. Dayton said to address the request to Deputy Director Jon Haney.

Next, Xavier Roden introduced himself as a resident of West Walnut Street. He said he is here in regard to Hickory Street which is an alley behind his house. He is here on behalf of his elderly neighbors who have been ticketed a lot. He said that they’ve been parking there for at least 3 ½ years now and they’ve just started getting ticketed for this recently. He asked what the reason for this is? It makes it difficult to find parking. Mr. Zeller said that we’re trying to balance public safety while preserving as much of parking inventory off the streets that we can. Mr. Zeller also mentioned to Mr. Roden that the Board will be having a special meeting to address alley ways along with other statutes in question. Mr. Zeller said that

as long as a vehicle is able to get through public safety wise, it is our goal to increase alley parking. Mr. Zeller also did bring up our internal complaint procedure that him and his neighbors can use, payment of the ticket would not be required while the ticket is being investigated.

Enrique Amoreno introduced himself and his father Julio Amoreno. His father does not speak English. They are residents of North Front Street. Mr. Amoreno is here to address his father's van being towed to A1 towing. Mr. Amoreno said that his brother has been having issues with parking in their alley way; however, he cannot make it in today, he is working. Mr. Amoreno said that the owner of the lot where his father parks his van called for the van to be ticketed, to see if it was abandoned, or to see if anyone would claim the vehicle. Mr. Amoreno said there was some confusion because the owner is not from around here so he did not recognize the vehicle, the realtor did not let the owner know that this was Mr. Amoreno's car. Recently, Mr. Amoreno said that instead of the Parking Authority coming to ticket the vehicle, it was taken and impounded. Mr. Zeller asked if he received the vehicle back. Mr. Amoreno said that he went to A1 towing and they told him that his father needs to get a release. Mr. Amoreno also said that they told him to leave or they would call the police. Mr. Amoreno said he went to A1 towing for his father's van because his father was out of the country at the time for a death in the family. Mr. Amoreno said there was then an assault when he went to the vehicle to show proof that his father was out of the country currently. Mr. Zeller asked who the assault was with. Mr. Amoreno said this was the A1 towing people. Mr. Zeller asked if he could look into this for him and asked for the ticket and license plate number.

Barbara Nixon introduced herself as a resident of North Brick Street in Allentown. She is here to find out who she needs to pay for parking in the lot near her house. Mr. Zeller asked if she received a ticket. Ms. Nixon said she did not receive a ticket but she received a paper on her car saying her payments should now go to Baffert Farms. But when she goes to Baffert Farms, they cannot confirm this. Mr. Haney confirmed that this is not one of the Parking Authority's lots. Mr. Zeller suggested leaving a note with her contact information at a construction trailer that is near the lot she parks in to see if they can help figure out who owns this lot. Ms. Nixon said her next question is that her son got a ticket in the mail the other day. He was dropping her off, he had his four ways on and was not parked. One of the parking enforcement officers followed her son, took down his license plate number and gave him a ticket. Ms. Dayton and Mr. Zeller said to submit it for an appeal that she will not have to go to court for this. She can go through the internal complaint procedure. Mr. Zeller said we just need information of the event that occurred from that ticket. Mr. Haney added that he researched her lot she parks at, and the owner comes up as Waterfront with a mailing address of 1519 W. Hamilton Street which is Jaiindl's office. Mr. Haney said is most likely a Jaiindl property.

Melissa Rogers introduced herself next. She is a resident of East Pennsylvania Street. Ms. Rogers explained that she lives in a nice 550 house development, that mostly self-governs itself. In 2018 her children's father suffered strokes which caused him to no longer use his car. Ms. Rogers says her car sits and that has become her secondary car. Ms. Rogers stated that sometime in 2022 the Parking Authority decided to start giving her car tickets for non-inspection. When she received the ticket she called into the Parking Authority and said that she can't pay this ticket right now, can she wait until she gets paid? They said no, your ticket will go up to \$70 dollars. Ms. Rogers said the Parking Authority proceeded to stop by and issue another ticket. Ms. Rogers explained that if she continues to be ticketed she will not be able to afford to get her car inspected. Ms. Rogers said she then took the tickets to court where the judge can at least hear her case and maybe give some grace and maybe set up a payment plan. Ms. Rogers said at all times she will acknowledge the fault of not having her car inspected. Ms. Rogers stated from September until they took her car there were over 45 tickets given to her. In January their other car was up for inspection, she could not afford to get two cars ticketed for inspection. Ms. Rogers said she took her car, drove it around the block and parked it at her kid's father's house. That entire month of January she received no tickets on her car, but the car she was using that she put in its place received five tickets. Ms. Rogers said they were not patrolling her neighborhood, they were targeting her car. On February 1st her car was booted for an unpaid ticket. Ms. Rogers said all of her tickets are appealed. The Parking Authority told her to go to the magistrate's office to get her release and then come back to pay the \$100 fine and then she can have the boot taken off. Ms. Rogers said she went back to the Parking Authority and they told her she had to pay all her fines in full. She went back to the magistrate's office and they told her that she is in good standing since she is on a payment plan. Ms. Rogers went back to the Parking Authority to pay the \$100 fine to release the boot & with her judge's order. Ms. Rogers said she

went back home and they showed up to tow her car. Ms. Rogers said that she sat in her car and called the police while this happened. She told the officer she has her judge's order, and a receipt that she paid the \$100 fine. The officer said that they were going to call the judge and confirm. He called the judge & he confirmed and said to release the boot, before the boot was released it was determined that this was a civil case, they had to leave. The boot was still on her car. At 12:30 at night six cop cars, four APA, and a tow truck showed up she said. Ms. Rogers said that her car is sitting in impound racking up fees. The mayor says he can not do anything. She's here asking us what does she do? Mr. Zeller asked Mr. Haney if he is familiar with this case. Mr. Haney said yes, our solicitor is as well. Mr. McCarthy said that the current City of Allentown ordinance requires that a car not be released from impound until all fines have been paid in full. Ms. Rogers stated she did not have a citation. She had a judgement order. Ms. Rogers said that this is a legal binding contract with the magistrate's office. Mr. McCarthy said that he is not going to get into the specifics of her case, he will get into the specifics of the issue. Ms. Rogers said that is what she's here for. Mr. McCarthy said that the issue is the magistrates have the authority to put the offender on a payment plan. The Parking Authority has no involvement, jurisdiction, or discretion, with respect to that solely within the control of the magistrates. However, some magistrates believe that when the payment plan is current, that constitutes the full payments of fines and costs that are owed under the city ordinance. The Parking Authority says no, the ordinance says one thing. Mr. McCarthy says that he does not find any authority the magistrates would have to issue an order contradicting the ordinance, or authorizing the release of a car that has not yet paid all of its fines. Ms. Rogers stated that there is also a Scoff Law ordinance, one is with a warrant, and one is without a warrant. Ms. Rogers said she did not have a warrant and she was not behind or delinquent on payments. She asked why that ordinance was not respected. Mr. McCarthy said there is a provision for non-parking issues. Mr. Zeller told Ms. Rogers that he will be looking into this further and that this ordinance will be on the list of things he's looking to revise.

Ce-Ce Gerlach introduced herself as a resident of South 9th Street. Ms. Gerlach said that there are meters here and her side of the street which is the east side of the street is zoned residential and the west side of the street is zoned commercial. The only commercial business there was the parking garage that has been moved to South 4th Street. She was wondering if there has been a comprehensive review of blocks like hers to see what fits in and what doesn't. Mr. Zeller said that this has not happened yet. Ms. Gerlach said that as we were just speaking about the interplay between city ordinances and the Allentown Parking Authority that it is within city council's purview to decriminalize non-payment of parking tickets.

Mr. Amoreno spoke again. He asked what the resolution is for his car in his alley that he received a ticket for. He said the lines aren't painted where he was parked and doesn't see why he was given a ticket. Mr. Zeller referred Mr. Amoreno to go online and make an appeal on his ticket explaining his story once he does that his appeal will be looked into internally.

This meeting was adjourned at 2:51 p.m.

The next Board Meeting will be a special meeting held on March 16, 2023.