



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, March 11, 2020

5:30 PM

Council Chambers

Special Charter Review Committee

Call to Order: Chairperson Guridy, Gerlach, Siegel

Present: 4 - Daryl Hendricks, Julio Guridy, Ce-Ce Gerlach, and Joshua Siegel

Explain Role of Committee

1. Generate list of issues
2. Evaluate Issues
3. Prioritize Issues

[15-3491](#) Suggested Charter Review Issues

Attachments: [Charter Review Issues](#)

Mr. Julio Guridy that a Special Charter Review Committee has been formed to look at the Charter. They are going to prioritize some things. There are a number of changes that were proposed by his colleagues and issues that have been lingering that has been a nuisance. They have to be careful on the amount of taxes that they impose on the residents.

Mr. Joshua Siegel stated that the necessity of looking at this specific version of the Charter is in response to the very concern. The EIT tax is double of everybody in the suburbs. You are paying a tax to live in Allentown. The whole point is to find and create revenue to reduce the burden of taxes on revenue.

Mr. Michael stated that there has been a request to look at everything that has been submitted and look at the top three in terms of financial impact. Giving Council approval of the Labor Contracts, reviewing the Taxing Authority and allowing the Controller to authorize Independent Performance Audits.

Mr. Julio Guridy stated that it is true, at one time Council was able to approve Labor Contracts. For some reason, that practice or part of the Charter came off.

Mr. Matt Kloiber sated that he believes it came from the Solicitor's office from years past where they found limitation under the Charter. They can

see if a Charter amendment is necessary or it is something they can do without a Charter.

Mr. Julio Guridy stated he thought it would be a good practice to maintain and bring back. He talked about the MOU, the lawsuit and big exodus of Police Officers. The actuary report was not correct. The accountant had the wrong information. They had police officers that knew they were going to retire. Some people were working 24 hours a day and retire with a higher pension. The city has over 50 police officers retire in a year or two. He thinks that it is a good idea for them to participate, approve the contract and make it part of the Charter.

Mr. Matt Kloiber stated that the language of the Charter is of the Powers and Duties of the Mayor, Section 308. It provides supervises, directs, negotiation, and administration any Collective Bargaining Agreement.

Mr. Julio Guridy stated that the idea is for Council to approve it. He stated to Mr. Siegel whose idea was that, yours.

Mr. Joshua Siegel stated that the Home Rule Charter specifically prohibits from imposing any new tax. Should the needs shall arise or the opportunity to be creative, the city doesn't have that capacity.

Mr. Julio Guridy stated that he doesn't mind discussing it. He is careful in raising taxes and looking for more taxes. They just instituted a Stormwater fee and a lot of people think it is a tax. There are a lot of municipalities that pay less taxes then we do and have a lot more land and services. That's how they become creative in the city.

Mr. Joshua Siegel stated that just because we remove the provision that we are obligated to impose some new tax. It is just removing the obstruction or barrier. The State of Pennsylvania is quite limited and has a uniformity clause to do a progressive income tax. He doesn't think by removing this Provision from the Charter it necessary means that we are going to go back and tax working people in Allentown or working families. He is sensitive to this concern.

Ms. Ce-Ce Gerlach stated that they should at least explore it. See what kinds of possibilities and as long it is conveyed to members of the public that they are just exploring it to see what options exists.

Mr. Julio Guridy stated that he doesn't have any restriction.

Mr. Joshua Siegel stated that just because they remove the provision doesn't necessary mean they are obligated to impose some new tax. It is

important to have it stricken or have it further clarified. It is just removing the obstruction or barrier.

Mr. Julio Guridy cautioned them not to be too taxing happy.

Mr. Matt Kloiber stated that the Solicitor's office doesn't weigh in on whether any of these are good or bad. It just talks about the legality of it. The statute does give Home Rule communities the ability to impose additional taxes. There are a certain world of limitation. Adopting the Home Rule Charter wasn't intended to limit your ability to tax, but there are limitations even if the restriction of the Home Rule Charter was changed.

Mr. Jeffrey Glazier stated that what he takes from Mr. Siegel is that Council owes itself to have the flexibility to deal with changing times in the future. To limit ourselves to the same old things and beat them to death will not serve of well.

Mr. Julio Guridy stated that he wants to make sure they don't get too tax happy.

Mr. Joshua Siegel stated that there are new emerging industries and sectors. Uber and Lift did not exist 15 years ago.

Mr. Julio Guridy talked about the Controller's authorization on Independently due Performance Audits.

Mr. James Whitney stated that they are discussing changing the Home Rule Charter and you mentioned striking something from the Home Rule Charter that has to do with taxing. You didn't site the portion of the Charter that you would strike if you could. We haven't read the ordinances that we are talking about. The process is a little vague.

Mr. Joshua Siegel stated that if you go to Section 806, the revised Budget and 807 Revenue, Section A. Council shall establish no new taxes, except for emergency services.

Mr. James Whitney asked what Mr. Siegel will be advocating for is that Council would be able to create new taxes for the City of Allentown.

Mr. Joshua Siegel stated just to open the opportunity up.

Mr. James Whitney stated to Mr. Siegel that you might have some creative ideas on how to increase taxes right now and they would love to here more about it without putting an undue burden on the business community or the middle class.

Mr. Joshua Siegel stated that is why we have a public forum like this. It is not something that he can do on his own, he is one of seven members plus the administration has to weigh in and approve it.

Mr. Julio Guridy stated the Controller's authorization on Independently due Performance Audits.

Mr. Jeffrey Glazier stated that the current Charter unduly limits what the Controller can do and what they can't do without the permission of Council and/or the administration. If you look at other Charter's like the county and the city of Philadelphia, the Controller independently elected official is empowered to look at things and make sure that he rules are followed. Some are a financial audit or performance audit.

Mr. Matt Kloiber stated that is in Article 4 in the Home Rule Charter, Section 403. There are a few provisions that applies. Section 403 D, perform specific audit of the city audit from time to time requested by the Mayor and City Council.

Mr. Julio Guridy stated that the next one is the Public Works Director and should they be an Engineer.

Mr. Matt Kloiber stated that this is an issue with two Solicitors going over a decade has weighed in on a as being a significant issue. He stated that he would advocate that Council moves forward with it because it came up on several occasions.

Mr. Julio Guridy stated that the other one is should the Finance Director be a CPA. It came up in the past. It is not clear in the Charter.

Mr. Matt Kloiber stated the Director of Finance shall be appointed by the mayor with the confirmation of Council. The Director of Finance shall be responsible for the administration of activities. He doesn't think it lays out what the qualifications of the position should be. It is Section 507, the Director of Finance. He doesn't believe that there are any other spots in the Charter that references qualifications.

Mr. Michael Hanlon asked if that could be done by ordinance.

Mr. Julio Guridy stated that we may. We are not going to do anything today. We are just talking about it. We might have to try to prioritize some of those issues. These are two issues that we can put right in the front.

Mr. Jeffrey Glazier stated that if we required the Finance Director to be a

CPA we wouldn't have had Mr. Hartzell. We wouldn't have the prior Business Manager. Mr. Hilliard wasn't a CPA. He isn't aware if Ms. Bigelow was a CPA. There are competencies that we want, but they can be addressed by Ordinance or the Administrative Code. It greatly reduces the pool of candidates that the city can veil itself when it is open. In the Treasury Department there are a number of CPAs on staff because they are doing the accounting.

Mr. Julio Guridy stated that it is something that they will discuss a little bit further. The next one is the appointment of the Mayor. That is an easy one as well. There has been issues in the past. It shouldn't be a difficult one to deal with. He talked about the Land Value Tax.

Mr. Joshua Siegel stated go to the Uniform Tax to increase or decrease the ratio.

Mr. Julio Guridy stated that was back in the 90s.

Mr. Michael Hanlon stated that the Land Value Tax came in with the Charter. It was a Charter Provision to increase the ratio over time.

Mr. Julio Guridy stated that he is not sure if that is something they want to keep.

Mr. Joshua Siegel stated that they are in Section 806 and 807, talking about C - 1, 2 3. It talks about how in Pennsylvania we tax land at a different value than buildings.

Mr. Julio Guridy stated that it taxes that land higher than the building which some people complain.

Mr. Michael Hanlon stated that Ben Howells used to bring it up and after it was passed, it was an effort to do a Charter Amendment to put to get rid of the Land Value Tax and it was defeated. Majority of the people in the city benefit from the Land Value Tax.

Mr. Julio Guridy stated that people that have businesses and parking spaces may not feel the same way. The next is Election By District. Five at-large and four districts, expand Council. He read an article in the Morning Call. The idea is that we did not have anybody from the eastside. We didn't have anyone from Center City or the Eastside. People were complaining about it. D'Amore moved to the Eastside. He inherited his father's house, but he doesn't think he was from the eastside.

Mr. Michael Hanlon stated that D'Amore is forever an eastsider. He went

to Dieruff.

Mr. Julio Guridy stated that most Council members were from the westside.

Mayor Ray O'Connell stated to Mr. Guridy that you are in Parkland District.

Mr. Julio Guridy stated that he is, but at the time he doesn't know if he was. He stated that he is in Allentown.

Mr. Joshua Siegel stated that the idea has merit and important. District goes a long way of expanding diversity and diversity of opinion. He wants to make sure that the balance of power stays with at-large seats. Making sure we create opportunities for representation in Allentown and modernize the issue of government and the balance of power stays with at-large citywide mentality.

Mr. Julio Guiridy stated that he agrees with him. The Council now has a member from every sector of the city.

Mr. Daryl Hendricks stated that if it isn't broke, why fix it. He lived in almost every section of the city and worked the entire city, 36 years as a police officer. He wants to represent all the people of every area of the city. He doesn't think the city is large enough to be looking at it at this time. It is not a factor to be exploring.

Mr. Julio Guridy stated that he agrees, but it is something they should talk further about. In Bethlehem, they did the same thing.

Ms. Ce-Ce Gerlach stated that it is something they should discuss. It is possible to represent represent the entire city, but have the perspective of where you live. She has the perspective of Center City and if you live on the west end, you have that perspective. It is where you live and your day to day experience. It would be helpful to figure out who their go to person is. It is not like they can't go to other people, but just to know they have a representative that lives a couple of block from them.

Mr. Matt Kloiber stated that Section 201 of the Charter requires that seven Council is elected at-large. The State Statute that applies is a Home Rule Charter and Option Plan Charter Law Section 2941 Subparagraph B specifically authorizing Home Rule Communities to change the method of election to a method that is proposed there. If Allentown chose to do it, they would be permitted.

Mr. Joshua Siegel stated that they are on elected officials: Council, Controller and Mayor.

Mr. Julio Guridy stated that Mayor is by Ordinance and Council and Controller is by Charter.

Mr. Jeffrey Glazier stated that the salaries for both the Council and Controller was set in 1997. He has served on Council and the money amounts to a honorarium. What had been a decent salary for a Controller has deteriorated that if they are going to give the Controller's office more authority and he suggested that the salary should be in accordance with that. It only can be by Charter. To have Council approve and let the Mayor approve it would cause a conflict.

Mr. Joshua Siegel stated that a lot of it is modernizing the City's Charter.

Mr. Julio Guridy stated that he always thought it was a part-time position for the amount of money that it makes. Just like the Mayor, in a way. We are going to take them one at a time and discuss.

Mr. Joshua Siegel stated that next one is residency requirements for Department Heads.

Mr. Julio Guridy stated that people that are Department Heads and don't live in the city.

Mr. James Whitney, 924 Walnut Street, stated that Allentown is an amazing place and welcome everyone should be a full-fledged member of this city, to be a Allentonian. He doesn't understand where someone wants to be a Department Head and not want to live in this city.

Mr. Julio Guridy stated that he feels the same way for every employee in the city.

Mr. James Whitney stated that millions of dollars we are paying to employees of the city that do their shopping in other cities and pay their taxes in their cities. Why not hire our own residents and keep it circulating in our own economic.

Mr. Julio Guridy stated that some would say it may be difficult to hire the best person possible if we just allow people who live in the city, work in the city. Maybe they can do a hybrid program that they get some kind of incentive. For example, Lehigh University gave \$5,000 to some of the Professors or employees that bought a house on the southside of Bethlehem. It is probably something that we can implement, but have to do research on how to do it.

Mr. Joshua Siegel stated Rank Choice Voting could be a state issue. Rank Choice Voting for a singular office, the Mayor's. You rank your top three picks. It is experimental within many municipalities. It allows better representation and better candidates. It allows us to enfranchise people and better to prevent issues where you have people winning elections without an outright majority.

Mr. Julio Guridy stated that he needs to digest it a little more and look at the process. If you are famous, you may get in because a lot of people like you.

Mr. Michael Hanlon stated that it is very popular in the west coast.

Mr. Julio Guridy stated that we are not in the west coast. We are in Allentown, Pennsylvania.

Mr. Lou Shupe, 814 Walnut Street, stated that the state of Main has Rank Choice Voting and it is working there. He asked Mr. Siegel to draft a Resolution that can be passed on the house and the State House in Harrisburg regarding changing the Uniformity Clause in the Pennsylvania State Constitution.

Mr. Julio Guridy stated that Mr. Shupe and Mr. Siegel that they can talk about that separate. He stated that he is a little concerned about it, but is willing to listen more.

Mr. Joshua Siegel stated that everything that exist in the Charter and the Administrative Code that the city is not doing. The Charter Commission Study. Looking at changing the form of government and make other recommendations. Council manager and other forms of government.

Mr. Julio Guridy stated that he doesn't support that.

Mr. Joshua Siegel stated Citizen Participation and Outreach regarding Planning and Zoning issues.

Ms. Ce-Ce Gerlach stated that it wasn't strictly because of the folks that came here for Barnes Lane. It was her first experience as Councilwoman. Whenever see would bring it up as she was running for office, people would say that would require a change in the Charter. She knows that there are other ways that possibly through ordinance that we would be able to change how citizens participate.

Mr. Daryl Hendricks stated that is a reasonable explanation. He used an example in Philadelphia they were going to have the first injection site, and

everybody thought it was going to a certain neighborhood. It almost created a riot. You needed 80 percent of the community to vote in favor of doing so.

Ms. Ce-Ce Gerlach stated that the way some communities do it, there is a body of citizens. It is an advisory board with voting power. Everybody gets a seat at the table. You have a yay or nay vote if that Wawa is built or an injection site in your neighborhood.

Mr. Michael Hanlon stated that cities have an Office of Engagement or an Ombudsman. They develop policies on that.

Mr. Julio Guridy stated that it would be interesting. They don't have any voting power on Council. Eventually, Council is going to vote how they want.

Ms. Ce-Ce Gerlach stated that if you have a body of citizens who have voted to not do something, but through the process it still makes it's way up here, she is not sure optically how good it would be for Council to vote yes, for something that a body of citizens have just said no, we don't want this.

Mr. Julio Guridy stated that may be because there is a district over there who was in some Council's district. We run at-large.

Mr. Joshua Siegel stated that there are 17 Council members in Philadelphia, 10 per districts, and 7 at-large, three have to go to a minority party.

Mr. Julio Guridy cautioned the body. As we say this is done in Maine and this is done in California. We are in Allentown and our rules and people are different too.

Mr. Joshua Siegel read can a city employee run for office.

Mr. Julio Guridy stated that he thinks so.

Mr. Joshua Siegel stated that this is a specifically clarifications when it comes to the Home Rule Charter. It is not a question if a city employee can run for office in general. We are not seeking to prohibit or codify. It is can a city employee run for a city office. They are not suggesting that a city employee can't run for a state office, federal office or even another local municipal office. The Charter already states that a city employee cannot take active part in a campaign.

Mr. Julio Guridy stated that they had an issue where a person ran for

Mayor.

Mr. Matt Kloiber stated that there was some litigation pending with that. He thinks Mr. Guridy is right, but he can't point to the specific provision on that.

Mr. Joshua Siegel stated that they just need clarification. He believes the Charter says that a city employee can't actively take part in a campaign. That is rather vague.

Mr. Michael Hanlon stated that what you are saying is correct. It is in the Ethics Ordinance. It is unclear. The Ethics Board at one time was worried about the question.

Mr. Joshua Siegel stated that he doesn't have a problem with a city employee running for another municipal office, state or federal office. You do run into conflicts of interest or difficult differentiating when your city duties and now you are running for office responsibilities when you allow an employee to seek an office in a city where they are currently working in.

Mr. Julio Guridy stated that the whole issue he was bringing up in regards to somebody running for Mayor. That the courts ruled that was ok.

Mr. Joshua Siegel stated no, the courts did not rule. It deferred to the Ethics Board.

Mr. Michael Hanlon stated that nobody asked the Ethics Board and the Ethics Board were going to be asked, they were going to say that Council has to clarify it.

Mr. Joshua Siegel stated that it is going to come back to us. Obviously, it is going to continue to present itself as an issue.

Mr. Julio Guridy stated that he thought it was an issue about the Mayor.

Mr. Michael Hanlon stated that was in the beginning. The one year provision.

Mr. Julio Guridy stated that you can say yes. Someone that was a City Councilman can run for Mayor. Be appointed.

Mayor Ray O'Connell stated that a City Council member can run for Mayor.

Mr. Julio Guridy stated he thinks it was the appointment process.

Mayor Ray O'Connell asked Mr. Guridy what is his plan going forward.

Mr. Julio Guridy stated that they basically discussed it. They are going to have to clarify and take issues and evaluate which ones to take first.

Mayor Ray O'Connell stated that there are four tonight and then there will be seven. How do you come to consensus. He asked what is the max allowed.

Mr. Julio Guridy stated majority wins.

Mr. Michael Hanlon stated that there is no maximum.

Mr. Joshua Siegel stated that they are sensitive to put too many referendums on the ballot could get a drop-off effect. Three to four in his opinion.

Mr. Julio Guridy stated to Mr. Hanlon they are going to prioritize them and then discuss them.

Mr. Michael Hanlon asked how are we going to prioritize them.

Mr. Julio Guridy stated that he will sit down and take the issues and get them over with. We have the consensus that we can do that.

Mr. Joshua Siegel stated that they should be concerned what is a priority referendum. Some are not all that extensive.

Mr. Julio Guridy stated like having the Public Works Director be an Engineer.

Mr. Micheal Hanlon stated that two of Council can sponsor something and have Matt Kloiber to do something.

Mr. Julio Guridy stated that they are going to set up another meeting. They discussed it, have to prioritized it and go forward.

[15-3490](#)

Home Rule Charter

Attachments: [HOMERULE March 2020](#)

ADJOURNED: 6:37 PM