



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, January 6, 2021

6:30 PM

Council Chambers

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**Public Comment Provisions during Covid:** 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 prior to the meeting and will consider all comments from city residents. All comments must include your name and address, including your city, and be emailed to [Michael.Hanlon@AllentownPa.gov](mailto:Michael.Hanlon@AllentownPa.gov) by 2 PM on the date of the meeting. Comments can also be registered using the ecomment provision on each agenda item found on the city website. 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 Courtesy of the Floor or Public Comment periods 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. In addition, if you would like to speak during the meeting, please send your name, address, including municipality, and telephone number to the email address above indicating what issue you would like to speak on or call the office at 610.437.7555 and do the same, and you will be called during the meeting.

#### Roll Call

**Present:** 6 - Cynthia Mota, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

**Absent:** 1 - Candida Affa

#### [15-3970](#)

#### Bill 90

DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE MAY 18, 2021 MUNICIPAL PRIMARY ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO EXTEND THE GEOGRAPHIC LIMITS OF THE CITY RESIDENCY REQUIREMENT FOR CITY HEADS OF DEPARTMENTS, OFFICES AND AGENCIES

**Sponsors:** Administration, Affa, Mr. Zucal and Hendricks

**Attachments:** [Bill 90 Charter Amendment - Residency Requirement of Heads at time of appointment](#)  
[Ordinance #15666](#)

Mr. Daryl Hendricks stated that he believes most of his colleagues are aware of this going on the ballot. He asked if there were any questions regarding his colleagues or the public.

Mr. Matt Kloiber stated for Committee of the Whole, it is just a discussion. It will just get voted on at Council.

[15-3972](#)

Bill 91

DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE MAY 18, 2021 PRIMARY ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO PERMIT THE CITY COUNCIL TO APPOINT A COUNCIL SOLICITOR FOR LEGAL ADVICE.

**Sponsors:** Affa, Hendricks, Mota and Mr. Zucal

**Attachments:** [2021 Bill 91 Charter Amendment - Council Solicitor](#)  
[Ordinance #15667](#)

Mr. Daryl Hendricks stated Council Solicitor. He asked if there were any questions from anybody from Council or the public. Like Bill 90, this will move forward to the full Council.

Mr. Matt Kloiber stated that it has to be amended at the Council meeting itself. The date is wrong in Section 1. It says November 6, 2018. That just needs to be changed to May 18, 2021.

Mr. Daryl Hendricks asked what the date should be.

Mr. Matt Kloiber stated May 18, 2021.

Mr. Daryl Hendricks stated that he has May 18th. He stated on both of his, he has the May 18th date.

Mr. Matt Kloiber stated that in Section 1 of the Ordinance itself.

Mr. Ed Zucal stated that he thinks Mr. Kloiber is looking at Bill 50.

Mr. Matt Kloiber stated no, Bill 91. The Solicitor one. The one he pulled off the website today. It is not in the title of the Ordinance itself, but in Section 1. The one he reads The Lehigh County Board of Elections is directed to place the following referendum question to the voters of the City of Allentown on the May 18, 2021 election ballot and then it gets into the language, but if the City Clerk and the Councilmembers have the right now then that is all that matters.

Mr. Daryl Hendricks stated that he does and he believes all his colleagues do have the correct date.

Mr. Michael Hanlon stated that Mr. Kloiber is talking about Section 1. Section 1 is a mistake in the body of it. The title is ok. We will correct it.

Mr. Daryl Hendricks thanked Mr. Hanlon.

Mayor Ray O'Connell stated that Mr. Zucal is correct. When you get to Bill 50. The date.

Mr. Matt Kloiber stated that date is to be corrected as well.

[15-3675](#)

Bill 50

Directing the Lehigh County Board of Elections to Place a Referendum Question Before the City of Allentown Voters on the May 18, 2021 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](#)  
[Ordinance #15668](#)

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

Mr. Michael Hanlon stated that Mr. Glazier can explain the concern that he has.

Mr. Daryl Hendricks stated yes, Mr. Glazier if you will be so kind to do so.

Mr. Jeffrey Glazier stated that we they discussed this the last time, he thinks it was Mr. Guridy raised some concerns about the confidentiality of the information that the Controller's office would use or might use when performing audits and the language that the Solicitor has drafted by Mr. Kloiber. He asked if this is from Mr. Kloiber's office. It is an attempt to address that legitimate concern. He stated that he does not have any problems with it. He encouraged Council to approve of it at the meeting as amended.

Mr. Daryl Hendricks thanked Mr. Glazier and asked if there were any questions to those comments.

Mayor Ray O'Connell asked if Bill 50 that will go to The Lehigh County Board of Elections will be what is here.

Mr. Jeffrey Glazier stated that it will be amended into it.

Mayor Ray O'Connell stated that it is clarification.

Mr. Daryl Hendricks asked if there were any questions from the public.

Mr. Matt Kloiber stated that he knows that this came from his office, but in looking at it on the fly, they have a recodification of our Ordinances. He suggests taking out a particular section numbers here. Looking at the proposed language that Mr. Hanlon has circulated, he suggested that it would say the Controller in conducting such audits shall in all respect comply with the city's Ethics Code. You take out Section 171.02B. It would read with the city's Ethics Code and the Personnel Code. That will take out Section 140.17 just because we are putting it in a Charter document. Just in case the actual Section numbers change and not to cause any havoc. We will still have an Ethics Code and we will still have a Personnel Code with the changes. By putting certain section numbers in there it became problematic. He recommended taking out just to make it clear, the language Section 140.17 (Employee Conduct and Work Rules Part 2.12) and leave the remainder.

Mr. Daryl Hendricks thanked Mr. Kloiber and asked if there were any comments or questions as to the request.

Mr. Matthew Kloiber stated that they are talking about the Home Rule Charter amendments and he wanted to give timeframes for Council in case there are additions that they want to do in the coming few weeks if there is time. He wants to give timeframes to put that out there. The Primary election is May 18th. The law requires that the election officials shall cause the question to be submitted to the electors at the next Primary, General or Municipal Election occurring not less than the 13th Tuesday following the filing of the Initiative Petition. What that means is putting it in a more regular English is, Council has essentially a drop-dead date of February 3rd so if there are any additional Charter Amendments that Council would want to do, if you did it at the February 3rd Council date, you can put it through. It is better to do it tonight or the next Council meeting, but just in case there are any others that are in the pipeline. He just wants to make Council aware of the timeframe that is left for those to come forward to get it on the next Primary ballot.

Mayor Ray O'Connell asked if Mr. Kloiber had the date for Bill 50.

Mr. Michael Hanlon stated that it will be the same date.

Mr. Daryl Hendricks stated that it is the same thing.

Mayor Ray O'Connell stated that they have about a month.

Mr. Michael Hanlon stated that it is on the agenda tonight.

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

Mayor Ray O'Connell stated that they will vote on Bill 90, Bill 91 and Bill 50 tonight, correct.

Mr. Michael Hanlon stated yes.

Mr. Daryl Hendricks asked if there were any questions from the public.

**ADJOURNED: 6:41 PM**