

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

Facebook: Allentown City Council

**COUNCIL MEETING MINUTES
February 4, 2015
COUNCIL CHAMBERS**

COUNCIL MEETING – 7:00 PM

1. Invocation: Pastor Paul Watson, New Christian Harvest Church

2. Pledge to the Flag

3. Roll Call: Davis, Eichenwald, Glazier, Guridy, Hendricks, Mota, O'Connell

4. Courtesy of the Floor

Mr. Lou Hershman, 405 N. Gilmore Street, asked for an update on the Bond Issues and the \$81,000 shortfall in the 19th Street improvements.

Mr. Ray O'Connell stated that the Bond Issue was discussed at last week's Budget and Finance meeting. We gave you an answer on the short-term and we are looking at mid-February for the long-term.

Ms. Mary Ellen Koval stated mid-February for the bond and hopefully by the end of February we will have it in place. We did give an update. Mr. Strathearn gave an update on the short-term borrowing.

Mr. O'Connell stated that we will get you an answer on the \$81,000.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that at the Andre Reed Park near Dieruff High School, a couple months ago when Peter Schweyer was still on Council and he said now with what occurred at that meeting about that park. The park will be fixed. He asked for a timetable.

Mr. O'Connell stated that we did make a commitment several months ago we were going to get on top of it.

Ms. Marriet Raven, 405 S. 18th Street, stated that she was at a meeting last Sunday and three questions were answered. We have the City Center that is being built. I feel that Allentown has so many small, narrow streets and back alleys which makes wonderful space for market space. She likes Oak Street and the side streets.

Mr. Jeff Glazier stated that there was a presentation at Keneseth Israel by the Mayor, Mr. Traub, and Mr. Riley to describe the NIZ and transformation downtown. This is an interesting idea.

Mr. Don Ringer commented on the PAC. These three people supported a man that was running for Governor and now is going to jail. He congratulated Mr. O'Connell on achieving the presidency. He stated that Ms. Eichenwald who is the only voice of the people will be missed.

Mr. Kenneth Heffentrager, 733 N. 11th Street – Allentown Tenants Association, stated that this was revised June 2014. He asked what is this City Initiative and when does it move forward. We are not including all of center city. He stated that the 10th Ward is horrid. Next week the Redevelopment Authority will be in front of the Allentown Planning Commission with 15 properties which means that the list we gave you, you have included nine of them.

Mr. Joe Davis stated that the City Initiative's next presentation will be held February 11th from 8:00 AM – 10:00 AM at the Lehigh County Government Center.

Mr. Dan Mest, 900 Block of Jackson Street, stated that it is good seeing the Jackson Street Community Park ground being broken. We are going to have green grass finally.

Mr. O'Connell thanked Mr. Mest for his commitment to the Jackson Street Community Park.

Mr. Michael Donovan, 122 N. West Street, complimented Mr. O'Connell on your speech that you gave at the last meeting where you feel the city is as much people as it is buildings. We are going to make a commitment that the type of community planning and collaborative discussion will come to fruition.

Mr. Lou Shoop, 1130 Hamilton Street, stated that two weeks ago my associate and I were here asking for you to adopt a nonbinding resolution in support of the American Anti-Corruption Act. What has become of this so far?

Mr. O'Connell stated that you gave us the Resolution and we have it under advisement.

Ms. Claudia Steckel, 423 N. 27th Street, thanked you for the article.

5. Approval of Minutes: January 21, 2015

Approved by Common Consent

6. Old Business

Mr. Hanlon read Transfers that exceed Five Thousand (\$5,000) Dollars can be approved by a majority of Council by signing off on an appropriate form submitted to the Clerk's Office. After approval, the transfers shall be distributed to the public as an agenda item and be made part of the minutes of said meeting. Copies of the transfers Council has signed are part of the agenda packet – copies are on the back for distribution. They will be included as part of today's minutes.

7. Communications

NONE

8. REPORTS FROM COMMITTEES:

Budget and Finance: Interim Chairperson Glazier

The committee has not met since the last Council meeting; the next meeting is scheduled for February 25 at 6 PM.

Public Safety: Chairperson Eichenwald

The Committee has not met since the last council meeting; there are no future meetings scheduled.

Community and Economic Development: Chairperson Guridy

The Committee met this evening; We have two Bills on the Agenda, Bill 4 and Bill 5. The next meeting has not yet been scheduled.

Parks and Recreation: Chairperson Mota

The Committee has not met since the last Council meeting; the next meeting is not yet scheduled. There is a meeting scheduled February 5th at 6:30 PM at the St. Luke’s Community Center on 7th Street. The format for the community planning meeting for the design of Stevens Park is that two greeters will be present (one Spanish speaking) to welcome individuals and to explain the planning process. Citizens can view designs submitted by the engineering firm as possibilities until everyone is present. An overview of the project status will be provided and then we will have a critical issues discussion to determine the primary needs as indicated by the citizens. The engineering firm has designed cost cards that feature possible playground amenities and their price. Groups of citizens will then design the playground of their choice using the design cards that indicate the pricing of each item so the playground designed fits the budget. We welcome any and all board members to join us at the church and light refreshments will be served.

Public Works: Chairperson Davis

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

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. Julio Guridy stated that the Housing Authority Board met last week and you must receive the minutes from the meeting. There will be a meeting on Thursday at 9:00 AM.

Mr. O’Connell stated with the realignment of the committees, Council members are on various authorities, boards and commissions. The Parking Authority will be Mr. Hendricks, the Shade Tree Commission will be Ms. Mota, Blighted Property Review Board is Mr. Glazier, AEDC is Mr. Davis, and the Arts Commission is Ms. Eichenwald, Housing Authority is Mr. Guridy, Human Relations Commission is Ms. Mota, Lehigh Valley Planning Commission is Ms. Eichenwald and the Pension Board meeting is Mr. Davis.

City Controller’s Report

Ms. Koval stated that the Controller’s office has sent to the City Council and the administration the Accounts Payable check review from the month of January. In that time period we review 462 checks. We retested against the invoices that are being paid and the corresponding documentation. It totals \$6,394,302.14. We reviewed nine wires that were done during that period and tested it. The nine wires totaled \$1,292,684.27

Managing Director’s Report: Strategic Project Group

Mr. Fran Dougherty stated in accordance with my initiative to show the face of your government at work. I brought my strategic project groups. It is comprised of Craig Messinger, Mike Hefele, Lauren Giguere and Rick Holtzman. We get together once a month to review the major projects across all departments. This is how we track them and share information. It is a very important information tool.

Mr. Michael Hefele stated that he will focus on the immediate project which is the Sixth Street Streetscape Enhancements. These are streetscape improvements in the area of N. Sixth Street, between Hamilton and Linden Street. We will be installing streetlights, street trees, and some additional sidewalks. It will extend down to Court Street to make that area by Symphony Hall more attractive and more functional. That project is being financed by RACP funds by the state.

Mr. Guridy stated that he is happy to see that in the downtown area. Are there any future plans for Linden and up Sixth Street?

Mr. Hefele stated that whole area is included in the Center City Initiative that was mentioned early by Mr. Heffentrager. It is going to take us a while to do all those blocks. We are focusing our efforts on Turner Street right now and then we will be working north.

Mr. Dougherty stated that you will see from the Matrix we provided you, all the engineering projects. This is obviously massive in scope. We can thank our state delegation.

Mr. Craig Messinger stated that we have many different resources for the projects. Some are federally funded, state funded, through capital programs. Currently with the new gas tax put in place there is new funded sources or multimodal funds. We were able to get other projects from that source. One of the projects is the downtown traffic signals. We did 36 intersections. We were able to get an extra \$2 million grant. There is a land acquisition and studies that need to be completed. One of the biggest projects is the American Parkway Bridge is 70 percent completed. It is something that we need to discuss. There are a lot of coordination through road closures and bridges that need to come down and traffic signals that are put in place. It is a very large project and very large scope.

Mr. Gurdy asked the completion date for the American Parkway Bridge. What is the status of the New England Road?

Mr. Messinger stated by the end of this year. He stated that it is in litigation.

Ms. Jeanette Eichenwald asked about the LED Light Conversion Program. What is the status on that? Is there an RFP out?

Mr. Messinger stated that the RFP is just about completed and going out in the next month or so.

Mr. O'Connell asked the timeline for the Eighth Street Bridge.

Mr. Messinger stated we are looking at 2016. PennDot did come to me and say possibly giving me a proposal about closing it down and trying to get it done by the end of this year or beginning of next year or sooner.

Mr. O'Connell stated that it seems that it is moving really slow.

Ms. Mota stated that she agrees.

Mr. Messinger stated that part of it is the weather we are going through.

Mr. Dougherty stated that informally PennDot had a discussion with Craig vetting the proposal that if the city was amenable of closing down the entire bridge and we currently have one northbound direction and a sidewalk open, they could expedite the completion of the project by almost a year. We have waited, but did not receive a formal request from PennDot. Once we do, we will bring to Council and have some deliberations. There are some concerns about some of our school children that use that bridge.

Mr. Davis asked is the Tilghman Street Bridge going to be started before the Eighth Street Project will be done.

Mr. Messinger stated that the Tilghman Street Bridge will be started right after the American Parkway Bridge is completed.

Mr. Dougherty stated that he will go on to Parks and Recreation.

Mr. Rick Holtzman stated that he will touch on two projects that we will be starting this year. The first one is Jackson Street and we have our preconstruction meeting Friday and we hope to get moving on that in the next two weeks. There is DCNR money involved in that and DCED money involved with that and in-kind services (Streets and Traffic Departments) to help out and keep the cost down and create the greenspace, trails, pavilions and other site amenities and take that site and turn it into a park space. With Stevens Park, tomorrow is our community meeting.

Mr. Dougherty stated that Rick and Vicky should be acknowledged for the tag team that they have created to move the projects forward.

Mr. O'Connell stated that you have other grants on your plate.

Mr. Holtzman stated we do, but these are the two that will be moved relatively soon.

Mr. O'Connell stated that we want to see the faces that do the day to day work.

Mr. Dougherty stated that next month, we will have the Health Department here.

Mr. O'Connell thanked the staff and said you make our city proud.

9. APPOINTMENTS:

Hugh Gallagher	Aggregate Pension Board	01/01/2017
Jeff Glazier	Aggregate Pension Board	12/31/2018
Richard Nissenbaum	Planning Commission	01/03/2017

Ms. Eichenwald stated that it doesn't refer to the three people, it has been a very long time that we had the privilege in voting for a member in the minority community or a women to be a part of these board. She recognizes that City Council doesn't have a say. She urged that we give consideration of the 50 percent of Allentown that are women and the minorities that can also have the privilege to serve.

RESOLUTION PASSED, 7 – 0

10. ORDINANCES FOR FINAL PASSAGE:

Bill 3 Weapons Provisions Repealer

Amending Article 734, Weapons and Article 951, Park Regulations, of the Codified Ordinances, in regard to provisions governing weapons within the City of Allentown.

Mr. O'Connell stated that this was in the Committee of the Whole and 13 people spoke about it. He requested if you have something new to say, or have a question that may have arisen because of the discussion. Ms. Fruhwirth is here we will answer and clarify exactly what amending Article 734 – Weapons and Article 951 Park Regulations of the Codified Ordinances means.

Mr. Tom Campione, 33 W. Water Street, Hellertown, stated that he is the vice chairmen of the Lehigh Valley Tea Party. On January 12, our attorney sent a letter to the Solicitor in regards to this very subject. We identified ordinances that currently violate Pennsylvania State Law. We informed the Solicitor that under Act 192 we do qualify as an organization with standing. He urged Council repeal the ordinances.

Rev. Phyllis Glover Cucchiani stated that she is beseeching Council not to be intimidated by those who will have you worry about money when God is in control. She urged Council to take the risk and confront the NRA and the Tea Party.

Dr. Fritz Walker, Whitehall, stated when he spoke the Solicitor was not present. We have two recommendations. Please consider a consultation with your solicitor if there is a way to keep these ordinances on the books. It is clear that Act 192 is unconstitutional. Please consider if you must repeal the Gun Ordinance to do so with a proviso that Act 192 be overturned the laws will automatically and immediately be reinstated without requiring an additional vote of the Council.

Ms. Claudia Steckel, 423 N. 27th Street, she asked about the regulation the County has and them striking the section and Article on no carry and discharge of firearms. By doing, it appears to me that there is no law or rule that prohibits spring guns and bows. Because Allentown is within the county does the county ruling is nothing is prohibited.

Mr. O'Connell stated does the county supersedes what the city does.

Ms. Fruhwirth stated that the county legislation she is not particular aware of it, but it will not override the rule of the city's legislation. They are two different entities under the law.

Ms. Steckel stated that in Article 734.01, Sections A & B they seem to read nearly identical until the very last few words. Because they are identical whether one is taking the place of the other. Are they redundant as they stand?

Mr. O'Connell stated that one is a city-owned property and the other is property within the city limits.

Ms. Fruhwirth stated that what is important to remember is the over-reaching concept that the firearms are regulated by the state. If someone in your hypothetical would come on your property and you don't want to have a firearm as far as the crimes code is concerned which is a state law would govern that type of conduct on property.

Mr. Hendricks stated that if they are on your property and you don't want them there, they are trespassing.

Mr. Michael Donovan, 122 N. West Street, stated I am offended that a member of a political tea party comes from out of town and basically threatens the city on an interpretation of law. The tea party would argue that the Second Amendment is a right that people hold. I am offended by the state law. He stated that two other cities in the state are fighting it. I say join that fight.

Vitali 621 W. Broad Street – Bethlehem, asked are the ordinances being looked at separately and are the options available being looked at separately.

Mr. O'Connell stated that it is the whole Bill, 734 and 951.

Mr. Mest, 900 Block of Jackson Street, asked about a license gun owner with the permit to carry if this goes through cannot go to the parks.

Mr. O'Connell stated no, not at all. It would be the opposite.

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

Mr. Guridy stated that the spirit of this law when we initially passed it was primarily to fine those people a certain amount who was discharging their firearms. There was an amount to be charged. Although, I heard the arguments on both sides and Former Councilman Donovan stated we should take the lead along with Lancaster, Pittsburgh, and Philadelphia. The mayors actually took the lead there. He stated that the state preempts the city law and we couldn't even enforce it even if we try.

Ms. Eichenwald stated she would like to discuss 734.01 under A. The only thing that is crossed-out is the discharge of firearms of any kind. If you remove that, it doesn't make any sense. It says weapons potentially dangerous to human safety upon any property owned by the city. A firearm produces danger and I don't understand why that would be crossed off.

Ms. Fruhwirth stated that you are making a good point, but the intention of the legislation from both Sections of the ordinance, Article 734 and Article 951 is to address firearms as those firearms are preempted by the state law.

Ms. Eichenwald stated that couldn't one argue that any form of a dangerous weapon would include a firearm.

Ms. Fruhwirth stated that is a reasonable interpretation. It could be a reasonable interpretation, but the intention here is to deal with weapons that are not firearms. What does the firearms law define as a weapon or as a firearm?

Mr. Davis asked could they be talking about other forms of weapons.

Mr. Hendricks stated that any one of the other enumerated weapons could be used also. Strictly speaking what we are looking into is to eliminate firearms to abide by the state law. That is why the others aren't included.

Ms. Eichenwald asked do we have any information on why our ordinance was different or we were excluded from that initial onslaught.

Mr. Dougherty stated that we already know that 22 municipalities have already repealed their respective gun laws. One hundred municipalities including ours have been placed on notice.

Ms. Eichenwald stated I find it troubling that the state would enact legislation that gives the responsibility or the possibility to an organization no matter what that organization is called to be able to sue a municipality who wishes to protect its citizens. Even when that organization has suffered no harm. It is my extraordinary hope on the state level that this would be repealed.

Mr. Davis agreed with Ms. Eichenwald and the citizens. I can't believe we are being put in this position by our own state legislators.

Mr. Hendricks stated that there is a lot of passion. I am a recent retire with the police department in the city. I spent 38 years as a police officer. I was instrumental in writing what is now and it is a parallel here. We are leaving ourselves open to risk if we do not repeal this law.

Mr. Glazier stated that he agrees with the members of the public and the members of council who have spoken. It is a tough situation.

Ms. Mota stated that it is a shame, but we can't do much about it.

Mr. Davis stated to Mr. Dougherty that the letter from the Mayor, the last part of the letter where he said it was proved unconstitutional. What actions did he say he would take?

Mr. Dougherty stated that we will be the first to reintroduce it.

Mr. O'Connell stated that he agrees with his colleagues. It simply boils down to if someone steals your car, you have to report it. You lose a gun or if someone steals your gun, you don't have to report it. Common sense thrown out the window.

Mr. Hendricks stated that he has been off the police department for a year, but as far as he knows and because of the edict from our District Attorney I don't know anyone who has been charge because of this act.

ORDINANCE PASSED, 7 – 0

Bill 4 Lead Grant

Amending the 2015 General Fund Budget to provide for a supplemental appropriation of \$35,000.00 from a Commonwealth of Pennsylvania Department of Health grant, to the Bureau of Building Standards & Safety to provide for lead paint remediation.

Mr. Guridy stated that the Bill was in my committee. It is a simple Bill getting \$35,000 from the Commonwealth and will be used for remediation of lead paint in homes in the city. We voted 3 – 0 in favor of the Bill.

ORDINANCE PASSED, 7 – 0

Bill 5 Landlord/Rental Amendment

Amending ARTICLE 1759 Landlord and Rental Regulations by adding a provision noting compliance with House Bill 1796 which provides for the protection for victims of domestic violence or abuse from a crime – in effect such incidences of violence or abuse can't result in the enforcement of a DCR against the victim.

Mr. Guridy stated that we forwarded it favorably 3 – 0. It is a complicated Bill and is common sense Bill to protect citizens from domestic violence.

ORDINANCE PASSED, 7 – 0

**11. RESOLUTIONS FOR FINAL PASSAGE:
NONE**

12. ORDINANCES FOR INTRODUCTION

Bill 6 Taser Donation

Referred to Public Safety

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 a tasers.

Ms. Eichenwald stated that there were others donations referred to Public Safety and we haven't made a meeting.

13. RESOLUTIONS FOR INTRODUCTION:

R7 Sewage Planning Module

Sewage Planning Module for Butz Corporate Center Phase 3

Mr. O'Connell asked do we have the capacity.

Mr. Hanlon stated yes.

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

RESOLUTION PASSED, 7 – 0

R8 Sewage Planning Module

Sewage Planning Module for 2338 South 10th Street Subdivision

The development is for 4 townhouses.

Mr. O'Connell asked do we have the capacity. He asked any comments from my colleagues or the public.

RESOLUTION PASSED, 7 – 0

14. NEW BUSINESS

NONE

15. GOOD AND WELFARE

Ms. Mota invited everyone to celebrate Black History Month in City Hall on February 18th from 4:00 PM – 6:45 PM. It will be great entertainment, culture booths, an educational forum.

Mr. O'Connell thanked Ms. Fruhwirth for being here tonight. There was some tough questions and I appreciate your candid and you were right on the mark.

16. ADJOURNED: 8:24 PM