



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, July 19, 2017

7:00 PM

Council Chambers

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#### Invocation: Roger MacLean

Rollcall

**Present:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

#### Pledge to the Flag

#### Courtesy of the Floor

#### Courtesy and Privilege of the Floor Rules

Mr. Tony Phillips, 439 Ridge Avenue, stated that tonight I have two issues. The first issue is something that was brought up to the floor when I was on the dais, voted upon, passed 5 - 1 and it has been 10 years since this issue has been resolved. It is a matter of a plaque being placed at a basketball court in the city of Allentown. It was upon by Mr. Guridy, myself, Mr. Howells, Mr. D'Amore, and Mr. Hershman, who is behind me. I am mythed because I started this debate back in March trying to inquire where this plaque is. It should have been erected back in 2007. It does have posted down there a street sign that says "Jo Jo" Smith basketball court. We wanted a plaque to commemorate this individual who spent so much time committing himself to youth of that area. On his last day, he was on the basketball court with kids coaching. Mr. Bennington was the Managing Director at that time. I think there was something wrong with the plaque, the name was spelled incorrectly and the plaque vanished. At the 600 Block of Union Street there is the Arts Academy, I am a teacher and I have nothing against the Academy, but everyday at 2:15 PM - 2:30 PM they block Union Street which is the main flow of traffic. it was an accident and a bus got hit because someone tried to go around. I hope that someone will see it as a safety issue.

Mr. Ray O'Connell stated that they will give Mr. Phillips an answer on three of his request. I remember Jo Jo Smith. He did a lot of work at Valania Park. We will find the plaque or get a new plaque. We will get in touch with you to decide exactly where you want the plaque put. It is the right thing to do. Valania Park is no longer being forgotten about. We have a Master Plan working on Valania Park. Sometimes Valania Park is forgotten. Your absolutely correct, I was coming up Union Street the other day and when

that Charter School lets out, it is a traffic nightmare. He asked Mr. Craig Messinger to pass that along to Chief Glen Dorney.

Mr. Roger MacLean asked Mr. Tony Phillips you talk to someone and they said it was a problem with the spelling. You want it to read Joseph J Smith, not Jo Jo Smith.

Mr. Tony Phillips stated yes. It is Joseph J. Smith. He stated yes.

Ms. Cynthia Mota stated that on behalf of the Arts Academy Charter School, I know that it has been a problem since the beginning. They have worked with the police department and Mr. Messinger. More needs to be done.

Mr. Joseph Tomanick, 3220 Douglas Road, stated that he came before you 13 weeks ago with a problem that I had with one of your parks department people. This is about handicapped accessibility to the park. He did not come before you to try to gain permission, I already had that permission for five years. Since the new Parks Director Lindsay Taylor took over, she has now decided that the handicapped people are restricted to a very small portion of the park for she says is safety reasons. It says in this letter that you agree with Ms. Taylor, what exactly do you agree on.

Mr. Ray O'Connell stated that you have three minutes to tell us what the concerns are and we will take it under advisement and go from there. It is not going to be a dialogue.

Mr. Joseph Tomanick stated it says here you talk to her and we are not clear exactly on what my accessibility is. It is limited, I can tell you that.

Mr. Ray O'Connell stated when Mr. Hendricks and I met with you several weeks ago, and you received a letter from the City Council and you talked to Mr. Guridy last week after the Committee of the Whole meeting. You received a letter from Ms. Taylor and if you have any concerns, you can ask Ms. Taylor your concerns. You want, we can meet again, Ms. Mota is the Chair of the Parks and Recreation and we can look at it again.

Mr. Lou Hershman, 405 N. Gilmore Street, stated his concern is about money. The City Council allowed the administration to use cash reserves. My concerns are to transfer money from cash to checking account balance and calling that cash reserves. He asked at the last meeting how much money we have in the cash reserves. You passed a budget that is not balanced. There are 12 positions in the Police Department that are vacant. He is doing it to try to make up for the money that we need to balance the

budget, the \$3.6 million? Do we have the monies to cover the payroll, and the benefits for the employees to the end of the year? How much money do we really have in the checking account balance in the General Fund? He talked about the reassessments on Hamilton Street for the new buildings. Where is the money coming from? He asked if tonight will you present the Vehicle Policy Report.

Mr. Ray O'Connell stated that when we get to the Controller's Report, it might be a comment on that.

Mr. Julio Guridy stated to Mr. Hershman that his point is valid. I asked the Finance Director to get us a report on that. He is supposed to get me one by the next meeting on the 26th.

Mr. Joe Hillard, 2819 Rhonda Lane, gave an update on the Right to Know I submitted. There is no surprise, they took the 30 days extension due to the volume of records. I have EMT information if any Councilperson wants that. I did get a check registered document, but I have not reviewed it yet. We are going to get to the bottom of this because citizens have been raising financial questions going back a decade. There are shenanigans going on. The bank statements going back to 2001, I have to commend Ms. Fruhwirth and Lisa Scott, they went through a lot to get me the information even though it was late. When I reviewed it, Finance did not give them anything close to what I ask for. I am making a bad faith appeal. We are not going away. I read in the paper that you are being denied information so you have to go through the Right to Know laws. That's the most legal, powerful option I have.

Mr. Roger MacLean advised Mr. Hillard to send Mr. Hanlon an email.

Mr. John Lungy, 935 N. 17th Street, stated that he is concerned about the bamboo issue. It is being to be a major problem. He asked Council to ban bamboo in the Allentown area. The bamboo is growing on my side. Nazareth and Bethlehem are considering banning bamboo because it is bad. It ruins the foundation.

Mr. Ray O'Connell stated that we don't have an Ordinance on that issue. He asked Mr. Lungy to give Mr. Hanlon your contact information.

Mr. Kenneth Heffentrager, 214 N. Saint Cloud - Allentown Tenants Association, asked who is in charge of Building Standards and Code Enforcement. When we call in we are playing phone tag all over the place. He asked if someone from Community and Economic Development or Building Standards come in and update us on the \$2.4 million the Mayor was for the housing stock of Allentown. He stated that we pay Waste

Management an awful a lot of money to pick up our trash to drop it in the streets, break containers and throw things on vehicle or hit vehicles and keep going. He asked if the city can send someone out there and watch them. He talked about the Inclusionary Zoning and stated that the Allentown Tenants Association still says no. He talked about rent stabilization not putting a cap on landlords, but putting a cap on raising it from \$300 like the guy did on Union Street. Rents are still sky rocking around the NIZ. Rent stabilization could be the answer. He invited Council to the Mayor's walk next Tuesday on the Tenth Ward.

Mr. Ray O'Connell asked Mr. Lightner who is in charge of Building Standards and safety.

Mr. Leonard Lightner stated that right now I do not have a Director for Building Standards and Safety. We are in the process of applications are out and resumes are coming in. I am hoping to make a decision within the next 15 - 30 days. He stated to Mr. Heffentrager, you can reach out to me.

Mr. Scott Marshall - Oath Accountability Project, stated that over the past few months he has been documenting the police in the area. You have seen and heard some of my videos. What I have noticed is an increase aggression and the police are targeting certain members of his organizations. On Saturday night, we were filming a stop and when the stop was over the officer decided to drive down the street where my car was, park behind the car, and got out and walked around it with a flashlight. To me it is unacceptable behavior on someone who is trying to exercise their rights. These are police officers and need to be held at a higher standard. He talked about the Allentown City Without Limits Facebook page is constantly deleting comments on its page. You were almost like instigating them to do something and I don't think that is the type of behavior you should do, personally.

Ms. Candida Affa stated that I know you don't have to give your address, but are you from Allentown.

Mr. Scott Marshall stated that he lives in the surrounding area.

Mr. Roger MacLean asked if Mr. Marshall made some of these infractions to the attention of the Command Staff and the Chief of Police.

Mr. Scott Marshall stated that he made several complaints to different officers and made several calls to Professional Standards. He stated that he had a couple calls returned from Professional Standards.

Mr. Julio Guridy stated that he had an opportunity to watch your videos on Facebook and I am a little bit concerned.

**Approval of Minutes:**

**Yes:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

[15-1685](#) June 7, 2017 City Council Approval of Contracts Professional Services Meeting Minutes

**Attachments:** [45 June 7, 2017 City Council Approval of Contracts Professional Services Meeting Minutes](#)

[15-1689](#) June 7, 2017 City Council Meeting Minutes

**Attachments:** [47 June 7, 2017 City Council Meeting Minutes](#)

[15-1713](#) June 21, 2017 City Council Approval of Contracts Professional Services Meeting Minutes

**Attachments:** [52 June 21, 2017 City Council Approval of Contracts Professional Services Meeting Minutes](#)

[15-1716](#) June 21, 2017 City Council Meeting Minutes

**Attachments:** [53 June 21, 2017 City Council Meeting Minutes](#)

**Old Business: NONE**

**Communications: NONE**

**Reports FROM COMMITTEES:****Committee of the Whole:**

The Committee of the Whole met on Wednesday, July 12 at 6 PM and forwarded Bill 40 favorably with an amendment which is on tonight's agenda.

**Budget and Finance: Chair Guridy, Hendricks, Mota**

The Committee has not met since the last council meeting; the next meeting is scheduled for July 26th at 5:30 PM. The CAFR was submitted on time and was posted on the website; the committee is scheduled to have a presentation by the auditors on the CAFR, management letter and single audit on August 23rd at 6 PM.

**Community and Economic Development: Chair McGuire, Guridy, Mota**

The Committee met this evening; the next meeting is scheduled for July 26th at 6:30 PM – we will be reviewing legislation being introduced this evening having to do with CDBG and other federal funds.

**Human Resources, Administration and Appointments: Chair Affa, MacLean, McGuire**

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

**Parks and Recreation: Chair Mota, Affa, O'Connell**

The Committee has not met since the last council meeting; the next meeting is scheduled for August 2 at 5:30 PM to review legislation being introduced this evening.

**Public Safety: Chair Hendricks, MacLean, Affa**

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

**Public Works: Chair MacLean, McGuire, O'Connell**

The Committee met this evening; a future meeting is not yet scheduled.

**Rules, Chambers, Intergovernmental Relations and Strategy: Chair O'Connell, Hendricks, Guridy**

The Committee has not met since the last council meeting; a meeting will be scheduled shortly to deal with legislation being referred to the committee this evening.

**Ad Hoc Committee on Inclusionary Zoning: Co- Chairs Guridy and McGuire**

The Committee has prepared a white paper and is in the process of reviewing the report.

**City Controller's Report**

Mr. Jeff Glazier stated that he has two reports. He will comment on the question made earlier on the take home vehicle policy. We are doing some data collection. We still have some questions to exactly what the Ordinance means. It was not written in the most clear and straight forward way. When we get those questions sorted out, I will report to Council. Every report is written and posted on the website. Back in June or the end of May we had a conference where a first class ticket was purchased and Council raised some questions. My office went to look at that travel in a very detailed way. This went out as a memo to Mr. Hartzell, the Mayor and Mr. Hanlon. It should be noted that it was not in violation of the AIMS, everything has been paid for, but the observation does realize the disparity in the travel expenses and the need to centralize the purchasing of travel services. Someone in Purchasing should handle some of the larger travel to out of town conventions. A government rate was not used. The hotel was not sure whether there was availability of that rate at that time. None of this is against the AIMS, but we have an obligation to use our money in the smartest way possible. This information should be on the Controller's website as well.

Mr. Ray O'Connell stated that nobody should be flying first class. Fly coach, first class is out of bounds.

Mr. Roger MacLean stated that before he retired, we would have one person book everything for everybody in the Police Department. Whether it be flights, rooms, travel by car or train. One person did it and she was responsible to find the lowest price. Those things do bother me because why are we paying more for adults to sit together.

Mr. Jeff Glazier stated that the Conference that they went to is an important Conference and the city receives a tremendous amount of benefits from our folks going there. We need to do so in an efficient manner.

Mr. Julio Guridy stated that he totally agrees and thanked Mr. Glazier for looking into that. He agrees with Mr. MacLean. It is an abuse of tax dollars of the city.

Mr. Leonard Lightner stated that it was in his department and explained what happened. This was not an intentional thing. This Conference was scheduled and they came to my department and asked if these individuals can attend this Conference four days before this Conference. Our Executive Secretary is the one that does the booking for CEDC. At that moment, it was in error.

Mr. Jeff Glazier gave the check report. He stated that they reviewed 681 checks in the month of June. The total amount of the checks were a little bit

over \$3.5 million. We did 16 wires for about \$1.3 million. Some of the same issues came up. We have some untimely wire postings to Eden. There was some discussion on proper mileage reimbursement. It wasn't in compliance with AIMS. Finance is looking to revising the AIMS. We had five checks that had late fees on them. The late fees totaled \$38.45. We had one bill that we had a week reimbursement documentation. We had a bunch of invoices that were paid late.

[15-1679](#) Inclusionary Zoning Material

**Attachments:** [Inclusionary Zoning - Kimmerly](#)  
[Affordability Census Tracts](#)  
[White Paper](#)  
[Affordability analysis](#)  
[Census tracts affordability](#)  
[Downtown Housing Assessment ANIZDA 2015](#)  
[Nexis Study - CeCe forward](#)  
[LAW MEMO TO CITY COUNCIL 2-10-17](#)  
[New York Secures the Most Affordable Housing Units in 27 Years](#)  
[Housing-asset-management - Fels](#)  
[Upside Allentown Plan, 2014](#)  
[Strategies-for-Increasing-Housing-Affordability pdf-1166616292](#)

**Appointments:**

[15-1721](#) Memo from Mayor Pawlowski regarding Appointments to the Arts Commission for City Council's consideration.

Name	Authority/Board/Commission	Term to Expire
David Mickenberg	Arts Commission	01/03/2021
Deborah Rabinsky	Arts Commission	01/03/2021

Mr. Mickenberg and Ms. Rabinsky are currently members of this commission.

Appointments to the Nuisance Abatement Board of Appeals

Rosalie Desilva - Private citizen resident - 2 year appointment - 7/19/2019  
 Mario (Rigo) Peralta - Private business owner - 2 year appointment - 7/19/2019

**Attachments:** [Memo from Mayor Pawlowski regarding Appointments to the Arts Commission \(David Mickenberg and Deborah Rabinsky\)](#)  
[Mario \(Rigo\) Peralta - Nuisance Abatement Board of Appeals Appointment Application](#)



Mr. Ray O'Connell thanked Ms. Affa and stated that the Nuisance Abatement Board of Appeals is important to get it up and running. We have some businesses that are violations.

**Yes:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

Enactment No: 29526

### **ORDINANCES FOR FINAL PASSAGE (To be Voted On):**

[15-1668](#)

Bill 40 Committee of the Whole, forwarded favorably Amending Part III, Business Regulation and Taxation Code, Title One Businesses and Licensing Code, of the City of Allentown Code by Creating Article 320, Appropriate Mental Health Services, which would prohibit licensed professionals from engaging in counseling, practices, or treatments that seek to change a minor's sexual orientation or gender identity.

AMENDMENT: Add a new section 320.04 entitled: Enforcement: Investigation of Complaints of Violation, Notice and Hearing to read as follows and lettering the current existing paragraph d (copies of the amended version are at the back of the room and on the website).

(a) There is hereby established a Complaint Administrator to investigate complaints for the violation of Section 320.02 of this Ordinance. A Licensed Mental Health Professional shall be nominated by the Mayor and confirmed by City Council to serve in this capacity.

(b) Neither the Complaint Administrator nor the Appropriate Mental Health Services Appeals Board, established under Section 320.05 of this Ordinance, shall have the ability to compel the production of records or any materials that are made confidential by federal or state law or that are protected from disclosure by a lawful privilege, unless a valid waiver of the privilege is made.

(c) The Complaint Administrator and the Appropriate Mental Health Services Appeals Board, established under Section 320.05 of this Ordinance, shall not divulge confidential or privileged information that is disclosed during the Enforcement process under this Section 320.04 to anyone outside the Enforcement process.

(d) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing conducted by an appeals board. The notice shall be mailed, postage prepaid, to the licensee at the licensee's last known address at least five days prior to the date set for hearing.

**Attachments:** [Bill 40 Appropriate Mental Health Ordinance](#)  
[Bill 40 - Amended Version](#)  
[Legal Memo Bill 40](#)  
[LRS 2017-045 Continuation- Explanation for Need of Amendments](#)  
[National Task Force Letter to Legislators on FTC Complaint - June 5 2017](#)  
[Letter-Pennsylvania Psychiatric Society](#)  
[Letter- KidsPeace](#)

Mr. Ray O'Connell stated that Council has a Special Committee of the Whole meeting last week. It was done by Common Consent and it was unanimous. He asked any comments from my comments on Bill 40. He asked if there were any comments from the public.

Mr. Adrian Shanker, Executive Director - Bradbury Sullivan LGBT Community Center, 522 W. Maple Street, stated that tonight is a proud a historic night for the City of Allentown. With your vote tonight, you have the opportunity to become the 20th municipality in America to ban the harmful, unscientific and discredited practice referred to as Conversion Therapy. At last week's Committee of the Whole meeting you have received written testimony from Kids Peace Hospital and the Pennsylvania Psychiatric Association endorsing this Ordinance and you heard testimonies from pediatricians, mental health professionals who confirmed the harmful and negative impacts of Conversion Therapy on youth that are forced to undergo it. You heard testimony from clergy who confirmed that this Ordinance does not infringe on free practice of religion and in fact is supported by many people of faith. You heard testimony from the Director of the Health Bureau who had polled local pediatricians and told yes, Conversion Therapy is practiced in the Lehigh Valley. Junk science has no place in a clinical environment. On behalf of the Bradbury Sullivan LGBT Community Center, I thank you as all members of Council for your unanimous support last week for the appropriate Mental Health Ordinance.

Mr. Ray O'Connell thanked Mr. Shanker and asked if anyone else from the public wanted to speak.

Pastor Bob Stevens, Zion Liberty Bell United Church of Christ, 620 W. Hamilton Street, stated that it is helpful by a member of the Clergy that this legislation is not about religion or religious rights. It is about the rights of youth and children to be protected from Psychological practices. There are all too many people out there that want to make this a religious issue. I found out last week from some posts on my Facebook page. After almost 40 years in ministry I have to say that when it comes from my readings of the bible people are abusing the scriptures to justify their abuse of people. This legislation is not about religion and not about religious rights. It is

about the rights of youth and children to protective against abusive psychological practices that have been identified as such in both the medical and mental health community. He urged Council's support on Bill 40.

Ms. Phoebe Harris, 1817 17th Street SW, stated as a moth of a gay child, I want to thank you for this legislation so that other children never have to go through what my son went through growing up in church. They believing that being gay was a sin. That being gay was not natural. We all know that you are born that way. You cannot pray it away. It is in you and that's who you are. She thanked Council for putting this forward so no other child will have to go through this.

Mr. Adrian Shanker stated that Mayor Pawlowski is planning to sign this Ordinance into law tomorrow at 12:30 PM at Bradbury Sullivan LGBT Community Center. It is open to the public. We are at 522 W. Maple Street. When he does that, Allentown will become the second municipality in Pennsylvania following the city of Pittsburgh. Allentown will be on the leading edge and we thank you for your support.

Mr. Roger MacLean stated that this is not a religious Ordinance that we passed tonight. It is a mental health professional Ordinance.

**Yes:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

Enactment No: 15382

[15-1696](#)

Bill 41 Community and Economic Development Committee, this evening Amending the 2017 General Fund Health Budget to provide for a supplemental appropriation of Fifteen Thousand Seven Hundred (\$15,700) Dollars as a result of a grant from the Pennsylvania Department of Health, Bureau of Public Health Preparedness for preparedness and response activities.

**Attachments:** [Bill 41 Emergency Preparedness Grant](#)

Dr. David McGuire stated that the Bill was passed by our committee, 3 - 0 unanimously for consideration by Council.

Mr. Ray O'Connell asked any other comments by my colleagues on Bill 41 or the public.

Mr. Kenneth Heffentrager asked about Public Health Preparedness for preparedness and response activities.

Ms. Vicky Kistler stated that the grant comes from the Pennsylvania State Department of Health and it is for public health preparedness and training.

It is for how to respond to public health emergencies.

Mr. Ray O'Connell asked any other comments on Bill 41.

**Yes:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

Enactment No: 15383

[15-1697](#)

Bill 42 Public Works, this evening  
Amending the 2017 Capital Fund Budget to provide for a supplemental appropriation of Nineteen Thousand Eight Hundred Ninety (\$19,890) Dollars as a result of a grant from the Pennsylvania Department of Conservation and Natural Resources (DCNR) for the students of Penn State to conduct an inventory off all the street trees within the City.

**Attachments:** [DCNR STREET TREE INVENTORY GRANT.docx](#)

[DCNR Final check.pdf](#)

[DCNR final payment letter.pdf](#)

Mr. Roger MacLean stated that the committee voted in favor of it, 3 - 0 to send to full Council.

Mr. Ray O'Connell asked if there were any other comments from my colleagues or the public.

**Yes:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

Enactment No: 15384

## RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-1694](#)

R132 Public Works, this evening  
Recommends Congress support a Carbon Fee and Dividend to Address Climate Change

**Attachments:** [R132 Calling for the United States Congress to Address Climate Change](#)

Mr. Roger MacLean stated that they head this Resolution at the Public Works meeting tonight at 5:30 PM and it was recommended to Council, 2 - 1.

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

Ms. Martha Christine, 107 Mount Airy Avenue - Bethlehem, Citizens Climate Lobby, urged Council to pass this Resolution and read a letter from an Allentown resident who was unable to be here tonight. It is from Joseph Scrapets from 127 N. 10th Street. She stated that a carbon fee

and dividend would be a market-based approach to lowering emissions of carbon dioxide from fossil fuels. It has bipartisan support. None of us can afford the effects of climate disruption and all of us share responsibilities seeking solutions. City Council can amplify our concerns and signify our commitment to preserving a habitable planet for future generations by adopting Resolution 132.

Mr. Ray O'Connell thanked Ms. Christine and asked if there were any other comments.

Ms. Katherine Hoffman, 1649 Linden Street, gave a description of the carbon fee and dividend process created by Citizens Climate Lobby. As long as fossil fuels remains artificially inexpensive their use will rise. Carbon Fee and Dividend will do four things: It will account for the costs of burning fossil fuels in the price consumers pay, it will cut emissions enough to stay below the two degrees Celsius threshold for dangerous warming, it will grow jobs, and GDP without growing government, and it will recruit global participation.

Ms. Sofie Kiberland, 4188 Cartier Drive, stated as a young person this issue is closest to my heart. I want to be able to live a long life with a stable planet, not destroyed by the generation before me. This warming without such action will steal my future away from me, my children and theirs. She stated for her future and all young people, she asked Council to pass Resolution 132.

Ms. Edith Ward, 851 S. 12th Street, floor 2, stated that she would like Council to adopt Resolution 132. She feels that climate change is the most important issue that we face as a world. As a nurse she is concerned about carbon emissions. She stated that she works at KidsPeace and 1/3 of the kids have inhalers. She witnessed people struggling to breathe and it is a terrible thing. She stated that she really hopes that Council adopts this Resolution.

Mr. Richard Neisenbaum, 921 W. Turner Street, stated that he is proud to say that Muhlenberg College with leadership of John Williams has made a similar recommendation by joining the top colleges and universities nationwide urging this as a solution to climate change. He urged Council to join Muhlenberg as a leader to do the right thing in terms of Climate Change.

Ms. Madeline Weeko, 2403 Liberty Street, stated that she believes so strongly for Carbon Fee and Dividend because of the evidence that Citizens Climate Lobby has gotten. They did a study by the Remy Group. One thing that struck me was two thirds of household will receive more in

the dividend then they pay money for fuel. Over the course of 20 years, it is estimated by the Remy Group that the Carbon Fee and Dividend Policy will create 300,000 for the mid-Atlantic region alone.

Mr. Spencer Sniggs, 721 W. Green Street, stated that according to the World Health Organization 180,000 people die in America from the exhaust from the coal electricity. From that alone this will be a good thing.

**Yes:** 6 - Ray O'Connell, Daryl Hendricks, Candida Affa, David McGuire, Julio Guridy, and Cynthia Mota

**No:** 1 - Roger MacLean

Enactment No: 29527

[15-1748](#)

R142

Authorizes Submission of an Application to the Pennsylvania Department of Community & Economic Development's Multimodal Transportation Fund for a Grant of One Million Six Hundred Two Thousand Four Hundred Eighty-Eight Dollars (\$1,602,488) for Use in the Upside Allentown Pedestrian Streetlighting Program

**Attachments:** [R142 Pedestrian Streetlight Grant](#)

Mr. Craig Messinger stated that this is a grant request for a multi module grant with DCED to continue on with the projects that we have been doing this year. We worked on Turner, and Chew Streets. It would extend the project to Gordon and Liberty. It is basically the same thing. Handicapped ramps, lighting, pedestrian lighting and trees to beautify the area.

Mr. Ray O'Connell thanked Mr. Messinger and asked if there were any comments from my colleagues or comments from the public.

Mr. Kenneth Heffentrager asked how many blocks it covers from Gordon to Liberty.

Mr. Craig Messinger stated three blocks on each, 4th through 7th Streets. He stated that it is splitting them between the two streets. Lighting is very expensive. A lot of these homes have vaults or basements.

Mr. Ray O'Connell asked if there were any other comments from the public on R142.

**Yes:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

Enactment No: 29528

[15-1754](#)

R147

Certificates of Appropriateness for work in the Historic Districts: 34 N. 11th

Street and 36 N. 11th Street

**Attachments:** [R147 HARB Resolution](#)

[HARB Cases](#)

Mr. Ray O'Connell asked any comments from my colleagues on the historic district work. He asked if there were any comments from the public.

**Yes:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

Enactment No: 29529

[15-1747](#)

R143

Requests more Speed in the Delivery of Justice to the Citizens of Allentown

**Sponsors:** Affa, Hendricks, McGuire, Mota and O'Connell

**Attachments:** [R143 Delivery of Justice](#)

Mr. Ray O'Connell asked if there were any comments from his colleagues.

Ms. Candida Affa stated that for the record she sponsored this. She stated that she doesn't want to overshadow what the Mayor has done over the past 12 years. I am forever grateful for the things that he has accomplished in our city, but we can't deny that we had this cloud now for two years. It has affected almost everybody in the administration and you can't tell me, it doesn't affect the Mayor. It is the only reason why I am sponsoring this and asking the Justice Department and the FBI because we are being held hostage with this. This is not asking them to indict the Mayor or exonerate the Mayor. Hopefully, we can put this behind us and move the city forward.

Ms. Cynthia Mota stated that she is also a sponsor, but I want to make people understand. She stated that she does not agree where it says that the Mayor is incompetent. I really believe that he has done great things for the city. If the Federal Government has nothing on him, I think that they should just exonerate him.

Mr. Julio Guridy stated that he is not one of the sponsors of this Resolution. I do respect my colleagues and support them in the whole issue of making sure we have an end to this ordeal that we find ourselves into. I don't feel that a Resolution to the highest law enforcement agency will do much. If anything, I would recommend that the Lehigh County DA sends a letter and talk to his colleagues at the federal government.

Mr. Daryl Hendricks stated that he is also a sponsor of this Resolution. He thinks that the citizens of this city deserves an open and honest government from their elected officials. They have been denied this as this investigation remains open and on-going. I have the upmost respect for the

FBI and the US Attorney's office, having myself worked more than 40 years in law enforcement. This is not a criticism of them. I am just encouraging them to move this case to a prompt resolution and remove the cloud hanging over our great city.

Mr. Roger MacLean stated that he is not a sponsor of this Resolution. He stated to Mr. Guridy that he thinks it would be inappropriate for the DA to send a letter to them. This is a federal investigation. I have been in law enforcement over 40 years myself. I know that investigations don't go as fast as you want them to. Sometimes they don't go as smoothly as you want them to. I am familiar with a lot of the FBI agents in the local office. I know that there is a reason for this taking so long and while I agree with the facts as outlined in the Resolution, I am going to vote no for it because it has to be a good reason and I know there is a good reason why it is taking so long.

Mr. Julio Guridy stated that he agrees with Mr. MacLean. There has to be a reason why and I am sure they know what they are doing.

Mr. Ray O'Connell asked if there were any other questions on Council. If not, I will open it up to the public.

**Yes:** 5 - Ray O'Connell, Daryl Hendricks, Candida Affa, David McGuire, and Cynthia Mota

**No:** 2 - Roger MacLean, and Julio Guridy

Enactment No: 29530

## **ORDINANCES FOR INTRODUCTION (To be referred to Committee with public comment prior to referral)**

### [15-1715](#)

Bill 43 Refer to Rules, Chambers, Intergovernmental Relations and Strategy

AN ORDINANCE DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE NOVEMBER 7, 2017 GENERAL ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO LIMIT THE TERM OF THE OFFICE OF CITY COUNCIL MEMBERS AND THE CITY CONTROLLER TO TWO (2) TERMS

**Attachments:** [Bill 43 Term Limits for City Council Members and City Controller](#)

Mr. Ray O'Connell asked if there were any comments from his colleagues on Bill 43 or comments from the public.

REFERRED TO RULES, CHAMBERS, INTERGOVERNMENTAL RELATIONS AND STRATEGY



[15-1752](#)

Bill 44 Parks and Recreation, this evening  
Amending the Codified Ordinance Part IV, Streets, Utilities, Public Services, Title 7 – Parks and Hamilton Street, Article 951, Park Regulations by revising the sale of merchandise by mobile vendors - Section 951.12 Sale of Merchandise Prohibited and the standards for the issuance of a use permit – Section 951.18(A-2) – Permits. No mobile food or non-food vendors may vend within Two Hundred Fifty (250') feet of an event perimeter without written permission from the event organizer. Permitted activities must be organized by a non-profit organization, or directly benefit an Allentown-based non-profit organization. For-profit events are not permitted to be held in a City park unless they directly benefit an Allentown based non-profit organization.

**Attachments:** [Bill 44 Park Regs](#)

Mr. Ray O'Connell asked if there were any comments on Bill 44 from his colleagues or comments from the public.

REFERRED TO PARKS AND RECREATION

Enactment No: 15387

[15-1751](#)

Bill 45  
Amending Part III, Business Regulation and Taxation, Title 9 - Fees, Article 400, Park and Recreation Fees by revising the fee schedule for special events - Section 400.08 Special Event Fees by establishing a fee for the use of the city podium at \$50 and a \$200 refundable deposit, and waiving the special event fee for Easter Egg Hunts (noting the fees for pavilions, fields, street closures and all other event requirements must be followed including Certificate of Liability Insurance).

**Attachments:** [Bill 45 Recreation Fees](#)

Mr. Ray O'Connell asked if there were any comments from his colleagues or the public.

REFERRED TO PARKS AND RECREATION

Enactment No: 15388

[15-1753](#)

Bill 46  
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.

**Attachments:** [Bill 46 CDBG HOME - Rental Rehab.doc](#)

Mr. Ray O'Connell asked if there were any comments from his colleagues or the public.

Mr. Kenneth Heffentrager asked when it goes to committee, will it be a list of the amount of money being coming back to the city. He stated that would be my question for the next one too. He asked if that is the same answer.

Mr. Ray O'Connell stated that he thinks it will be a part of the committee meeting. We will get the information the data, and statistics.

#### REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT

[15-1755](#)

Bill 47

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; 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.

**Attachments:** [Bill 47 CDBG CONSOLIDATED PLAN.doc](#)

Mr. Ray O'Connell asked if there were any comments from my colleagues or the public.

Mr. Kenneth Heffentrager asked if it will be a list of the amount of money coming back to the city.

Mr. Ray O'Connell stated that we will get the data and statistics for you.

#### REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT

### **RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):**

[15-1714](#)

R144 Refer to Rules, Chambers, Intergovernmental Relations and Strategy  
Supports an Open Government Platform and Establishes an Ad Hoc Committee to make recommendations to Council and the Administration on an Open Data Policy

**Sponsors:** Mota, McGuire, MacLean, Hendricks, O'Connell and Affa

**Attachments:** [R144 Open Government and Transparency](#)  
[Harvard 2017 Municipal Open Data Privacy Report](#)  
[Governing Post](#)  
[Seattle 2017 Open Data Plan](#)  
[Seattle Exec order 2.26-EO](#)  
[Seattle Open Data 2016 Annual Report](#)  
[Seattle Open Data Policy V1](#)  
[Seattle OpenData Playbook 2016](#)

Mr. Ray O'Connell asked if there were any comments from my colleagues or comments from the public.

REFERRED TO RULES, CHAMBERS, INTERGOVERNMENTAL RELATIONS AND STRATEGY

[15-1750](#)

R145

Approves the Submission of the Action Plan to the United States Department of Housing and Urban Development

**Attachments:** [R145 CDBG ACTION PLAN.docx](#)  
[one year action plan draft](#)

Mr. Ray O'Connell asked if there were any comments from my colleagues or comments from the public.

Mr. Kenneth Heffentrager asked if there is an opportunity to see what this Action Plan is.

Mr. Ray O'Connell stated that it goes back to committee. It may be on the website before that.

REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT

Enactment No: 29536

[15-1749](#)

R146 Refer to Public Works

Authorizes encroachment of a landscape wall & fence at 313-315 N 27th Street along Monroe Street

**Attachments:** [R146 13 N 27th ST Encroachment](#)  
[313 N 27th MAP.pdf](#)  
[313 N 27th ST APPLICATION.pdf](#)

Mr. Ray O'Connell stated that he wants to vote on this evening. He stated that he talked to Mr. Berger earlier. The administration has no concerns

with this.

Mr. Ted Berger stated that this was an Encroachment permit that came in. The only reason it came to Council is because in the alley on the side there is a three foot public right a way which are out to the curb line. There is no sidewalk there. This alley doesn't even go completely through the block. It is on record as an open alley, but it is not open. it is basically used by the owner that is doing this work and the other owner for their garages. It is a big enhancement to the property. There was an old retaining wall to the front of the property. He replaced with brand new and he just wanted to run it up to the side of the alley and we have no problem with this whatsoever.

Mr. Julio Guridy asked what is the landscape that is there now.

Mr. Ted Berger stated that he has a stone wall in front of the property behind the sidewalk and it was grass up to the street on the sidewalk.

Mr. Daryl Hendricks stated that he imagines that there is no use or thoughts on re-opening that alley anytime in the future.

Mr. Ted Berger stated that we probably lost rights to it if it hasn't been open in so long. The section that is not open even though it shows on the plans that it is an open street. If we have done nothing to it, we probably won't have rights to it.

Mr. Ray O'Connell asked if there are any other comments from Council or the public.

**Yes:** 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

Enactment No: 29531

## **NEW BUSINESS**

Ms. Cynthia Mota stated that she is please to announce that once again 30 baseball players and there coaches/members will be visiting Allentown to play ball. They will arrived July 28, 2017. A number of games have been scheduled at the field at Fountain Park starting on July 29. I will like thank Mr. Butz for his participation and sponsorship. The trip for these children is much more than simply playing baseball. It is an enrichment and cultural experience and a once in a lifetime opportunity.

**GOOD AND WELFARE: NONE**

**ADJOURNED: 8:41 PM**