



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, October 5, 2016

7:00 PM

Council Chambers

Invocation: David McGuire

Pledge to the Flag

Roll Call

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

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

Mr. Kenneth Heffentrager, 214 N. St. Cloud - Allentown Tenants Association, stated that everyone needs to expand their horizons. We are the Allentown Tenants Association and have you every noticed how trashy Seventh Street is. He challenge Council to stand at Law and Liberty Streets. The 500 block of Liberty, the 400 block of Law and 500 block of Brown, and the 500 block of Broom Street and 400 block of Fair, 500 block of Pratt, and 400 N. Sixth Street is absolutely disgusting. He asked Council to look at the Allentown Tenants Association's Facebook page. They downloaded 30 pictures. The illegal dumping is property owners. The Spanish Newspaper machines are all over Allentown empty. It looks trashy.

Ms. Ericka Bickford, 139 S. Lumber Street, stated that she has been a proud resident for 26 years. She talked about people dumping their garbage and asked to switch the Disruptive Sweep Complaints to the tenants so when they get three strikes we need to give the landlords the ability to evict tenants. She stated that she is asking for a cleaner city.

Cecilia Gerlach, 956 W. Walnut Street, stated that those of Council who publicly spoke out against the appointment of the individual that the Mayor has hired or has working upstairs in the Community and Economic Development thank you. She stated that she knows what it is like going against the power that is. It is not about the individual, it is about him not having Community and Economic Development experience. I don't see him as the best fit. She asked Council to vote against the appointment of that individual for the Community and Economic Development position.

Mr. Dennis Pearson, 942 E. Tilghman - East Allentown Rittersville Neighborhood Association, stated that they sponsor annual the Project Clause Christmas Display and this year they are doing it differently. They will not be putting decorations on the pole. He stated that he doesn't think that they will have the sugar-plum shopping village.

Mr. Julian Kern, 252 E. Walnut Street, stated that back in July he submitted a letter to the editor in The Morning Call about the quality of life in the city. He talked about juvenile community service and the Recycling and Solid Waste page of the city's website.

Mr. Ray O'Connell stated that is a county program. That is run through Lehigh County Probation.

Mr. Craig Messinger stated that the city does have an agreement with them. They do work at the Martin Luther King Recycling site and the Yard Waste site.

Mr. Ray O'Connell asked anyone else for Courtesy of the Floor.

Mr. Robert Trotner, 1920 W. Whitehall Street, stated that he wanted to follow up with what Julian said. When I was a lawyer I remember the program, but that was back in the 80s and 90s. That is a program that definitely could be expanded.

Approval of Minutes:

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

Old Business: NONE

Communications

Executive Session

City Council held an Executive Session on September 28, 2016, at 5:30 pm with the City Solicitor on pending litigation involving Patriot's Park, the appointment process, conflict of interest and confidentiality. Council then discussed options for handling the appointment of department directors. These subjects are exceptions to the open meeting requirement under the Sunshine Law.

Special Meeting

Council will conduct a special meeting to review and act on the Director appointments that the Mayor has submitted on October 13th starting at 6PM in Council Chambers.

REPORTS FROM COMMITTEES:**Budget and Finance: Chair Guridy, Hendricks, Mota**

The Committee met this evening, the next regularly scheduled meeting is on October 26.

Community and Economic Development: Chair McGuire, Guridy, Mota

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

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

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

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

The Committee has not met since the last council meeting. We have not scheduled the next meeting.

Public Safety: Chair Hendricks, MacLean, Affa

The Committee has not met since the last council meeting, the next meeting has not yet been scheduled.

Public Works: Chair MacLean, McGuire, O'Connell

The Committee this evening, there are no future meetings scheduled.

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

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

City Controller's Report

<http://www.allentownpa.gov/Contracts>

Mr. Jeff Glazier stated that there is a graphic on the screen which is the updated contracts page on the city's website. It would provide a list of contracts by year. With the cooperation with IT, it is now a searchable database. You can download the PDF immediately. He hopes to do this with the audits or any other information that the Controller has control of. He talked about the Accounts Payable Weekly Check Review for the month of September. During the month we reviewed 457 checks for a total of \$4.6 million. We did 13 wires for a total of \$2 million. Findings were some wires were posted to Eden late, duplicate payments, and the check was cut, but the documentation was weak.

Mr. Julio Guridy asked Mr. Glazier about the reconciliation with the city's checks. In the past, we were pretty much behind for several months. Are you up-to-date?

Mr. Jeff Glazier stated that the Controller is at the tail end of the process. March is done and we are working on April now. April will be completed shortly, then we will be into May.

Mr. Brent Hartzell stated that April is done.

APPOINTMENTS:

[15-1116](#) Appointment to the Human Relations Commission for Council's consideration.

Name	Authority/Board/Commission	Term to Expire
Eugene McDuffie	Human Relations Commission	01/25/2019

Attachments: [Memo from Mayor Pawlowski Appointment of Eugene McDuffie - Human Relations Commission](#)

Mr. Julio Guridy stated that he has known Mr. McDuffie for a very long time. He has been a good community service man and worked with children for a long time. I think he would be a great addition to the commission.

Ms. Cynthia Mota stated that she has known him for many years and is an exemplary individual who has helped the homeless and had an afterschool program and gang prevention events throughout the city. She supports this appointment 110 percent.

Mr. Ray O'Connell stated he has known Mr. McDuffie from his days work at the Allentown School District. He is always been open and involved with the community. He attended all the community meetings. I met him down at Sheridan. I think Mr. McDuffie will be a fine addition to the Human Relations Commission.

Ms. Candida Affa asked anyone else or comments from the public.

Ms. Candida Affa congratulated Mr. McDuffie and asked if he would like to say something.

Mr. Eugene McDuffie thanked City Council for allowing him to be here tonight. He thinks we are at a point in the City of Allentown where a lot of things are changing. He remembers a man name Nicholas Butterfield and he served for years on the Human Relations Commission. He stated that he can add to the table and add diversity. There could not be change without unity. That is the only thing that will heal the divide.

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

Enactment No: 29327

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

[15-1064](#) Bill 52
Amending Article 307, Solicitors and Canvassers, of the Codified Ordinances of the City of Allentown by changing the license fee to an

application fee, raising the fee from \$25 to \$50 to recoup the costs to process the application, changing the time from going door to door from 9am – 9pm, to 9 am to 7pm, and separating Solicitors from Canvassers.

Attachments: [Bill 52 Solicitors and Canvassers](#)

[Memo - Solicitors](#)

Mr. Julio Guridy stated that the committee discussed this and Assistant Chief Struss made an excellent explanation and we forward favorably it unanimously, 3 - 0.

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

Mr. Kenneth Heffentrager asked specifically what is this covering.

Mr. Ray O'Connell stated that if someone rings your doorbell.

Assistant Chief Gail Struss stated that it is separating the solicitors from the canvassers. The canvassers are separated for political or religious reasons do not need a permit or need to pay. She stated that it is \$50 per person, per license.

Mr. Ray O'Connell asked any other questions from the public.

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

Enactment No: 15318

[15-1134](#)

Bill 58 Refer to Public Works

An Ordinance of the City of Allentown, Council of Lehigh and Commonwealth of Pennsylvania, establishing the Administrative Order Fund for 2016.

Amendment Adding Section Four to the Bill stating: Upon the affirmative vote of 6 members of Council the 14 day waiting period between introduction and final passed of this bill is hereby waived.

Attachments: [Bill 58 AO FUND ESTABLISHMENT](#)

Mr. Daryl Hendricks stated that at this time he would like to suspend the Rules and look at Bills 58 and 59 in order to vote on these this evening and eliminate the 14 day period between introduction and final passage.

Mr. Ray O'Connell stated that we have Bills 58 and Bill 59.

Mr. Brian Chamberlain stated that the EPA back in 2008 had an EPA against us for SSOs for the sanitary sewer system. Right now, we are doing capital projects with this money and upgrades.

Mr. Ray O'Connell asked Mr. Chamberlain if he is talking about Bill 58, Bill 59 or a combination.

Mr. Brent Hartzell stated that Brian and Jenny will provide the technical information you need to know. This is the final step for the Bills for approving the receipt of the funds for the \$2.5 million Note that is being repaid by ratepayers of LCA to address issues related to the EPA Administrative Order. It is part of the agreement. It has been an escrow account out of a portion of the proceeds that is going to the City of Allentown for \$1.5 million to be drawn to pay AO charges.

Mr. Ray O'Connell thanked Mr. Hartzell and asked Mr. Chamberlain and Mr. McKenna if they wanted to add anything. Part of Bill 58, we will be adding Section 4 to the Bill.

Mr. Brent Hartzell stated that Bill 58 funding is setting aside and the repository for all the ratepayers monies to pay down the \$2.5 million over time.

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

Mr. Roger MacLean stated that the bottom sentence need to be changed to say passage of the Bill instead of passed.

Mr. Julio Guridy asked if they will be tracking the funds in the Budget and Finance Report.

Mr. Brent Hartzell stated that particular fund will appear as part of the fund balances that are in the monthly report.

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

Mr. Tom Hahn, 2016 E. Highland Street, stated that when this first came up for discussion, it was brought to the Council's attention that the royalty fee at the time was suggested to go to pay down the fees.

Mr. Ray O'Connell stated that it has nothing to do with Bill 58.

Mr. Brent Hartzell stated that there was a provision in the Concession Agreement that anticipated by 2016, separate from the royalty fee, this provision to create this Note to cover any future EPA Administrative Orders during the period of the Lease. It has nothing to do with the royalty fee.

Mr. Ray O'Connell asked any other comments from the public.

Enactment No: 15319

[15-1135](#)

Bill 59 Refer to Public Works

Amending the 2016 Capital Fund Budget to provide for a supplemental appropriation in the amount of Two Million One Hundred Ninety Six Thousand Four Hundred Fifty Two Dollars and Ninety Three Cents \$2,196,452.93 as a result of the Administrative Order Bond.

Amendment Adding Section Five to the Bill stating: Upon the affirmative vote of 6 members of Council the 14 day waiting period between introduction and final passed of this bill is hereby waived.

Attachments: [Bill 59 AO BOND APPROPRIATION](#)

Mr. Ray O'Connell stated that this is in conjunction with the Bond re-approval.

Mr. Brent Hartzell stated that these are the Bond proceeds after taking care of the initial fees coming with it.

Mr. Brian Chamberlain stated that the Bond money was going to be used for is that was we have Capital Project in the manhole rehabilitation. We also have the engineering at the plant for the AO construction projects that will be going on in the future and any other consultants and any legal fees.

Mr. Ray O'Connell thanked Mr. Chamberlain and asked Ms. McKenna if she had anything to add.

Ms. Jennifer McKenna stated that he did it beautifully.

Mr. Ray O'Connell stated that with Bill 59 we will do an amendment adding Section 4 of Bill 59 and to waive period between introduction and final Passage.

Dr. David McGuire asked about AO and four tanks. Is this the overflow problem? These are new and in addition to what was already there.

Mr. Brian Chamberlain stated yes, this is the overflow problem. He stated no, they were existing.

Ms. Jenna McKenna stated that we do plan on having a meeting to discuss the outcome of the technical committee. This Bond Issue is to continue the manhole rehabilitation project and the design work necessary to get ready for those projects.

Mr. Ray O'Connell asked any other comments from my colleague or the

public.

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

Enactment No: 15320

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-1139](#) R162 Denial of the application for a Certificate of Appropriateness at 726 W. Gordon Street

Attachments: [R162 Denial of the application for a Certificate of Appropriateness at 726 W. Gordon Street](#)
[HARB Denial Case](#)

Mr. Ray O'Connell stated it is to deny it.

Mr. David Kimmerly stated that on October 23rd, two days ago, HARB met to review 726 W. Gordon which was proposed for demolition. The building has structural problems that are potentially severe and it may collapse. This proposal to deny the demolition was unanimously approved.

Ms. Shannon Calluori stated that they also have representatives from the bank to talk about their plans on addressing the property and representatives from HARB.

Mr. Ray O'Connell thanked Mr. Kimmerly and Ms. Calluori and asked any comments from my colleagues.

Mr. Roger MacLean stated that you said this is danger of falling or collapsing. Are we doing anything? I see people standing by, working and looking at it.

Mr. David Kimmerly stated that the street is barricaded at the time.

Ms. Shannon Calluori stated that we have been working with the bank. The bank indicated that they will shore it up today. It will be done tomorrow.

Mr. Julio Guridy asked if it has been some kind of structural engineering review on this. He asked how long will the work take.

Ms. Shannon Calluori stated that the City has worked with Pennoni Engineering. They recommended and indicated that the property and sidewalk could be repaired as soon as possible. The building needs to be addressed as soon as possible so the street can be reopen.

Attorney John Goral, KML Law Group, which represents M&T Bank commended Shannon for her perseverance. They wanted to have a person at the property to shore up the property. The next step would have an evaluation done by an engineering. We are hoping in two weeks we will have the evaluation done.

Attorney Matt Fiesel stated that by the end of next week, they are hoping to have the engineering report.

Mr. Julio Guridy asked if the structural engineering report hasn't been completed.

Attorney Matt Fiesel stated that the city has their structural engineer report, however, M&T doesn't have it completed yet.

Attorney John Goral stated that the city's report would not have the specifics on the cost and what needs to be done.

Mr. Roger MacLean stated that it will be shored up in the mean time.

Mr. Ray O'Connell thanked the attorneys and asked any other comments from my colleagues.

Dr. David McGuire thanked the attorney and the banking representatives with the work they are doing with the Community and Economic Development. One of the biggest problems is with residential and rental property is the failure of banks to live up to their obligations in a timely and effective manner. He asked Mr. Kimmerly and Ms. Calluori if someone was using the bank's property as a parking lot or what is the determination of that space.

Mr. David Kimmerly stated that to his knowledge the property goes all the way back to the alley and that car that is parked there doesn't belong to the bank. It is parked there illegally.

Ms. Shannon Calluori stated that the city can tag the car.

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

Ms. Candida Affa thanked Ms. Calluori and stated this has been a problem for a long time and a lot of work.

Mr. Kenneth Heffentrager stated that technically the city can't ticket the car without the owner calling it in. Can we do a better job in blocking off this area?

Mr. Roger MacLean stated that they will handle it the proper way.

Ms. Shannon Calluori stated that they spoke to the bank today, when they go and shore it up, put a fence around it. They did not fully commit to that.

Mr. Ray O'Connell thanked Mr. Heffentrager and asked any other comments from the public.

A motion was made by Roger J. MacLean, seconded by Julio Guridy, to Suspend the Rules and Introduce and Vote on R162:

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

Enactment No: 29330

[15-1077](#)

R147

Request Submission of the Five (5) Year Financial Plan

Sponsors: Hendricks, McGuire, MacLean and Guridy

Attachments: [R147 Submission of the Five \(5\) Year Financial Plan](#)

Mr. Julio Guridy stated that the 5 year plan has been completed, but has not been handed to Council. It passed unanimously, 3 - 0.

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

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

Enactment No: 29328

[15-1103](#)

R154

Recommends the Administration post the following signage on 7th Street: Calle Siete - in recognition and appreciation of the contributions, perspectives and value Latinos and Spanish speaking people add to our City

Sponsors: McGuire, Guridy, Mota and Affa

Attachments: [R154 Calle Siete](#)
[Philly China Town Example](#)

[15-1136](#)

R159

Authorizes Submission of an Application to the Keystone Communities Program for a Grant of Five Hundred Thousand (\$500,000) Dollars for Use in the Upside Allentown Pedestrian Street Lighting Program

Attachments: [R159 KEYSTONE PEDESTRIAL LIGHTING GRANT](#)
[6th Street Pedestrian Street Lighting Document](#)

Ms. Shannon Calluori stated that the State Department of Community and Economic Development recently came out with a grant opportunity through their Keystone Communities Program. Our Upside Allentown Program has a Keystone Designation. We continue to push defined funding to do Pedestrian Street Lights.

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

Mr. Julio Guridy stated that it was a great idea to name it a Keystone Destination.

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

Enactment No: 29329

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

[15-1127](#)

Bill 56

Amending the 2016 Health Budget to provide for a supplemental appropriation of Eleven Thousand Two Hundred Forty (\$11,240) Dollars as a result of funds from the Pennsylvania Department of Health (PADOH) for the purchase of training and supplies for the Childhood Injury Prevention Program for the Safe and Healthy Homes initiative and mileage reimbursement. These funds will be used to train staff in the Safe and Healthy Homes project requirements and to purchase injury prevention supplies and asthma prevention supplies to be distributed during home assessments. These funds will be used to reimburse for mileage expense for home assessments.

Attachments: [Bill 56 Healthy Homes Grant](#)

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

[15-1128](#)

Bill 57

Amending the 2016 Capital Fund Budget to provide for a supplemental appropriation in the amount of Nine Hundred Ninety-Nine (\$999.00) Dollars. This was a result of payment in lieu of tree plantings for the purchase of new street trees.

Attachments: [Bill 57 Street Trees - Turkey Hill](#)

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

[15-1134](#)

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

Enactment No: 15319

[15-1135](#)

Bill 59 Refer to Public Works

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Attachments: [Bill 59 AO BOND APPROPRIATION](#)

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

Enactment No: 15320

RESOLUTIONS FOR INTRODUCTION: NONE

NEW BUSINESS: NONE

GOOD AND WELFARE: NONE

ADJOURNED: 8:05 PM

[15-382](#)

Council Rules

Attachments: [Council Rules](#)

[15-523](#)

Committee Members

Attachments: [Committee Members - 2016](#)