



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, October 19, 2022

6:30 PM

Council Chambers

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#### Invocation:

#### Pledge to the Flag

#### Roll Call

**Present:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Excused:** 1 - Cynthia Mota

#### Courtesy of the Floor

#### Courtesy and Privilege of the Floor Rules

Mr. Mark Lima, 523 W. Tuner Street, stated that this is a quality-of-life issue. We have a problem with parking in this city here and he came home about 11:00 PM on several occasions and there is not a single parking spot in Zone 2. He had a group meeting with Mr. Morgan and several others in the parking authority and they said well, we are only just a group we only do enforcement and to call the City Council. He stated that he called them a couple of weeks ago and no one ever called him back. He stated that he spoke to this wonderful woman named Tawanna Whitehead, she needs a raise. She is a great lady and again she gave my address, and no one ever called him back. None of them. The problem is the Authority must take statistics and in Zone 2 there is no parking so after midnight, now that everybody is working, they park where they should not, and they need to park. We live there. He stated that he is getting old and can't walk. He drove all the way to Seventh Street where you took away parking a few months ago and there is no parking there, there is no parking on Chew and there is no parking on Turner. He walk a half of a block on Linden and there are 50 spots and there are 50 spots every night on Linden. He is not sure why the Parking Authority and several of you are on The Parking Authority board. There is no real access to them. He would think they would have statistics about a spike in tickets given out in at least Zone 2. If that is being the case he does not know why they would not look to reshuffle things. Is this because the NIZ and the roads are smooth gets a better deal. Because as soon as you cross on Sixth Street, it is the mountains and the moons out there driving on the road. He is looking to see if he can help his neighborhood where people are getting ticketed on a daily basis in front of fire hydrants and things that they absolutely they

should not do. Where are they going to park? He spent four hours coming from Newark Airport and he comes home and he was there until four in the morning waiting for somebody to go to work so that he could park. He stated that he does not know what else to do and as he said none of them called him back. He left messages with several of them. The ones that are on the board of the Parking Authority and he is looking for at least some thoughts of how to deal with this.

Mr. Ed Zucal suggested that Mr. Lima give his information to Mr. Hanlon so that the two Councilmembers that are on the board of the Parking Authority can arrange either for you to meet with them and the Parking Authority or come up with another solution for you.

Mr. Daryl Hendricks stated that he will give Mr. Lima a call tomorrow.

Ms. Dana Hanchin, president and CEO - HDC Midatlantic headquartered in Lancaster, Pennsylvania on E. West King Street. She is here with her colleagues Ian Ross, Director of Real Estate Strategy as well as their partner Brad Felsinger from the Alliance of Building Communities. She appreciates the opportunity to provide remarks today. HDC is a nonprofit affordable housing development organization headquartered in Lancaster, Pennsylvania. Their mission is to build hope and opportunity for all residents to reach their full potential by creating and preserving and strengthening affordable housing communities. They own and manage over 3,400 apartments, serving 5,000 residents and 73 communities in urban, rural and suburban communities in Pennsylvania, Delaware and Maryland. Across their 50 year history, they have served over 50,000 people in need of housing. Collectively, that total \$325 million in investment and about \$1 billion in economic impact. She is here today because they have two planned affordable housing communities. She heard in the earlier session, that there is a lot of talk with all the development going on and what is affordable and equitable not only to incoming residents, but also their long-term residents. She stated that she wanted to speak to them about that today. Those two developments are 1528 W. Hamilton Street as well as 332 N. Front Street. W. Hamilton Street is 49 apartments that will serve lower income seniors as well as a set aside for individuals with intellectual disabilities. On Front Street, they are looking at building approximately 24 - 39 apartments for low-income families or low-income seniors. Next week, they are meeting with the Riverside Civic Association to talk about those plans. Please know that they do not see themselves as just a developer only. They see themselves as a long-term partner, an owner, a property manager and provider of supportive services to ensure housing stability for those who reside in our properties. They see themselves as providing affordable housing, not only for today, but for generations to come. Over the past four years, they have been

collaborating with the Alliance for Building Communities as well as the Eastern PA Down Syndrome Center to advanced 1528 W. Hamilton Street. Last year, they got an allocation in the low-income housing tax credit program by the Pennsylvania Housing Financing Agency. The major financing vehicle to build affordable rental housing. They have been working over the past four years to advance this program and unfortunately, they are struggling with the economic impact of the pandemic on this \$19 million project and now face a significant funding gap due to escalating construction costs, inflation, labor shortages, and supply chain disruptions. They have made a request to the Pennsylvania Housing Finance Agency to help fund some of that gap of \$4 million. However, it will take many sources and organizations to keep and close that gap. This is why they are here today. They really would like to request \$1.2 million in an ARPA allocation to support and advance this affordable housing to close the gap. They are concerned that if they fail to close the gap, the impact could be substantial causing significant delays as well as a possible reduction in units if they are not able to do so. In closing, she wants to recognize and acknowledge a personal story of Councilmember Ce Ce Gerlach. Who shared her story last week in The Morning Call. The most devastating fact that she walked away with was that 90 percent of the people who experienced homelessness in the Allentown area, who called for help, could not get housing. Unfortunately, this is the same experience that HDC has. They receive over 100 inquiries a day for affordable housing from people who are in crisis now, but it is rare that they can provide immediate assistance because their waiting list is so long. It often takes anywhere from six months to two years for an apartment to become available and it typically takes four years from a plan development from concept to completion to actually be ready to lease up. You can see that we are in a very difficult situation and a long hard road to achieve success and meanwhile the need continues to grow. We stand here ready to collaborate, to help figure out how to continue to move forward 1528 W. Hamilton as well as our planned project along Front Street to provide those approximate 90-unit housing that are in play right now that could be delivered with your support. She stated that she really appreciates the time and consideration and stand ready to help them and collaborate to continue to provide affordable housing in Allentown.

Mr. Ed Zucal stated to Ms. Hanchin if she has any documents, she can give them to the Clerk for him to give to Council later. He asked if anyone else had comments under Courtesy of the Floor.

[15-5406](#)

Letter to Council from HDC MidAtlantic regarding to Request ARPA Funding for Affordable Housing

**Attachments:** [Letter to Council from HDC MidAtlantic regarding to Request ARPA Funding for Affordable Housing](#)

## Contract Approvals

[15-5380](#)

R156

Authorization for change order for a contract previously awarded with BL Companies in the amount of \$17,080 for additional design and preparation work for the Valania Park Project; the original contract was for \$119,450, the new total would be \$136,530.

**Attachments:** [R156 Change Order](#)

[Resolution #30515](#)

Mr. Seth O'Neill stated that this went through the required Change Order process. The committee all responded and approved of the Change Order.

Mr. Ed Zucal stated that is not a big amount of money, considering. He asked where they are on that project. Do you know? They have started it, correct?

Mr. Seth O'Neill stated that he knows that there has been a lot of funds spent on this project so far and it is also something that we are doing with Trexler Trust. This is definitely moving along.

Mr. Joshua Siegel asked have the structures for the bathrooms have been erected and are up.

Mr. Ed Zucal asked if there were any questions from Council regarding the Resolution or any questions from the public.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 30515

## Minutes of Previous Meeting

[15-5377](#)

October 5, 2022 City Council Meeting Minutes

**Attachments:** [October 5, 2022 City Council Meeting Minutes](#)

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

## Communications

## Old Business

**REPORTS**

**Budget Meetings:** The budget schedule has been distributed. The first meeting is next Wednesday, October 26 at 5:30 PM; the review of the Finance Department is on the agenda. We will also act on legislation relating to the funding of the DaVinci Center and the Coca Cola Park.

**Budget and Finance:** Chair Siegel, Hendricks, Santos

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

**Community and Economic Development:** Chair Gerlach, Siegel, Mota

The Committee met on October 12 and forwarded items on this evening's agenda; the next meeting is not yet scheduled.

**Human Resources, Administration and Appointments:** Chair Santos, Hendricks, Siegel

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

**Parks and Recreation:** Chair Affa, Gerlach, Santos

The Committee has not met since the last Council meeting; there are no future meetings scheduled at this time.

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

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

**Public Works:** Chair Zucal, Affa, Hendricks

The Committee met this evening; there are no future meetings scheduled at this time.

**Rules, Chambers, Intergovernmental Relations, and Strategy:** Chair Mota, Zucal, Gerlach

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

**Controller's Report (3 minutes)**

Mr. Jeffrey Glazier stated that he has a brief report for Account Payable for the month of September. During that time period, his office reviewed 378 checks, 701 documents, for a little bit over \$6 million. They did 25 manual checks for about \$900,000, five wires for \$1.4 million. The major finding is that they had three invoices that were over paid. The first invoice was a check for \$65,901. It was

payment for three invoices, June, July and August of life insurance because the calculation was made on statement balances and not current balances. It resulted in an over payment of \$27,403.71. The department was advised, and the check was voided and eventually reissued for the proper amount. There was another check that was issued for \$1,785 that was also for payment of current and past due balances. The past due balances had been paid, resulting in an over payment of \$819.87. The check was voided and reissued for the proper amount and, finally there was another check for \$4,141.11 which was also a payment of current and past due balances. The past due balances have been paid. The check was voided and reissued for the proper amount. The overpayment was \$396.02. One of the basic rules of invoice pay is that you only pay for an invoice. You never pay from a statement, and you never pay a statement amount. In these three instances, apparently that is what happened. He stated that his office caught them. There was one invoice for possible overbilling. The check was for \$1820. It was actually paying for 13 invoices and all the invoices included a 12 percent surcharge for a total of \$272.40. A review of the vendor's Bid Response and the terms and conditions did not include any language that permitted the surcharge. The issue was communicated to the department and the department was urged to contact the Solicitor's office for an opinion on the issue. At a minimum a Change Order should be processed for that contract.

### Mayor's Report (3 minutes)

NONE

[15-5396](#) Controller Reports

Attachments: [Cash - BSS](#)

[15-5389](#) Budget Information

Attachments: [Budget Schedule](#)  
[2023 BUDGET MEMO 1 - PERSONNEL](#)

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

[15-5209](#) Bill 55  
Amending the Zoning Map and Zoning Ordinance of the City of Allentown by (i) rezoning certain parcels to B-5 Urban Commercial District, (ii) adding an additional note (T) to section 1315.03 altering the area and yard requirements for certain parcels zoned B-5, and (iii) providing for a repealer clause, a severability clause, and an effective date.

Sponsors: Mr. Siegel and Hendricks

**Attachments:** [Bill 55 W. Allen Street and W](#)  
[W Allen Street and W Liberty Street Exhibit A \(Map\)](#)  
[Rezoning Petition - W Allen Street and W Liberty Street](#)  
[ACPC Recommendation URP Rezone fv](#)  
[City Planning Commission Action and Staff Report](#)  
[Petty Cash Voucher - Reimbursement of Payment to Lehigh County](#)  
[Law Department Bill 55](#)  
[Referral Letter from Mike Hanlon regarding Bill 55 - 2 W Allen and 1 W](#)  
[Liberty Street to be rezoned B-5 Urban Commercial District](#)  
[Letter from Lehigh Valley Planning Commission regarding Bill 55 W.](#)  
[Allen Street and W to be rezoned B-5](#)  
[2 W. Allen Street \(PIN #640744791819\) and 1 W. Liberty Street \(PIN](#)  
[#640744789158\) Posting DSCF2326](#)  
[2 W. Allen Street \(PIN #640744791819\) and 1 W. Liberty Street \(PIN](#)  
[#640744789158\) Posting DSCF2327](#)  
[2 W. Allen Street \(PIN #640744791819\) and 1 W. Liberty Street \(PIN](#)  
[#640744789158\) Posting DSCF2328](#)  
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[2 W. Allen Street \(PIN #640744791819\) and 1 W. Liberty Street \(PIN](#)  
[#640744789158\) Posting DSCF2341](#)  
[Bill 55 Rezoning on W Allen and W Liberty Mailing Labels](#)  
[The Morning Call Ad 7300742](#)  
[10-19-2022 COMMUNITY SUPPORT PACKAGE - BILL 55](#)

Mr. Ed Zucal stated that tonight at 6:00 PM prior to the regular Council meeting, Council had a Special meeting and at this time, if there are any questions from Council with the presentation that was made.

Ms. Ce Ce Gerlach stated that she always thought what she would do in this moment, for most of the development that she has seen downtown, she was not on Council. She sat out there and watched developers come up and talk. Usually, just one developer. She is here and she has to vote on this. She stated that he seems a bit different than maybe the other developers that she has dealt with as a resident. She stated that they have met with the community, and they have given you feedback, and it seems as though you actually maybe cares. She asked if he gave any consideration into entering a Community Benefit's Agreement with Darian Colbert or some other organization that is down there. For several reasons: 1. Three years from now, if members of the community says hey, you were supposed to build a skatepark. You can say in the Community Benefits Agreement, it says the community wants x, y, and z and you have done that. From the community's end, it really codifies what they are saying. She asked what are your thoughts on that?

Mr. John Palumbo stated that it is not part of this particular application, but he would be open to it. He stated judge him by his actions, not his words. He is not hiding from anybody, they can see him on N. Front Street with Darian once a month with his community groups and hopefully he will deliver on what he says. He stated that if he sits down and they come to an agreement then he always honors his agreement. He is a man of his word. He stated to Ms. Gerlach that she said that it seems that he actually cares. He does care. He does not do this for himself. Through his mentor is the first thing he was taught him stating John if you do business for the money you aren't going to make it very long. If you chase success then you will do alright for yourself. That is what he does, wake up everyday and go 24 hours a day, seven days a week to better the city of Allentown. That is basically his life's work. He is not going to be able to accomplish that by being short-sided and not engaging with the community, seeing what the problems are and doing his best to solve the problems. He can't do everything, but he can say he will do his best to work with the community. If he says he is going to do something, he is a man of his word. Judge him by his actions.

Ms. Ce Ce Gerlach thanked him for responding to that. She just thinks for the community's benefit and for his benefit, if it is on paper, it is an agreement. At least everyone knows what the expectations are. The shared expectations there. She is always naturally hesitant because she has seen what happened to her neighborhood. When there is rapid development in a neighborhood there are benefits, obviously, but there are also some negative aspects. The fabric of the community changes, people change and sometimes the lifestyles that new people moving in don't exactly match the lifestyles of the people that are already there. There are clashes and usually the new people that come in have more economic and



political connections that they can when tensions are happening. She stated that she thinks if he were willing to enter into a Community Benefits Agreement with a social group in that neighborhood that will hopefully help prevent some of those negative effects that we don't like to talk about when it comes to development. It seems as though you are willing to do that.

Mr. John Palumbo recommended that Ms. Gerlach takes his number, and they will go together, meet with the community and see what their needs are and if they are reasonable and he can help accommodate them, he has no problem putting that in writing.

Ms. Ce Ce Gerlach stated that she definitely does not need to be a part of that. She knows that is not part of this particular agenda item. She just watched other developers get easements on the number of storage units that are needed without actually doing anything for the community in return. She is saying that if she is going to give him her vote, her stance is what about the community. If you are doing right by the community then cool. Let's waive whatever we need to waive and change whatever we need to change things around to accommodate. From her standpoint to do so without that is further gentrification.

Mr. John Palumbo stated that is fair.

Mr. Ed Zucal thanked Ms. Gerlach and stated that he really respects Mr. Palumbo's answers. He stated that Mr. Palumbo seems to be very genuine, but our main focus is actually on the Ordinance here. He asked Mr. Hartney if he had any concerns.

Mr. Mark Hartney stated that they view this as two parts. The rezoning from I - 3 to B - 5, they completely agree with and it makes sense for the area. It is in line with the Waterfront Master Plan and Vision 2030. The text amendments that are being proposed for the B - 5 parcels on either side, they are not in agreement with that. They think that there is a compromise there that the parcels east of Riverside Drive, the ones immediately along the river would make sense to add some more flexibility to allow them to build for more lot coverage and higher density. But the parcels west of Riverside Drive about the neighborhood so when this zoning change would allow a developer and he believes Mr. Palumbo when he says he is going to do it and he is a smart developer and they are going to be a long-time partner with the city. Once it is on paper which is what you are doing tonight is putting this on paper there will be no buffer between the existing neighborhood and this new development. He stated that they really think that buffer is important and would like to work with Mr. Palumbo to come up with something that protects the existing residents, but allows the flexibility to develop the Waterfront to its greatest potential.

Mr. Ed Zucal asked Attorney Smith and obviously this is just his suggestion. Is it possible or equitable for everyone to make an amendment to include just the eastside and not the southside.

Attorney Charles Smith stated that they run into the requirements of the Municipalities Planning Code which requires that if an amendment changes substantially that it requires another public hearing. He thinks that Council would air on the side of compliance with the Municipalities Planning Code.

Mr. Ed Zucal stated that it was just a thought. He asked if there were any other comments from Council or the public.

Mr. Daryl Hendricks asked if he is claiming that Council is not voting on that portion tonight.

Mr. Mark Hartney stated that you are voting on both the rezone of the two parcels and the text amendment that would then include all the B-5 parcels on both sides of the Riverside Drive.

Mr. John Palumbo stated that he understands Mark's position, but if you look at the rezone that already took place as of right with or without this text amendment, it is already approved to go up 80 feet. Neuweiler Brewery is 120 feet with or without the text amendment. If he is saying that it is not a buffer, he does not agree with that. He can go with the existing zoning that he has right now and it will still be 80 feet to 120. But, ultimately, they want to create nice sidewalks and try to do a nice beautiful plan and try to implement parks and greenspace and ultimately it is the right thing for the city. He stated that he stands by this proposal 100 percent.

Mr. Ed Zucal thanked Mr. Palumbo.

Mr. Jeffrey Glazier stated that he knows that this is not normally something that he would speak to, but he sits on the Planning Commission, and this came before them and some of the issues that the city is grappling here with this evening because of the text amendment, they also had a fair amount of discussion and if you read the report, some of the board members agreed wholeheartedly including the text amendment and some had reservations because of the text amendment. The issue that they dealt with is they can't amend it if they amend it, it goes back to the beginning and it was the impression that they got that time was of the essence in order for the property purchase. He was one of the folks that felt that even with the text amendment that he was willing to stand behind it 100 percent based on the track record of the developer. Whenever there is a zoning

change like this, there is an element of faith that you have to have in the developer because plans can change. He said it at the Planning Commission meeting and he will say it again now that the record is strong enough that he will take that leap of faith and support this from A to Z. If we don't, that is ok too. You got to go back to the beginning. That means three advertisings, change in the language, it goes back to the Planning Commission, and then you will see it in three or four months. He stated that he seldom weighs in, but since he is on the Planning Commission here, we are.

Mr. Ed Zucal stated that he appreciates Mr. Glazier's comments.

Mr. Mark Hartney stated that he wants to add another comment. Trust is an important thing. It is a partnership and he has spoken to Mr. Palumbo about what his time constraints are. He feels that the city can work with him to accommodate a text amendment that would be good for us and still meet his timing deadline.

Mr. Ed Zucal stated that personally he finds him a very genuine person.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15844

[15-5356](#)

Bill 73 Community and Economic Development Committee, forwarded favorably

Amending the 2022 Capital Fund Budget to provide for a supplemental appropriation of Thirty Thousand (\$30,000.00) Dollars as a result of a grant from the National Center for Healthy Housing to the CED Lead Program to provide funds to develop a model for the childcare providers to access financial resources. A portion of the funds may be used to relocate the daycare facilities while the lead hazard reduction work is being done, so that the day care parents are not forced to find alternative care during that time and that the day care provider does not experience a gap in income. Relocation funds would be paid directly to the alternate site.

**Sponsors:** Administration

**Attachments:** [Bill 73 Healthy Housing](#)

Ms. Ce Ce Gerlach stated that it was forwarded favorably, and the amount is correct on here.

Ms. Vicky Kistler stated that this is a grant that they discussed the last time. It is an exciting opportunity to work with our home daycare facilities and hoping that they can put it to good use.

Mr. Ed Zucal thanked Ms. Kistler and asked any questions from Council or the public.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15845

[15-5357](#)

Bill 74 Public Works, this evening  
Amending the 2022 Capital Fund Budget to provide for an appropriation of Three Hundred Sixty Six Thousand (\$366,000.00) Dollars from LCA that the City has negotiated for the purpose of construction of ADA handicap ramps as well as milling and paving of streets under the City's Utility Paving Program.

**Sponsors:** Administration

**Attachments:** [Bill 74 LCA Cost Share](#)

Mr. Ed Zucal stated that it was in his committee and was sent favorably and is basically money for them. He asked if there were any questions from Council or the public.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15846

[15-5358](#)

Bill 75 Public Works, this evening  
Amending the 2022 Capital Fund Budget to provide for an appropriation of Three Million Three Hundred Thousand (\$3,300,000.00) Dollars from UGI that the City has negotiated for the purpose of construction of ADA handicap ramps as well as milling and paving of streets under the City's Utility Paving Program.

**Sponsors:** Administration

**Attachments:** [Bill 75 UGI Cost Share](#)

Mr. Ed Zucal stated that this is very similar to the last bill. This is money for us. He asked if there were any questions from Council or the public?

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15847

[15-5360](#)

Bill 76 Community and Economic Development, forwarded favorably with

amendments

An ordinance prohibiting the sale or offer for sale of dogs or cats or rabbits by pet shops, as defined, in the City of Allentown; prescribing penalties for violations.

**Sponsors:** Affa, Gerlach, Hendricks, Mota, Santos and Mr. Siegel

**Attachments:** [Bill 76 Pet Shops](#)

[Proposed Bill with amendments](#)

[General pet store ordinance fact sheet](#)

[Pet Stores & Public Health](#)

[USDA fact sheet](#)

[2022 Pet Store Industry Trends](#)

Ms. Ce Ce Gerlach stated that it was forwarded favorably to this Council meeting.

Mr. Ed Zucal stated that his only question is how many businesses are we talking about within the city.

Ms. Ce Ce Gerlach asked Mr. Hanlon how many businesses. She stated that he said one.

Mr. Seth O'Neill stated there were two, wasn't it.

Mr. Ed Zucal stated two. He stated ok and asked if there were any other questions from Council.

**A motion was made by Ce-Ce Gerlach, seconded by Joshua Siegel, that this Bill be amended to change the fee to C and crosses out the last sentence under animal rescue:**

**“Animal rescue organization” means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c) (3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.**

### **C. Violations and Enforcement**

**(1) A retail pet shop that sells or offers for sale a dog or cat or rabbit in violation of subsection A or an animal shelter or rescue organization that purchases dogs, cats or rabbits in violation of subsection B commits a violation punishable by a fine of \$600. Each unlawful sale or offer for sale of each dog or cat or rabbit shall constitute a separate violation.**

**(2) The City Police Department shall be empowered to enforce any and all parts of this article upon notification of such violation. A record of the violation shall be kept on file in the City Police Department.**

**SECTION TWO:** That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

**SECTION THREE:** All provisions of this ordinance and of the Code shall be in force and effect on and after 90 days of final passage.. The motion carried by the following vote:

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15848

Mr. Ed Zucal asked if there were any comments from the public.

Ms. Kristen Tullo, Humane Society of the United States, thanked Council for their consideration and of this ordinance. The pet store that this would affect can move to a humane market by selling products and services which is in super high demands. There is a way that they can transition to a more humane model and work with local shelters like the Lehigh County Humane Society by hosting adoption events.

Mr. Ed Zucal said thank you.

Ms. Candida Affa stated on the amendment, is this part of what they discussed last.

Mr. Joshua Siegel stated that Fairgrounds, he does not know if these are the amendments.

Mr. Ed Zucal stated no, they display them there. They don't sell them.

Ms. Candida Affa stated that she thought they sell them. She stated that she thought they were going to look into that.

Mr. Michael Hanlon stated that they did get something from Philadelphia. He stated that Council was going to look at it and decided that they will not make it part of this ordinance.

Ms. Kristen Tullo stated that there is an outdoor sales law that allows licensed breeders to sell at outdoor venues like markets. It is something that we think it should be addressed in a separate ordinance. If that is something that Council wanted to take up. It is separate from this ordinance.

Ms. Candida Affa stated that her concern is these breeders knowing that they can't sell to pet stores here in Allentown. They could continually get

license or rent a hall more than once or twice a year, possibly several times a year to sell their animals to the public which is almost the same thing is selling it to the pet stores.

Ms. Kristen Tullo stated that the retail supply line is one avenue where it is a top priority to make sure we are removing the pet market in a humane direction. She stated that she does think that this can be addressed, but it is a separate ordinance from this ordinance.

Mr. Daryl Hendricks suggested that should happen. Make an amendment at that time.

Ms. Cheryl Petrillo, Hellertown, thanked Council from the bottom of her heart for picking up this ordinance and hearing her out and working with her and Kristen Tullo and the Humane Society of the United States. She thanked Kristen from coming all the way out from Harrisburg and Hal Warner from the Lehigh County Humane Society. She stated that she appreciates everything that they do for this Humane leadership. She is hopeful that it will be a positive thing to move it forward.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15848

[15-4432](#) Bill 72 Community and Economic Development, forwarded favorably  
Contract Preferences for Identified Business Enterprises

**Sponsors:** Gerlach, Guridy, Mota and Mr. Siegel

**Attachments:** [Bill 72 Identified Business Enterprises](#)

[Contracting Barriers: A Review of Existing Disparity Studies](#)

[MWOB](#)

[MOB Proposal Notes](#)

Mr. Ed Zucal asked if there were any comments from Council. He stated that he has one comment. If he recalls, this was done as a Referendum.

Mr. Michael Hanlon stated that the last time they talked, they added a resident preference and a minority preference through Referendum. It allows you to do minority preference. The question that was raised with the competitive preference is minority preference at the end of the day.

Mr. Ed Zucal asked Attorney Charles Smith what his thoughts on that. He asked in general, are veterans considered minorities.

Attorney Charles Smith asked for an opportunity to look into that. In

fairness, this was given this afternoon in the middle of a lot of other issues. He will be happy to look into it. He stated that there are references in Section 3 of the HUD Act of 1968 that he wanted to have a chance to look at. He feels that he is not in a position to give them a solid opinion right now.

Mr. Ed Zucal stated that he was not sure how far Attorney Smith had gotten with it.

Ms. Ce Ce Gerlach stated that she is not an attorney, but for veterans they are members of a protected class, but not necessarily a minority.

Ms. Natalie Santos stated unless the veteran themselves are ethnically or racially a minority.

Ms. Ce Ce Gerlach stated that if the Charter is saying minority specifically then it seems as though veteran will not apply.

Mr. Ed Zucal asked is this something that has to be done through another voting referendum on a ballot.

Mr. Michael Hanlon stated perhaps if you want to add preferences on it.

Mr. Ed Zucal asked if it would be in their best interest for the community and for Council to table it for now.

Mr. Ed Zucal stated that is the fairest way to do this. In that way if there is an issue with veterans or minorities, they can get it cleared up that way. He asked if there any other comments from Council.

Ms. Ce Ce Gerlach stated they can't because there is a Motion to Table.

Ms. Ce Ce Gerlach stated that at the last CED Mr. O'Neill came forward and spoke on behalf of the administration and their support of this legislation. She trusts that they looked into it, and they have spoken with legal. She trusts their decision to support this. In terms of the addition of Section 3, the rationale behind that and thinks that the Housing Authority meet standards of using Section 3 businesses and essentially what that means that it will open it up to more folks really. People that are sole proprietors and meet low-income standards. Yes, they own a business, but not everyone is thriving and like millionaires. She stated that she thinks it is 80 percent or less AMI. Many of those folks happen to be people of color. Some could be veterans; some could be women. That is the rationale. She stated that she sees Mr. Easterling is still here. He knows a little bit more in terms of the details. She voted against tabling this because this



has been for like a year. Let's just vote on it and if we need to make amendments to it, let's make amendments to it. Similar to the conversation of protecting the puppies. Let's vote on it and if we need to amend it, let's amend it. She would be ok for now with taking out veteran businesses if need be or just keeping it in. Either way, if they need to come back and take veteran out then they can come back and take it out. Let's just vote on this and then let her go figure it out afterwards.

Mr. Joshua Siegel stated that he concurs with Ms. Gerlach's comments. It has been a long time coming. They have been kicking this around for well over a year. It is an important thing to do to make sure that the Procurement process is equitable and inclusive as possible. The administration is in support, and he thinks it will be a good partner making sure that there are any parts that need to be smoothed over. He stated that he is sure that they will accomplish that. They can always come back and amend it later. It is best to be as inclusive as possible and include veterans. In the event we find out that it does not necessarily suit definition as it should be, we can always fix it or work out some of the kinks in the legislation. Overall, it is a very important piece of legislation. He stated that they value everybody and the process. We have been talking it for a year. It is time to make a decision and ultimately sort it out.

Mr. Seth O'Neill stated that he absolutely expects that they will have to revisits it just to fine tune it. He agrees that he does not see a reason why the language as it is put forth can be something that we use as a starting point.

Mr. Ed Zucal stated that since we have had conversation about it, he is going to allow the public to weigh in.

Mr. Kevin Easterling, 1124 Hamilton Street, commended Ms. Gerlach and the other Councilmembers on pushing this legislation forward. She reminded them all that they met on this a year and three to four months ago and tried to go through the disparity study direction just to try to keep everything in range, but unfortunately, the disparity study they really never picked anyone to really to do that actual study. He stated from his perceptive in doing work with the Allentown Housing Authority and helping them bring things up to code with what they call S3 low-income contractors is the way to go here. He watched the meeting video of the last Community and Economic Development meeting and there seems to be the thought that there is no problem with the Procurement process. He stated that he can't totally agree with that, but this is the right step this city is taking to really make sure that we especially get low-income contractors and people that really did not have the opportunity to actually contract. He thanked Council for entertaining this and look forward to them passing it.

Mr. Ed Zucal asked if there were any other comments from Council. Since it was a 3 - 3 tie, he called for another vote.

**A motion was made by Daryl Hendricks, seconded by Candida Affa, that this Bill be tabled until such time they can fully investigate the Bill. The motion had a 3 - 3 vote**

**Yes:** 3 - Candida Affa, Daryl Hendricks, and Ed Zucal

**No:** 3 - Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15849

Mr. Ed Zucal asked if there are any questions from Council on the amendment. He asked if there were any questions from the public.

**A motion was made by Ce-Ce Gerlach, seconded by Ed Zucal, that this Bill be amended to change the numbering to reflect the numbering under the Codified §5-21 Contracts and to add Section 3 Businesses and Residents as defined by HUD Act of 1968 as amended, to businesses to Identified Business Enterprises, Passed 6 - 0**

**(6)Small business, small diverse business, Section 3 residents and businesses as defined by the HUD Act of 1968 as amended and veteran business enterprises.**

**For the purposes of this section, Identified Business Enterprises (IBE) shall include small business, small diverse business, and veteran business enterprises as they are defined and certified by and through the PA State Bureau of Diversity, Inclusion and Small Business Opportunities and as recognized by Federal regulations or other third-party certifying agencies approved by City Council in the form of a resolution passed at a public meeting. Section 3 residents and businesses as defined by the HUD Act of 1968 as amended and certified through the HUD Portal shall also be included.**

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15849

Mr. Ed Zucal asked if there were any questions from Council or the public.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 15849

**CONSENT AGENDA: NONE**

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

[15-5347](#)

R154 Community and Economic Development, forwarded favorably

Approves the Submission of an amendment to the 2021 Action Plan to the United States Department of Housing and Urban Development.

With the application to HUD, the City is asking to allocate unspent funds to a Habitat for Humanity - Tacoma Street (\$160,000 HOME Funds) and Hazard Elimination and Jordan Greenway totaling (\$150,000 CDBG Funds) also to achieve Community and Economic Development goals, as described in the Five Year Consolidated Plan for the use of federal funds.

**Sponsors:** Administration

**Attachments:** [R154 2021 HUD Action Plan Amendment Tacoma St Resolution #30516](#)

Mr. Ed Zucal asked if there were any questions from the dais or the public.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 30516

[15-5348](#)

R155 Community and Economic Development, forwarded favorably

Approves the Submission of an amendment to the 2021 Action Plan to the United States Department of Housing and Urban Development

The legislation serves the City of Allentown's request to allocate unspent funds from the federal Community Development Block Grant (CDBG) in the amount of \$50,000 for the Jordan Greenway project. This piece of legislation serves a specific purpose, which contains all the recommended regulatory steps needed to apply for federal funds.

**Sponsors:** Administration

**Attachments:** [R155 - 2021 HUD Action Plan Amendment Resolution #30517](#)

Mr. Ed Zucal asked if there were any questions from the dais or the public.

Ms. Vicky Kistler stated that at the last Council meeting she explained that she believed it was a \$50,000 allocation to subsidize the wall and the additional funds for the wall. It had collapsed. This is in fact the wall and also the sidewalk in the greenway.

Mr. Ed Zucal asked if there were any other questions.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 30517

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 30517

[15-5382](#)

R157

Certifies that Grant Project BRC-TAG-23-148, the Percy Ruhe Park Master Plan, was completed in accordance with DCNR Grant Agreement, all project expenditures have been made in accordance with the DCNR Grant Agreement, the Plan and related materials are acceptable to the City of Allentown and the Plan and related materials will be used to guide future recreation and conservation decisions.

**Attachments:** [R157 - Percy Ruhe Master Plan](#)  
[Resolution #30518](#)

Mr. Ed Zucal asked if there were any questions from Council or any questions from the public.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 30518

[15-5381](#)

R158

Authorization of a formal application through the Pennsylvania Department of Community & Economic Development for the local share account funds in the amount of \$346,000 on behalf of This Life Forever Inc., Mishka Vodka, to fund equipment as part of their building renovations and business expansion.

**Sponsors:** Administration

**Attachments:** [R158 - Mishka Grant](#)  
[Resolution #30519](#)

Mr. Ed Zucal asked if there were any questions from the administration, Council or the public.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 30519

[15-5367](#)

R159

Approves three transfers: (1) \$95,047 in Parks and Recreation for paving and line striping the parking lot at Percy Ruhe Park; (2) \$16,540 in Public Safety/Police to purchase cameras and equipment for Bucky Boyle Park and Constitution Drive; (3) \$14,600 in Parks and Recreation to purchase new slides for Mack Pool.

**Sponsors:** Administration

**Attachments:** [R159 Transfer Funds](#)

[Funds Needed For Paving and Line Striping the Parking Lot at Percy Ruhe Park](#)  
[To Purchase Cameras and Equipment for Bucky Boyle Park and Constitution Drive](#)  
[Needed to Purchase New Slides for Mack Pool](#)  
[Resolution #30520](#)

Mr. Ed Zucal asked if there were any questions from the administration, Council or the public.

Mr. Seth O'Neill stated that there are already existing funds that at this time of the year they find it necessary to repurpose our priorities.

Mr. Ed Zucal stated that it sounds good. He asked if there were any questions from Council, or the public.

**Yes:** 6 - Candida Affa, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

**Absent:** 1 - Cynthia Mota

Enactment No: 30520

**ORDINANCES FOR INTRODUCTION (To be referred to Committee with public comment prior to referral): NONE**

**RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee): NONE**

**NEW BUSINESS: NONE**

**GOOD AND WELFARE: NONE**

Mr. Ed Zucal stated that there is one thing that he wanted to say that obviously everyone is aware of the carbon monoxide incident that occurred. He gave a shout out to all the EMS workers, Fire, Police and anyone that had anything to do with that rescue and the scene itself. They train, plan

and that is why it is so important for Council to always give funds for those different groups so that in events like that they have the equipment and training. The fact that those firefighters had the CO2 meters was probably the key to saving a lot of those people's lives by getting them out of there. He thanked them and stated that he speaks on behalf of all Council on that. He asked if anybody else that would like to say anything.

Mr. Daryl Hendricks stated once again, it shows that we have the finest emergency and fire personnel probably in the country. They responded as quickly as they did, determined what the problems were, and got all those children to a safe location so that the hospitals could serve them. God, help us that the fact that none of them met fate that day that we certainly not want to talk about.

**ADJOURNED: 7:26 PM**