

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**  
**May 6, 2015**  
**COUNCIL CHAMBERS**

**COUNCIL MEETING – 7:00 PM**

- 1. Invocation: Pastor Lindsey Harren-Lewis, First Presbyterian Church**
- 2. Pledge to the Flag**
- 3. Roll Call:** Davis, Eichenwald, Glazier, Guridy, Hendricks, Mota, O'Connell  
Shawn M. Dethlefsen represented for the Solicitor's office

**4. Courtesy of the Floor**

Mr. Kenneth Heffentrager – Allentown Tenants Association, 733 N. 11<sup>th</sup> Street, asked Council to look at the 10<sup>th</sup> Ward. Our people should not have to clean up dumps. There is the Illegal Dump Free Pennsylvania Surveillance Camera Loan Program. I mentioned it to SWEEP and they said they are well aware of it. I called Pennsylvania and they have no information that Allentown contacted them. He talked to the Board Members from the Allentown School Board about staggered dismissal times and they said I have to go through the Police Department and the city. He asked for a live feed for Council meetings, parking for city meetings need to be addressed.

Ms. Erica Bickford, 139 S. Lumber Street, thanked Council for the Moment of Silence for Ernie Atiyeh. She asked to change the name of park that Ernie helped build. The Old Allentown Fairgrounds Park. Ernie was about the community.

Mr. Ray O'Connell asked is that the park at 6<sup>th</sup> and Tilghman.

Ms. Bickford stated 5<sup>th</sup> and Liberty.

Mr. Lou Hershman, 405 N. Gilmore Street, asked Ms. Eichenwald when will she share the Opinions on Earned Income Tax.

Ms. Jeanette Eichenwald stated that she requested an LSR three months ago and I spoke to Attorney Wild who stated that she did not know I requested it and I requested it again and I received no opinion.

Mr. Lou Hershman stated when he was in Montana he read these headlines Authority narrows sewage options and the cost will be \$120 million. Will that \$120 million be added to the cost for the citizens of Allentown or shared. We have to review the agreement.

Mr. Julian Kern, 252 E. Walnut Street, stated that I found out on Facebook that AFD that we are down a ladder truck. We only have Truck 2. Truck 1 was taken out of service. The truck that is in service only has two ladder men on it. That is a public safety issue. There are people begging at 7 Eleven and it is constant.

Mr. Tom Hahn, 2016 E. Highland Street, stated that almost a year we asked to have the Memorandum of Agreement that wasn't finished signed document between LCA and the City. Is that Phase of the contract completed and can the public have a copy.

Mr. O'Connell asked what was it concerning.

Mr. Hahn stated it had to do with the employees and how the work will be done. Can anybody explain what is happening with the audit?

Mr. O'Connell stated that the audit is being done.

Mr. Glazier stated that I have no idea what you are referring to. The information is due currently and accounting is working diligently to get it done. We are not in a position that will postpone or delay their work.

Mr. Hahn asked for the name of the auditing firm.

Mr. Glazier stated Maher Duessel. The same people we used for the last couple of years.

Mr. Glenn Hunsicker, 844 S. 11<sup>th</sup> Street, stated that he thought there was a three year limit on auditors. I though last years was the third year. He asked about the LCA uncompleted work in Allentown. The City of Allentown will owe LCA about \$5.5 million if they do all the projects. Does anybody have a number in the next two to three years of what that number is going to be? The EPA is going to start cracking down. He asked Mr. Glazier if he looked at that.

Mr. O'Connell stated that we hired the audit. It is the second hire.

Mr. Glazier stated that there is still money in the pooled, nonpooled cash for \$1.5 million still sitting there to address these potential issues. The EPA is dealing with this issue all over the country. What typically happens is there could be negotiations until a resolution is reached. We are somewhere in the negotiation stage to see what remediation will be needed to address the issue.

Mr. Joe Davis stated that LCA report is due at the beginning of May and the Compliance Review Board which we will have new members appointed tonight is meeting the third week of May. We will do a review of their Annual Report.

Mr. Hunsicker stated that the Compliance Board is new. What do you foresee how far this Compliance Board is going to act on. Is the Compliance Board going to represent the taxpayer and the ratepayer to some degree in these expansions?

Mr. O'Connell stated that it is too early until we get the Compliance Board up and running.

Mr. Davis stated that this will be our actual first meeting. We are going to step up procedures. When we get the official date, we will announce it.

**5. Approval of Minutes: April 15, 2015  
MINUTES APPROVED BY COMMON CONSENT**

**6. Old Business**

**NONE**

**7. Communications**

Mr. O'Connell stated that the City of Allentown has made arrangements with the Prison Parking Lot for anyone coming to the Council meeting can park at the Lehigh County Prison Parking Lot which is adjacent to my left, right behind the prison free of charge. On May 20<sup>th</sup>, we are going to have Mr. Frassetto here from United Youth. They did a Survey with the youth and will give an overview.

Public Hearing: City Council has scheduled a public hearing on May 20 at 6:30 PM to consider Bill 13, a proposed amendment to rezone an area bounded by North 5th Street to the west, North Penn Street to the east, W. Turner Street to the south, and generally Oak Street extended to the north, from Medium High Density Residential (R-MH) and Institutional and Government (I-G) District to High Density Residential (R-H) District. City Council may adopt this amendment to the Zoning Ordinance at the regularly scheduled Council Meeting immediately following the Public Hearing.

**8. REPORTS FROM COMMITTEES:**

**Budget and Finance: Chairperson Glazier**

The committee met on April 22<sup>nd</sup>, considered Bill 23 and forwarded it favorably; the next meeting is scheduled for May 20<sup>th</sup> at 5:15 PM.

**Public Safety: Chairperson Eichenwald**

The Committee has not met since the last meeting; the next meeting is scheduled for June 3<sup>rd</sup> at 6 PM. A request has been made that the Police Chief attends that meeting.

**Community and Economic Development: Chairperson Guridy**

The Committee met on April 22 and referred items on tonight's agenda; the next meeting is not yet scheduled.

**Parks and Recreation: Chairperson Mota**

The Committee has not met since the last meeting; the next meeting is scheduled for 5:45 PM on May 20<sup>th</sup>.

**Public Works: Chairperson Davis**

The Committee has not met since the last Council meeting. Electronic recycling is this Saturday at the Yard Waste Site on Oxford Drive. All street cleaning districts have resumed Street Cleaning for the year. The next meeting is not yet scheduled.

**Human Resources, Administration and Appointments: Chairperson Hendricks**

The Committee met this evening at 6:45 PM and Bill 25 was discussed to consolidated Fire and Police Civil Service and it was a favorable recommendation; 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. Davis stated that on April 27<sup>th</sup> there is a national conference for the National Incubator Association and Allentown AEDC made a presentation rebuilding the Zombie Incubator. It was voted one of the five best in show. For over 26 Bridgeworks Enterprise Center has helped launch over 50 companies in Allentown and created over 300 jobs. They have over 12 companies in there right now.

Mr. Glazier stated that the Blighted Property Review Board met in April and six of the properties that we entered into the process in February we got service on. The Review Board considered two more properties to add to the process. We are making progress.

Mr. Guridy stated that the Allentown Housing Authority Board met and the commissioners discussed the budget. You should get a copy of the minutes. It is very important for us. HUD has cut some funding. We don't have a bright future getting more funding for the city from HUD. We are striving to make sure we have a good financial outlook.

**City Controller's Report**

Mr. Mary Ellen Koval stated that the interns are finishing up their audit and you should have their report within the next two – three weeks. We are now interviewing for summer interns. We may have five or six summer interns working on projects.

**Managing Director's Report**

Mr. Fran Dougherty stated no report tonight. At the next meeting, the Information Technology employees will be here.

**9. APPOINTMENTS:**

John Bartol	Water and Sewer Compliance Board	1/01/2016
Arundahati Khanwalkar	Water and Sewer Compliance Board	5/01/2019
Richard Niesenbaum	Environmental Advisory Board	1/01/2017

Mr. Hendricks stated that he knows Mr. Bartol personally and had the honor of coaching his son in little league baseball. He is very respectful, talented and committed.

Mr. Ray O'Connell asked any comments for the public.

**RESOLUTION PASSED, 7 – 0**

Ms. Arundahati Khanwalkar stated as Chair of the Environmental Advisory Council, I am thankful to have the opportunity to serve on the Water and Sewer Compliance Board. I believe there will be many areas of overlap and just listening to the concerns that are being raised, it will be an interesting and challenging appointment. I wanted to mention that the Environmental Advisory Council, Carolyn Albright had to resign and thank you for reappointing Mr. Richard Niesenbaum. I am very happy he is willing to continue to serve. There was an individual in 2012 that had an interest in being on EAC, Alan Messinger, 1522 W. Highland Street. He filed an application. The mayor did not appoint him. He is still interested in serving. If you are willing to appoint Alan we will be back to at least six people. We still have one vacancy to fill.

Mr. O'Connell stated that City Council has one. We will take that under advisement.

Mr. Bartol stated that he appreciates the unanimous vote of confidence. I had a satisfying and rewarding career with the City of Allentown predominantly in the bureau Water Resources. I ran the day-to-day operations. I work part-time for the Pennsylvania Section of AWWA and some proctoring for the state certification exams for the DEP. Hopefully, I can bring some of that information and my expertise.

Mr. O'Connell stated that both resumes are exemplary. It is going to be a very interesting board.

Mr. Guridy stated to Mr. Bartol that you did a wonderful job with our water department.

Mr. Joe Davis stated that what we were looking for in the residents, they adequately filled the requirements. We are going to have a great board.

**10. ORDINANCES FOR FINAL PASSAGE:**

**Bill 19 Lead Funding Modification**

Amending the 2015 Grant Fund Budget to provide for a supplemental appropriation of \$5,000 as a result of a Commonwealth of Pennsylvania Department of Health Grant to the Bureau of Building Standards & Safety to provide additional monies for lead paint remediation and repealing Ordinance No. 15184 passed by City Council on February 4, 2015.

Mr. Guridy stated we met on the 22<sup>nd</sup> of April. We forwarded favorably.

Mr. David Paulus stated that we exceeded all the goals that were set and exceeded every category.

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

**ORDINANCE PASSED, 7 – 0**

**Bill 20 Rental Rehab**

An Ordinance providing for the expenditure of Forty-seven Thousand (\$47,000) Dollars received by the City of Allentown from the repayment of loans made through the Rental Rehabilitation Program to be used for eligible HOME Investment Partnerships Program activities.

Mr. Guridy stated that it was under our committee. We forwarded it favorably.

Ms. Heidi Baer stated that this is the first piece of legislation for the CDBG Package we present to City Council. Bill 20 is the repayments of very old HUD grants that the city gave of years ago. As the repayments come in, we recycle the money. In the past year, we received \$47,000 in repayments.

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

**ORDINANCE PASSED, 7 – 0**

**Bill 21 Reprograms Funds**

An Ordinance amending the Consolidated Plan One Year Action Plan for the Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth and Fortieth years of the Community Development Block Grant Program (CDBG) which re-programs Three Hundred Sixty-seven Thousand Thirty-six (\$367,036) Dollars of unexpended funds.

Mr. Guridy stated that this is money we get from CDBG and we have a number of programs that are going to be effected by this.

Ms. Heidi Baer stated one of the requirements from HUD is that if a program ends or we cancel it, we have to close out that activity and reprogram the money. For our next Bill, Bill 22 the amount of money we are rolling over and closing these activities and making that \$367,036 available in the upcoming program grant this year. We have more of a current years funding available for that activity.

Mr. O’Connell asked any comments from my colleagues.

Ms. Eichenwald stated to Ms. Baer that this seems like a substantial amount of money. Explain why the programs needed or the money wasn’t used.

Ms. Heidi Baer stated that it is pretty substantial because of the large acquisition account and the reasoning behind that is that we have been adding to our acquisition account for years. We still have over 400,000 in acquisition available.

Ms. Eichenwald stated that this is good news because you will have the 300,000 plus.

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

**ORDINANCE PASSED, 7 – 0**

**Bill 22 CDBG, HOME, ESG Accounts**

An Ordinance providing for the expenditure of Three Million Four Hundred Forty-one Thousand Four Hundred Thirty-five (\$3,441,435) Dollars in Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants Program (ESG) funds for the July 1, 2015 to June 30, 2016 grant year, 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. Guridy stated that there are a lot of programs here. I recommend my fellow Councilmembers look at the Bill and some of the organizations that are being funded.

Ms. Heidi Baer stated that a couple of highlights this year. The CDBG Program was reduced by \$1590 this year which considering some of the cuts we took in past year that is pretty nominal. The HOME Investment Partnership Program grant we took a sizeable hit and reduced by \$88,856. Our allocation for the HOME Program is just over \$600,000. Years ago, we were well over \$1 million. The Emergency Solutions Grants Program we received \$13,391 more. Generally, the application process we always offer technical assistance to any agency. It is a complicated process. Casa was a new program this year. We did some guidance with them and they had a very competitive application.

Mr. O'Connell stated it is a great program. Any comments from my colleagues or the public.

**ORDINANCE PASSED, 7 – 0**

**R20 Consolidated Plan Resolution**

Approves the Submission of the Five Year Consolidated Plan and One Year Action Plan to HUD for the use of federal CDBG, HOME and Emergency Solutions Grant Program.

Mr. Guridy stated that you have gotten a copy of the Consolidated Plan. I recommend that you peruse it or read it completely. It is a lot of information that the community is doing and individuals. It is a five-year plan and issues that are asked of us. It is also on the website.

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

**RESOLUTION PASSED, 7 – 0**

**Bill 23 Purchasing Staffing Pattern Change**

Amending the 2015 General Fund Budget by eliminating one full time Senior Buyer position (11N) and replacing it with one full time Buyer position (10N).

Mr. Glazier stated that this is a reorganization. It is taking advantage of a retirement in a department. The committee forwarded it favorably.

Mr. Dougherty introduced Beth Ann Strohl to field any questions about this reorganization. We are taking advantage of a retirement and saving some money.

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

## **ORDINANCE PASSED, 7 – 0**

### **Bill 24 Health Fees**

Amending Article 395.23, of the Health License, Operational, Inspection and Plan Review Fees by adjusting licensing fees to more closely reflect the actual costs of conducting the licensing and inspection program activities and also creates some new licensing categories that are representative of the changes taking place in the retail food industry.

Mr. Guridy stated that the committee recommended it favorably, unanimously. It is adjusting the fees on health licensing for child care, mobile food and for serving food in the parks.

Mr. Garry Ritter, Environmental Food Service Manager for the Health Bureau, stated that he supervises the health license. There have been no significant licensing fee increases with the exception of re-inspection fee of 2004. It will reflect our actual costs to conduct a license and inspection program. Food facilities have become huge. Our licensing categories needs have been changed. This bill won't address that.

Mr. O'Connell asked have you seen an increase in child care centers popping up in the city.

Mr. Ritter stated that our numbers have increased over the years. The workload has been increasing especially in the family home category which will be four – six categories. It is probably about 130 within the city.

Mr. Guridy made a motion to amend Bill 24. The effective date would dovetail with the time needed to implement the new fee structure in the city information system.

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

SECTION THREE: That this Ordinance will become effective June 1, 2015.

Mr. O'Connell seconded the motion. Any comments from my colleagues.

## **AMENDMENT TO CHANGE THE EFFECTIVE DATE PASSED, 7 – 0.**

Mr. Ritter stated he can answer any questions.

Ms. Eichenwald asked do you have any idea how these fees are in comparison with other municipalities. Do you have an idea of the percentage increase?

Mr. Ritter stated that we did a study of the other Act 315 health department throughout the state. These new fees will fall basically in the middle of the scale. We calculated the probably revenue increase of about \$35,000.

Ms. Eichenwald asked how much will someone be paying now and the percentage increase for next year.

Mr. Ritter stated it varied by type of facility and license. The increase to a nonprofit organization will be negligible but an increase to a larger facilities is going to be significantly a larger percentage. For instance, a child care center with up to 49 kids go from \$50 to \$100. A family child care center would go from \$35 to \$50.

Ms. Vicky Kistler stated those are the figures. The ones in the parentheses on the document you received are the old fees and the one next to them are the new fees.

Ms. Eichenwald stated that it won't be a huge impact. You estimated how much money will it bring to the health department?

Mr. Ritter stated annually about \$35,000.

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

Mr. Glenn Hunsicker asked is there a reason we don't see the fee increases. Are the fee schedules back there?

Mr. O'Connell asked did you get a copy of Bill 24 on your agenda.

Mr. Hanlon stated yes.

Ms. Kistler stated that it is in the back.

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

## **ORDINANCE PASSED, 7 – 0**

### **Bill 25 Public Safety Civil Service Rules**

Establishing Article 155, Police and Fire Rules for Hiring and Promotions, and approving the rules of the Allentown Civil Service Board governing the appointment and promotion of police officers and fire fighters through the competitive examination process that were adopted, approved and signed by the Allentown Civil Service Board on April 8, 2015 pursuant to the Third Class City Code revisions and repealing existing Articles 176, Fire Civil Service Rules and 179, Police Civil Service Rules, of the Codified Ordinances of the City of Allentown.

Mr. Hendricks stated what this Bill has done, prior to this there were two separate Civil Service Boards. One for fire and one for police. This will consolidate them and make one Public Safety Civil Service Board. What it also does for the police is to require the Civil Service Board to approve the promotion of up and to with the exception of the Chief of Police. Whereas now, it does not include lieutenants and captains. However, it will be going forward. This is required under the new Rules of the Third Class City Code. It was sent to the committee tonight and forwarded to the full body with a favorable recommendation.

Mr. O'Connell asked any questions from my colleagues.

Mr. Guridy asked who needs to take the test, the Captain.

Mr. Hendricks stated under the police department, all members, all ranks up to with the exception of the Chief of Police.

Mr. O'Connell asked any other comments from my colleagues.

Mr. Hendricks stated that this was approved by the FOP. They are in favor of the Bill and approved by the Chief and the administration.

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

**ORDINANCE PASSED, 7 – 0**

**11. RESOLUTIONS FOR FINAL PASSAGE:  
R20 MOVED UP**

**12. ORDINANCES FOR INTRODUCTION:**

**B26 Northeast Revenue Fee Schedule** **Referred to Budget and Finance**  
Approves Penalties, Interests and Fee Schedule for the collection of Delinquent Real Estate Taxes.

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

**B27 PLA Study** **Referred to CEDC**  
Amending the 2015 Capital Project Fund Budget to provide for a transfer of Seven Thousand Three Hundred Thirty One and Fifty Two Cents (\$7,331.52) from Capital Project 1635 (Old Allentown Streetscape) to Capital Project 1641 (Arts Districts Enhancements) for a Project Labor Agreement Study, prior to project bidding.

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

**B28 Jordan Park Playground Build** **Referred to Parks and Recreation**  
Amending the 2015 General Fund and Capital Fund Budgets to provide for supplemental appropriation of \$70,000 to provide funds to purchase and install playground equipment and related site amenities at Jordan Park for the June 23, 2015 community build project. The funds are a result of a grant reimbursement.

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

**B29 Police Fees Adjustments** **Referred to Public Safety**  
Amending Article 397.01, Police Fees, and Article 397.02, Police Academy Fees, by increasing fees for accident reports, false alarms, criminal history checks, and police training fees; and establishing a fee for video requests for civil services to better reflect the costs associated for providing the particular services.

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

Mr. Tom Hahn stated on the first one, accident report. When the police do not come to an accident because there is no bodily injury and you need an accident report from your insurance company to prove that you were in an accident providing the person that hits you or you hit them and you don't report it to your insurance company, how do you charge a \$25 fee when a police officer won't come to investigate.

Mr. Hendricks stated that it wouldn't be such a report. He stated your argument is with the insurance company. They don't come out to many accidents.

Ms. Eichenwald stated discussion to be continued. It is an important issue. I think when we have an opportunity here to further discuss it.

### **13. RESOLUTIONS FOR INTRODUCTION:**

#### **R22 Encroachment**

Encroachment for Seasonal Umbrellas at Two City Center, 645 Hamilton Street.

Mr. O'Connell asked if it is the Hamilton Bar and Kitchen.

Mr. Hendricks stated yes.

Mr. Guridy stated that it is a good idea. They already opened outside.

Mr. O'Connell asked if it would impede a person walking on the sidewalk. The umbrellas will be setback where the tables are, not on the sidewalk area of 7<sup>th</sup> and Hamilton Streets.

Mr. Davis stated that it will be behind the retaining wall.

Mr. Hendricks stated that the sidewalk is at 7<sup>th</sup> and Hamilton and will not encroach at all.

Mr. O'Connell asked any other comments from my colleagues.

Mr. Davis stated walking in the area where the tables are, the umbrellas are high enough you will be able to walk through.

Mr. O'Connell stated that he thinks it is a good idea. Let's take advantage of the season.

### **RESOLUTION PASSED, 7 – 0**

### **14. NEW BUSINESS**

Mr. O'Connell introduced one of the new Solicitors, Shawn M. Dethlefsen. He welcomed her and appreciated her comments.

### **15. GOOD AND WELFARE**

Mr. O'Connell stated on Tuesday, May 19<sup>th</sup> get out and vote.

Mr. Guridy stated Friday morning Fox 29 will be at Johnny Bagels, 7<sup>th</sup> and Hamilton, to showcase Allentown.

Mr. Hahn stated because of the issues that have plagued the eastside of Allentown, Dennis asked me to mention if you came to a decision about the graffiti or artwork on the eastside that is on the building. Who do you call when you want the rules and regulations of businesses that want to move into Allentown for water and sewer dumping.

Mr. O'Connell stated that he would direct that person to Public Works. That company that wanted to come in was ko'd right away.

### **16. ADJOURNED: 8:18 PM**

*Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at [www.allentownpa.gov](http://www.allentownpa.gov) or contact the Clerk at [Michael.Hanlon@allentownpa.gov](mailto:Michael.Hanlon@allentownpa.gov) to receive an email notice of the meetings.*