

**COMMITTEE OF THE WHOLE – 6:30 PM**  
**Confirmation Hearing for Parks and Recreation Director: Greg Weitzel**

The Mayor said it is his honor to introduce Greg Weitzel as the nominee for the position of Parks and Recreation Director. The merger of the Parks Bureau and the Recreation Bureau made it into a single department. Greg was named the City's first Parks Recreation Trails Director. Greg helped build the Lewisburg Recreational Authority as its executive director. He is responsible for developing, security and managing the first multi-generational destination park in the country. His capital improvements there included a major community swimming pool, bath house, ice rink and concessions. He directed all park and recreation operations and was responsible for maintenance programs, program development, budget preparation, and grant writing. In Allentown, he spearheaded the creation of the Friends of the Park Committee, which will raise funds enlist volunteers for our parks facilities. They plan a whole reconstruction and renovation of our park system. West Park is celebrating their 100<sup>th</sup> anniversary, and Greg is working with the West Park Civic Association on planning for a number of events to mark that particular occasion. Greg put together the publication "Adventure Allentown." The merger of the 2 bureaus will make it easier for residents. The managers of our parks and recreation facilities will be in the same office. The consolidation should eliminate the confusion over who to contact for facility permits and reservations, programs and registration. He would be happy to seek your confirmation of Greg Weitzel.

Mr. Donovan said *City and County Magazine* complimented Greg with the work he did at Lewisburg.

Mr. Guridy congratulated him on being nominated. What endeavors will you be taking to make the parks better. We have a lot of problems with youth after school programs and recreation issues.

Greg Weitzel said they have many needs across the City. His job is to try to prioritize where our resources need to be allocated. Without a doubt, you hit on one of our major concerns – additional programming for our urban youth. Addressing some of the major issues we face is going to involve a lot of support from Council, the community, and his department leading the charge. We can't solve all the problems, but we can be a part of the solution by providing more access to programs for the kids after school, trying to get them off the streets and into appropriate leisure time activities.

Mr. Guridy said we're losing a lot of our kids to gangs and negative influences. Is there any particular program that you see that may be able to help them?

Mr. Weitzel said it's a multi-faceted problem. We have to be creative to attract kids today. They have several initiatives. One is working with the Lehigh Valley Soccer Club to bring their soccer directly into our urban center. They pick up the kids at the schools and buses them out to the County field. They're initiating new programs to keep those kids in the City so they can walk or ride their bike to a local park and participate in a soccer program for free. There are 14,000 kids that are eligible and only 600 who participate. The program is subsidized through the Trexler Trust and City resources. They're working to put some money into boxing. It's exciting to see the community support.

In response to Ms. Eichenwald's question, Mr. Weitzel said the #1 issue is funding, followed by attracting and retaining our urban youth. We need to modernize our current facilities. We have a great foundation in place. We also have \$30 million in capital needs to address. The 3<sup>rd</sup> challenge is a limited staff.

Mr. Phillips asked what the age group for the Summer Playground Program is?

Mr. Weitzel said 5 to 12 years.

Mr. Phillips asked what are the strategies for the older kids who are not in this program?

Mr. Weitzel said he wishes there was an easy answer to that question. We need to come up with unique ideas that attract that age group and that takes creativity. Every year there's a new fad that this age group is attracted to. Mr. Phillips said he's looking for ideas of where we're going to go after 6 and 8 and maybe midnight.

Mr. Weitzel said we have the popular Midnight Basketball Program and the Lights Out Program. Maybe we can involve the Weed and Seed Program to survey that age group.

Mr. Phillips asked if they've partnered with the schools for programs?

Mr. Weitzel said they're already doing that right now. They have the schools open for . . .

Mr. Phillips said he's talking about the summer program.

Mr. Weitzel said Kevin Easterling is working very hard with the school district to formalize that agreement to be able to utilize their resources to our benefit.

Mr. Donovan asked if it would be wise to create a new section of the City with an advisory group of 16 year olds to work with you. They know best what they're looking for in recreational opportunities.

Mr. Weitzel said that's an excellent idea, and they'll definitely be looking into that.

Mr. Schweyer said he's worked with Greg over the past year.

Mr. Weitzel said he met with the Pal's group on 4 separate occasions and he had their leaders come into his office and they had a conference call with the architects. There was another meeting on Friday and they brought in the Center for Independent Living to review the plans.

Mr. Schweyer said he appreciates his follow up on that. You've already responded to a number of our concerns. He would be happy to support his nomination.

Eleanor Hay, 208 North Graham Street, said teenage boys and girls demonstrated an imaginative and effective use of volunteers. It was amazing what the young people had to say. Most of them wanted to earn money. Jobs for that age group should be brought into the possibility.

Ernie Atiyeh, 1909 Congress Street, said he's worked with Greg on a couple of projects. The Main Street Program on 7<sup>th</sup> Street and our neighborhood. He has many great ideas. He recommended that he be approved this evening.

Mr. Phillips said our park system needs to be more accessible to our citizenry.

The Mayor said he agreed. One of the goals of this Administration is to relocate the Police because they've outgrown the space they have. When that happens we can open space in City Hall and move different departments around.

Mr. Phillips said there are other buildings we own in the City that we could renovate so they could be more accessible.

The Mayor said a lot of people don't go the Parks Office. They're working with organizations that are directly in the community. Their physical office isn't the issue. If you can show me the money to renovate the building, he would do that. We've consolidated one office and freed up another building to be used for other uses.

Mr. Weitzel said a lot of people register on line.

Mr. Phillips said a lot of the children you're servicing don't have computers. They still need to be able to walk somewhere.

The Mayor said they can mail permits. They first wanted to consolidate 2 separate operations and then look at accessibility. Working with other entities to form programs that will truly have an impact on neighborhoods. It can't be done alone. We don't have enough resources or manpower. We try to partner with other entities like the YMCA, Casa, Boys and Girls Club that deal directly with the neighborhoods that make these programs accessible.

Mr. Phillips said he only asked if it was going to be accessible downtown. He did not ask the Mayor about other things. He's trying not to be argumentative. He just wants a direct answer on what's going to happen in the future.

Mr. Donovan and Mr. D'Amore moved to forward Greg Weitzel's nomination favorably to Council, 7-0.

The Committee of the Whole was adjourned.

**PUBLIC HEARING – 7:00 PM**

Purpose is to take public testimony on a liquor license transfer.

**R3**

Approves the Issuance of an Economic Development Liquor License for Cosmopolitan at 22 North 6<sup>th</sup> Street

Ted Zeller, attorney for Myron Haydt, said he is pleased to present the application of Cosmopolitan. The purpose is to apply to the City of Allentown for a resolution approving for what is termed an economic development license, under the Pennsylvania Liquor Control Board, Section 461. The building is under the control of the Redevelopment Authority. Mr. Haydt entered into an agreement with the Redevelopment Authority to develop that site. The proposed use is an exquisite restaurant that will support the Arts District and attract more people into the City. The plan is for a 540 seat restaurant. 100 of those seats are seasonal with rooftop dining with a mezzanine. The present use is for 7 days. The cuisine is Contemporary American. They are hoping it will be completed at the end of the year. They will have valet parking.

Mr. D’Amore said R3 will be on Council’s agenda tonight for final passage.

The Public Hearing was adjourned.

**PUBLIC HEARING – 7:15 PM**

**R2**

Introduced by the Administration, the following properties are on the blighted property list:

- |                                   |                         |
|-----------------------------------|-------------------------|
| 247 North 4 <sup>th</sup> Street  | 321 North Law Street    |
| 426 North 7 <sup>th</sup> Street  | 441 West Liberty Street |
| 113 West Chew Street              | 717 West Liberty Street |
| 212 North Church Street           | 621 North Lumber Street |
| 239 Elliger Street                | 519 North New Street    |
| <del>521 West Gordon Street</del> | 214 North Jordan Street |
| 131 South Penn Street             |                         |

Karen Beck Pooley said the process for these properties started in November of 2006 when they first informed owners that their properties were going to be included in this process. In December 2006, the Blighted Property Review Committee, as well as the Planning Commission determined all these properties to be blighted based on testimony from the Bureau of Building Standards and Safety. We notified owners after that meeting. In November of 2007, she notified owners again that the 2 groups would be meeting again. The groups certified these properties were blighted. There are 12 reasons a property could be determined to be blighted. Most of them meet criteria such as unfit for habitation, vacant and code violations that have not been addressed for over a year, and many are public nuisances. They are all vacant. They went back before the Planning Commission. They recommended reuses for all these properties and the Redevelopment Authority has passed its own resolution allowing condemnation proceedings to continue. All those meetings were public. This is the last public part of the process. This resolution authorizes the Redevelopment Authority to continue its condemnation proceedings. We’ll be filing declarations of taking against these 12 properties, going through the process required, offering owners just compensation for the properties. Most are slated to go into a First Time Homebuyer Program, so they’ll be rehabilitated by one of the community development corporations or other qualified developers.

The Public Hearing was adjourned.

**COUNCIL MEETING – 7:30 PM  
FEBRUARY 20, 2008**

1. Invocation: Michael D'Amore

2. Pledge to the Flag

3. Roll Call

Mr. Donovan, Ms. Eichenwald, Mr. Guridy, Mr. Howells, Mr. Phillips, Mr. Schweyer and Mr. D'Amore.

4. Courtesy of the Floor

Ben Howells, 3020 Pearl Avenue, said when he was on Council he was in charge of Sewage. Sewage is being dumped in the Little Lehigh Creek, and thus into our drinking water supply. It has been going on for at least 45 years. There's a number of people and institutions that have failed us in keeping the stream clean, especially since we drink it. The DER who has the job of monitoring the discharges into the receiving stream and apparently has not worried about any of these discharges, although they know they occur. Until recently, the EPA, who in part, funded the expansion of the treatment plant that allowed for collecting sewage from the outlying region, and their responsibility was to insure all contractual obligations were met, and they couldn't care less. The County, who was originally the signatory on behalf of the outlying municipalities and abrogated that responsibility to the Lehigh County Authority, who is the next villain, in this case. LCA has not paid attention to what they've agreed to pay attention to and that is the amount of material put into the interceptor that comes into Allentown. The line itself is designed to carry a certain flow, and it's been carrying 40%-50% more than that flow for 25 years, at least. Allentown has a border, and it really doesn't become very concerned what happens beyond that border, which is kind of given the region of counter banding weight, and they don't care what happens in Allentown. The 2 of them act in concert and have set the stage for discharging material into the receiving stream, which we don't want. We have not been monitoring it well enough.

Mr. D'Amore asked Mr. Howells if he put in an application for our Environmental Advisory Council?

Mr. Howells said yes, he has.

5. Approval of Minutes: None.

6. Old Business: None.

7. Communications: None

8. REPORTS FROM COMMITTEES:

**ADMINISTRATION – Chairperson Donovan**

The Committee will meet next Wednesday at 6:30 PM to review Bill 112 which would require an annual actuarial study for the City's pension funds, Resolution 4, which recommends support of SB777, and to discuss the goals and policy interest of the committee members.

**COMMUNITY AND ECONOMIC DEVELOPMENT – Chairperson Schweyer**

The Committee met tonight at 6 PM and discussed Bill 4; a future meeting has not yet been scheduled.

**PUBLIC WORKS – Chairperson Guridy**

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

**PUBLIC SAFETY -Chairperson Howells**

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

**APPOINTMENTS - Chairperson D'Amore**

The Committee has not met and forwarded an appointment on tonight's agenda.

**LEGAL AND LEGISLATIVE – Chairperson Phillips**

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

**RULES AND CHAMBERS – Chairperson D'Amore**

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

### **OTHER COMMITTEE REPORTS**

AEDC - Mr. Donovan said their next meeting is February 21<sup>st</sup>. He's been asked to sit on the Strategic Planning Subcommittee.

Arts Commission – Mr. Donovan said the Arts Commission is pleased to report their close relationship with Council. They also are in a planning cycle.

Pension Board – Mr. Donovan said the Pension Board met yesterday. Controller Hoffman has done a good job to clarify memberships. A request to Council is going to come through to provide the Mayor authority to appoint a rep to the Aggregate Pension Committee, which would help provide more financial advice to that committee.

### **CONTROLLER'S REPORT**

Mr. Hoffman said you've been given our report for completed projects for the year 2006 and 2007. There are none completed. We talked to the Administration about this and part of the reason is there haven't been any bond issues lately because of our poor credit rating. We have undertaken any large capital projects that have been closed. In looking and asking questions about these capital projects we find we need a better process, and he thinks the Administration agrees with them, to close out a project and monitor projects as they are going on. Now when a capital project is done it just stops. It goes away. Nothing happens. That is their recommendation. The Eden system has some modules to monitor contracts much more effectively than they are now. It also has a module which the contract module hooks up to which would monitor capital projects. Capital projects have multiple contracts. They've talked to the Administration about buying that Eden product.

### **9. ORDINANCES FOR FINAL PASSAGE:**

#### **Bill 4**

Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$59,698 from the Pennsylvania Department of Health to various accounts in the Public Health Emergency Preparedness Program of the Health Bureau, Department of Community and Economic Development to increase the capacity of the Allentown Health Bureau and partners to respond to an influenza pandemic and to initiate and catalyze community wide preparedness efforts through the development, coordination and testing of regional and local public health pandemic plans.

Vicky Kistler said this is simply supplemental funding that the Health Bureau has received. It's the 3<sup>rd</sup> year in a row to augment the City's effort to respond to large scale public health emergencies or the possibility of a pandemic. The amendment that's attached is because the County awarded us additional supplemental money to augment the program. They are currently doing it to prevent roll over deaths. This will allow them to purchase more cribs that are distributed during our in-home child safety survey program.

Mr. Schweyer and Mr. D'Amore moved to amend Bill 4 by adding a new Section Three and renumber the remainder appropriately, as a result of a grant from the County: "Section Three: That City Council authorizes a supplemental appropriation from the unappropriated balance of the General Fund to the Department of Community and Economic Development, Health Bureau, reflecting receipt of \$4,200 from Lehigh County's Children and Youth for Injury Prevention and that it be allocated in the following manner: 09-0908-002-68, Operating Materials and Supplies \$4,200."

The amendment to Bill 4 was approved by common consent.

Bill 4 was adopted, as amended, 7 Yeas and 0 Nays.

Mr. Schweyer and Mr. D'Amore moved to suspend the rules to move R3 to this point of the agenda.

The rules were suspended by common consent.

#### **R3**

Approves the Issuance of an Economic Development Liquor License for Cosmo's at 22 North 6<sup>th</sup> Street

Mr. Guridy asked how much square footage is the place itself?

Myron Haydt, developer, said about 12,800 square feet.

Mr. Guridy said in addition to the parking garages, do you plan on having on-site parking?

Mr. Haydt said no, there's no on-site parking. He's replacing the footprint of the existing Sal's Spaghetti House. About 55 paces from the front door, there is that 350 car deck, across the street from Symphony Hall and about a half a block away a 500 car deck.

Ms. Eichenwald asked for information about previous projects of this magnitude in which the shareholders have been involved.

Mr. Haydt said he has no projects of any commercial this size. This will be his first. That's why it's going to be his best.

Ms. Eichenwald asked if the same is true for Mr. and Mrs. Grube?

Mr. Haydt said that is correct.

Ms. Eichenwald asked what inspired them to do this?

Mr. Haydt said he was asked to be on the Symphony Board. It was his first meeting, about 4 months ago, he was sitting in the Rodale Room, in a board meeting, someone next to him caught him staring out the window and asked if he was bored? He was staring at the building and said what a shame it just sets there. The person said she thought the City owned it. Why doesn't he call someone? That prompted him to remember a conversation he had with the Mayor at a social function in June of last year. He asked what can he do to help the City? The Mayor said get involved with the downtown, even though you don't live downtown. He took it to heart. He approached the Grube's with that intent.

Ms. Eichenwald asked about the financing that is available?

Mr. Haydt said this is all personally financed. The Grube's and he are going to finance this. We're taking this huge undertaking, and we're not doing it for personal reasons. Of course, that's in the equation somewhere. We have a master plan to jump start the arts and take it from where it is, which is good. We just want to see it in 2 years. It's going to be unbelievable.

Ms. Eichenwald thanked them for the excitement and their confidence in the City.

Mr. Phillips asked if they were going all the way to the corner?

Mr. Haydt said no, the existing building was Zollinger's, and then there's a little piece of the Sovereign Building that sticks out, and then there's Sal's. There are 3 storefronts. Tom's Bar and Sal's. It's just a footprint of . . .

Mr. Phillips said that's why he asked about Tom's Bar. There was a restaurant there and Tom's Café and Bar, and then Sal's.

Mr. Haydt said a combination of the 3 is the whole footprint.

Mr. Donovan said he can't applaud them enough to be willing to use your own capital at risk and taking a very good bet on the City. Did you say how many employees you anticipate on employing?

Mr. Haydt said this is tentative at this point. They think about 44 full time employees and about 30 part time. Most of the 30 part time will fall into the banquet facility.

Mr. Donovan said you mentioned the substantial service ability that you'll expect out of your employees given the nature and strategy of the restaurant. Do you anticipate having an opportunity to train individuals that level of service? Do you feel it will be a mix of hiring individuals who have had that experience elsewhere, in similar restaurants, and bringing them here and then training individuals? Or do you think you're going to have to turnkey where everyone you hire will be at a certain level?

Mr. Haydt said the Grube's and he are expecting . . . they have very high expectations. With that being said, he thinks their staff will have to always be trained to do things the way we would like it. It's going to be a very posh

restaurant and people are going to expect that type of service the minute they walk through that door. He thinks they have to come up with a really good training manual which we'll have our employees adhere to.

Mr. Donovan said individuals who have been successful in private enterprise often feel it's important to provide back to the areas where they live. We sincerely appreciate that. Now that part of our economic strategy in the City is to build all types of restaurants at various levels of service and products. You are looking at a lot of culinary training for individuals within the City and opportunities. Since you may end up being one of the highest restaurants, at least for a while, are there any spin off opportunities to look at culinary training within the kitchen, maybe working, since you'll have some excellent chefs there and you'll be able to work with those in the City, LCCC and others.

Mr. Haydt said there's so many things they've discussed before this project really starts taking shape. There are endless possibilities what you can do with a restaurant that size and magnitude. There's just no end to what you can do. They're going to come up with some fabulous ideas.

Mr. Schweyer said he appreciates their investment in the City, your clear investment by using your own money. It's one thing for individuals to come up to us and ask the City for assistance to help them, which we will do as often as it makes sense for the community. Investing your own money says 2 things. That your 100% serious about this project and it demonstrates to the public the amount that center city Allentown is moving forward. We're getting private investment of this magnitude in a blighted/vacant area of the City for the last 25 years. It really demonstrates how Allentown is moving forward. He's been involved in a number of economic development liquor licenses in the past, in his professional career, working for the Commonwealth. The whole point of an economic development license is to help spur economic development, and without question your commitment to the amount of jobs that you're going to bring, not just permanent jobs but construction jobs, clearly make this an easy case to support an economic development license. Exactly what you're doing is helping revitalize an area of the City that needs a shot in the arm.

Mr. Gurdy asked what kind of prices are you looking at? What is American Contemporary cuisine?

Mr. Grube said he doesn't know yet. We don't want to be labeled Italian. American dishes, but prepared exquisitely. Just something different and unique.

Mr. Haydt said American cuisine in the industry is somewhat of a term of art that allows you to do anything. You can have fun with it. You can serve anything. It's a term you can pick where you have a lot of variety and fun with.

Mr. Phillips asked what kind of investment are we looking at?

The amendment to R3 to change the name "Cosmo" to "Cosmopolitan" was approved by common consent.

R3 was approved, as amended, 7 Yeas and 0 Nays.

Mr. Haydt said the total cost is \$3.3 million. There are some grants that are available to us and the rest will be funded by the Grube's and myself.

Mr. Donovan and Mr. Howells moved to suspend the rules to introduce and vote on R7A.

The rules were suspended by common consent.

R7A

Appointment of the Parks and Recreation Director: Greg Weitzel

R7A was approved, 6 Yeas and 1 Nay.

### **Bill 78**

Providing for the vacation of North Floyd Street from East Linden Street, for a distance of 120 feet north, North Fenwick Street from East Linden Street to East Westminster Street, North Folk Street from East Court Street to East Turner Street, North Gilmore Street from East Court Street to East Turner Street, North Glynn Street from East Court Street to East Turner Street, North Grape Street from East Webster Street to East Turner Street, North Grape Street from East Court Street to East Linden Street, North Halstead Street from East Webster Street to East Turner Street, North Hancock Street from East Court Street to East Turner Street, North Hart Street from East Court Street to a point approximately 147.49 feet from the south right-of-way line of

East Turner Street said point being at the south property line of 832 East Turner Street, East Turner Street from North Floyd Street to North Halstead Street, East Newton Street from North Glynn Street to North Grape Street, East Webster Street from North Glynn Street to North Hart Street, East Linden Street from North Floyd Street to North Hart Street, East Court Street from North Folk Street to North Hart Street, in the Fourteenth Ward of the City of Allentown

Planning Commission and staff forwarded it favorably only because the city has lost any rights to the streets.

Bill 78 was forwarded unfavorably, 2-0.

They've been before the Public Works Committee before. At that time they discussed the situation arising out of their need to come before City Council with the vacation petition. The street we are requesting that be vacated by City Council were actually laid out on a plan dating back to 1918. They have never been formally accepted by the City, and therefore, have lost their public nature. The Planning Commission granted approval of their project but requested that we move forward this way, basically to clean up title and insure there's a clean record.

Eleanor Hay, 208 North Graham Street, said those who live around the piece of land that is in question have also lost and continue to lose. This plan has left behind a mess. They were not supposed to put down trees. There were 2 plans for this plan. The 2<sup>nd</sup> plan negates the fact that there was a pond which is covered with ice. The water that is retained in that pond is eroding the land. Everybody in this area is involved with the traffic. The traffic already is unbelievably difficult, and to add some 200 more cars is unimaginable. There are many accidents with people turning left.

Ms. Hay also submitted this letter to Council regarding Bill 78: I am Eleanor Hay, and I live at 208 North Graham Street, Allentown. I have been concerned about the development plans for the area where, according to your letter of January 25, the streets named in Bill 78 are expected to be vacated. I and my community have been concerned with the proposed plans for the development of this land since March of 2005. In April 2005, at a meeting in the Council Chambers, I brought up the question of whether the plan then proposed, would require the use of explosives in providing for the construction of basements and for the laying of required pipes. Providing an answer was delayed. Plan changes were made. However, adequate drilling was not done until the summer of 2007. From the results, it was clear that some explosives would be required. The developer expected permission would be given. To acquire the drilling information, heavy machinery smashed and uprooted almost all the shrubs, many small trees, and a few large trees, made holes that were supposed to be filled with cement, distributed large logs, changed the run off flow of water. Erosion has become a problem in some areas outside the property. I was not able to attend the two meetings in which the lots on this property were up for sale for failure to pay taxes. I hope that no developer invested in this land. However, vacating the roads provided in the plan would negate the plan that had been in question. I hope that the city will take over this property and let it be the small park it has been. It has been used for walking, and playing children, and for birds, deer, foxes, ground hogs, squirrels, rabbits, chipmunks etc. And, the greenery has provided coolness in the heat of summer. It is true that involved banks would lose mortgage money. Perhaps the city could mitigate some of that loss with park money. Tragic is the loss of the family of the last owner, who is no more.

John Bednarik, 723 East Chew, said he opposes the project, and will move if this goes through because it will have such a detrimental impact on the neighborhood. He's concerned about the impact on the school district and increased school taxes and further congestion. Their runoff of water caused problems for the railroad, and the railroad is either in the process of suing them or is going to sue them for the property damage.

Mr. Donovan asked who owns the property right now?

It is currently owned by Petepack Rodstone Bank.

Mr. Donovan asked how long has it been owned by them?

The response was 2 months. Our request is now a couple of years old. This project started out with Commonwealth Real Estate Development. Due to unforeseen circumstances, it is now under different ownership.

Chris Kerkusz, Martin Schuler Company, said the elevation goes from approximately 360' and limited construction goes through 430'. It's about 70'-75' of elevation between the very bottom and very top.

Mr. D'Amore noted the petitioners statistics and objections.



Mr. Donovan said given the complaint of the potential runoff and other concerns, what specifically are the plans to handle runoff?

The plans had been submitted to the City Engineer's Office and reviewed as part of the Planning Commission. Everything was approved.

Mr. Kerkusz said they're taking all the storm water from the site and go to the low point of the tract down past Turner Street. They're going to have a very large detention basement there with infiltration as well. It's been reviewed by a geologist. They have a report supporting infiltration. Right on the apartment complex, we're going to have a cascading type infiltration system that would pull back water in that area as well.

Mr. Donovan said he's looking at a satellite picture of the lot. Is it the northwest corner?

Mr. Kerkusz said yes.

Mr. Donovan asked how many units?

Mr. Kerkusz said 3 proposed single family detached dwellings, 70 proposed twins and 66 condominium units.

Mr. Phillips asked what year were the plans submitted the first time?

Mr. Kerkusz said he didn't know. He doesn't have records for the first time they were submitted. He thinks it was at least 2004.

Mr. Phillips asked when were they approved?

Mr. Kerkusz said August of 2007. They were conditionally approved by the Planning Commission. There's a review letter submitted by the City Engineer with minor comments. They have to get the street vacations before they can proceed with the final plan. The reason it was in 2004 is because the City didn't want to put this ahead of the subdivision because we went through a lot of phases during that subdivision. We did do 110 different borings throughout this tract digging down to at least 2' below any surface they will hit with all the cutting on the site, and also, as an extra precaution they went through the deepest cut off site and dug down with a track hoe to make sure we could break all that up without blasting the site. The blasting was a concern of the Planning Commission. They made it a condition of approval. They thought it would be very hard rock, but the geology report showed it was all breakable.

Mr. Donovan asked if there's a tentative start time?

Mr. Kerkusz said not at this point. We're not able to until we have our final plan approval.

Mr. Donovan asked for some type of vision, because he doesn't have a clue.

After we get through all of the comments on the condition approval letter, the City checks it to make sure we've complied with everything and then they sign off and then we can enter into our developer's agreement and post security for the development.

Mr. Guridy said his major concern is the number of houses you want to put there. It's too much. It's not good for the City at this point, in such a small place. It's not good for the school district. Is there anything you can say that will make me feel comfortable?

Your ordinance permits the density that we have. In fact, we're under the density that is allowed in this zoning district. They've made a very conscious effort to address everything with respect to this plan and make it in compliance with the Zoning Ordinance. We've gotten no variances or special relief in order to put this plan before the board. We could have asked for more but did not. We wanted to comply with what's allowed in this zoning district, and we have.

Mr. Kerkusz said we did, previously, in the initial stages, with townhouse designs and streets cutting through some of the most severe parts of the site, since that time they relooked at the site and met with City officials and redesigned it to encompass twins with a lower density. They switched the apartments into condominiums to support the homeownership aspect.

Mr. Guridy asked what about all single homes, detached?

Mr. Kerkusz said with the amount of road and amount of cutting it wouldn't work, unless you could have one road come through with the grade stone and the configuration of the tract. They did look into that.

Mr. Howells said he has a number of concerns. There's the runoff issue, excessive traffic, but the biggest issue he has is the negative impact it would have on our school system. It's too many residences, too many kids. His vote will be against vacating any of the streets.

Mayor Pawlowski asked the City Solicitor that since this was submitted under a different developer at the time, would they have to resubmit this whole plan to the Planning Commission? They don't even know if this is the exact plan that was before them. They submitted a plan to the Planning Commission, but it's changed hands a couple of times, and now there's a new developer. We don't even know if there's a plan that meets the original intent on what they submitted to the Planning Commission.

Assistant City Solicitor Burianek said he didn't know if it was preliminary or final.

It was conditional final.

Assistant City Solicitor Burianek said with conditional final plan approval, you do know the specific plan you're dealing with which is the plan the Planning Commission approves. The owners can change, but the plans have to stay the same. If the new owner would alter that plan, they have to go back to the Planning Commission.

The Mayor said when they came to see him, he told them he didn't like the project because he thought it was too dense, and he didn't like the apartments. He said the same thing Mr. Howells said, it would overcrowd the school district. Has anything changed since that time?

We no longer are going to develop that portion of the property as apartments. They are going to be condominium ownership. Each unit will be sold. We're not going to lease.

The Mayor asked how will you address this whole runoff issue? The topography is rock and will make it very difficult – we can't make a decision based on the economic ability or impact, but he would think it's almost impossible to build something there that would be economical that you could sell it at a price that needs to be competitive with the market.

Mr. Kerkusz said the economics he can't speak to, but as the engineer of the project, we've received approval through the Lehigh Valley Planning Commission and the City Engineer's Office. We're collecting all the stormwater and holding it back to a rate that's lesser than what it's going at now. Beyond the typical analysis you have to conduct, the City also made them analyze the existing storm sewer system down to the creek to make sure it wouldn't overload any facilities. Because they're having problems now, everything is running down on their houses, they're going to make a low spot between the houses and the pond and collect everything there and run it the other way. We're not running at those lower areas.

The Mayor asked who actually is the developer?

Are you referring to who is going to build it?

The Mayor asked who's going to build it and own it at the end?

Currently it is owned by Petepack Rodstone. She's not sure who the ultimate builder is going to be.

The Mayor said so we don't know what's going to be built there.

No, but it's going to be built in accordance with the approved plan.

The Mayor said but we don't know what style, what price levels, etc.

The styles are what's on the plans. Twins, condominiums and 3 single family dwellings.

The Mayor asked about the exterior finishes – what quality is it going to be, what price range, etc?

She can't speak to what the prices are going to be. These homes are a fairly nice size for this area. We don't want to build a product that looks bad and we can't sell. These are going to look good, so people want to buy them. We don't want to build something that's going to sit there and rot away.

The Mayor said in the past we've had developers come in with their plans, and it ends up totally different than what was envisioned or represented to the Administration or Council.

Projects change all the time. Developers come in and get a plan approved and they flip it the next day. It's not an uncommon situation. The plan that was before the Planning Commission and approved is the plan that is intended to be built. It's in the developer's best interest to market a nice product.

The Mayor asked how do we know this is all going to be developed?

At the end of the day, whoever, Petepack Rodstone or another developer down the line, they have to comply with the plan and styles that were approved.

Ms. Eichenwald said it's the responsibility of Council to encourage appropriate development. She takes this decision very seriously. She's listened to what the residents had to say, and she finds too many difficulties with this project. There's too much speculation here. There are too many unanswered questions. It will ultimately be the builder and developer. She's concerned about the forestry in the area; the traffic; difficulty with the site; building that there were previous attempts and they failed in being able to develop the property appropriately; the water runoff; the erosion; the number of children impacting the school district; overdevelopment. We have a strong responsibility to sustain the quality of life for the existing neighborhood. She cannot approve these street vacations.

Ed Weber, 109 North Irving Street, said Robert E. Smith, a school board director, couldn't make the meeting. He said there is no way the school district can handle the kids of a project this size. At a Zoning meeting a few years ago, the comment was made that these developers were trying to put 10 pounds of stuff into a 5 pound bag. He's been in construction his whole life. When he saw 139 units going into that area, it's more like going into a 2 pound bag. They scaled it back by 20 units. He lives in the middle of the hill. There's no parking. They already speed. Nature does not listen to well planned flood control. There's no green space for kids.

Steven Foulke, 105 North Irving Street, said it seems like there's an awful lot of questions with this project that haven't been answered. They should have been answered before we vacate streets. How is this going to effect property value? He's about to apply for a permit to double the square footage of his home and make improvements. Instead of doing that, he might look for property some place else.

Faron Shade, 649 East Westminster Street, asked if they still own the properties that are connected with 3 unfinished townhouses? Is it owned by the company?

That is not part of that of the project?

Mr. Shade said she was metaphoric about property sitting and rotting. The 3 townhouses that have been sitting and rotting for years across from 649 East Westminster . . . this is part of that original connection.

Dennis Buchanan, 23 North Irving Street, said he lives across from the proposed development. He is higher up than some and he still gets water in his basement. He had it professionally waterproofed. Perhaps property could be bought by the City and turn it into a nature park.

Anthony Toth, 2449 West Liberty Street, said he is the Vice Chair of the Planning Commission. This plan has come before them quite a few times. The bill before you tonight is for the vacation of the streets. It's not for the approval of this plan. There was mention of approving this plan. The street vacations are a condition of their conditional approval. If Council would vote tonight, and streets would not be vacated, given the City lost rights to the right-of-ways, what becomes of the plan?

Attorney Burianek's response was inaudible. Public rights clearly expired.

Mr. Toth said so the burden of proof would be on the owner to prove their title. On behalf of some of his colleagues on the Commission this was a difficult site. We had to work within the tool box that the City provided. We had to work with what's in the Zoning and Subdivision. In his opinion, we are lacking some ordinances, which he feels we greatly need. One of those is a steep slope zoning ordinance and another one being a weather preservation ordinance. This project and some other projects clearly demonstrate the need for those 2 ordinances. There are

plenty of ordinances out there for this already. It would have improved this site and others that have come before the Commission. The City needs to take a good, hard look at improving some ordinances.

Mrs. Clyde Long, 632 Westminster Street, opposes the vacation request. She is out of town today but has attended all previous meetings and the Planning Commission meetings opposing the development.

This letter was addressed to Council regarding Bill 78: I am Eleanor Hay, and I live at 208 North Graham Street, Allentown. I have been concerned about the development plans for the area where, according to your letter of January 25, the streets named in Bill 78 are expected to be vacated. I and my community have been concerned with the proposed plans for the development of this land since March of 2005. In April 2005, at a meeting in the Council Chambers, I brought up the question of whether the plan then proposed, would require the use of explosives in providing for the construction of basements and for the laying of required pipes. Providing an answer was delayed. Plan changes were made. However, adequate drilling was not done until the summer of 2007. From the results, it was clear that some explosives would be required. The developer expected permission would be given. To acquire the drilling information, heavy machinery smashed and uprooted almost all the shrubs, many small trees, and a few large trees, made holes that were supposed to be filled with cement, distributed large logs, changed the run off flow of water. Erosion has become a problem in some areas outside the property. I was not able to attend the two meetings in which the lots on this property were up for sale for failure to pay taxes. I hope that no developer invested in this land. However, vacating the roads provided in the plan would negate the plan that had been in question. I hope that the city will take over this property and let it be the small park it has been. It has been used for walking, playing children, and for birds, deer, foxes, ground hogs, squirrels, rabbits, chipmunks etc. And, the greenery has provided coolness in the heat of summer. It is true that involved banks would lose mortgage money. Perhaps the city could mitigate some of that loss with park money. Tragic is the loss of the family of the last owner, who is no more.

Mr. Howells called the question.

Bill 78 failed, 0 Yeas and 7 Nays (Howells, Phillips, Schweyer, D'Amore, Donovan, Eichenwald, Guridy).

## **10. ORDINANCES FOR INTRODUCTION:**

### **Bill 5**

Introduced by the Administration: Amending the 2008 Capital Fund Budget to provide for a supplemental appropriation of Four Hundred Ninety Thousand (\$490,000) Dollars reflecting receipt from a Department of Transportation and Housing and Urban Development Agency grant for signalized intersection upgrades. The Bureau of Traffic Planning and Control is supervising and monitoring the grant

Bill 5 was referred to Public Works.

### **Bill 6**

Introduced by Councilperson Phillips: Renames street behind Malone's Bakery to Malone's Alley That the road located between Brownstone Street and West Juniata Street, running obliquely south from Brownstone Street to West Juniata Street shall be called "Malone's Alley."

Bill 6 was referred to Public Works.

### **Bill 7**

Introduced by the Administration: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Five Thousand (\$5,000) Dollars as a result of a grant from the Pennsylvania Department of Economic Development (DCED), Local Government Municipal Resources and Development Grant Program, to the Fire Department, for Fire and Hazmat rescue equipment.

Bill 7 was referred to Public Safety.

### **Bill 8**

Introduced by the Administration: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Five Thousand (\$5,000) Dollars as a result of a grant from the Pennsylvania Department of Economic Development (DCED), Local Government Municipal Resources and Development Grant Program, to the Fire Department, for gas meters.

Bill 8 was referred to Public Safety.

**Bill 9**

Introduced by the Administration: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of \$1,500.00; to provide for the receipt of a grant from the Keystone Active Zone, for the City's Playground system.

Bill 9 was referred to CEDC.

11. **CONSENT AGENDA**: None

**CA1**

Introduced by Council on behalf of HARB, these are Certificates of Appropriateness for work to be done that was approved by the Board at the following properties: 401 North 8th Street, 1145 Turner Street and 147 North 10th Street

CA1 was approved, 7 Yeas and 0 Nays.

**CA2**

Planning Commission Appointment: Frank Concannon

Frank Concannon said he's very please that the Mayor has seen fit to appoint him to the Planning Commission. He told the Mayor he would like to have some continuing interest in the affairs of the City, and this was suggested. He hopes they will vote favorably on the recommendation.

Mr. Phillips asked Mr. Concannon for some background on the Planning Commission.

Mr. Concannon said he doesn't have any.

Mr. Phillips asked how does he fit in the vision of the City?

Mr. Concannon said he thinks the matters that are addressed and voted on are subject to what he would refer to as common sense resolutions. He does have the ability to understand, learn and make decisions that are equitable. He expects to learn a lot.

Mr. Phillips asked what vision do you have to improve our City's planning?

Mr. Concannon said he doesn't know about the mechanics of the City Planning Commission. He can't address that because he has very little knowledge before undertaking this step.

Mr. Phillips asked what improvements would you make to the Planning Commission?

Mr. Concannon said he's familiar with the Planning Commission's background and experience for 15/20 years and local government. He desires to learn what is being done and why.

Mr. Donovan said in the brief time that I've known and observed you in your prior role, as well as your service to the City, while you may not have specific knowledge at this point, he does believe it is extremely relevant to have interested citizens, who are not necessarily experts there to be able to ask those common sense questions that must be asked. He's comfortable with his experience and the history of his performance within the City. He trusts other experts may be able to help you learn some of the intricacies, while your knowledge and experience will also help the experts see things differently.

Mr. Concannon said he was active in suggesting to you that you be a candidate for City Council and his observation so far is that you have done an excellent job.

Ms. Eichenwald said it's important that it not be done in the absence of financial expertise. She thinks Mr. Concannon will be an excellent addition.

Mr. Guridy said he's very happy he is serving. He met with Mr. Concannon and spoke with him many times. He thinks his expertise in finances is a plus for the City and his expertise in the City. He's happy he is staying involved in the City.

Mr. Concannon congratulated Mr. Phillips. He thought his questions were very pertinent.

Robert Romancheck, 117 South 16<sup>th</sup> Street, said no disrespect to Mr. Concannon. He's not questioning the years he's worked in the City, but he wanted to mention Mr. Hoffman gave a report tonight. All the times he's been down here with Mr. Concannon as Controller, he didn't give any report. His point is you can laugh and have fun up there – but does he even know what the Planning Commission even does? Any of you? And you're going to put Mr. Concannon on the Planning Commission? This was going to be a new renaissance of a new bunch of Council. This is a sad night in this City. He was also on Zoning for 12 years, so he thinks he knows a little bit about Planning.

Mr. Donovan said he appreciates his candor. One of the reasons you see some changes in the Controller's position is the fact that this Council recognized Mr. Concannon was strapped at times and be able to have a certain level of independence. He has seen enough and talked enough with Mr. Concannon and what he feels, that you will find he is not the Mayor's lackey.

Mr. Romancheck said Mr. Donovan, Council had nothing to do with Mr. Concannon leaving the Controller's Office. He chose not to run and someone else went in his place. Why are you telling me that you saw he didn't have . . . I don't even want to go there. All he's saying is he's speaking his honest opinion having been on Zoning for 12 years. He knows something about Planning. Mr. Concannon has admitted to you he knows nothing about it.

Mr. Guridy said you come to these meetings all the time. He knows he has a lot of expertise. Why don't you participate in the City and help us move forward?

Mr. Romancheck said he thinks he has. Let me put it this way. If I sit back there and shake my head yes, yes. He's not helping the City. He may be helping the Administration or you by being affirmative, but he's not helping the City. You have to have people on both sides of an issue to get to the right answer. He's serving a very responsible function in the City.

Mr. Guridy said you come here anyway. Why don't you just contribute to something?

Mr. D'Amore said this is an issue regarding the nomination of Frank Concannon. Not the question of whether Dr. Romancheck is going to be on a board or not. Please direct your questions to that.

Mr. Romancheck said the Mayor has every right to nominate anyone he wants to, and he accepts that. You have the duty and responsibility to either approve or reject.

Mr. Howells moved to call the question.

CA2 was approved, 6 Yeas and 1 Nay (Phillips).

## 12. **RESOLUTIONS ON SECOND READING:**

### **R2**

Introduced by the Administration, the following properties are on the blighted property list:

247 North 4 <sup>th</sup> Street	321 North Law Street
426 North 7 <sup>th</sup> Street	441 West Liberty Street
113 West Chew Street	717 West Liberty Street
212 North Church Street	621 North Lumber Street
239 Elliger Street	519 North New Street
521 West Gordon Street	214 North Jordan Street

131 South Penn Street

## 13. **NEW RESOLUTIONS:**

### **R4**

Introduced by the Administration, this supports Senate Bill 777 to allow the City of Allentown and other municipalities and school districts the ability to choose the best method of collecting delinquent real estate taxes.

R4 was referred to Administration.

**R5**

Certifies Compliance with Municipal Police Officers' Education and Training Commission Reimbursement The resolution comes from the Police Administration and is needed to receive reimbursement of monies for expenses incurred for officer training provisions of the Municipal Police Officers' Education and The City will receive reimbursement for each officer at a rate of \$4,300 for tuition and 60% of their salary while attending the academy. These forms are time sensitive. The City will receive reimbursement into the General Fund to offset police officer expenses.

R5 was approved, 7 Yeas and 0 Nays.

**R6**

Denial of Certificate of Appropriateness: 417½ North 10th Street in the Old Allentown Historic District

R6 was referred to CEDC.

Mr. Phillips and Mr. Howells moved to suspend the rules to introduce and vote on R7.

The rules were suspended by common consent.

**R7**

Resolved by the Council of the City of Allentown, That

appointments of the following, as Police Officers, in the Department of Police, are hereby made at a base salary of \$34,048 per annum, effective March 3, 2008. All appointments are contingent upon the candidates passing physical and psychological examinations as stipulated in the Police Civil Service Rules and Regulations and obtaining and maintaining a valid state certification from the Pennsylvania Municipal Police Officers Education and Training Commission.

**Joseph Robert Lovaglio**  
**144 Bear Creeek Lake Drive**  
**Jim Thorpe, PA 18229**

**Benjamin Thomas Iobst**  
**1540 Graham Street**  
**Bethlehem, PA 18015**

**Robert Howard Leuthardt, Jr.**  
**247 7<sup>th</sup> Avenue**  
**Bethlehem, PA 18018**

**Patrick Conway Bull**  
**Rural Route 1, Box 4143**  
**Stroudsburg, PA 183660**

**Cherie Lea Loux**  
**326 East Wilkes Barre Street**  
**Easton, PA 18042**

**Jason Jacob Gabriel**  
**6475 Sullivan Trail**  
**Pen Argyl, PA 18072**

**Alex Michael De la Iglesia**  
**357 Broadview Drive**  
**Jim Thorpe, PA 18229**

Mr. Guridy said we need to make a better effort to get a more diverse police force.

Mr. Phillips said our lists are exhausted quickly. He asked the Assistant Chief and Chief how do we get people of color, and he still has not received an answer.

Assistant Chief Hanna said that's the first time he's posed that question to him.

Mr. Phillips said in the selection process he posed that question.

Assistant Chief Hanna said you did get an answer during the selection process. Mr. Phillips is referring to the selection process for Chief of Police. A number of us including Chief MacLean was a candidate. That's what he's referring to. They are making a concerted effort in many venues to try to recruit more people from the City and also outside the City. We are trying to recruit a broad base of people that are reflective of the demographics of this City. Assistant Chief Howells is in charge of recruitment. He's made some in roads already with the recruitment process

that has been put in place that is currently bringing these candidates before you. We are looking at a number of different avenues to proceed with including, not only local schools, high schools and colleges, but also outside the City. This is not something that is unique to the City of Allentown. All cities, large and small, are experiencing recruitment problems for police officers. We have the most stringent testing process that we've ever had in the history of the Police Department, and as a result of that it's very difficult for people to get through every step. He submits to them that it's imperative that we do have this type of process because once we put a police officer in uniform in the City of Allentown, we've basically bought them for 20 or 25 years. You want to have the best of the best out there. That's the reason the procedure is in place. In answering your question, Mr. Phillips, they're making every effort for recruitment to reflect the demographics. He doesn't mean male or female. He means African American, Latino, Asian . . . we are open to recruiting everyone that will reflect positively upon the City.

Mr. D'Amore said diversity recruitment is one of those vital things we can do. Not just Police, but Fire as well, and City workers in general. He suggested to the Public Safety Committee that they take this up as an issue to look into. It is an important issue.

Mr. Howells said he feels it's necessary to tell all his colleagues that the Allentown Police Department has very strenuously had a recruitment program. He can remember way back, when he was a captain and Director of Training, he was in charge of recruiting. We met with the various neighborhood groups, NAACP, Hispanic American Organization -- virtually every community organization in the City. Sometimes not with a whole lot of success for people attending these sessions. We even went so far -- and he knows we still do this -- to prepare the people to take the test -- we'd give a pretest at the Police Academy before they're subjected to the actual test. The City of Allentown, the Police Department, in particular, has made every effort to recruit everybody that qualified as a police officer. You want the best of the best. The requirements are very strict and stringent. Not just everybody off the street can come in and make it. We don't have a whole lot of Tony Phillips or Davey Howells or Mike D'Amore's out there. He believes the Police Department is doing everything humanly and legally possible to recruit police officers. His only problem is they're not doing it fast enough. This list is going to expire and we're running out of candidates. We need to test quicker, soon and without some of these delays we have. He ran the Police Academy for 10 years, and he knows you can put more people through there than what we're doing right now.

Assistant Chief Hanna said with all due respect to Mr. Howells, you're absolutely right. They're working at a feverish pace to get as many of these recruits before you. Much of the problem is we started at a deficit, behind the 8 ball, we've been trying to catch up ever since. That compounded by the 54 retirees at the end of 2005 has caused us to be behind the 8 ball.

Mr. Howells said one of the reasons you're behind the 8 ball that he's aware of, are the background checks. There are so many people who left the job, like you alluded to, and we don't have enough people to do all the background checks, while they're also investigating homicides and drug cases, etc. There has to be some way to speed the process up. He's not making any critical comments.

Assistant Chief Hanna said with the current case load they don't have the luxury they once did to assign detectives to do the background checks.

Mr. Howells said our biggest issue is getting money to hire more than what we have. We have one officer in each car, and you saw what happened last night, and it's going to happen again.

Mr. D'Amore said he's 100% with him on that. We need to take a serious look at that.

R7 was approved, 7 Yeas and 0 Nays.

14. **NEW BUSINESS:** None.

15. **GOOD AND WELFARE:** None.

16. **ADJOURN:** The meeting was adjourned at 10:00 PM.

Michael P. Hanlon  
City Clerk