

Michael D'Amore, Ph.D., President
Peter Schweyer, Vice President
W. Michael Donovan
Jeanette Eichenwald
Julio A. Guridy
Ray O'Connell
Mike Schlossberg



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COUNCIL MEETING MINUTES
April 20, 2011 - COUNCIL CHAMBERS

COUNCIL MEETING - 7:30 PM

1. Invocation: Julio Guridy

2. Pledge to the Flag

3. Roll Call: D'Amore, Donovan, Eichenwald, Guridy, O'Connell, Schlossberg
Ms. Fruhwirth represented for Solicitor's Office.

4. Courtesy of the Floor

Mr. Hershman stated that under Robert's Rules of Order when City Council goes into Executive Session isn't a time limit of 15 minutes. He asked about Earned Income Tax and how will the money be appropriated. He stated that the Charter states that any tax increase, it has to be voted on.

Mr. D'Amore stated that he needed to consult Robert's Rules of Order on that matter. He stated that public entities have gone into executive session for great length of time and deferred to Ms. Fruhwirth.

Ms. Fruhwirth stated that she would look into it.

Mr. Donovan stated that he has similar concerns and asked for reconciliation from the finance department and was assured that he would get it. He stated that he knows issues have been raised and he is not a lawyer, but he was told by other lawyers that state law trumps our home rule charter on this.

Mr. Mest, 900 block of Jackson Street, stated that there is a lot of criminal activity on the 800 block of Walnut Street. He stated that the city should get cameras south of Hamilton.

Mr. D'Amore stated that he agrees that Mr. Mest does need some help. He and Mr. Guridy were out yesterday and he spoke to Assistant Chief Hanna about the concerns they have. He asked Mr. Bennington if he could address it.

Mr. Bennington stated that he is not an expert on cameras, but can look at where the future camera locations are.

5. Approval of Minutes: April 6, 2011

Approved by Common Consent

6. Old Business

Mr. D'Amore asked Ms. Fruhwirth if this would be an appropriate time to discuss what they had a Public Hearing about.

Ms. Fruhwirth stated that yes; this would be an appropriate time.

Ms. Eichenwald stated that she would like to make a motion to rescind the granting of the Economic Development Liquor License.

Mr. Guridy seconded that motion.

Mr. D'Amore stated to Mr. Hanlon that would be R25. He stated that City Council hereby rescinds R14 of 2011. He asked if there were any objections from members of Council to introduce this resolution. He asked were there any objections of Council to deliberating and voting on this Resolution this evening. He asked if there were any comments from Council or the Public on the Resolution.

Resolution passed, 6-0

Ms. Eichenwald stated that since that Resolution has been rescinded, she has one more matter that she believes that would be in the best interest of City Council and the administration, if they reviewed the process by which Economic Development Liquor Licenses are presented. What paperwork needs to be completed? How much financial disclosure needs to be done? She stated that they could do it as Mr. D'Amore sees fit in a fashion that they all review it.

Mr. D'Amore stated that if Mr. Schweyer were here he would ask him to do it under auspice of Community and Economic Development since that is the most appropriate place for it. He stated that if there are no objections, he would carry that request to Mr. Schweyer at a later time and ask him to put it on the committee agenda for discussion and drafting a policy.

Ms. Eichenwald stated perhaps it is a Committee of the Whole discussion.

Mr. D'Amore stated absolutely. He feels safe to say that Mr. Schweyer and his colleagues would want a Committee of the Whole meeting. He asked were there any objections to that. He made it a Committee of the Whole. He asked Mr. Hanlon to find a reasonably appropriate time to schedule that and give opportunities to do some drafting. He asked is a month sufficient.

Mr. Hanlon stated that Council already put in a legal request to draft rules.

Mr. D'Amore asked his colleagues would a month from now be good for the draft. He stated that date would be May 18th.

Mr. Gurdy stated that he does not believe that they will have that many come to them.

7. Communications

Mr. D'Amore stated that they do need to reschedule Arts Commission and Parking Authorities Strategic Reports and he stated that Mr. Donovan has taken the lead on this. He stated that Mr. Donovan is the Parking Authority and the Arts Commission's representative.

Mr. Donovan asked Mr. Hanlon to arrange with their superiors to work out arrangements. He stated that he knows it is a lower priority given other items.

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Donovan

The Committee has not met since the last council meeting; the next meeting is scheduled for April 27th at 6:30 PM. They received the March report and things in general look very good. The cash balance has come back and he does not know how it compares to other years, but he does know the result of good work in the finance office. They did send bills out early this year and they are way ahead.

Public Safety: Chairperson Gurdy

The Committee has not met since the last Council meeting; the next meeting is scheduled for May 4th.

Community and Economic Development: Chairperson Schweyer

The Committee met on April 13th as a Committee of the Whole and has several Bills on the Agenda. They discussed CDBG funds; the next meeting is scheduled for May 10th.

Parks and Recreation: Chairperson Ray O'Connell

The Committee has not met since the last Council meeting; the next meeting is scheduled for May 18th at 6:30 PM. The committee will be sitting down with members of the EAC for a brainstorming informative session. They are looking at early May.

Public Works: Chairperson Schlossberg

The Committee has not met since the last Council meeting; the next meeting is scheduled for May 10th.

Human Resources, Administration and Appointments: Chairperson Eichenwald

The Committee has not met since the last council meeting – a meeting needs to be scheduled to deal with the Human Relations Amendment.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson D'Amore

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

OTHER COMMITTEE REPORTS

Mr. Schlossberg stated that the IT Ad Hoc Committee met today and met with David Van Allen and had an EMS Review. They discussed their future technological needs and the committee will continue to meet in the future. Another meeting has not yet been scheduled. They are going to see how they are conducting these meetings and move on from there.

CONTROLLER'S REPORT

None

9. APPOINTMENTS:

Zoning Hearing Board Reappointments

Michael J. Engle, Term to Expire 01/03/2015

Michael M. Rosenfeld, Term to Expire 11/04/2014

Human Relations Commission

Monica K. Chibber, Term to Expired 10/25/2013

Shalon M. Easterling, Term to Expire 11/01/2011

Ms. Eichenwald stated first there is the Zoning Hearing Board Reappointments. The first one is Michael Engle who term is to expire on January 3, 2015 and Michael Rosenfeld whose term is expiring November 4, 2014. She stated that it is her recommendation that they be reappointed to the Zoning Heard Board.

Mr. D'Amore asked were there any comments on the appointments from Council or comments from the public.

Resolution passed, 6 -0

Ms. Eichenwald stated that the second she is exceedingly please about these two appointments. One is Shalon Eaterling and the other is Monica Chibber. Ms. Chibber is here this evening. She stated that she highly recommends these two women. They come with wonderful recommended and Mr. Shanker is here this evening as well. To reaffirm their commitment she received a note from Janet Ney who is the Chair of the Human Relations Commission urge us to appointment these two women.

Ms. Chibber thanked everyone and appreciates the time and the consideration given to her. She gave background about herself and stated that her grandfather came here in the late 1940s and early 50s from India and he actually started working and taking horses right here in Allentown. Shortly after that her parents came over from the 60s and 70s and started their family here. She stated that she works in Allentown and has been working in Allentown about 6 ½ years and she loves the city and is happy to be here. She stated that diversity is so important. Diversity is that uniqueness that makes this country beautiful. She stated that when she learned about the Human Relations Commission and how it protects and preserves diversity and the great work it does that is when she knew this was something that she wanted to be a part of. She thanked Council for their consideration and time.

Mr. Shanker stated that he wanted to mention that the Commission is explicitly pleased with the Mayor's selection of Monica Chibber because they never had representation to the Human Relations Commission in its more than 40 years of existence. As a result it has been a gap in the service they are able to reach in the community.

Mr. D'Amore thanked Mr. Shanker and all the work he does on the Human Relations Commission.

Resolution passed, 6 -0

10. ORDINANCES FOR FINAL PASSAGE:

BILL 18 Chamber Main Street Grant

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of One Hundred Ninety-Five Thousand (\$195,000) Dollars from the Pennsylvania Department of Community and Economic Development for a New Communities – Main Street Grant Program for the Lehigh Valley Chamber of Commerce.

Mr. D'Amore stated that this was with the Committee of the Whole with a favorable recommendation. They have a proposal.

Mr. Schlossberg stated as an employee of the Lehigh Valley Chamber of Commerce, he will be recusing himself.

Mr. D'Amore stated that it will pose a problem, but understands why Mr. Schlossberg wanted to do that. He asked Mr. Donovan if he planned on.

Mr. Donovan stated that given the situation, Mr. Schlossberg is correct that he should recuse himself. He stated that his recusal is that he is an officer and a volunteer of the organization and probably feels that since he disclosed that he thinks that it is appropriate for him to go ahead and vote since he is not a paid employee.

Mr. D'Amore stated that he agrees with that interpretation and asked Ms. Fruhwirth if Mr. Donovan correct on the interpretation. He has no direct financial interest in this matter and Mr. Schlossberg indeed does. He stated that there is a proposal for an amendment to change the supplemental appropriation and expenditure to \$50,000 and \$195,000 for the total of three years.

Mr. Guridy made a motion to make that amendment.

Mr. O'Connell seconded that motion.

Mr. D'Amore asked were there any comments from council or members of the public.

As Amended passed, 5 - 0 (Schlossberg recused himself)

BILL 19 Lead Poisoning Grant

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Nineteen Thousand Nine Hundred and Sixty Five (\$19,965) Dollars from the Pennsylvania Department of Health, Bureau of Family Health. The purpose of the Childhood Lead Poisoning Prevention Grant (CLPP) is to test children, 6 months through six years, and pregnant women for elevated blood lead levels; case-manage patients with lead-poisoning; and provide environmental inspections using a Radiation Monitoring Device (RMD) to generate inspection reports. This SAF will allow us to 1) purchase a RMD, 2) send staff to CLPP/Healthy Home training, and 3) purchase supplies.

Mr. D'Amore stated that this was from Committee of the Whole and recommended favorably. He asked if there were any comments from Council or comments from the public.

Ordinance passed, 6 – 0

BILL 22 LOAN Reappropriation

Amending the 2011 Capital Project Fund Budget to provide for a supplemental appropriation of Sixty-Three Thousand Four Hundred (\$63,400) Dollars from the Streets/Bridges Repair Capital Project to the newly created 7th Street Lighting Project and the Old Allentown Streetscape Project.

Mr. D'Amore stated that this was from Committee of the Whole and recommended favorably. He asked if there were any comments from Council or the public.

Ordinance passed, 6 - 0

11. ORDINANCES FOR INTRODUCTION:

Bill 28 10TH Street Police Station

Referred to Public Safety

Amending the 2011 Capital Project Fund Budget to provide for a supplemental appropriation of Eighteen Thousand (\$18,000) Dollars from the Streets/Bridges Repair Capital Project to the Police Facility Project.

BILL 29 CDBG-3

Referred to Committee of the Whole

An Ordinance 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; for the purpose of undertaking programs of housing and community development within the City – Communities in School Distribution.

Mr. D’Amore stated to Ms. Fruhwirth that this needs to be referred to a committee so he is going to refer it to the Committee of the Whole and will schedule that Committee of the Whole for 7:15 PM on May 4th.

Mr. Schlossberg stated that his wife is an employee with Communities in Schools in the City of Allentown and therefore he will be recusing himself from that vote. He stated that they would have to go back so that he could vote on the entire CDBG Ordinance.

Mr. D’Amore stated that it must be a separate ordinance because they are separating it procedurally. He stated that they already discussed this matter as part of the Community of the Whole as Mr. Guridy mentioned in the CEDC report. This is procedural matter. He stated that if there are no objections from his colleagues, that will be the process they will use. He stated that seeing no objection they will schedule that for Committee of the Whole at 7:15 PM.

BILL 30 UGI Reimbursement

Referred to Budget and Finance

Amending the 2011 General Fund, Water Fund, Solid Waste Fund and Liquid Fuels Fund Budgets to provide for a supplemental appropriation totaling Two Hundred Thousand Four Hundred Seventy-Seven (\$200,477.83) Dollars and Eighty-Three Cents from UGI Utilities, Inc. toward reimbursement for expenses incurred as a result of the February 9, 2011 explosion.

12. CONSENT AGENDA:

CA1 HARB Approvals: Certificates of Appropriateness for work in the Historic Districts

Mr. D’Amore asked were there any comments from Council or from the Public.

Resolution passed, 6 – 0

13. RESOLUTIONS ON SECOND READING: None

14. RESOLUTIONS ON FIRST READING:

R23 JORDAN TENNIS COURTS

Authorizes the Outsourcing of the Jordan Park Tennis Court Restoration

Mr. D’Amore stated that this is a request for Council to approve an outsourcing. The question is to vote on it this evening. He asked if there were any objections to voting on it this evening.

Mr. Donovan stated that one of the reasons why it is being done is that it has to do with lessons that occur in the summer.

Mr. Bennington stated that the USTA is doing the actual construction and time is of the essence.

Mr. Donovan stated that it is a very good program and lots of kids would be affected.

Mr. D’Amore stated to Mr. Bennington that they had a meeting with Mr. Maley on this matter as part of the informal contracting out committee. He asked Mr. Bennington if he wanted to give a summary or should he.

Mr. Bennington stated that they both could do it. He stated that they have a copy in their packet of the SEIU. He stated that Jordan Park's Tennis Courts are in bad shape and for about \$5,000 they are going to renovate these so that the USTA is going to do it so that the neighborhood can utilize it and well as residents in the City of Allentown. It is a great project.

Mr. D'Amore stated that the only thing he would add is that the USTA is going to do this in accordance with the specifications with the United States Tennis Association to make it a certified USTA court. They need to contract out because part of their certification process is that the renovations need to be done by a contractor that is certified by the USTA to do USTA approved tennis courts. He stated that the City of Allentown is not one of those. That is the primary rationale for this and asked his colleagues if they had any comments.

Mr. Guridy stated that they have a letter from the SEUI.

Mr. Donovan stated by doing this, it would open them up for a lot of interesting competitions with the kids in terms of junior competitions because it is certified as an appropriate tennis court.

Mr. D'Amore stated that is correct. They would be eligible for USTA events. That is part of the reason to get it certified.

Resolution passed, 6 – 0

R24 PARKS ROOF

Authorizes the Outsourcing of the repairs made to the Parks Maintenance Building

Mr. D'Amore stated that it is a request for this to be voted on this evening and asked if there were any objections to that.

Mr. Hoegg stated that the Building Maintenance department made several request for a roofing contractor on his staff and has not had one in excess of fifteen years. It is necessary to make the repairs on this roof. It takes a person with certain skill set that they do not have and have not had on staff therefore it is essential that they get the roof repaired sooner than later because there is very expensive equipment housed in that building on a daily basis. He stated that they have a letter of action and a response to his email from the head of SEIU saying that they do not have an issue with them using an outside contractor.

Mr. O'Connell asked if it was bid out.

Mr. Hoegg stated that it was bid out and did not get to a relative bid because they got an initial estimate of under \$4,000.

Mr. O'Connell asked how many people put a quote in.

Mr. Hoegg stated that they saw one experienced that they had a history with and he was underneath the \$4,000.

Mr. O'Connell asked if Mr. Hoegg stated under the estimate.

Mr. Hoegg stated no under the bid limit.

Mr. D'Amore stated that it was under the RFP limit.

Mr. Hoegg stated under the RFP limit is \$40,000 and under the bid limit is under \$4,000.

Mr. D'Amore asked if there were any comments from Council and stated that this particularly is a job requiring a skill set that has not been a part of city employment for many years. He stated that there were attempts to repair this roof from the city's workforce that was unsuccessful. He stated for both of those reasons he can support this. They have a letter form the SEIU. He asked if there were any other comments from his colleagues or the public.

Resolution passed, 6 - 0

15. NEW BUSINESS

Mr. Atiyeh stated that, 1909 E Commerce Street – Midway Manor, stated that he knows that they have discussed appointments before and about having the individuals here. He asked if they should make it a requirement. He stated that it is very important that the individuals are here.

Mr. D'Amore stated that they have discussed it in the past and asked if anyone on Council wanted to discuss that.

Ms. Eichenwald stated that they made great headways and 80 percent of the candidates are here. She stated with reappointments it's not as necessary because it is just a formality. She stated that tonight, they did expect Ms. Easterling to attend and she is not quite sure why she is not here, but she certainly thinks that is something they could discuss if it is a requirement or not and when they are told that a candidate cannot come they certainly are open to choosing another date for the appointment process. She stated to Mr. Atiyeh that his request is a doable one and a logical one that they can pursue. She stated that she did expect Ms. Easterling to be here this evening, but reappointments no.

16. GOOD AND WELFARE

None

17. ADJOURNED 8:35 PM

Council meetings are held on the first and third Wednesday of each month beginning at 7:30 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 hanlon@allentowncity.org to receive an email notice of the meetings.