

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



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

Facebook: Allentown City Council

COUNCIL MEETING MINUTES
April 2, 2014
COUNCIL CHAMBERS

COUNCIL MEETING – 7:00 PM

1. Invocation: Jeanette Eichenwald

2. Pledge to the Flag

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

4. Courtesy of the Floor

Ms. Paulette Hunter stated that she was at a NIZ meeting and they were signing a lease agreement with Arena and nothing was mentioned about Police presence. Who will pay for the extra Police presence? She asked for family bathrooms for the disabled at the arena.

Ms. Eichenwald stated that it is time for us to have a Public Safety Committee meeting and we can the Police Chief or representative of the Police Department to discuss the whole issue with the police.

Mr. Lou Hershman, 405 N. Gilmore Street, asked about the Capital Budget that he believes is 150 days late.

Mr. Guridy stated that Mr. Schweyer answered the question numerous times.

Mr. Kenneth Heffentrager, 733 N. 11th Street, stated that when the Tenants Association started in 2011 people thought we weren't going to last more than six months. We are now incorporated with the state of Pennsylvania. We have taken 76 phone calls and responded to 30 emails, 122 messages on Facebook and 104 questions. We appeared at nine different court hearings. He thanked the city for the response on City Center being fined by Sweep. He asked Council to drive past the 800 Block of James Street and you will see a visible difference every week.

Mr. Guridy stated that Mr. Dougherty will refer to the appropriate persons in the city to make it is safe.

Ms. Bonne Bosco stated that a tree on the 400 Block of N. 29th Street was cut down the Monday after Thanksgiving and it is sitting there in chunks since that first week in December.

Mr. Guridy asked who cut it down. Was it a private person or the city?

Ms. Bosco stated that one of her neighbors called the city because it was not one of the certified arborist that cut it down. They did not remove the rest of the tree when they cut it down. It is protruding into the street. They leave their garbage cans out basically the entire week. They still are not recycling.

Mr. Guridy asked have you spoken to your neighbor that had the tree there and what did they say.

Ms. Bosco stated that they are a little odd.

Mr. Dougherty asked if it was one neighbor or one house.

Ms. Bosco stated their address is Liberty Street and they put their trash on 29th Street.

Mr. Dougherty stated that first I will do a forensic about the tree. The quality of life issue we will explore with the right people.

Mr. Rich Fegley, 1002 S. Bradford Street, stated that he wanted to follow up from the last meeting to see if we had an answer on whose decision it was to have the lease changed at the Golf Course. The Lease was increased by \$10,000 and other requirements such as heating costs and other utilities. The rent has now been reduced by \$20,000 from that \$45,000. We were not consulted on the equipment that was purchased back by the city.

Mr. Guridy stated all he knows is what he read in the paper and the minimum bid, from his understanding was \$25,000. He stated we on Council had nothing to do with that. It was somebody in the Administration/Purchasing.

Ms. Eichenwald stated during the last Council meeting the question was asked who was responsible of making that decision and we all heard the answer. My second question was what happened to the equipment and Mr. Dougherty did forward to me and I don't know if the other members of Council received the list. He did forward to me the equipment that was purchased. Mr. Dougherty stated that it was purchased at 50 percent. What disturbed me is the city is getting into the business of buying used restaurant equipment and I know I work very hard for my money and the taxes I pay for the city. I want it to be utilized to protect me and to provide me with a good quality of life. This is an extraordinary serious matter. Wrong decisions were made and now the city owns used restaurant equipment.

Mr. Dougherty stated that we provided to you and the press the financial breakdown and full disclosure on how and what we purchased, and where the money came from and complete account of the Noti's closure and its contract. The decision to do that was a strategic one from the Golf Pro based on the marketing of the restaurant area much more marketable to potential bidders.

Ms. Eichenwald stated that once upon a time we had the Fegley's who are the most respected restaurant people who are running that facility. They were making a go at it and paying \$35,000 a year, and now how much are we are going to get. Why were they removed from that lease?

Mr. Dougherty asked if Ms. Eichenwald read the same now from the previous contract.

Ms. Eichenwald stated you are right, I did and it was a correct question to ask. I don't think the city should make determination other than what it is in the best interest in the golf course and the community and of the taxpayers.

Mr. Dougherty stated as stewards of the executive branch, it is our decision to make whether you think they are right or wrong it is still the prerogative of the mayor.

Ms. Eichenwald stated that you are correct. Obviously, if it was my decision, I would have made other decisions. It is also my responsibility to voice my opinion and to ask questions.

Mr. Guridy stated to Mr. Fegley, I think you got your answer.

Mr. Fegley stated I received an answer. I don't think it was the answer.

Mr. Dennis Pearson, 942 E Tilghman Street, stated that now the city has lost a suit on the over billing and the Lehigh County Authority, who is responsible for causing the overbilling we made. It is an embarrassment, \$2.1 million being returned from money that we had. The so called gains we made from the lease agreement even worse. He asked from what account did this money to pay for this used restaurant equipment come from.

Mr. Guridy asked Ms. Koval.

Ms. Koval stated that she doesn't deal with billings. That was prior to her term in office.

Mr. Guridy asked does anybody know anything about what Mr. Pearson is discussing.

Mr. Schweyer stated just that we had that conversation in Executive Session and that was some time ago when the lawsuit was just brought up. Beyond that I don't know what I can discuss. We did have a conversation because it was an ongoing lawsuit. I don't know what I can publicly say.

Mr. Guridy stated that it will be discussed with our attorney and we will brief Mr. Pearson. He stated that it did not need council approval and what I am assuming it came from the General Fund.

Mr. Dougherty stated that the amount to purchase the equipment came from the accounting of the closing out the Noti's bill to the city. It was approximately \$13,000 plus. The equipment was \$12,000 and they gave us the remainder of the cost.

5. Approval of Minutes

None

6. Old Business

None

7. Communications

Mr. Guridy stated that there will be a Committee of the Whole Meeting on April 9th at 7:00 PM to review the capital project and federal grant legislation. On April 16th, Council will revisit the liquor license transfer on the east side that was tabled at the request of the applicant at the last council meeting – they were granted a 60 day extension, giving us 105 days to act – meaning Council needs to act by May 25 (or at the regularly scheduled council meeting on May 21st).

Public Hearings on May 7:

Council will also conduct a Public Hearing on Wednesday, May 7th, 2014 at 6:15 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on the request for the Intermunicipal Transfer of Liquor License Number R-11588, to Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street, Allentown, PA.

Allentown City Council will conduct a Public Hearing on Wednesday, May 7, 2014 at 6:45 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on Bill 7 which amends the Zoning Code of the City of Allentown by rezoning 1202-1250 N.

Godfrey St. and 739-751 East Fairmont Street from Business/Light Industrial (B/LI) District to Limited Industrial (I-2) District. Copies of the legislation are available at the City Clerk's Office, 435 Hamilton Street, Allentown, PA, during normal business hours.

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Schweyer

The Budget and Finance Committee last Wednesday – a resolution and bill were forwarded for tonight's agenda; the next meeting is not yet scheduled.

Public Safety: Chairperson Eichenwald

The Committee has not met since the last meeting; a future meeting has not yet been scheduled.

Community and Economic Development: Chairperson Davis

The Committee has not met since the last Council; the next meeting is tentatively scheduled for April 22nd at 6 PM.

Parks and Recreation: Chairperson Mota

The Committee has not met since the last council meeting; the next meeting is scheduled for April 16th at 6:00 PM, prior to the council meeting.

Public Works: Chairperson O'Connell

The Committee has not met since the last Council meeting; a future meeting is scheduled for April 9th at 5:30 PM.

Human Resources, Administration and Appointments: Chairperson Hendricks

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

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Gurdy

The Committee has not met since the last council meeting; a future meeting is scheduled for Thursday, April 10 at 6 PM.

Mr. Davis stated that the Pension Board met on March 25 to interview four money management firms (a list that was whittled down from an initial two dozen or so) to deal with a short term strategy (four or five years) to meet the cash flow requirements of the Police, Fire and O and E pension funds. The Board chose Institutional Advisors, a division of National Penn Bank, to develop and manage a 50-60m dollar portfolio to address this. The Board also chose Vanguard Total Stock Market for the short term portfolio of ETF's (Exchange Traded Funds) with an 18 month time frame moving the dollars for investment as close to the first of the month as possible to take a (million) dollar cost averaging approach to the remaining funds seeking to invest this within a 18 month time frame.

Controller's Report

Managing Director's Report

9. APPOINTMENTS:

Jeff Glazier

Allentown Planning Commission

01/01/2017

RESOLUTION PASSED, 7 – 0

10. ORDINANCES FOR FINAL PASSAGE:

Bill 6 Lehigh Valley Health Network RACP

Amending the 2014 General Fund Budget to provide for a supplemental appropriation of One Million Two Hundred Twenty-Five Thousand Eight Hundred Three Dollars (\$1,225,803), as a result of a grant from the Commonwealth of Pennsylvania to the City of Allentown in the form of a RACP pass through grant to the Lehigh Valley Health Network.

ORDINANCE PASSED, 7 – 0

11. ORDINANCES FOR INTRODUCTION:

Bill 9 Reprogram Certain funds

Referred to Committee of the Whole

Amending the Consolidated Plan One Year Action Plan for the Thirty-Fifth, Thirty-Sixth, Thirty-Seventh and Thirty-Eighth years of the Community Development Block Grant Program (CDBG) which re-programs Forty-Six Thousand Six Hundred Forty-Five (\$46,645) Dollars of unexpended funds

Bill 10 CDBG account

Referred to Committee of the Whole

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.

Bill 11 Rental Rehabilitation

Referred to Committee of the Whole

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

Bill 12 Pool Rate Ord

Referred to Parks and Recreation

Amending Article 400.05, of the **Department of Parks & Recreation Fees** by adopting a new fee schedule for daily admission and season pass fees, and adopting new categories for the same for the city's four public swimming pools.

Bill 13 Parking Regs

Referred to Public Works

Amends Traffic Regulations by, changing enforcement hours to run Monday through Saturday from 8 am to 9 pm, expanding acceptable forms of payments, modifying the notice of violations provisions, and changing the fine for the parking of inoperable or illegally registered vehicles.

Bill 14 Partial Restoration

Referred to Public Works

Amending the 2014 Liquid Fuels Fund, the 2014 General Fund, the 2014 Trexler Fund, the 2014 Golf Fund and the 2014 Solid Waste Fund by appropriating funds from the unappropriated balances for partial restoration of the following accounts: premium pay, shift differential, repairs and maintenance, contracted services, repair and maintenance supplies, rentals, operating and materials and supplies due to unprecedented amount of expenditures for snow removal, plowing, materials and salting for the recent storms.

12. CONSENT AGENDA: None

13. RESOLUTIONS ON SECOND READING:

R6 Cellular Tower Lease - 1325 Oxford Drive

Authorizes the Administration to Sign a ground Lease with Crown Castle for the property located at 1325 Oxford Drive

Mr. Schweyer stated that R6 was in the Budget and Finance Committee Meeting and recommended favorably 2- 0, contingent on getting some questions answered. It was detailed in the memo that we received on April 1st regarding termination of contract and what to do with the tower after they are gone. They had questions about the structure and we wanted copies of the Site Plan. We received the answers to our question to my satisfaction and yielded to Mr. Davis. I spoke to Mr. Hilbert immediately following.

Mr. Hilbert asked Council if they had any questions.

Mr. Guridy stated that it was an issue of planting trees. How were the towers exactly did they have and some put something that looks like a tree. I see them on the highway.

Mr. Hilbert stated what you are referring to is called a Stealth Tower. It looks like a Palm Tree or Flag Pole. This is just a straight 100 point pole with a fence-in compound. The city is not requiring the Crown Castle to put trees around the compound because where it is.

Mr. Guridy stated that when the contract is over, what happens to the Tower. Do they renew the contracts? What usually happens?

Mr. Hilbert stated that the contract automatically renews in five years. We have an opinion from the Solicitor's office that after the end of the lease the tenant will no longer have the right to possess the lease the property and the city would asked that the Tower be removed. If the tenant does not remove the Tower, the city could take action to remove it and charge the tenant the cost of removal. The city does have access to this Tower for our own purpose for the radio system for our camera equipment.

Mr. Hendricks asked will we have access to that even during the lease.

Mr. Hilbert stated absolutely, radio equipment, and camera equipment, anything from a communications standpoint. We would get space on the Tower.

RESOLUTION PASSED, 7 – 0

14. RESOLUTIONS ON FIRST READING:

R9 Jordan Park Playground Project

Authorizes the submission of a grant application to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for replacement of the Jordan Park Playground.

Mr. Schweyer made a motion to vote on this resolution.

Ms. Mota seconded the motion.

Mr. Guridy asked if there were any further comments from the dais or the public.

Mr. John Mikowychok stated that in February we met with DCNR officials. This is DCNR Fund for playground equipment. There are currently six targeted and we have a playground that is over 20 years old and built in 1995. It has really shown its wear.

Ms. Paulette Hunter stated that is the playground that I used to take my son when he was young because he could hold on to the swing and when he got older he couldn't. Is this going to be an accessible playground where the swings for an older child can swing into like Cedar Beach?

Mr. Mikowychok stated yes, the playground is constructed in a way that with a four foot wide peripheral.

Ms. Hunter asked what equipment will be in there. She stated in the discussion he talked a lot about the community and I am part of the community. When we did the playground we had someone from OT (Occupation Therapy) and Physical Therapy to be a part of it so that they can make sure we have the right equipment for our kids. I would like to be a part of whatever he is doing and invite Occupation Therapy and Physical Therapy to be a part of it to pick out the equipment for our kids.

Mr. Mikowychok stated a virtual sidewalk that runs around three sides of the playground that will be an accessible sidewalk. It structure itself will have a combined walkway. The play structure itself will be part of the design process.

Mr. Guridy asked if there are any questions from the public.

RESOLUTION PASSED, 7 – 0

R 10 Action Plan

Referred to Committee of the Whole

Authorizes the submission of a grant application to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for replacement of the Jordan Park Playground

16. GOOD AND WELFARE

None

17. ADJOURNED: 8:00 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.