

Julio Guridy, President
Ray O'Connell, Vice President
Joseph Davis
Jeanette Eichenwald
Cynthia Y. Mota
Michael Schlossberg
Peter Schweyer



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COUNCIL MEETING MINUTES
June 20, 2012
COUNCIL CHAMBERS

Council Meeting – 7:00 PM

- 1. Invocation: Joe Davis**
- 2. Pledge to the Flag**
- 3. Roll Call:** Davis, Guridy, Mota, O'Connell, Schlossberg, Schweyer were present
John Marchetto represented for the Solicitor's Office

4. Courtesy of the Floor

Mr. Lou Hershman, 405 N Gilmore, stated that the other day it was an article about the arena zone local tax take. He is not against the arena. We have to do something to better Allentown. His interest was the .35 wage tax increase and if you read the chart that was put in the newspaper by the Morning Call, it showed that the city of Allentown three times more in wage tax than the Allentown School District. As you know the Allentown School District is a half of a percent. If you look at the chart, Mr. Guridy he has to ask if you are taking that .35 tax because it supposed to go to the pension to help pay the pension of the city and using it for the arena based on this chart.

Mr. Guridy stated that he is not sure. He would refer that to either Mr. Schweyer or the managing director.

Mr. Schweyer punned to Gary.

Mr. Dougherty stated that he would rather get a formal response from the finance director to Mr. Hershman's question and follow up with him.

Mr. Hershman stated that in other words that was not the intent to use it for the arena. He is not here to oppose the arena. He believes the .35 should have went to the voters for vote and the City Council decided the fate of this tax. If this thing is being used for the arena then he thinks that the City Council should now go to the voters of Allentown to approve this .35 tax for the arena or other general fund purposes. He stated to Mr. Guridy one of the things he promised the voters on the tax to Allentown when you sought this position of the presidency of City Council more transparency on the arena.

Mr. Guridy stated that he does not think it was, but he does not mind doing that. He is all about transparency.

Mr. Dougherty said he will get a follow-up from the finance director.

Mr. Dennis Pearson, East Allentown, stated that Lou Hershman man a good point and the point that he wants to pick up is the fact that the normal wage tax is one percent and the pension supplement is .35

percent. Why would the pension supplement be used by the NIZ district when is supposed to pay the pensions of city workers.

Mr. Guridy stated that they are going to look into that and will let him know.

Mr. Kirk Raup, 818 W Union Boulevard, Bethlehem, stated that he wanted to revisit the issue he brought up several meetings ago concerning realtors in the Lehigh Valley. Just yesterday out in Pittsburgh at the Mayors Conference, Mayor Panto met with Mayor John Callahan and Mayor Pawlowski to discuss the next steps looking to form a new rail agency to actually pull this off. If they do come back with that, he is asking all three cities to get behind this and all three Councils to get behind this as expeditiously as you can to try to get this established. He thinks it is necessary if they have any hope to getting real service back to the Lehigh Valley at all. The main reason is that nobody is going to come from the outside and save us of this and come to our rescue. It is something that we are going to have to do for ourselves. The good news is that they have the ability to do just that. We have the talent, expertise, and the skills that are necessary to do it and do it extremely well. We also have the ability to finance it and fund this. What he has been proposing is a one-third of a percent addition to the sales tax which has been used all over the country from Florida, North Carolina, Colorado and California as a method of funding this. It has been fair and with almost situation it has been approved prior to enactment by a state or local government by referendum. It has been done with popular support as well. We can raise enough money to do this overall it is only going to be about a half billion dollar project, \$500 million which is no small amount of money, but perhaps another way to look at it and he is not suggesting that in any way this be used as a financing method, but if they would be able to share the cost and divide the cost evenly among people that are lucky enough to have a job here in the Lehigh Valley, we have about 288,000 people working in the Valley right about now. If that costs were shared among all the people that are working, it would amount to less than 12 cents a day. He thinks they need to think about how achievable this is and how affordable it really in those sort of terms. A sales tax would mean that some people would pay more or less depending of the cost of the items they buy. It amounts to three cents per ten dollars additional and again, he is not suggesting they use this method to pay for the project, but you can do the math with 288,000 people with less than 12 cents per day, we can actually accumulate about \$12.5 million a year over a twenty year period which is usually a timespan for these sort of methods and that will raise a \$250 million and with a federal match, we would get up to \$500,000. This is an expensive proposition and the cost is going to go up each year and we still can afford this. If the mayors come back with the ideas that they are going to present this to the each Council he asked that they try to move as quickly as possible to get this through and get to the really hard work of doing it. This should be the easy part.

Mr. Guridy thanked Mr. Raup and stated that Council will look into that as well.

Mr. Kenneth Heffentrager, 11th and Washington, vice president of the tenants association in Allentown, asked why are some and not all of the code enforcement officers in particular districts instead of roving at-large because when they are in certain areas they are getting lenient complacent.

Mr. Schweyer stated that is because a significant number of our code enforcement officers are paid by CDBG funds which are federal funds and federal money. Those CDBG funds require us to target any money that comes there have to be in one of those census tracts that Council or the mayor have no authority on determining what those tracts are. Those are straight up US Census numbers. Those individuals have to stay in that area from a financing standpoint or else we lose those positions.

Mr. Heffentrager asked if they city could move one guy to a specific section a few years later.

Mr. Schweyer stated that you could, but there is a and they could bring that up, but the way it was explained to him was tracking and reporting requirements make it possible, but very difficult to do and the last thing you want are problems with the CDBG. One or two glitches and you could lose all the funding. From a reporting standpoint it was all considered an easier way to do it so they are always in federal compliance. Your points well taken, but that's why it was setup.

Mr. Heffentrager stated that on June 6th the mayor of Easton along with full contingent of code enforcement officers targeted an area and maybe Allentown should start doing the same thing especially on Washington from 4th to Tenth Street now those buildings are all falling apart and a lot of them are not tagged. It is obvious code enforcement violations there. Just look at the buildings and there are obvious problems. On WFMZ, they went into a 3 square block area and maybe Allentown should start doing the same thing. It might actually start helping these landlords that they actually need to take care of the properties since they are collecting money.

Mr. Schlossberg stated that is a total fair point and he thinks part of the reason it made the news in Easton and he does not know the entire story out there and could be completely mistaken, but he believes that it was the first time that they were doing that. It has actually been done in Allentown pretty much every summer. The mayor does neighborhood walks and he thinks it is one of the best things that the administration has done is walk the neighborhood wise. The mayor as well as multiple bureau managers, and code enforcement would go to neighborhood walks in various different areas in the city. He has been there and seen it himself and he has seen the mayor says tomorrow I want you guys to sweep these two blocks. It is done with police and fire and something that is done pretty frequently. It is a big city there certainly might be neighborhoods that are missed, but that is certainly something that has been going on as long as this mayor has been in office. They are completely open to the public and he has gone on many of them and encourages his colleagues to go on them. They are certainly eye opening.

Mr. Guridy stated even before that, Mayor Heiyt use to do that.

Mr. Heffentrager asked to inform him the next time they do it.

Mr. John Potack, Allentown Occupy, stated that previously you had made a statement to Lou Hershman in response to him that you, Mr. Guridy are open to transparency on the issue of the arena. This Council and members prior to your presence pulled off a shady deal that's now turned into a major embarrassment for the City of Allentown. Why not have a public referendum on the arena. Let the people of this town vote on whether they want it. Not people from Philadelphia or Pittsburgh, or Brooks Group or JP Reilly's collection. You want to change these SWEEP laws and you want to crack down on young people with skateboards and give them \$100 fines. These kids are going to think on their own and we are going to tell them this is all about the arena. This was presented by the Morning Call newspaper as the clean up the area. The SWEEP enforcement is to clean up the area for developers to make it look worthy of their investment. You want transparency. I came here originally to talk about the posting of handbills and the distributions of literature with the police coming down on Occupy and tearing down our signs, going and taking signs off the storefronts that resemble this t-shirt I am wearing. Why police officers were taking signs off of people's stores that they wanted up there, they told us to put on their stores and police officers came to remove them. Now, you want to give people \$100 fines for this and create a special center city district. He proposes that you change the language to City Center district because JP Reilly bought up all the buildings around there in collusion with the mayor and in connection with Pat Browne. The whole NIZ thing was corrupt. The public wasn't had a chance to speak on it. He calls for a public referendum on the arena if you stand for transparency. Let the people of Allentown speak about it.

Mr. Guridy stated that before the arena was actually or before they passed this bill to allow the 130 acres of the NIZ there were how many meetings.

Mr. Schweyer stated that the City Council never passed the 130 acres boundaries of the NIZ. That number of 129 ½ or 130 was enacted by the legislature and ACIDA. We created the authority and the eminent domain.

Mr. Guridy stated that even before that happened they had a series of meetings throughout the city. He thinks about four. There was one on the east side, and one west.

Mr. Potack stated that Occupy Allentown attended some of those hearings.

Mr. Guridy stated that there were some hearings and he takes objection to your point that we did this in a closed room and we didn't talk to anybody. We did talk about what we did and what we did pass. What the administration has done and what the NIZ authority does, we have no control of. He stated that they have public meetings and you can go. The meetings are at the school buildings at the administration building. You can go over there and talk to them.

Mr. Potack stated that there is a big hole in the center of our town and all the municipalities around here are objecting on not knowing this in advance. It had to be some secret going on if these municipalities and their lawyers and solicitors did not see it coming.

Mr. Guridy stated that he cannot speak to him what they claim; he only can say what Council does here. People claim all kinds of things. People have the right and freedom to say whatever they want to say whether they are right or wrong they can still say whatever they want to say.

Mr. Potack asked Mr. Guridy would he support a public referendum on the arena.

Mr. Guridy stated he won't. He supports transparency, but he does not have any power to ask the NIZ board to do this. He can ask them, but they are not obligated to do it just like you can ask them.

Mr. Leon Liptenwalder, 1215 Lehigh Parkway - Apartment 2, stated his concern tonight and it is very hefty. What is going on with the 15th Street Bridge and how many times that man has promised me June 1st and it is after June 1st? When is he going to get going on it? It is enough now?

Mr. Dougherty stated that they heard him loud and clear with other citizens. During the managing director's report, we will have an update on the 15th Street Bridge as well as other infrastructure projects.

Mr. Guridy asked Mr. Liptenwalder to stick around a little bit.

5. Approval of Minutes: June 6, 2012

Approved by Common Consent

6. Old Business

None

7. Communications

None

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Schlossberg

The committee has not met since the last meeting; the next meeting is scheduled for June 27th at 6:00 PM.

Public Safety: Chairperson Guridy

The committee has not met since the last meeting; the next meeting is scheduled for the first meeting in August.

Community and Economic Development: Chairperson Schweyer

The Committee toured the AEDC facilities including the HIVE and Bridgeworks Enterprise Zone on June 13th; the next meeting is scheduled for July 11th, time to be determined. He stated that they like to do these meetings on the go and Mr. Guridy and I were today at the Community Health Center located on Second Street. They might do a CEDC tour down there. It is a really impression project in the first ward.

Parks and Recreation: Chairperson Mota

The Committee met this evening; the next regularly scheduled meeting is on July 18th.

Public Works: Chairperson O'Connell

The Committee met on June 14th; the next meeting is tentatively scheduled for July 11th, time to be determined.

Human Resources, Administration and Appointments: Chairperson Davis

The Committee met on June 14th and forwarded an item for tonight's agenda and discussed the vacancy report (which will be included in future financial reports); a future meeting has not been scheduled.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

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

OTHER COMMITTEE REPORTS

Mr. O'Connell stated that the next Parking Authority meeting in on June 27th at 4:00 PM over at the Parking Authority's office. If any members of Council have any items for discussion that he should bring to the meeting, please forward them to him. The Recreation Commission met in June at the Allentown Brew Works. They had a morning meeting and Mr. Hanlon will send all the members of Council the minutes of the Recreation meetings. We have no meetings in July and August and our next meeting will be in September.

Mr. Guridy asked if Mr. Schlossberg is still meeting with AEDC.

Mr. Schlossberg stated yes, the meeting is tomorrow.

Controller's Report

Ms. Koval stated that they will be meeting next week on the financials.

Managing Director's Report

Mr. Dougherty stated that he will focus his report tonight on those critical infrastructure projects that they have been talking about. The 15th Street Bridge, he is empathetic with the previous speaker and many others like him. He hears their frustration and shares their frustration with the delay. They are still not in receipt of the necessary and the last DEP permit to allow us to proceed. We are knocking on doors in Harrisburg and using our delegation in Harrisburg. The mayor on yesterday spoke to the DEP secretary who has assured us of his personal involvement in getting this permit to us. In the meantime, we have not been idle. Public Works, Craig Messinger, and Rich Young are taking every measure now to coordinate work with various utilities that needs to be on the bridge and do whatever removal or adjustments to allow for the construction once the permit is received.

Mr. Young stated that DEP contacted him earlier this week, Tuesday and stated that they expect to issue the permit in about two weeks. The contractor after getting that permit will need a few weeks to be able to mobilize, get his crews in line and move in. In the meantime, level 3 communication has been out there doing some of their communications. PPL has been out there doing some relocation. There has been minor work going on. As far as some the other projects going on, American Parkway was supposed to be bid tomorrow through the bid process there was a discrepancy found in the contract documents that require correction so the bid got delayed one week. Instead of tomorrow, it's next Thursday. It was a PennDot document.

Mr. Schlossberg asked Mr. Young that Council be informed whoever is awarded the bid so we know that the process is continuing as soon as you award the bid.

Mr. Young stated for all the projects American Parkway, 15th Street Bridge has been awarded.

Mr. Schlossberg asked if he could let them know when he gets the final paperwork in so they could let people know.

Mr. Young stated absolutely. 15th Street has been awarded. The low bidder was JD Eckman and that was designed build so some design has been going on through this period. The design documents are completed and we are just waited for the permit now. They had on their team Alfred Benesch who is a city engineering firm doing the design. They are located in the Butz building. 19th Street, they did receive bids for the streetscape project on 19th Street. There was such a large discrepancy and there were only two bidders and a large discrepancy the difference between the first and second bidder was more than the first bidder so they decided to rebid since there were only two and those bids are due July 9th. They are being advertised today. Hanover Avenue was another one that bids came in well over the budget amount. We have a \$500,000 budget for it and the low bid was \$772,000. We went through that project and scaled back some things by taking out bump outs at the intersections, curbed extensions and by eliminating that we were able to eliminate concrete work, sidewalk work and a lot of drainage work and that will bring the price down to a point where it is more feasible. That is going to Purchasing early part of next week.

Mr. Guridy asked when was that sent out for bid. He asked do they ever consider bidding in the wintertime even if you are doing the project out of the construction period.

Mr. Young stated that they received that the beginning of June. What we are doing is after it gets completed and designed we have them advertised.

Ms. Mota asked Mr. Guridy what will happen if they bid during the winter.

Mr. Guridy stated that sometimes you get lower bids because it is hardly any jobs and in the summertime you get a lot more people bidding and it's a lot of work because it's construction, but in the wintertime there is hardly any construction because of the weather. There is a certain period when you can actually construct because the asphalt companies close in October or November.

Mr. Young stated mid November. A lot of contractors if you advertise during the winter will bid lower because they are starting to get their work lined up for spring construction. It has legitimacy.

Mr. Schweyer stated that his concern on eliminating the bump outs and the whole reason why we are doing Hanover Avenue is because we have people getting hit by cars all over the place.

Mr. Young stated that the area from Irving Street to right around Jasper Street where it comes alongside the church we left the concrete island in there and there is an existing crosswalk. We are enhancing that and we are putting those bump outs there right by the church, but we had them all the way down Hanover Avenue.

Mr. Schweyer asked right at Jasper to the city limits. You are eliminating the bump out in that section.

Mr. Young stated by eliminating them, we are eliminating the concrete. We are going to paint them so there still be bump outs there, but they will be painted. We are painting an 11 foot lane line through there to narrow the lane down. Right now that is so wide that a lot of people think it is two lanes and it is not.

Mr. Schweyer asked would that allow the project to move forward under the \$500,000 to be allocated.

Mr. Young stated that right now they are estimating in the low \$400,000.

Mr. Guridy stated to Mr. Young that you said if we eliminate the bump outs you also eliminate some of the drainage work.

Mr. Young stated by putting the bump outs in that blocks from the drainage patterns to existing inlets. We don't have a pocket there filling up with water. We have to add some drainage to tie in and eliminate a lot of that.

Mr. Guridy asked if they are eliminating drainage that needs to be replaced in that area.

Mr. Young stated no, they will not be touching any of the drainage then. The last one will be the east side fire station. That has been demolished and that should be going out for bids real soon. They are waiting for some additional analysis to be prepared, but that should be going out shortly.

Mr. Guridy asked who is doing the engineering on that, Pennoni.

Mr. Young stated that the engineering on that is done by a local firm Wallace and Watson - W2A.

Mr. Schweyer stated Mr. Dougherty that he had approach them on an infrastructure issue and while we are on the topic they have a crumbling wall at the Lehigh Parkway. Where are we right now with that?

Mr. Young stated that is one that he is handling also. They have three proposals from consultants and he needs to get that together and award one. They were real close and he needs to make sure that he is comparing apples to apples in the analysis, but that will be going out soon. They are keeping an eye out on that wall.

9. APPOINTMENTS: None

10. ORDINANCES FOR FINAL PASSAGE:

BILL 25 OA Street Scape Transfer

Amending the 2012 Capital Project Fund Budget to provide for a supplemental appropriation of Seventy-Five Thousand Dollars (\$75,000) from the Hamilton Street Reconstruction Capital Project to the Old Allentown Streetscape Project.

Mr. Schweyer stated that it was referred to Budget and Finance and Mr. Schlossberg serves on both and if he had any problems with him taking this one.

Mr. Schlossberg stated no, sir.

Mr. Schweyer stated that they recommended this favorably pending Budget and Finance reviews to find out it was actual money in said account. Not that any of them had problems with the program or construction. It was just a verification issue and pardon them for being a little sensitive on that issue, but they are going to be a little sensitive on that issue. He stated to Mr. Schlossberg that you found out there is in fact \$200,000 plus in the account.

Mr. Schlossberg stated that this was forwarded other to Budget and Finance and he requested them to hold it pending verification that the money is in fact there. Ms. Giguere forwarded us the spreadsheet and the money, is in fact there. At this point, since the money does exist he thinks it is only fair that they approve this tonight.

Ordinance passed, 6 – 0

BILL 29 Subdivision and Land Development

Amending Article 1375 of the Codified Ordinances of the City of Allentown entitled Land Development and Subdivision by authorizing the submission of combined Preliminary/Final Subdivision and Land Development plans to the Allentown Planning Commission, rather than two (2) distinct submissions, one for Preliminary Plan and then one for Final Plan Subdivision and Land Development approval, as is presently the procedure under the current Ordinance.

Mr. Schweyer stated that Bill 29 was forwarded favorably 3 – 0. It was sent to the Planning Commission and LVPC.

Ordinance passed, 6 – 0

Bill 33 Additional Funding Street Lights

Amending the 2012 Capital Fund Budget to provide for a supplemental appropriation of Fifty Five Thousand Dollars (\$55,000) reflecting receipt from a Transportation Enhancement Grant from the Pennsylvania Department of Transportation (PennDOT) to install new street lights along North Seventh Street from the Hamilton Street to Turner Street. The Bureau of Traffic Planning and Control is supervising and monitoring the grant.

Mr. O'Connell stated that this Bill was reviewed and asked Mr. Young to give a brief synopsis.

Mr. Young stated that they received a grant for transportation enhancement grant to complete the lighting along Seventh Street. The lighting current project that was finished a year or so ago went from the city line to Turner. This will go from Turner Street to Hamilton Street. When it was bid this project was before you before and you approved the funding source for it. When the bids came in, they came in over budget. They asked PennDot since they are federal funds on this and PennDot was gracious and granted us an additional \$55,000 to help cover the additional cost. The difference between what we already had and what the bid was. This is federal funds coming into the city for that project and there is no match on the city side on it, One Hundred Percent federal.

Mr. O'Connell stated that there was little discussion from committee members, himself and Mr. Davis' discussion and there were no comments from the public and voted favorably 2 – 0.

Mr. Guridy asked when the project is being constructed.

Mr. Young stated that they are getting ready to start right now. They have been waiting for PennDot to approve some of the materials that the contactor had and that came through today or yesterday.

Mr. Guridy asked is that all coordinated with the arena.

Mr. Young stated yes, they did talk with the person from the arena and the plans had to be modified a little bit in that area and then the arena will pick up the difference that is in there.

Mr. Guridy stated that it is going from Turner Street.

Mr. Young stated to Hamilton Street.

Mr. Guridy asked any future thoughts from Hamilton down to Union.

Mr. Young stated that they have to wait for the next round of Transportation Enhancement Grants.

Ordinance passed, 6 – 0

Bill 35 Neighborhood Improvement Amendment

~~Amending Article 720, Neighborhood Improvement Ordinance, by addressing vehicles parked on grass, skateboarding and bicycling in the center city area, illegal dumping, graffiti, property maintenance, handbills and shopping carts through the issuance of Sweep Tickets.~~

Bill 35 was pulled from Agenda.

Bill 36 Street and Sidewalk Regulations

Amending Article 741, Street and Sidewalk Regulations, by prohibiting the placing or depositing of snow or ice removed on the right-of-way of any street.

Mr. O'Connell turned it over to Ms. Saurman that would give a brief synopsis. There were discussions by committee members. Mr. Davis has some concerns about questions and/or issues concerning this bill.

Ms. Saurman stated this was put forth by the administration mostly as a safety issue to address. They had complaints that after the streets department come through salting and plowing that individuals would then shovel snow into the travel lanes of vehicles and into the public right-away causing the danger of possibly refreezing black ice. The streets department is under the assumption that street has been clear and safe to travel and it could potentially cause other issues. The police department is the enforcement of this and we get calls from the comp center regarding these issues. The police department is called out to address these and have the authority to ask the individual for identification and speak to the individual and as in the past Captain Hendricks is here also to speak to that about their procedures, warnings, and tickets. This is a tool mostly for the police officers to use in a quick and effective means to protect the safety of traveling lanes after a snowstorm. One other part of that is that they also had issues with contractors that do snowplowing that would push through a commercial property to a gas station or something like out to a sidewalk and closing sidewalks that have been open and also into the streets. That is also an issue they are trying to address.

Mr. O'Connell stated that Mr. Davis had some questions that were answered by Ms. Saurman and Captain Hendricks and it was forwarded favorably 2 – 0 to the entire council this evening.

Ordinance passed, 6 – 0

Bill 37 Trexler Capital

Amending the 2012 Trexler Fund and the 2012 Capital Projects Fund to provide for a supplemental appropriation of Ninety-Nine Thousand One Hundred Seventy-Seven Dollars (\$99,177) to the Trexler and Capital Funds to provide for the annual receipt of capital improvement funds from the Trexler Trust designated by Court Order dated April 19, 2011. \$70,000 is budgeted for Park and Playground Improvements – specifically Franklin Park and \$29,177 is budgeted for Trout Nursery Renovations.

Ms. Mota stated that they met this evening and was given an overview and it was voted favorably 3 – 0.

Pastor Maritsa Torres Dollich strongly encourage Council to pass this bill.

Ordinance passed, 6 – 0

Bill 4 Ethics Amendment

Amending Article 171.10 Board of Ethics, by requiring requests for opinions to be filed with the City Clerk who shall forward a copy to each board member by the following day; mandates that the request for an advisory opinion state the provisions of the Code which the complainant alleges was violated; allows the request to be filed by fax or email; requires city officials or employees to provide information to the Board it deems necessary to perform its responsibilities; establishes time frames for issuing advisory opinions; and requires that copies of written advisory opinions be filed in the Clerk's office with identifying names deleted.

Mr. Davis read the amendment as

Amendments proposed by Administration to add: K. The Board shall render its opinion in writing (a) W within thirty (30) days after a request for an opinion is filed with the City Clerk or within thirty forty-five (3045) days after a hearing on any request shall have been concluded, whichever is later, unless otherwise extended to a specified date upon the written consent of the official, employee or complainant.

Mr. Schweyer seconded the amendment.

Amendment passed, 6 – 0

Mr. Schlossberg stated that the one thing he wanted to note this is something that is legislation that he doesn't want to say he wrote because this completely was based on a recommendation from the Ethics Board based on the Ethics Board Annual Report. Although, he is no longer here in all humility all credit goes to Mr. Michael Donovan who pushed forward an ordinance that mandated certain boards give us Annual Reports so that we can find out issues such as these that exists. It is because of Mr. Donovan 's ordinance that we are here today and passing improvements to our legislation.

Mr. Guridy stated dully noted.

Mr. Lou Hershman stated that the purpose of his inquiry is that if you read the ordinance and read the third line that says which the complainant alleges have been violated. In other words, the Ethics Board is only set up for complaints or violations. If you want to get an opinion if there could be a violation they will not give it to you. It happened to me on several occasions. You have to name, names who violated the

ordinance. If you remember two years ago when the mayor ran for reelection the mayor said that the person that worked for community development could not run for election because he was a city employee. He wanted to find out if that was a violation of what the mayor is saying. What is the mayor basing it on? It is unclear. He followed up during the last election again, and asked the ethics board if a city employee can run for a city office. They said they cannot answer him because he would not name a name who he is referencing to. Why does he have to name names if he wants an advisory opinion if there is a violation? If there is a violation then you will come out with a name, but they will not give you an opinion.

Mr. Guridy asked if he was talking about a city employee.

Mr. Hershman stated that the guy that ran against the mayor who worked in code enforcement and the mayor said that he could not run against him.

Mr. Guridy asked does anybody want to answer to that.

Mr. Schweyer stated first and foremost he cannot speak for the Ethics Board because he does not serve on it. He asked on a hearing on Monday if he specifically had to recuse himself prior then a vote and talked to the Clerk about it and had a request drafted and had preliminary feedback, but nothing or formal action yet from the Ethics Board. He believes they will and will argue in his position. You are referring to Mary Ellen. And, by the way he was eligible to run against the mayor. They are going to be differences from employees that are protected by one of our three municipal unions that have a different clause in the contract versus ones who may be part of MESA or folks that may be elected officials by default. We are all city employees as you know, does that mean one of us will be precluded from running for a different city office. That's why he believes and he is speculating on the Ethics Board that they would need to know a little more of the detail rather than a blanket statement. They will provide folks with guidance if there are specifications.

Mr. Lou Hershman stated that he did not name Mary Ellen, he said supposedly an agent of the City of Allentown in an appointed position would there be a violation.

Mr. Schlossberg stated to Mr. Hershman that he understands what he is saying and agree that it is a fair question, but he will say in general, in a situation when someone is asking a question, the question is so broad he can't blame the Ethics Board for not wanting to give a specific responses unless they were given a specific individual. When a case comes before any court they are going to ask you to give the most information possible so they can give an opinion that is broad enough to effect the situation, but narrow enough so that it doesn't affect anything else. In a situation like Mr. Schweyer describe the circumstances changed and no one wants to give a ruling without complete information. Personally, he sees with Mr. Hershman is saying, but personally ok on what the Ethics Board has proposed. You could have given the name.

Mr. Lou Hershman stated he was looking at what position would violate the city's Ethics Commission. Who could run?

Mr. Schlossberg stated that you don't ask a question of the Ethics Commission. He does not think it is important to ask a question of the Ethics Commission based on a hypothetical. You wouldn't ask a court of law suppose that this happens what will happen. You can't say suppose, you have to give a concrete example.

Mr. Hershman stated that he asked for them to clear it up a bit.

Mr. Schlossberg stated that he understands. He thinks it is clear.

Mr. Guridy stated that they are speculating and suggested that Council ask the Ethics Committee to look into that, but does not know if they will give a better answer on what you already gotten.

Ordinance passed, 6 – 0

11. ORDINANCES FOR INTRODUCTION:

Bill 38 Lazy Double Parkers Bill

Referred to Public Safety

Amending Article 531.99 NOTICE OF VIOLATION; WAIVER, relating to the penalties and fines for double parking by establishing an additional \$100 penalty for lazy parkers – operators of double-parked vehicles that are within 10 feet of an open public space and establishing escalating fines for repeat double-parking offenders.

Mr. Schwyer made a motion to suspend the Rules to introduce, just on reading, Bill 39.

Ms. Mota seconded the motion.

Bill 39 Historic District Ordinance Amendment

Referred to CEDC

Amending the Historic Districts Ordinance by including among the review criteria reference to Guidelines for Historic Districts, Restoring, Maintaining, and Preserving the Old Allentown, Old Fairgrounds, and West Park Historic Districts.

12. CONSENT AGENDA:

CA 1 Police Officer Appointment

Mr. Guridy asked were there any comments from his colleagues or the public.

Resolution passed, 6 – 0

CA 2 Authorizes Certificates of Appropriateness for work in the Historic Districts

Mr. Guridy asked were there any comments from his colleagues or the public.

Resolution passed, 6 - 0

13. RESOLUTIONS ON SECOND READING: None

14. RESOLUTIONS ON FIRST READING:

R 36 Illegal Units

Referred to CEDC

Recommends Reporting of Illegal Units and/or Conversions

R37 Cancels July 4th Meeting

Cancels July 4th Meeting

Mr. Schlossberg made a motion that they vote on this tonight.

Mr. Guridy asked were there any comments from his colleagues or the public.

Resolution passed, 6 – 0

15. NEW BUSINESS

Mr. Guridy stated that about two years ago he was in the Dominican Republic and there was a friend of his that was overtaking the park in a very low income neighborhood, very poor children and here my friend redeveloped the baseball park and developed some teams in this low income youth and they got some baseball teams ages 14 to 16 and they brought them uniforms and taught them how to play baseball and it worked out really well and eventually they took them over to Puerto Rico to play the Puerto Rico teams from the Dominican Republic. As you know, being an independent country it is difficult to get visas to leave the country and go to another place and they were able to work that out pretty well. They asked him if he could help them get into the United States and get them to play with kids from here, from Allentown. He started working on it for a while and got some sponsors and he must say Lee Butz from Butz Construction helped us out of that. Once they get here, you have to take care of sponsoring the kids; have a place for them to stay, and other teams to play. Mr. Butz worked with him and worked with Allentown alive and we are bringing nineteen kids next week and they came from the Dominican Republic today and they are going to play teams here in Allentown, Parkland and some other places and it will be interesting. Mr. Butz even got them an Iron Pigs baseball game on the 29th and got them a suite. The dates are going to be posted and he will talk to the Morning Call and post the schedule. If you are around, they are going to be playing in local baseball fields. Support them and spread the word. It would be nice trying to develop an intercultural type of atmosphere from youth from Allentown and the surrounding and youth from another country that will be coming to this country for the first time to play here in Allentown.

Mr. O'Connell stated that it is a great idea. Where will they be staying and asked for the dates they will be playing the local teams?

Mr. Guridy stated that they will be staying at the Holiday Inn on Route 100. They need transportation and volunteers.

Ms. Mota congratulated Mr. Guridy since she knows it takes a lot of effort especially with immigration.

16. GOOD AND WELFARE

17. ADJOURNED 8:03 PM

Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at www.allentownpa.gov or contact the Clerk at Michael.Hanlon@allentownpa.gov to receive an email notice of the meetings.