Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, May 1, 2019 | **7:00 PM** | **Council Chambers**

This meeting is being live streamed and recorded. The video will be posted on the city website. Remember your manners, exhibit good behavior and smile.

Invocation: Councilperson Guridy

Pledge to the Flag

Roll Call

Present: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

Courtesy of the Floor
Courtesy and Privilege of the Floor Rules

Mr. Lou Hershman, 405 N. Gilmore Street, asked about budget time and the Solid Waste Fund and the Memorandum of Understanding available to the public to repay the loan to the Solid Waste Fund. He asked about the Golf Course Fund and the season passes. The city is in the hole at the Golf Fund for $600,000. He talked about the Parking Authority and the two Council members being on the board.

Mr. Roger MacLean stated that Mr. Hartzell said it will be done by the end of June.

Mr. Brent Hartzell stated that's what he anticipates. Next week the proceeds will be distributed to the Refunding Loan. He was waiting for the proceeds to come in before making the payments.

Mr. Courtney Robinson stated that we have two members, but city law requires that we have one.

Mr. Jeff Glazier stated that the administration and the Parking Authority are working on a new contract that will address the deficiencies and the agreement will be brought to Council. It is a revenue contract.

Mr. Brent Hartzell stated whatever needs to be done to bring it forward, of course. It is to align where there are legitimate cost. He will follow up with the Parking Authority.

Mr. James Whitney, 924 Walnut Street, talked about the Pennsylvania Sunshine Act. The Sunshine Act says that the public has the right to comment on issues that are or may be before the board.

Mr. Roger MacLean stated that Mr. Whitney referred to an item on the agenda.

Approval of Minutes:

Old Business

Mr. Roger MacLean stated that Mr. Hyman was on the radio on Monday and said that this entire body was contacted by Representative Schlossberg in reference to the State Hospital and Council change their votes. He stated he spoke to Representative Schlossberg three times and he never ask me to not vote for a Resolution that was going to be put forward. The conversations with him was to set up an information gathering meeting.

Mr. Daryl Hendricks stated that he received a phone call to discuss the State Hospital and at no time was he asked about voting.

Ms. Candida Affa stated the same with her.

Mr. James Whitney asked if the public can comment on Mr. MacLean bringing up Nat Hyman.

Mr. Roger MacLean stated no. He asked his colleagues if they had anything for Old Business.

Communications

Proclamation - Doug Snyder

Mr. Doug Snyder stated that he is very humbled. The words are very kind. It is a honor to serve the student athletes. He stated that he teaches history as well. He teaches before getting to the gym in the afternoon. He thanked Council.

Mayor Ray O'Connell stated that he has known Doug Snyder for many, many years. He will go down as one of the greatest coaches in the city of Allentown and the state. What he does on the court is exceptional. What he does off the court is remarkable. He watches them, takes care of them, he guides them, and he mentors them. That is what true coaches do. You can't put a price on that. What he is doing for the lives of these young kids is priceless.

Mr. Joseph McMahon stated that his kids had Doug Snyder. He is most known for his basketball, but the number of people he touched academically or the number of minds he made think about they are learning. How does this history play a part in who we are and where we are today.

REPORTS FROM COMMITTEES:

Committee of the Whole, President MacLean
Council will meet as a Committee of the Whole on May 15th at 6 PM - Mr. Lightner will provide us with an update on the comprehensive plan and Mr. Reilly from City Center will provide an update on their projects and plans.

Budget and Finance: Chair Guridy, Hendricks, Mota
The Committee met on April 24 - reviewed the financial reports and continued the discussion on the budget process proposing a few changes to the administrative code and a charter amendment to move the budget introduction to October 15 - these bills are forthcoming.

Community and Economic Development: Chair Robinson, Guridy, Affa
The Committee has not met since the last council meeting; there are no future meetings scheduled.

Human Resources, Administration and Appointments: Chair Affa, Zucal, Mota
The Committee has not met since the last council meeting; there are no future meetings scheduled.

Parks and Recreation: Chair Mota, Robinson, MacLean
The Committee met this evening; there are no future meetings scheduled.

Public Safety: Chair Hendricks, Affa, Zucal
The Committee met this evening; there are no future meetings scheduled.

Public Works: Chair Zucal, Hendricks, Robinson
The Committee met this evening; there are no future meetings scheduled at this time.

Rules, Chambers, Intergovernmental Relations and Strategy: Chair MacLean, Affa, Guridy
The Committee has not met since the last council meeting; a meeting will be scheduled prior to the next council meeting to review a change to council rules being introduced this evening.

Controllers Report

NONE

Administration Report

Mayor Ray O'Connell stated that a lot is going on this weekend. Tonight on-street parking at the vicinity of PPL Center on non event nights which is tonight is free after 5:00 PM beginning this evening. Enforcement of meter parking on Hamilton, Linden and Walnut Streets between 4th and 12th Streets and the unit blocks of Linden and Walnut Streets ends at 5:00 PM instead of 6:00 PM. They removed 80 yards at the Rose Garden. They put down 80 yards of soil because of the infection of the roses and planted 750 rose bushes. As Mr. Messinger said early, the 2019 street paving program is in full swing from now until the end of October at a total cost of $1.3 million. This weekend is a series of celebrations downtown from May 3rd to May 5th for Cinco De Mayo Weekend. He stated that he hopes it will be as successful as Blues, Brews and Barbecue.

APPOINTMENTS:
Nuisance Abatement Board of Appeals
Bill Harvey (Building Standards), April 19, 2021 - 4 years
Glenn Granitz (Police), April 19, 2020 - 3 years
Alternate Members
Bob Sandt (Housing Supervisor), April 19, 2021 - 4 years
Scott McCulloch (Police), April 19, 2020 - 3 years

15-2957 Nuisance Abatement Board of Appeals
Bill Harvey (Building Standards), April 19, 2021 - 4 years

Ms. Candida Affa asked if she has any comments from her colleagues on the appointment of Bill Harvey. She asked anybody from the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

15-2958 Nuisance Abatement Board of Appeals
Glenn Granitz (Police), April 19, 2020 - 3 years

Ms. Candida Affa asked if there were any comments from her colleagues. She asked if there were any comments from the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

15-2959 Nuisance Abatement Board of Appeals
Alternate Member
Bob Sandt (Housing Supervisor), April 19, 2021 - 4 years

Ms. Candida Affa asked if there were any comments from her colleagues. She asked if there were any comments from the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

15-2960 Nuisance Abatement Board of Appeals
Alternate Member

Scott McCulloch (Police), April 19, 2020 - 3 years

Ms. Candida Affa asked if there were any comments from her colleagues.

Mr. Courtney Robinson stated that he is confused what the actual term is since it says 2020 and 2021.

Ms. Candida Affa stated that is a typo because if it extends 2020 that's not three years.

Mr. Mike Hanlon stated that we could be slotting them in.

Ms. Candida Affa asked if there were any other comments from her colleagues. She asked if there were any comments from the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

15-2917 Allentown Arts Commission

Al Jacobsen, Allentown Arts Commission, 01/06/2024

Attachments: Al Jacobsen - Allentown Arts Commission

Resolution #29804

Ms. Candida Affa asked if there were any comments from her colleagues. She asked if there were any comments from the public.

Mr. Al Jacobsen publicly thanked Mayor O'Connell for recommending him and Council for voting for him. He stated that he is brand new to the Lehigh Valley and introduced his wife Nicole and son AJ. He thanked them and stated that being a part of the Arts Commission is very important. Arts has a very essential role in improving the quality of life for our region and look forward to the opportunity to serve.

Mayor Ray O'Connell asked Mr. Jacobsen to tell Council what he does for his day job.

Mr. Al Jacobsen stated that he is the Executive Director for the Allentown Symphony Association which operates the Allentown Symphony Orchestra, El Sistema Lehigh Valley and owner and operator of Miller Symphony Hall.

Mayor Ray O'Connell stated that Mr. Jacobsen is a fine addition to the Arts Commission and a fine addition to Allentown and the entire Lehigh Valley. He stated that we have some new leadership. Jane Heft is the chairperson of the Allentown Art Commission.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

15-2920 Planning Commission
Anthony P. Toth, Planning Commission, 01/03/2020

Attachments: Anthony P. Toth - Planning Commission
Resolution #29804

Ms. Candida Affa asked if there were any comments from her colleagues.

Mayor Ray O'Connell stated Anthony Toth serves on the Planning Commission from 2005 - 2015 and was the vice chair. He was let go. He was not renewed. He stated that he knows Anthony Toth for a long-time and he has a background in Planning. He is a good guy and cares about Allentown. When we did have an opening he thought to bring Anthony Toth back since he is well respected. He stated that he nominated him and look for full support of Tony.

Mr. Anthony Toth stated that it is an honor and thank Mayor O'Connell for the recommendation and will do the best that he can as he did in the past. He stated that he looks forward to get back on and he will be right back in.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

15-2799 Bill 22
Amending the Zoning Map of the City of Allentown by rezoning parcel 549567205959, also known as 1811 S Glenwood Street from B-4 Shopping Center Business to I-2 Limited Industrial.

Attachments: Bill 22 1811 S Glenwood St.

1811 S Glenwood St Map Exhibit A

1811 S. Glenwood Street 9.8 acres - Rezoning Request

1811 S. Glenwood Street 9.8 Acres Map - Rezoning Request

1811 S. Glenwood Street 9.8 Acres Map

Letter from Mike Hanlon regarding the Rezoning Petition Request for 1811 S. Glenwood Street (Parcel ID 549567205959-1)
1811 S. Glenwood Street Labels

Draft Bill - 1811 S. Glenwood Street from B4 to I2

PCM 2-12-19

Letter from David Kimmerly regarding 1811 Glenwood B4 to I2 - Allentown Planning Commission Recommended Approval
Letter from Mike Hanlon regarding Bill 22 Amending Zoning Map to Rezone Parcels at 1811 S. Glenwood Street from B-4 Shopping Center Business to I-2 Limited Industrial
Receipt for Bill 22-2019 from Lehigh County Law Department

Letter from Lehigh Valley Planning Commission regarding 1811 S. Glenwood Street from B4 to I2
1811 S. Glenwood Street - NOTICE

Legal Ad - Rezoning 1811 S. Glenwood Street from B-4 Shopping Center to I-2 Limited Industrial and Zoning Map
Ordinance #15535

Mr. Roger MacLean asked if there were any comments from his colleagues.

Mr. Courtney Robinson stated that he stated this when they had the committee hearing. In the interest of full disclosure, his girlfriend will be doing a summer internship with Attorney Fitzpatrick's firm this summer. As was stated when Council had the Hearing, he does not partake in the hiring of the interns.

Mr. Roger MacLean asked if there were any other comments from Council. He asked Mr. Fitzpatrick if he wanted to say anything else. He asked if there were any comments from the public.

Amend to reflect the address as 1811 S. Glenwood Street SW

MOTION APPROVED BY COMMON CONSENT

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

15-2884 Bill 27
Amending the 2019 General Fund Budget to provide for a supplemental appropriation of Forty-Seven Thousand Six Hundred Seventy-Nine Dollars

and Ninety Cents ($47,679.90) from the Municipal Police Officers' Education and Training Commission (MPOETC) to be used at the Allentown Police Academy for training and operating expenses related to Act 120 classes.

Attachments: Bill 27 MPOETC FUNDS - POLICE ACT 120 CLASSES

Ordinance #15536

Mr. Roger MacLean asked if there were any comments from his colleagues or the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

15-2883 Bill 28

Amending the 2019 Capital Fund Budget to provide for a supplemental appropriation of One Million Three Hundred Thousand ($1,300,000.00) Dollars for the annual Curb and Sidewalk Construction Project number 1731.

Attachments: Bill 28 Curb and Sidewalk Appropriation

Ordinance #15537

Mr. Ed Zucal stated that it was in the Public Works committee and voted on favorably by the committee, 3 - 0.

Mr. Roger MacLean asked if there were any comments from his colleagues.

Mr. Julio Guridy stated that they discussed it in the committee meeting early today.

Mr. Roger MacLean asked if there were any comments from the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

15-2889 Bill 29

Correcting Ordinance 15511, Section Two, by appropriating the correct total of Two Hundred Fifty Thousand ($250,000) Dollars from the Pennsylvania Department of Community and Economic Development to the City of Allentown for the Multimodal Transportation Fund Grant for the Phase II LED street lighting system along American Parkway from Union Street to Bradford Street rather than Two Hundred Thirty-Two Thousand ($232,000) which was previously approved into the 2019 Capital Fund.

Attachments: Bill 29 ORDINANCE 15511 CORRECTION

Ordinance #15538

Mr. Roger MacLean stated that it was in Mr. Zucal's committee as well.

Mr. Ed Zucal stated that it is an $18,000 savings for the city. It is a no-brainer.

Mr. Roger MacLean asked if there were any comments from his colleagues or the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

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

15-2910 Bill 30 Public Works, this evening

Amending the 2019 Capital Fund Budget by transferring from Capital Project 1282 – Hamilton Street Safety Improvements from 10th Street, Capital Project 1283 – Hamilton Street Safety Improvements from 4th Street and Mack Boulevard Traffic Calming Improvements into Capital Project 1803 Bridge Repairs for a total transfer amount of Sixty-Nine Thousand Five Hundred Ninety-Seven Dollars and Ninety Cents ($69,597.90).

Attachments: Bill 30 Bridge Repairs Capital Transfer

Ordinance #15539

Mr. Roger MacLean asked if there were any comments from Council or the public.

REFERRED TO PUBLIC WORKS COMMITTEE

15-2918 Bill 31 CEDC, this evening

Amending the 2019 General Fund and 2019 Equipment Fund Budget by transferring Six Thousand ($6,000) Dollars from the Health Bureau operating budget to the 2019 Equipment Fund for the purchase of a vehicle.

Attachments: Bill 31 Health Bureau Vehicle Transfer

Ordinance #15540

Mr. Roger MacLea asked if there were any comments from Council or the public.

REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

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

15-2913 R36 Rules, this evening

Amends Council rules by adopting a rule change requiring bills on introduction to be referred to committee for public comment and discussion when vested interests and staff have been notified and certain personnel have been requested to attend.

Sponsors: Guridy and MacLean

Attachments: R36 - Amendment to Council Rules

Mr. Roger MacLean asked if there were any comments from my colleagues or the public.

Mr. James Whitney, 924 Walnut Street, that the earlier in the meeting he talked about the Sunshine Act and accidentally referred to this Resolution. We now have the opportunity talk about this Resolution. This Resolution would take away the ability for the public to comment on full City Council on regarding Bills and Resolutions you are introducing before final passage. He stated that Council wanted to give it a try and never changed it. It is going to the committee.

Mr. Julio Guridy stated that this is the way that it has been for many, many years. Five years ago, we made an effort to change the Administrative Code.

Mr. James Whitney asked if all members of Council part of the committee. He stated that if this passes the only opportunity to speak to the entire Council at once regrading a particular legislation will be on final passage.

Mr. Julio Guridy stated that all members can come if they have an interest in a Bill or Resolution that is being discussed.

Mr. Daryl Hendricks stated that it is important to note that those members who may be able to speak from the administration will not be present, as they are not here every evening. He stated that he does not want to answer questions without the experts here to offer their input.

Mr. Ed Zucal asked Ms. Fruhwirth to weight in on that on if it is a violation or not.

Ms. Fran Fruhwirth stated that the Solicitor's office will be happy to look into it.

Mr. Edward John White, 1922 W. Highland Street, stated that he would like

to see an actual copy of the proposed ordinance or change. If a proposed ordinance is introduced that means it is on the Agenda as a agenda item and subject to comment on if it is being referred to committee or not. He asked is that correct. You wait until the agenda item comes up and you get to discuss it and the public can make a comment. He stated that he doesn't see an issue with the Sunshine Law. He sees an issue of whether you can comment as a citizen of Allentown.

Mr. Daryl Hendricks stated that you don't vote on it at introduction. It goes to committee.

Mr. Courtney Robinson stated that if the rule changes, then the opportunity that you and Mr. Whitney will only be able to exercising right now will only be able to be exercised at the committee meeting and Council meeting for final vote.

Mr. Edward White stated that is a mistake.

Mr. Courtney Robinson stated that he would agree.

Mr. Julio Guridy stated that those are Council Rules. We make our own rules. We can change our rules anytime.

Mr. Edward White asked for a copy of the proposed ordinance change.

Mr. Roger MacLean asked if there were any other questions on R36.

Mr. Jeremy (inaudible), Allentown, stated that most of the public works during the day and can't make it to the committee meetings. You are reducing our free speech.

Mr. Daryl Hendricks stated that Council's committee meetings are not held during the day.

Mr. Jeremy stated that the ones he sees are earlier than the Council meeting.

Mr. Julio Guridy stated that Council may be able to accommodate.

Mr. Roger MacLean asked if there were any other comments.

REFERRED TO RULES, CHAMBERS, INTERGOVERNMENTAL RELATIONS AND STRATEGY

NEW BUSINESS: NONE

GOOD AND WELFARE: NONE

ADJOURNED: 7:49 PM