



Ted Zeller – Chairperson
Santo Napoli – Vice Chairperson
Daryl Hendricks – Secretary
Bina Patel – Treasurer
Yamilett Gomez - 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, March 27, 2024, at the Offices 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
Yamilett Gomez - Member
Dan McCarthy – APA Solicitor
John Morgan – Executive Director
Jon Haney – Deputy Director
Christina Dayton – Deputy Director
Jayme Adams – Minutes

Guests:

Lindsay Weber (Morning Call)
Jennifer Dalrymple (City Center)
Maggie Reilly (City Center)
Steve Althouse (WFMZ)

CALL TO ORDER

Mr. Zeller called the meeting to order at 12:18 p.m.

APPROVAL OF THE FEBRUARY MEETING MINUTES

Mr. Zeller asked for approval of the February meeting minutes. Mr. Morgan noted an adjustment in reference to Spiral repairs; the DOP lot should be changed to DLP. Ms. Adams took the note and agreed to make the adjustment. Mr. Hendricks made a motion to approve the minutes, Mr. Napoli seconded the motion. The Board voted and approved the February meeting minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Morgan stated that we have a draft copy of the 2024 budget that will be distributed to the board for review. He stated he will distribute a draft copy of the ongoing repair matters for review during executive session for discussion prior to approval. The first part of the South facing wall on Spiral should be complete as of today. A contractor is lined up for the wall repair that was part of the contractual agreement with Somera Road on the sidewalk. The contractor will start on April 9th. Mr. Zeller inquired if we have any updates on the banner for Spiral. Mr. Morgan stated that we met with Fast Signs and haven't received a quote back, yet. They were discussing something two-three stories high. They agreed they would do a banner on the wall high enough so that it is visible from Linen Street. It will be placed below the "Park" sign. This will be accomplished by the opening of Da Vinci Center which is targeted for May 22nd. We are looking forward to having the banner by the end of April. Mr. Zeller asked for Mr. Morgan to send an email to the board with the design once we have it and Mr. Morgan agreed to do so.

FEBRUARY ENFORCEMENT RESULTS

Mr. Haney reviewed the enforcement results.

Double parking on North 7th Street: we issued 15 tickets, 12 over January putting us at 18 for the year to date.

Mr. Zeller inquired if we've given some type of transition period with the enforcement of double parking and that results indicate that is occurring. Mr. Haney agreed that we are in a transition period. He continued that we have transitioned away from simply sounding the siren and moving people along to pulling up behind double parkers and sounding the siren. If there is no attempt to move, we will issue the ticket, or if no one is in the car we will issue the ticket unless there is an extraordinary circumstance. 15 tickets on that block is more than we have written on a block in the last 9 months.

Double parking on Hamilton Street: we issued 25, 18 over from January putting us at 32 year to date on that block. Mr. Haney stated that he expects those numbers to continue to rise.

Enforcement aided the Allentown Police Department with recovering four stolen vehicles in the month of February.

Dispatch fielded 1,405 calls for service. Mr. Zeller said that is not the highest but that it is close. He stated that the dispatch numbers keep on going up. They started around 1,100 or 1,200 and now seems to be around 1,400. Mr. Zeller stated the concern is that what we have done with enforcement is forcing citizens to have to call and report parking violations. He stated that we are still not patrolling overnight, although we are ticketing for safety violations when we pass them. Mr. Zeller stated he respects the concerns with that so he will not be revisiting it during this board meeting.

FEBRUARY CUSTOMER APPEALS RESULTS

Ms. Dayton reviewed the customer appeal results.

There were 253 appeals. 153 were valid. 7 were dismissed. 93 were reduced to warnings.

60% valid. 40% dismissed or reduced to warnings.

Mr. Zeller stated that historically we've been a little more balanced between those found valid versus those being dismissed or reduced to warnings but this month we are seeing more valid.

Mr. Zeller stated that he has a couple of items to discuss.

First, we received a letter that was circulated from Mr. J.B. Reilly on March 8, 2024. They've been interacting with Jill Wheeler and a meeting is scheduled next Wednesday to look at, verify, and see if any of the issues raised need to be addressed.

Mr. Zeller asked for comments about the letter. No one had any comments. Mr. Zeller stated that one item he must bring forth is regarding the raising of the deck rates to \$125.00 effective July 1, 2024. The occupancy in the Maple Street Deck and the new 940 Linden Street Deck will be down. The occupancy rate that City Center projected when we built the Maple Street Deck is woefully below what we expected. We were projected, and verified, to have an occupancy of 1,300 – 1,400 parking spots by 2024 and our occupancy there is roughly 50% of that. PPL is fully utilizing the 940 Linden Street Deck we just bought which will end November 1, unless they continue to stay, but we don't know. Mr. Zeller thinks we will have occupancies based on defined prospects. Mr. Zeller continued that we have extra supply, it doesn't make sense to raise the rates in those two decks, and we are not obligated to raise rates uniformly. Mr. Zeller would like to peel back the deck price rates from \$125.00 to \$100.00 for 940 Linden Street Deck and Maple Street Deck. This will have a marginal effect on our projections, and this will attract more parkers to both decks. Mr. Zeller would like to have a resident rate at \$75.00 for the 940 Linden Street Deck. Mr. Hendricks asked if 50% is what was proposed to us or if 50% is what is currently available. Mr. Zeller clarified that it is 50% of what actual parking is available and that the proforma that was presented to the Authority and to the bank for financing showed more parking need than is currently being used. Ms. Patel asked how long we plan to keep the rates flat for these two decks. Mr. Zeller stated that he doesn't know and that we were at a scheduled deck rate change in January and moving forward we would want to revisit it in January and every six months. Ms. Patel inquired about the criteria behind keeping the rates flat and Mr. Zeller answered that it's a supply and demand thing and that it doesn't make sense to raise deck rates for something that has a certain amount of capacity. Mr. Morgan stated that one of our potential parkers has already started to park. 50 out of their 200 will begin April 1, 2024. They will continuously add 50 parkers as the months go on. This will take us to 60% occupancy by the end of the year. Mr. Napoli stated that once those deals come through then we can reevaluate. Mr. Morgan confirmed that the \$75.00 residency rate is for parkers in the 940 Linden Street Deck or across the board and Mr. Zeller answered that it will be just for that garage. Mr. Morgan asked how that will affect any other agreements that we have, and Mr. Zeller said it will not. Mr. Zeller stated that we would call on Mr. McCarthy to review the agreements. More discussion ensued about how many parking agreements we have. Mr. Haney will get them together in a packet for Mr. McCarthy. Mr. Zeller stated that our philosophy in purchasing the 940 Linden Street Deck was betting on Allentown and not being able to build a deck for 10 or 11 thousand dollars per spot (which was our acquisition costs) considering Bethlehem's was north of \$45,000 per space with owning the land. He continued that it was getting to the point where private development could have come in and bought that deck and diverted parking from us, which has happened in the past. Mr. Napoli stated that with the location he sees a lot of potential for people to utilize that lot and have a place to park. Mr. Zeller stated that our two surface lots in close to proximity to that are almost fully utilized and one of them will be subject for an RFP which City Council will vote on (the police station and our lot next to it). Ms. Patel stated it is on the agenda for April 3, 2024.

Ms. Patel would like to discuss City Workers' rates going from \$100.00 to \$125.00. She would like there to be consideration for government workers. Mr. Zeller agreed but is concerned about the ticket penalties and stated that if we could get ticket penalties to normal rates we could start making considerations for a government employee rates, or employees who work for the arts, etc. Mr. Morgan asked if she is inquiring about parkers for City Hall and Government Deck and mentioned that we still have no idea what the parking expectation will be with the new building. Ms. Patel said they don't know because they are not at that point. Mr. Zeller said those are types of programs they would love to offer but without the ticket rates being adjusted we have to look for other sources of revenue. Our math doesn't currently work and we're out of balance. We also need to look at residential parking rates and that he something he has wanted to accomplish for some time now. Ms. Patel asked if we can do a study. Mr. Zeller said he thought the city had one in place and that we have done some. Mr. Zeller

stated that we did a study. Mr. Haney will send Ms. Patel our numbers. Mr. Zeller stated that the data will show her how comparatively we are 50-300% lower on the average ticket compared to similar sized municipalities. Mr. Zeller asked Mr. Hendricks and Ms. Gomez about freezing pricing for 940 Linden Street Deck and Maple Street Deck. Mr. Hendricks agreed that it is a good idea and so did Ms. Gomez. They will revisit in six months. Mr. Zeller asked Ms. Patel if she had any more thoughts. Ms. Patel did some quick number assessment and a brief discussion ensued. The hope is increased occupancy offsets the flat rate or exceeds the loss from not raising rates. Ms. Patel mentioned there are no guarantees. Mr. Morgan stated that this is how we got jammed up last year because we put numbers in last year based on occupancy for the apartments and fell short.

Mr. Zeller made a motion to adjust the rate for Maple Street Deck and 940 maintaining at \$100.00 except for the exclusive rate PPL pays and in addition the \$75 rate applying to 940 Linden Street Deck. Mr. Hendricks seconded the motion. All vote yes except for Ms. Patel who votes no.

PAYMENT PLAN REPORT

Ms. Gomez gave the floor to Mr. McCarthy. Mr. McCarthy stated that Mr. Haney spoke with the Administrative Office of Pennsylvania Courts (AOPC), the entity that sets up the whole concept of citations, hearings before magistrates, and administers that type of summary offense enforcement in Pennsylvania. Mr. Haney discussed matters with a contact at AOPC and the result of that conversation is that they do believe they can accept payment in numbers less than what the statutes indicate to forward to court. The other piece is our enforcement system that forwards it to AOPC which is not able to do that. The vendor is not averse to considering it, however, the concept runs contrary to their entire software setup. They are willing to look into developing software for this purpose at our expense, which would be a significant investment. This is not something they do anywhere else in their entire operation, so it would be on us to fund the software development. We do not currently have an estimate as to what it would cost. They would also need to develop the software to be able to communicate with AOPC and what they need. Ms. Gomez asks if there was an amount given. Mr. Haney said no, and Mr. Morgan stated that it is software development, and they wouldn't know how many hours ahead of time it would take. Mr. Napoli wants to talk through the process. Someone gets a ticket, and they don't pay it. How does APA send it to the magistrate? Mr. Haney answered that there are rules set up in our enforcement software, the tickets forward at a certain time from UPSafety, our ticket vendor, to AOPC. They receive the data and generate the state citation which gets sent to the MDJ who sends out the citation with the court dates. Currently, AOPC has a chart from us that indicates what each violation gets charged and each amount owed is set by the City Council. What we are proposing as far as forwarding different amounts instead of the set rate can be done, it's just a matter of if we plan to pursue it. To do that it will take time and investment. Ms. Patel asked about the timeline and cost. Mr. Morgan and Mr. Haney stated that we do not know. He reiterated that this is contrary to anything this software currently does and it will take time and money to look at it and figure out how to do it. Mr. Hendricks confirmed that all the costs would be from us and the answer is yes. Mr. Napoli inquired about the administrative investment in collecting and wants to know if we have any data that suggests that we are breaking even with our efforts to collect versus a payment plan. More discussion ensues on this topic and Mr. Morgan verified that the state will keep the payment plan in effect until it is paid off and Mr. Napoli stated that it could take a long time and wants to make the point that there comes a point where the money we are losing through the administrative process versus what we might lose in a payment plan would almost be a wash. Mr. Zeller asked how long it takes to have a hearing after filing. Mr. Haney answered two to three months. Mr. Zeller asked if we ask for a continuance are we always granted a continuance and Mr. Morgan and Mr. Haney state that we never ask for a continuance, although it is confirmed we are allowed to request one. Mr. McCarthy asked how many citations are issued to AOPC from us per year and Mr. Haney guesses about 20% of what we write, somewhere around 25,000 – 35,000. Ms. Patel requested confirmation if we get the full amount eventually, and Mr. Haney stated that sometimes we don't due to excessive payment plans for thousands of dollars resulting in a payment plan for only

\$10.00 per month, however, it is confirmed by Mr. Haney that we are supposed to. Mr. McCarthy stated that there are many additional costs accrued to their payment plan from the court fees. Mr. Zeller stated that credit reports can pick this up and affect their credit and people may be incentivized to pay these off, especially in the event they are looking to buy a car or house. Mr. Zeller stated that he would be inclined to do the payment schedule within our system. Discussion ensued about the timeline. Mr. McCarthy stated that it must be within 30 days if you are using the magisterial system. You have 30 days after filing and getting the identity of the vehicle. Mr. Zeller stated that we are allowed to withdrawal after filing if we need to because of a ticket being paid off before a court date. Mr. McCarthy inquired if this will become a way of conducting business and what will AOPC's response to that be. He states the system cannot be abused by either side, business, or consumer, and encourages transparency. Mr. Zeller stated he would tell AOPC that we are going to be doing this in short windows and try to collect and if not we will go to hearings but that we are not going to go through a special process to develop software for the city of Allentown. Mr. Zeller confirmed that we file when we file. If they schedule a hearing for two months and we've agreed to a payment plan of three months, then we ask for a continuance request. If they pay, we withdrawal. Mr. McCarthy suggested we ask AOPC not to schedule for ninety days and Mr. Haney said he needs to research that because we can't collect on a state citation we can only collect on an open ticket. Mr. Napoli offered a theoretical situation and talked about when he goes to court for a landlord/tenant complain the judge always asks if any amount has been paid and he asks if we have that option. Mr. Haney stated that Mr. Napoli is describing a civil process whereas we are a criminal process. Mr. Zeller isn't sure if that precludes us from that conversation in court. If we show up for a hearing and we have collected a portion, can we ask for a revised judgement for the amount owed at the hearing by our court liaison. Mr. Haney said we would need to send it to AOPC first. Mr. Zeller says that yes, we would send them a notice outlining the payment plan and information about going to court or not. Mr. Morgan said that once it hits AOPC court costs are accrued so whether a case is dismissed or not there are administrative fees. Mr. Napoli stated that this defeats the purpose as we are trying to shield the public from the court fees, they must accrue to get on a payment plan. Mr. Napoli stated that Mr. McCarthy mentioned in our last meeting that it takes 30-45 days to send in to the court. Mr. McCarthy said that when a ticket is issued, we do not know the identity of the person who owns the car. It comes back to APA and a process is initiated in which we contact Harrisburg and Harrisburg informs us the owner of the vehicle. The APA does something it does not have to do but that it has done since it was founded. It sends a letter to the individual that says they got a ticket and what they owe. If 30 days pass from the day we find out the owner and the ticket is not paid, the APA must file a citation or, under the law, lose the ability to file a citation. Mr. Zeller said this is why we cannot delay the filing with AOPC. More discussion ensues around the timeline and how we can use the system we have to have more time, maybe up to 40 days, before having to file, and making sure that our communication is clear in our payment plan regarding timelines and court fees if it does go to court. Mr. Haney stated that he has another contact at AOPC and would like to set up a call with Mr. McCarthy for further discussion into this. Ms. Gomez asked to be kept in the loop.

FEBRUARY FINANCE REPORT

The budget shown in the February statement is a temporary 3-month budget based on 2023 actual results. Since it is a temporary budget, the comparison will show the February 2024 results against September 2023.

Total revenue for the month of February was \$843,431 (8% below budget). YTD total revenue was \$1,729,957 (6% below budget). Operating revenue was \$819,504 (9% below budget). YTD operating revenue was \$1,693,447 (6% below budget). Enforcement revenue contributed \$445,264 (14% below budget) and Off-Street, Events, and Customer Service contributed \$374,240 (1% below budget). Non-operating revenue was \$23,928 (8% below budget)

Total operating expenses for the month of February were \$661,927 (8% below budget). YTD operating expenses were \$1,144,967 (20% below budget). For the month, personnel costs were \$455,287 (14%

below budget). Services and charges were \$197,150 (10% above budget), and materials and supplies were \$9,490 (13% below budget).

Overall, for the two-month period ending February 2024, total revenue exceeded total expenses by \$181,504 (9% below budget). After transfers to the capital, the City and the debt service fund, the YTD total decrease is \$392,653.

Mr. Morgan noted that we are still using last year's numbers until we approve the new budget. Ms. Patel states that this doesn't give good relevance because we are comparing it to last years budget.

Mr. Zeller called for courtesy of the floor. No one speaks at this time.

EXECUTIVE SESSION

Coming out of executive session, Mr. Zeller states that we talked about the draft budget and are making some changes that will be looked at for approval. We discussed labor matters. No action is being taken.

This meeting was adjourned at 2:33 p.m.

The next Board Meeting will be on Wednesday, April 24, 2024
at The Offices of Allentown Parking Authority at 603 W Linden Street