

Julio A. Guridy, President
Ray O'Connell, Vice President
Joseph Davis
Jeanette Eichenwald
Jeff Glazier
Cynthia Y. Mota
Peter Schweyer



Allentown City Council
435 Hamilton Street
Allentown, Pa. 18101
AllentownPa.Gov

Facebook: Allentown City Council

COUNCIL MEETING MINUTES
August 21, 2013
COUNCIL CHAMBERS
435 Hamilton Street

Council Meeting – 7:00 PM

- 1. Invocation: Joe Davis**
- 2. Pledge to the Flag**
- 3. Roll Call:** Davis, Eichenwald, Glazier, Guridy, Mota, O'Connell, Schweyer
Frances Fruhwirth represented for the Solicitor's office

4. Courtesy of the Floor

Mr. Lou Hershman, 405 N. Gilmore Street, stated a couple weeks ago Mr. Hunsicker and I attended an LCA meeting after we read an article in the newspaper about the money we were promised of \$220 million and we received \$211 million. We questioned how these things can happen and the high interest rate that we are being charged. They borrowed \$306 million which is going to cost the City of Allentown users of the water system \$700 million plus is we pay this money. I asked how they could do this and they said City Council agreed to it. They approved the water and sewer lease. This was never discussed at City Council about these high interest rates that we are on the hook to pay back. Why Council did not look into this type of agreement to put us in this kind of hole.

Mr. Ernie Atiyeh, 451 W Chew Street, stated that we are building a bridge across Lehigh/American Parkway. What is the procedure to either rename American Parkway to Joseph S. Dadonna Parkway or dedicating a bridge to former Mayor Dadonna. Is there a process that I have to go through to do that?

Mr. Guridy stated that there is a process and we could get you that information through the City Clerk.

Mr. O'Connell asked who owns the bridge and is it a city asset, state asset, or federal asset. We could only name things that are city assets.

Mr. Atiyeh stated that we were here on Wednesday night and we were talking about the Community Benefit Agreement and I made a comment that things weren't being done. I was not referring to anybody on City Council. I know City Council does your due diligence. I felt that the residents weren't being heard or getting the answers they were looking for.

Mr. Glen Hunsicker, 844 S. 11th Street, asked do we have a listing of the bonds that were actually defeasment and could you make them public at some time. Are there any overlaps on those bonds in the LCA Lease that are system bonds that would add up to \$19 million plus. The LCA Lease that I read gives a page about system bonds. The numbers don't jive and it has to be a skewing of the bonds.

Mr. Schweyer stated that we made them public at the last Council meeting when I read them all into the record. He stated that I can give you the minutes from last Council meeting and it lists all the bonds that were defeased and the exact amount.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that he would rather name the 18 miles interceptor between Allentown and Trexlerville after Dadonna and also the Wastewater Treatment Plant due to the biggest role he played. As far as the bridge is concerned if it is given by federal money you know we have a general in this town, Ms. Hayes that is who the bridge should be named after.

5. Approval of Minutes: August 7, 2013

Minutes approved by common consent

6. Old Business

Mr. Guridy stated that we were talking about at the last meeting as Mr. Atiyeh pointed out earlier the question regarding the jobs that are supposed to be waiting to be announced. It was announced today. It will be a press conference tomorrow at LCCC on Seventh Street on the 7th floor and they will talk about the partnership with CareerLink, LCCC and the City will formulate for the job center at 11:00 AM.

7. Communications

Mr. Guridy stated that we had a public hearing a little earlier and it was in regards to the Cottage Houses that are being proposed at the old Montex building site and it will be on the agenda tonight.

8. Committee Meetings

Budget and Finance: Chairperson Schweyer

The committee has not met since the last council meeting; the next meeting is scheduled for August 28th at 6:00 PM – the committee will be looking at the CAFR, monthly financials and the final reports from the controller's interns.

Public Safety: Chairperson Eichenwald

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

Community and Economic Development: Chairperson Davis

The committee met on August 14th and forwarded items on tonight's agenda – there was a discussion on what to do with the housing situation in Allentown. It is a major issue with inspectors averaging 15,000 inspections a year. Act 90 is a great program after two years. It is very involved. I have been getting all the answers to the questions that I have been asking through the bureau of building standards and safety and the community and economic development department. We talked about Community Benefits and we listened to the public and discussed in the committee and the suggestion was we form a committee. There is a committee out there of 14 people. They have five areas of focus: clean and attractive neighborhoods, housing, business support and employment, youth, healthy living, recreation, art and culture. I think they are going to have a separate sub-committee on housing since it is such a big issue. Our next meeting will be in September and after that the meeting will be quarterly.

Mr. Guridy asked if we could find out if the meetings are scheduled periodically. The next one is on September 10th. Find out if they will meet every four months or every month.

Mr. Davis stated that there is a representative from CUNA on there and two councilmembers, business people and a wide variety from the city.

Mr. Guridy stated it is a distinguished list of people, including our own distinguished councilmember, Jeff Glazier.

Parks and Recreation: Chairperson Mota

The Committee met this evening and forwarded some items on tonight's agenda; a meeting is scheduled for August 28th at 5:00 PM to take testimony on the dam project at the Robin Hood Bridge and the Fish Hatchery; and a future meeting is being scheduled for mid-September to review the pool usage and experience over the summer months and future courses of action. She congratulated Parks and Recreation in conjunction with Hola Radio Station; they are doing a wonderful job with the events that take place every month.

Public Works: Chairperson O'Connell

We have one Resolution on the agenda for tonight, an encroachment at 1728 Union Street. We are seeking more information so we tabled that until September 11th.

Human Resources, Administration and Appointments: Chairperson Glazier

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

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

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

Special Committee – Tax Exempt Properties – Chairperson Eichenwald

The Committee met this evening and we had a comprehensive report about services that are provided by the hospitals and by the schools. We also discussed the amount of properties that are in the hands of nonprofits and our future action will have individual meetings with the hospitals, universities and colleges to see how we can proceed with a more financial input by these institutions.

Mr. O'Connell asked Mr. Hanlon that next week Parks and Recreation will meet at 5:00 PM about the Robin Hood Dam and the Fish Hatchery. What is at 6:00 PM?

Mr. Schweyer stated Budget and Finance and we have the CAFR. There is a lot in it, but when Ms. Koval and I went through it, there was nothing terribly surprising coming out of it. Do you want to switch from 5:00 to 6:00 PM?

Mr. O'Connell stated yes because I am thinking the Robin Hood dam and the Fish Hatchery dam is going to take longer than one hour. I already received seven phone calls on pros and cons and dialogue and testimony we want to take.

Mr. Schweyer asked Ms. Koval how long would you need for the interns report.

Ms. Koval stated 10 minutes.

Mr. Schweyer agreed to switch.

Mr. Guridy stated that Parks and Recreation will be at 6:00 PM and Budget and Finance is at 5:00 PM.

OTHER COMMITTEE REPORTS

Mr. Glazier stated that the Aggregate Pension Board met yesterday. We reviewed investment performance to the end of July and the funds/investments continue to perform well. The major action we took is to change the interest rate assumption to January 1st 2014 from 8 percent to 7 ¾ percent. It is expectation of the committee that we will continue to monitor the condition of the market and the funds with the idea of gradually reducing that interest rate assumption over a period of time. The pension board is very much aware of the responsibility they have for making the best use of the influx of funds, \$160 million to put our pension funds on strong footing. This group will do the best they can to make the best use of those funds.

Mr. Guridy stated that the Allentown Housing Authority has a meeting tomorrow morning at 9:00 AM at 13th and Allen at the Allentown Housing Authority Administration Building.

Controller's Report

Ms. Koval stated that she is following on Mr. Schweyer's report on Budget and Finance. We will be presenting three different interns who will be going over the engineering permit flow process. The Recycling and Solid Waste, the performance grants process and in Treasury, the cashiers process flow. I also want to add on to Mr. Glazier's report that the Aggregate Board has been meeting for informational purposes only to gather all types of information on investment and investment processes and Mr. Glazier has been extremely helpful throughout that entire process.

Managing Director's Report

Mr. Dougherty stated that he will yield his time in two segments tonight, one to our health director, Vicky Kistler. I want her to follow up on the article in today's Morning Call about one of the impacts on the Affordable Care Act, namely the ability for us to provide free flu shots. After her, I would ask Shannon to follow up with Mr. Davis' comments on the state of housing. I thank Mr. Davis for taking such an active leadership role and I want Shannon to share with you some of the more details and more milestones we have reached to get a more comprehensive plan.

Ms. Kistler stated that she wants to make sure that they clear up any confusion that could have been created on our plan moving forward into this year's flu season. Flu shots are a very popular item for discussion right now and we are getting a lot of calls from citizens who are confused about where, how and who and what their benefits cover. If an individual has a Medicare plan, they can go to a pharmacy or they can go to a physician and they can obtain a flu shot at no cost. People without Medicare have to be aware of what their coverage is and where they are covered and that's confusing to some, even our own employees. We do not have a pharmaceutical benefit in most traditional plans for a flu shot. A lot of people will not be covered at a pharmacy. You will have to pay the fee that is advertised by the pharmacy, but most people as of 2010, the Obamacare law required that flu shots and preventive medicine are covered by traditional plans. Most people should have coverage in their physician's offices and be able to schedule an appointment and get the flu shot covered under their benefit plan. The Government provided free vaccine is eligible only to those individuals that are uninsured because they really want people to go to their medical home and obtain that vaccination; however, as soon as an environment gets an outbreak which we have year after year after year, the restriction may lift. After we encouraged people to go to their physicians and pay their \$25 if they don't want to go to the physicians and buy one at a drugstore, if an outbreak hits, we will have the availability of delivering and by then it is too late, people are already sick. We are trying to be proactive and encouraging people to go to their doctors, go to the clinics they used to or pay the fee if they want go to a pharmacy or use their Medicare coverage and go to a pharmacy, but we are also reminding people that kids under age 18 can't be vaccinated at a pharmacy so people need to be proactive and take those kids into their pediatrician or family doctor and get them taken care of them. Uninsured kids and people with no insurance we still can take assist and we are going to do that through clinics at the health department or if need be in community sites close to where the people need them. If people have questions, they can certainly call us, but we just wanted to be clear of the outcome of the Affordable Care Act in terms of vaccinations. You go to your medical home.

Mr. O'Connell stated that you explained it earlier when we had the meeting for the PILOT. I can prove I have insurance with the card. How do I prove I am uninsured?

Ms. Kistler stated that we have to take word for it. It is a signature on a federal form that states to accept this state or federal supplied vaccine; I claim I have no insurance.

Ms. Mota asked if they have to show if they are a resident of Allentown to be able to get that.

Ms. Kistler stated that the state and federal vaccine we have always given it to whoever needs it, if they meet the guidelines. The guidelines are if an uninsured child comes into the health department and they live in Salisbury, we have not traditionally turned them away. Now, if the state decides to limit the amount of vaccines that we have available to us, then of course, we would have to a priority listing of Allentown city residents only, but if we have wide availability of the vaccine we wouldn't deny it for a child that needs it.

Ms. Mota asked the procedure. I go in and give my name. Is that the only thing that I have to give?

Ms. Kistler stated that if you come into the health department and you say you want a flu vaccine. We are going to give you the state form and if you can't read, we will help you fill it out and we will help you through your whole criterion and if you say that you are insured we are going to find a provider for you to see. If you say that you are uninsured, or homeless, or have no ID.

Ms. Mota asked about if you don't have a social security number.

Ms. Kistler stated that we never ask for a social security number. The only time we ask for a social security number if we were able to benefit to bill Medicare which we don't do, then we would get the Medicare number which is often connected to the social security number. We are not a Medicare provider this year so those individuals will have to go to the family doctor or the pharmacy.

Mr. O'Connell asked does this affect the Shingles shot for age 60 and over.

Ms. Kistler stated that it affects everything and we need people to be aware. We are trying to get the word out. In the past, if you showed up on the first day at school and they did not have their vaccinations, they would all get put out of school and go directly to the health department and we would vaccinate them and send them back. That is not going to happen now. The state is not providing that vaccine to us so these parents have to get these kids vaccinated and if they are insured children and are not up to date, they have to go to their family care provider, get their shot and get back to the school. That is going to be a little of a hurdle and schools are going to have to be a little more lenient or give a little bit more time, if the pediatrician's office is packed. The shingles vaccine is an expensive vaccine and unique onto itself because it is a frozen vaccine so doctor's office doesn't stock it. When you go to the pharmacy and you don't have a pharmaceutical benefit, it is expensive.

Ms. Mota stated that we are going to have a problem. To call for a doctor's appointment it is between a month or a month and a half. School will be starting the first week of September and that means that they should give the parents a little bit of time to get the immunization done.

Ms. Kistler stated that the school district has been very proactive in getting this word out. I hope they listen.

Ms. Shannon Calluori stated that she is the operations manager in the department of community and economic development and acting executive director for the redevelopment authority. Just to follow up on Mr. Davis' comments, he has spent a lot of time with our department and the redevelopment authority to better understand the programs that are in place to provide us with his input and provide great questions and provide us with guidance on opportunities for improving blight in the City of Allentown. I wanted to highlight some of the programs that are in place to address blight. One of our ongoing tools is our property inspection and code enforcement. Our inspectors are out there every day working with property owners to identify problems with properties, to tag properties that are unfit and to encourage property owners to fix up

their properties. With the redevelopment authority, we had the opportunity to acquire and dispose of properties. We are actively working on disposing of the redevelopment authority's inventory. Currently, there are 46 properties in the redevelopment inventory, 23 of them or 50 percent of them are spoken for. We are working with our legal department to formerly dispose of them or sell them, transfer the deeds and titles to other property owners and then we have a plan to put the remaining properties out for bid from now until the end of December. Our goal is to greatly reduce the redevelopment authority properties so they are in the hands of developers as soon as possible and moving forward as we acquire we plan to be able to acquire them have a plan to dispose of them as soon as possible so ideally properties are in our inventory for 4 – 8 weeks. We also received significant federal funding through the department and a lot of that funding goes out to nonprofit housing developers who are also assisting with the blighted properties process where they are using this federal dollars to rehab properties in the City of Allentown. You passed an ordinance in this past year, vacant registry ordinance. Hundreds of properties have been registered into this vacant property registry in the past several months and what that allows us to do is identify a bank/owner of the property who we have been able to follow up with to fix up the property and keep the properties clean and safe on the outside especially. Before when a property was blighted or vacant it is often difficult and very time consuming to identify an owner. The Blighted Property Ordinance that you passed assist us with identifying the owner at the time which is most likely the bank and allows us to at least identify a person we can work with to continue mowing the lawn or fixing the windows. We also have the Blighted Property Process which is ultimately the eminent domain process and that is a process that the City of Allentown and the department of Community and Economic Development works with the Redevelopment Authority to take blighted properties when they get to that point. That is a very long process and City Council is involved in that process and potentially a very expensive process to take the property because of course we have to compensate property owners. There is also a conservator process in the city that we can use to become a conservator and work with the housing group to become a conservator of a potential property while a property is in rehab. As Mr. Davis alluded to, it takes money to fix blighted properties. On an ongoing basis looking for additional grant funding, whether it is state or federal funding to assist with the blighted property improvement process. Mr. Davis also talked about a community strategy group and this is a group that has met once and will meet again next month and we are going to talk about the five different focus areas. One of course is housing and the city is putting together a housing committee to dig into the details of so many of the housing challenges and that group will report to the larger community development strategy advisory board so that group will be a part of the larger housing discussion, but because there are so many complex pieces of the housing discussion there will be a sub-committee as well.

Mr. Dougherty stated to Mr. Guridy that you heard from Shannon who has been here about four months and the tremendous learning curve that she had and I am thankful that she is here. She is already has made her mark in getting her arms around this and I think we are going to see some tangible results.

Mr. Guridy thanked Mr. Dougherty and said excellent reports from both of you Ms. Kistler and Ms. Calluori.

Mr. O'Connell stated that is an excellent report. I have been here four years and you have been here five months. I learned a lot in just that short time.

Mr. Guridy stated to Ms. Kistler that we just have to continue informing the public.

9. APPOINTMENTS:

None

10. ORDINANCES FOR FINAL PASSAGE:

Bill 32 Zoning Ordinance Amendment

An amendment to the city of Allentown zoning ordinance to permit "pocket neighborhood development" in the R-M Medium Density Residential District, to establish requirements for a pocket neighborhood development, and to amend the zoning map to change an area of land south of Cumberland St. that is east of S. Virginia St. to the R-M district.

Mr. Davis stated that the Community and Economic Development Committee met on June 25th and had the presentation and we had a resident group come in and there was one neighbor here. We discussed the loss of the industrial site which we couldn't support an industrial site at this time due to traffic. The only complaint the neighbors had that I remember was marketing three bedroom homes and they were worried about the stress of the school district. The assured us that is not part of their advertising and it will be mostly one or two bedrooms apartments. All the questions were answered to our satisfaction. The committee passed it favorably 3 – 0.

Mr. Schweyer stated that we are considering a zoning change, not to one zoning designation to another, but two zoning designations to another, one business/light industrial and the other one Industrial I-2. I-2 which accounts for roughly a third of the property actually allows for manufactured homes, allows for a mobile park there. As we look at it and we consider the school district and we were to change nothing, in theory someone could take that parcel of land and develop a mobile home park. I think it is a special exception that would allow it, but even still it is an allowable use for that land. In addition to the fact that quite frankly at this time I don't know and I have generally resisted eliminating industrial land in the city for residential uses. In this case, given the size of the property and the history of this property I don't know if it will be an adequate use of industrial. Roughly a third of it is ok for manufactured homes. I strongly support this.

ORDINANCE PASSED, 7 – 0

Bill 35 Amended Establish CGP accounts Ordinance

Amending the 2013-2014 Consolidated Grants Program budget which consists of the Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant Program (ESG) to provide for an additional appropriation of \$ 429,822 in CDBG funds, \$127,777 in HOME funds and a reduction of \$53,482 in ESG funds, for a net increase of \$504,177 in funds.

Mr. Davis stated that they met last week. Ms. Baer talked to us a year ago and was not sure what kind of money you were going to get from the government. You received increases to two of your funds and a decrease in a third. The committee voted favorably 3 – 0.

Ms. Baer stated it was in April. She asked were there any questions.

Mr. Guridy stated no. You did a great job.

ORDINANCE PASSED, 7 – 0

Mr. Schweyer made a motion to move R 21 to this portion of the agenda. R21 is the corresponding resolution that allows the administration to submit to the federal government.

Mr. Guridy seconded the motion.

R21 Amended Action Plan Resolution

Approves the Submission of the Revised Action Plan to the United States Department of Housing and Urban Development

Mr. Davis stated that it is that you will submit grants with the amendments we talked about.

Ms. Baer stated that it is a Resolution that allows us to submit the changes we made. We have to resubmit our Action Plan.

Mr. Davis stated that the committee voted favorably 3 – 0.

RESOLUTION PASSED, 7 – 0

Bill 36 Appropriation for Special Events

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Twenty-Nine Thousand Five Hundred and Fifty-Five Dollars (\$29,585) to the DCED Office Expenditure Accounts from the DCED Special Events Revenue Account.

Mr. Davis stated that this was the straghtening out the items for the right revenue item. It is house cleaning.

Mr. Todd Collins stated that the appripiation of the funds is from our revenue account and expense account. We have a relationship with the Chamber Foundation which they assisted us with a contract for Special Events purposes and they helped us. Through the 2012 process when we were in the midst of the 250th that relationship disbanded as you are aware of and they held things for us. In the budget processing we did not account for putting revenue in the special revenue account which we have an account for the end of the calendar year. We are lookng forward to finishing the budget process for all the special events and decided to make a decision to keep all revenues within the city's accounts. There was a zero balance put on revenue within the budget. At the same time, during this whole calendar year we have been depositing funds which would account for fees, ticket admissions and alcohol sales and things that are associated with events. Those monies have been deposted in the revenue accounts which it is zero in the budget book. This appropriation moves those funds from the revenue side to the expense side so that we can pay our bills.

Mr. Davis stated that the committee did vote 3 – 0 favorably.

ORDINANCE PASSED, 7 – 0

Bill 37 Historic District Ordinance

Amends Article 1391, Historic Districts to more specifically define and outline the duties and responsibilities for the Historic Districts.

Mr. Davis stated that this is an upgrade of the definitions and hardships.

Mr. Mark Hartney stated that we took a comprehensive review of the ordinance. It hasn't had a comprehensive look since it was created back in 1978 and we wanted to incorporate some best practices from around the state and we got some advice from the Pennsylvania Historical and Museum Commission which is a statewide agency that oversees this. There were three changes that came out of it and we

included some definitions to provide some clarity and added an economic hardship provision which was recommended by the state and then finally we formalized a process for staff approval to make it easier for the public for comments and routine alternations that occur in the historic districts and they don't have to wait until the historic district meets. We can provide a staff approval to them to make it easier.

Mr. Davis stated that he has an amendment. He made a motion on the amendment to add in definition 10, after (HARB), also referred to as the Review Board.

Mr. Schweyer seconded the motion.

Mr. Davis stated that it was a really good presentation and he likes to see that part about the hardships and it is mostly an upgraded definition. The committee did pass it favorably 3 – 0.

ORDINANCE PASSED, 7 – 0

Bill 38 Street Sidewalk Vendors

Suggested Amendments on the Appeal Process and specific reference to removing Article 961.19 Amending Article 740, Street and Sidewalk Vendors, by providing new regulations, licensing and enforcement provisions for mobile vendors seeking to operate on city streets, the public-right-of-way and parking lots.

Mr. Davis made a motion to move Bill 38 in the following manner:

Change the title in 740.13, to remove the following:

Appeal, to ~~Vendor Application Review Committee~~; Notice and Hearing

In 740.01 Definitions, amend the bill as follows:

7. **Vendor** is defined as any person engaged in the selling or offering for sale of food, ~~beverages,~~ services or merchandise on the public streets or sidewalks from a stand, pushcart or motor vehicle. Vendor is not considered a canvasser. (12870 §1 10/5/88)

13. **Vendor License Review Committee** is defined as an appeal body, whose members are appointed by the Director of Community and Economic Development Director or designee, who reviews vendor applications, issues or denies vendor licenses ~~and hears appeals by vendor applicants who are denied a license.~~ and hears appeals by vendors who had licenses suspended or revoked. The Committee membership will include the following: City of Allentown Director of the Department of Community and Economic Development (Chair) or designee, Business Development Manager or designee, two (2) Allentown business owners and one (1) City resident.

15. **Appeal Committee** is defined as an appeal body that is made up of the City of Allentown Director of the Department of Finance and Administration, Director of the Department of Public Works and Director of the Bureau of Planning and Zoning and who hears appeals by vendor applicants who are denied a license or question application fees that have been assessed.

Make the following changes to Article 740.02:

740.02 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale any food, ~~beverage,~~ service or merchandise on any street, sidewalk, or parking lot within the City from any stand, pushcart or motor vehicle unless a street and

sidewalk vendor license has been issued by the City of Allentown Department of Community and Economic Development, at which time a license tag shall be furnished, upon which license tag shall be the words describing the kind of vendor, the year for which the license is paid, and the following words, "The issuance of this license does not constitute an endorsement by the City of Allentown of any article sold pursuant to the terms of this license."

When obtaining a Business License, stationary vendor locations ~~must~~ shall be approved through the City of Allentown Zoning Office.

Make the following changes to Article 740.03:

B. For specific City authorized events and programs, the Director of Community and Economic Development or designee may grant written permission for exceptions to the provisions of Section 740.02 regarding the requirement of a vendor license, 740.07 regarding vending locations, Section 740.05 regarding vending fee and Section 740.08 regarding merchandise vended and vending hours according to written guidelines for the specific event. (12876 §1 10/5/88)

Make the following changes to Article 740.04:

Stand or pushcart may not have dimensions which exceed 4 feet in width, 8 feet in length and 8 feet in height without additional encroachment approval from the City of Allentown Department Bureau of Engineering.

Make the following changes to Article 740.09:

13. Expose inventory stock at or near the stand, pushcart or motor vehicle.

14. ~~13.~~ No vendor vending from a motor vehicle shall:

15. ~~14.~~ Operate on commercial private property without a signed lease from the property owner. A copy of the lease shall be included with the application. Vendors cannot operate on residential private property.

16. ~~15.~~ Use sidewalk marketing signs on City sidewalks or public parking spaces.

Make the following changes to Article 740.12:

5. ~~Has exposed inventory stock at or near the stand, pushcart or motor vehicle;~~

6. ~~5.~~ Has a display stand, pushcart or motor vehicle which differs from that submitted in the photograph to the City;

7. ~~6.~~ Has a display stand, pushcart or motor vehicle whose dimensions substantially differ from those approved by the City;

8. ~~7.~~ Fails to keep the area surrounding the stand, pushcart or motor vehicle clear of trash, debris, snow or ice for a distance of thirty (30') feet;

9. ~~8.~~ Uses a stand, pushcart or motor vehicle for the purpose of selling merchandise not listed on the vendor application as per 740.04;

10. 9. Keeps animals (except for service animals) near the stand, pushcart or motor vehicle;
11. 10. Uses parking meters, utility poles, trees, or property other than the vendors own stand, pushcart or motor vehicle to advertise in any manner;
12. 11. Fails to remove the stand, pushcart or motor vehicle from the public right away at the end of every business day;
13. 12. Fails to operate from the site specified by the City (excluding motor vehicle vendors);
14. 13. Fails to display the license issued at all times while vending;
15. 14. Or in any other manner violates any provision of this section or violates any of the terms and conditions of the license issued.

B. When a license is suspended or revoked, vending operations shall immediately cease. Whenever a license is suspended or revoked, the holder of the license shall be afforded an opportunity for hearing within twenty (20) days of receipt of a request for hearing. ~~Prior to suspending or revoking a license, the City shall notify the license holder of the time, place and nature of the hearing; shall specify the legal authority and jurisdiction under which the hearing is to be held; shall reference the particular section of the Ordinance or regulations involved; shall set forth a short and plain statement of the matters at issue; and shall provide the license holder with a date for an opportunity to respond to any charges and present evidence and argument on all issues involved.~~

C. When a license is suspended or revoked, the holder of the license or the person in charge shall be notified in writing that the license is, upon service of the notice, immediately suspended or revoked and that an opportunity for hearing will be provided if a written request for hearing is filed with the ~~Department of Community and Economic Development~~ Vendor License Review Committee by the holder of the license within ten (10) days after notice of the license being suspended or revoked is mailed to the holder of the license's last known address. When such a request is filed, the Vendor License Review Committee shall notify the license holder of the time, place and nature of the hearing; shall specify the legal authority and jurisdiction under which the hearing is to be held; shall reference the particular section of the Ordinance or regulations involved; shall set forth a short and plain statement of the matters at issue; and shall provide the license holder with a date for an opportunity to respond to any charges and present evidence and argument on all issues involved. If no written request for hearing is filed within ten (10) days, the suspension or revocation is sustained. The Department of Community and Economic Development may end the suspension or revocation at any time if reasons for suspension no longer exist.

D. A notice provided for in this article is properly served ~~when it is delivered to the holder of the license, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, or hand delivered to the last known address of the holder of the license or is conspicuously posted at the food service establishment.~~ by handing it to the holder of the license, by handing it to an adult member of the household or other person in charge of the residence at the residence of the holder of the license, by leaving or affixing the notice to the vendor's stand, pushcart or motor vehicle, by handing it at any office or usual place of business of the holder of the license, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the address of record for the holder of the license.

Change Article 740.13, to read as follows:

740.13 APPEAL, ~~TO THE VENDOR APPLICATION REVIEW COMMITTEE;~~ NOTICE AND HEARING

Any person aggrieved by the action of the Department of Community and Economic Development or the Vendor License Review Committee in the denial of the license as provided in Section 740.06 or in the assessing of the fee as provided in Section 740.05 shall have the right of appeal to the ~~Vendor Application Review Committee~~ Appeal Committee made up of the City of Allentown Director of the Department of Finance and Administration, Director of the Department of Public Works and Director of the Bureau of Planning and Zoning. An appeal shall be ~~taken~~ requested by filing with the ~~Vendor Application Review Committee~~ Appeal Committee within ~~fourteen (14)~~ ten (10) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The ~~Vendor Application Review Committee~~ Appeal Committee shall set a time and place for a hearing on such appeal and notice of the hearing shall be given to the appellant in the same manner as provided in Section 740.12 D. ~~for notice of hearing on revocation~~. The decision and order of the ~~Vendor Application Review Committee~~ Appeal Committee on such appeal shall be final and conclusive.

Add the following to Article 740.14.

740.14 TRANSFER AND DISPLAY OF LICENSE

No license issued under the provisions of this section shall be used ~~or worn~~ at any time by any person other than the one to whom it was issued or that person's employee.

Delete Article 961.19 – from the code, the street and sidewalk vendor regulations are contained in Article 740 now.

961.19 STREET AND SIDEWALK VENDORS

Certification Required. It shall be unlawful to sell, or offer for sale any food, beverage, service or merchandise on Hamilton Street from any wagon, truck, auto, pushcart, stand or vehicle without first obtaining a certificate as herein provided.

Administration. The City administers the certification and citing of all vendors on Hamilton Street.

On or before January 1st of each year, the City will establish the number and location of not more than eight (8) sites available on public property for the ensuing calendar year.

Annual certificates may be granted by the City to vendors. Seasonal certificates may be granted by the City to the same categories of vendors if there are sites available.

The City may adopt and establish written rules and regulations required to implement the provisions of this Ordinance.

Application for Annual or Seasonal Certificates. Every person desiring certification as a vendor pursuant to this section shall file an application with the City therein stating or submitting the following:

A. The name and mailing address of the applicant and the name and mailing address of a person through whom the applicant may be reached.

B. A statement as to the dimension, construction and appearance of applicant's stand or cart, and a photograph, blueprint, or drawing of such.

C. A description of the foods and/or drinks and/or goods the applicant proposes to sell, along with a sample of the merchandise.

D. A non-refundable fee of Fifty (\$50) Dollars will be required from all applicants. All approved vendors will be required to pay an additional Fifty (\$50) Dollars prior to receiving their certificates.

E. Street and sidewalk vendors will be required to obtain a Business License prior to opening and will be required to pay Occupational Privilege Tax for all employees. Those selling food will be required to obtain a Health License.

Vendors Utilizing City Sidewalks. Hamilton Street merchants may transact business on the public right-of-way in an area in front of their business not more than three times a year as designated by the Director of Community and Economic Development or the Director's designee.

All approved vendors utilizing City sidewalks for vending shall establish themselves, their displays and the product they are holding out for sale as close as is reasonably possible to the curb line. At no time shall a vendor interfere with or obstruct the free passage of pedestrians upon a sidewalk. Five (5') feet of clearance must be maintained at all times for pedestrian right-of-way.

Issuance of Annual and Seasonal Certificates. Selection of vendors for the available sites shall require written application consistent with the provisions of this section and regulations established and documented by the City.

The date for the selection procedures shall be advertised in a local newspaper or newspapers of general circulation.

If the number of applications meeting the requirements of this Ordinance and City regulations exceeds the number of available sites, the appropriate number of vendors shall be chosen by the Hamilton Street Review Committee appointed by the Director of Community and Economic Development.

A certificate shall be issued to each applicant chosen for a specific site upon proof that applicant maintains public liability insurance for personal injury and property damage. Proof shall be in the form of a certificate from an insurance company authorized to do business in this state, with the provision that such insurance shall be noncancelable except after thirty (30) day notice. Such public liability insurance shall provide coverage of at least One Million (\$1,000,000) Dollars per occurrence for bodily injury and property damage.

Non-Endorsement of Commercial Articles. On each commercial certificate the following words shall appear: "The issuance of this certificate does not constitute an endorsement by the City of Allentown of any article sold pursuant to the terms of this certificate".

Transfer and Display of Certificate. No certificate issued under the provisions of this section shall be used or worn at any time by any person other than the one to whom it was issued or that person's employee. A certificate holder or his employee shall display the certificate at all times while that person is vending. Failure to do so shall be considered cause for revocation of such certificate. Such revocation shall not entitle the former certificate holder to any rebate on fees paid.

Certificate Period. Annual vendor certificates shall be valid for a period of one (1) calendar year.

Employees. A certificate holder may utilize the services of two (2) employees. Any applicant for a vendor's license who anticipates the use of an employee shall list upon such application such proposed employee's names and addresses. Upon issuance, an employee may vend only as an employee of the applicant. No more than two (2) persons may work at a single location simultaneously. A licensed vendor and his/her employees shall not simultaneously vend at different locations.

Fees. On or before January 1st of each year, the fees for vending certificates are to be established in accordance with the requirements of the Charter and submitted to City Council for approval.

Special Festivals, Exhibits, Markets. The City may contract with persons or organizations to use portions of Hamilton Street for festivals, exhibits, markets or the like upon arrangements and the payment of fees deemed suitable by the City. Such special events may require the temporary relocation of vending sites. Distribution of commercial handbills is permissible as part of a special event or activity.

Certificate Suspension or Revocation. The City may suspend or revoke a certificate without providing any rebate of fees to the certificate holder if the certificate holder:

Has exposed inventory stock at or near the stand or cart;

Has a display stand or cart which differs from that submitted in the photograph to the City;

Has a display stand or cart whose dimensions substantially differ from those approved by the City;

Fails to keep the area surrounding the stand or cart clear of trash, debris, snow or ice for a distance four (4') feet;

Uses a motor vehicle in the district for the purpose of selling merchandise;

Keeps animals of any kind near the stand or cart;

Uses parking meters, utility poles, trees, or property other than the vendors own stand or cart to advertise in any manner;

Fails to remove the stand or cart at the end of every business day;

Attempts to obtain the economic benefits from more than one location on Hamilton Street;

Fails to operate from the site specified by the City;

Fails to display the certificate issued at all times while vending;

Or in any other manner violates any provision of this section or violates any of the terms and conditions of the certificate issued;

Prior to suspending or revoking a certificate, the City shall notify the certificate holder of the time, place and nature of the hearing; shall specify the legal authority and jurisdiction under which the hearing is to be held; shall reference the particular section of the Ordinance or regulations involved; shall set forth a short and plain statement of the matters at issue, and shall provide the certificate holder with an opportunity to respond to any charges and present evidence and argument on all issues involved.

Vending by Charitable Organizations. Nothing in this Ordinance shall be interpreted to prohibit the issuance administratively (Director of Community and Economic Development and Mayor) of twenty-four (24) hour vending permits to representatives of chartered, non-profit organizations, groups, or associations for declared special events on Hamilton Street. (14191 §1 6/4/04)

Mr. Schweyer seconded the motion for the amendment.

Ms. Diane Teti stated that you took out the word beverage in 7, but then not under 740.02 – when a license is required. A vendor is not defined as someone who sells a beverage and yet a vendor license is required when selling beverages.

Mr. Schweyer stated to add the amendment to the amendment.

Ms. Calluori stated that is correct. The reason why beverage was taken out the one time was because it defined when food is defined. The first definition, food is defined a solid food and beverages. We thought it was redundant to repeat beverages. Beverages is included in it, but we missed the second beverage.

Ms. Diane Teti stated that you crossed out and are they are allowed to have exposed inventory, stock at or near the pushcart or stand. I am worrying why because I do see a lot of city vendors and not necessary this city where they got stacks of sodas falling over and I think it is kind of junky and I am wondering why you decided to allow people to rather than keeping it in back of their car or providing some other form of storage.

Mr. Collins stated that is a good question and the expose merchandise or product is related to what is actually on the cart and probably limited and besides from that when they apply part of the process that we are establishing here is they need to be able to define and qualify their full operation so that if they intend to do something like that is their hope and expectation is that they can put stacks of merchandise by their cart and that will be part of their application and that will have to go before the license review committee to be approved if that is acceptable, otherwise we wanted to make sure it wasn't so stringent that if they had a product they had out and many times a mobile vendor will have a bottle of Sunkist and that would prohibit them from doing that.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that this obviously was changed in committee. Were the vendors there to witness the changes that are taking place?

Mr. Guridy stated that he doesn't think vendors were here.

Mr. Collins stated that the committee is a public hearing and publicly noticed.

Mr. Pearson asked were these amendments published as amendment so that people can access this. If this was the county it would be a substantial change in the Bill and would have to be sent back to first reading.

Ms. Calluori stated that most of the amendment changes were not significant and the significant one where we created an appeals committee was actually discussed during the open committee.

Mr. Dougherty stated that the Clerk did post this as normal protocol and this was in the public domain.

Mr. Schweyer stated that the whole section of the vendor license review committee and appeals committee had originally just been and it was going to be one and it did not define who was going to be on it. It just codified it. This was a direct result of Council passing something in the committee meeting.

Mr. Guridy stated that every amendment that was made was included and well thought of.

Mr. Rich Fegley, 1002 S. Bradford Street, asked the reasoning of removing Line 13 – Expose inventory stock at or near the stand, pushcart or motor vehicle. It was in there before as a restriction for a reason. It would seem to me that the restriction is from Manhattan food trucks I believe they may have restrictions where all of your inventory is on the truck. You pack every bit of space what something you can't have six cases of sodas standing off to the side. I would just ask what was the reason of removing that and is this what other cities do.

Ms. Calluori stated that it wasn't in the original ordinance that we are amending. When we were discussing it internally for a moment we thought it was a good thing to add, but we changed our minds because we didn't want to be to the extent of the mobile vending cart or stand and we didn't want it to be too much of a restriction or burden on vendors because they are bringing all their materials with them. As Todd alluded to, we will be discussing the cart, what it would look like and the set up for each vendor when they apply, the vendor application review committee will be talking in detail with the vendors exactly what the cart is going to look like and I understand your concern. We wanted to ensure that it wasn't too much of a burden from the public's eye as well when people are setting up their carts.

Mr. Fegley stated that it seems pretty important to me. This is basically saying you can set up a small store before every game or every event at the arena. I am not sure; I would have to look at other city ordinances to see if that is restricted. In this case, if you have a food cart and you stock it up as much as you can and you have to have someone refill you. If someone is coming with four cases of sodas then you are stocking up the cart or truck. I would be concern by taking this out, you will have a vendor that would have piles of inventory all around them. That could be crates of food or who knows what it could be. I have seen a few street vendors around so I don't know what the whole ordinance is. I have to look at the original. I see that as a concern.

Mr. Guridy stated it is a fair concern.

Mr. Schweyer stated that it is a fair concern. From my perspective, most DC vendors are allowed a cooler. If you make it so restricted something like a cooler would be not on the cart, but part of their stock even though it is reasonable. I think the intention was to give the language as much flexibility that the review committee could look at the application.

Mr. Fegley stated that the inventory inside is not exposed and that would meet the criteria.

Mr. Schweyer stated that the language would give the review committee an opportunity to look at that and make a judgment call on the application.

Mr. Fegley advised Council that is what it would lead to, stacks of inventory all around these carts.

Mr. Guridy stated that would be detrimental to view of the city. It is a fair point.

Mr. Fegley stated that the review and provision of creating a license citywide is taken from is bringing many parts to different ordinances together. Specific to the review and the application is based upon what has existed in the Hamilton Street ordinance and that has and part of the reason we are now expanding citywide is because it performed so well for the Hamilton District to permit appropriate vending operations and appropriate review as well as appropriate leniency in terms of not defining in the fullest extent what a vendor can and cannot do on their stand aside from presenting it in application and allowing the committee to make a determination of what is appropriate.

Mr. Guridy stated to Mr. Collins that he discussed this with Mr. O'Connell and it really doesn't create any harm. I would like to a friendly amendment to maintain that in the ordinance.

Mr. O'Connell seconded that amendment. I would rather be cautious and side on what we have now because I can see abusing this with their carts and stacks of chips, pretzels, and soda. I support Mr. Guridy's amendment.

Ms. Eichenwald stated that we are putting too much faith in the review board because what I would say when applying to a review board won't necessarily be what I would follow. We are entering a new era with the arena and I think that would encourage even more people to be street vendors. If we don't have this in, we don't have a leg to stand on when people start to come and they build and they build. I don't see a reason why this should be taken out.

Mr. Guridy stated that it was an amendment made and we haven't voted on the amendment yet. That would be a friendly amendment to the amendment.

Mr. Davis stated that he is fine with that.

Ms. Eichenwald asked if Mr. Guridy can repeat the amendment.

Mr. Guridy stated that the first amendment was everything that was read by Mr. Davis and the second amendment was to leave that section in under Line 13 in Section 740.09.

Mr. Schweyer stated a friendly amendment to take the word Beverage out 740.02.

Mr. Guridy stated yes, that was also included.

Adjoinder to Amendment: Undelete 6 and 11, relating to exposed inventory stock at or near the stand (keeping the restrictions in the bill) and the listing of beverage in Article 740.02.

AMENDMENT PASSED, 7 - 0

ORDINANCE PASSED, 7 - 0

Bill 40 Golf Ordinance

Amending the 2013 Golf Course Fund Budget to provide for a supplemental appropriation of Sixty Thousand (\$60,000) Dollars to provide for Driving Range improvements.

Ms. Mota stated that the Parks and Recreation Committee passed it favorably 2 – 0.

Mr. Guridy asked if we could talk a little bit about the improvements.

Mr. John Mikowychok stated Rick Holtzman is the Superintendent of Parks and this is for an upgrade to a 20 unit driving range right now that the material is wearing out. This material is also located presently on gravel and is not handicapped accessible. It is like an outdoor carpet that has seen its day. Mr. Holtzman and Mr. Jeff Wambold went out and looked at several installations of various materials from different manufacturers and belief the material you see before you is the most durable that we could find and has a good balance of durability and playability. If you notice how thick it is. You can put a tee in it without having to put a supplemental rubber mounts to keep your golf ball anchored. It is also augmented and is a 12 foot width of material that is over 200 feet long for the 20 driving tees. The material is designed while

being 12 feet wide or deep and is designed to be rotated with wood framing so that the area to be teed off can be moved around that 12 foot depth. That gives more longevity. It is typically three to five years for a particular area. Obviously, if you are moving around on a 12 foot deep area you got a lot more longevity to add on to that. The benefit of course is the concrete in the back. It is going to be six feet or so and comes up to a point to the back end of the 1 1/8 inch material. It does provide seamless transition between the parking lot area to this and the back end of this grass. Our driving range is really a wonderful opportunity because it is the one part of the course that operates all year round. People come out January 2nd and if it is a 35 – 45 degree day people are out there hitting bucket of balls. Our revenues have been increasing every year. We started out just as example in 2010, we drove about \$116,000 in revenues just from the driving range. Last year, it was \$151,000 and by the end of this year we expect it to be \$160,000. We feel this appropriation from the revenues that are unappropriated and obviously the golf course is doing very well and the driving range is at the head of things that are doing well. It is a good investment in the city's facilities.

Mr. Guridy asked years ago the golf pro told us about his plan to put a cover on the driving range and I don't know what happened. We did change the mat not long ago, about three years ago. I only been there once this year and noticed that they were kind of fading so I am glad to see that they are replacing them.

Mr. Mikowychok stated that there is a proposal to put in a covered area. We are still investigating the logistics of that, roughly half or a third of the 20 units.

Mr. Holtzman stated that what you are referring to is the plan that was put in place a few years back to put a double decker driving range in and I think after further review that plan wasn't very feasible for that area and the expense it would take on to put in was too great. I think this is a much way to upgrade the range and potentially adding covered stalls in the future is something we could look at.

Mr. Guridy stated that I think what he was saying was that you would actually double the amount of people that driving range because it would double.

Mr. Holtzman stated that was the idea, but also with that you would have to upgrade the post to extend the height to limit the amount of balls leaving the range which is a problem now so we don't want to put people 10 – 15 feet higher.

Mr. Mikowychok stated that the cover idea is still a good one because there are a lot of golfers and just think how many rainy days we had this summer. Obviously, people can come out in late February and March when otherwise the humidity, the rain and the ice is such that people would not normally come out.

Mr. Schweyer stated that average length of how long this is going to last is more than a couple of years.

Mr. Holtzman stated five to ten years, probably on the higher side of that. I would say eight to ten years because of the concrete and the width or depth of the surfacing. Twelve feet is a pretty wide area and you would need to move people around in that area is increased. Right now the matting is replaced every three years because you go out and hit balls in the same spot every time, it wears out quickly.

Mr. Schweyer asked did Mr. Holtzman hit off this.

Mr. Holtzman stated I have not, I hit off real grass, but this is very impressive. I just play the game. I don't hit balls. Basically you are going to stick you tee into the ground. There is no filling, no maintenance. I is a done deal.

Mr. Davis asked if it was going to be glued down to the concrete.

Mr. Holtzman stated the reason for the concrete pad is that I did a lot of research with a lot of different companies that you can put it down on stone, but the problem with that is you have voids that open up, it is never really smooth under there, you get freeze off and you have the potential for this lifting and buckling. With the concrete, it is down, it is flat and when it is time to replace it, you scrap it up and put it back down. The pads aren't going anywhere. The process is there and would be there forever. It is just replacement of the synthetic turf at that time.

Ms. Mota asked who will be the one installing all of this.

Mr. Holtzman stated that we will have a contractor to do the concrete work and we will have the city golf course staff with the help of the person from the synthetic company who will give us a helping hand to put it in properly.

Ms. Mota asked how much it will cost us.

Mr. Holtzman stated that the quotes we have right now is roughly \$24,000 for the turf and another \$23,000 for concrete. The additional monies would be the materials costs to add up to the total project cost.

Mr. Guridy asked about the timing on this.

Mr. Holtzman stated as soon as you say go.

Ms. Mota asked how long will this process take.

Mr. Holtzman stated that it will be getting on the schedule of the concrete companies. I am hoping starting in September and finishing in October.

Mr. Guridy asked would the range be closed for a month.

Mr. Holtzman stated no, it will not be closed for renovations. What we will do for the time of excavation and installation remove the mats and people would be able to hit off grass for that period of time until it is completed, no down time or loss of revenue.

Mr. Dougherty stated that he would like Mr. Holtzman to tell Council about the event today which was the first time in four years.

Mr. Holtzman stated that today we closed the course until 3:00 PM and this was the first time in four years we had our fairways aerated and we had a contractor come in and do 20 acres of fairways this morning and it will be a big improvement to our course and the overall health of the fairways. They will be over-seeded with six pounds per thousand square feet of grass seed. We should have some real nice looking turf for next year.

Mr. Dougherty stated that golfers have been raving about the conditions of the course this year as compared to prior years, especially the tee boxes. A lot of the improvement that we have seen is the direct result of Rick's leadership out there and spending a lot more time with Jeff Wambold and David Huttie. I think with this aerating for the first time in four years we are going to make it even more magnificent for next year.

Mr. Guridy stated kudos to John, Rick, and Jeff on this.

Ms. Mota stated that they are all doing a great job.

ORDINANCE PASSED, 7 – 0

11. ORDINANCES FOR INTRODUCTION:

None

12. CONSENT AGENDA:

CA-1 HARB

Certificates of Appropriateness for Work in the Historic Districts

Mr. Guridy asked any comments or questions from the public.

RESOLUTION PASSED, 7 – 0

13. RESOLUTIONS ON SECOND READING:

R25 1728 Union Street Union Street Encroachment

Encroachment for a Fire Escape at 1728 Union Street

RESOLUTION WAS TABLED

14. RESOLUTIONS ON FIRST READING:

R26 Jordan Dam

Authorizes the grant for the elimination of the a low-head dam and public safety hazard in Jordan Creek at the Jordan Creek Park – (housekeeping measure - no impact on Robin Hood or Fish Hatchery Dam)

Ms. Mota stated that the Parks and Recreation Committee met today and it was passed favorably 2 – 0.

RESOLUTION PASSED, 7 – 0

15. NEW BUSINESS

None

16. GOOD AND WELFARE

Mr. Schweyer apologized for not attending the Parks and Recreation Committee meeting. Tonight was my daughter's orientation for Lehigh Parkway Elementary School and I wasn't going to miss that.

17. ADJOURNED: 8:30 PM

Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at www.allentownpa.gov or contact the Clerk at Michael.Hanlon@allentownpa.gov to receive an email notice of the meetings.