



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, August 19, 2020

7:00 PM

Council Chambers

The meeting will be live streamed. The link to the meeting can be found on the city website with the agenda and legislation at <https://www.allentownpa.gov>. Council will receive comments on the legislation and comments on courtesy of the floor on items not on the agenda prior to the meeting and will consider all comments from city residents. All comments must include name and address, including your city, and be emailed to Michael.Hanlon@AllentownPa.gov by 2:00 PM on the date of the meeting. Comments received from city residents by that deadline will be forwarded to the Mayor and Council members prior to the meeting and will also be noted at the appropriate period of the meeting. These timely received comments will also be posted on the City's webpage as a supporting document to the meeting. Any comments received on the meeting day, after the 2:00 pm deadline, will be forwarded to the Mayor and Council as soon as practicable.

Invocation

Pledge to the Flag

Roll Call

Present: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Excused: 1 - Cynthia Mota

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

Mr. Daryl Hendricks stated that since the advent of Covid 19 and the need to have virtual meetings, we have become lax in the decorum of our meetings. He has asked Mr. Hanlon to refresh the body as well as the public so they can return to a manner of respectability for all.

Mr. Mike Hanlon stated under your Rules under Privilege of the Floor, members of others that are given Privilege of the Floor in address the presiding officer. The Presiding Officer will extend the courtesy of the councilpersons responsible for introducing legislation the opportunity to speak first. Each member will have the right to speak twice on any subject. No member will be allowed to speak more than twice on any subject without a position of a presiding officer. No member will speak more than

three times without unanimous consent and Privilege of the Floor will not be extended for personal insults or personal attacks on any individual or name calling or any other behavior that is inconsistent with the purpose and intent of conducting official business.

Mr. Daryl Hendricks thanked Mr. Hanlon and stated that himself any other members kind of falling by the waist side. He felt it was important to make that noted and let the public also understands since the advent of the pandemic, they kind of fallen to the waist side. It is strange when you don't have people directly here to address him directly because they are not able to going forward at least by voice or by speaking. It should be as it has been in the past. It should be going forward. he thanked Council.

Ms. Sharon Billington, 1509 Chew St.

1. Will the Homeless Commission meeting be viewable by the public in real time like the City Council meetings? If so, may I access it as I do the City Council meetings from the City webpage by going to City Council - Agendas? I would say the capacity exists for this in council chambers.

Boards generally determine their own rules, meeting times, place, etc.

2. Regarding the Youth Board, how is the Allentown School District being utilized, consulted and represented on the this developing Board? Still in development stage but I think Councilperson Guridy is acting on this.

3. For both Commissions/Boards, will Ms. Gerlach and Mr. Guridy provide regular updates as part of bi-monthly City Council meetings? They could, our code requires each board to file a report to council on their activities; at times committees related to the board have discussions on the report and board activities; Council meetings have defined agenda and, based on past experience, if you start uploading other items on the agenda that lead to discussion you make it difficult for people that have items on the agenda to participate in a timely and efficient manner, and for us to notify them appropriately.

4. Will my questions still be read as public comments during Wednesday's City Council meeting? Sure, they can be included on the agenda. I have several questions regarding the status of two initiatives that were advanced by City Council but have not had any updates: Bill 8, which establishes a Homeless Commission. I believe it was proposed on February 5, 2020 and passed on February 19th. What is the progress regarding the implementation of this Commission? Have members been assigned? What type of fact-finding has occurred? What are the time frames involved whether for implementation and/or for completion? What is the next step? MEMBERS HAVE BEEN APPOINTED, THEY HAVE A PROPOSED CHAIRPERSON, THEY ARE LOOKING AT SETTING UP THEIR FIRST MEETING, POSSIBLY SEPTEMBER 9TH AT 10 IN COUNCIL CHAMBERS; IT WILL BE A VIRTUAL MEETING; WE ARE WAITING FOR THE AGENDA.

Ms. CeCe Gerlach stated that she spoke to Ms. Billington and the potential chairperson, if he or she is chosen and the agenda is about 50 percent finished. He is in favor of having it virtual so that people can participate.

Mr. Mike Hanlon stated that at that time Chambers should be open. He stated that the other question was about the Youth Advisory Board.

Ms. Sharon Billington continued

Bill 66 which establishes a Youth Advisory Board. I believe that it was proposed on August 7, 2019 and I think it eventually became Bill 9 passed on February 19, 2020. It was renamed Council of Youth and designed to advise the Mayor and Council of youth related issues. Again, what is it's status? Have members been designated? Has it met yet? What specific issues have been discussed? Are there any recommendations? What are the time frames involved? ON THIS ONE, THEY STILL NEED SOME MEMBERS; THE MAYOR IS CURRENTLY VENTING SOME APPLICATIONS AND JULIO RECENTLY HAS US SEND OUT AN EMAIL WITH APPLICATIONS TO SOME RESIDENTS INVOLVED IN YOUTH ACTIVITIES.

Ms. Bernadette Taylor, 2224 W Tilghman Street (Courtesy of the Floor Comment)

states that she has lived at her address for three years, received one ticket for street cleaning and paid the ticket. Apparently, she had another ticket since she has been working from home and did not get the ticket, but got a notice in the mail reading that the original ticket of \$20 is now \$60. The Parking Authority gave her 10 days to pay the ticket. The Notice was sent out seven days ago and she just got the ticket. That is expensive. This city is not friendly to homeowners and taxpayers. The treatment is very hostile. She asked for consideration, but did not get consideration. She will live in Allentown for two more years, and when she retired will move out. She stated that the representative from the Parking Authority was nice, but her hands were tied to act.

Mr. Glenn Hunsicker:

Ref: Monthly Financial Report a) Looking at Pooled accounts noted that the Total Pooled Cash Line; has been deleted from report. Would council explain....why,.... and re insert Total Line . b) When will 2019 CAFR report be released. This was forwarded to him and told him that it has been on the website for a few days/weeks.

Mr. Julio Guridy addressed the issue of the Youth Board. As Mr. Hanlon indicated, Council did take a lapse on following up on some of the Youth Board because of the pandemic and kids were out of school and were not

in school. There were a lot of issues going on. Some of the members that were part of that initial board that indicated that they wanted to be a part of the board, however, he did speak recently, last week with the potential board president that has been assigned, Mr. Fred Montgomery. He agreed that they should send information on the previous meetings, but also the applications to the people that said they wanted to be members of the Youth Board. The application has been sent to people that are available. He took this opportunity to say to anybody that wants to be part of the board certainly could request an application from the Mayor's office. Hopefully, they can restart this youth board and develop the board and start setting meetings very soon. The other thing he wants to point out is the \$20 for the ticket that went to \$60. He stated just today somebody called him for the same type of thing. He stated not that person, somebody else. They got a parking ticket for \$20 and then in 11 days he went to \$60. He stated that he is not sure what happened. He asked if there was anything the city can do. He told them that is part of the Parking Authority Board.

Mr. Daryl Hendricks stated that came in today. He didn't get a chance to check it out. He stated that he is not sure and doesn't know the fee structure.

Mr. Julio Guridy stated that the one that talked to him today said that he got a parking ticket for \$20 because he is a Uber driver and that there were no spaces and he only got out for five minutes. He got a ticket for \$20 and guess he did not pay it within 10 days. It went up to \$40 then only the 11th day went up to \$60. He thought it was excessive. He stated that does not come to City Council, but he mentioned it.

Ms. Candida Affa asked if he tried to call the Parking Authority to straighten it out.

Mr. Julio Guridy referred him to call them. He stated that he is not sure if he did.

Ms. Candida Affa stated that they could always take it to court. It does not cost them anything to fight it.

Mr. Julio Guridy think they had to pay the ticket.

Mr. Daryl Hendricks stated that generally they have to post a deposit.

Mayor Ray O'Connell stated that when he was on Council, they would bring the Executive Director like Tamara Weller once a year to give them an update of what the tasks are and what they have done on accomplishments and recommendations. it might be a good idea to have John come over in

the next couple of months to give an update on what they are doing.

Mr. Daryl Hendricks stated that he would certainly suggest that to him. Hopefully, in the near future they could get passed this and maybe go to open meetings.

Ms. Candida Affa stated that they have a meeting next Wednesday and could bring that up.

[15-3743](#) August 19 Comments

Attachments: [Courtesy of Floor Comments](#)

Approval of Minutes:

[15-3709](#) July 15, 2020 City Council Meeting Minutes

Attachments: [July 15, 2020 City Council Meeting Minutes](#)

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

[15-3741](#) July 22, 2020 City Council Meeting Minutes

Attachments: [July 22, 2020 City Council Meeting Minutes](#)

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

[15-3734](#) August 5, 2020 City Council Contract Approval Meeting Minutes

Attachments: [August 5, 2020 City Council Contract Approval Meeting Minutes](#)

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Old Business

Mr. Ed Zucal asked Mayor O'Connell where are we with the Finance Director.

Mayor Ray O'Connell stated that the Finance Director Interim is Jessica Baraket. The pool is very small to begin with. They interviewed initially six to eight applicants.

Mr. Joseph McMahon stated that is the first time. He stated that they went

through this back in March. They went through the candidates and there were no successful candidates. They went through it again over the last month and interviews ended about a month ago. They are still advertising, but there were acceptable candidates externally. They are discussing and will address that issue internally.

Mr. Ed Zucal asked what would they consider a successful candidate. What are your guidelines for that.

Mr. Joseph McMahon stated the job description, the experience. Whether they have public sector or private sector experience. How much experience similar to municipalities. educational background in some cases, in many cases.

Mr. Jeffrey Glazier stated to support that he had the pleasure of interviewing the candidates and he agrees with Mr. McMahon. He suggested that they keep looking.

Mr. Ed Zucal asked if there was a rumor that they were going to create a position called Deputy Manager/Director.

Mr. Joseph McMahon stated that it is not a rumor. He sent that down to Barb to put it on the agenda for the next meeting.

Mr. Ed Zucal asked if it was a new position in the budget.

Mr. Joseph McMahon stated that it is a new position in this budget. It was a position in the past. There was a Deputy Director in the past.

Mr. Ed Zucal asked if he was going to advertise for that since it is a new position.

Mr. Joseph McMahon stated that he was not necessarily planning on advertising.

Mr. Ed Zucal stated that in all fairness you should. Maybe somebody that did not meet the qualifications as a Director for whatever reason, may not want to move into the city.

Mr. Joseph McMahon stated that they are working through that. There are multiple decision points trying to setup that department for long-term success. It would be easy for he and the mayor to say, put somebody in that position. There are some constraints here. The Mayor has less than a year and a half on his term left whether he decides to run or not. That is a risk for an incumbent to come in. They are required to live in the city. He

stated that there was no applicant that came within the city. They would be required to move.

Mr. Ed Zucal asked as a Deputy as well, they would be required.

Mr. Joseph McMahon stated no. He is talking about the Director. He stated that the city does not pay well in comparison to other municipalities. We had some people that had less experience than what we have ideally liked and showed interest in them. As soon as they told them that they had to come into the city then they were not returning phone calls or outright stated that they were no longer interested. That is part of the problem in finding someone.

Mr. Ed Zucal stated that is his thought since it is going to be a Deputy Manager/Director or however you are going to word it. Perhaps that may attract more people now. He stated that is correct.

Mr. Joseph McMahon stated that the way he sees it, that becomes a long-term stability in the city because obviously the Directors are all appointed. It is difficult because residents are required. Our pay scales do not match some of the others. It is hard to get somebody in here with that experience. If anything, you need some long-term stability within these departments. He stated that he sees the Deputy Director role as potentially the long-term stability and potentially the person with so much experience could step into the next position and the day-to-day operations. He stated that he doesn't know if they recall that it was in the Novak Report. Novak suggested that we do it. Brent Hartzell, the former Director was pushing for that position. He thought it was needed.

Mr. Ed Zucal stated in addition to his position.

Mr. Joseph McMahon stated yes. He was saying that he wanted a Deputy Director in addition to his position. Given the fact that we have lost someone with 30 years of high level finance experience. He literally took Detroit through its insolvency and came out on the other side. You are going from a lot of experience to having a hard time trying to find the next candidate with many of which did not have close to Brent Hartzell's experience.

Mr. Ed Zucal stated that the old saying is that you have to start somewhere.

Mr. Joseph McMahon stated that you won't get an argument out of him, but it is making sure that person is the right one. We are working and he has had multiple discussions today with Finance and how to work through this.

Mayor Ray O'Connell stated just one follow up to what Mr. McMahon said Jessica Baraket. They are fully aware that they are over the 90 days. Jessica is doing an outstanding job filling in and thank Council for rolling with them and Joe will roll out a plan on September 2nd.

Mr. Joseph McMahon stated at least for the position. There are other things going on in the Finance Department. You are looking at two senior people that are managers in the Finance Department of the four senior managers, not including the Director or Deputy Director. One is looking at retiring in six months. The other one is looking at retiring in a year or two. Not only is he looking how to fill the Directors job. The Deputy Director's job is someone who will coordinate some of this. We are literally talking about how do we replace those two people. One is six months and one in a year and a half to two years or maybe earlier. We are trying to lay out a game plan that is a long-term successful game plan.

Mr. Daryl Hendricks thanked them all and asked if there was anything else for Old Business other than what we have on the agenda.

Reconsideration of Bill 50

Any councilperson can make a motion to reconsider Bill 50, a vote for reconsideration will bring the bill before you again. The plan is to reconsider it and refer it to the Rules, Chambers, Intergovernmental and Strategy Committee (or whatever you committee you like) and discuss some controls on the performance audit aspect of the legislation to prevent a strong controller form of government from developing.

RULE XII - RECONSIDERATION

A. Reconsideration: A motion to reconsider an Ordinance will be entertained only at the next regular meeting following the one at which a vote was taken on that Ordinance. A Resolution may be reconsidered at the same meeting at which a vote was taken on that Resolution. No second motion to reconsider the motion will be entertained. An Ordinance or Resolution may be reconsidered only once and only at the time stated above.

A motion to reconsider may be made by a member who voted on the prevailing side of the matter to be reconsidered, or by a member who has notified the President of City Council of their intention to be absent and was not present when such a vote was taken. (27391 2/4/98)

A motion was made by Daryl Hendricks, seconded by Joshua Siegel, that this Bill be referred to the Rules, Chambers, Intergovernmental and Strategy Committee. The motion carried by the following vote:

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

[15-3675](#)

Bill 50

Directing the Lehigh County Board of Elections to Place a Referendum Question Before the City of Allentown Voters on the November 3, 2020 General Election Ballot to amend the City of Allentown Home Rule Charter to Authorize and Permit the City Controller to Initiate and to Conduct all Manner of Audits, Including Performance Audits, without first being requested to do so by the Mayor or by City Council and to Permit the City Controller to have access to all types of Information, including payroll information, to conduct such audits.

Sponsors: Affa, Guridy, Hendricks, Mr. Siegel and Mr. Zucal

Attachments: [Bill 50 Controller Performance Audits- With Change to Section 210](#)

Mr. Daryl Hendricks stated that this should go back to the committee for reconsideration.

Mr. Mike Hanlon stated Rules, Chambers, Intergovernmental Relations and Strategy.

Mr. Julio Guridy stated to the Rules and Chambers Committee.

REFERRED TO THE RULES, CHAMBERS, INTERGOVERNMENTAL
RELATIONS AND STRATEGY COMMITTEE

Mr. Daryl Hendricks stated yes.

Communications: NONE

REPORTS FROM COMMITTEES:**Public Hearing and Special Meeting, September 23**

City Council will consider the foregoing at a Public Hearing on Wednesday, September 23, 2020 at 6:00 PM, followed by a Special Meeting at 7:00 PM to vote on the proposal to rezone parcels in and around St. Elmo street.

Budget and Finance: Chair Siegel, Guridy, Mota

The committee has not met since the last council meeting; the next meeting is scheduled for August 26 at 6:30 PM – the CAFR will be reviewed - it is on the city website - and all councilpersons are invited.

CEDC: Chair Guridy, Gerlach, Affa

The committee met this evening; the next meeting is scheduled for August 26th at 5:30 PM to review Bill 57.

Human Resources, Administration and Appointments: Chair Gerlach, Mota, Zucal

The committee has not met since the last council meeting; we are looking at setting something up.

Parks and Recreation: Chair Mota, Gerlach, Siegel

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

Public Safety: Chair Affa, Hendricks, Zucal

The committee has not met since the last meeting; the next meeting is scheduled for September 2 at 5 PM to begin discussions on the police advisory board.

Public Works: Chair Zucal, Affa, Siegel

The committee met this evening; the next meeting is not yet scheduled.

Rules, Chambers, Intergovernmental Relations and Strategy: Chair Hendricks, Guridy, Gerlach

We are in the process of setting up a meeting with the county on resources relating to social programs they administer.

[15-3720](#)

Police Discussion Items

Attachments: [Draft APD Advisory Board Ordinance](#)
[Dept of Justice Report](#)
[16-0276 Certified Ordinance](#)
[Notes in progress](#)
[Dept of Justice Report](#)
[20.55.USCM .Police-Reform.Report.MEC](#)

APPOINTMENTS:

[15-3728](#) Holly Wilde Edinger, Environmental Advisory Council, 01/01/2023

Attachments: [Holly Wilde Edinger - Environmental Advisory Council](#)
[Resolution #30028](#)

Mr. Daryl Hendricks asked if there were any comments on the appointment of Ms. Edinger. He asked by chance is she on the line. He asked if there were comments from the public.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30028

[15-3736](#) Bryan E. Yocum, Vacant Property Review Board and Blighted Property Review Committee, 01/07/2023 (Reappointment)

Attachments: [Bryan E. Yocum, Vacant Property Review Board and Blighted Property Review Committee](#)
[Resolution #30029](#)

Mr. Daryl Hendricks asked if Mr. Yocum is on the line.

Mr. Mike Hanlon stated no.

Mr. Daryl Hendricks asked if there were any comments, questions, or concerns.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30029

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

[15-3716](#) Bill 54 Public Works, this evening
Amending the 2020 Capital Fund Budget to provide for a supplemental appropriation of Twenty-Two Thousand Eight Hundred Ninety-Two Dollars

and Thirty-Eight Cents (\$22,892.38) from PPL in the form of a rebate from the LED street light conversion phase one project.

Sponsors: Administration

Attachments: [Bill 54 PPL REBATE](#)

[Ordinance #15632](#)

Mr. Ed Zucal stated that they just spoke about this briefly a couple minutes ago. This is basically almost \$23,000 that PPL is providing back to us to help us pay for the LED lighting Phase. We understand from talking to Mr. Messinger. The next Phase is going to cover almost half of the city. We are moving rather quickly with that and hopefully, the whole city will be done soon. He stated that it was voted favorably.

Mr. Daryl Hendricks asked if there were any more comments or questions.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 15632

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-3707](#)

R93 CEDC this evening
Denial of a Certificate of Appropriateness – 114 N. West Street

Attachments: [R93 DENIAL - 114 N West St Gazebo](#)

[114 N West St Final Review](#)

[Resolution #30030](#)

Mr. Julio Guridy stated that he just spoke about it briefly. It is a denial and the petition withdrew the petition. The committee agreed that they should follow the proper channel which is the Zoning Hearing Board.

Mr. Daryl Hendricks asked if there were any other questions, comments or concerns. He asked if there was anything from the public.

Mr. Mike Hanlon stated that he had something from Mr. Whitney stating that you cannot vote yes on the denial of the historical appropriateness. HARB made a judgment that took into account issues regarding water irrigation and the distance between the gazebo and the homeowner fence. HARB overstepped its authority and encroached on the authority and duties of government bodies such as the department of Building Standards and Safety and Allentown Zoning Board. In doing so, they are violated the rights of the property owner, but voted yes, on the Resolution you know it is deeply flawed. You are participating in its malpractice. It is HARB's responsibility to send you proper Resolutions for passage. They have

failed to do so here. You are actually judgment in favor by an Allentown citizen or HARB and HARB has failed to justify the position you must default in favoring the one you were elected by and sworn to represent which is the property owner. You can't pass a resolution just to avoid an approval either. Just like a judge can't find a defendant in a criminal case guilty just to avoid finding him innocent. You just simply cannot participate in that governing. You vote yes on the denial, you will harm not just HARB's credibility, but your own. He stated to vote no on R93 or table it.

Mr. Julio Guridy stated just to clarify before we vote, the application was actually withdrawn before we voted.

Mr. Daryl Hendricks thanked Mr. Guridy.

Mr. Mike Hanlon stated that on the HARB denials, if you vote no, it becomes effective. That is the weird thing.

Mr. Julio Guridy stated that since it was withdrawn before, it is a mute point.

Mr. Ed Zucal asked if he withdrew it because and with it not being determined from the Zoning Hearing Board.

Mr. Mike Hanlon stated that he can tell he had a conversation with Mr. Guridy, with the HARB Secretary and Mr. Guridy can jump in here. When we looked at it and when he looked at it as the chair, you go to Zoning first. That was the total intent that this needs to go to Zoning and it would be rejected. If you wanted it to go to Zoning and have Zoning look at it and if Zoning Approved it, then he can apply again.

Mr. Julio Guridy stated that is a process they usually follow on this type of thing.

Mr. Ed Zucal stated that he did not even go to Zoning.

Mr. Mike Hanlon stated no.

Mr. Julio Guridy stated no.

Mr. Ed Zucal asked if he withdrew it prematurely because he thought it was going to be denied anyway.

Mr. Julio Guridy stated that he probably thought that he should take it to Zoning instead and have a better chance of getting it. Not yet, they have to apply and it cost \$500.

Mr. Mike Hanlon asked if they get the idea. If they don't approve it, it goes into effect. That is the weird thing.

Mr. Daryl Hendricks stated that the yes vote, then denies him is what you are saying.

Mr. Mike Hanlon stated that they can go back to Zoning and get approval from Zoning and Mr. Guridy would say ok, send the Petition. This was speaking to the HARB Secretary.

Mr. Ed Zucal stated that he is making sure they don't get jammed up here.

Mr. Matthew Kloiber stated that when they say it was withdrawn, was it a written withdrawal. What is the indication that it was withdrawn.

Mr. Mike Hanlon stated that it was a verbal indication from the HARB Secretary.

Mr. Matthew Kloiber stated that Mr. Whitney raises some good points. There probably should be some discussion with HARB to see what happened here. He thinks he understands the points that were made and voting it down. He doesn't think it is a harm of doing that. It is a value in doing that since he has withdrawn it. Had he not withdrawn it, it might have been a different sort of ways of looking at it. It is a bit odd. At the end of the day, the committee was voting to approve the denial even though this was withdrawn. He stated to Mr. Guridy as he mentions it, it does seem kind of mute. If they can do that, it is no harm in doing that. If it has been withdrawn then it has been withdrawn.

Mr. Michael Hanlon stated that Council does not have it in writing. It is just a verbal.

Mr. Matthew Kloiber stated that he does not like the way it has played out, but what has been proposed as a committee is a fair way of addressing it. If he has been aggrieved and this should not have been rejected we have time to address that at the next Council meeting.

Mr. Julio Guridy stated that is the way they have always done it because something like that has to do with Zoning. It goes to the Zoning Board. That is the way it has been. Probably, it should have not come to us at all, but since it did, it is the right thing to do. If it goes to the Zoning Board. He stated that he can't suggest the process. He will not suggest if he should or should not. That is his prerogative, but if he goes to the Zoning Hearing Board he will have an indication if it is actually acceptable. If it is then he can bring it back. We can vote on it, but at this point he has the opportunity

to do that and take it over to the Zoning Board if he wants to.

Mr. Matthew Kloiber stated to Mr. Guridy that is a reasonable approach.

Mr. Mike Hanlon stated that typically they will do what Mr. Guridy is saying. Typically, Council would not even deal with it. He stated that he knows the HARB Secretary views in the future this is how we always proceed. Go through something first. It doesn't make sense.

Mr. Julio Guridy stated that even if Zoning decides not to, they can still bring it back to City Council and then they can take a stab at it and decide what we want to do. Even if Zoning said no, it has happened in the past. Zoning denied something and some people came to City Council and we vote on it. We either approve it, besides what Zoning says or not approve it. Council is the ultimate result for this kind of thing.

Mr. Mike Hanlon stated that the angle James is saying is HARB is weighing in on Zoning things and they should not be doing it.

Mr. Julio Guridy stated that he agrees with Mr. Whitney on that part.

Mr. Matthew Kloiber stated that is accurate.

Mr. Mike Hanlon stated that he never seen that before.

A motion was made by Daryl Hendricks that this Resolution be approved. The motion carried by the following vote:

Yes: 5 - Candida Affa, Daryl Hendricks, Julio Guridy, Ce-Ce Gerlach, and Joshua Siegel

No: 1 - Ed Zucal

Absent: 1 - Cynthia Mota

Enactment No: 30030

[15-3735](#)

R94

Authorizes Submission of an Application to the Blight Remediation Program of the Pennsylvania Department of Community & Economic Development for a Twenty-Five Thousand Dollars (\$25,000) for Use in conducting a reuse feasibility study on the identified properties.

Sponsors: Administration

Attachments: [R94 DCED Blight Grant](#)
[Resolution #30031](#)

Mr. Leonard Lightner stated that they are applying for a grant within Community and Economic Development with Pennsylvania Economic Development Corporation in order to do a Feasibility Study and help with

our planning in reference to our blight remediation.

Mr. Daryl Hendricks thanked Mr. Lightner and asked Mayor O'Connell if there were any comments.

Mayor Ray O'Connell stated no.

Mr. Daryl Hendricks asked if there were any comments or questions from his colleagues.

Mr. Ed Zucal asked if it would cost the city \$25,000 just to apply to that grant.

Mr. Leonard Lightner stated no, the city is applying for a \$25,000 grant.

Mr. Daryl Hendricks asked if there were any other questions, comments or concerns from the public.

Mr. Mike Hanlon stated no.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30031

[15-3731](#)

R95

Approval of Transfer for Building Maintenance: \$10,000 for Two HVAC units need to be replaced at Bridgeworks - Units Are Leaking Refrigerant and The Compressor Isn't Working Properly

Attachments: [R95 \\$10,000 HVAC Transfer](#)

[Transfer](#)

[Resolution #30032](#)

Mr. Craig Messinger stated that this is a transfer for two units over at the Bridgeworks Building. They are no longer serviceable and they have outlived their life. The funding that they are proposing to be transferred is basically in the area of the maintenance of them. The expenditures are down a little bit in the maintenance end. Unfortunately, laterly, instead of having units that they can repair, unfortunately they are having to replace them due to the fact that they are not usable anymore. That is why the funds are available in the other account, but there are two that they need to replace right away. That is why they are asking for the Transfer.

Mr. Julio Guridy asked Mr. Messinger that his understanding that Bridgeworks gets their funding from the Community and Economic

Development Corporation. He stated that he doesn't remember making a transfer to Bridgeworks directly. He asked Mr. Messinger to shed some light on that.

Mr. Craig Messinger stated that is such a thing as Bridgeworks that the city owns the property and then the Bridgeworks Enterprises that they have for the start up for the businesses. There are two different things. The Bridgeworks he is talking about houses the Engineering and Recycling.

Mr. Julio Guridy stated that this is the Engineering Department, not necessary Bridgeworks where they house the incubators.

Mr. Daryl Hendricks stated that would be the Allentown Economic Development Corporation.

Mr. Julio Guridy stated correct. That is what he thought.

Mr. Daryl Hendricks thanked Mr. Messinger and asked if there were any other questions, comments or concerns from his colleagues or the public.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30032

[15-3653](#)

R96

Approves Interim Act 537 plan triggered by regulatory requirements related to three months overage of city's 40m capacity at the Wastewater Plant

Attachments: [R96 Approves Interim Sewage Capacity Plan](#)

[Interim 537 Cover Letter 07242020](#)

[Part 1 KISS Interim Act 537 Plan - For Adoption Submission FINAL JULY 24 2020](#)

[Part 2 KISS Interim Act 537 Plan - For Adoption Submission FINAL JULY 24 2020](#)

[Part 3 KISS Interim Act 537 Plan - For Adoption Submission FINAL JULY 24 2020](#)

[MODEL RESOLUTION](#)

[Resolution #30033](#)

Mr. Craig Messinger stated that it is a 40 million gallon capacity. The issue that the city had back in 2018/2019 where the city went over its capacity at 40 million gallons a month triggered to have us go back and take a look at all of the planning and future planning throughout the city and the signatories that have flow that go through the city's plant. It was two-fold as

far as it went on. They have to look at the future planning. A year ago, they had a interim plan where that basically took flows to what they were going to put into place in 2020, this year. That was just put into place so this way we could go ahead for our next Five Year Plan. It is called the Interim Plan. The two-fold with this is making sure we have proper capacity for the development necessary in the City of Allentown and all the other signatories. The second part of it is, the city's capacity before was set at 40 million gallons and it was also put down that the hydraulic capacity was put at 40 million also. The hydraulic capacity, they can argue goes all the way up to 87 million gallons. However, DEP is not willing to even look at anything like that. The city was able to sit down with DEP and help them understand that while the capacity at the plant is 40 million, it handles well up to what the city was able to proof, 54 million gallons. Again, this was a negotiation so they were able to put in place the flows over the next five years to 2021 to 2025 which would include the city and all the signatories, basically adding another 4 million gallons to the plant. We were able to upgrade our hydraulic capacity for 44 million gallons. Two fold: it is looking at the development of the Lehigh Valley and saying what we are going to need and getting approval from DEP and on the back end letting them know actually to increase the hydraulic capacity at the same time to 44 million in case we get an of the wet weather that we did a couple years ago. It is a good thing and a win for the city. All the signatories are in line with it. This is again, like they spoke before with different things. It is a large chain. Every link counts. Approval of this will go along with not only people looking at Whitehall, but this is basically the Lehigh Valley. This is something that we need to have in place and have ready to go so this way their proposal to DEP for the 537 is put in and hopefully approved.

Mr. Joseph McMahon asked how many of the signatories went over their hydraulic capacity in the plant.

Mr. Craig Messinger stated that when it is hydraulic capacity per se, the city went over its normal flows, but it was added as a plant. Emmaus went past what theirs was, Salisbury everybody. It was something that was system wide and effected all of them. This is something that is not only good for the city, but all the signatories. Again, it is something that is big for us and to be able to say then that DEP recognized that the plant handles more than the 40 million when it comes to hydraulic capacity. Again, the city feels that it should be 54 million, but feels that it is still a win of them recognizing that they would have the additional 4 million gallons.

Mr. Julio Guridy stated that he doesn't see anything there about LCA. How is that related to the contract the Council just approved with LCA. Do they have a say on this. How does it work? How does it relate?

Mr. Craig Messinger stated that this has nothing to do with the Lease Concession. This has to do with LCA and their signatories. This is where they fall in line with also the capacity at the plant and what their flows are. They are handled in the same manner as South Whitehall will be, Emmaus will be, Salisbury will be. They have their own part of this and everything they need to put forward to it. This has nothing to do with the Lease Concession.

Mr. Joseph McMahon stated to Mr. Guridy that there are pre-existing Sewer Contracts that go back to 1965. Emmaus is part of that. They set the terms of how the sewage is divided up and who is responsible. From that perspective, LCA is the customer of the city. Now, when you take the Lease Consignment, LCA has to work with the city and actually enforce those things. They are actually enforcing some things against their suburban section.

Mr. Julio Guridy stated that this is basically because of the signatories that we already have, they are asking for more capacity. He asked if they were asking for more capacity.

Mr. Joseph McMahon stated that Craig can answer the specifics because he is not involved, but the plant has been at 40 million gallons a day, average day permanent capacity since 1979. He stated that in 2004, he actually went out to do a Master Plan to increase the Master Plan of Klein's Island back then. What got in the way was what EPA did their study and put the city on an administrative and he left a year later. All those things, and what Craig is talking about the Plan to upgrade to 44 million, some of the preliminary designs were done in 2004, but knowing that this day will come and others things got in the way. You have the Administrative Order, trying to meet what the EPA since 2008. All those things got in the way and then you had the Lease which consumed everybody. Now, they are getting to the business of increases capacity. You are now talking 41 years later.

Mr. Julio Guridy stated that he understands that part. He thanked Mr. McMahon for explaining it. He stated that his question or concerns is primarily is that is going to cost money and it is going to the ratepayer. He stated that they are not talking about it at all. Increasing the capacity and looking at the design of it is going to cost a lot of money.

Mr. Joseph McMahon stated that what will happen in that case is that extra four million gallons, whoever wants that capacity is going to pay for that capacity. If we are building it, they have to buy that capacity. They are going to pay for that capacity. They are going to buy and share in the cost of expansion.

Mr. Craig Messinger stated that this is hydraulic capacity. It is not capacity. We have 18.82 million gallons of capacity. The fact that the hydraulic capacity is going up. That does not say it is permanent capacity. They are giving us the hydraulic capacity because of the rain and the inflow and infiltration. This is not extra capacity that anybody is buying. The Borough of Alburtis is looking for 2,230 gallons. The City of Allentown has 1.358 million. The Lehigh County Authority is looking for 152,000. This is basically working within the perimeters of what we actually have for allocation now. He stated that the second part of it is hydraulic capacity. That means that the water is actually getting into the lines of inflow and infiltration. There is no extra capacity that anybody is getting. This is all working off our current contract that we have right now and the permit of 40 million. It is just talking hydraulic capacity when we get to the point of 44 million.

Mr. Julio Guridy stated that it is truly no extra expense on the hydraulic capacity versus the capacity of gallons.

Mr. Craig Messinger stated not at all. This is something that they worked out with them saying that the plant can handle it. We are saying that we are going to work on our; I. When we get these large rains and the numbers are higher the plant can handle it. This is so we don't bump right back into these three months and over 40 million gallons again. They are saying that it is ok and we feel that we are going to be finished, but nothing else will trigger into we will get to three months with 44 million gallons then the hydraulic capacity has been increased.

Mr. Julio Guridy stated that the actual maximum capacity that we have right now is 44 million gallons.

Mr. Craig Messinger stated that the permit is still 40 million. That is what is still permitted. There are two ways of looking at it, permitted and hydraulic capacity. We are not increasing capacity. We are not paying for more improvement to the plant. We are not selling capacity. None of that stuff is here. This is as far as DEP can look at what planning development we are going to have over the next five years. When he comes to the meeting and there is a sewage planning module, and come here and say the city has capacity for it. This is basically the behind the scenes legwork that gets done. When it comes down to it when someone wants to develop a property which is listed in here, he can come here and say to them we have capacity.

Mr. Julio Guridy stated that is what he wanted to clarify. When you say increasing capacity he was not sure if it was expanding the actual plants to increase the capacity of it. You were talking about the capacity which has

nothing to do with the volume capacity.

Mr. Craig Messinger stated exactly.

Mr. Joseph McMahon stated that in any plant, there is multiple capacities that you look at. There is peak flow capacity and average day capacity and that is from a hydraulic standpoint. There is the organic load and the hydraulic flow and each one of those have a different type of capacity that they would look at.

Mr. Julio Guridy stated that he tried to find out what it was.

Mr. Daryl Hendricks thanked Mr. Guridy and Mr. Messinger. He asked if there were any questions or concerns from his colleagues or the public.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30033

[15-3738](#)

R97

Certificates of Appropriateness for work in the Historic Districts:

- 147 N 10th Street;
- 215-217 N 11th Street;
- 248 N 10th Street;
- 318 N 8th Street;
- 603.5 N 6th Street;
- 627 W Liberty Street
- 1021 Turner Street

Attachments: [R97 for COA From Aug 3 HARB](#)

[HARB Final Reviews](#)

[Resolution #30034](#)

Mr. Leonard Lightner stated that there are no comments, but is available for questions if you have anything in particular on any of the items. It is the normal standard particular items that need to be rehabbed and worked on with the properties. He stated that he can go through each one of the properties to give Council a detailed list if they would like. He is available for questions if they have anything.

Mr. Daryl Hendricks stated that if there is a concern for that, he will refer to them. He asked if there were any questions, comments, or concerns from his colleagues.

Ms. Candida Affa asked if these are blighted properties.

Mr. Leonard Lightner stated they are not. They are all properties that are occupied and are looking to do some rehab work.

Ms. Candida Affa asked is this through HARB.

Mr. Mike Hanlon stated yes. These are HARB.

Mr. Julio Guridy asked are these our properties or somebody else's properties.

Mr. Leonard Lightner stated owner occupied.

Mr. Daryl Hendricks stated that they want to make alterations and additions.

Mr. Leonard Lightner stated correct.

Mr. Daryl Hendricks asked if there were any other questions from his colleagues or the public.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30034

[15-3739](#)

R98

Authorization for Contract price increase of 10% or more for an existing Contract over \$40,000.00, that was previously Bid and Awarded under City Policies, with Kuharchik Construction, Inc., in the amount of \$41,152.52 for improvements made to the traffic signals along Lehigh Street and two (2) adjoining street intersections for a total of 15 intersections.

Attachments: [R98 Request for Council Approval - C48-000028- Kuharchik Construction increase Resolution #30035](#)

Mr. Craig Messinger stated that this is due to an accident. At the intersection where Home Depot goes in and also the westbound 78 to Lehigh Street exit. This was part of the city's Green Light Go Project from 31st to St. John and they were to the point where the project was just about completed. There was an accident there that took out a lot of the equipment that was basically just put in. At that point in time, due to the fact of the emergency of that intersection needing to have that intersection setup at least as a temporary setup there they said that Kuharchik that they had to have a contractor ready to go there and replace the guts of the hole box that was knocked over and some of the other equipment there. Part of

the Change Order is an emergency temporary setup because they had the equipment they can go in there and do it. Part of it is for a final install of some of the other equipment that still needed to be done. He stated that they basically got the intersection back into a safe manner. They did not put it back with the other Traffic Adaptive Systems and the GPS System was there, but they got it back at least to a safe operation. They would like to finish that project out. He stated that \$6,100 of it is for a final install for Kuharchik to actually come back and put the other equipment there and get it done. One of the reasons they are trying to do it as quick as they are is the fact that they received the grant money for it of \$6,020. If the project is not completed and closed out by September 30th they are in jeopardy of losing some of that funding at some point. That is why they asked that this gets put on and approved as quick as possible instead of waiting for a Contracts Meeting.

Mr. Ed Zucal asked if the city is going after the insurance company of the individuals that were involved to recoup this. He asked if they are looking at an additional \$41,000 or \$1,152.

Mr. Craig Messinger stated that Jeff Nelson has all the information and the accident report with the information of the insurance company. It was \$41,152.

Mr. Ed Zucal asked if that is what they are going after the insurance company for.

Mr. Craig Messinger stated that there are a couple of other things with equipment that Public Works bought. It might be a little bit more than that, but this will be part of this contract.

Mr. Daryl Hendricks thanked Mr. Zucal and asked if there were any other questions or from the public.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30035

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

[15-3732](#)

Bill 55

Providing for the vacation of South Aubrey Street from the North line of East Mosser Street to its South terminus in the Fourteenth Ward of the City of Allentown:

Attachments: [Bill 55 South Aubrey Street from the North line of East Mosser Street to its South](#)
[S Aubrey Street Vacation Report](#)

[Letter from Mike Hanlon regarding South Aubrey Street from East Mosser Street Toward South \(revision on applicant\)](#)
[S. Aubrey Street from Unopened E. Mosser Street to Its South Terminus - Staff Report](#)
[Letter from the Lehigh Valley Planning Commission regarding Street Vacation - South Aubrey Street from East Mosser Street](#)
[526 S. Aubrey Street from East Mosser Street Toward South Street Vacation REVISED](#)
[Portion of South Aubrey Street from East Mosser Street Toward South](#)
[Memo from Mayor Ray O'Connell regarding 526 S. Aubrey Street Street Vacation \(Report of the Property Review Committee\)](#)
[Ordinance #15636](#)

REFERRED TO PUBLIC WORKS COMMITTEE

Enactment No: 15636

[15-3733](#)

Bill 56 Budget and Finance, forwarded favorably Amending the 2020 General Fund, Solid Waste and Stormwater Fund Budgets by transferring a total of Four Hundred Twelve Thousand Eight Hundred (\$412,800) Dollars from the unappropriated balances of the General Fund, Solid Waste Fund and Stormwater Fund to General and Civic Program within the General Fund to enable payment to the Pennsylvania Unemployment Compensation Fund for COVID-19 related furloughs and layoffs.

Sponsors: Administration

Attachments: [Bill 56 Unemployment Comp Expenditure](#)
[Ordinance #15634](#)

REFERRED TO BUDGET AND FINANCE COMMITTEE

Enactment No: 15634

[15-3742](#)

Bill 57 Committee of the Whole, this evening Amending the 2020 General Fund budget to accommodate the reorganization of positions – providing upgrades to 16 existing positions and adds 4 new positions (per the attachments) within the Bureau of Health in order to meet the requirements of the COVID-19 related grants the City is receiving and to operate more efficiently while taking on these additional responsibilities. The City will be receiving a total of Five Million (\$5,000,000) Dollars in grants funds over the next three (3) years to support these changes.

Attachments: [Bill 57 Health Covid Reorganization](#)
[Health Reorg Bill summary](#)
[HEALTH BUREAU COVID REORG](#)
[Grant Specifications](#)
[Health Reorg 2020 Answers to Questions](#)
[Ordinance #15635](#)

REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT
COMMITTEE

Enactment No: 15635

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

NEW BUSINESS: NONE

GOOD AND WELFARE: NONE

Mayor Ray O'Connell wished Mr. Hanlon a Happy Birthday.

Mr. Daryl Hendricks stated that Mr. Hanlon celebrated a birthday on Monday.

ADJOURNED: 8:30 PM

[15-3740](#) Council Docs - Rules, Charter, Contract Procedures

Attachments: [Council Rules March 2020](#)
[HOMERULE March 2020](#)
[Article 130.16 Contracts](#)