

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



Allentown City Council  
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**COUNCIL MEETING MINUTES  
November 21, 2012  
COUNCIL CHAMBERS**

**Council Meeting – 7:00 PM**

**1. Invocation: Pastor Gregory J. Edwards, Resurrected Life Community Church**

**2. Pledge to the Flag**

**3. Roll Call:** Davis, Glazier, Guridy, Eichenwald, Mota, O'Connell, Schweyer

**4. Courtesy of the Floor**

Mr. Kenneth Heffentrager, 733 N. 11<sup>th</sup> Street – Tenants Association of Allentown, stated that he gave them a list of slumlords and their properties with Bill 900 that he does not think the city utilizes it enough to take care of these problems. Something really has to be done about the five year inspection cycle. A building just two months ago owned by the Safe Home Corporation which is another name for Joe Clark was cited with 36 violations and condemned immediately and the people are out their house. 136 N. 7<sup>th</sup> Street with 24 violations not condemned because he actually repaired that one. Also, he would like to know if it is in a computer system that it was inspected and five years later it gets inspected here because we have done 70 right to know request and we get them back and it says that rental inspections have been done expect on several properties where there is no rental inspection on several properties over years. Twelve years for 401 N. 7<sup>th</sup> Street, 1432 you can't even find out. The guy owned the building since 1998 and you can't find an inspection since the last one in which the building was condemned. Now there are people on the list 9 of the 15 have multiple condemned buildings in the city. It is taxing the system. This week alone, we went and spoke to five different families which this Friday is out. The city is going to come in and lock the doors and say get out because the landlords can't take care of it. We do these people go, they come to the city for help because when a building is not fit for human cohabitation they go to code enforcement who does a rebate for \$400, \$500 or \$600 depending on the size of the family. It shouldn't come out of the city; it should come out of these people, the ones that own the properties. The five year cycle is too long and he wants to find out in some point in the future how they will inspect this property when the five years are up.

Mr. Tony Marger, 27<sup>th</sup> and Allen, stated that his next door neighbor name is David Olsen and is a very good friend of the mayor's and last year the parks department at the direction of Rick Holtzman planted two street trees on his property. This is something that never happened in his neighborhood so he went over and spoke to the crew and asked what is going on. They were told that if anyone asks any questions they should call the park office. In a few minutes, Rick Holtzman came on the street, got out of his truck and I went over and introduced myself to him and I then asked him what was going on with the trees and who is paying for them. His response was a little bit bizarre and I can't really explain what was going on. All I could say that he took extreme offense asking him any questions, and a few minutes after that his neighbor came home and spoke to Mr. Holtzman and then came over and spoke to me. He repeatedly denied that the tree planting had anything to do with him being on the ACIDA Board. He offered three other

explanations, the first was that the trees planting was part of tree vitalized which is not that tree vitalized had anything to do with trees in our neighborhood. The second was that the tree was good for the neighborhood which he found that a little meaningless and the third was he said with the amount of taxes he pays he thinks he should get something in return and at that point I told him he gets what everyone else gets. I went to the parks office and went to Greg Weitzel about trees and he will not respond to his questions and told him that he would have to get a right to know request. I sent two Right To Know requests and received two responses that said PA had paid for the trees which is ridiculous and also untrue. He is here to try and find out from somebody and he spoke to other city officials who either had no explanations or ignored his questions. He is here to ask again and is hoping that he gets a response, but he would like to say that since these trees have only been in the ground for a year, they could very easily be removed and they should be removed because they should not be in a property. They could be removed into a city park or some other city property. He believes that any public official who feels entitled to taxpayers financed gifts should be asked to resign from his position from the ACIDA Board.

Mr. Guridy thanked Mr. Tony Marger and stated just for your information the city did get some grants to plant some trees throughout the city.

Mr. Marger stated that he knows that and has been looking at this for a year and the tree bylaws program has been finalized in a half of month or so and no money has been spent on neighborhoods and if money was in our neighborhood and the city got funds mostly for downtown areas and also got much less money than they could have gotten because the program was run so poorly.

Mr. Guridy asked Mr. Hanlon to make sure that Mr. Dougherty gets the information.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that he said his piece for the Eastside Fire Station on yesterday. He won't show them the small plastic model again of the firehouse in which if the bids are consistently rejected by the city it might be that size. He also came over from part of the city in now has a police barricade that Maxwell, Sweegal and Plymouth Streets he believes is a police incident that Mr. Schweyer that is going on right now and he does not know what it is, but it is a police incident. What he is here to speak about is that his neighborhood met on Monday, and they discussed the Hamilton Street, Hanover Avenue corridor which is almost finished. They still have to do crosswalks. What they were talking about was just coming off of the Hamilton Street Bridge on going on Hamilton Street in the westerly direction there is a street called Albert Street and there is a street called Bradford Street. Trucks seemed to cause delays going west when they want to make a left-hand turn on Hamilton Street to Bradford Street when they really don't need to do that all they have to do is go down to take the curb around Albert Street and catch up with Walnut Street and get to their destinations. It has been suggested that among the improvements that could be done is have a no left turn on Bradford Street especially during rush hour and an adjustment to non-essential backup of traffic. The purpose of our program to keep things going slow on the Avenue, but we do not want backups after backups. We want safety, but we don't want backups.

Mr. Schweyer thanked Mr. Pearson and stated that he wanted to mention something about his newsletter while he had him up here, but if Mr. Guridy wanted to address concerns about that Rich is here and he assumes Rich will take a look at it and get back to us. It seems like a reasonable request to me.

Mr. Rich Young stated that he knows with Mr. Pearson is talking about.

Mr. Schweyer stated that is what Albert Street is for, what the curb is for and around the garage there you go down. He asked Mr. Young to think about it. He actually read Mr. Pearson's EARN Minutes and in your meeting minutes you mentioned talk about turning Irving into a spray park. He asked Mr. Pearson to correct his minutes because nowhere did council mention eliminating the pool. They had a series of Public

Hearing where we talked about spray parks are wonderful and great and a lot less maintenance, safer, but there is still a role for pools. We never once talked about Irving being taken out. If that is some kind of historical document, Dennis ok, but you should mention that nowhere are there plans to get rid of Irving Pool.

Mr. Pearson stated that in the original plans by the groups it had Irving as a spray park and we said that it is more appropriate for a spray park at Keck Park because they don't have a pool.

Mr. Schweyer stated that when Council passed the resolution about the whole thing we basically rejected it with an overwhelming majority of this. If you could reflect in your minutes that we have no intention to get rid of Irving Pool at least as far as he knows nobody said it to him in the last six months. He asked Mr. Pearson to adjust his minutes. Council has no desire to close Irving Pool.

Mr. Pearson stated that may be adjusted, but really the minutes reflect what was said.

Mr. Schweyer stated that was what it said and your minutes were incorrect. Rest assured that council does review your minutes and appreciate you always keeping us informed.

Mr. Pearson stated that is why the last two meetings we had he wanted to send out newsletters to the neighborhood itself rather than using CDBG funds because we found out that it was an attempt of censorship of what we were saying because we were taking a harder line than most neighborhoods groups do.

Mr. Schweyer stated that he does not know anything about that. He is just asking him to reflect in his minutes in the next monthly meeting that council has never said that we will support closing a pool.

Ms. Mota stated that she is chairperson of parks and recreation and if that was said she was not there and it is a big mistake, definitely. It is extremely important of what Mr. Schweyer said.

Mr. Pearson stated that it may well be for political reasons you don't want to do it, but there is a document that is expressing it.

Ms. Mota stated that it was rejected.

Mr. O'Connell stated that he reads Mr. Pearson's minutes also and they are very good reading. He wants to congratulate him on the 37<sup>th</sup> straight year as the EARN president.

## **5. Approval of Minutes: November 7, 2012**

Minutes approved by Common Consent

## **6. Old Business**

Ms. Eichenwald stated that on several previous occasions she has made mention that it is time that they get serious on what she is going to bring up this evening. We spent a lot of time discussing how to meet our budgetary obligations and she needs to spend more time in increasing our revenue. In just about every municipality that has a major academic institution and/or hospital, those nonprofit institutions are paying cash to the city in lieu of real estate taxes. If you read this morning's paper, Bethlehem now is seriously talking about the same thing. It is incumbent of us to really investigate this possibility. If you look around the city of how much of our valuable real estate property is taken up by these institutions, it is more than substantial. She is not talking about small nonprofit facilities; she is talking about large ones that have enormous financial properties in the city. She is talking about colleges and hospitals and she thinks they

need to formulate a way to look at this. We are way behind in looking at this revenue asset. We have to charge ourselves in coming up with a process. We spend so much time finding ways to sell our assets and she thinks now they have to find ways to bring in substantial revenue. She knows it won't be welcome news to these institutions, but the time has come.

Mr. Guridy stated that he agrees with her, but he is not sure if they could make them do that.

Ms. Eichenwald stated that you can't make them, but if you look around in Providence, Rhode Island to New Haven, Yale to certainly Philadelphia who is a leader in this. You go all across the United States and you look at cities in California that have major institutions, this is the trend.

Mr. Guridy stated that he has been advocating it for years. He believes that they are all in agreement with that.

Ms. Eichenwald stated that they have to come up with a way to do that even under Finance or CEDC, or Committee of the Whole we have to look at some information. She does not know if they still have access to interns. Certainly a way to begin is to look at the cities and see what they are doing. She reiterates that she is not looking small religious institutions. We are looking at huge property-owners.

## **7. Communications**

Mr. Guridy stated that council held an executive session to get an update on the listing of the city's assets. It was a lively conversation and got a lot of information in regards to how the process is going.

Ms. Cynthia stated that she would like to take the time to thank the men and woman who helped the Tiburcio Family in their time of need. On Wednesday, October 31<sup>st</sup> at 6:28 PM the Tiburcio Family Daycare Center and family home at 314 Ridge Avenue accidentally caught on fire due to a burning candle. The blaze started on the second floor and the heroic actions of city residents Hector David Salabarría, Jonathon Rivera and Luisa German-Decheco who risked their own lives to save the Tiburcio family from incident or injuries is greatly appreciated. The family of five was displaced by the fire that gutted the second floor of the Allentown home/daycare center. Even with this loss, I thank you all for your actions because without your help it could have been a tragedy. Your bravery, courage and ability to help the Tiburcio family get out safely were all great deeds. It shows our community that neighbors care about our well-being. We look out for one another and wish people well even in the hardest of times. Your actions should be commended Hector David Salabarría, Jonathon Rivera and Luisa German-Decheco. The City Council along with the Mayor would like to celebrate you for your courage and committed to helping your fellow neighbor. At this time, I would like to read the citation being presented to you for your heroic efforts and also extend a heartfelt thanks to our Fire Department for bringing the fire under control and protecting the family from harm. They are truly our first responders.

Chief Robert Scheirer stated that he is here tonight on behalf of the mayor and city council to read the Mayor's citation to these individuals. This is another example of how the community comes together in the City of Allentown. Neighbors helping neighbors in the time of need and these people truly needs to be recognized. Chief Scheirer read the mayor's citation.

## **8. REPORTS FROM COMMITTEES:**

Budget and Finance: Chairperson Schweyer

The committee has not met since the last Council meeting; the next meeting has not yet been scheduled given the budget.

Public Safety: Chairperson Eichenwald

The committee has not meet since the last meeting; a future meeting has not yet been scheduled given the budget schedule.

Community and Economic Development: Chairperson Davis

The Committee has not met since the last meeting; the next meeting has not yet been scheduled given the budget schedule.

Parks and Recreation: Chairperson Mota

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

Public Works: Chairperson O'Connell

The Committee met last Wednesday and referred the encroachment on tonight's agenda.

Human Resources, Administration and Appointments: Chairperson Glazier

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

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Gurdy

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

**OTHER COMMITTEE REPORTS**

Mr. Gurdy stated that on the 29<sup>th</sup> there will be a Housing Authority Committee meeting. He will get the minutes emailed to Council.

**Controller's Report**

None

**Managing Director's Report**

None

**9. APPOINTMENTS: None**

**10. ORDINANCES FOR FINAL PASSAGE: None**

**11. ORDINANCES FOR INTRODUCTION: None**

**12. CONSENT AGENDA:**

**CA-1 HARB.doc**

Certificates of Appropriateness for Work in the Historic Districts

**Resolution passed, 7 – 0**

**13. Resolution on Second Reading:**

**R53 730 West Union Street Encroachment**

Authorizes an Encroachment at 730 West Union Street

The encroachment process was set up primarily to deal with the proliferation of handicap ramps in the city. Council, during the Daddona administration thought the city staff was lax in allowing the ramps and decided to intervene and control their development. The rule is such that anything that encroaches one third into the right a way must be approved by council. When this rule applies to other things – like is this case, a wall – council generally takes its cue from the administration. Generally the administration is concerned with the impact of vehicle and pedestrian traffic, public safety, site triangles, etc. In this case, the administration is ok with this but council must approve because of the 1/3 rule.

Mr. O'Connell turned it over to Mr. Young and said that he sees the two gentlemen for Volunteers of America. Chuck and Alan are here and asked for a summary of what we discussed last week and we can ask the representatives from VOA if they have any comments.

Mr. Young stated that there is an existing retaining wall right on the right of way line of Silk Street that is in poor condition. The Volunteers of America would like to make a repair to that retaining wall and in order to do that they would like to remove it to what is essentially Silk Street which is technically the sidewalk area although there is no sidewalk there and because it exceeds 1/3 the distance from the curb-line to the right-of-way line, it is required to come to you. Engineering has no issues with granting this.

Mr. O'Connell stated that this was in front of Public Works Committee last week and was recommended favorably by 2 – 0 to the entire Council. He went up last Wednesday morning and met with the gentlemen and the wall is deteriorating and looked at the wall is crumbling and VOA (Volunteers of America) received a grant so at this time Chuck or Alan if you have any comments on what you are going to do and the timeframe on this, we would appreciate it now.

Mr. Chuck Werkheiser stated that if it is approved and they receive the permit.

Mr. Alan Garnor stated for them it is a safety issue. The wall has been deteriorating for years. He stated that it is earlier to get money after it failed and we have a crisis. If we simply put the wall now as it exists it will cost us more than double. They will build an additional wall about seven feet out which will make it even stronger. South Silk Street is not a traffic street. It is like an alley and we are the only ones that use it to access our lower playground. It would be roughly 17 or 18 feet passage so trucks could go down.

Mr. Werkheiser stated that it is more like 21 because the area is paved right to the other building.

Mr. O'Connell stated that Mr. Davis was over to visit that site and asked if he would like to make any comments.

Mr. Davis stated that the questions he had were answered down there about the right-of-way and vehicle traffic. He agrees with the process of instead of ripping that wall down you into the playground and he likes the way they came up with it. It was a better idea.

Mr. Werkheiser stated that the area that they moving into is an all grass area anyway. That area is not paved.

Mr. Davis asked if the telephone pole issue been resolved.

Mr. Werkheiser stated that verbally they did get consent. He wants it in writing.

Mr. Schweyer stated that as long as our resident bricklayer is behind this is he will assume that it is fine. He stated that the Volunteers of America site if his colleagues or the public hasn't seen it, it is really one of tremendous treasures we have in Allentown. He had an opportunity to read to the kids on more than one occasion and it is a wonderful, wonderful early childcare center. 90 - 95 percent of your students are in various levels of poverty and provide such tremendous service for those kids. It is just so impressive four star keystone stars and AC accredited. It is just a tremendous facility and often it gets overlooked when you talk about education in the city that is a hugely important facility in the city and keep up the good work. We appreciate it.

Mr. Guridy stated that he was one of their tenants. He used to live upstairs way back in the late 80s. It is a great building.

**Resolution passed, 7 - 0**

**R 51 SOP Consultant.doc**

**Authorizes the engagement off a consultant for development of Standard Operating Procedures (SOP)**

Mr. Hanlon stated that council is going to insert \$10,000.

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

**Resolution passed, 7 – 0**

**14. RESOLUTIONS ON FIRST READING:**

**R55 217-227 Linden Street.docx**

**Referred to Public Works**

Encroachment for the installation of a wall-mounted canopy over entrance door at the property located at 217-227 Linden Street on the 3<sup>rd</sup> Street Side

**15. NEW BUSINESS**

None

**16. GOOD AND WELFARE**

Happy Thanksgiving!

**17. ADJOURNED: 7:35 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](http://www.allentownpa.gov) or contact the Clerk at [Michael.Hanlon@allentownpa.gov](mailto:Michael.Hanlon@allentownpa.gov) to receive an email notice of the meetings.*