



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 special meeting of the Allentown Parking Authority Board of Directors was held at 12:00 p.m. on Wednesday, March, 16, 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 (absent)
Candida Affa – Member (absent)
Dan McCarthy – APA Solicitor
John Morgan – Executive Director (Phone Conference)
Jon Haney – Deputy Director
Christina Dayton – Deputy Director
Jill Fessler – Finance Manager (absent)
Christina Nolden – Minutes

Guests:

Lindsay Weber, press
Julian Abraham, press
Edgardo A. Colon, business owner

CALL TO ORDER

Mr. Zeller called the meeting to order at 12:17pm.

DISPATCH

Mr. Zeller asked Mr. Haney when Lehigh County turned over all parking complaints to us (dispatch). Mr. Haney said that this was turned over to us no later than March of 2019. Mr. Zeller asked what the process was prior to us. Mr. Haney said prior to us, someone would call into Lehigh County dispatch and then they would send the complaint over to the Parking Authority between normal business hours of Monday through Saturday 8am-4pm, anything outside of those times went to the Allentown Police Department. Mr. Zeller asked where we are at currently with shifts. Mr. Haney said that currently, we are 24/7. We have a first shift of 7am-3:30pm, a second shift of 3pm-11:30pm, and an overnight shift of 11pm-7:30am. Mr. Zeller asked when we started the 3rd shift. Mr. Haney responded that it started within a month or two.

VARIOUS PARKING ORDINANCES

Mr. Zeller reviewed ordinance §615-48, No person shall park a vehicle at any time in front of, opposite to, or in such a position as to block entrance to or exit by a vehicle from a garage or driveway. The only exception to this is on streets with widths of 20 feet or more where said vehicle is able to park on an apron to a garage and it is able to be more than 50% off the roadway, and it is not parked on a sidewalk.

Mr. Haney said that this takes us back to the public right-of-way issue. Mr. Zeller said yes, but for roads that are more than 20 feet the sidewalks are running street to street. Mr. Haney said yes but we must make sure that we are not getting confused, the sidewalk is that area between the curb line and that property, that's the public right-of-way, i.e., the sidewalk. Mr. Hendricks asked if there is a distinction between the public right-of-way, the sidewalk, and the roadway. Mr. Haney said not necessarily; he did a quick google definition of the term "sidewalk" defined as the portion of the street between the curb lines or the lateral lines of the roadway and the adjacent property lines intended for the use of pedestrians which mirrors §615-26 Mr. Haney said. Mr. Zeller said its just a general google search, not a search of our ordinance. Mr. Haney said that it almost speaks verbatim to §615-26. It does not specifically say that it must be concrete, he added.

§615-50 - Mr. Napoli asked that if he puts a for sale sign on his car that parked in the street is that technically a violation? Mr. Haney said yes. Mr. Napoli suggested that maybe allowing a resident to put a for sale sign on their car if they would like to, but no more than one. Mr. Haney said that this one could better be clarified to address the issue that it is trying to prevent.

Mr. Napoli mentioned that he completely agrees with the repair work ordinance, residents should not be doing garage work on the street. Mr. Haney said yes; however, we do use discretion with this. For example, if a resident unfortunately gets a flat or a slow leak in the tire, if we come by and the car is jacked, and the wheel is off, and they are getting the spare tire out, for those we give them some time to get that done and will come back in an hour or so.

Mr. Haney reviewed ordinance §615-47 next, No person shall park a vehicle or tractor or permit it to stand, whether attended or unattended, upon a highway or in any of the following places:

- I. In front of a private driveway or alongside any street or highway excavation or obstruction, or opposite the same, unless a clear and unobstructed width of not less than 20 feet upon the main traveled portion of the street or highway shall be left free for passage of other vehicles thereon.

Mr. Haney said a lot of these ordinances come directly out of Title 75. Mr. Zeller said that we could add "for streets that's less than 20 feet, except for streets controlled by parking signs, a vehicle may park in a portion of the street, as long as there remains a 12-foot passageway and the vehicle is not on a sidewalk within a continuous run of concrete, macadam, or other impervious surface from street to street." Mr. Zeller added that at the end where he said from street to street may need some work. Mr. Zeller added that the 12 feet will be subject to police review. We want to ensure emergency vehicles have enough room. Mr. Zeller asked Mr. Hendricks if he had any concerns. Mr. Hendricks said that his concern would be public safety, and that he would discuss this with the city, along with traffic & engineering. Mr. Zeller asked Mr. McCarthy if we should make a recommendation on that resolution. Mr. McCarthy said that we could fine tune it, come back to another board meeting with the written product and submit that to the Board for approval. Mr. Napoli suggested that we do that since we have a Board meeting next week, Mr. Hendricks and Mr. Zeller both agreed with this.

Mr. Haney brought up that the next ordinance for review is §615-53 Parking of inoperable or illegally registered vehicles.

- B. No person shall park or leave on the streets, highways or public property of the City any vehicle without a current inspection sticker unless the vehicle is legally parked in front of, or in close proximity to, an official Pennsylvania State Inspection Station which identifies said vehicle by work order specifying a state inspection will be performed within 24 hours. Additional work orders beyond the initial twenty-four-hour period are prohibited.

Mr. Zeller asked Mr. McCarthy and Mr. Hendricks if there were any vehicle code implications that they are aware of with this. Mr. Hendricks said that there may be and he is not sure if we are able to supersede that, he doesn't think that we can. Mr. Haney said that the issue is that when an APA officer sees the car out of inspection, tickets the vehicle, and then two days later a different APA officer sees the same car, out of inspection and tickets it again. Mr. Haney said that he has a temporary suggestion to address this. He heard today from our ticketing vendor that there is a software solution that will be coming to us shortly that we will be the beta for it. Mr. Haney said that this software will allow us to identify a particular violation, enter in a time limit, so that if we write a ticket for a vehicle on that violation, if we find that same vehicle again within that defined time period the software will not allow us to write that ticket. Mr. Haney said that until this becomes available his proposal would be for a vehicle we find on the street, in the first month after the inspection is expired the APA will issue a warning. Mr. Haney said that there are two exceptions, if we find that the vehicle has fraudulent inspection stickers on their car, those would be ticketed right away or missing inspection stickers will be ticketed right away. Mr. Napoli asked if we would follow these same guidelines for registration as well. Mr. Haney said that he would hesitate to do that because a registration you can take care of right away where with an inspection, it takes for time to take care of. Mr. Napoli said he thinks that some of our residents may not have that same ability to take care of their registration right away. Mr. Zeller suggested that what we can do is issue the violation for registration and then after they get their registration taken care of within the five-day cure period they can go through the internal appeal process.

Next, Mr. Zeller addresses ordinance §615-58 Notice of violation; violations and penalties for stopping, standing, and parking provisions.

Mr. Haney said that this basically states that council will decide what the penalty will be. Mr. Haney said that in recent cases the Magisterial District Justices have communicated to the APA that they see an issue with what they call a "drive off". Mr. Haney explained that a drive off is when an officer comes upon a parking violation that they observe, they officer starts to document it, they start entering in the ticket information, and then the vehicle leaves before the officer is able to hand them the ticket. Mr. Haney said that in the crimes code called Rule 401, it is speaking about what a city can do when issuing parking tickets. It says when there is a political sub-division, i.e., Parking Authority uses parking tickets and a ticket has been handed to a defendant or placed on a vehicle windshield, a criminal proceeding shall be instituted only if the defendant fails to respond as requested on the ticket. Mr. Haney said that the Magisterial District Justice's opinion is that the parking ticket does not count unless it is handed to a person or placed on the windshield. Mr. McCarthy said the issue is how do we want to address people who get into their car and drive away before the ticket is issued? Mr. McCarthy said that as a suggestion, to provide a category in this ordinance which would permit us to mail the notice of the violation to the defendant. Mr. McCarthy said to keep in mind that a ticket is simply a notice of a violation. Mr. Haney added as a suggestion to include electronic mail as well. Mr. Haney added that our software allows for a person to go online, and create a free account on our site, put in their license plate & email address so that any time that vehicle would get a ticket, it would go through to their email. Mr. McCarthy said that he would add to this stating: "If the vehicle is a drive away, prior to the placement of the ticket" Mr. Zeller suggested that we stick to the state rule the way that it is. Mr. McCarthy added that this would be an expansion to that rule. Mr. Zeller said that this needs to be more specific. Mr. Zeller suggested "to an email address that is registered with the Parking Authority for that vehicle". "Or by mailing the violation notice to the registered owner of the vehicle." Mr. McCarthy said that we limit this to only those drive off circumstances. Mr. Morgan added that we have cameras in every vehicle, so we can prove a drive off.

Mr. Zeller said that he would like to address our complaints we have had from vehicles that were double parked but then drove off. Mr. Zeller asked if we have done anything about this, like beeping to notify the driver, or giving them the opportunity to move along. Mr. Haney said that we have purchased 24 of the horn & siren devices to install in our vehicles, we are in the process of this currently. Mr. Haney said we will have that ability in the very near future with all of our vehicles.

Ms. Dayton reported on the biggest appeals that she receives is the right-of-way. Next is too close to the corner. Mr. Napoli added that the feedback he is receiving from the public on this is that they are upset that the curbs are not painted. Mr. Napoli asked if we have something in the works to address this. Mr. Zeller stated that painting curbs is a city job. This was just something that we took over in the sometime

when we did not have a lot of events going on so we could help. Mr. Napoli suggested that we make an effort to help out again this spring, summer, and fall with painting. Mr. Haney said he would like more signs, because during winter time with snow when you can't see the curb you can at least see the sign. Ms. Dayton further continued that she sees a lot of oversized vehicle violations being appealed. She added that once they are educated and they have the list they tend not to do it again. Mr. Haney said there's only about 20 blocks in the whole city where they are allowed to park. He also added that tractor trailers are the largest offender of this. Ms. Dayton said another common violation that she sees being appealed a lot is street cleaning. Ms. Dayton added that signage is important for this one. Ms. Dayton mentioned that we are very proactive on this. We make lists of signs that are faded, and we send that to the city so they can correct the signs. Ms. Dayton said that those tickets normally are then changed to a warning. Mr. Zeller asked what is the ordinance on too far from the curb. Ms. Dayton said no more than 6 inches. Mr. Zeller said that this should be changed to 12 inches. Mr. Haney mentioned that he thinks the reason ours is 6 inches is because of how narrow our streets are. Mr. Zeller asked about making a recommendation to have this changed to 9 inches. §615-47(M.) - Mr. Hendricks asked that we look into this and find out exactly how many tickets were issued in the last year for this violation of parking too far from the curb. Ms. Dayton then reported on ticketing that she always receives positive feedback for. Ticketing for double parking, ticketing for fire hydrants, ticketing for blocking a street, private property ticketing and tows, handicap parking, and blocking a garage so an owner can get in or out.

Mr. Napoli had brought up how the district court puts individuals on a payment plan. Mr. Napoli said that a lot of our residents may not be able to afford to pay a ticket in full. Mr. Napoli asked if there is a way for us to internally implement a payment plan that way people do not have to go through the courts to get into a payment plan. Mr. Zeller asked what ordinance this would fall under. Mr. Haney said that this would fall under §615-97(B)(1). However, Mr. Haney adds that this should technically fall under (A) and that it's wrongly placed. Mr. Zeller asked from a logistics standpoint, would we have the ability to institute a payment plan. Mr. Morgan said he is not sure if we would want to get into accounts receivable. We do not have the power to chase people when they do not pay. Mr. Zeller said he understand that; however, we have the power to immobilize and or impound their vehicle. Mr. Napoli said hypothetically speaking if someone gets a double-parking ticket and it's \$100, but they can only afford \$25 a month, if they only do payment 1 and 2 now, they have a \$50 balance and we never hear from them again, do we not have recourse? Mr. Morgan asked what would be the recourse? Mr. Napoli said we would treat it like a normal violation and send it to the district court at that point. Mr. McCarthy said that we've lost our opportunity to file after 30 days have passed of knowing the owner of that vehicle in question. Mr. Zeller suggested that we could add "Or the owner has been entered into a reasonable payment plan with the Parking Authority not to exceed a term of one year" Mr. McCarthy suggested adding "Or a payment plan with the District Court". Mr. Zeller asked how much it costs to file if someone does not pay on their tickets. Mr. Haney said it does not cost us anything. Mr. Zeller then asked how long from the time period of when we file until we get a hearing. Mr. Haney said he is not sure; it could be anywhere from 3 weeks to 3 months depending upon the court's case load. Mr. Zeller suggested then what we could do is put someone on a payment plan, file, and then request to the judge not to schedule something for 3 months. Mr. Haney said what the problem with this is then when you file the ticket the state sends the court the amount of that ticket as what is owed. Mr. Napoli suggests for example if someone had \$100 and only paid \$40 of it that we tell the judge then that they have a \$40 credit and the only owe us \$60 for that ticket. Mr. McCarthy added that if we would set up a payment plan that we would want to have something in place where if they default on their payment plan, they don't get another chance for one then. Mr. Zeller said in the meantime there should be an adjustment to the wording to add "in compliance with a payment plan imposed by the magisterial district judge."

Mr. Zeller brought up next the concern that was raised at City Council that people feel that they could go to jail for getting parking violations. Mr. Napoli agreed that the criminalization related to parking tickets has come up. Mr. Napoli said that he is not aware of anyone ever being imprisoned ever due to this. Mr. Hendricks confirmed that no one has been. Mr. Hendricks said that the Parking Authority is looking at the State to come up with alternatives for non-payment, such as suspension of license. Mr. Zeller asked if there is anything in our ordinance that suggests that somebody can be incarcerated for a parking violation. Mr. Haney and Mr. Hendricks both said that yes, there are, not in our ordinances but in the city's yes. This can only be done by a judge, not by us Mr. Morgan said. Mr. Zeller asked Mr. Haney to get a list together of all the ordinances that include imprisonment for the next meeting. Mr. Zeller also

asked Mr. Haney to come up with a proposal to eradicate that term from each one of those sections. Mr. Zeller asked the Board if anyone sees a point in having that term in there. Mr. Hendricks said he does not.

Mr. Zeller brought up head-in parking in our garages. Mr. Zeller said that he is extremely unimpressed with the signage in our garages for those tickets. He is going to suspend ticketing on this immediately. Ms. Dayton asked which garages he was referring to. Mr. Zeller it was the Community Deck. Mr. Zeller also asked what the fine is for this? Mr. Haney said \$35. He then asked who sets this fine. Mr. Haney responded that City Council does, they set all our fines. Mr. Zeller also asked how many tickets we are issuing on a monthly basis for this? Mr. Haney said he would have to look but it has gone down a lot. Mr. Zeller said he wants this suspended until there is appropriate signage in all of the decks, and/or some system or mechanism to employ where it can be a warning first and then only tickets a second time. Mr. Napoli said he agrees with this. Mr. Hendricks said the reason for no head-in parking is so that our license plate readers (LPR) can read the plate for any other violations, stolen status, etc.

COURTESY OF THE FLOOR

Mr. Zeller opened up courtesy of the floor. A guest brought up the current condition of our lobby. He said it was very small. He asked if that is the only place people could come to pay a ticket. Ms. Dayton said yes. He had said because of the glass that separates the lobby from the office people have to yell to hear each other and it sounds like there is a commotion going on. He said he's experienced this. Ms. Dayton said we actually have speakers at the desk, they just may not have been on. Ms. Dayton said she will look into the speakers to make sure they are working correctly.

Mr. Napoli asked if we have put anything together for the public forum next week. Mr. Haney said that he will be putting together a PowerPoint, and that we have the customer service staff working on the parking chasers. Mr. Morgan said that we were going to have a mediator but it didn't work out. Mr. Napoli asked if we could bring bi-lingual staff to our meeting next week to help also. Mr. Morgan said yes, we will do this. Mr. Napoli also, suggested having a staff member off to the side that would be able to help address any issues one might have on the spot, not that we have to get back to everyone, and they need to wait along with a registration table and comment cards for everyone.

This meeting was adjourned at 2:39pm

The next Board Meeting will be held on March 22, 2023
at The Americus Hotel Ballroom