



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, March 14, 2018

7:00 PM

Council Chambers

Invocation: Councilperson Hendricks

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 asked about the new mayor and if he is going to release the five year financial plan. He stated that you work with the District Attorney and attack the opiod problem in Lehigh County. He asked how the City of Allentown is attacking this problem. We need to look at the homeless problems.

Mr. Roger MacLean stated that he will get with Mr. Hartzell tomorrow. He stated that he is not speaking in an official capacity from his day job. The City of Allentown Police Department is working hand and hand with the county on the opiod crisis. This problem is attacking every socio-economic growth.

Ms. Cynthia Mota stated that it is an epidemic.

Mr. Lou Hershman stated that Council should look at how we appoint a mayor. We have a City Controller position appointed. He requested to get another opinion.

Mr. Roger MacLean stated that they are getting a Charter Commission going.

Ms. Kim Oliver, 350 Hanover Avenue, stated that she had complaints on what the city has not done. They allowed structures to be built without permits. This has caused problems because the fee structures are illegal and not up to the IRC and on my property. She stated that she has been emailing everybody and this has been going back a long time and they continue to do it. She stated that 352 Hanover Avenue did not get any

permits on the structure they built. These structures are unsafe. She stated that 348 Hanover Avenue has a chimney leaked.

Mr. Roger MacLean stated that Council will get an answer from Building Standards.

Mr. James Whitney stated that both Roger MacLean and Ray O'Connell have the experience necessary and skills to lead our city. We are a little confused when we are reading things on The Morning Call and WFMZ about the eligibility that they have. We you inquiry they said it depends on how they interpret the rules. He suggested that they do a safe, clean appointment. He suggested Council choose Charlie Thiel.

Mr. Roger MacLean thanked Mr. Whitney for his kind words.

Mr. Joe Hoffman, 334 N. 13th Street, stated that he wanted to invite Council and the audience on the Liberty Bell Museum is having their annual meeting and reception. It is at Zion Church.

Mr. Roger MacLean stated that it is also a Presidents Council meeting tomorrow.

Approval of Minutes:

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

[15-2145](#) January 17, 2018 City Council Meeting Meeting

Attachments: [January 17, 2018 City Council Meeting Meeting](#)

[15-2198](#) February 21, 2018 Public Hearing on Bill 87 Expanding the Student Overlay District

Attachments: [February 21, 2018 Public Hearing on Bill 87 Expanding the Student Overlay District](#)

Old Business

Mr. Courtney Robinson asked the status update on hiring the two paramedics position in EMS.

Mr. Roger MacLean stated that they have been hired. The paperwork has been signed.

Mr. Ed Zucal stated that he spoke to Mr. Granitz and it was signed and approved by Mayor Pawlowski. There are four currently part-timers.

Mr. Roger MacLean stated that he saw they had a resignation too.

Communications**Executive Session Announcements:**

City Council held an Executive Session at 6:30 pm on Thursday, March 1, 2018 with the City Solicitor to review the options afforded to City Council under the Home Rule Charter with respect to the Office of the Mayor under the circumstances. The subject of personnel is an exception to the open meeting requirement under the Sunshine Law.

City Council held another Executive Session this evening at 4:30 pm to discuss a feasibility study for a possible real estate acquisition and the appointment of a City Solicitor. The subjects of real estate acquisition and personnel are exceptions to the open meeting requirement under the Sunshine Law.

City Council is taking applications for the office of Mayor. Contact Council office or go to the city website for information regarding submitting an application. Council plans to begin the selection process the week of March 26th and, if necessary, go into the following week.

On March 28, at 6 pm, representatives from the Post Office will discuss their relocation project in Council Chambers.

Proclamation for Order of DeMolay

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

The Committee met on February 28 and reviewed the monthly finances, Account 46 reports and capital project report. The next meeting is not scheduled.

Community and Economic Development: Chair Robinson, Guridy, Affa

The Committee has not met since the last Council meeting; the next meeting has not been scheduled.

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

The Committee met this evening; a future meeting has not been scheduled.

Parks and Recreation: Chair Mota, Robinson, MacLean

The Committee met on February 28; a future meeting has not been scheduled.

Public Safety: Chair Hendricks, Affa, Zucal

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

Public Works: Chair Zucal, Hendricks, Robinson

The Committee met this evening; a future meeting has not been scheduled.

Rules, Chambers, Intergovernmental Relations and Strategy: Chair MacLean, Affa, Guridy

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

City Controller's Report

Mr. Jeff Glazier stated that he has three audits. They did an audit in Risk for the Inland Marine Insurance. The City of Allentown purchases insurance to cover pumper trucks, ladder trucks, rescue vehicles, hazmat vehicles, and freight liners in Public Works. The objective of this audit was to determine whether the payments made to Harleyville Insurance - Nationwide for premiums was in compliance with the contracts. Determine whether the invoices properly categorized for billing purposes and determine whether the terms of the contracts were in compliance. The first finding was: Contract Renewal Rate Weakness, the Agreements were not forwarded to the Controller's office. He talked about the Accountants Payable Weekly Check Review from January 21 to March 2. The Golf Course agreed to establish an acceptable protocol for ticket distribution. Sales tax was paid on two invoices. Incorrect expense account was used on 11 checks. The departments were advised on this. There were 24 untimely payments of invoices. Bank Reconciliation Review for the month October 31, 2017 Finance is working really hard to catch up to the end of

the year. There are a couple of new findings: Inaccurate bank reconciliation, payroll bank reconciliation is a three part reconciliation. The second new finding is unreconciled differences on the bank reconciliation. There was a voided check in Eden that was not properly posted on the cash sub.

Mr. Julio Guridy asked Mr. Glazier if he will be looking into the findings of the CAFR Report.

Mr. Jeff Glazier stated on a regular basis he and the Finance Director have a discussion on that. He stated that he encourages him and the department to make as much progress as possible.

APPOINTMENTS: Ce-Ce Gerlach - Parks and Recreation Board, December 31, 2018 - submitted by the School Board.

Mr. Hendricks stated that he know Ms. Gerlach and worked with her. She is most deserving of this position and congratulate her. She will certainly be a benefit to the board.

Mr. Roger MacLean apologized for the delay.

Mr. Courtney Robinson stated that he is happy it got resolved so that we have not set a precedent that many members of Council would not have agreed with. He is happy it moved forward and we have a Resolution. He thanked everyone involved and stated congratulations.

Mr. Julio Guridy stated that it is about time and he is glad that she wants to give more of her time to the community.

Ms. Cynthia Mota congratulated Ms. Gerlach and stated that they have a lot to do. Welcome on board.

Ms. Candida Affa congratulated Ms. Gerlach.

Mr. Ed Zucal congratulated Ms. Gerlach and stated that she is a positive influence in both the school's and the community.

Ms. CeCe Gerlach thanked Council and stated that she looks forward to April when they can look at Ordinance 164.

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):

[15-2078](#)

Bill 1 Parks and Recreation, Recommended Favorably
Amending the 2018 Capital Fund Budget to provide for a supplemental

appropriation of One Hundred Three Thousand Five Hundred (\$103,500) Dollars as a result of grant from the Pennsylvania Department of Community and Economic Development to assist in the creation of Martin Luther King Jr. Trail.

Attachments: [Bill 1 MLK Trail Grant](#)
[Ordinance #15428](#)

Ms. Lindsay Taylor stated that this is to appropriate money that has been awarded to DCED for design and construction to the MLK trail.

Ms. Cynthia Mota stated that it was passed favorably.

Mr. Roger MacLean stated that he apologized that he missed the Parks and Recreation Committee meeting.

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

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

Enactment No: 15428

[15-2170](#)

Bill 9 Parks and Recreation, Forwarded with no recommendation Amending Part IX, Street, Water, Sewer, Parks, Title 7 – Parks and Hamilton Street Regulations, Article 951, Park Regulations by clarifying rules for what cannot be brought into City parks, specifies the types of Other Power-Driven Mobility Devices that can be used by those with mobility impairments on shared, multi-use paths in Lehigh Parkway, establishes rules for the use of Dixon Street Dog Park and prohibits swimming in creeks that run through City parks.

Amendment needed/needs to be done at Council Meeting: 951.09 E, change 400 to 500 lbs and 55 to 60 dBA for OPDMDs.

Attachments: [Bill 9 Article 951 Park Rules Revision](#)
[Article 951 Recommendation to Mayor](#)
[Lehigh Parkway OPDMD Policy](#)
[OPDMD Policy Recommendation to Mayor](#)
[CT UniversalAccessTrails_141104 \(002\)](#)
[02-28-18 Parks & Recreation](#)
[Ordinance #15429](#)

Ms. Cynthia Mota stated that they met on February and forwarded without recommendation.

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

Mr. Julio Guridy asked why they did not come to a decision, no recommendation.

Ms. Cynthia Mota asked Ms. Taylor to speak on Bill 9.

Ms. Lindsay Taylor stated that she believe that the Bill was forwarded so the entire Council can consider it. Several things are going on in the Parks System via projects and issues that cause us to take a look at the Parks Regulations Ordinance and recommend various changes to it. There were four or five significant issues that we looked at. She discussed the issues.

Mr. Julio Guridy stated that they are great ideas. Do we have a section for people that want to bring their own grills.

Ms. Lindsay Taylor stated that if you rent or reserve a pavilion you can bring your own grills. Sometimes they leave them behind. They leave broken grills, broken tents and broken chairs and we spent most of the day Monday cleaning on things that are left behind.

Ms. Candida Affa asked if the city added more grills. She asked about more patrols.

Ms. Lindsay Taylor stated at Jordan Park they added more Pavilions and grills.

Mr. Roger MacLean stated that they sent this to full Council because there were a lot of changes.

Mr. Julio Guridy stated that in the past couple of years there have been people coming from outside the Lehigh Valley using our parks and creating a lot of problems. In Bethlehem, at Saucon Park, they had to close the park several times. In Easton and Nazareth, they had to close their parks. People need to adhere to our laws.

Ms. Cynthia Mota stated that she agrees with Mr. Guridy, but the public needs to be educated. If we are going to do something, we have to enforce it. We have to give out more tickets and have more manpower. There are rules, but if you don't enforce it, then what?

Mr. Roger McLean asked if there were any other questions from Council or the public.

Ms. Valerie Chambers stated that she is against the prohibiting of the swimming in the creek. She grew up here and swam in the creek. Why

can't you just enforce who is there? We are not letting certain people and certain people are being sought out. Why we just can't enforce? She stated that she wants Allentown to be inclusive.

Mr. Roger MacLean stated that they are being inclusive, we are just asking people to follow the Rules. He stated that he remember swimming in the creeks 30 - 40 years ago, but we are in a more litigious society.

Mr. Daryl Hendricks states as Mr. MacLean said we are not excluding anybody it is just that we are going to put certain rules and they are getting over-used and it really taxing our police department, the park property and services of the city.

Ms. Candida Affa stated that last year she made a point to go to Jordan to swim and see the difference on the weekends. On a Monday, it take an entire day of the crew to clean up. It was mostly out of state license plates during the weekend.

Ms. Cynthia Mota agreed with Ms. Chambers, but stated that it is horrible to see a child almost drown.

Mr. Julio Guridy stated that General Trexler who had agreed that we were to keep our parks right.

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

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

Enactment No: 15429

[15-2168](#)

Bill 10 Parks and Recreation, forwarded with no recommendation Amending Part III, Business Regulation and Taxation, Title 9 - Fees, Article 400, Park and Recreation Fees by revising the fee schedule for swimming pool rates - Section 400.05 Summer Recreation Fees.

Attachments: [Bill 10 Swimming Pool Rates](#)
[Ordinance #15430](#)

Ms. Lindsay Taylor stated that it is a change for us. We had a straight across the board fee and we switched that last year by implementing a hot weather advisory regarding residency. With the change in the reopening at Cedar Pool we will again face pressure from nonresidents both local and far away and we want to be prepared for that. Allentown School District does issue IDs that the students keep. You can purchase season passes and you are good for the season. IT has a residency App that they can implement the policy.

Ms. Cynthia Mota asked if they will have more staff. She asked if Ms. Taylor foresees any issues since they have a new pool.

Ms. Lindsay Taylor stated that they will have the same gate attendant. The staff will be prepared for that.

Mr. Courtney Robinson thanked Ms. Taylor for responding to the questions he posed to through Mr. Hanlon. Cedar Beach will be the same for hot weather where you will have the discount rates for residents. He stated that he supports having the different fee for nonresidents. He stated that he is happy that the city is working with the school district, but what are we going to do concerning students that are home schooled, chartered schooled, or home schooled.

Ms. Lindsay Taylor stated it will be the same as Jordan and Mack. She stated that part of it is promotion of the policy and working with the parents.

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

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

Enactment No: 15430

[15-2136](#)

Bill 4

An Ordinance Authorizing Execution of a Cable Franchise Agreement with Service Electric Cable TV

Attachments: [Bill 4 Service Electric Franchise Agreement Ordinance.docx](#)
[Service Electric Franchise Agreement Contract.docx](#)

Mr. Scott Holbert stated that Service Electric is a Cable Company within the City of Allentown. Federal Law specifically the Cable Communications Act grants municipalities the right to issue franchises to cable companies to provide services to their city. This is way to protect our right of way. There is a five percent fee based off their earnings and cable services.

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

Mr. Scott Holbert stated that the process took longer than he wanted to. The original franchise expired in July and he worked with the outside Council to negotiate this agreement. Since there was no franchise in place in January of this year. He stated that the city is due franchise fees.

Mr. Roger MacLean stated thank you and it passed.

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

Enactment No: 15431

[15-2139](#)

Bill 5

Amending the 2017 Capital Fund Budget by transferring the available balance from Capital Project 1210 – Sewage Relief Interceptor and Capital Project 1727 – SSES Rehabilitation to Capital Project 1227 – Automatic Meter Reading and Bill in the amount of One Million Two Hundred Fourteen Thousand Six Hundred Ninety-One Dollars and Twenty-One Cents (\$1,214,691.21) to correct the existing negative balance.

Attachments: [Bill 5 AMR Transfer](#)
[Ordinance #15432](#)

Mr. Craig Messinger stated that as Mr. Hartzell said earlier this evening this is all the list of projects that are in place prior to the Lease Concession. There should have been transfers as projects closed out.

Mr. Roger MacLean stated basically we are balancing the books here. He asked if there were any questions from Council or the public.

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

Enactment No: 15432

[15-2094](#)

Bill 6

Rhodes Street from the centerline of Mack Boulevard to the centerline of South 10th Street - Street Vacation

Attachments: [Bill 6 Rhodes Street from the centerline of Mack Boulevard to the centerline of South 10th Street - Street Vacation](#)
[Letter from Planning Department regarding Street Vacation - Rhodes Street from Mack Boulevard to S. 10th Street](#)
[Letter from Mike Hanlon regarding Street Vacation - Portion of Rhodes Street from Mack Boulevard to S. 10th Street](#)
[Rhodes Street at Mack Boulevard and S. 10th Street Map](#)
[Letter from the Lehigh Valley Planning Commission regarding Portion of Rhodes Street from Mack Boulevard to S. 10th Street - Street Vacation](#)
[Staff Report - Rhodes Street from Mack Boulevard to S. 10th Street](#)
[Letter from Allentown Planning Department regarding Rhodes Street from Mack Boulevard to S. 10th Street - Street Vacation](#)
[Rhodes Street at Mack Boulevard and S. 10th Street Labels](#)
[Ordinance #15433](#)

Mr. Craig Messinger stated that this is a Street Vacation requested by the UAW. It was a street that was in Salisbury a long time ago. It was annexed

to the City of Allentown and after all the years passed, we lost all our rights to do anything with it.

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

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

Enactment No: 15433

[15-2166](#)

Bill 7

Amending Part Nine, Streets, Utilities and Public Services Code, Title One – Street and Sidewalk Areas, Article 909, Lot and House Numbering by updating the ordinance language and include the issuance of notices and SWEEP tickets as additional tools of enforcement.

Attachments: [Bill 7 ARTICLE 909 - HOUSE NUMBERING](#)

[Ordinance #15434](#)

Mr. Craig Messinger stated that this is updating an ordinance that was put in place in 1886. There were some issues that were brought to our attention with houses not being numbered properly. We felt it was a safety issue and found that it should be addressed and changed to today's standards. It should work well.

Mr. Roger MacLean agreed and stated that somebody in the audience is happy. He stated that someone suggested that it should be numbered in the rear of the house.

Mr. Craig Messinger stated that it is something that we recommend, but he doesn't think at this point and time we can take on with having it at the rear of the properties.

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

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

Enactment No: 15434

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-2142](#)

R7

Appointment of City Solicitor

Attachments: [R7 City Solicitor Appointment](#)

[Dan McCarthy Nomination](#)

[15-2196](#)

R32

Sewage Planning Module for Walnut Street Commons at the NE Corner of 6th Street

Attachments: [R32 Walnut Street Commons at the NE Corner of 6th Street](#)
[Sewage Planning Module - Walnut Street Commons, LP](#)
[Resolution #29617](#)

Mr. Craig Messinger stated that they require 8,565 gallons per day. We have plenty of capacity.

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

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

Enactment No: 29617

[15-2202](#)

R33

Five City Center Office Tower 8th and Hamilton Street

Attachments: [R33 Five City Center Office Tower 8th and Hamilton Street](#)
[Five City Center Office Tower - 8th and Hamilton Street Sewage Planning Module](#)
[Resolution #29618](#)

Mr. Craig Messinger stated that they require 11,232 gallons per day and we have plenty of capacity.

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

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

Enactment No: 29618

[15-2203](#)

R34

Requests all information on contracts and assignments for outside legal work and that the information contain but not be limited to the name of the attorney, issue, hourly costs and other associated costs, and reason for selected that firm/attorney; and that no outside legal work be sent to Norris McLaughlin & Marcus until Council conducts a review of current legal work assignments and procedures making such assignments.

Sponsors: Hendricks, Mota and Mr. Zucal

Attachments: [R34 Review of Legal Assignments](#)

REFERRED TO HUMAN RESOURCES, ADMINISTRATION AND

APPOINTMENTS

[15-2087](#)

R6

Amends Council rules on the filling of vacancies by requiring the person filling the vacancy to be of the same political party as the person vacating the seat at least 30 days prior to the vacancy

Sponsors: Affa, Hendricks, Guridy and Mota

Attachments: [R6 Amends Council Rules on Vacancies](#)
[Resolution #29619](#)

Mr. Roger MacLean stated that it was recommended favorably to fully Council. He asked if there were any comments from Council or the public.

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

Enactment No: 29619

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

[15-2195](#)

Bill 11

Amending the 2018 Capital Fund Budget by transferring from the Residential Streets Project (1748) and the Refurbishing Building Facilities Project (2007) Account 46 to the 76 Account of the Refurbishing Building Facilities Project (2007) to provide funding for the replacement of the fueling station and underground storage tanks at the Municipal Garage on Vultee Street.

Attachments: [Bill 11 City Garage Gas Pumps](#)
[Ordinance #15436](#)

REFERRED TO PUBLIC WORKS

Enactment No: 15436

[15-2200](#)

Bill 12 Needs an amendment adding additional roll overs.

Amending the 2018 General Fund, the 2018 Risk Fund, the 2018 Solid Waste Fund and the 2018 Stormwater Fund by appropriating funds from the un-appropriated balances for the rollover of encumbrances for the prior year commitments.

Attachments: [Bill 12 PO Rollover 2017 to 2018](#)
[Amended: PO ROLLOVER TO 2017 TO 2018](#)
[Ordinance #15437](#)

REFERRED TO BUDGET AND FINANCE

Enactment No: 15437

[15-2201](#)

Bill 13

Providing for the vacation of South Tenth Street from the centerline of Devonshire Road to vacated Rhodes Street

Attachments: [Bill 13 South Tenth Street from the centerline of Devonshire Road to the centerline of Rhodes Street](#)
[S. 10th Street at Devonshire Road to Rhodes Street](#)
[S. 10th Street at Devonshire Road to Rhodes Street Labels](#)
[Letter from Lehigh Valley Planning Commission - Street Vacation Request - Portion of South 10th Street from Devonshire Road to Rhodes Street](#)
[South 10th Report](#)
[Ordinance #15438](#)

REFERRED TO PUBLIC WORKS

Enactment No: 15438

RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):**NEW BUSINESS: NONE****GOOD AND WELFARE**

Mr. Ed Zucal stated that he had a pretty bad heart attack about seven weeks ago at home and he had to rely on EMS and they were there to assist me. A couple days later they found that I had five blockages and six weeks ago yesterday I had open heart surgery. While I was out my colleagues chipped in, along with Mr. Glazier, Ms. Whitehead, and Mr. Hanlon provided a gift certificate to me. I want to publically thank you.

Mr. Roger MacLean asked if there were any other comments for Good and Welfare.

ADJOURNED: 8:20 PM[15-382](#)

Council Rules and HR Charter

Attachments: [HOMERULE March 2018](#)
[Council Rules April 2018](#)