

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



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

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**COUNCIL MEETING
November 19, 2014
COUNCIL CHAMBERS**

COUNCIL MEETING MINUTES– 7:00 PM

1. Invocation: Brother Nagi Latefa

2. Pledge to the Flag

3. Roll Call: Davis, Eichenwald, Hendricks, Mota, O'Connell
Dale Wiles represented for the Solicitor's Office

4. Courtesy of the Floor

Mr. Lou Hershman, 405 N. Gilmore Street, asked about the \$5 tax. We get about \$135,000 and it is a nuisance tax.

Mr. Ray O'Connell asked how much are we collecting and how much it cost to collect.

Ms. Jeanette Eichenwald asked do we have an answer.

Mr. Dale Wiles stated that as soon as we have an answer, the Solicitor's office will provide to Council.

Mr. Glenn Hunsicker, South Allentown, stated that he is trying to find out the base value for the NIZ. What is the estimated taxes for 2015 and 2016? It could be \$2 - \$3 million more. It should have doubled. The NIZ was going to pay \$750,000. Was that ever brought in to the coffers?

Ms. Mary Ellen Koval stated that at the last meeting Ms. Bowman made a comment about it. It all goes into the General Fund.

Mr. Glenn Hunsicker asked is the amount the same as before. Is that estimate for 2015 also.

Ms. Koval stated that she will check on that.

Mr. O'Connell stated that we will find out. We are not there yet.

Mr. Kenneth Heffentrager, 733 N. 11th Street – Allentown Tenants Association, stated that if you saw the article on Lehigh Valley Live about J B Reilly talking about his 25 years in business he never saw the apartments go so fast. The apartments go from \$900 - \$1620. They said it is demand driven. He is developing across from Linden Street, where the H&R Block used to be. Two people lived there for 14

years, then the arena gets built and City Center buys their property. Why did they make a big deal that it is a blighted property? We talked about affordable housing. That is not affordable.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that on Monday, the Neighborhood Association will be erecting its decoration on the flagpole. This is the 40th year being elected as president in his neighborhood.

Mr. O'Connell thanked Mr. Pearson and stated that he does a fine job.

Ms. Agnori Delarosa, 1028 Hanover Avenue, asked Council to revisit the situation at Source Hookah Lounge. She brought some visuals with her. This is the side of my house and the last parking spot for the Source Hookah Lounge. They don't have a permit for BYOB or food and they are advertising it. There is a noise problem when the patrons leave the lounge. She received a letter from a law firm threatening to sue her.

Mr. O'Connell asked if she has been in contact with Captain Alsleben. There has been no violations for the Hookah Lounge.

Mr. Fran Dougherty stated that he followed up with Barb Nemith and the Solicitor's office. We asked you and your husband to sit down and you refused.

Ms. Delarosa stated that the owner of the Hookah Lounge wasn't going to meet with us, it would have been someone else. All these problems, he initiated.

Mr. Dougherty stated that would have advanced the conversation. We have mobilized Phyllis Alexander, Barb Nemith, Captain Alsleben and our community relations. I don't know what else we can do to help you outside what we proposed to do. There are no violations.

Ms. Delarosa asked if the noise disturbances at night not a violation and stated people walk in with alcoholic beverages.

Mr. Dougherty stated that if you have new evidence, my team wants to hear it. Come in and sit down again. We are empathic.

Ms. Delarosa stated that she has been providing Captain Alsleben with DVDs the whole time.

Mr. O'Connell stated that booklet is very important. Why don't we set something up. I went there six weeks ago at a 11:45 PM and didn't see anything. We have to stay on top of it.

5. Approval of Minutes: November 5, 2014

Approved by Common Consent

6. Old Business

None

7. Communications

None

8. REPORTS FROM COMMITTEES:

Mr. O'Connell stated the next Budget Review will be on December 1st at 5 PM – Bills 61 and 62 will be reviewed, and the Non-Departmental and Community and Economic Development budgets.

Budget and Finance: Interim Chairperson Guridy

The committee has not met since the last meeting. The next meeting is scheduled for December 3rd at 5:45 PM.

Public Safety: Chairperson Eichenwald

The Committee has not met since the last meeting, the next meeting is tentatively scheduled for December 17th, time to be determined.

Community and Economic Development: Chairperson Davis

The Committee has not met since the last Council meeting; the next meeting has not yet been scheduled. December 1st we will have our Budget Review.

Parks and Recreation: Chairperson Mota

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

Public Works: Chairperson O'Connell

The Committee has not met since the last council meeting; the next meeting is scheduled for December 3rd at 6:30 PM. We have two encroachments.

Human Resources, Administration and Appointments: Chairperson Hendricks

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

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

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

OTHER COMMITTEE REPORTS

None

Controller's Report

Ms. Koval stated that the Accounts Payable Check Review has been sent to City Council and the administration for the month of October. In the that time period, my office reviewed about 540 checks. That is approximately \$8,600,000 along with 10 wires that were sent and that is \$1,500,000 that we reviewed for the month of October.

Managing Director's Reports

None

9. APPOINTMENTS:

Scott Burnet	Environmental Advisory Council	01/01/2017
Joseph E. Hoffman	Environmental Advisory Council	01/01/2015

RESOLUTION PASSED, 5 – 0

10. ORDINANCES FOR FINAL PASSAGE:

Bill 59

Amending the 2014 Trexler Fund and the 2014 Capital Projects Fund to provide for a supplemental appropriation of One Hundred Seventy Thousand, Two Hundred Dollars (\$170,200) to the Trexler 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. Cynthia Mota stated Bill 59 was moved favorably, 2 – 0.

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

ORDINANCE PASSED, 5 – 0

11. RESOLUTIONS FOR FINAL PASSAGE:

**301 S St Elmo Encroachment for Council
R50 301 S St Elmo St
Authorizes Encroachment for Sign at 301 S St. Elmo Street**

Mr. O'Connell stated that was in the Public Works meeting earlier and Mr. Berger explained and showed us a picture. A representative showed what the sign would look like. This will be on the other side with the same dimensions.

Mr. Theodore Berger stated that they have no problem.

Mr. Dougherty stated that the administration has no problem.

Mr. O'Connell stated that we passed it 3 – 0. It has to go through the proper zoning and permits. He asked any questions from his colleagues or the public.

ORDINANCED PASSED, 5 – 0

12. ORDINANCES FOR INTRODUCTION:

Bill 60 AFG Grant for SCBA Equipment

Referred to Public Safety

Amending the 2014 General Fund Budget to provide for a supplemental appropriation of \$363,969 from a Department of Homeland Security FEMA grant, to the Fire Department to provide for SCBA equipment

Bill 61 Bond Ordinance

Referred to December 1 Meeting

AN ORDINANCE OF THE COUNCIL OF THE CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE ISSUANCE OF TAX EXEMPT GENERAL OBLIGATION BONDS, SERIES A OF 2015, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$18,000,000 (THE "2015A BONDS"), AND GENERAL OBLIGATION BONDS, SERIES B OF 2015 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$14,000,000 (THE "2015B BONDS"), PURSUANT TO THE LOCAL GOVERNMENT UNIT DEBT ACT OF THE COMMONWEALTH OF PENNSYLVANIA (THE ACT); PROVIDING THE NET PROCEEDS OF THE SALE OF THE 2015B BONDS SHALL BE APPLIED TO CARRY OUT THE CURRENT REFUNDING OF THE REMAINING OUTSTANDING GENERAL OBLIGATION BONDS, SERIES OF 2003 (THE "2003 BONDS"), THE CURRENT REFUNDING OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES OF 2004 ("2004 BONDS"), AND THE ADVANCE REFUNDING OF A PORTION OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES OF 2011 (THE "2011 BONDS"). THE 2003 BONDS, 2004 BONDS AND 2011 BONDS ARE COLLECTIVELY REFERRED TO AS THE "PRIOR BONDS", PROVIDING THAT THE PROCEEDS OF THE 2015A BONDS SHALL BE USED TO FUND CAPITAL PROJECTS, SETTING FORTH THE ESTIMATED USEFUL LIFE OF THE IMPROVEMENTS AND THE ESTIMATED USEFUL LIFE OF THE IMPROVEMENTS

FINANCED BY THE PRIOR BONDS, DETERMINING THAT SUCH SALE SHALL BE A PRIVATE SALE BY NEGOTIATION UNDER THE ACT, AND DETERMINING THAT THE BONDS SHALL BE NONELECTORAL DEBT OF THE CITY; FIXING THE INTEREST PAYMENT DATES, DENOMINATIONS AND REGISTRATION, TRANSFER AND EXCHANGE PRIVILEGES OF THE BONDS AND PROVIDING FOR BOOK ENTRY BONDS THROUGH DEPOSITORY TRUST COMPANY; SETTING FORTH THE MATURITY DATES, PRINCIPAL MATURITIES AND CURRENT INTEREST RATES OF EACH SERIES OF BONDS AND ESTABLISHING A REQUIRED SCHEDULE OF PAYMENTS WITH RESPECT TO THE SINKING FUND, AS HEREINAFTER ESTABLISHED, IN ORDER TO AMORTIZE THE BONDS; ESTABLISHING THE REDEMPTION PROVISIONS OF THE BONDS, BOTH OPTIONAL AND MANDATORY; ESTABLISHING THE NOTICE REQUIREMENTS WITH RESPECT TO THE REDEMPTION OF THE BONDS; ACCEPTING A BID FOR PURCHASE OF THE BONDS AND AUTHORIZING EXECUTION OF THE BOND PURCHASE AGREEMENT; DESIGNATING A PAYING AGENT AND REGISTRAR; DESIGNATING A PLACE AND METHOD OF PAYMENT OF THE BONDS AND INTEREST THEREON AND MAKING CERTAIN COVENANTS WITH RESPECT TO THE TAX FREE STATUS THEREOF; ESTABLISHING THE SUBSTANTIAL FORM OF THE BONDS AND THE PAYING AGENT'S CERTIFICATE RELATING THERETO; AUTHORIZING EXECUTION AND AUTHENTICATION OF THE BONDS; PROVIDING FOR THE REGISTRATION OF THE BONDS, THE MAINTENANCE OF RECORDS OF REGISTERED OWNERS AND TRANSFER OF THE BONDS; PROVIDING FOR THE DEPOSITING AND PAYMENT OF THE FUNDS REQUIRED AND THE MAINTENANCE OF RECORDS; COVENANTING TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS RELATED TO CITY IMPROVEMENTS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY TO SUCH PURPOSE; ESTABLISHING A SINKING FUND FOR THE BONDS AND AUTHORIZING AND DIRECTING PAYMENT THEREFROM; SETTING FORTH CERTAIN PROVISIONS WITH RESPECT TO THE INVESTMENT OF MONIES THEREIN; DESIGNATING A SINKING FUND DEPOSITORY; SETTING FORTH CERTAIN RIGHTS OF THE PAYING AGENT AND BONDHOLDERS IN THE EVENT OF DEFAULT AND OTHER RIGHTS OF THE PARTIES WITH RESPECT TO THE BONDS; PROVIDING FOR THE CIRCUMSTANCES UNDER WHICH THE ORDINANCE MAY BE AMENDED OR MODIFIED; PROVIDING FOR THE TERMS, CONDITIONS AND COVENANTS WITH RESPECT TO THE BOND INSURER, IF ANY, FOR THE BONDS; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE CITY TO DO AND PERFORM CERTAIN SPECIFIED, REQUIRED OR APPROPRIATE ACTS; AUTHORIZING THE EXECUTION OF DOCUMENTS FOR SETTLEMENT AND THE PAYMENT OF ISSUANCE EXPENSES; DECLARING THAT THE DEBT TO BE INCURRED IS WITHIN THE LIMITATION IMPOSED BY THE ACT UPON INCURRING OF SUCH DEBT BY THE CITY; AUTHORIZING AND DIRECTING PROPER OFFICERS OF THE CITY TO DELIVER THE BONDS UPON EXECUTION AND AUTHENTICATION THEREOF, UPON RECEIPT OF PROPER PAYMENT OF THE BALANCE DUE THEREFOR, AND ONLY AFTER SPECIFIED APPROVAL, AS REQUIRED, OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH CERTAIN COVENANTS RELATING TO THE FEDERAL TAX STATUS OF THE BONDS; PROVIDING FOR COMPLIANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; COVENANTING TO PAY OVER AT SETTLEMENT SUFFICIENT MONIES TO PROVIDE FOR THE PAYMENT OF THE PRIOR BONDS OF EACH SERIES TO BE REFUNDED IN ACCORDANCE WITH THE REFUNDING PROGRAM AND AUTHORIZING AND DIRECTING CERTAIN OTHER ACTIONS AND APPROVING DOCUMENTATION WITH REGARD TO THE REFUNDING, AND ESTABLISHING SINKING FUNDS FOR THE BONDS BEING REFUNDED; PROVIDING FOR THE USE OF AND

MAKING A COVENANT AS TO THE ADEQUACY OF THE PROCEEDS TO BE PAID OVER TO THE ESCROW AGENT FOR PURPOSES OF THE REFUNDING OF THE 2011 BONDS; COVENANTING AND DIRECTING THE USE OF PROCEEDS UNDER A 2011 BONDS ESCROW AGREEMENT; PRESCRIBING CERTAIN CONDITIONS OF THE ESCROW AGREEMENT AND AUTHORIZING AND DIRECTING ACTIONS OF THE ESCROW AGREEMENT; SETTING FORTH CERTAIN COVENANTS WITH RESPECT TO THE ADEQUACY OF REVENUES TO BE AVAILABLE UNDER THE ESCROW AGREEMENT; PROVIDING FOR THE ISSUANCE OF IRREVOCABLE INSTRUCTIONS TO THE PAYING AGENT FOR THE PRIOR BONDS SUBJECT TO EARLY OPTIONAL REDEMPTION TO CALL SAID PRIOR BONDS FOR REDEMPTION ON CERTAIN SPECIFIED DATES, ALL PRIOR BONDS OF THE SERIES TO BE REFUNDED MATURING THEREAFTER, AND ESTABLISHING THE FORM OF SUCH IRREVOCABLE INSTRUCTIONS AND THE NOTICE OF REDEMPTION; PROVIDING FOR NOTICE TO ANY BOND INSURER; PROVIDING FOR SEVERABILITY OF PROVISIONS OF THE ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES SO FAR AS THE SAME SHALL BE INCONSISTENT; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Bill 62 Note Ordinance

Referred to December 1 Meeting

AN ORDINANCE OF THE COUNCIL OF THE CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION NOTE (THE "NOTE") IN THE PRINCIPAL AGGREGATE AMOUNT NOT TO EXCEED \$7,000,000; SETTING FORTH THE PURPOSE OF THE ISSUANCE OF THE NOTE, TO FUND CERTAIN CAPITAL PROJECTS OF THE CITY OF ALLENTOWN PURSUANT TO THE LOCAL GOVERNMENT UNIT DEBT ACT; DETERMINING THAT THE NOTE SHALL BE SOLD AT PRIVATE SALE; DETERMINING THE PROJECTS AND ESTABLISHING THEIR USEFUL LIFE; DETERMINING THAT THE DEBT EVIDENCED BY THE NOTE SHALL BE NONELECTORAL DEBT; SETTING FORTH THE INTEREST RATES, INTEREST AND PRINCIPAL PAYMENT DATES AND FINAL MATURITY OF THE NOTE AND THE PREPAYMENT PRIVILEGES; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE NOTE; DESIGNATING A PAYING AGENT FOR THE NOTE; SETTING FORTH THE METHOD AND PLACE OF PAYMENT OF THE NOTE; APPROVING THE FORM OF THE NOTE; AUTHORIZING THE EXECUTION OF THE NOTE; ENTERING INTO A COVENANT WITH RESPECT TO THE NOTE AND PLEDGING THE CITY'S FULL FAITH, CREDIT AND TAXING POWER THEREFORE, AND ESTABLISHING A SINKING FUND FOR THE NOTE; DESIGNATING A SINKING FUND DEPOSITORY; SETTING FORTH CERTAIN ADDITIONAL TERMS WITH RESPECT TO THE NOTE; AUTHORIZING APPROPRIATE OFFICERS TO FILE UNDER SECTION 8110 OF THE LOCAL GOVERNMENT UNIT DEBT ACT WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, INCLUDING PROCEEDINGS UNDER SECTION 8024 OR 8026 OF THE ACT MAKING CERTAIN FEDERAL TAX COVENANTS AND DECLARING THE NOTE TO BE QUALIFIED TAX-EXEMPT OBLIGATIONS; DECLARING THE DEBT EVIDENCED BY THE NOTE TO BE WITHIN THE LIMITATIONS OF THE LOCAL GOVERNMENT UNIT DEBT ACT MAKING CERTAIN FEDERAL TAX COVENANTS AND DECLARING THE NOTE TO BE QUALIFIED TAX-EXEMPT OBLIGATIONS; AUTHORIZING DELIVERY OF THE NOTE; AUTHORIZING INVESTMENT OF THE PROCEEDS OF THE NOTE; PROVIDING FOR INVALID PROVISIONS; PROVIDING FOR INCONSISTENT ORDINANCES; PROVIDING WHEN THE ORDINANCES SHALL BECOME EFFECTIVE.

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

13. RESOLUTIONS FOR INTRODUCTION:

R52 1006 Hanover Avenue

Referred to Public Works

Authorizes Encroachment for Handicap Ramp in the public right of way at 1006 Hanover Avenue

R53 826 W Linden-planters

Referred to Public Works

Authorizes Encroachment for Planters in the public- right-of-way at 826 West Linden Street

R54 HARB

Certificates of Appropriateness for work at 339 N. 10th Street, 341 N. 10th Street, 343 N. 10th Street, 1036 Chew Street, 145 N. 10th Street, 1513 W. Turner Street, 1553 W. Turner Street, 1101 W. Turner Street, 343-345 N. 9th Street.

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

Mr. Davis asked are these the houses with the sink holes.

RESOLUTION PASSED, 5 – 0

14. NEW BUSINESS

None

15. GOOD AND WELFARE

None

16. ADJOURNED: 7:39 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 or contact the Clerk at Michael.Hanlon@allentownpa.gov to receive an email notice of the meetings.