

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



Allentown City Council
435 Hamilton Street
Allentown, Pa. 18101
AllentownPa.Gov

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**COUNCIL MEETING MINUTES
May 7, 2014
COUNCIL CHAMBERS**

COUNCIL MEETING – 7:00 PM

1. Invocation – Councilperson Guridy

2. Pledge to the Flag

3. Roll Call: Davis, Guridy, Hendricks, Mota, O'Connell, Schweyer
Dale Wiles represented for the Solicitor's Office

4. Courtesy of the Floor

Mr. Kenneth Heffentrager, 733 N. 11th Street – Allentown Tenants Association, provided pictures of properties that they called into Sweep and the Police over and over again. There is a property opened and he believes someone started the fire because it is an unsecured property. They need to be fined heavily. He talked about garbage on streets and the Safety and Housing meeting.

Mr. Fran Dougherty asked for a copy of it and he will follow up, as appropriate.

Mr. Tom Hahn, 2016 E. Highland Street, stated that on Page 7 of 10, the cash balance the city pooled, non-pooled and cash account 2014 summary on Article 002 and 003 there is an amount \$3,900,000 and \$2,900,000 and some odd change. Could someone explain to me where the \$17 million is?

Mr. Dougherty stated that he will have the Finance Director follow up on the inquiry. I will respond to the Clerk.

Mr. Glen Hunsicker, 844 S. 11th Street, stated that the \$1.7 million has been going on for two or three years. You have to get to the bottom of it. I was recently at LCA and their budget in one year for 2014 is showing a surplus of \$14.9 million before their debts and at the end of the year \$3.2 million. Did you allocate or appropriate the \$20 million? Don't spend it. You are going to need it. The City of Allentown is obligated for about \$4.2 million for expenditures just for water and sewer for the lease. Did you appropriate the money?

Mr. Guridy stated we haven't.

Mr. Lou Hershman stated that his concerns have always been for the taxpayers of the City of Allentown. My concern is the Capital Projects Budget and what you are doing in Compliance with the City Charter.

Mr. Guridy stated that we got a ruling on the issue in regards to the Charter and you will be sent a copy.

Mr. Hershman stated not a ruling, I want an Opinion based on precedent.

Mr. Guridy thanked Mr. Hershman.

Mr. John Cheer, 141 E. Cumberland Street, thanked Mr. Schweyer for returning his call. He received a letter from the city saying that his sidewalk needs to be put in and curb. I realize that it will cost \$10,000. The lowest estimate is \$9,000. He asked the city for options.

Mr. Guridy thanked Mr. Cheer for coming.

Mr. Fran Dougherty stated that Mr. Cheer brings up very important public policy, public good questions that almost every city in this country grapples with. It is how to provide a public good for sidewalks in an urban area that cities do not absorb itself. Our own ordinance dates back to 1962. We want to reassess and reevaluate our communications procedures. We asked for more time to see what else we can do to mitigate the pain and heartache. We are involved with this issue and met with the neighbors. We put it on hold until we can find alternatives.

Mr. Cheer stated that the law was 50 years ago he asked the Council to update the law. He wants them to be grandfathered in.

Mr. Guridy stated that the administration is going to look into this.

Mr. Julian Kern, 252 E. Walnut Street, stated that his girlfriend dad's place hasn't been inspected yet by Code Enforcement and that was back in November when it was forwarded to them to inspect it. Code Enforcement is way under staff. He asked if Sweep responds within 24/48 hours for complaints. Underneath the Hamilton Street Bridge there is more trash there. There is graffiti all over the space.

Mr. Dougherty asked the address.

Mr. Kern stated 117 S. Gilmore Street.

Mr. Guridy stated that the administration will look into it.

Female Resident stated that she is here to comment on the LED Billboard that is planned for Jordan Park. She asked if it is planned for parks or just Jordan Park.

Mr. Guridy stated that he doesn't know the answer, but they can certainly find out through the administration.

Mr. Rich Fegley, 1002 S. Bradford Street, asked who approved these 20 LED Billboards in our parks.

Mr. Guridy stated that we did not approve the deal in the parks.

Ms. Bonne Bosco, 432 29th Street, stated the sidewalk issue is a 50 year ordinance. Does it apply to everyone with the urgency that I have seen them? She agreed that people without sidewalks should be grandfathered in. She asked does the Ordinance apply to everyone including the Rose Garden neighborhood.

Mr. Guridy stated that it is normally for people that don't have a sidewalk or their sidewalk is in disrepair. It is throughout the city.

Mr. Dougherty stated that it is tied to street repair work, street construction. It is citywide.

Ms. Bosco stated that on 19th Street there was a sidewalk redo in the theatre district and those sidewalks were funded by the business owners.

Mr. Guridy stated that it was a redevelopment grant. It was part of the RACP.

Ms. Bosco asked where did the grant money come from. She stated that LED lights in the park will be a swarm of bugs and is a really bad idea.

Mr. Guridy stated that came from the state.

5. Approval of Minutes:

None

6. Old Business

None

7. Communications

Proclamations for Central Catholic Basketball Team

Mr. O'Connell stated that it is a pleasure to have you here tonight. You just had a lesson in civics. We have Courtesy of the Floor and people can come up and state anything that is on their mind and obviously you heard what is on the citizen's mind this evening. You had a wonderful season and I have been a basketball fan for a long, long time and sometimes I route for the other end of town, but I was in awe this season of what Central Catholic Basketball Team did under the leadership of Coach Dennis Csencsits and his staff, Steve Knight, Mr. Braswell, and Mr. Edinger and Mr. Bob Trinkle. I saw the first game when Allen had you on the ropes and you were down at halftime and you beat them by 10. That was an unbelievable game. As the season progressed, your level of basketball should progress as the season progresses, but what I was most impressed with is the leadership of the team and was extremely impressed on how the players were unselfish. I wish you all much success in your endeavors.

Coach Csencsits thanked Council and introduced the staff and team members.

Mr. Guridy stated that Allentown City Council will conduct a Public Hearing on Wednesday, May 21, 2014 at 6:30 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on Bill 8 which amends the Zoning Code and Map by adding a Commercial District called the Innovation and Workforce Development Zone to facilitate the appropriate reuse of land/buildings and rezoning an area at 555 Union Boulevard from Limited Industrial (I-2) to B/IWD – the Innovation and Workforce Development Zone (the new district). A copy of the legislation is available at the City Clerk's Office, 435 Hamilton Street, Allentown, PA, during normal business hours.

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Schweyer

The Budget and Finance Committee has not met since the last Council meeting; the next meeting is scheduled for May 28th.

Public Safety: Chairperson Eichenwald

Mr. O'Connell stated that Captain Dorney was here this evening and he was to speak for staffing arrangement. The final details are not completed. The Committee met this evening; a future meeting has not yet been scheduled.

Community and Economic Development: Chairperson Davis

The Committee met on April 22nd; the next meeting will be scheduled on May 21st, prior to the council meeting to review a bill being introduced tonight.

Parks and Recreation: Chairperson Mota

The Committee met this evening; the next meeting has not yet been scheduled.

Public Works: Chairperson O’Connell

The Committee met this evening and the agenda item will be for the entire Council; there are no future meetings scheduled at this time.

Human Resources, Administration and Appointments: Chairperson Hendricks

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 Guridy

The Committee has not met since the last Council meeting; a meeting date will be set up to formally review the rule changes we had agreed to the last time we met.

OTHER COMMITTEE REPORTS

Anti-Bullying Meeting – Councilperson Mota

Ms. Mota stated that on May 1 we had an Anti-Bullying meeting with a few representatives from the school district and city staff. Councilperson Guridy participated over the phone. The purpose of the meeting was to brainstorm on the bullying issue with an aim to explore any gaps that exist to deal with bullying that can be filled by the city in terms of possible legislation or the city protocols in terms of dealing with the issue; and if there is anything public officials can do in terms of community education and initiatives. We recognize that bullying doesn’t stop at school borders but can continue into our playgrounds and other places. The upshot of the meeting was a consensus not to pass more legislation criminalizing behaviors – there are already plenty of laws on the book; but to focus on a public anti-bullying campaign. We are looking at revisiting the No Place for Hate Communities initiative that the Human Relations Commission explored at one time; and other community initiatives. We plan to meet again on May 19th at 4 PM.

Mr. Guridy asked is it open to the public.

Ms. Mota stated that not the second meeting. The third meeting we will make it a public meeting and I will let the public know ahead of time.

Mr. Schweyer stated that in regards to the Blighted Property Review Board, tomorrow afternoon I will be meeting with Ms. Callouri and Mr. Wiles to go over our final proceedings again so that we can be up and running. In a few weeks, I know that the administration has a few properties that they want to be considered for termination of blight and the Blighted Property Review Board hopes to schedule a meeting in the next couple of weeks.

Mr. Guridy stated that the Allentown Housing Authority met last week and he could not attend the meeting, but the minutes will be sent to the Council members.

Controller’s Report:

Ms. Koval stated that for the last couple of months the Controller’s office and the administration’s department of finance have been dealing with the independent auditors that were chosen by City Council, that is Maher Duessel and we have been responding to their request for information and starting the week of May 19th, the auditors will be on site at City Hall beginning formally the audit.

Managing Director’s Report:

Mr. Fran Dougherty stated that two of our superstars in the health department Tina Armato and Jim Carlisle were recently recognized for their excellence.

Ms. Vicky Kistler stated that the Pennsylvania Dietetic Association chose Tina Armato who has been a dietician with us for well over 20 years to receive one of their highest awards and a Press Release has gone out to that effect. Also, Jim Carlisle who has been our Injury Prevention Manager for 24 years has also been the chair of the Pennsylvania State Safe Kids coalition for that same 24 years he served as the chair. He has announced his retirement effective this June and was honored in Harrisburg for all of his years of service that will be recognized at the local Safe Kids Coalition meeting next week and certainly we will miss him, but he has a well-deserved retirement that he is looking forward to. I just wanted to let you know that they continue to plug along and make us proud.

Mr. Guridy thanked Ms. Kistler and stated that we will do a formal letter to give our best and thanks to Ms. Amato and Mr. Carlisle.

Ms. Kistler stated that she will, thank you.

9. APPOINTMENTS:

None

Mr. Peter Schweyer stated that he would like to move R13 which is the Intermunicipal Liquor License Transfer forward to this point of the agenda.

Mr. Joe Davis seconded the motion.

R13 Transfer of Liquor License (to be voted on)

Approves/Disapproves the Intermunicipal Transfer of a Liquor License from the Beef House, Inc., 1358 Catasauqua Road, Bethlehem, PA Liquor License Number R-11588, to Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street, Allentown, PA.

Mr. Guridy stated it was before City Council earlier during a public hearing and appropriately moved forward from the back of the agenda to the front of the agenda by Mr. Schweyer for the benefit of the members involved including Attorney Zeller. Anybody would like to make a motion to make the amendment.

Mr. Schweyer stated so moved, amended to approve.

Mr. O'Connell seconded the amendment.

Mr. Guridy asked were there any questions on the amendment.

AMENDMENT TO ADD APPROVE AT THE END PASSED, 6 – 0.

Mr. Ken Heffentrager stated that he is just curious when he was reading it won't be a detriment to society. He asked how you figure this out because I am figuring this is how the proceedings have been going for years and years. How is it determined that they are not going to be an issue. You seem to be trucking in a lot of liquor licenses into the city lately with only with the exception of one having an issue. How do you determine that this won't be a problem? I never heard the company before, is it from their past.

Mr. Guridy stated that usually the administration does their due diligence and bring it to us. If it is a major problem. In some cases, we have rejected some and in most cases, we have approved them. There will be more liquor license coming to the city because the city is just developing. We haven't had that many since I can remember. Liquor License are hard to get anymore. They are very expensive and we need good restaurants here. I think as long as it is not detrimental to the health of the public, we most likely pass most of them, vote on them positively. In some cases, we have voted against some of them and in some cases we have postponed them and gotten more information.

RESOLUTION PASSED, 6 – 0.

10. ORDINANCES FOR FINAL PASSAGE:

Bill 7 Zoning Amendment

Amends the Zoning Code of the City of Allentown by rezoning 1202-1250 N. Godfrey St. and 739-751 East Fairmont Street from Business/Light Industrial (B/LI) District to Limited Industrial (I-2) District.

Mr. Guridy stated that it was a public hearing right before the Council meeting.

Mr. Joe Davis stated that it was April 22nd that they came before the CED Committee in a vote 2 – 0. Mr. Schweyer was out at the time with a very good excuse. We recommended it favorably 2 – 0. We heard a presentation tonight to freshen everybody's mind.

Mr. Guridy asked any comments from the dais or comments from the public.

Mr. Heffentrager asked the reason for this zoning change. What was it and what is it going to become.

Mr. Guridy stated that it was a BLI – Business Light Industrial and it would become a Limited Industrial.

Mr. Heffentrager asked did someone plan to move in there or more attractive to change it.

Mr. Davis stated that was a site that was originally limited industrial and they changed it to business because they thought they could get a casino there, the Tropicana. Now it is going back to what it originally was.

Mr. Guridy asked were there any further comments from the public.

ORDINANCE PASSED, 6 – 0

Bill 15 Public Art

Amending Title Eleven of the Codified Ordinances of the City of Allentown, Pennsylvania, relating to Authorities, Boards and Commissions, by enacting a new Article 180 creating the Allentown Public Art Committee and setting forth its powers and duties.

Ms. Mota stated that we met this meeting and it was voted favorably 3 – 0.

Mr. Guridy asked any further comments.

Mr. Schweyer stated for the record, we had a number of folks from the Trexler Trust that came and spoke in favor of this as well as several members of the Arts Commission that came and spoke in favor of it.

Mr. Guridy asked any comments from the public.

ORDINANCE PASSED, 6- 0

Bill 13 Parking Regulations

Amends Traffic Regulations by, changing enforcement hours to run Monday through Saturday from 8 am to 9 pm, expanding acceptable forms of payments, modifying the notice of violations provisions, and changing the fine for the parking of inoperable or illegally registered vehicles.

Mr. O'Connell stated that this started on April 9th when we had a Public Works Meeting and I like to make an amendment. If you remember, it was a package deal. The meter hours of operation would be extended Monday through Saturday, 8:00 AM – 9:00 PM, instead of 8:00 AM to 6:00 PM that is on hold. The residential parking permit zone enforcement must be extended Monday through Saturday 8:00 to 9:00 PM, instead of 8:00 – 6:00. That is n hold. We had a lot of discussion from the public and we committed to having a Committee of the Whole to discuss that and Ms. Tamara Dolan stated that probably the third week of May or end of May we would have some information. We are going to do that as a Committee of the Whole. With this Bill, the amendment would be to delete all references to enforcement hours (1 and 2 are out) – in effect, allowing the non-controversial items to pass – such as, the types of payments, need to be expanded to include all forms of electronic payment and by placing the violation in the windshield removed from the ordinance and the last was the \$15 versus the \$25 parking authority and police had different fines and we agreed that they all would have \$25. Of the package that is three, four and five. That is what my amendment would be. I would need a second

Mr. Joe Davis seconded the motion.

Mr. O'Connell stated that we need to vote on the amendment.

Mr. Guridy asked any comments on the dais or the public.

Mr. Hahn stated that his question comes up on the levy of the fine versus the Parking Authority states that they don't need the money. Why raise it at \$25.

Mr. O'Connell stated that this has nothing to do with the meters and the \$18 extra. He asked Ms. Dolan to explain to 2JA and 2JB.

Ms. Dolan stated that currently the fine for no inspection, no registration that Council has authorized the Parking Authority to issue carries a \$15 fine. The fine for the same violation issued by the Police Department carries a \$25 fine. What happens you can often have two neighbors parked on the same block with the same violations that will have different fees and fines attached to them. We think that is improper.

Mr. Guridy stated that everybody will be \$25 as opposed to somebody \$15 and somebody \$25.

Mr. Hahn stated that the Ordinance couldn't read that it should be \$15 because based on testimony the Parking Authority doesn't need the money. Let's pick the lower choice.

Mr. Heffentrager asked about the amendment that talks about the noncontroversial items. The last part of that the fining of inoperable or illegally registered vehicles. Is that only in the public? Right over here on Law and whatever that corner alley is that goes between Law and 6th Street here are cars that are repeatedly parked at the corner that are uninspected, unregistered, and sometimes without tags.

Mr. Hendricks asked Mr. Heffentrager have you called that in to the police department.

Mr. Heffentrager stated that he called it in and still see the vehicles sitting there. One officer said it is private property.

Mr. Hendricks stated that he can find out for him.

AMENDMENT TO TAKE OUT THE SECTION APPROPRIATELY PASSED, 6 – 0

Mr. Hanlon stated that it should be another amendment that was previously changed the effective date to September. Now you have to change it back.

Mr. Guridy stated an amendment to be effective immediately.

Mr. Schweyer stated so moved.

Mr. Hanlon stated ten days. The amendment would be for Section 6 would read as follows: This Ordinance will take affect ten days after the final passage, as opposed to September.

Mr. O’Connell thanked Mr. Hanlon and stated that we were talking about the other stuff taking affect September 1st. The other two controversial items.

Mr. Guridy asked any other questions on the bill itself.

AMENDMENT TO CHANGE IT BACK TO TEN DAYS PASSED, 6- 0.

Mr. Guridy stated let’s go back to the bill itself. Any further comments from the dais or the public.

ORDINANCE PASSED, 6 – 0

Mr. Guridy stated that we will be looking at the missing items by the end of the month.

Bill 16 Extends term of Parking Authority

Extending and ratifying the previously authorized and organized Allentown Parking Authority as established under the Act of 1947, June 5, P.L. 458, as amended, including all powers necessary or convenient for the administration; supervision and enforcement of an efficient system of off-street and on-street parking; and further, providing for the delegation to the Allentown Parking Authority of certain municipal functions relating to off-street and on-street parking, under certain terms and conditions.

Mr. O’Connell stated that it was in the Public Works meeting attended by himself and Mr. Davis, and Ms. Eichenwald. It was approved favorably 3 – 0. What we are doing, we are looking at the extension of the terms of the Parking Authority. We have 20 years left to 2034 and we want to add to take it to 2064. Obviously you do that for some bond issue and it will be a lot of growth in Allentown. Hopefully, we will have a lot of bond issues. A lot of times the bonds go 30 years instead of 20 years and that is why we picked 30 years.

Mr. Guridy asked are there any comments from the dais or the public. He asked to call the vote.

ORDINANCE PASSED, 6 – 0

11. ORDINANCES FOR INTRODUCTION:

Bill 17 Staffing Pattern Changes - Parks and Rec/Public Works Referred to Parks and Recreation

Amending the 2014 General Fund, Parks and Recreation Department, by eliminating three part time Maintenance Worker positions and creating a full time Clerk 3 (union) position for the parks maintenance office and transferring the Tree Inspector position to Public Works.

Bill 18 Staffing Pattern Changes - Police Referred to Public Safety

Amending the General Fund, Police Department, by eliminating one Sergeant Position in the Academy budget, creating a Lieutenant position in the Police Operations budget, and transferring a patrolman position from Police Operations to the Academy budget.

Bill 19 Staffing Pattern Change – Health Bureau Referred to CEDC

Amending the General Fund, Health Bureau by eliminating one Clerk 3 position and creating a Sanitarian position.

12. CONSENT AGENDA:

None

13. RESOLUTIONS ON SECOND READING:

None

14. RESOLUTIONS ON FIRST READING:

R 12 To Support Local Use of Radar

Supports Senate Bill 1340 and House Bill 1272 allowing Municipal Police to use Speed Timing Equipment

Mr. Guridy asked were there any comments on the dais.

Mr. Schweyer stated that he is happy to support. We have an ongoing issue in my neighborhood where I live with speeding and I certainly know my neighborhood is not unique in the city, but I know that speeding along Jefferson Street, Lehigh Street, South Hall Street around that area is pretty bad. Neighbors, residents are asking for this at our block watches. People are coming up to me on a regular basis and asking why the Allentown Police doesn't have this equipment. When you explain that it is prohibited, most people look at us like we are just goofy. It is just strange that our accredited police department doesn't have all the tools at its disposal. I strongly support this.

Mr. Guridy thanked Mr. Schweyer and said this is where we got money from Toomey, no. He asked was there any comments from the dais, or the public.

Mr. Hendricks stated that his 30 years in law enforcement experience has been very cumbersome to enforce some of the traffic laws, especially speeding by different methods. There are much more timely and difficult to do in some locations don't lend themselves to ease enforcement. Having this as another tool for us to help us cut down on traffic accidents or crashes I may say accidents and certainly hope to reduce the number of crashes and injuries.

Mr. Guridy asked any comments from the public.

RESOLUTION PASSED, 6 – 0

R14 Council Rules

Referred to Rules Committee

Amends council rules relating to the introduction of legislation, appointments, consent agenda, and extending the floor to the public on bills and resolutions

16. GOOD AND WELFARE

Ms. Mota stated that she would like to invite everyone to Noches De Ritmo which means Rhythm Night on May 10th at the Arts Park. We are going to have dance, music, and performances and everything will be free of charge from 4:00 PM – 6:00 PM and everyone is welcome this Saturday. Please join us, bring your friends, family, and bring everybody. We will have lots of fun. We need your support.

Mr. Heffentrager asked is there anything in the city that prohibits the city to create an ordinance requiring landlords to require their tenants to have renters insurance.

Mr. Guridy stated that he doesn't think so.

Mr. Hendricks stated I don't think that you can mandate that. It is up to a person's individual desire whether they want to have insurance or not. There is no law stating you have to have renter's insurance.

Mr. Hahn stated in the Charter on Page 6 when it talks about the duties under the City Controller the D: provision says Performs Specific Audits of City finances from time to time as requested by the mayor or city council. When you talked about audits, would that be where I will find the answer to my first question of the evening.

Mr. Guridy stated that we do an audit report and that's due in June. He stated that he doesn't believe that you have to do a full-blown audit to get your explanation, but you will get it. If there is a question that you have or anyone else has, we will refer it to the administration and to the City Controller. She can give the answer or find the answer from the administration.

Ms. Koval stated that the audit started several months ago and is not an audit completed by the Controller's office. There is an independent audit required by the City Charter to be done each and every year. That audit is in the control of City Council. They choose the independent auditors by putting out an RFP and Council then chooses the auditors to do an independent audit of all the city's finances.

Mr. Guridy stated that is due usually by June 30th.

Mr. Hahn asked if that was done already.

Ms. Koval stated that they are in the process of doing it right now. The independent audit firm is coming to the city starting May 19th. They have been gathering all information and do a physical audit on site.

Mr. Schweyer stated that we went through a very public RFP, we voted on it, we have strict guidelines of who we can hire. This is the last time we can hire this firm for at least another three years. They have a three year contract. Because of restrictions we can't have it for more than six years. I sat in on the bid opening myself. It was voted on and approved by City Council at a public meeting. We will have a Public Hearing after the audit is received to go over the findings with the auditors.

Mr. Guridy stated that we do that every year around July or August.

17. ADJOURNED 8:24 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.