



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

---

Wednesday, December 6, 2017

7:00 PM

Council Chambers

---

#### Invocation: Councilperson McGuire

#### Pledge to the Flag

#### Roll Call

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

#### Courtesy of the Floor

#### Courtesy and Privilege of the Floor Rules

Mr. Manny Makool, 458 N. Oswego Street, stated that he is having a hard time pulling permits. Getting inspections are impossible. He stated that he has been in business for a longtime and based in the city of Allentown for a long time. I am slowly pushing myself away. It is a seven to 10 day turnaround. They are down to one electrical inspector.

Mr. Ray O'Connell asked Mr. Makool to give Mr. Hanlon your name and number and he will give to the Community and Economic Development Director.

Mr. Glenn Keller, 2725 Fernor Street, stated that he received an interesting offer from the Solicitor Office and Finance Department. He stated that he put in a Right to Know Request for city budgets from 1984 -1989 and the Comprehensive Annual Financial Report for 1994. He specifically checked off the review box on the Right to Know form which he believed will not incur any cost with no reproduction of documents. The offer that I received was that he would be able to have complete copies of the documents for the cost of \$892.25.

Mr. Scott Holbert stated that he cannot speak to the matter because he does not handle records for the office. He will see what is going on.

#### Approval of Minutes:

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

[15-2000](#)

November 8, 2017 City Council Budget Session Meeting - Public Works

## Minutes

**Attachments:** [95 November 8, 2017 City Council Budget Session Meeting - Public Works Minutes](#)

[15-2004](#) November 15, 2017 City Council Budget Session Meeting - Parks and Recreation Minutes

**Attachments:** [96 November 15, 2017 City Council Budget Session Meeting Parks and Recreation Minutes](#)

[15-2005](#) November 15, 2017 City Council Approval of Contracts Professional Services Meeting Minutes

**Attachments:** [97 November 15, 2017 City Council Approval of Contracts Professional Services Meeting Minutes](#)

[15-2006](#) November 15, 2017 City Council Meeting Minutes

**Attachments:** [98 November 15, 2017 City Council Meeting Minutes](#)

[15-2017](#) November 16, 2017 Budget Session - Public Safety Meeting Minutes

**Attachments:** [99 November 16, 2017 Budget Session - Public Safety Meeting Minutes](#)

[15-2028](#) November 27, 2017 Budget Session - HR, Risk, Non-Departmental Meeting Minutes

**Attachments:** [101 November 27, 2017 Budget Session - HR, Risk, Non-Departmental Meeting Minutes](#)

**Old Business: NONE**

**Communications: NONE**

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

The Committee has not met since the last Council meeting; no future meetings are scheduled.

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

The Committee has not met since the last Council meeting; no future meetings are scheduled.

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

The Committee has not met since the last Council meeting; no future meetings are scheduled.

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

The Committee has not met since the last Council meeting; no future meetings are scheduled.

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

The Committee has not met since the last Council meeting. The next meeting is scheduled for December 20 at 6:30 PM.

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

The Committee has not met since the last Council meeting. The next meeting is scheduled for December 20 at 6:45 PM.

**Water and Sewer Compliance Review Board**

The Committee is scheduled to meet on December 13 at 5 PM.

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

The Committee has not met since the last Council meeting; no future meetings are scheduled.

**City Controller's Report**

Given the long agenda, the Controller has no report this evening.

**APPOINTMENTS: None****ORDINANCES FOR FINAL PASSAGE (To be Voted On):**

The bills below were discussed and reviewed at various special meetings.

Amendments and budget memos relating to various funds were approved at the December 4th meeting.

[15-1979](#)

2018 Budget Memos

**Attachments:** [1 - Personnel](#)  
[2 - Equipment Stormwater](#)  
[3 - Equip, Debt, General Fund](#)  
[4 - CD](#)  
[5 - CAPITAL](#)  
[BUDGET MEMO 6 - GF GOLF RISK](#)

Mr. Ray O'Connell stated please note that we already approved Budget Memos 1, 2, 3, 4 and 5. Budget Memo 6 was given to us tonight and it concerns the General Fund, the Golf Fund and the Risk Management Fund. He asked if there were any comments or issues.

Mr. Roger MacLean stated to Mr. Hartzell that he can see that the cable TV is going up \$170,000 and Deed Transfers are going up. He asked for an explanation as to why those figures are going up.

Mr. Brent Hartzell stated that this is a tie in when we are drawing into the reserves with the Pension Obligation Bond to pay MMO pensions this year. Looking to see if we were dealing with a \$3.9 million draw or \$3.4 million. The \$3.4 million was correct. That was a little bit of a hole. We are expecting a payment from ANIZDA as part of the available funds. I felt safely to see some of those trends and that we can close the hole with the revenue.

Mr. Jeff Glazier stated he took a look at the budget estimates and thinks that they are all sound. We fall within a reasonable range. There were some changes made to the Communication Cell Phone Program and the additional \$4,000 in Account 46 for the language line. We were spending the money anyway. The same is true with the money in the Golf Fund for credit card service charges. It should not be an additional expense, but a recognized expense in the detail. The same would be true for the fist aid kits in Risk.

Mr. Joe Hilliard, Rhonda Lane - South Allentown, asked about the General Fund and asked about the stormwater fee.

Mr. Ray O'Connell stated that it is Bill 78 and Bill 82.

**Budget Memo 6 was approved.**

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

[15-2023](#) Budget Amendment Proposals

**Attachments:** [Final Budget Amendments](#)

[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.

**Bill 83 was approved.**

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

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. Ray O'Connell asked if there were any comments from his colleagues on Bill 84. We need five votes for it to pass. He asked Mr. Holbert is that correct.

Mr. Scott Holbert stated that is correct.

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

**Bill 84 was approved.**

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

**No:** 1 - Julio Guridy

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. Ray O'Connell stated that this is a fee increase. We need five votes for this to pass successfully. He asked if there were any comments from his colleagues or the public on Bill 85.

**Bill 85 was approved.**

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

**No:** 1 - Julio Guridy

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. Ray O'Connell asked if there were any comments from his colleagues or the public on Bill 86.

Mr. Glenn Hunsicker, 844 S. 11th Street, stated that the fees and the actual cost to run the department is way out of balance. The rental fee in itself, we have how many units 44,000 maybe or 27,000. He stated to start dividing this stuff out. Who is looking at these numbers? It is too much money.

Mr. Ray O'Connell stated that Bill 84 passed. This is an increase in fees so we need five votes.

**Bill 86 FAILED.**

**Five (5) votes are required for a fee increase.**

**Yes:** 4 - Ray O'Connell, Daryl Hendricks, Candida Affa, and David McGuire

**No:** 3 - Roger MacLean, Julio Guridy, and Cynthia Mota

### [15-1968](#)

Bill 66 Solid Waste Fee

**Attachments:** [Bill 66 2018 Solid Waste Fee](#)  
[Ordinance #15406](#)

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

or the public.

Mr. Joe Hilliard, 2819 Rhonda Lane, asked if the garbage loan being repaid. The administration acknowledged publicly that overcharging fees is an illegal tax and subject to lawsuits. This little fee scheme has to come to an end soon. We are hiding a problem spending with fees. He asked for Council to table all these fees and do a detail analysis for next year.

Mr. Ray O'Connell stated yes, it is. He asked Mr. Hilliard about Line Item 6.

Mr. Glenn Hunsicker asked what are you proposing this increase to be.

Mr. Ray O'Connell stated that it is the same. You have to approve it yearly. It is \$375.

Mayor Pawlowski stated that there was no \$15 increase proposed last year. We have done a multi-year budget and the reserves cover the multi-year budget so that we don't have to raise the fee.

**Bill 66 was approved.**

Enactment No: 15406

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

Enactment No: 15406

[15-1966](#)

Bill 67 Solid Waste Fund

**Attachments:** [Bill 67 2018 Solid Waste Fund.doc](#)  
[Ordinance #15407](#)

Mr. Ray O'Connell stated that Bill 66 was the fee that stayed the same. Bill 67 is the entire Solid Waste Fund. He asked if there were any comments from his colleagues or the public.

**Bill 67 was approved.**

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

Enactment No: 15407

[15-1960](#)

Bill 68 911 Fund

**Attachments:** [Bill 68 2018 E911 ORD.doc](#)

**Bill 68 was approved.**

Enactment No: 15414

[15-1970](#)

Bill 69 Trexler Fund

**Attachments:** [2018 TREXLER FUND ORD.doc](#)  
[Ordinance #15408](#)

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

Mr. Tom Hahn, 2016 E. Highland Street, asked about the appropriated money that was printed in the newsletter from Representative Schlossberg, Senator Pat Browne and Representative Schweyer for the maintenance of the street lights and the parkway. How long does it take for the money to show up?

Mayor Ed Pawlowski asked what does that have to do with the Trexler Fund. Bike trails are covered under the General Fund under Capital Projects. You are talking about a Lighting Agreement for the American Parkway, not the Parkway.

Mr. Ray O'Connell asked what does it have to do with the Trexler Fund. That is Public Works for the tree lighting. He asked if there were any other comments from the public on the Trexler Fund.

Mr. Lou Hershman, 405 N. Gilmore Street, stated that the City Charter requires the Mayor to submit a Budget that is balanced. The expenditures extends the revenue. He stated that the Mayor should offer the Council an amendment.

Mr. Brent Hartzell stated to Mr. Hershman should note that there is a note on the top of the page for the Reserve that is more than enough. The Trexler Fund is dealing with reimbursements that come from the Trexler Trust. The revenue estimate is what we expect to come in for revenue for 2018. We have with certainty that the expenditures are being planned from the particular fund in terms of reimbursement.

Mr. Lou Hershman stated that you are voting on what's in front of you.

Mr. Julio Guridy stated that it is a \$15,576 difference. He asked Mr. Hartzell are you expecting to get that money.

Mr. Brent Hartzell stated that we have discussed this at length in the past year or two. The Trexler Budget is taking money that would be rolled over from one year to the next along with what we expect to come in this year. Yes, Mr. Guridy is correct that it is showing \$15,000 to the negative, but we also still have reserves that we did not draw upon for 2017 that we will not get until we submit the reimbursement requests.

Mr. Julio Guridy asked if they could make an amendment to add the

\$15,575 into the revenue of the budget so that we can have the same number.

Mr. Scott Holbert stated that Council can do that to include the reserve money that is already there.

**A motion was made by Julio Guridy, seconded by Ray O'Connell, to include the \$15,575 reserve into the 2018 Trexler Budget.**

**Bill 69 as amended was approved, 7 - 0**

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

Enactment No: 15408

[15-1963](#)

Bill 70 Golf Course Fund

**Attachments:** [Bill 70 2018 GOLF COURSE ORD.doc](#)

[Ordinance #15409](#)

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

Mr. Lou Hershman stated that the you have to balance the Budget.

Mayor Ed Pawlowski stated that it balances out. He stated that it is \$18,000 is projected cash balance at the end of the year, plus \$1,450,112 and it extends the amount of the expenditures. The Budget is balanced.

Mr. Lou Hershman stated that it is not balanced.

Mr. Brent Hartzell stated that the different between what is reserves and what is revenue. Reserves by governmental accounting standards are not revenue. They are available cash. It is not revenue, but it is cash that is available.

**A motion was made by Roger J. MacLean, seconded by David McGuire, adding in the cash balance of \$18,465 to the 2018 Golf Course Fund.**

**Bill 70 as amended was approved.**

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

Enactment No: 15409

[15-1964](#)

Bill 73 Liquid Fuels Fund

**Attachments:** [Bill 73 2018 Liquid Fuels Fund](#)

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

**Bill 73 was approved.**

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

Enactment No: 15410

[15-1965](#) Bill 71 Risk Fund

**Attachments:** [Bill 71 2018 RISK FUND ORD.doc](#)

[Ordinance #15411](#)

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

**Bill 71 was approved.**

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

Enactment No: 15411

[15-1957](#) Bill 74 Administrative Order Fund

**Attachments:** [Bill 74 2018 Administrative Order Fund](#)

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

**Bill 74 was approved.**

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

Enactment No: 15412

[15-1959](#) Bill 75 Debt Fund

**Attachments:** [Bill 75 2018 DEBT.doc](#)

[Ordinance #15413](#)

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

**Bill 75 was approved.**

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

Enactment No: 15413

[15-1960](#) Bill 68 911 Fund

**Attachments:** [Bill 68 2018 E911 ORD.doc](#)

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

or the public.

**Bill 68 was approved.**

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

Enactment No: 15414

[15-1962](#)

Bill 72 Equipment Fund

**Attachments:** [Bill 72 2018 Equipment Fund](#)  
[Ordinance #15415](#)

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

**Bill 72 was approved.**

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

Enactment No: 15415

[15-1958](#)

Bill 76 Capital Projects Fund

**Attachments:** [Bill 76 2018 Capital Projects Fund](#)  
[Ordinance #15416](#)

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

**Bill 76 was approved.**

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

Enactment No: 15416

[15-1976](#)

Bill 82 - Amended Per Budget Memo 2

Amending the Business Regulation and Taxation Code creating 393.15 – Stormwater Utility Fee, by imposing a stormwater utility fee on developed parcels in the City for the sole purpose of covering the cost of the City's stormwater management program and creating the mechanisms necessary to implement the fee, including calculation of the fee, adoption of a credit policy, enforcement, appeals, and adoption of administrative policies and procedures. The rate per billing unit to be used for calculating the stormwater utility fee shall be Twenty (\$20) Dollars per Five Hundred (500) square feet of impervious surface.

**Attachments:** [Bill 82 Stormwater Utility Fee](#)  
[BUDGET MEMO 2 - EQUIPMENT - STORMWATER](#)  
[STORMWATER REVISED](#)

Mr. Ray O'Connell asked his colleagues if he could ask the public for their comments first.

Mr. Joe Hilliard, Rhonda Lane, stated that this will be Items 2, 3 and 5. He talked about the new fee and the LCA water deal. The Water and Sewer Fund was throwing off \$8 - \$10 million a year into the General Fund and I started asking is this an illegal tax. If this fee is truly necessary I hope you stop the idea of issuing bonds because that makes the fee unnecessarily higher. When will you learn. Everything that we warned you about came to fruition. He stated to kill it, table it, and address it next year as a comprehensive effort starting early in the year.

Mr. Lou Hershman stated that Mr. Hilliard is right, table it. You have to adopt the budget on this one. If you turn the budget down, you have to deal with the fee. Don't vote on this until you vote on Bill 80. He asked Council to table Bill 80. They said it is a fee. I say it is a tax.

Mr. Ray O'Connell stated that Bill 82 and Bill 80 are co-existent. One will affect the other.

Mr. Christian Brown, 347 N. 9th Street - city resident, business owner, registered landscape architect, Chairman of the Shade Tree Commission, and a member of the Planning Commission, stated that the city's structural repairs and maintenance and upgrades for compliance are real and needs to be funded one way or another. The fee is an appropriate and transparent method to earmark funds specifically and solely for this purpose. The proposed calculation in my opinion is fair and universally applied. Rain and stormwater run-off does not discriminate to the property owner and neither does the fee. Opposing new fees is not a popular decision. Especially, let popular when it is spent on improvements that are not seen or noticeable. The needs won't go away and need to be addressed. Cities around the region have been enacting similar solutions to identical problems. He is hoping that others will provide some real illustrations on just how much or little the fee will impact property owners. Based on the proposed calculation, my fee will be approximately \$69 a year. That is a fee that I can live with knowing that it is collectively going to it will go towards millions of dollars towards stormwater improvements. Making our creeks, streams, cleaner and healthier while alleviating worsening flooding conditions. He urged Council to see the merit in this proposal and allow the city of Allentown to join the ranks of other cities in Pennsylvania who have taken control of their aging infrastructure in pursuit of a cleaner, greener and safer future.

Mr. Tom Hahn, 2016 E. Highland Street, stated that on Page 41 on the Status of the Project which he attended the meeting yesterday and

identifying the complete assessment and current services associated with the cost. He asked if someone from the administration explain the fees and backlogs of the maintenance that was not done. He asked about the 10 year draft program.

Mayor Ed Pawlowski stated that you attended the meeting and had a full explanation.

Mr. Craig Messinger stated that the 10 year program is laid out in the first four years and is going on the fee by itself. The fee will be re-assessed and the city will look at the capital improvements and see if the city will be able to bond for additional projects.

Ms. Barbara Miller, 2119 W. Washington Street, stated that she has a half of twin. She stated that her fee will be more or less than \$100. She stated that she is not a wealthy person. She is a senior on a fixed income. The fee is totally reasonable. Her property has a certain amount of runoff. The fee is absolutely necessary. it is fair on nonprofits. Some nonprofits have huge properties and won't have to address their runoffs unless they have to pay for it. We have to fix this now. She asked Council to support Bill 82 the way it is.

Mr. Don Ringer, 1801 Liberty Street, stated that this is a federal unfunded mandate. He asked if veterans that are disabled will be exempt from this. Why should a disabled veteran be exempt from this? He asked Council to table this Bill for six months.

Mr. Glenn Hunsicker, South Allentown, stated that he proposed in 2012 that if the city makes everything a fee all the departments will never have to raise taxes. This is a balancing of the Mayor's budget. He asked Council to address this and look at the detailed facts on how they are going to do this. There is more to it then just passing this tonight.

Mr. Craig Messinger stated that there is no bureau chiefs added, no office manager or superintendent. It will be workers, with no supervisors. This is actually going to be people we are hiring to do the work. We have about 8,000 - 9,000 inlets, 340 miles worth of piping, 343 outfalls and one person that inspect those and under our permit we have to get them done in one year, not five years. We need more people.

Mayor Ed Pawlowski stated that the article on Akron was from 2015.

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

Mr. Roger MacLean asked for an amendment on Section D in the

definitions of the Ordinance - Impervious Area. He wants to change the second sentence to read the use of stone and gravel will be considered an impervious area for purposes of this article only be deleted and stone and gravel be considered a pervious surface.

**Julio Guridy seconded the amendment.**

Enactment No: 15417

Mr. Craig Messinger stated that they understand where there is a lot of instances where there are landscaping or stone utilized other than parking and travelways. That sits along with other ordinances including with Zoning. As far as the use of stones in other areas, I am fine with that. I caution that we don't take away from other ordinances.

Mayor Ed Pawlowski stated that it has to be pervious. Think about it from a landscape perspective. A lot of people put plastic before they put stone so that weeded don't come up. That doesn't make it a pervious surface, it makes it an impervious surface.

**Roger J. MacLean added to his amendment so long as there is no underlying substance that makes it impervious.**

**The amendment passed, 6 - 1 (McGuire)**

Mr. Craig Messinger stated that would be allowed under the process of doing an appeal.

Mr. Julio Guridy asked about the amount that we actually will be raising through this fee of \$5,762,035. We have an average of \$1.68 million left.

Mr. Craig Messinger stated that it may be a little less with the stone part, \$5.6 million. There was a budget amendment Budget #2 that amended that number to be a little over \$4.6 million. About a half of that would be put aside so that when we go to Bond. Same thing as our lockbox. We need to have a buffer if we have a large snow or something with a road and a stormwater pipe. It could be a half a million to a \$1 million.

Ms. Candida Affa stated that Ms. Miller you nailed it. I do believe that it is not just about money. It is about clean water. This is not something that came up yesterday. We studied this and believe me we had sleepless nights over this. We don't want to raise taxes or fees. Everyone should have to pay to keep our waters clean. I believe we pay now or we pay more later.

Enactment No: 15417

Mr. Roger MacLean stated that he believes that it should come to City Council at a public hearing so that the public can weigh in.

Mayor Ed Pawlowski stated that if you want to approve the regulations initially we have no problems with that.

Mr. Craig Messinger stated that whole credit incentive, that whole section there is an area in there where it says it must be approved by Council.

Mr. Scott Holbert stated that in Section 951.06A is the one Mr. Messinger is referring to. When they initially set up the credit system, they will be approved and the Section B is how will it be implemented.

Mr. Jeff Glazier asked about the establishment of a detention facility and they have to have a contract with the city, are we going to treat those in the same manner as encroachments in the right of way. He asked if they will be required to have insurance. He stated that this is an Enterprise fund and some of our Enterprise Funds are in pooled cash and non-pooled cash. How do you like to handle that.

Mr. Craig Messinger stated through the Planning Commission any on-site improvements has to be approved by the Planning Commission. We are hoping for hundreds of those contracts. They are required to have insurance just as a requirement to having that facility there.

Mr. Brent Hartzell stated that the whole idea of having a fund that is directed that does not supposed to touch the General Fund is to identify that revenue remains in a separate fund.

Ms. Cynthia Mota asked about the public forum and how many people showed up. If this Bill is passed tonight, what is your plan to inform the community that this is going on. She asked if it is possible to have people pay in increments.

Mr. Craig Messinger stated that they had five meetings with a total of 59 people that attended those meetings. We requested to be able to put something with the tax bill. We put a recycling paper in with the tax bill. We will continue with the meetings and work with the groups.

Mr. Brent Hartzell stated that there were two reasons why the stormwater fee is going to be included in the real estate bill and the solid waste fee in January to all the properties in the city. One is to make sure that everyone knows about it and the July 15th date that holds as the cut-off date for being timely for both property tax and the solid waste fee will also apply to the stormwater fee.

Mr. Julio Guridy asked about the penalty fees. He stated as he talks to

people they ask about people knowing that the stormwater is going to be clean.

Mr. Brent Hartzell stated that as with the property tax and solid waste fee there will be penalties that kick in.

Mr. Roger MacLean stated that there is a 10 percent penalty.

Mr. Craig Messinger stated that there is a spill response team. The fire department is the first one that goes out. They are well rehearsed of what is necessary. Our stormwater team goes out right a way.

Mr. Roger MacLean stated that he is disappointed that this was not out earlier and we didn't have more public meetings.

Mr. Daryl Hendricks stated that he believes in clean water and see the necessity and will not place the citizens property owners with the full version this. The way that this will be implemented it will be all property owners, including nonprofits which he believes they need to step up and except responsibility to this. It is fair to all citizens.

Dr. David McGuire asked if they are prepared to vote on the amendments.

Mr. Ray O'Connell stated that there were two amendments and they were already voted on.

Dr. David McGuire stated that ideas that may have been brought up by members of the public. He stated that it is hard to know what people know. The City of Pittsburgh was brought up as an example along with other cities as ways to approach this. There are two kinds are piping systems in cities. One can be for sewage only which then requires being sent to a sewer treatment plant. The other one is for stormwater only. It goes directly to the receiving party subject to the Clean Water Act. Then there are municipalities which have combined both the sewer and stromwater system together, Pittsburgh and a number of others. It costs us a lot more money to process sewer water than dirty stormwater. Both have to be taken care of. Our city already needs to replace 10 years of failure of the breaking down of our sewer system.

Mr. Ray O'Connell asked if there were any final comments from Council.

**Bill 82 was approved, 5 - 2 (MacLean, O'Connell)**

**Yes:** 5 - Daryl Hendricks, Candida Affa, David McGuire, Julio Guridy, and Cynthia Mota

**No:** 2 - Ray O'Connell, and Roger MacLean

Enactment No: 15417

[15-1967](#) Bill 80 Stormwater Fund

**Attachments:** [Bill 80 2018 Stormwater Fund](#)  
[Ordinance #15418](#)

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

Mr. Lou Hershman stated that you passed an ordinance to fund it. He asked Council not to fund Bill 80 and transfer the employees back into the General Fund. There are many mandates and you did not discuss the mandates that are required. He stated to vote no on Bill 80 and transfer employees back into the General Fund. How are we going to pay this \$250,000 fee that is required for this rainwater tax?

Mr. Brent Hartzell stated that it will come out of the General Fund and go to the Stormwater Fund. Whatever the fee ends up being we will bring an amendment to you. We will make sure there is sufficient money in the General Fund. We will make sure that there is sufficient amount of money in the General Fund. We will know what that dollar amount is when we need to make that amendment.

Mr. Craig Messinger stated that there is still a lot of things that are going on at this time and when the estimate was given at \$250,000 he can't imagine that the fee will be \$250,000. It is an estimate.

Mr. Lou Hershman stated that Bill 80 should not be voted on this evening.

Mr. Ray O'Connell asked if there were any other comments on Bill 80 - Stormwater Fund.

**Bill 80 was approved.**

**Yes:** 5 - Daryl Hendricks, Candida Affa, David McGuire, Julio Guridy, and Cynthia Mota

**No:** 2 - Ray O'Connell, and Roger MacLean

Enactment No: 15418

[15-1956](#) Bill 78 General Fund

**Attachments:** [Bill 78 2018 General Fund](#)  
[Ordinance #15418.5](#)

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

Mr. Joe Hilliard stated that he needs clarification since he heard 24

positions are being moved out of the General Fund into the new Stormwater Fund. Why is the General Fund increasing \$3.5 million while we move 24 positions out of it into a new fund. With these 24 positions included in the General Fund, how many employees are in the General Fund? He said it was his understanding on Monday night it was \$8 million, and he thought he heard tonight \$18 million in reserves. The 2016 audit end of year shows an end of fund balance of \$19.5 million. That is audited. The 2017 projected end of year budget shows a deficit of \$2 million. When I do the math and add the \$2 million to the \$8 million that's \$10 million. He stated \$19.5 - \$10 million is \$9.5 million. Where is that million and if it is restricted where does it show up? It supposed to be in the General Fund.

Mr. Brent Hartzell stated that there are two major reasons. The personnel cost - this budget has at least 2.5 percent raise for every employee in the city, in many cases it is 3 to 3.5 percent. Health insurance is a constant rising item in the budget. The decision from the Allentown Aggregate Pension Board in late spring to be honest with the Pensions with Fire, Police and O&E with a realistic rate of return. We made a decision to drop the expected Rate of Return from 7.75 to 7.50 percent. There was other long-term costs. We have fixed the MMO amount for two years. The total FTE in the General Fund for 2018 is 658 out of a total FTE of 807. There were assigned funds that was part of the General Fund. We finished 2016 with a \$6.4 million assigned balance that was tied primarily of rolling over an appropriations from a year before and a \$5.9 million that was reserved in the that fund which was in the General Fund, but not available to pay for the Water Lease to pay accelerated debt payments of the Pension Obligation Bonds. We have paid down \$2.5 million out of the \$5.9 million.

Mayor Ed Pawlowski stated that it was restrict and unrestricted.

Mr. Ray O'Connell asked if there were any other comments from the public on Bill 78 - General Fund.

Mr. Robert Franklin, IBEW Local 375 - 1201 W. Liberty Street, stated that they are building a new property and the Code Enforcement part of it has been excellent. The 4th Floor with the permits and process has been flowing great. According to your new budget and Combination Inspectors for the purpose of efficiency. If it passes he would like to make sure that Council has oversight or look into it. Let's say they can't find someone for that job with all four position as one inspector. The fear is that there are only so many people out there. If you go to third party inspections, you are using the same pool that all other municipalities are using. He asked for them to put funding in to have an electrical inspector.

Mr. Ray O'Connell stated that they never spoke of a third party inspectors.

Mr. Robert Franklin stated that if it goes to third party inspectors.

Mayor Ed Pawlowski stated that if that were to ever happen they would submit an amendment to City Council.

**Bill 78 was approved.**

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

Enactment No: 15418.5

[15-1961](#)

Bill 77 EIT Tax Rate

**Attachments:** [Bill 77 2018 EIT TAX RATE.docx](#)

[Ordinance #15419](#)

Mr. Ray O'Connell stated that it is the same as last year. He asked if there was any input or questions from Council or the public.

**Bill 77 was approved.**

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

Enactment No: 15419

[15-1969](#)

Bill 79 Tax Rate

**Attachments:** [Bill 79 2018 Tax Rate](#)

[Ordinance #15420](#)

Mr. Ray O'Connell stated that it also stays the same and asked if there were any comments from Council or the public.

**Bill 79 was approved.**

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

Enactment No: 15420

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

[15-1971](#)

R182 Approves Capital Improvements Program 2018 - 2022.

**Attachments:** [R182 Approves Capital Plan](#)

[2018-2022 November Capital](#)

Mr. Ray O'Connell asked if there were any comments from my colleagues or the public on R182.

**R182 was approved.**

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

Enactment No: 29580

[15-2018](#)

R187

Authorizes encroachment for public art sculpture (The Trajectory Heart) 702 Hamilton Street

**Attachments:** [R187 Heart Sculpture Encroachment](#)

[The Trajectory Heart Sculpture Encroachment Application.pdf](#)

[The Trajectory Heart Sculpture Photo.pdf](#)

Mr. Ray O'Connell asked for an explanation on it.

Mr. Ted Berger stated that this request came in from City Center. They were donated this art piece from a local artist. They requested that they put it near the Wells Fargo Building as a permanent structure. It will be more than 1/3 and Public Works has no problems.

Mayor Ed Pawlowski stated that there is a big open space right there.

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

Dr. David McGuire stated that if he understands it, it will be permanent. He asked if it went to one of Council's committees. He looked at the art project and one can say that half of the people will like it and half will not. He stated that it is not an appropriate fit. He asked that it is referred to a committee on Council.

Mr. Ted Berger stated that they will put mounts and it will be a permanent structure.

Mayor Ed Pawlowski stated that he believes it went through the Public Art Commission.

Mr. Ray O'Connell stated that normally these types of encroachments come the night of the Council meeting and we vote on it unless it is controversy.

Mr. Julio Guridy asked what is it.

Mr. Roger MacLean asked if they have a picture of this art object.

Mayor Ed Pawlowski stated that the city does have a Public Art Commission and a Arts Commission which deals with outdoor sculptures. If you want to get their opinion on it, that would be more than appropriate.

Mr. Julio Guridy asked for a picture of it.

Mr. Mike Hanlon stated that it is on the website.

Mr. Ted Berger stated that there was a picture attach to the encroachment.

Ms. Cynthia Mota asked about the history of the sculpture.

[15-2029](#)

R188

Sewage Planning Module - AISP Investments, LCC 1916 S. Albert Street

**Attachments:** [R188 Sewage Planning Module - AISP Investments, LCC 1916 S. Albert Street](#)  
[Sewage Planning Module - AISP Investments, LCC 1916 S. Albert Street](#)  
[Resolution #29581](#)

Mr. Ray O'Connell asked Mr. Messinger if the city has capacity.

Mr. Craig Messinger stated that the city has the capacity.

Mr. Ray O'Connell asked if there were any comments from his colleagues or the public on R188.

**R188 was approved.**

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

Enactment No: 29581

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

[15-1995](#)

Bill 87

Amends the Zoning Code, Article 1303 (Definitions), Article 1309.06.H (Purposes of Each District) and Article 1327.NN (Specific Uses) of the Codified Ordinances of the City of Allentown by expanding the student overlay district north of Tilghman to Washington Street and west to Broad Street.

**Attachments:** [Bill 87 ZONING AMENDMENT- EXPANDS BOUNDARIES OF STUDENT RESIDENCE OVERLAY DISTRICT EXPANDS BOUNDARIES OF STUDENT RESIDENCE OVERLAY DISTRICT MAP](#)  
[Letter from Douglas Stewart Regarding the Planning Commission's Recommended Approval of Amendment to the Zoning Code - Student Overlay District](#)  
[Student Overlay Rezoning Labels - Muhlenberg College](#)  
[Letter from Allentown Planning Commission regarding Bill 87 - Student Overlay District](#)  
[Letter from Mike Hanlon regarding Bill 87 - Student Residence Overlay District](#)  
[Letter from Mike Hanlon regarding Draft Bill on Student Overlay District](#)  
[Zoning Ordinance Amendment to Expand the Student Overlay District - Notice Ordinance #15424](#)

Mr. Ray O'Connell stated that this is the Muhlenberg College Student Overlay. He asked if there were any comments from his colleagues or the public.

REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT

Enactment No: 15424

15-2020

Bill 88 (Public Safety, this evening)  
An Ordinance of the City of Allentown, County of Lehigh and Commonwealth of Pennsylvania, revising Article 301 Pawnbrokers, Second Hand Dealers and Precious Metal Dealers.

**Attachments:** [Bill 88 Pawnbroker Ordinance Ordinance #15422](#)

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

REFERRED TO PUBLIC SAFETY

Enactment No: 15422

15-2021

Bill 89  
Amending Article 123.09 Appointments by the Mayor by requiring all personnel that directly report to the Mayor to be approved by an affirmative vote of four members of City Council. This legislation would attempt to prevent the Mayor from circumventing the intent of council to approve the Managing Director and other positions by renaming and restructuring positions.

**Attachments:** [Bill 89 Council Approval Direct Reports](#)

Mayor Ed Pawlowski asked the purpose of this Bill.

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

Mayor Pawlowski stated that we had the Chief of Staff position and I explained my logic, we agreed and changed it back to Managing Director. What is the purpose of this Bill.

Mr. Daryl Hendricks stated that you did that this time, but doesn't mean you will do it next time. Should there be a next time and another attempt to circumvent Council, I think it is important.

Mayor Ed Pawlowski stated that he is not circumventing Council. It was in the Budget and was clear.

Mr. Daryl Hendricks stated that you made it very clear that you did that and renamed that so you did not have to go through Council.

Mayor Ed Pawlowski stated that it was not done in secret. You had the budget.

Mr. Ray O'Connell stated that it will be discussed in Committee and the administration can weigh in on it.

Mayor Ed Pawlowski stated that it is redundant. We discussed it during the Budget and we changed it back.

Mr. Ray O'Connell asked if there were any comments from the public on Bill 89.

REFERRED TO HUMAN RESOURCES, ADMINISTRATION AND APPOINTMENTS

**RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):**

**NONE**

**NEW BUSINESS: NONE**

**GOOD AND WELFARE: NONE**

**ADJOURNED: 9:19 PM**

[15-382](#)

Council Rules and HR Charter

**Attachments:** [HOMERULE March 2018](#)

[Council Rules April 2018](#)