

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



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

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COUNCIL MEETING MINUTES
March 4, 2015
COUNCIL CHAMBERS

COUNCIL MEETING – 7:00 PM

1. Invocation: Minister Timothy Smith, New Christian Harvest Church

2. Pledge to the Flag

3. Roll Call: Davis, Eichenwald, Glazier, Guridy, Hendricks, Mota, O'Connell
John Marchetto represented the Solicitor's Office

4. Courtesy of the Floor

Mr. Miguel Angel Morales, stated six months ago he lived on Eighth Street and had an officer steal from him. They took my pit-bull. I want my dog back. The ASPCA gave my dog up for adoption.

Mr. David Schell – representing East Allentown Rittersville Neighborhood Association, 665 N. Irving Street, stated he was born and raised in Allentown. They are concerned about Public Art. We are aware the legal and practical difference between graffiti and public art. The city does a great job with the anti-graffiti ordinance by removing this graffiti when it appears. We have been informed that unless this public art contains known gang symbolism there is little to do about it. He has given Council a description of the Mural Arts program adopted by the City of Philadelphia. It needs to be vetted. He believes the problem will spread to other areas in the city if not addressed.

Mr. O'Connell asked how many buildings on the eastside have murals.

Mr. Schell stated at least three or four.

Mr. Joe Davis stated three.

Ms. Eichenwald asked do we have any policy about this. What differentiates public art from graffiti?

Mr. Fran Dougherty stated that it is a philosophical question. We are familiar with the issue. Councilman Davis has been a fierce advocate of addressing this issue. We have taking steps through the Clerk and the Solicitor's office to get a legal opinion. This is a dicey issue to say the least. It is not clear cut. One building owner is allowing us to come in when the weather clears to paint what we consider graffiti and restore one wall. We started forensics with the Zoning Office which has jurisdiction over these types of questions. It did not violate any zoning ordinance or engage in advertising. There is no violation of law.

Ms. Eichenwald asked what are your feelings of the Philadelphia regulation on how it is written.

Mr. Dougherty stated that it is a very different model and extremely expensive. It is not conducive to our city. Mr. Hanlon is doing research on smaller size cities to see if we can regulate.

Mr. Schell stated that we always have a police officer working with us.

Ms. Eichenwald asked is there a timeframe of when we will have an opinion.

Mr. Marchetto stated that he believes an opinion was rendered.

Mr. Hanlon stated that he believes that we should receive it shortly.

Mr. Marchetto stated it is a difficult issue because of 1st Amendment Concerns.

Ms. Eichenwald stated that it is an important issue and should be part of the committee structure.

Mr. Marchetto stated that it would fall under the 1st Amendment – Protected Speech. You can regulate it, but it has to be time, manner, and content neutral.

Mr. O'Connell stated that it could go to Mr. Guridy's committee: Community and Economic Development.

Mr. Julio Guridy stated that at the Community and Economic Development meeting we will look to see what type of guidelines and involve the Art Association Group and Neighborhood Groups.

Mr. Schell stated that our purpose tonight was to bring it to your attention.

Mr. Dougherty stated that we are doing all we can. Ann Saurman has reached out to the one building owner and allowed us to come in once the weather breaks. We will do everything we can to improve the situation.

Mr. Kenneth Heffentrager, Allentown Tenants Association – 733 N. 11th Street, stated about graffiti, look at mural programs because it won't fit here. Look at what Germany, Denmark, Austria, Sweden and London do. He asked about the Street Sweeping Program. He stated from 8:00 – 10:00 there is no street sweeping. It was canceled for the day, but I am ticketed.

Mr. O'Connell stated that have got the ticket because they were going to clean the street from 8:00 to 10:00 that day.

Mr. Heffentrager stated up in my area, I called them and they stated that they are not street sweeping it.

Mr. O'Connell stated that we will get a clarification. Mr. Hendricks is our Council representative for the Parking Authority.

Mr. Hendricks asked Mr. Heffentrager have you spoken to the Parking Authority. He stated hats off to Mike Hefe. He has been doing a fine job.

Mr. Heffentrager said that the Parking Authority stated that my car was in the way.

Mr. Smith stated that he wanted to make a statement on the plight of the homeless in the City of Allentown in particular the Veterans Community. He asked City Council to make the citizens more aware of what the city as a whole is doing.

Mr. O'Connell stated that when the mayor gave his State of the City address the point was made about homeless veterans. No veteran in this country should be homeless after serving their country. We need to do more to help our homeless veterans.

5. Approval of Minutes: February 4 and February 11, 2015
MINUTES APPROVED COMMON CONSENT

6. Old Business

Mr. Guridy stated that there was a comment made at the last meeting that Dr. Holmes came over and asked for an Anti-Hate Crime Bill from us. She brought it up years ago, and we couldn't do it because we didn't have an Ordinance in the city. It is a state issue. It is included in the protective class.

7. Communications
NONE

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Glazier

The committee met on February 25; the next meeting is scheduled for March 25 at 6 PM.

Public Safety: Chairperson Eichenwald

The Committee met this evening; a future meeting has not yet been scheduled. We had a discussion about Police overtime and expressed grave concern on Police overtime.

Community and Economic Development: Chairperson Guridy

The Committee met this evening; the next meeting is not yet scheduled. We have two Bills and a Resolution on the agenda.

Parks and Recreation: Chairperson Mota

The Committee has not met since the last Council meeting; the next meeting is scheduled for March 18 at 6 PM to review Bill 9, issues relating to the golf course and review the appointment of Ms. Taylor.

Public Works: Chairperson Davis

The Committee has not met since the last council meeting; the next meeting is scheduled for March 11 at 6 PM.

Human Resources, Administration and Appointments: Chairperson Hendricks

The Committee has not met since the last Council meeting, the next meeting is not yet scheduled.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson O'Connell

The Committee has not met since the last council meeting. There are no future meetings scheduled as of this time.

OTHER COMMITTEE REPORTS

Mr. Guridy stated that at the last Council meeting we had a comment in regards to the Allentown Housing Authority and Gross Tower. There was a problem with the hot water and that has been resolved. There was an issue with the hot water boiler.

Mr. O'Connell stated that there was an article in the paper which brought the attention of the problem. Sometimes bringing attention to a problem makes the problem gets solved.

Mr. Guridy thanked Mr. Heffentrager for bringing it up to our attention and Dan Farrell for taking care of the problem.

City Controller's Report ABSENT

Managing Director's Report

Mr. Dougherty stated tonight we have the Health Department. We are connecting the faces with the budget.

Ms. Vicky Kistler stated that Mr. Dougherty asked us to come before you tonight so that you could meet each of the line managers that work within the Health Department. I think they did an amazing job of holding down the fort while I was Interim at Parks and Recreation. I am looking forward to returning back. A number of them reached their 25 or 30 year with the city.

Mr. Jeff Stout - Associate Director of Environmental Health, stated that he oversees the Environmental Health programs and has been here 31.

Ms. Belle Marks – Associate Director of Personal Health, and has been with the city for 25 years. The areas I am responsible for includes our clinical services program, nutrition and physical activity and cancer control.

Ms. Vicky Kistler stated that she apologizes that Terry Fasano, our office manager, could not be here and Janet Barry, our Clinical Services Manager.

Mr. Rafael Albino stated he works under Communicable Disease Management. He has been here 15 years.

Ms. Tina Amato, stated she is the Manager that oversees the Nutrition and Physical Activities Program that supports healthy environments and physical activities. With community gardens and fruits and veggie trays that go to the playgrounds and delivery fruits and vegetables to kids. I have been here for 25 years.

Mr. Garry Ritter – Environmental Field Services Manager, stated that he oversees the five sanitarians (health inspectors). We do the food service inspections and inspections of the various institutions throughout the city. We environmental investigation such as childhood lead poisoning, West Nile virus and mosquito control. I have been with the city for 30 years.

Mr. David Synnamon – Injury Prevention Services Manager, and we cover a wide range of injury issues. Anything from traffic safety to residential safety for children under five and the elderly population. We give out cribs to Allentown city residents who do not have cribs for their children. I have been with the city for six months.

Ms. Mary Ellen Shields – Manager for Public Health Emergency Preparedness and Cancer Prevention and Control Program. I have been with the city for 22 years. We provide free breast and cervical cancer screenings for un-insured or under insured women in our community and we do that in collaboration with Lehigh Valley, Sacred Heart and St. Luke's Hospitals. Emergency Preparedness, we are working with our city and local emergency response specialists to plan for, prevent and respond to and recover from any natural man-made disaster that will have public consequences.

Ms. Vicky Kistler stated that she has been with the city for 22 years in June.

Mr. O'Connell stated that with the people that are here, I am looking at 168 years. When you have a group of people with that many years of experience that is fantastic. Stability, consistency, and leadership. I know the faces and the health inspectors. You do a wonderful job.

Ms. Kistler thanked Mr. O'Connell for his kind words. We only can do it because of the support that we received from Council and the administration.

Mr. Guridy stated that they do such an excellent job. They are patient and passionate.

Mr. Daryl Hendricks stated that in his 36 years in the Police Department, I had the privilege to work with most people in the health bureau. I headed up traffic and special events. Many of the events were the food service people.

Ms. Jeanette Eichenwald gave an accolade for all the wonderful work you do. You often deal with the citizens of our community that is in the greatest of need. I heard over and over again that they are treated with respect and dignity. She thanked all of them.

Mr. O'Connell thanked them all and asked them to have a great evening.

9. APPOINTMENTS:

Robert C. Franklin III Electricians Examining Board 04/18/2018

Mr. Davis stated that he has the pleasure working with Mr. Franklin and he is heavily involved with the apprentices, bringing young people in the Electricians Program. They have done a marvelous job and he always shown an interest. He wished him best of luck.

Mr. Guridy stated that he had the opportunity of visiting the Apprenticeship Program and spoke to the class. It is a program that people need to know about.

RESOLUTION PASSED, 7 – 0

Mr. Robert Franklin thanked City Council and stated that he is employed by IBEW – Local 375 as a Training/Safety Director and oversee training of over 500 electricians and 70 apprentices. Licensing is a requirement for all curriculum. All current apprentices must pass a city licensing test before they become a journeymen or electricians. I look forward to working with the city.

10. ORDINANCES FOR FINAL PASSAGE:

Ms. Eichenwald moved to suspend the Rules to introduce and vote on Bill 13.

Mr. Guridy seconded the motion.

Bill 13 2015- The Clerk read Bill 13 into the record.

Reaffirms Bill 66 to conform to the establishment of the combined Civil Service Board pursuant to the Third Class City Code as amended in 2014.

Ms. Eichenwald made a motion to eliminate the 14 day period between introduction and final passage.

Mr. Hendricks seconded the motion.

Mr. John Marchetto stated that if you need to have a discussion regarding the motion. If there is discussion from Council and from the public on the motion. Take your vote on the motion and once your motion is passed, you go to the Bill.

Mr. O'Connell stated that rationale to waive the 14 days is that we need police officers.

Mr. Hendricks stated that is their ability to hire those officers.

Mr. O'Connell stated that we need them. He asked his colleagues and the public if they had any comments.

ELIMINATE THE 14 DAY WAITING PERIOD PASSED, 7 - 0

Assistant Chief Morris stated with the abolishment of the Police Civil Service Board and the adoption of the Unified Civil Service Board for Police and Fire all being one we needed to amend the previous Bill 66 which allowed for a noncompetitive hiring so that the amendment actually recognize the change in the Civil Service Board. This will allow us to begin hiring again. It's kind of been in a suspension status because of the fact we abolished the previous Police Civil Service Board. This will allow us to move forward so we can get up our previous budgeted about of 216 and on top of that we have a federal grant that does not kick in until we hit that initial 216. To move forward, the grant requires us to hire veterans as part of that and that would put us up to 222.

Mr. Davis stated that his understanding is that we have to do this so we could continue on that process of hiring police officers.

Mr. Gurdy stated that now we will have the opportunity to hire without having to wait for that period and hiring people as long as they pass Act 20. In addition to hiring veterans we should concentrate on diversifying to reflect this city and they people that they are serving.

Assistant Chief Morris stated yes. Absolutely, we do.

Mr. O'Connell asked any other comments from my colleagues or the public on Bill 13.

Mr. Heffentrager asked did we lose a bunch of police officers. He doesn't see a major crime-spree going on.

Mr. O'Connell stated that at the last City Council meeting we hired four and I think over the last several months we went from 201 to 211 – 212. Believe it or not, it is a very competitive market out there. It gives an opportunity to hire police that were officers before.

Assistant Chief Morris stated 212. It gives us an opportunity to get officers out on the street faster. They don't have to go through the training. They are already certified in the training. People that have their Police Certification Training.

Mr. O'Connell stated that it might be another police officer in another county or state. If they have their certification, we could get those officers on the streets right away rather than going through the academy. Continually, we are boosting our numbers up. He asked any questions from the public.

ORDINANCE PASSED, 7 – 0

Bill 6 Taser Donation

Amending the 2015 General Fund Budget to provide for a supplemental appropriation of \$1,400 as a result of a donation by Helen Steedle to the Police Department for the purchase of Tasers.

Ms. Eichenwald stated that this was in our committee this evening and was passed by a vote of 3 – 0.

Mr. O'Connell asked any comments from his colleagues or the public.

ORDINANCE PASSED, 7 – 0

Bill 7 Food Service Ordinance

An Ordinance repealing subchapter A through subchapter G, inclusive, of Ordinance 14189 as amended, Article 1123 of the codified ordinances with respect to food service sanitation in their entirety to conform to the state Retail Food Facility Safety Act of Nov. 23, 2010, P.L. 1039, No. 106, amending subchapter H with respect to administration by substituting statutory references in section 1123.1102(a), by deleting sections 1123.1102(c) through 1123.1104 and section 1123.1121 through section 1123.1142, by renaming section 1123.1143, by deleting section 1123.1143 (a) through 1123.1143(c), by adding a new section 1123.1143(a) and re-lettering the remaining sections of section 1123.1143, by deleting section 1123.1144 and by adding violation tickets to section 1123.1147 for violations thereof and repealing all other ordinances inconsistent herewith.

Mr. Guridy stated that was in the Community and Economic Development Committee this evening. It is to conform with the Retail Food Act with the State and the main gist in addition to conform with the State Act is that we also are allowed now to fine people that don't conform with it. We discussed it at length. It was forwarded favorably, 3 – 0.

Mr. O'Connell asked any comments from my colleagues or the public.

ORDINANCE PASSED, 7 – 0

Bill 8 LV Kennel Club Donation

Amending the 2015 General Fund Budget to provide for a supplemental appropriation of \$1,500.00 as a result of a donation from the Lehigh Kennel Club to the Police Department for the purchase of K-9 equipment.

Ms. Eichenwald stated that this was passed favorably by a vote of 3 – 0.

ORDINANCE PASSED, 7 – 0

Bill 9 Safe and Health Communities Grant

Amending the 2015 General Fund Budget to provide for a supplemental appropriation of \$40,425 from a Commonwealth of PA Department of Health grant, to the Health Department to expand services under the Safe and Healthy Communities Grant related to the reduction of cardiovascular disease and to increase breastfeeding rates.

Mr. Guridy stated that the purpose of this Bill is fund increase access in breastfeeding and friendly environments in the workplace and support the National Million Heat Initiative. That initiative is going to happen March 20th and is in May I believe. We are encourage to participate. It passed, 3 – 0.

ORDINANCE PASSED, 7 – 0

11. RESOLUTIONS FOR FINAL PASSAGE:

R9 Civic Theatre RCAP

Authorizes the City to submit the application for Two Million (\$2,000,000) Dollars in Redevelopment Assistance Capital Grant Funding to the Commonwealth of Pennsylvania for Civic Theatre

Mr. Guridy stated that it is a \$2 million in Redevelopment Assistance Capital Grant Fund known as an RCAP for the Civic Theatre. It was forwarded favorably to Council, 3 – 0.

Mr. O'Connell stated that this is a wonderful project. Hopefully, we can secure the \$2 million. It is going to make such a difference. The Civic Theatre is in need of many, many repairs and renovations. It is a jewel in the city.

Mr. Heffentrager asked where does the \$2 million originally come from, the Art Endowment Fund or a fund that can possibly go somewhere else.

Ms. Lauren Giguere stated that this is the State Funds, not in the General Fund, but the Capital Fund. The Projects have to be legislated originally and the groups can apply for it. It has to be capital projects, construction projects, and the projects have to be a minimum of \$1 million and the group whoever gets the funds whether it is the city or for-profit or non-profit has to match it at least 50 percent.

Mr. O'Connell asked any other questions from the public.

RESOLUTION PASSED, 7 – 0

12. ORDINANCES FOR INTRODUCTION:

Bill 10 Rec

Referred to Parks and Recreation

Amending the 2015 General Fund Budget by eliminating the position of Special Events Coordinator and replacing it with a Recreation and Events Coordinator.

Bill 11 Sacred Heart Streetscape

Referred to Public Works

Amending the 2015 Capital Project Fund Budget to provide for a supplemental appropriation of Three Hundred Thousand Dollars (\$300,000) from the Multimodal Transportation Grant for the Sacred Heart Streetscape capital project.

Mr. Heffentrager asked is this for work already completed or upcoming work.

Ms. Giguere stated that it is not for work already completed. It has not started. It will be bid in the next couple months.

Mr. O'Connell stated it will be a new project.

Bill 12 Fire Station Transfer

Referred to Public Safety

Amending the 2015 Capital Project Fund Budget to provide for a transfer of Forty-Four Thousand Four Hundred Sixty-Three Dollars and Sixty-Nine Cents (\$44,463.69) from Capital Project 1657 (ERP System) to Capital Project 1690 (East Side Fire House Reconstruction).

Mr. O'Connell asked any comments from the public.

**13. RESOLUTIONS FOR INTRODUCTION:
NONE**

**14. NEW BUSINESS
NONE**

**15. GOOD AND WELFARE
NONE**

16. ADJOURNED: 8:04 PM