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

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

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COUNCIL MEETING
October 2, 2013
MOUNTAINVILLE MEMORIAL YOUTH ASSOCIATION FACILITIES
1814 SOUTH 5TH STREET

Parks and Recreation 6:45 PM

Bill 45 Jordan Dam DCNR Appropriation
Amending the 2013 Capital Project Fund Budget to provide for a supplemental appropriation of Forty Thousand, One Hundred Dollars ($40,100.00) from the Department of Natural Resources (DCNR) for the Jordan Park Dam Removal project.

Council Meeting – 7:00 PM

1. Invocation: Jeanette Eichenwald
2. Pledge to the Flag
3. Roll Call
4. Courtesy of the Floor
5. Approval of Minutes: September 18, 2013
6. Old Business
7. Communications
8. Committee Meetings
Budget and Finance: Chairperson Schweyer
Public Safety: Chairperson Eichenwald
Community and Economic Development: Chairperson Davis
Parks and Recreation: Chairperson Mota
Public Works: Chairperson O'Connell
Human Resources, Administration and Appointments: Chairperson Glazier
Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy
Special Committee – Tax Exempt Properties – Chairperson Eichenwald

OTHER COMMITTEE REPORTS

Controller's Report

Managing Director's Report

9. APPOINTMENTS: None

10. ORDINANCES FOR FINAL PASSAGE:

Bill 45 Jordan Dam DCNR Appropriation
Amending the 2013 Capital Project Fund Budget to provide for a supplemental appropriation of Forty Thousand, One Hundred Dollars ($40,100.00) from the Department of Natural Resources (DCNR) for the Jordan Park Dam Removal project.

11. ORDINANCES FOR INTRODUCTION:

Bill 46 Health Lead Hazard Control Grant Roll-Over **Refer to CEDC**

Amending the 2013 General Fund Budget to provide for a roll-over of Five Thousand Seven Hundred Thirty-Three Dollars and Eighteen Cents ($5,733.18) of unexpended funds (01/01/2012 to 12/31/2012) from the Pennsylvania Department of Health Lead Hazard Control Grant.

12. CONSENT AGENDA: None

13. RESOLUTIONS ON SECOND READING: None

14. RESOLUTIONS ON FIRST READING: None

15. NEW BUSINESS

16. GOOD AND WELFARE

17. ADJOURNED

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 45 - 2013

INTRODUCED BY ADMINISTRATION

September 18, 2013

AN ORDINANCE

Amending the 2013 Capital Project Fund Budget to provide for a supplemental appropriation of Forty Thousand, One Hundred Dollars ($40,100.00) from the Department of Natural Resources (DCNR) for the Jordan Park Dam Removal project.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That City Council authorizes an increase to the unappropriated balance of the Capital Project Fund in the amount of Forty Thousand, One Hundred Dollars ($40,100.00) reflecting receipt of a grant from DCNR for the Jordan Park Dam removal project.

SECTION TWO: That City Council authorizes a supplemental appropriation from the unappropriated balance of the Capital Project Fund in the following manner:

001-08-1905-1310-46	Other Contract Services	$40,100.00 .

SECTION FIVE: That this Ordinance will take effect ten (10) days after final passage.

SECTION SIX: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

  Department of Parks and Recreation

- **Summary and Facts of the Bill**

In 2012, Wildlands Conservancy applied for and was preliminarily awarded a grant from the Pennsylvania State Department of Conservation and Natural Resources (DCNR). However, funding for the grant could only be awarded to the municipality owning the dam, the City of Allentown.

This ordinance allocates the grant of $40,100.00 as pass-through funding from the City of Allentown to the Wildlands Conservancy for the removal of the dam.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

This bill allocates funding from the City of Allentown to Wildlands Conservancy for the removal of a low-head dam which has been a public safety hazard.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  The initial cost to the City is $45,100.00, of which $40,100.00 is grant funding from DCNR. There are no ongoing costs anticipated other than in-kind services which the Department of Parks & Recreation agreed to provide in the agreement with the Conservancy. This includes scrap material hauling and disposal, and assistance with fall streambank plantings. The City will benefit from removing this public safety hazard.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

  Grant funds received from the Pennsylvania State Department of Conservation & Natural Resources, Bureau of Recreation and Conservation.

- **Priority status/Deadlines, if any**

  These funds need to be appropriated as soon as possible to satisfy obligations of Wildlands Conservancy for their efforts in removing the dam, and paying contractors for performing this work.

- **Why should Council unanimously support this bill?**

  The Jordan dam was a significant safety hazard and needed to be removed for the safety of Allentown citizens.

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 46 - 2013

OCTOBER 2, 2013

AN ORDINANCE

Amending the 2013 General Fund Budget to provide for a roll-over of Five Thousand Seven Hundred Thirty-Three Dollars and Eighteen Cents ($5,733.18) of unexpended funds (01/01/2012 to 12/31/2012) from the Pennsylvania Department of Health Lead Hazard Control Grant.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That City Council authorizes roll-over to the unexpended balance of the General Fund in the amount of Five Thousand Seven Hundred and Thirty-Three Dollars and Eighteen Cents ($5,733.18), reflecting Pennsylvania Department of Health Lead Hazard Control Grant

SECTION TWO: That City Council authorizes a supplemental appropriation from the unexpended balance of the General Fund to an account in the Department of Community and Economic Development, Bureau of Building Standards and Safety as follows:

General Community Development Building Standards & Safety

000-09-0903-0003-50	Other Services & Charges	$5,733.18

SECTION THREE: That this Ordinance will take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

  The Bill is originating in the Bureau of Building Standards and Safety. The funds are available through the Pennsylvania Department of Health Lead Hazard Control Grant that were unexpended from 01/01/2012-12/31/2012.

- **Summary and Facts of the Bill**

  The bill originated from the Department of Community Development, Bureau of Building Standards & Safety.

  The source if the Pennsylvania Department of Health Lead Hazard Control Grant in the amount of $5,733.18, the time period is January 1, 2012 - December 31, 2012 unappropriated funds.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  The purpose of the Healthy Homes Grant is to strengthen our communities' housing stock and safety by establishing a system through which homes are tested for lead and minor repairs are made in order to make the home lead safe for children to live in.

  The resolution is congruent with the goal of improving the health and safety of the citizens of Allentown, particularly in the areas of public health emergency response, and the housing stock.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  The passage of this resolution will not result in a financial cost to the City. The

  Ongoing benefits include: add these funds to this year's funds in order to achieve our goal of making 20 plus homes lead safe by 2015.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

- **Priority status/Deadlines, if any**

  The funds must be expended by 12/31/2014.

- **Why should Council unanimously support this bill?**

  This bill allows us to continue with lead abatement and meeting the requirements of our Lead Hazard Control Grant to abate 20 homes by 2015.

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COUNCIL MEETING MINUTES
September 18, 2013
COUNCIL CHAMBERS
435 Hamilton Street
Council Meeting – 7:00 PM

1. Invocation: Julio Guridy
2. Pledge to the Flag
3. Roll Call: Davis, Eichenwald, Glazier, Guridy, Mota, O'Connell, Schweyer
Dale Wiles represented the Solicitor's office

4. Courtesy of the Floor
Mr. Lou Hershman, 405 N. Gilmore Street, asked what happened to the Bill that was going to appropriate the money to the pension funds. It is not on the agenda this evening. He asked about the appropriation from the $211 million the city is getting. We should see how the money is appropriated from the $30 million bond issue. We don't see it and don't know if it was paid off. We received the money and should appropriate somehow.

Mr. Guridy stated that it was pulled from the agenda. They are still looking at the bonding issue and the administration asked us to take it off the agenda tonight. It will be in the first meeting in October. He stated that he agrees with Mr. Hershman and Mr. Schweyer has talked about it in the past in the Budget and Finance Committee meeting and I ask him to address it once again.

Mr. Hershman asked about the amendments for the bond issue and how it was paid off.

Mr. Schweyer stated that it was stated publicly at a budget and finance and a city council meeting. I handed you the notes, Mr. Hershman because you were unable to meet. It was appropriated as part of the bond lease agreement where we said we were going to defease all bonds because the cost of bonds changes every day because of interest rates and compound interest. We did it as a blanket resolution as part of the lease agreement.

Mr. Guridy asked Mr. Schweyer to address that during the Budget and Finance Committee meeting.

Mr. Hershman stated that the Charter that he voted for says no appropriation should be paid out of city treasury except for appropriation. You have two bills that say one is a court order and you are going to appropriate the money. What is stronger than a court order for the water and sewer lease? Why do you have a bill to appropriate money based on a court order? When are we going to appropriate the money.

Mr. Guridy stated that we will let you know at the committee meeting.

Mr. Kenneth Heffentrager, 733 N. 11th Street – Tenants Association of Allentown, stated that winter is coming fast and it will be a homeless problem. The city needs to address emergency relief for people that suffered such as the people on Carlisle and E Union Street. The apartment building had 12 units in there and 14 or more people who by tomorrow are in hotels will be told by the Red Cross, there is the street. Apparently it has been reported today, that it was intentionally set. Has the city investigated an eviction that took place on September 4th at 242 N. Hall Street where police were called and the videos are seen on YouTube. It shows Joe Clark

video recording a lady who states that she wants him to stop recording. Pennsylvania is a two party consent state recording of a conversation without the permission twice you have to have permission, before you do it and when you start doing it. It is a crime. A lot of his properties have a lot of drug arrest at them. In Wilkes Barre, you have one strike. If it is a problem property they raid a rental and shut that unit down for six months.

Ms. Eichenwald asked Mr. Schweyer don't we have an ordinance on the books about if someone is involved in drug dealing.

Mr. Schweyer stated that we do, but that is geared toward the tenant and not the property owner/landlord.

Ms. Eichenwald stated that Mr. Heffentrager stated that there are people in those apartments.

Mr. Schweyer stated that Mr. Heffentrager the ordinance that you are referring to and I will be happy to look at it would penalize the property-owner by shutting down that unit.

Mr. Heffentrager stated that single unit, not the whole building. It will show that we are tired of going back to the same building over and over again.

Mr. Schweyer stated that our ordinance says that if a person is convicted of a misdemeanor of a drug offense while living in a rental unit, it kicks in our Disruptive Conduct Report and it goes after the tenant and not the landlord.

Ms. Eichenwald stated that this is a way to deal with it. The ordinance on the books goes as far as saying the family members. That is a very strict ordinance.

Mr. Heffentrager stated that you can have a family of ten with six different names.

Ms. Eichenwald asked Mr. Dougherty if we can have a conversation with Acting Chief Hanna about some of these issues.

Mr. Dougherty stated the last time Ken and I spoke, I followed up with Joe Hanna. Joe Hanna was going to do his due diligence and investigate.

Ms. Eichenwald as if Mr. Dougherty can have a report on that at the next City Council meeting or Acting Chief Hanna can come and talk to us about it.

Ms. Gail Tannenbaum, 2208 W. Allen Street, stated that she is here to educate you about the repeated flooding throughout the West End of Allentown, including the newly renovated 19th Street Theater District, all due to the insufficient sized sewer pipes in several spots throughout our area. I am fascinated knowing that it has been a flooding problem for at least 31 years. The city of Allentown has poured massive amounts of money into renovating the 19th Street Theater District without repairing the flooding problems first. I can't believe there are any businesses willing to operate on or around 19th Street after being hit by floods time after time. I have included in your packets three relevant pages of the Pennsylvania Property Disclosure Statement. If you are not aware or familiar with this document, it states that every property seller, both residential or commercial, is legally required to inform every potential buyer of all past flood or water problems and damages. I have highlighted several relevant clauses. As a result of the August 29, 2013 storm, hundreds of our property values have plummeted overnight. How are we going to sell our properties? Others have been taking in water and repairing damages over and over from storm after storm after storm. This ultimately affects you by depreciating property values and in turn, lowers your assessment values and reduces the City's ability to collect property taxes. You all have a copy of the January 1985 report to expand the West End sewer system, obviously the City has known there was a problem for at least 31 years. If you have not yet understood my point, the City has been negligent in repairing this problem, and therefore, they are financially libel for all past and future damages

that the 500+ buildings effected by repeated flooding in the west end of Allentown. My suggestion is that you expedite the repair process to avoid future financial responsibilities. I will not let this issue go away. We will be legally dipping into the city's wallet each and every time it floods until the problem is fixed.

Mr. Guridy stated that they will follow through on this. Mr. Dougherty is aware of it and we will get a report from Mr. Dougherty when the time is right on what we are doing with this.

Ms. Eichenwald asked Mr. Dougherty to bring us up-to-date on this tonight about how we are going to solve this serious issue.

Mr. Dougherty stated that we had a meeting last Wednesday which the Mayor agreed to hold for the residents. We had all our senior staffers there and listened to about 40 people in attendance and ten spoke about their experiences. It is an issue and not an easy solution, but it is an issue that we are going to address. We have committed to conducting a new hydrology study of the area, not only there, but in other flood prone areas of the city that experience flooding. We have now stepped up and we heard about the mission of the storm sewer division that we now have under Streets and their exclusive focus on the storm sewer system itself. We don't have an entire system to worry about and therefore we have the resources now to take a much harder look at the storm sewers.

Ms. Eichenwald stated what concerns me are words like studies and a harder look. What about actions?

Mr. Dougherty stated in his lexicon that means action. We have committed to taking Gail out and showing her through our storm sewer operation and we are trying to do right now we are still doing some forensics of some of the pipes out there. There may be some additional causes that we have seen a spike and we are looking at everything right now. Rich is here and can attest to his action plan and they already begun putting out an RFP for professional services to conduct the hydrology study.

Ms. Eichenwald stated that she heard the word action and action doesn't only mean study.

Mr. O'Connell stated that he lives at 25th and Allen and been there for 38 years and this has been happening as long as I have been there. It is a pitch on 25th Street that slopes down between Liberty and Allen Street. It is a problem and it has to be resolved. These people can't go through this month after month, storm after storm. From 25th Street to 22nd Street we have a 100 inch drain pipe. He stated that from 22nd Street to 18th Street it narrows about 78 inches.

Mr. Rich Young stated it is an eight foot by six foot box pipe. It is a 78 inch circular pipe.

Mr. O'Connell stated that is your problem.

Mr. Dougherty stated that we don't know that. There are some mitigating causes that need to be explored.

Mr. O'Connell stated that we need to help these people. The city government has a responsibility to help these people. We need action. I don't think we need to study for a year. We know we have a problem, let's kick it up, speed it up, and expedite the situation.

Ms. Mary Shimshea, 22nd and Allen Streets, stated that they were flooded and went through that at the last meeting. It is not just the loss of property at this point. The neighborhood has four feet of water and her gas heater was also flooded and when she turned it on Sunday we were evacuated because they thought the houses were going to blow. We are talking about the loss of life possibly which would be the direct result of this flood. She could not replace the heater and she is replacing it now and I have two disabled people that had to be carried out by the firemen.

Mr. Don Ringer stated that he has been there longer than everybody and about 25 years ago they replaced the underground pipes on Liberty Street and 18th Street and made them 10 foot pipes underneath and the pipes run from Liberty up to Tilghman. The problem on the street that Mr. O'Connell is talking about is that we don't need more studies. Everybody knows what the problem is, just fix the problem. The drainage is there on 18th Street to accept the water. The pipe is too small coming down the alley. It is very simple.

Mr. Guridy asked Mr. Dougherty to give a report as soon as you can and let us know how it is progressing.

Mr. David McGuire, 223 N. 19th Street, stated that he lives in that neighborhood also. I am here as a very concerned citizens. In these days and times when we try to avoid laws that keep people from voting by requirements by state, local and federal governments people should be concerned about voting. It is very shocking to me and I have never been in my live so upset about public activity, two Charter neglects. Hardly any city has a Charter referendum or initiative. When our Charter was remade or redone for the city as Mr. Hershman referred to, they specifically put in the idea of referendum/initiatives. They meant it was there to be used and now twice in least then two years, thousands of citizens have signed pieces of paper under the idea that there is a statement in the Charter that this can be done. You have to get a certain number of valid signatures and then you can do things. You are bashing people for taking a civic interest because someone, somewhere and somehow feels it is not in someone's interest. This process is not a judicial process. We are relying on other people who have no authority to devise and talk about the legality of things. There is the law and there is the judicial decision. On Friday at 8:30 AM in the morning there will be a hearing at the Election Board. You are losing the support for our political process. You are turning off citizens. This Council decided that it didn't want to vote on the most recent one and that was a prerogative written in the Charter. Therefore it went to board. The hearing board has no laws to decide if the referendum is a good one or a bad one or a solid one. They say, did you do everything right, did you get the right number of votes and did the Clerk agree, yes. It goes on the ballot, if anyone thereafter has a problem they sue and do something else and have a judge come look at what is going on. We get two days' notice on something so hot at 8:30 in the morning. He asked Council to get in front of this issue by requesting information. Request and make public all the correspondence between the city, the election board, the DEP, their attorneys, their consultants and the county.

Ms. Eichenwald thanked Mr. McGuire for bringing up this issue. I was going to address that issue myself. Mr. O'Connell and myself had attempted to bring that issue forward this evening, but in order to bring that issue forward this evening, we needed three signatures of the seven council people and we were unable to obtain a third signature. I find that distressing because not only is it an issue of the referendum, but it is an issue of the opportunity to discuss this and provide us with information. This is not the way the democratic process should work.

Mr. Don Ringer, 1801 Liberty Street, asked who is responsible in cutting down the trees of Lawrence Street. It is a little excessive what they did down there.

Mr. O'Connell stated Martin Luther King Drive.

Mr. Dougherty stated that the genesis of that Mr. Ringer was the Emergency 911 Cabling as well as electricity and the main electrical feed to the Water Works. There were a number of incidences over the last 20 years, how close we came when we lost electricity and generating and producing water. We came within a three day supply of running out in the last major storm that prompted us to allocate the monies of addressing and remediating that portion, it done under and because of public safety. The main communication feed to our 911 center and to our Water Resources Plant.

Mr. Mikowychok stated that the intent is that we were looking at where the trees would fall 100 feet deep. If the trees do reach it, it would be smaller branches and typically they don't take down power lines. We did have a meeting this week with Library Area Neighborhood Association who had similar concerns and we told them we will monitor the growth next spring. With the horrific rains we just had we went out in the street during the storm

and the streets were running clear. There was no mud coming off the site because of all the sawdust and vegetation that was still here. It was sucking it up like a sponge. We will monitor it this spring and I guarantee you that it will come and that hillside will be green again.

Mr. Ringer asked for a Charter change as far as our Mayor being able to run for Mayor and run for Governor. I think a man should have one job and take care of this job and not being able to run for governor and mayor at the same time and collect his paycheck here and have a little bit of a security blanket here. He asked Council where we have created 4,000 jobs in this city as he is touting right now.

Mr. Dennis Pearson, 942 Tilghman Street, stated there are many issues about water. Sometimes you have years in which you have droughts and other times you have years you have excessive drain. When pipes of oversized in years of drought and normal activity in which the storm water is left full of debris, it might not be a problem. If there is a problem then it is a real issue there. If you have 12 inches or 14 inches of rain most places would flood out if they had debris in the lines and the lines are very undersized. LCA has the problem to deal with the Little Lehigh because the EPA is still saying that the man covers and trunk lines are overflowing because of excessive water going in there. When you solve the problems in the west end and we now have money in the police fund and we don't use that money to solve the problem of the storm water fund. In Detroit they have a problem of many houses left vacant and people are moving away. Allentown says it has 118,000 population during a Census year and let us hope we still have that population and the population and has not shrunk severely. When I was delivering my newsletters on the eastside I saw a lot of houses vacant. Where are the people? You have to be concerned with that problem as well.

Mr. Tom Hahn, 2016 E. Highland Street, stated that a few weeks back he came to council and asked for an explanation on the 94 pieces of equipment that the Water and Sewer department was given up during the water lease. Due to the fact the Midway Manor in the 70s forced the City of Allentown to solve a similar problem that the west end is having by buying a machine that have cameras and grouting equipment on and they can actually go in and do calculations and measurements and find out what is going on and repair and present data back to the water and sewer department of the problem. Do we still own that machine?

Mr. Dougherty stated that we don't own that former machine, but we own a brand new machine as well as additional used machine.

Mr. Hahn asked is there a reason why we have a brand new one. What are the delays in solving the water problem because we lived with this with two or three steps of water in your basement? What's missing in the Transfer that we have to buy to make that sewer department a viable addition to the city.

Mr. Dougherty stated that we had order that based on the life cycle of the former truck. It was due to have a new one. We own that, LCA doesn't own that. The core mission of our storm sewer operation and the heart of it is our TV truck and could go into the sewer system and having the equipment to record and produce reports not only internally, but to the EPA. The EPA will reimburse us upwards of $750,000 a year because we will be studying our system. The first new backhoe came in the other day for the division and we did a lease buyback for the requisite number of pieces of equipment that we need to get the division up and running.

Mr. Hahn stated I can't track it in the budget to know what the costs are. I sent an email to Council and the response was at the next financial meeting we will have a big discussion.

Mr. Guridy stated that if you need more information, you can speak to Mr. Dougherty offline.

Mr. Dougherty stated that they will have another in-depth discussion in the month of October or November as the requisite ordinances dealing with the allocation for the 2013 budget and dealing with the 2014 budget where you can easily track allocation.

Mr. Glen Hunsicker stated that he is presenting a piece of paper from the Hershman Newsletter that he is creating. It is talking about the $160 million you want to invest in the pension plan. We have to watch what we are doing here. We don't want to lose the .35 percent. Losing the .35 from the outside people is $4 million, plus the internal people in Allentown which is another $4 - $5 million. We have to comply that we don't lose that money. I am advocating that the Finance Committee through Councilman Schweyer to actual look at this and say we don't want to lose the .35. You have to commit the money to the right area or the state is going to take this away and it is too much money to put back on the taxpayers.

Mr. Guridy stated that you are right and you have brought that up before. I have discussed with Mr. Schweyer and he is committed to looking into this. He got your previous statement on this. It is right we should look at Act 205.

Mr. Glazier stated to Mr. Hunsicker stated you were at the last Aggregate Pension Board meeting and unfortunately you left before things got cooking. That generally happens at hour three. He suggested that Mr. Hunsicker sticks around a lot longer. I would say to address the concern that the Aggregate Pension Board is going to do everything by the book and make sure we can maximize whatever reimbursements available to the city to ease the load on the taxpayer while keeping the integrity of the pension funds.

Mr. Hunsicker suggested another Stabilization Act II or Fund II and you don't put all $160 million into the pension area at this time. You could force it to be used for the Pension, but only by a year by year basis or two year basis. If you kept a separate fund that is earmarked and a Stabilization Fund I and we keep hiding it in a cash account and we are going to straighten that out one way or another. It should not be all invested in one brokerage house, it should be distributed.

Ms. Eichenwald stated that in lieu of what we are discussing she heard on national television the mayor say that we have a fully funded pension. What are the ramifications?

Mr. Hunsicker stated that he looked at the Hershman letters that back in 2005 and 2006 that the EIT would pay all the money and keep us solvent in that area and somewhere between 2006 – 2012 something happened.

Ms. Eichenwald stated these kinds of reckless economic statements made by the mayor will ultimately prove harmful to the city.

Mr. Hunsicker stated that is where the council has to take the lead. You have to get rid of this politicking. No matter what this mayor says, you have to be responsible to the citizens and do what is right.

Ms. Diane Teti, 328 North 8th Street, stated she wants to second support what Mr. Heffentrager said about Mr. Clark. I find his behavior a disgrace. He is all over Facebook posting videos of his tenants and calling people fat. I sent him a private message asking is that something really necessary and his response was I am calling it as I see it. She asked about the tree cutting and who is responsible for planting the trees in the event that the growth that comes back is not sufficient.

Mr. John Mikowychok stated that Parks and Recreation and if there are any particular areas where new growth is not occurring because a seed bank is not there, because the deep movement of the equipment, we want to plant that with additional native trees and shrubs. We are not talking about putting in something that is a 12 gallon container. We are talking about putting in liner stock and provide cover in several years. It will provide shade and cover in several years.

Ms. Teti asked the approximate timeframe, one year, two years, three years, or five years.

Mr. Mikowychok stated that it depends on the recovery. We are certainly not looking to see a woodland restored in five years. In areas that are clear cut you will have growth of two feet the first year. In five years, it will be ten or fifteen feet high.

Ms. Teti asked if the city is absorbing the cost of replanting and it is not falling on the citizens.

Mr. Mikowychok stated that is correct.

Ms. Teti asked do you know where the homeless will sleep this winter and are you familiar with our sheltering system and what is available.

Mr. Guridy stated that they have discussed this issue several times.

Ms. Teti stated that we used to attend the Commission to End Homelessness. We have been going for the last couple of months and they change the system so only the sub-committee heads are allowed to attend the meeting. We are in Year 6 in the Commission to End Homelessness Plan and we just today met with the woman who runs the Bethlehem Shelter to pick their brains about what they are doing and how we can do it right. She asked Council to get the information from Heidi and familiarize yourself with what's going on with the homeless population in Allentown.

Mr. Richard Fegley, 1002 S. Bradford Street, stated it was mentioned before that the mayor had mentioned that our pension fund has been paid off and that was a quote from the Morning Call when he made his announcement that day for Governor. He asked Council for help for the Clean Air Ordinance. It was unfortunate to hear that only two Councilmembers were interested in discussing it further. Per the SECTION 1007 A of the Allentown Home Rule Charter – Allentown City Council had (60) days in which to vote on the proposed Allentown Clean Air Ordinance and upon failing to adopt the ordinance, the proposed ordinance shall be submitted to the voters of the city. Allentown City Council chose not to adopt the Clean Air Ordinance or to bring a vote to it at all and thus the Home Rule Charter mandates that the Ordinance be submitted to the Allentown voters in the next municipal or general election occurring either at least 90 days after the Council action. Per Section 1007 B of the Allentown Home Rule Charter which would be the November 23rd General Election. At the Lehigh County Board of Election meeting on August 27th the Board of Elections voted unanimously not to permit the Allentown Clean Air Ordinance to be submitted to the voters. The Pennsylvania Election Code 25PS2936 requires a written explanation of the reasons for rejections. On August 29th 2013, Tim A. Benyo – Lehigh County Board of Elections Chief Clerk wrote to the Allentown City Clerk to announce the Board's decision in writing staying that the City of Allentown Clean Air Ordinance as proposed does not properly recognize and account for the Department Of Environmental Protection's mandated approval role. Lehigh County Board of Elections did not state with any specificity how it is authorize to keep the Allentown Clean Air Ordinance from the voters in contradiction of the City of Allentown Home Rule Charter and 25PS2936. The Lehigh County Board of Elections decision is not based on any legal standard and there is no mandated approval role whereby the Allentown Clean Air Ordinance cannot go to the voters without preapproval from the Department of Environmental Protection. The Lehigh County Board of Elections has not stated a legitimate or legal base on which they deny the Allentown city voters from voting on the Allentown Clean Air Ordinance. This is all from legal documents that we plan on submitting shortly challenging the Lehigh County Board of Elections. I had asked Council in the last meeting to speak about this and to back up citizens and make sure that the citizens that got over the 2000 signatures that was required, we expect it to be on the ballot in November. Council being silent about this is really Council turning their backs on its citizens. I ask Council to please consider being this up for a conversation again this evening and this will be discussed at the Board of Elections meeting on Friday morning.

Mr. O'Connell stated to Mr. Fegley at the last Council meeting you had stated that you were going to talk to the Lehigh County Commissioners and ask them what jurisdiction does the Board of Election has. Did you go to that meeting?

Mr. Fegley stated yes. They brought the comparison to exactly what they said with the LCA (Lehigh County Authority) that once they create that authority they have no power over that authority. The Board of Elections has no rights to keep this off the ballot and yet they voted against it and made this lame statement. Council can ask the Board of Elections to put this on the ballot or ask what right do you have and yes the citizens need more details. I am extremely disappointed in the five of you that decided not to speak on this.

Ms. Michelle Bowers, 3111 Liberty Street, thank Ms. Eichenwald and Mr. O'Connell for championing the cause of the Clean Air Ordinance. I am hopeful that it wasn't just for the cause which I know you both are for, but also for democracy which has failed here. With the rest of those sitting on Council, I don't like to say it, but you sided on the side of money. Thinking outside the box is a lot harder than siding on the side that sits bigger and stronger with the cash under them. It is very disappointing. Democracy has really gone down and I would have to say he is right and it is why a lot of young people have no faith in the process. I really hope that Council takes another look at this.

Mr. Glen Hunsicker, 19th Street, stated that we have been through the Water and two initiatives/two referendums and what do we constantly hear from Councilmembers. Now we have two Council members that supported something again, no votes. We have five or six Councilmembers that don't even open your mouths. Where is the representation from you for the citizens? As far as I am concerned the next Council meeting, vacate your seats and sit behind the Mayor. You are not representing the people.

5. Approval of Minutes: September 4, 2013
Approved by Common Consent

6. Old Business
None

7. Communications
Mr. Guridy stated that the next Council meeting will be held at Mountainville Memorial Youth Association Facilities at 1814 South 5th Street. Chambers will be down until the first meeting in November. The Council meeting for October 16th will be at the West End Youth Center.

8. Committee Meetings
Budget and Finance: Chairperson Schweyer

The committee has not met since the last Council meeting; the next meeting is scheduled for September 25th at 6:00 PM in the 5th Floor Conference Room to review the monthly financials and other reports.

Public Safety: Chairperson Eichenwald

The committee has not met since the last council meeting; a future meeting has not yet been scheduled. She stated that Chief MacLean has now officially retired and accepted another position. His responsibilities will be taken over until a new chief is named by now Chief Hanna.

Mr. Guridy stated that there were a couple of promotions that occurred and I am happy to report that we have the first woman Captain in the history of the City of Allentown and the first Hispanic/American Assistant Chief Medero and the woman Captain is Gail Struss. The interviews are going well. They had the first interviews last Friday and I was there about 7:30 AM, but I couldn't stay for that, but Ms. Mota was gracious enough to go to the interview.

Community and Economic Development: Chairperson Davis

The committee has not met since the last Council meeting; the next meeting is scheduled for October 9th.

Parks and Recreation: Chairperson Mota

The Committee met this evening. The next meeting will be in early October, the committee will review the pool usage. Tomorrow we will have a great event in West Park from 5:30 PM – 9:00 PM.

Mr. Guridy stated that it is the last of the series and it is free so that everyone is welcomed to come to the beautiful West Park.

Public Works: Chairperson O'Connell

The Committee met this evening with one item on the agenda; the next meeting is tentatively scheduled for October 9th.

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 Guridy

The Committee has not met since the last Council meeting; No report.

Special Committee – Tax Exempt Properties – Chairperson Eichenwald

The Committee has not met since the last meeting; meetings have been set up with Muhlenberg College and Cedar Crest College and the agenda item we have is to add Mr. Davis to the committee. It will be therefore be possible for two council people to attend these meetings based on the Sunshine Law.

OTHER COMMITTEE REPORTS

Mr. Davis stated that they held there second meeting of the CED based housing strategy and yesterday we held a meeting for the Special Taskforce that will deal specifically with housing. The first meeting was a wide range of residents and landlords and the second one had real estate agents and bankers to get a wider view of what our issues are for housing. The next Taskforce meeting is scheduled for October 15th at 8:30 PM.

Mr. Guridy asked what time is that meeting. He stated that he sits on the board of the Allentown Housing Authority with Dan Farrell and he is not sure if the individuals in the organization are involved in the Taskforce. It would be good to maintain some kind of open communications channel.

Mr. Davis stated that they are.

Mr. Atiyeh stated that Dan was there.

Controller's Report

Ms. Koval stated that she does not have an official report, but will have much more information coming out of the Budget and Finance committee at the end of this month.

Managing Director's Report

None

9. APPOINTMENTS:

None

10. ORDINANCES FOR FINAL PASSAGE:

Bill 41 Trexler Fund Appropriation

Amending the 2013 Trexler Fund and the 2013 Capital Projects Fund to provide for a supplemental appropriation of Two Hundred Twenty Five Thousand, Nine Hundred Twenty Six Dollars and Seventy Three Cents ($225,926.73) 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.

Ms. Mota stated that was in her committee and asked Mr. Schweyer to discuss.

Mr. Schweyer stated that the Bill was recommended favorably 3 – 0. I have an amendment as per a request from the administration to move $5,000 from line 001-08-1905-1360-54 Repair & Maintenance Supplies which currently reads $103,883.00 and reduce that by $5,000 and make that $98,883.00 and have a corresponding increase of $5,000 to line 001-08-1905-1360-76 under Construction Contracts which currently reads $90,972.73 to $95,972.73 as a result of a change in the city contracting maintenance work instead of doing it in-house.

Mr. Guridy asked the reason was for the $5,000 was for doing work in-house.

Mr. Schweyer deferred to Mr. Mikowychok.

Mr. Mikowychok stated that this is for the allocation for contracted work associated with the paint striping after our own Streets crews do the rebuilds of the paving within Trexler Parks Trails. We would have contracted the striping of the roads for the delineation between the faster speed bicycles versus the pedestrian lanes. He stated that Ms. Eichenwald had concerns about the condition of those trails and we agree, the white is fading and we need to get those stripes back on the trails so that it is much easier to see.

Ms. Eichenwald asked when this is by court order.

Mr. Mikowychok stated that the court order is just the delineation of the surplus from the Trexler Trust.

Mr. Guridy asked are you talking about in Trexler Park.

Mr. Mikowychok stated internal trails.

Mr. Guridy stated that he usually walk in there with his family and lake is actually looking a lot better now and the weeds are going and at the end of the season.

Mr. Mikowychok stated that we had three treatments, but the cool weather has certainly helped.

Mr. Guridy stated it looks a better and Muhlenberg Park is also the same.

Ms. Eichenwald asked the timeframe.

Mr. Mikowychok stated next year for the paving. It is a possibility that we might get some of the paving done this year. It has to be a base rebuilt and how much we can get done this fall, I don't know. To say we will get all the trail mileage done before the close of blacktop plants might be overly optimistic.

Mr. Guridy asked any other further questions on the amendment. Any comments on the amendments.

AMENDMENT PASSED, 7 – 0

Mr. Guridy asked any comments on the Bill itself.

Mr. Hershman, 405 N. Gilmore Street, asked if this is a court order, why we need a Bill to spend money. The court ordered you to do it.

Mr. O'Connell stated that the court order gives you the money. The Bill is the breakdown of the money in specific areas.

Mr. Hershman stated that would be my same argument with the Water and Sewer lease. They should be treated the same, but you guys don't treat it the same.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that the city doesn't go with the idea of perpetuity because we do have the Dodona paved asphalt garden in the Trexler Park. He stated to Mr. Mikowychok we once had three great greenhouses in Trexler Park and that was taken out by the Dodona administration going to remove them so that they could vastly improve Trexler Park and have more money and they put in a parking lot where the greenhouses are. Coming from an area where the Trexler Funds were used to buy the first park that was bought by Trexler Funds, Irving Park and during the course, WPA bricks were put out of Irving Park. You are having a project repairing the bricks, the WPA bricks. I am just wondering whether the WPA brick sidewalks will be repaired at Irving Park.

Mr. Mikowychok stated that the concern we have is the primarily the staircases because of their condition and the degree of use they get from students.

Mr. Pearson asked if he is getting an affirmative that they will be repaired.

Mr. Mikowychok stated you are getting our promise to look into repairing the worst of the steps with the monies we have. The city doesn't have infinite fund and we are trying to address infrastructure that is 80 – 90 years old.

Mr. Pearson stated that they were beautiful when they were built and they need to be refurbished.

Mr. Mikowychok stated that he doesn't disagree.

ORDINANCE PASSED, 7 – 0

11. ORDINANCES FOR INTRODUCTION:

Bill 42 EMS **Referred to Public Safety**

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Thirteen thousand three hundred eighty seven dollars and 50 cents ($13,387.50) from the Lehigh Valley Iron Pigs.

Bill 43 Injury Prevention **Referred to CEDC**

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Nineteen Thousand, Nine Hundred and Thirty-Five ($19,935) Dollars from Pennsylvania Department of Health, Division of Health Risk Reduction to the Health Bureau's Injury Prevention Program budget.

Mr. Guridy stated that Bill 44 Pension has been pulled from the agenda.

~~**Bill 44 Pension Ordinance** **Refer to Budget and Finance**~~

~~Of the Council of the City of Allentown, Lehigh County, Pennsylvania, authorizing and directing that action be taken to effectuate a deposit of certain monies to fund the city's unfunded pension liability in accordance with Act 205, the Municipal Pension Plan Funding Standard and Recovery Act, authorizing the issuance of a note in the principal amount of $160,000,000 to fund the city's pension plan contribution and authorizing the appropriation of note proceeds to the pension fund, authorizing appropriate officers and officials to take required necessary and/or appropriate action, to bring about the foregoing reduction, providing for severability of provisions of the ordinance, providing for the repeal of all ordinances or parts of the ordinance so far as the same shall be inconsistent, providing when this ordinance shall become effective.~~

Mr. O'Connell made a motion to suspend the Rules and introduce Bill 45 Jordan Dam DCNR Appropriation

Mr. Schweyer seconded the motion to suspend the Rules.

Bill 45 Jordan Dam DCNR Appropriation **Referred to Parks and Recreation**

Amending the 2013 Capital Project Fund Budget to provide for a supplemental appropriation of Forty Thousand, One Hundred Dollars ($40,100.00) from the Department of Natural Resources (DCNR) for the Jordan Park Dam Removal project.

12. CONSENT AGENDA:
CA-1 HARB
Certificates of Appropriateness for Work in the Historic District at 1120 West Linden Street and 230 North West Street

Mr. Guridy asked were there any comments from the dais or from the administration.

Mr. Schweyer stated that the work that is being done at 1120 is fantastic. The baker is absolutely wonderful. It is good to see a small business/family owned bakery going in there.

Mr. Guridy stated that is the new bakery. He asked is it the bakery that has been opened a while ago.

Mr. O'Connell stated it has been opened for a while and called the Luna Bakery. I had pastries there, it is very good.

Mr. Guridy stated it is good.

RESOLUTION PASSED, 7 – 0

13. RESOLUTIONS ON SECOND READING:
R25 1728 Union Street Union Street Encroachment
Authorizes an encroachment for a fire escape at 1728 Union Street

Mr. O'Connell stated that was in Public Works with Ms. Eichenwald and Mr. Davis and Ms. Eichenwald came up with a good suggestion and a good compromise and we have to make an amendment to that R-25 to read Authorizing an encroachment for a counterbalance fire escape at 1728 Union Street. It would not be a permanent one. It will be hanging eight feet of the street and would drop down as needed. Mr. Dougherty and Mr. Young were both fine with that.

Mr. Schweyer seconded that amendment.

Mr. Guridy stated that he drove by their last night and I am concerned because I don't know how much about the new counterbalance.

Mr. O'Connell stated that it is a counterbalance and it is not permanent. It comes down from the third to the second floor then it hangs off of St. Cloud Street and when needed it comes down. It is a drop fire escape.

Mr. Guridy stated that he noticed that it is a very small sidewalk and only eight feet wide.

Mr. Young stated from the curb to the house, it is eight feet.

Mr. Guridy stated that it is on St. Cloud Street and it is another little door with a step. Is that step on the same property.

Mr. Young stated it is the same property.

Mr. Guridy stated that no one is going to put it down on top of somebody else's head. How much will it protrude out the sidewalk?

Mr. Young stated no. That is right. He asked on St. Cloud Street or Union.

Mr. Guridy stated on St. Cloud Street.

Mr. Young stated just about to the edge of the sidewalk. The sidewalk itself pretty much will be in tack. If you saw, the steps came down and the steps actually protrude a little bit farther then where the fire escape is going to be and when I say a little bit, it is just a small maybe as much as a foot.

Mr. Guridy asked if the stairs are narrow. Is that in compliance with the City Codes?

Mr. Young stated that they are narrow. This part was not in my bureau, but it is my understanding that the property owner is looking to sell it and as part of an inspection, they found it was found that there was no fire escape so they are requiring him to have a fire escape installed prior to selling it.

Mr. Guridy stated that they do have a sign there stating that they are selling the property. Do you feel comfortable because it is unusual?

Mr. Young stated that he feels comfortable. He stated unusual will have it permanent. Most of the fire escapes would be the counterbalance type as you are coming down from up the weight would push it down.

Mr. O'Connell stated that it was passed favorably, 3 – 0.

Mr. Davis asked if this is all contingent of the homeowner going along with the extra cost because it will cost more to put a counterbalance on it. The welder will be talking to the owner, if he goes along with it.

Mr. Guridy asked if he doesn't go along with it, does it come back to Council.

Mr. Young stated yes. That was what the amendment was to change to a counterbalance. If he doesn't want to do the counterbalance, he has to come back here.

Mr. Young stated that is correct.

Mr. Schweyer stated that he has a little concern that we got the counterbalance terminology correct by both our engineer and our solicitor today though it was sufficient. Generally, I would try to avoid overly technical details into a piece of legislation that I am considering both our engineer and our solicitor said that language was sufficient and I understand the intent of it. We should be fine.

Mr. Hahn showed Council and Mr. Dougherty a design which is cheaper of a fire escape and show how easy it would be to solve the problem at a lower expense.

Mr. Guridy stated that might not be appropriate because the committee has already recommended it. We have no say on that.

Mr. Hahn stated that it opens your eyes on the amount of advice that is always available to you when you contact the person who has done it as a livelihood.

Mr. Guridy stated that he decides to go that route.

Mr. Heffentrager asked what particular reason was this property required to put a fire escape in before it is sold. How many units is it.

Mr. Dougherty stated that the owner has an apartment on the third floor.

Mr. O'Connell stated it deals with the sale. The realtor that is trying to sell it is telling the owner you have a better chance of selling the property if you put a fire escape on the property itself. The other apartment buildings are probably grandfathered. I think that this is not a requirement per se. The realty is telling the owner you have a better chance selling this multi-unit if you put a fire escape.

Mr. Heffentrager stated that it is not required by the city. He is concerned about buildings that are much larger.

Mr. Guridy stated that it is not required by the city.

Mr. Ernie Atiyeh stated that may have come up in the previous inspection.

AMENDMENT PASSED, 7 – 0

Mr. Guridy asked if there were any comments from the dais or the public.

Mr. Schweyer asked the administration if this seems to be a more desirable solution to the issue of fire escape, a retractable or whatever terminology so that it is not permanent perhaps you could look at other cities/municipalities to see if this is a style that they generally prefer over the more permanent one. It becomes part of the overall code of rules that we have so that we don't have a situation like the gentleman who walks in and spends money on something that we collective are saying this is the more appropriate use. We should include the fire department and EMS in that as part of the conversation. You if guys can take a look at this as more of a systemic change in the future so that we can accomplish two things: Property owners know the rules in advance and we have the appropriate aesthetics and safety concerns for the public at large.

Mr. Guridy thanked Mr. Schweyer and said that it is not a Council Rule.

RESOLUTION PASSED, 7 – 0

14. RESOLUTIONS ON FIRST READING
R28 Tax Exempt Committee
Appoints Councilperson Davis to the Committee reviewing the impact of tax exempt property

Mr. O'Connell asked to suspend the Rules and vote on it this evening.

Mr. Schweyer stated for the record to be consistent as an employee of an organization that has been asked to testify, I will be abstaining from this Resolution.

Mr. Guridy stated that he is considering himself since he is a member of the Housing Authority, but I don't think it is going to affect us. I don't have to abstain from the voting.

Ms. Eichenwald stated that Mr. Davis graciously consenting to join this committee, not only will we be able to avail ourselves of this council, but it will give us an opportunity to give us two members of City Council attend this sessions with all these institutions based on the Sunshine Law and the opinion of the solicitor.

Mr. Guridy asked were there any comments.

RESOLUTION PASSED, 6 – 0 (Schweyer Abstained)

15. NEW BUSINESS
None

16. GOOD AND WELFARE

Mr. O'Connell stated that Ms. Mota alluded to this two weeks ago. Being a former employee of the Allentown School District, I am most proud of our kids with the new uniforms policy. I have driven by Allen most mornings, I have driven by Trexler, I have driven by Dieruff and I think this is a set in the right direction. It will bring pride not only to the students, but the staff and to the school. It will bring pride and respect to the entire city. They did an excellent job and I see Ms. Ce-Ce Gerlach in the audience and I want to commend the school board for taking this on. This has been discussed many, many times. Ms. Eichenald and Mr. Glazier have been in meetings as well as I have been in meetings for the last five to eight years. You did a great job. I have spoken to Dr. Mayo and a few principals and teachers and it seems like the whole morale in the school has been kicked up a notch. We are only in two weeks of school, but it seems like the kids are very respectful of what they have to do and hopefully that respect will carry over to the classroom. It is not about the uniforms, it is about getting a solid education so that you can better yourself in life and be a good citizen. I commend the school board and the administration at this point for a job well done.

Ms. Mota agreed with Mr. O'Connell.

Mr. Guridy stated that if you remember we formed a taskforce several years ago with Mr. O'Connell, Mr. Donovan and myself were a part of it and many community leaders that were involved and at that meeting that was one of the recommendations that we made. We also made a recommendation to develop an alternative school. I remember bringing that up because I asked a question of how many students really disrupts the classroom and they said 40 – 50 students and I said why we don't develop an alternative school like other districts have and they agreed and that was developed. These two issues I am proud that we as councilmembers had an impact. The kids look cute, nice and look like they belong somewhere and the ones that don't have one, looks like they don't belong.

Mr. O'Connell stated that you have to chuckle when you pass Muhlenberg Elementary School the little tikes in kindergarten and first grade and Mr. Schweyer's daughter goes to Lehigh Parkway. It is good for the system, good for the city and you will see urban settings take a look at it and copycat.

Ms. Mota stated that they look like students.

Mr. Atiyeh stated one of the reasons for the taskforce was for Public Safety, and identification.

Mr. Guridy stated that Ms. Gerlach had a fundraising activity to raise money for parents that don't have funds to buy uniforms and there have been several organizations and local business that have also contributed, like PPL.

17. ADJOURNED: 9:00 PM