



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, November 20, 2019

7:00 PM

Council Chambers

Invocation: Councilperson Guridy

Pledge to the Flag

Roll Call: Council President MacLean

Present: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Excused: 2 - Candida Affa, and Julio Guridy

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

(inaudible) asked about getting the Second Street Bridge done. When is it going to open?

Mr. Roger MacLean stated that he would have asked Mr. Messinger.

Mr. David McGuire, 1500 Hamilton Street, stated that he is here on a prolonged old business which the Council and the city addressed two years ago on the tract of land on South Maintain on Appel Street and Barnes Lane. He stated that he received several phone calls. That tract has been sold and proposed for 44 homes on the tract. Before they had lesser numbers. He read a letter that is addressed to the Chairman of the Planning Commission. There was a meeting with 28 people that showed up in someone's back lawn. It is the same thing, but worse.

Ms. Cynthia Mota stated that she received a lot of phone calls about Barnes Lanes and she has great concerns. She lives on the Southside and when you take Mack Boulevard to get to Emmaus Street, it takes between 10 - 15 minutes just to get to 26th Street at 4:00 - 5:00 PM. She stated that she spoke to Mike Hanlon because there are heavy duty machines there in the land and the neighbors are wondering why are they doing construction if nothing really was passed through Council.

Mr. David McGuire stated that he went there on Sunday and there were a number of calls about activity. The whole thing has been flagged as when you are going to lay land or do things. You can't see anything. You are not supposed to do anything like a tractor gadget. You need a permit to do

this. The whole tract has not been approved.

Ms. Cynthia Mota stated that they are able to see the trucks.

Mr. Joseph McMahon stated that the sketch plan has been submitted to the Planning Commission. They reviewed it in August. Art Swaller firm is working on plans that they are submitting to the Planning Commission.

Mr. Jeff Glazier stated that the last sketch plan that was introduced by the developer that has not yet been approved was within the Zoning Regulations. The developer has a right to build by right as long as he is within the density. He may need some variances, but this plan is scaled back from prior plans. The property owner has a right to build certain things. He is within those limits.

Mr. Roger MacLean stated taht this will come before Council at a certain time.

Mr. Jeff Glazier stated that he doesn't know. Not necessarily. It will be back to the Planning Commission and if they need variances for slope or something like that it will go before Zoning. The first go around they wanted some Zoning changes. That didn't happen. The plan that they are now working on is a by-right plan. He stated that 42 units is less than the original plan, but conforms to the parcel or parcels current zoning. That does not novitiate the traffic issues and the neighborhood concerns. The property owner has certain rights and this guy seems to be within them at the moment.

Mr. Roger MacLean stated that he is not here to negate their concerns either. It is not coming before Council. It will be coming before the Planning Commission and possibly Zoning.

Mr. Jeff Glazier stated that is his understanding at the moment.

Ms. Janet Keshl agreed with Mr. McGuire and Ms. Mota. Traffic is bad over there. She thanked the Allentown Police Department on the tremendous job they are doing.

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

Approval of Minutes:

[15-3270](#)

October 16, 2019 City Council Confirmation Hearings - Public Works and Police Chief Appointments Meeting Minutes

Attachments: [October 16, 2019 City Council Confirmation Hearings - Public Works and Police Chief Appointments Meeting Minutes](#)

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

[15-3271](#) October 28, 2019 City Council Confirmation Hearing - Fire Chief James Wehr Meeting Minutes

Attachments: [October 28, 2019 City Council Confirmation Hearing - Fire Chief James Wehr Meeting Minutes](#)

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

[15-3272](#) November 6, 2019 City Council Contract Approval Meeting Minutes

Attachments: [November 6, 2019 City Council Contract Approval Meeting Minutes](#)

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

[15-3284](#) November 6, 2019 City Council Meeting Minutes

Attachments: [November 6, 2019 City Council Meeting Minutes](#)

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

Old Business: NONE

Communications

Mr. Roger MacLean stated that tonight is Mr. Holbert's last Council meeting. It has been great having you here and appreciate it and good luck.

Mr. Scott Holbert stated that he has enjoyed his time at the city. It is a much different atmosphere now then when he first time he sat up there when the Vote of No Confidence was being taken. It was his first meeting, accepting his appointment. It is a different time and the city is in a much better place. It is moving forward.

REPORTS FROM COMMITTEES:

Committees are on hold during budget review.

Controller's Report

NONE

Administration Report

NONE

APPOINTMENTS: None

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

[15-3221](#)

Bill 76 CEDC, forwarded favorably
Amending the 2019 General Fund budget by eliminating the position of
Combination Inspector (19M) at an annual salary of \$60,673 (Sixty
Thousand Six Hundred Seventy-Three) Dollars and creating a Flood Plain
Manager (12N) at an annual salary of \$62,000 (Sixty-Two Thousand)
Dollars to govern the City's Flood Plain Ordinance.

Attachments: [Bill 76 FLOOD PLAIN MANAGER](#)
[Flood Plain Manager Job Description](#)

Mr. Roger MacLean stated that was in CEDC. He asked Mr. Robinson if
he had any comments.

Mr. Courtney Robinson stated that this was forwarded favorably. This will
give us a better ability to deal with a significant amount of federal and state
regulations. He asked Mr. Harvey if the booklet they use is about the size
of both budget books put together. It is a very complicated set of
regulations. Having a dedicated person for this is an appropriate way to
do it.

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

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

Enactment No: 15571

[15-3258](#)

Bill 78 CEDC, forwarded favorably
Amending the 2019 Grant Fund Budget to provide for a supplemental
appropriation of Two Hundred Thousand (\$200,000) from the Pennsylvania
House Finance Agency (PHFA) under their Pennsylvania Housing
Affordability and Rehabilitation Enhancement (PHARE) Fund to be used as
a pass-through grant to the Redevelopment Authority of the City of

Allentown for the rehabilitation of 323 and 326 N. 9th Street.

Attachments: [Bill 78 RACA - PHFA GRANT](#)

Mr. Roger MacLean state to Mr. Robinson that it was his also and forwarded favorably.

Mr. Courtney Robinson stated yes. It was forwarded favorably as well. This is a good opportunity to moving some of the properties that the Redevelopment Authority current has and in the process of acquiring back on the tax rolls.

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

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

Enactment No: 15572

[15-3261](#)

Bill 79 Parks and Rec, forwarded favorably
Amending the 2019 Capital Fund Budget to provide for a supplemental appropriation of Ten Thousand Dollars (\$10,000) from the Tony Hawk Foundation to be used toward the construction of the Jordan Skatepark.

Attachments: [Bill 79 Tony Hawk Grant](#)

Ms. Cynthia Mota stated that it was voted favorably, 3 - 0. It is exciting with the construction of the Jordan Skate Park.

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

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

Enactment No: 15573

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-3263](#)

R107
Blighted Properties - 776 Benton Street

Attachments: [R107 Blighted Properties](#)

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

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

Enactment No: 29894

[15-3280](#)

R108

Approval of Transfer: \$6,500 in Streets – To Correct The Deteriorated Corrosion Protection On The Unleashed and Diesel Dispensers at the Golf Course and 2100 Linden Street Fuel Pumps from Account #000-03-0704-0001-62 (Fuels, Oils, & Lubricants) to Account #000-03-0704-0001-46 (Other Contract Services).

Attachments: [R108 Approval of a Transfer](#)

[To Correct The Deteriorated Corrosion Protection On The Unleashed and Diesel Dispensers at the Golf Course and 2100 Linden Street Fuel Pumps Resolution #29895](#)

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

Yes: 5 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

Enactment No: 29895

[15-3286](#)

R109

Declaration of Official Intent

Attachments: [R109 Declaration of Intent](#)

Mr. Roger MacLean stated that it is not doing it. It is just allowing for that vehicle to be done if need be.

Mr. Brent Hartzell stated to Mr. MacLean that he explained it very well. He stated that they brought forward as the administration a budget to you and the public to draw down a little bit in the cash reserves, but only for the purpose of Capital Projects that are necessary to be done. The operating costs are covered in operating revenue for 2020 without a tax increase. This Declaration of Intent will give the city flexibility when it goes for a Bond Issue in the near future of a much largest amount that is necessary that the city can reimburse itself for the capital costs that is already going to be made in 2020 for that purpose. it gives the city the power to do so. It doesn't require the city to do so.

Mr. Roger MacLean asked if there were any comments.

Mr. Courtney Robinson asked Mr. Hartzell if Mr. Beckett have the ability to figure out in the two years what the city's debt capacity would be. He stated that his biggest concern is that he does not want the city to create a situation in which we are now constantly having to shell out General Fund money and in a couple years pay it back and versus the trend of what we

will normally do for capital expenses. He asked for a better idea for debt capacity when they get to the final budget. He stated in reading the Resolution, what other than the IRS Code from 1984 - 1986 gives the city the authority to do this.

Mr. Brent Hartzell stated that he just got off the phone with him and he has not specified in dollar terms that number. He stated that he has to talk to the Bond Counsel. They provided the template to be sure how the city would be doing this and fall within the proper legal perimeters to do this.

Mr. Courtney Robinson asked how normal for a financial tool for municipalities such as Allentown is this. Is it something that is regular or unique.

Mr. Brent Hartzell stated that Mr. Beckett indicated that some municipalities or local governments are actually trying to do more dangerous types of investments with swamps to take advantage of the low interest rate environment. The whole intention of this and going over for the capital expenditures they will not do anything like this for the operating purposes. This will seem to be to be some necessary capital taken care of now. It is the most responsible way to do it.

Mr. Courtney Robinson stated for the record that there is nothing about this Resolution that will require the current administration, the future administrations or any future Councils to follow through on this.

Mr. Brent Hartzell stated that is correct. It gives the city the flexibility to do so.

Mr. Courtney Robinson stated that he wanted to make sure it was understood so that if within the future a Bond Issue would come up and Council would turn it down that it is understood that this is not requiring anyone to take any action. it is simply saying that the action is desirable from the administration standpoint and potentially Council's. When you look at Section 6, in Subsection B where it starts out as within one (1) year of the date of the reimbursement allocation to create or increase the balance in a sinking fund; within one (1) year of the date of reimbursement allocation to create or increase the balance in a reserve or replacement fund; within the meaning of the Code with respect to any tax-exempt obligation. Where will the money go back if it can't go into a reserve or replacement fund and the unencumbered balance is ostensibly our reserve fund.

Mr. Brent Hartzell asked Mr. Robinson if he is talking about the cash that the city is utilizing right now.

Mr. Courtney Robinson stated maybe he read it wrong. When the city gets the proceeds back from the Bond Issue that the city could not put it in the unencumbered balance.

Mr. Brent Hartzell stated that he did not understand it that way. He stated that he will follow up carefully because the understanding that he had all along is that when could put this right back in to the unencumbered balance of the General Fund.

Mr. Courtney Robinson stated that his reading of it was that for one year from date of reimbursement it could not go into a reserve or a replacement fund. It means that it would be at least an additional year before we could put it back into the reserve fund. His concern is that the city's bond rating with Moody's because a big reason that he and Mr. Beckett talked about doing it this way was to get the money back as quickly as possible and if this adds at least an additional year to it that would concern him about the bond rating as well.

Mr. Brent Hartzell stated that he is glad Mr. Robinson asked that question because Mr. Beckett talked to Moody's this week. This obviously with the draw down on the reserves even though it is intended for one time for capital purposes he wanted to get some clarity from the rating agency of what they would think of doing this. His comment after talking to Moody's is that Moody's is looking at structural balance. If we are demonstrating that our current expenditures and recurring revenues for operating purposes they are in balance and we keep them that way that is really the big focus they are looking at. The intention out of all of this is that this was going to be clearly a draw on cash with the ability for the city to reimburse itself down the road. There is no intention of whatever debt issue the city will do in a year or two. The Bond itself is going to cover the debt service and the \$2.8 million or the \$2.7 million. It is intended should the city want to do so to come right back to the General Fund. If it doesn't do that or decide to reimburse it will just make the capital issue when it comes out then much bigger.

Mr. Courtney Robinson stated that the city is only looking at the \$2.7 million. There will be no idea of if we leave that money. Whatever interest that would have earned in a bank we cannot return that as well. It is the flat \$2.7 million that we will spend on Capital Projects. What is the earliest that this bond could be issued if everything goes to plan to look to turn the money back to the General Fund. If there will be a financial situation that would necessitate a spike in interest rates to a point where it would then be potentially questionable to eat the \$2.7 million or put it in a Bond Issue. How could that potentially affect the city's bond rating.

Mr. Brent Hartzell stated that is his understanding. He stated that his projection is 2021. That was a big question and he talked with Moody's and Tom. Their focus is making sure our structural balance of revenues and recurring expenditures will be maintained. That is the longer term thing that has to be maintained. It will be one time draw down for this purpose with the intention of reimbursing it. It would be in accordance with that policy and with that intent.

Mr. Roger MacLean stated that Section 5 answers your question Mr. Robinson and the first sentence in 6. The accounts you read off states that it cannot be used for that. He read Section 5, The City shall allocate the proceeds from the Tax-Exempt Financing to reimburse an Original Expenditure related to the Capital Projects by making the allocation on its books and records maintained with respect to the Tax-Exempt Financing. Such allocation shall specifically identify the actual Original Expenditures to be reimbursed.

Mr. Courtney Robinson stated yes, his concern is when the city get the money back, the city might only be able to keep it in the Capital Fund, not reimburse the unencumbered balance of the General Fund where we are actually taking the money from. In essence we will lose that \$2.7 million from the cash reserves at least for a year.

Mr. Brent Hartzell stated that he doesn't think that was the intention. He stated that he will talk to the Bond Counsel and will be able to answer that question.

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

Yes: 3 - Roger MacLean, Cynthia Mota, and Daryl Hendricks

No: 2 - Courtney Robinson, and Ed Zucal

Absent: 2 - Candida Affa, and Julio Guridy

Enactment No: 29896

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

[15-3285](#)

Bill 81

Providing for the vacation of a portion of the American Pkwy right-of-way described as follows: Beginning at a point located along the eastern legal right-of-way of the American Pkwy, said point being located at the American Pkwy centerline baseline station 110+01.17, offset 70.25' right; thence through the American Pkwy right-of-way along a curve to the left

with a radius of 100.00', an arc length of 76.27', a chord bearing of N 49°32'05" E for an chord distance of 74.43' to a point; thence continuing through the American Pkwy right-of-way along a curve to the left with a radius of 475.00', an arc length of 20.46', a chord bearing of N 26°27'09" E for a chord distance of 20.45' to point on the lands of the City of Allentown; thence along the lands of the City of Allentown S 69°08'29" E for a distance of 17.15' to a point; thence continuing along the same along an arc curving to the right with a radius of 770.00', an arc length of 143.48', a chord bearing S 26°11'48" W for a chord distance of 143.27' to a point on the lands of the Trestle Redevelopment Partners, LP; thence along the lands of the Trestle Redevelopment Partners, LP N 17°49'28" W for a distance of 70.40' to point on the legal right-of-way of the American Pkwy; thence through the American Pkwy right-of-way N 71°23'00" E for a distance of 3.21' to the place of beginning, containing 3,849 square feet more or less, being located in the Sixth Ward of the City of Allentown:

Attachments: [Bill 81 American Parkway - Street Vacation](#)
[American Parkway Street Vacation - Staff Report](#)
[Letter from Lehigh Valley Planning Commission regarding American Parkway Right-of-Way](#)
[American Parkway Street Vacation Report](#)
[Letter from Mike Hanlon regarding Established Eastern Legal Right-of-way American Parkway Centerline Station 110+01.17 offset 70.25 Feet Right](#)
[American Parkway Street Vacation Labels](#)

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

REFERRED TO PUBLIC WORKS COMMITTEE

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

None

NEW BUSINESS: NONE

GOOD AND WELFARE

Mayor Ray O'Connell stated that the administration would like to wish Scott Holbert the best with his future plans. He is a good lawyer and a good person. We wish him the best. He stated to Mr. Holbert that he will do well and thanks for your service.

Mr. Scott Holbert thanked the Mayor for the kind words.

Mr. Roger MacLean agreed with the Mayor.

ADJOURNED: 7:39 PM

