



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, November 15, 2017

7:00 PM

Council Chambers

Invocation: Councilperson Mota

Pledge to the Flag

Roll Call

Present: 6 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, and Cynthia Mota

Excused: 1 - Julio Guridy

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

Mr. Tom Hahn, 2016 E. Highland Street, stated that he can point out after a brief discussion with the Solicitor it would have been interesting to find out if Council had it's own Solicitor tonight to challenge on what they were told and how they can take that part of the budget and not destroy the safety. If that contract was dropped everything would have stayed together.

Mr. Ray O'Connell stated that Mr. Hahn is totally wrong. He agrees on one point, City Council should have their own Solicitor. We went into caucus to ask a legal question and she gave us an legal answer.

Mr. Roger MacLean stated that when he worked for the city, he worked with Ms. Fruhwirth for years. He stated that he works on City Council and does not question her reputation or the answers that she gives him.

Ms. Janet Keshl, 119 W. Wabash Street, asked when is the enforcement of the addresses going to be applied to have them on your door and your steps. So many homes don't have the addresses.

Mr. Michael Hanlon stated that it is an ordinance.

Mr. Ray O'Connell asked Mr. Lightner who gets on that. What division in Community and Economic Development gets on that?

Mr. Leonard Lightner stated that it is a very good question. What department of mines, all of them. Anytime my people go out there, that is something we will look at and they will notify us and we will do what we can

to enforce it. It could be our inspectors, and health.

Mr. Glenn Hunsicker, 844 S. 11th Street, stated that Mr. Hendricks tonight at the last voting said they had the figures. Can you make these figures public and maybe we can do a comparison?

Ms. Fran Fruhwirth stated that there are several Right to Know Request pending in our office for the contract.

Mr. Glenn Hunsicker stated that he has a pending Right to Know for the addendums that were written which was based on the five percent increase that the administration accepted for the non-targeted money.

Ms. Fran Fruhwirth stated that she doesn't want to misspeak on what your request said, but I know we have pending requests from others regarding Centerra. Once they are fully executed with the vendor and the city they become public record. That would be available to the public and anyone who would like it.

Mr. Ray O'Connell stated that the approval tonight opens it up to public record.

Mr. Glenn Hunsicker stated you got the numbers that Council has seen tonight. Numbers are numbers so let's check it out. Can we do a Right to Know?

Ms. Fran Fruhwirth stated that you can submit a Right to Know, but ultimately these contracts will be on the website.

Mr. Lou Hershman, 405 N. Gilmore Street, asked about the rainwater tax. What the cost will be for the City of Allentown. He asked if Mr. Hartzell knows the cost to the City of Allentown for the rainwater tax. We will be taxing people with limited income, and nonprofits. Where are they going to get the money to pay? Pull it from the General Fund and cut costs. He stated that Mr. Hartzell never provided the letter from the Auditor General that says we don't have to charge Act 205, but we can charge nonresidents. The Trexler Fund Budget is not balanced, and the Golf Course Fund is not balanced.

Mr. Brent Hartzell stated that we had proposed that we are going end up expending in the first year a little over \$4 million. He stated that he did not look at the details of all our impervious surface. There will be an expectation on taking care of our responsibilities on this.

Mr. Ray O'Connell asked if we can get an amount.

Mr. Brent Hartzell stated that he would endeavor to do that.

Mr. Don Ringer, 1801 Liberty Street, stated that there is a gentleman named Bruce Sharkin that walks up and down 19th Street every morning and cleans the curbs and gutters. His man is a professor at Kurtztown State College and he does this everyday. He asked if the city can give him a shout out.

Mr. Ray O'Connell stated that yes, we can give him a Proclamation.

Mr. Daryl Hendricks asked does he live in Allentown.

Mr. Don Ringer stated that he lives on 19th Street. He asked if the stormwater tax is a tax to balance the Budget.

Mr. Brent Hartzell stated that the city has a balanced budget. The way the budget was established we budget the revenues and expenditures.

Mr. Ray O'Connell stated that it is an EPA mandate.

Dr. David McGuire stated that use the word fee. It will have a separate location. It will make our streams better. This is a national policy and we have been mandated to do this. Everybody had to do it.

Mr. Don Ringer stated that if we are going to be environmentally better off, we should tax Emmaus, Whitehall and everybody. The City of Allentown should be taxed for the brine that they are putting into the streams.

Dr. David McGuire stated that every entity in America is being subject to the same mandate.

Mr. Mike Kaminiski, 779 Benton Street, stated that the Ordinance for weed growth on a property. You can't have weeds or grass higher than 10 inches. Does that apply to front yards and backyards. He stated there is a property at 2309 W. Washington Street and the front of their yard has been cut, but if you drive through the alley and you look into the fenced off area it looks like it belongs in the Amazon jungle. That would breed mice and vermin. Is the water fee that is being imposed on us a result of a federal mandate? He asked if Bethlehem is going to impose the same fee. Why aren't we paving on our parks?

Mr. Leonard Lightner stated yes.

Dr. David McGuire stated the same type of fee and they have to meet the

mandate. Things that we have done to get us where we are today may not have been the best thing to do. You get credit for things that are previous and things that are impervious you have to pay for.

Mr. Ray O'Connell stated that somebody will visit 2309 W. Washington Street tomorrow.

Mr. John Zutjc, 935 N. 17th Street, stated that his neighborhood who is the bamboo guy does not comply with the Ordinance and just pays the \$100 fine, is that the end of the bamboo issue. He thanked City Council for passing the bamboo ordinance.

Mr. Leonard Lightner stated that it will not be the end of the bamboo issue. What we will do is continue to go after whoever is the not compliant owners are. We will do what we can to make them compliant.

Mr. Ray O'Connell stated to Mr. Zutjc that he started and you should be commended. He asked if there were any other comments under Courtesy of the Floor.

Approval of Minutes:

A motion was made by Ray O'Connell that this be approved. The motion carried by the following vote:

Yes: 6 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, and Cynthia Mota

Absent: 1 - Julio Guridy

[15-1954](#) November 1, 2017 City Council Approval of Contracts Professional Services Meeting Minutes

Attachments: [90 November 1, 2017 City Council Approval of Contracts Professional Services Meeting Minutes](#)

[15-1978](#) November 1, 2017 Public Works Committee Meeting Minutes

Attachments: [91 November 1, 2017 Public Works Committee Meeting Minutes](#)

[15-1982](#) November 1, 2017 City Council Meeting Minutes

Attachments: [92 November 1, 2017 City Council Meeting Minutes](#)

[15-1983](#) November 2, 2017 Budget Session - General Business Meeting Minutes

Attachments: [93 November 2, 2017 Budget Session - General Business Meeting Minutes](#)

[15-1988](#) November 6, 2017 City Council Budget Session Meeting - Finance Minutes

Attachments: [94 November 6, 2017 City Council Budget Session Meeting - Finance Minutes](#)

Old Business

Communications

REPORTS FROM COMMITTEES:

There are no committee meetings scheduled at this time - we will deal with issues during our budget sessions.

Mr. Jeff Glazier stated that the Controller's office had a young man from Muhlenberg College did a process flow interviewed at one of the big four accounting firms recently and got a job. As part of his interview, they asked about the work he did for the city and the process flow that he did and they were very impressed with the quality of work that he did. he felt that it helped him get a job. He stated that the Controller's office did a couple of audits. They did a cash count at the Golf Course to look at their petty cash. They have three point of sales registers and they were not closed or locked when not in use. Inquiry that the register drawers sticks and do not usually open. We recommended that the administration get that fixed. They don't have a deposit endorsement stamp for their checks. We completed a bank reconciliation for the end of May 2017. There was one new finding: One Accounts Payable wire for \$2,500 that was not recorded in Eden or the Cash Sub. We should have a bank audit trail. All wires should be posted in Eden and the Cash Sub. We did a petty cash account in the Parks Department and the overall physical account counted by the Auditor and verified by Parks Recreation Bureau of Personnel. The totals were physically counted and compared to the prescribed total. The petty cash fund was over \$87.66 and that amount has been returned to Treasury. The Petty Cash designee did not know where the key was. All monies was in the Petty Cash Custodian locked desk. The petty cash was not counted and appeared high. Petty Cash will be counted and reconciled when there is a transaction.

[15-1931](#) Budget Schedule

Attachments: [Budget Schedule](#)

APPOINTMENTS:

[15-1984](#) HARB Appointments - HISTORICAL ARCHITECTURAL REVIEW BOARD

NAME	TERM TO EXPIRE
Barry Brobst	01/08//2021
David Huber	01/08/2021
Ellen Roberts	01/08/2021

Michelle Olson

01/03/2020

Attachments: [Michelle Olson - HARB](#)
[Barry L. Brobst - HARB](#)
[David Huber - HARB](#)
[Ellen Roberts - HARB](#)
[BOARD MEMBER LIST - 2017](#)
[Resolution #29576](#)

Mr. David Kimmerly stated that they are all reappointments starting with Barry Brobst. He is our Architect on the board. His reappointment is critical. David Huber is our HARB Chairman. Ellen Roberts is our Vice Chair and Michelle Olson is new and a resident of Old Allentown.

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

Yes: 6 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, and Cynthia Mota

Absent: 1 - Julio Guridy

Enactment No: 29576

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-1993](#) R184 HARB Certificates of Appropriateness - 621 W. Gordon Street
Redevelopment Authority

Attachments: [R184 HARB Certificates of Appropriateness - 621 W. Gordon Street](#)
[HARB Cases](#)
[Resolution #29577](#)
[Resolution #29577](#)

Mr. David Kimmerly stated that this is a property that is owned by the Redevelopment Authority of the Allentown and what they are proposing to do is demolish a garage in the alley in the back. It is a concrete block garage. HARB followed the advice of the Historic Preservation Consultant and ruled that this garage is not a contributing building to the historic district and therefore could be demolished.

Mr. David Kimmerly stated that the Historic Preservation Consultant gave advice to HARB.

Mr. Ray O'Connell asked if there were any comments from his colleagues or the public on R184.

Yes: 6 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, and Cynthia Mota

Absent: 1 - Julio Guridy

Enactment No: 29577

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

[15-1985](#)

Bill 83

Amending the 2017 Capital Fund Budget to provide for a supplemental appropriation of Two Thousand Three Hundred Thirty-One (\$2,331) Dollars. This bill reflects the receipt of \$2,331.00 from City Center Investment Corporation in lieu of planting onsite trees for the new 520 Hamilton Street Project, the money will be used to offset future tree projects.

Attachments: [Bill 83 Tree Receipt](#)
[520 Hamilton Tree Documentation.pdf](#)
[Ordinance #15403](#)

Mr. Ray O'Connell asked if there were any comments from his colleagues or the public on Bill 83.

REFERRED TO PUBLIC WORKS

Enactment No: 15403

[15-1986](#)

Bill 84

Amending Article 1760.99 – Buyer Notification Inspection of Residential Properties and Units Fees, proposing that the \$100 fee include up to three units, adding a \$25 per unit fee for each unit over three, increasing the presale re-inspection fee from \$35 to \$75 and establishing a \$150 per unit fee for the third and subsequent re-inspection.

Attachments: [Bill 84 Pre-Sale Inspection Fee Increase](#)
[Ordinance #15404](#)

Mr. Bob Sandt stated that we want to increase our fees for our presale properties. Currently, our presale inspections are \$100 for each presale inspection. We find that multi-unit buildings are also getting charge \$100 per inspection. A single family house is \$100 and a place as big as Regency Towers and Trexler Park apartments is \$100. We are proposing to increase that for any building over three units starting at four units and beyond, \$25 per unit, in addition to \$100.

Mr. Ray O'Connell asked if there were any comments from his colleagues or the public on Bill 84.

REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT

Enactment No: 15404

[15-1987](#)

Bill 85

Amending Article 1741.99 – Property Rehabilitation and Maintenance Code Penalty, by increasing violation ticket fines and penalties from \$25 to \$100.

Attachments: [Bill 85 Rental Code Fees](#)

[Ordinance #15405](#)

Mr. Bod Sandt stated that Bill 85 is violation tickets similar to what Recycling uses as a Sweep Ticket. We like to pose a ticket for code violations. In our Ordinance right now the ticket price is \$25 and we would like to increase that to \$100 per ticket. We would like to start that in 2018.

Mr. Ray O'Connell asked if there were any comments from his colleagues.

Mr. Roger MacLean asked if they have a chance to rehabilitate the issue that they are getting fined for.

Mr. Bob Sandt stated that we usually issue a 30 day notice. It is a tool that we will use after that expires.

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

REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT

Enactment No: 15405

[15-1992](#)

Bill 86

An Ordinance of the City of Allentown, County of Lehigh and Commonwealth of Pennsylvania, revising Article 395 Community and Economic Development Fees by increasing a number of fees to capture the cost of providing the service.

Attachments: [Bill 86 Planning Zoning Fees](#)

Mr. Douglas Stewart stated that he evaluated the existing fee structure for zoning fees, land development, minor and major land development and subdivisions and noticed that they are currently extremely low. He did an analysis for neighboring municipalities. What I found is that the fees are very low. He suggested increases to begin to cover the costs the city incurs. The purpose is to put the burden more on the developers that will ultimately will make a profit and not cause the general citizenry to be incurring the expenditures.

Mr. Roger MacLean asked if you can include that survey you took from other municipalities so we have something to compare.

Mr. Ray O'Connell stated good point. He asked if there were any other questions from Council or the public.

REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT

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

NEW BUSINESS: NONE

GOOD AND WELFARE: NONE

ADJOURNED: 7:45 PM

[15-382](#) Council Rules

Attachments: [Council Rules](#)