

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
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COUNCIL MEETING MINUTES
May 1, 2013
COUNCIL CHAMBERS
435 Hamilton Street

Council Meeting – 7:00 PM

1. Invocation: Julio A. Guridy

2. Pledge to the Flag

3. Roll Call:

Present: Guridy, Davis, Eichenwald, Glazier, O'Connor, Schweyer

Mr. Dale Wiles represented the Solicitor's Office.

4. Courtesy of the Floor

Mr. Fegley, 1002 S Bradford Street, asked about the status of the Clean Air ordinance and how council plans to handle it within the next 60 days.

Mr. Guridy said he referred the ordinance to the Solicitor's Office for review and it should be on the next agenda.

Mr. Hershman referring to a legal opinion by the solicitor's office from the year 2000 suggested using water rates other than for water and sewer uses violates the equal protection clause of the US Constitution. Do you guys know if we use the rates for the loan if it violates the constitution? He said he forwarded information to council about rates on apartments where the opinion that said using rates and putting anything into the water and sewer rates other than a use by the water and sewer rates violates the equal protection clause of the constitution. This means LCA cannot add on to the rates to pay the loan, it violates everyone's rights. He also requested a copy of a study creating a water authority that Mr. Guridy was waiving around, I am sure there is information that was never out in the public.

Mr. Guridy said he would make arrangements about making the study available.

Mr. Hershman said one other thing; the older version of the contract said city council would issue a systematic ordinance to authorize a contract to enter into the deal which was changed to an authorizing resolution. What is a system ordinance?

Mr. Guridy asked the Clerk and Mr. Wiles what a system ordinance is. Mr. Guridy then asked Mr. Wiles to look into what a system ordinance is so we can answer Mr. Hershman, and probably give him a call. We will get Mr. Wiles to look into it and get back to you.

Mr. Hershman also asked why was there an amendment to the first contract, this is another issue.

Mr. Guridy said we will get Mr. Wiles to look into it and get back to you.

Mr. Hershman asked if they were going to protect him from any violation from the US Constitution.

Mr. Guridy said he thinks Mr. Hershman is right and we should protect everyone. We can probably get it to you before the next meeting. We will look into it and get back to you before the next meeting.

Mrs. Eichenwald wanted to reiterate what Mr. Hershman just asked and wanted it put into the form of an LSR.

The Clerk asked for Council.

Ms. Eichenwald asked Mr. Hanlon to put it in a form of an LSR and have Mr. Hershman's questioned answered. She said for Council and on whether the water rates could be used to pay off a loan.

Mr. Atiyeh, 451 West Chew Street, asked about regulations on newspapers being thrown around on Saturdays.

Mr. O'Connell noted the issue came up a few months ago and there were some first amendment issues, he asked the Clerk to check with Mr. Harper.

Mr. Melman, 1050 N. 19th Street, asked about the legal ramifications of the change from an ordinance to a resolution in the process relating to approving the concession agreement.

Mr. Hunsicker said having a resolution approving the lease disenfranchise the citizens - as an ordinance can be repealed.

Mr. Kirk Raup, 82 West Union Boulevard, Bethlehem, requested support for regional rail service, noting he contacted the three city mayors for support.

Mr. O'Connell said Mr. Dougherty will make the mayor aware of your request.

Mr. Heffentrager, 733 N. 11th Street, asked what happens if a large multi-unit has a fire. He suggested ordinance be introduced that would require the landlord to secure the units to protect the renters valuables.

Mr. Todd, 431 Turner Street, asked Council to look into streamlining the process for making more events possible like block parties and other community events.

Mr. Dougherty said they have streamlined the process but will take another look at it.

5. Approval of Minutes: None

6. Old Business

7. Communications

Mr. Schweyer presented a proclamation for Clayton Coleman, a Central Catholic graduate and Allentown resident, who was awarded a Fulbright.

8. Committee Meetings

Budget and Finance: Chairperson Schweyer

The committee has not met since the last Council meeting; the next meeting is scheduled for May 22nd at 6:00 PM – he noted the committee will begin the process of looking at financial impact and options involved in the water and sewer concession. Cheiron is running a number of scenarios to create funding options.

Public Safety: Chairperson Eichenwald

The committee has not met since the last Council meeting; the next meeting is scheduled on May 15th at 6:00 PM to deal with the police succession issue.

Community and Economic Development: Chairperson Davis

The Committee met on April 29th and forwarded items on tonight's agenda.

Parks and Recreation: Chairperson Mota

The Committee has not met since the last council meeting; the next meeting has not been scheduled.

Public Works: Chairperson O'Connell

The Committee has not met since the last council meeting.

Human Resources, Administration and Appointments: Chairperson Glazier

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

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

The Committee has not met; a future meeting has to be scheduled.

Special Committee – Tax Exempt Properties – Chairperson Eichenwald

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

OTHER COMMITTEE REPORTS

Controller's Report

Ms. Koval stated that she is working with the administration, the Budget and Finance Committee and the city's actuary to look at the financial implications and options on the water lease.

Managing Director's Report

Ms. Eichenwald suggested that the confirmation process should be reviewed – the process is not really a confirmation if the Director has already started.

Mr. Dougherty said he is amenable and will look at any best practices and recommendations council has.

9. APPOINTMENTS: None

10. ORDINANCES FOR FINAL PASSAGE:

Bill 19 Reprograming of Funds

Amending the Consolidated Plan One Year Action Plan for the Twenty-ninth, Thirty-fifth, Thirty-sixth and Thirty-seventh years of the Community Development Block Grant Program (CDBG) which re-programs Two Hundred Forty-Three Thousand Six Hundred Fifty-Three (\$243,653) Dollars of unexpended funds, and the 2012-2013 HOME Investment Partnerships Program (HOME) year which reprograms Four Hundred Ninety-Nine Thousand Fifty-Three (\$499,053) Dollars of unexpended funds.

Mr. Davis noted Bills 19 through 21 and Resolution 11 are related and can be discussed at one time.

Ms. Baer noted this is the first year the City has not received a letter on the exact funding due to sequestration – we are estimating a 10% reduction but we will be coming back to council depending on the level of funding.

Mr. Schweyer noted there was an increase in funds for people displaced due to code enforcement action, fires or problems with rental units.

There was discussion around the count of the number of homeless – 8 based on a required count - in the city and centralizing intake.

Mr. Heffentrager, speaking about the homeless count, noted the Muhlenberg college library and the Laundromat at 9th and Linden are places homeless people can be found.

Mr. Atiyeh commended Ms. Baer and her staff.

Mr. Fegley, 1002 South Bradford, noted in his experience homeless people were falling out of the system at Safe Haven – he suggested checking the number of homeless more often and review connecting the homeless to services available.

Mr. Jim Wilson, 26 Front Street, said some individuals have social disabilities that make it difficult to get out of the homeless system, a system that needs to be reviewed.

Mr. Guridy suggested Mr. Wilson give information to Mr. Dougherty to resolve any issues.

The bill passed 6-0.

Bill 20 Establish CDBG and other Accounts

Providing for the expenditure of certain monies received by the City of Allentown under Title I of the Housing and Community Development Act of 1974, as amended; The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009; and Title II of the National Affordable Housing Act of 1990, as amended; for the purpose of undertaking programs of housing and community development within the City

Mr. Heffentrager asked if money is allocated to the Housing Authority.

The bill passed 5 - 0, Mr. Guridy abstained as he sits on the Housing Authority.

Bill 21 Rental Rehabilitation

Providing for the expenditure of certain monies received by the City of Allentown from the repayment of loans made through the Rental Rehabilitation Program.

The bill passed 6-0.

11. ORDINANCES FOR INTRODUCTION: None

12. CONSENT AGENDA: None

13. RESOLUTIONS ON SECOND READING:

R 10 Enterprise Zone Program

Authorizes the submission of a grant application for operating funds for the City's Year 5 Enterprise Zone Program

Mr. Heffentrager asked for an explanation of the enterprise zone.

Ms. Hailstone noted this is for administration costs.

The resolution passed 6-0.

R 11 HUD Action Plan

Approves the Submission of the Action Plan to the United States Department of Housing and Urban Development

The resolution passed 6-0.

14. RESOLUTIONS ON FIRST READING:

The rules were suspended to introduce and vote on Resolution 14, Appointment of the Parks and Recreation Director. Mr. Schweyer made the motion, seconded by Mr. O'Connell. It was approved by common consent.

Resolved by the Council of the City of Allentown, That

WHEREAS, Section 503 of the Home Rule Charter requires City Council approval of Department Directors; and

WHEREAS, the Mayor hereby submits John P. Mikowychok for consideration and confirmation for the position of Director of Parks and Recreation at a salary of Eighty Thousand (\$80,000) Dollars, effective April 15, 2013.

NOW, THEREFORE, BE IT RESOLVED that City Council hereby approves the appointment of John P. Mikowychok as Director of Parks and Recreation.

The resolution passed 6-0.

15. NEW BUSINESS

16. GOOD AND WELFARE

Mr. Schweyer noted council had some issues presented tonight that call for the development of policies and procedures.

17. ADJOURNED:

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.