

**BOROUGH OF FOUNTAIN HILL
COUNCIL MEETING MINUTES**

May 20, 2020

7:00 PM

Due to Governor Tom Wolf’s Coronavirus (COVID-19) Emergency Disaster Declaration on March 6, 2020, a virtual/remote public Council Meeting was held via phone/zoom. The remote participation option for residents was provided on the Borough’s website (www.fountainhill.org). Remotely participating Council members were: Ms. Jordan, Ms. Johnson, Mr. Rufe, Mr. Trotter, Mr. Atkinson, Mr. Trabel, Ms. Halleman and Mayor Gifford. Also, remotely participating were Anthony Branco (Borough Manager), Cordula Voges (Finance Director), Pete Lehr (Solicitor), Wayne Hochwarter (Sergeant), Jason Quarry (Public Works Supervisor), Tom Wargo (Zoning Officer) and guests.

PLEDGE OF ALLEGIANCE

Council President Atkinson called the meeting to order and asked for everyone to pledge allegiance to the Flag.

Then Council President Atkinson presented tonight’s agenda.

MINUTES

- Motion to approve minutes of May 4, 2020

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Jamie Johnson			x			
Wilbert Rufe			x			
Doug Trotter		x	x			
Philip Trabel			x			
Helen Halleman			x			
Leo Atkinson			x			
Mayor Gifford						

PRESENTATION(S)

Council President Atkinson presented a proposal made by some Lehigh County Officials to create a *Regional Prosperity District* that is designed to ensure broad economic growth, long-term fiscal relief and diversification of revenue away from property taxes toward more progressive revenue sources (such as County-wide Sales Tax and/or Earned Income Tax (EIT) increase) in order to not exclusively rely on federal or state aid. The *Regional Prosperity District* would have the potential to aid not just Lehigh County as a whole, but also to aid individual municipalities who are experiencing and/or may in the future experience a decline in financial resources to support their small businesses, main streets and budgetary needs.

Mayor Gifford inquired about the distribution of the potential additional tax revenue and cautioned about its fair distribution. Council members Rufe, Trotter, and Jordan welcomed the opportunity

of Local officials' early participation in the investigation of the establishment of a *Regional Prosperity District*. In addition, Council President Atkinson presented a non-binding Resolution drafted by the Lehigh County officials to support this initiative.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Jamie Johnson			x			
Wilbert Rufe			x			
Doug Trotter		x	x			
Philip Trabel				x		
Helen Halleman				x		
Leo Atkinson			x			
Mayor Gifford						

PRIVILEGE OF THE FLOOR

- Mr. Spencer at 1035 Jeter Avenue criticized the passing of the Lehigh County drafted resolution without giving the public the opportunity to comment. In addition, Mr. Spencer doubted the initiative's effectiveness.

Due to the raised concerns, Council President Atkinson asked for a motion to disregard the above resolution.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan		x	x			
Jamie Johnson	x		x			
Wilbert Rufe			x			
Doug Trotter			x			
Philip Trabel			x			
Helen Halleman			x			
Leo Atkinson			x			
Mayor Gifford						

Then Council President Atkinson asked for a motion to redo the above resolution.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Jamie Johnson			x			
Wilbert Rufe			x			
Doug Trotter		x	x			
Philip Trabel				x		
Helen Halleman				x		
Leo Atkinson			x			
Mayor Gifford						

- Mr. Mike Hanna at 841 Seneca St. commented that St. Luke’s Hospital is exempt from Real Estate Taxes and inquired about any alternative contributions.

Council President Atkinson mentioned that legislation is discussed at the state level to provide some financial relief to local municipalities with a high percentage of non-profit property owners. Mr. Branco stated that the legislative bill is currently at the committee level.

RESOLUTIONS – None.

ORDINANCES – None.

MOTIONS

- Sergeant Hochwarter is acting as Chief of Police while Chief Bachert is on temporary medical leave.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan			x			
Jamie Johnson	x		x			
Wilbert Rufe			x			
Doug Trotter			x			
Philip Trabel		x	x			
Helen Halleman			x			
Leo Atkinson			x			
Mayor Gifford						

- Extend probation for Matthew Schule for 6 months

Ms. Jordan reported that M Schule is at the end of his probationary period. However, he could not take the CDL driving test because the testing facility is closed due to the COVID-19 pandemic. Ms. Jordan suggested to extend the probationary period for another six (6) months or until the CDL testing can be completed.

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Jamie Johnson			x			
Wilbert Rufe			x			
Doug Trotter		x	x			
Philip Trabel			x			
Helen Halleman			x			
Leo Atkinson			x			
Mayor Gifford						

OLD BUSINESS

- Façade Program – Rec and Community Development Committee (on hold)
- Parking Ordinance – House & Ordinance Committee

Mr. Rufe reported that members of the Zoning Hearing Board offered assistance in drafting a revised parking ordinance benefiting small business owners. He will present the completed draft at a future Council meeting.

DISCUSSION ITEMS (NEW BUSINESS)

- Verizon proposal for 5G Small Cell Program within the Borough

The Verizon Wireless Network Real Estate Manager had contacted the Borough Manager about Verizon's Small Cell Program that is a critical piece of its network plan to help enhance its network coverage and capacity in locations where usage demands are highest (e.g. downtown areas, shopping centers etc.). A "Small Wireless Communications Facilities Master License Agreement" draft to access, use and occupy the rights-of-way owned, managed or controlled by the Borough was included in the solicitation package.

After consulting with the Borough solicitor, the Borough Manager recommended to Council to update the current ordinance or enact a new wireless ordinance that will allow the Borough to manage these facilities, protect the public rights-of-way, collect fees consistent with federal and state law, and preserve the character of the community.

Council asked to invite the Verizon Wireless representative to the next Council meeting for a full presentation and to answer any questions.

- Ms. Marlene Mattes, 860 Tomblor St. requesting No Parking sign

Council President Atkinson presented a Google Earth view of the property showing the area where cars illegally park and block the resident's driveway.

It was established that the existing vehicle code already regulates parking near Stop signs, crosswalks and intersections. Mayor Gifford also noted that only the Police can initiate the towing of an illegally parked vehicle at the expense of the vehicle owner. Council consented that Public Works should paint yellow lines to mark no parking areas based on the Vehicle Code regulations.

Mr. Jeffrey Painton at 1218 Graham St. asked if a resident could post a generic No Parking Sign and then have an illegally parked vehicle towed at the vehicle owner's expense. It was clarified that the Borough road is a public right-of-way and only the Police could act upon illegal parking.

Ms. Kelsey Morrison at 1116 Russell Ave. asked if the Police had a tier system in place on how to deal with habitual offenders. Mr. Branco clarified that the Borough cannot interfere with police procedures. Sergeant Hochwarter confirmed that they follow the vehicle code and apply it at their discretion.

To solve Ms. Mattes’ request, Council recommended to step up police activities from issuing parking tickets to stating citations and Public Works painting yellow lines on the curb.

- Approve B. Defiore’s resignation from Public Works

	Motion	2nd	Yes	No	Abstain	Absent
Annamarie Jordan	x		x			
Jamie Johnson		x	x			
Wilbert Rufe			x			
Doug Trotter			x			
Philip Trabel			x			
Helen Halleman			x			
Leo Atkinson			x			
Mayor Gifford						

- CDBG Grant 2021 was submitted for the Fire Truck
- PennVest Grant was started including the issuance of RFQs.
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PRIVILEGE OF THE FLOOR – Discussion on Non - Agenda Items

- Ms. Kelsey Morrison announced that the Stormwater Appeals Board is looking for three members.
- Mr. Jeffrey Painton asked if the Council meetings could be recorded in the future.

Council President Atkinson reported that in connection with the Social Media Policy future meetings could be recorded and archived via youtube.

Mayor Gifford also reminded that a “State of the Borough” address is scheduled to be held in September 2020 and suggested to attach a social gathering to the event.

- Mayor

EXECUTIVE SESSION – None.

ADJOURNMENT

At 8:32 PM Council President Atkinson asked for a motion to adjourn. Ms. Jordan made the motion, seconded by Ms. Johnson and unanimously approved.

**BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA**

By:

Leo Atkinson - President of Council

SUBMITTED BY

By: _____
Cordula Voges, Finance Director

ATTEST:

By: _____
Anthony Branco, Borough Manager

Next Ordinance – 858
Next Resolution – 2020-28