



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, April 19, 2017

7:00 PM

Council Chambers

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#### Invocation: Candida Affa

#### Pledge to the Flag

#### Roll Call

Mr. Scott Holbert represented the Solicitor's office.

**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. Lou Hershman, 405 Gilmore Street, stated that after he read the blog and the ethics going on in Allentown. The City Without Limits. Are we going to filling the Ethics Board. We cannot have political campaigns promising jobs if they are elected. The Personnal Code requires employment be based on a merit system, not a political process. He talked about when he was on Council the fire department was fully equipped. There was a replacement program. He asked about the Bond Rating and savings.

Mr. Ray O'Connell stated that someone will have to bring a complaint forth. If you are willing to bring a complaint forth, then it will be sent to the Ethics Board. He stated there is a meeting next week on Budget and Finance and it could be addressed there.

Mr. Keith Pierce, 2514 S. 6th Street - International Association of Firefighters - Local 302, talked about the funding of the Fire Department. We deal with all the issues related to safety, job related safety and material related safety. We are in a crisis due to shortfalls and resources. He talked about two critical areas of the shortfall: material and resources. We are in a crisis situation as a result of shortfalls in resources - funding, staffing and fleet replacement. We are short two firefighters going out the front door, most fire departments have four on a truck. Our resourcing is the same as it was nine years ago. We have sven engines with two reserves, one reserve is out. Nove all our reserves are on the front line. This has happened four times in the last 10 days. Shortfalls cone down to

not having a replacement plan. The operating budget is down 65 percent since 2008, 35 percent the last three years. Many times we are not able to meet manning standards on fires. We train half the amount of the time we should be.

Mr. Ray O'Connell asked Mr. Pierce to finish his statement and that it is very critical that you are here. He stated that it is an embarrassment to the city and a slap in the face to the fire department and the citizens.

Mr. Jeff Glazier stated that in the Five Year Capital Plan that Council approved there is a new fire vehicle in 2018 and in 2019 there are two additional vehicles.

Mr. Keith Pierce stated that he definitely appreciates that. His concern is firemen are the ultimate pragmatist, the union has participated in budget discussions they want to see results - fire trucks in the station.

Mr. Ray O'Connell stated but, it is the now. He stated that he will be more than willing to sit down with Mr. Pierce and get more details to go forward.

Mr. Daryl Hendricks stated that he wanted to add that he was at the union meeting and was a little surprised that he reads in the blogs about these problems. Nobody said anything to me at the meeting. Nonetheless, it is something that we have to deal with.

Mr. Keith Pierce stated that he was not at the meeting because he was on shift. We were warning of the crisis for nine years.

Mr. Daryl Hendricks stated that public safety is a priority of his. We will definitely look in to it.

Mr. Julio Guridy thanked Mr. Pierce for coming. He stated that when he read about only one truck and it broke down, he was very concerned. He stated that he would like to meet to see what is going on. He is the chair of the Finance committee and he wants to make sure you have the funding to make sure you keep your department afloat.

Mr. Keith Pierce stated that they have a Fleet Manager in Allentown. The intricacies in that office he is not aware of, there needs to be a fleet replacement program.

Mr. Ray O'Connell stated that it seems like the Fleet Manager is delaying the repair of certain things because parts are not being available.

Mr. Keith Pierce stated that fire trucks are expensive and falls in the realms

of a capital improvement. Other departments think we should have more than one ladder track.

Mr. Julio Guridy asked about the reserve equipment. What is the position on that?

Mr. Keith Pierce stated that when the City of Allentown is running at capacity, they have seven engines, a ladder truck, several pickup trucks and the Chief's vehicle. We have a 1994 and 1995 vehicle being used.

Ms. Candida Affa asked Mr. Craig Messinger about the Fleet Department. Is this part of your department?

Mr. Craig Messinger stated that the Fire Chief is on the Fleet Committee that meets monthly. They are well aware of the issue and the needs. We are proposing a pumper for 2018, 2019 and 2020. Some of the repairs were longer term repairs, like engines. Parts are difficult to act.

Mr. Roger MacLean stated that the information we got from Mr. Messinger made the replacement plan more pressing than the maintenance plan. The buck stops at the Mayor's office.

Mr. Ray O'Connell stated to Mr. Pierce that they will talk.

Mr. Michael Kaminski, 779 Benton Street, stated it is the duty and responsibility to make sure the fire department is adequately funded. This will impact insurance costs. He asked Council to fix the Ethics Board.

Mr. Ray O'Connell stated that they duty and responsibility starts at the Mayor's office. The Board has to be appointed by the Mayor.

Mr. Tim Ramos, 1408 W Linden Street, agrees with Mr. Kaminski. You are our checks and balances. It is ridiculous that we have a fire truck breaking down in a middle of a fire. He talked about the positions of the parks department. He stated that the parks department employees pay was doubled. That was an estimated \$5 million doing that.

Mr. Julian Kern, 252 E. Walnut Street, stated that when he saw the blog post, he said it was ridiculous. He remembers that it used to be two trucks that responded to calls. Now, we have one and issues of trucks breaking down.

Mr. Don Ringer, 1801 Liberty Street, stated that he thought that this was the City Without Limits. The perception is that the Allentown School District prevents people from moving into the city and now the perception is that the

Allentown Fire Department's equipment doesn't work. He stated that there is another questionable person running for Mayor guaranteeing people jobs. He thinks something has to be done by the Ethics Board.

Mr. Ray O'Connell stated that someone needs to file a complaint and that complaint will be sent to the Ethics Board.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that we have a problem with our fire department as far as equipment is concerned. What are our obligations in regards to mutual response?

Mr. Roger MacLean stated that he doesn't know the specifics of the fire department mutual aid, but the fact of the matter is the outlying departments assist us way more than you go out to assist them.

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

Mr. Steven Ramos, 3125 Mohomy Mountain Road - East Penn, stated that many people are here for the fire department's trucks. He stated that today, you are going to talk about the Nuisance Abatement Ordinance. Those people that are effected have for years been asking for police presence on the nights that they are open. He stated that Mr. Hendricks stated that Public Safety is the number 1 priority. It is not only with fire, but a police presence.

Mr. Ray O'Connell stated that you have to talk about the Nuisance Abatement Ordinance then as an agenda item.

Mr. Robert Trotner, 1920 W. Whitehall Street, stated that people have to file a complaint in order to get the Ethics Board in order. He stated to Mr. Hendricks that an Ethics Complaints was filed on Mr. Gonzalez.

Mr. Daryl Hendricks stated that six Councilmembers filed.

Mr. Ray O'Connell asked if Mr. Trotner was referring to the Complaint that Mr. Hendricks filed with the Ethics Board. That was heard from the Ethics Board and the opinion has been rendered and is not public.

Mr. Scott Holbert stated that the Solicitor's office as employees of the City are not involved with the Ethics Board. We have no involvement with their day to day operations. He stated that it should be two of each. The majority and minority party.

Ms. Diane Fegley, 1002 S Bradford Street, stated that Facebook is where your constituents in the community are addressing issues. Soft Machine

Gallery owner, John Mortenson one day posted a video of an ATV driving the wrong way on 9th Street and on PPL Plaza. This went on for 20 minutes before the cops showed up.

Mr. Ray O'Connell asked Ms. Fegley if she was still having trouble in the area in which she lives.

Ms. Diane Fegley stated that it is not as bad, but it still exist. She talked about the homeless situation. She stated that a homeless person that she went to the hospital with asked for a glove from the hospital because he wanted to hold her hand. She received a call that he died. He is in a room rental with a guy that died. People are dying housed that were homeless for years. The winter shelter is closing in two weeks. She is grateful that they were able to extend the time. She asked about a year round solution. We need more space and better space. People had showers, food and support.

Mr. Ray O'Connell thanked Ms. Fegley.

Mr. Tom Hahn, 2016 E. Highland Street, stated that it was mentioned of the revenue that is available to solve the firefighters problem. He stated that he would like the lockbox money to be used to go to Mack Trucks and order a fire truck that they need and start the process. There should be inspections. He stated that we know that Mr. Messinger just replaced a frame on an ambulance.

Mr. Ray O'Connell thanked Mr. Hahn and asked anyone else from the public about Courtesy of the Floor.

Mr. Ray O'Connell thanked Mr. Hahn and asked anyone else from the public about Courtesy of the Floor.

Mr. Roger MacLean stated that a couple of people discussed during Courtesy of the Floor about Council getting answers, Mr. Hendricks in the Committee meeting we had early said that we asked for information a long time ago on overtime. We still don't have answers. Council has asked on numerous occasions and I just want to show the response that we got this week on information that we asked about the Five Year Plan. It is totally redacted.

Mr. Ray O'Connell stated that was for the Five Year Plan.

Mr. Daryl Hendricks stated that his request was about the overtime with the paramedics since we approved two paramedics back in the fall.

Mr. Ray O'Connell stated that we are almost at a year and a half.

Mr. Roger MacLean stated that we had the paramedics a year ago stating we need more, just like the firefighters.

Mr. Julio Guridy stated that Council put it in the budget, and they never got hired.

**Approval of Minutes: None**

**Old Business: NONE**

**Communications: NONE**

**REPORTS FROM COMMITTEES:****Committee of the Whole:**

Council will met as Committee of the Whole on Wednesday, May 24 at 6:30 PM to discuss Bill 5, a proposal for a charter amendment that would ask the voters to weigh in on term limits for the Mayor.

**Budget and Finance: Chair Guridy, Hendricks, Mota**

The Committee has not met since the last council meeting; a meeting is scheduled for next Wednesday at 5:30 PM.

**Community and Economic Development: Chair McGuire, Guridy, Mota**

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

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

The Committee has not met since the last Council meeting; a meeting is scheduled for next Wednesday at 6:30 PM.

**Public Safety: Chair Hendricks, MacLean, Affa**

The Committee met on April 12; a future meeting is not yet scheduled.

**Public Works: Chair MacLean, McGuire, O'Connell**

The Committee met on April 12; a future meeting has not yet been scheduled.

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

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

**Ad Hoc Committee on Inclusionary Zoning: Co- Chairs Guridy and McGuire**

The committee has not met since the last meeting. The Administration is preparing a White Paper on inclusionary zoning, and we will meet within a few weeks to review that.

**Water and Sewer (Lease and Operations) Compliance Review Board: Chair MacLean**

The committee is scheduled to meet on Wednesday, May 24 at 5 PM.

**City Controller's Report**

Mr. Jeff Glazier stated that he is waiting for responses from the Finance Department and when we get them, I probably will have two or three things to report on.

**APPOINTMENTS:**

Ms. Candida Affa stated that we have an appointment for Mark Buchvalt for the Planning Commission. She asked any comments from my colleagues or the public.

[15-1527](#)

Reappointment of Mark J. Buchvalt - Planning Commission, Term to Expire 06/03/2018

**Attachments:** [Memo from Mayor Pawlowski regarding Mark J. Buchvalt - Planning Commission](#)  
[PLANNING COMMISSION](#)

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

Enactment No: 29475

[15-1528](#) Reappointment of John Bartol to the Water and Sewer Lease Compliance Review Board, Term to Expire, 01/01/18

**Attachments:** [John Bartol Resume](#)  
[W-S board application-signed](#)  
[WATER AND SEWER \(LEASE AND OPERATIONS\) COMPLIANCE REVIEW BOARD](#)

Ms. Candida Affa asked any comments from my colleagues.

Mr. Daryl Hendricks stated that he knows him personally for many years. He was a longtime employee of the city and an excellent person for the position and glad to see him being reappointed.

Ms. Candida Affa asked any comments from the public.

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

Enactment No: 29476

## **ORDINANCES FOR FINAL PASSAGE (To be Voted On):**

[15-1432](#) Bill 15 CEDC, this evening  
Amending the 2017 General Fund budget by adding a total of two positions in the Bureau of Building Standards and Safety: Housing Inspector (14M, Step D) and Rehabilitation Specialist (14M, Step D). Each position is budgeted at an annual salary of Forty-Nine Thousand Three Hundred Twenty-Seven Dollars (\$49,327) and funded through the CDBG Program.

**Attachments:** [Bill 15 HOUSING REORG.doc](#)  
[HOUSING INSPECTOR JOB DESCRIPTION.pdf](#)  
[Map of Target Area to be serviced.pdf](#)  
[Rehab Specialist Job Description.pdf](#)

Dr. David McGuire stated that it was discussed in length in committee.

Ms. Vicky Kistler stated that Leonard Lightner apologized that he could not stay for the second part of the meeting this evening. As he explained previously, he is adding two positions dealing with owner occupied inspections as well as housing rehab specialist for owner-occupied



properties.

Mr. Ray O'Connell stated in the committee we had a pretty good discussion. He asked any comments from my colleagues or the public about Bill 15.

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

Enactment No: 15356

[15-1429](#)

Bill 17 Public Safety, Recommended Favorably  
Amending the 2017 Grant Fund Budget to provide for a supplemental appropriation of Thirty-Four Thousand Seven Hundred Eighty (\$34,780.00) Dollars from the United States Department of Justice to the City of Allentown as a pass through grant to the Bradbury-Sullivan LGBT Community Center.

**Attachments:** [Bill 17 LGBTQ DOJ GRANT.docx](#)

Mr. Daryl Hendricks stated that he would let Assistant Chief Struss explain the Bill. The Bill approved by the committee unanimously, and forwarded with a favorable vote.

Assistant Chief Gail Struss stated that this is a grant that the Police Department received through the DOJ to partner with the Bradbury Sullivan LGBT Center to develop a nation training model and interaction with the LGBT community.

Mr. Daryl Hendricks stated that this speaks very favorably about our Police Department and the professionalism. He commended Assistant Chief Gail Struss and the officers for the fine job you do all the time.

Mr. Julio Guridy asked about the Ordinance on LGBTQ and LGBT.

Mr. Michael Hanlon stated that it is consistent. One is referring to the Bradbury Sullivan Center which uses LGBT and the grant uses LGBTQ.

Assistant Chief Gail Struss stated that the grant from the DOJ uses the Q at the end, but the Bradbury Sullivan Center in their title just uses LGBT.

Mr. Daryl Hendricks stated that it is a nonissue.

Mr. Julio Guridy stated that he just wants it consistent in the Ordinance.

Mr. Ray O'Connell asked if there are any other comments from his colleagues about the Grant. He asked anybody from the public.

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

[15-1471](#)

Bill 20 Public Works, Recommended Favorably  
Amending the 2017 Capital Fund Budget to provide for a supplemental appropriation of Two Hundred Fifty-Nine Thousand Seventy-Six (\$259,076.00) Dollars from the monies received from the bond security for the Twins at Devonshire subdivision. This bill will provide funds to purchase materials, relocate a telephone pole and to obtain permits to complete the public improvements for the Twins at Devonshire subdivision.

**Attachments:** [Bill 20 Twins at Devonshire.docx](#)  
[Devo Twins](#)

Mr. Roger MacLean stated that it was in his committee last week and recommended favorably unanimously.

Mr. Craig Messinger stated that this was a development back in 2007 that went belly up. There were other developers throughout the year that were interested in it. We collected on the bond money when they went belly up to take care of the improvements. We are going to make sure that all the public improvements are done.

Mr. Roger MacLean stated that the Bond was put up by the developers who went belly up.

Mr. Ray O'Connell asked if the lots were sold. He asked if the taxes being paid on those lots.

Mr. Craig Messinger stated that all the lots were sold prior to the company going belly up. He stated that Mr. Hartzell did not give him an answer.

Mr. Daryl Hendricks asked if the lots were all sold to the end users.

Mr. Craig Messinger stated that the developer came in and was making all the improvements. All the stormwater and road as far as the base part of the road was in, and the water for services.

Mr. Ray O'Connell asked Mr. Messinger to check on the taxes. He asked if there were any comments from the public.

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

Enactment No: 15358

[15-1472](#)

Bill 21 Public Works, Recommended Favorably  
Amending the 2017 Capital Fund Budget to provide for a supplemental

appropriation of Four Thousand Three Hundred Twenty (\$4,320.00) Dollars. This is the result of a grant from the Department of Conservation and Natural Resources (DCNR) for the purchase of new street trees.

**Attachments:** [Bill 21 Shade Tree Grant.docx](#)

Mr. Roger MacLean stated that this was recommended favorably unanimously to the full Council.

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

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

Enactment No: 15359

[15-1476](#)

Bill 22 Public Works, Recommended Favorably  
Amending the 2017 General Fund Budget to provide for a supplemental appropriation of Fifty Thousand Seven Hundred Eight-One (\$50,781) Dollars from numerous donations from the business community and Universities and the re-appropriation of Sixty-Two Thousand Four Hundred Fifty-Nine (\$62,459) Dollars from the Department of Justice Grant 201-H3953-PA-DJ received in 2016 and appropriated by Ordinance 15303 but not expended. The funds are to be used for the purchase of a simulator for training dealing with force scenarios.

**Attachments:** [Bill 22 Use of Force Simulator](#)

Mr. Roger MacLean stated that it was recommended favorably. Something that is very beneficial to our police department as well as other police departments.

Assistant Chief Struss stated that the use of force simulator was for a grant and most of the money we received through a grant. We also received donations from various companies in the city to purchase this Use of Force Simulator.

Mr. Ray O'Connell thanked Assistant Chief Struss and asked any comments 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: 15360

[15-1478](#)

Bill 23 Public Safety, Recommended Favorably  
Amending the 2017 General Fund Budget to provide for a supplemental appropriation of Ninety-Four Thousand Sixty-One Dollars and Twelve Cents (\$94,061.12) from the Municipal Police Officer's Education and Training Commission for tuition and salary reimbursement from Act 120 training to be used to purchase a Driving Simulator.

**Attachments:** [Bill 23 DRIVING SIMULATOR  
DRIVING SIMULATOR BROCHURE.pdf](#)

Mr. Daryl Hendricks stated that this was voted favorably unanimously by the committee to be forwarded to the full Council.

Assistant Chief Gail Struss stated that this is money we received back from the State after we put our Allentown Police Officers through the Act 120 training. We can use the driving simulator to train our police officers, other city employees and outside police departments as a possible source of revenue for the Police Academy.

Mr. Ray O'Connell asked any comments 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: 15361

[15-1474](#)

Bill 24 Public Safety, Recommended Favorably  
Amending the 2017 General Fund Budget to provide for a supplemental appropriation of Eleven Thousand (\$11,000) Dollars from the Lehigh County Drug Task Force for reimbursement of overtime.

**Attachments:** [Bill 24 Lehigh County District Attorney's Office Reimbursement.docx](#)

Mr. Daryl Hendricks stated that this was a unanimous favorable vote by the committee.

Assistant Chief Gail Struss stated that this is money reimbursed back to us for overtime that was expended on an investigation that we assisted with the Lehigh County District Attorney's office. It is being paid back out of the Lehigh County Drug Fund.

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

Mr. Roger MacLean stated that he works for the District Attorney and is in no way shape or form involved in any of the forfeiture money.

Mr. Ray O'Connell thanked Mr. MacLean for clarifying that and asked if there were any other comments 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: 15362

[15-1488](#)

Bill 25 Public Works, Recommended Favorably - Job Descriptions and Organizational charts have been submitted

Amending the 2017 General Fund budget to accommodate the reorganization of positions to allow the Department of Public Works to operate more efficiently. The proposal would facilitate a small reorganization of Public Works management; by realigning the Operation Manager to the Engineering Bureau, placing an Office Manager position in the Streets Bureau and combining the Building Maintenance and Compliance Office managers into one position.

**Attachments:** [Bill 25 PUBLIC WORKS REORG.doc](#)

[Reorg - Budget Pages](#)

[2017 Build Maint Office Manager](#)

[2017 PW OPS MANAGER](#)

[2017 STS OFFICE MANAGER](#)

[DPW Build Maint 2016 Org chart](#)

[DPW Build Maint 2017 ReOrg chart](#)

[DPW Eng and Comp 2016 Org chart](#)

[DPW Eng and Comp 2017 ReOrg Chart](#)

[DPW Streets 2016 Org chart](#)

[DPW Eng and Comp 2017 ReOrg Chart](#)

[DPW Streets 2016 Org chart](#)

[DPW Streets 2017 ReOrg Chart](#)

Mr. Roger MacLean stated that it was recommended favorably and asked Mr. Messinger to give Council a quick version.

Mr. Ray O'Connell talked about the Organizational Chart that Mr. MacLean had last week.

Mr. Craig Messinger stated that it is utilizing talented personnel in the department to meet the existing needs of Public Works.

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

**Yes:** 6 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Roger MacLean, and David McGuire

**Absent:** 1 - Candida Affa

Enactment No: 15363

**15-1492**

Bill 26 CEDC, this evening

Amending the 2017 Health Budget to provide for a supplemental appropriation of Forty-Eight Thousand Seven Hundred (\$48,700) Dollars as a result of a grant from Highmark to provide for the continued training and support to help guide the Allentown Health Bureau in establishing a

quality improvement and quality assurance plan to better serve the community and to meet the requirements necessary to reach public health accreditation.

**Attachments:** [Bill 26 HIGHMARK GRANT](#)

Dr. David McGuire stated that is passed, 3 - 0.

Mr. Ray O'Connell stated that this is the second part of \$96,000.00.

Ms. Vicky Kistler stated that this is a donation from the Highmark Foundation to assist in the process of the Quality Improvement Plan, the One Year Plan and the Three Year Strategic Plan.

Mr. Ray O'Connell asked any comments from my colleagues about Bill 26 or comments from the public.

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

Enactment No: 15364

#### [15-1503](#)

Bill 27 Public Safety, Recommended Favorably  
Amending the General Offenses Code, creating Article 715 – Nuisance Abatement, by creating a progressive point system for recurring violations at properties used for business, commercial, or industrial purposes that create penalties, sanctions and the closure of operations after successive violations to protect the health, safety, and welfare of the people of the City of Allentown.

**Sponsors:** Administration, Affa, Guridy, Hendricks, McGuire, Mota, MacLean and O'Connell

**Attachments:** [Bill 27 Nuisance Abatement Ordinance](#)

Mr. Daryl Hendricks stated that this was recommended for a favorable vote unanimously by the committee and it will be a valuable tool to the police department forcing business owners to be responsible.

Assistant Chief Gail Struss stated that this will actually be a very useful tool for the Police Department. The DCR program for the residential properties in the city has been working well. This legislation addresses the commercial and business end that the DCR does not address. We can site businesses for noise. This gives us some teeth in terms of enforcing some of the ordinances.

Mr. Ray O'Connell stated that Ms. Affa, Mr. Hendricks and Ms. Mota I commend you for pushing this forward. Mr. Hendricks explains it at crime watches and block watches. It is fantastic legislation. He asked if there were any comments from his colleagues about Bill 27.

Mr. Julio Guridy stated that he wants to make sure that this information gets out to the community. He stated that he did a couple of calls and people were not aware of what is going on.

Mr. Daryl Hendricks stated that was a concern of ours on the committee. We made certain that we have been going to the crime watches himself. He knows that the police department has somebody at all the crime watch groups and they are speaking about it. He stated that they will be more than happy and Ms. Affa would also appear perhaps with you.

Mr. Julio Guridy stated that he can help out.

Ms. Cynthia Mota stated that she agrees with Mr. Guridy that they educate not only the Latino community, but the community as a whole.

Mr. Daryl Hendricks stated that this is important to note not to penalize any responsible business owners. It is for those business owners that time and time again don't follow the law and refuse to deal with quality of life issues. This is not for responsible business owners. This will happen to repetitive violations.

Ms. Candida Affa stated as Assistant Chief Gail Struss pointed out there were constituents constantly under fire a lot of times. It is noise, it's complaints, it's fighting, and rioting and we need never had a hold on it. We created a law and the law basically is for the safety of the people of Allentown and other business owners. If you don't know how to take care of your business, I am sorry, we are going to have to close you down.

Mr. Ray O'Connell thanked Ms. Affa.

Mr. Roger MacLean stated that the city has a list of every business in the city and we tie it to the fee for their business.

Mr. Ray O'Connell asked if there were any other comments from Council or the public.

Mr. Steve Ramos, 3125 Mahoney Mountain Road - East Penn, stated that it does concern him to have a law that doesn't treat every Allentonian equal. When we have an event every police officer is on duty on the arena block, are we saying the arena managers are irresponsible owners. Many thousands of people are coming and when a business is operating whether it's Maingate, Club Dubai, or Catch 22 and you are having 500 people coming through for the night.

Mr. Daryl Hendricks stated that is not the case. He begged to differ from

Mr. Ramos. He stated that he can't compare the arena with Club Dubai.

Ms. Candida Affa stated that it is not going to happen. She asked Mr. Ramos if he read the Ordinance. She stated that there will be a board that you can challenge it.

Mr. Daryl Hendricks stated that this will apply to the arena, to a car wash, or any bar, business or establishment, equally.

Mr. Tim Ramos, 1408 W. Linden Street, stated that he took the ordinance and sent it to an attorney friend of his and he looked it over. He said I have the most concern with Section 17.03 because of proving the connection of activity that appears off of the property to a nearby property. Things happen in the city that go unreported every single week. The attorney was concerned about 17.4 which lowers the standard to prove a nuisance violations has occurred. The attorney is already raising issues of Constitutionality of this Ordinance. He asked Council to table the Ordinance and give more time to educate the business owners to educate them on the law.

Mr. Ray O'Connell thanked Mr. Ramos and asked if there were any comments from my colleagues.

Mr. Daryl Hendricks stated that Council spent many months working on this. We had every entity at the table including the District Attorney's office, the Solicitor's office and it has passed legal muster. Nobody's rights will be violated. They will be treated equally across the board. There will be warnings, an educational period, and everyone will be treated equally.

Mr. Ray O'Connell thanked Mr. Ramos and asked if anyone else from the public.

Mr. Julio Guridy stated that he personally thinks that the Ordinance is ok. The concern that I have is that we need to continue to educate people. He stated that he called the people from Dubai because they are part of the issue and many people mentioned their name. They are looking to changing the whole venue. I agree with the Ordinance that you have to be a responsible business owner if you are going into that type of business. We are going to try to go out to educate the business owners.

Mr. Daryl Hendricks stated that is part of the warning. He stated that he is going to differ with Mr. Guridy. The Dubai Restaurant is being closed regardless of what they do by the owner of the shopping center.

Mr. Julio Guridy stated that he read that and mentioned that to the guy and



they said they will pay Monday.

Ms. Cynthia Mota stated that we are speculating. We are talking about these details. There is a lot of speculation going on. I spoke to them and there are many things that they are working out. We should concentrate on the law and educating.

Mr. Ray O'Connell stated that there has to be communication planned. We have to educate the business owners.

Mr. Roger MacLean stated that he doesn't want to talk about a particular business or business owner. He stated that he spent 40 years on the police department and have seen reputable businesses in the city and there is not an issue, but there are also those that don't. This is one of the best tools I've seen in years to deal with those that don't.

Mr. Ray O'Connell asked if there were any other comments.

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

Enactment No: 15365

## **RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):**

### 15-1530

R98 HARB Resolution

Certificates of Appropriateness for work in the Historic Districts: 34 N. 11th Street, 36 N. 11th Street, 433 ½ N. Howard Street and 417 N. 6th Street

**Attachments:** [R98 HARB Resolution](#)

[HARB Cases](#)

Mr. Ray O'Connell asked if there were any comments 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: 29477

### 15-1561

R99

Sewage Planning Module for Burger King – 1738 W. Tilghman Street - acknowledges sufficient sewer capacity for this development.

**Attachments:** [R99 Sewage Planning Module for Burger King – Allentown](#)

[Sewage Planning Module for Burger King – Allentown \(1738 W. Tilghman Street\)](#)

Mr. Ray O'Connell asked to Mr. Messinger if the city had the sewer capacity for a Burger King at 17th and Tilghman. He asked any comments from my colleagues about Burger King Sewage Module. Any comments

from the public?

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

Enactment No: 29478

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

[15-1529](#)

Bill 28

Amending the 2017 General Fund Budget in the amount of Ten Thousand (\$10,000) Dollars to properly budget for the credit cards fees for processing ticket sales for Lights in the Parkway.

**Attachments:** [Bill 28 LIP Credit Card Sales](#)

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

Mr. Glen Hunsicker asked if this is in addition to the \$15,000 that they estimate expenditures for Lights in the Parkway.

Ms. Lindsay Taylor stated that it is only a bookkeeping item to account for the credit card sales. It is offset with the revenues. We are amending the budget. It is simply a bookkeeping item.

REFERRED TO PARKS AND RECREATION

Enactment No: 15369

Enactment No: 15369

**RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):**  
**None**

**NEW BUSINESS: NONE**

**GOOD AND WELFARE: NONE**

**ADJOURNED: 8:51 PM**