

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, June 7, 2011 – 7:00 PM

1. INVOCATION
2. PLEDGE TO THE FLAG
3. ROLL CALL

President Robert J. Donchez called the meeting to order. Pastor Craig Weidman, of Hope Alliance Church, offered the invocation which was followed by the pledge to the flag. Present were Jean Belinski, David T. DiGiacinto, Karen Dolan, Eric R. Evans, Gordon B. Mowrer, J. William Reynolds, and Robert J. Donchez, 7.

CITATION

Honoring Joseph Kimock

President Donchez stated that a Citation honoring Joseph Kimock on the occasion of his retirement after 25 years of service will be sent to him since he was not at this evening's City Council Meeting.

4. APPROVAL OF MINUTES

The Minutes of May 18, 2011 were approved.

Bill No. 12- 2011, Establishing Article 145 – Bethlehem Human Relations Commission

President Donchez asked Christopher Spadoni, City Council Solicitor, to comment on Bill No. 12 - 2011, Establishing Article 145 – Bethlehem Human Relations Commission, listed on the Agenda for Final Reading.

Attorney Spadoni affirmed there has been in excess of 500 e-mails concerning the Ordinance. Attorney Spadoni advised that matters were brought to his attention this evening at about 6:05 p.m. As a result, Attorney Spadoni suggested to the Members of Council that the matter of the vote on the Ordinance be continued for a period of two weeks. Attorney Spadoni advised there are two specific issues to look at with reference to the Expanded Powers Section 145.06 as to whether or not there is subpoena power and the orders that may be emanating from the Human Relations Commission. Amendment 12 pertaining to the Expanded Powers Section 145.06 was tabled at the May 18, 2011 City Council Meeting. There was a question from Mr. Glassman as to whether the word Commission in the Section was to refer to City Council or should refer to the Human Relations Commission. Reiterating he would ask the Members of Council to continue the matter and vote on it in two weeks at the next City Council Meeting, Attorney Spadoni thought it was very important for the language to be right.

President Donchez wanted to clarify that what Attorney Spadoni is recommending to City Council is that Bill No. 12 – 2011 be tabled, that there be no discussion by Members of Council, and that the Bill be considered at the June 21, 2011 City Council Meeting.

Attorney Spadoni, stating that is correct, acknowledged the fact that there are a lot of people at the Meeting this evening and they should have a right to speak to the matter since it is listed on this evening's Agenda.

President Donchez asked the Members of Council if there is a consensus to follow the recommendation of Attorney Spadoni.

Ms. Dolan inquired if it is to postpone to a certain time as opposed to tabling so that it is known when the matter will be brought up again.

Attorney Spadoni commented it should be set to a specific time which can be the next Meeting.

By a show of hands, the Members of Council gave their consensus to table the Bill and have Final Reading of the Bill on the June 21, 2011 Agenda, with no discussion by the Members this

evening, and to permit public comment this evening. President Donchez confirmed that Bill No. 12 – 2011 will be placed on the June 21, 2011 Agenda on Final Reading. President Donchez confirmed that the Bill will not be tabled until that point in the Agenda, and to be fair to everyone who came to the Meeting this evening he will accept public comment.

5. COURTESY OF THE FLOOR

Bill No. 12 – 2011 – Establishing Article 145 – Bethlehem Human Relations Commission

Adrian Shanker, 1020 W. Chew Street, Allentown, Vice President of the Pennsylvania Diversity Network, said he is speechless to find out just prior to the City Council Meeting tonight that this issue will not be discussed and voted on in its final form. Mr. Shanker pointed out that over 500 emails were received by the Members of Council and the Mayor, there were multiple contacts from residents of Bethlehem, the Lehigh Valley, and people at large asking Council to fix the amendment tonight and vote on final passage tonight. Stressing that City Council had two weeks to review the specific issue, Mr. Shanker remarked it is amazing that the night of the vote it has not been figured out. Noting that yesterday the Mayor of Easton signed a relationship recognition ordinance into law, Mr. Shanker said not one member of Council voted against it, and not one member of the public spoke against the ordinance. He added the same thing happened in Allentown. Mr. Shanker noted in Bethlehem the Bill under consideration says someone cannot be fired or denied housing or be discriminated against in education, or at a restaurant for a number of reasons including race, religion, sexual orientation, disability, gender identity, and this is taking months. Mr. Shanker highlighted the fact that there are many people at the Meeting tonight to support the Ordinance including people who drove here from Harrisburg after receiving notification of this evening's Meeting. Mr. Shanker respected the decision to make the Ordinance right and for the Human Relations Commission to have the full powers it needs to be able to enforce the law. Mr. Shanker said there is no reason Final Reading should be delayed two more weeks after months of discussion, and minutes before tonight's Meeting. Mr. Shanker informed the Members that the Pennsylvania Diversity Network, the prime organization that has led this effort in the City of Bethlehem, scheduled its annual gala on June 21 and a majority of the people here to support this Ordinance will be at this event for which they have purchased tickets. Mr. Shanker respectfully requested that Council postpone the Meeting until Wednesday, June 22 so that the vast majority of the people at this Meeting can attend. Mr. Shanker explained they want to be at the City Council Meeting when the Ordinance passes and want to support the work of the City of Bethlehem to make this an equal and welcoming City for all people. Mr. Shanker did not agree with the decision and thought the Ordinance could be passed tonight, but said he respects Council's decision and reiterated his hope that the City Council Meeting will be rescheduled to June 22.

Ted Martin, 221 N. Irving Street, Harrisburg, noted that he is the Executive Director of Equality Pennsylvania that is the Statewide Lesbian, Gay, Bi-Sexual and Transgender political advocacy organization. Mr. Martin, expressing he is disappointed about what he has heard this evening, highlighted the fact that he had received notice of this Meeting and made plans to come hoping to take back to a large portion of his constituency that he represents the good news that Bethlehem had joined with the other 20 cities across Pennsylvania in embracing this kind of diversity. Mr. Martin, noting he was lobbying today on Capital Hill about a possible constitutional marriage amendment, advised he was contacted by a person who was refused service in a store. Mr. Martin related that for him to have to say that he has no remedy for this person and that they should call their legislator is a cold comfort for this person. Mr. Martin asked that in the next two weeks Council continues to think about this because the letters and calls and the conversations from his community will continue since they want Bethlehem to join the other Cities and be a leader and offer the same protections.

Peter Crownfield, 407 Delaware Avenue, expressed he is perplexed by the last minute change as are others but he agrees this should be done right. He added it is disappointing to see that the issues have not been worked out yet. Mr. Crownfield mentioned that many people he knows feel comfortable on the campus of Lehigh University but do not feel as comfortable in the City because they do not know what to expect. Observing there is discrimination that goes on every day, Mr. Crownfield thought that every day matters when looking to approve this Ordinance. Mr. Crownfield had concerns including the over-broad religious exemption that seems to exempt not only truly religious institutions from having to hire or retain people in positions that are teaching or involved in the practice of the faith but actually allows them to discriminate against someone in any position for any reason. He noted this is not just churches but it is fraternal organizations and private organizations. Mr. Crownfield noted this was presented best by Andy Hoover from the State ACLU at the last Council Meeting. Noting the

organization deals with cases from both sides of the religious issue, Mr. Crownfield stressed there is no need for City Council to enact an Ordinance that put in slippery language and created exemptions when there is tried and true language. Mr. Crownfield stated that no one can force any religion to do something that is against the tenets of their religion.

Reverend Elizabeth Goudy, 4208 Iroquois Street, Schnecksville, pastor of Metropolitan Community Church of the Lehigh Valley in Allentown, noted the church has several members who live and work in Bethlehem who would be affected by this legislation. Reverend Goudy related that this Human Relations Commission legislation would be good for Bethlehem and the Lehigh Valley. She stated that the protecting of citizens from discrimination sends the message that citizens are valued and that the City believes that everyone should be free from prejudicial treatment. A number of religious communities have a long history of supporting equality and take seriously the words through the prophet Isaiah that the house of prayer is for all peoples. Reverend Goudy related that religious communities that prefer to exclude will retain the right to discriminate as they wish. She noted that no church will be forced to accept people they do not want to accept as church members, and no church will be forced to hire people they do not want as employees. She said all houses of worship would be exempt and that makes sense, but the religious exemption must not be too broad and must not serve as a cover for any affiliated entity who wants to discriminate. Reverend Goudy strongly encouraged Council to use the language from the State of Pennsylvania Human Relations Commission for the religious exemption.

Larry Humberd, 1702 11th Street, Bethlehem Township, related that broad language is a two-way street. Mr. Humberd noted that the proposed Ordinance states that nothing in this chapter shall be construed as supporting or advocating any particular doctrine, position, point of view, life style or religious view. To the contrary it is intention of this chapter that all persons be treated fairly and equally and that the express intent of this chapter is to guarantee fair and equal treatment under the law to all peoples in the City of Bethlehem. Mr. Humberd remarked that this statement is an oxymoron and is redefining morality. He asserted that the City is demanding that what once was moral will be declared immoral and what was immoral is not considered moral. He stated the City is declaring that anyone who disagrees with the new definition will not be tolerated, and added that the City is redefining morality and saying that lifestyles and religious views can only be practiced inside the walls of a religious institution, but when people go to work or care about the community they must operate by this newly defined definition. Mr. Humberd thought the problem is that the City is not permitting people of faith to practice their conscience in their daily life. Mr. Humberd was in full agreement that things like bullying and ill treatment of people is wrong and this issue should be dealt with, but said that people are not ready for the true outcome of this broad statement including sexual expression and gender identity. Mr. Humberd thought the selection of sexual expression and gender identity must be taken out.

Liz Bradbury, 427 ½ N. 9th Street, Allentown, stated that she has the opportunity to point out that clearly there are people in Bethlehem who would take any opportunity to discriminate against Gay, Lesbian, Bi-sexual and Transgender people. She recalled that at the last Meeting regarding this important legislation it was somewhat contentious because of some of the rather surprising amendments. She observed that in particular there were very broad religious exemptions, and the removal of powers of the Commission to investigate and act on discrimination complaints. In the spirit of compromise and to support the intent of the law in a balanced way, Ms. Bradbury noted that some new compromised language has been offered and expressed the hope that this language will be amended into the Ordinance. Ms. Bradbury pointed out that the intent of the law is to protect people from discrimination, and the intent of the religious exemption is to exempt religious denominations and religious organizations. Ms. Bradbury communicated that the compromise is easy and very logical by simply changing the words any church, synagogue, mosque and so on to more fully inclusive words which are any religious organization, religious denomination or association of religious organizations with denomination, and change the word entity to organization. Ms. Bradbury explained that what the City is trying to protect are religious organizations or groups, not any creature, organism, life form, body, object, article or thing, which is the definition of entity. Religious organizations or religious denominations are exempt in order to follow their religious beliefs or to be in accordance with their missions. Ms. Bradbury said that is the intent of a religious exemption and this new language will achieve that in a fully inclusive and fair way. Ms. Bradbury advised that, when someone talks about a church with a small "c" as it is written in the current language, the words church, synagogue, mosque, actually mean bricks and mortar buildings and not the organizations or denominations. Ms. Bradbury said the definition of organization that would be proposed in this new language and should be included in the Ordinance would be any institution, group, agency, association or society consisting of a group of people with a particular purpose. Ms. Bradbury thought everyone can agree that would include all types of religious

groups, not just the three buildings mentioned. She further stated this amendment language meets everyone's needs and will do exactly what it is intended to do, that is to prevent discrimination against the enumerated protected classes and exempt religious or mission-driven organizations whose mission it is to advance a particular group or religion. Ms. Bradbury strongly encouraged City Council to amend the religious exemption to this more inclusive and fairer language, and to reinstate the power of the proposed Human Relations Commission to investigate and act on discrimination complaints. Ms. Bradbury informed the Members that from her experience as the investigator of the Allentown Human Relations Commission the presence of that power in the Ordinance is the teeth of a Human Relations Commission. She stressed that without it the law becomes a hollow gesture and said clearly that is not the City's intent or the intent of this legislation.

Pastor Craig Weidman said he would like to see the religious exemption a little tighter and cleaner and there are some other aspects of the Ordinance that probably could be cleaned up. Pastor Weidman thought the delay until the next Council Meeting may be warranted if there is a legal issue, and added that the City does not want a challenge in court and it would be worth the time to make sure the Bill is right before final passage. He queried whether the Bill has to be perfect. Pastor Weidman said he thinks the Bill is a good one now. If it can be tweaked a little better even though it is not perfect or close to perfect, he urged a unanimous passage even if there is one area still that Council thinks needs to be better. Commenting what will happen is that this will keep getting pushed back, Pastor Weidman stressed that time is of the essence. Pastor Weidman, communicating that he reads the scriptures and they lead him to certain beliefs, commented this Bill if it singles out anybody to give preferential treatment to is the people of religious belief. Pastor Weidman thought it should be that way, it does not prohibit as he thinks has been possibly implied, or that some how it is preventing people from practicing their religious beliefs. He said it was these same scriptures that were twisted in these kinds of ways not too long ago in this country to ask people of color to leave a restaurant or to sit at a different counter. Stating he thinks great progress has been made in the church, Pastor Weidman said there is a long way to go, and as a conservative Evangelical Christian he supports what Council is doing. Pastor Weidman urged that Council unanimously pass the Bill and not wait until there is perfect language to vote on, and to send a loud message to the community that discrimination is not permitted. Pastor Weidman did not think that the Bill will stop discrimination, but hopefully it will bring redress for those who are discriminated against.

Lorraine Pasquali, 1630 Kenwood Drive, speaking on behalf of the South Side Film Institute, stated that the organization for their annual festival and monthly film club celebrates diversity in all its forms. Ms. Pasquali said she is honored that their Board of Directors voted unanimously to support a nondiscrimination Ordinance in the City of Bethlehem. The organization believes the legislation is long overdue and urged City Council to embrace all members of the Bethlehem community. Ms. Pasquali highlighted the fact that all of the people, regardless of ethnicity, sexual orientation, religion, cultural background, age or physical ability, have something to offer and deserve an equal opportunity to participate in society. Ms. Pasquali urged Council to pass the Ordinance and create the Human Relations Commission, and to do it as soon as possible.

Christopher Kelly, stating he resides in Virginia and works for a company in Bethlehem in the field of high technology, said he has a theory that for every human invention, and every technology that is invented to solve a problem it creates as many new problems as it solves. He said this is even more applicable with laws that may solve one problem but create other problems. Mr. Kelly observed it is seen every day with unintended consequences from laws, regulations, benefits, and entitlements to one group or one class of society over and against others. Mr. Kelly communicated that when a government claims to itself the sole judgment on any given issue, any number of unintended consequences could occur. He stated that the first one is freedom. Mr. Kelly communicated that he cannot fire someone from his business, or hire person A because he likes him better than person B for reasons that might be complained about in the Bill by person B. Mr. Kelly remarked that he loses freedom, and that is an unintended consequence that will hurt the City of Bethlehem and the state of Pennsylvania in the long run. Mr. Kelly applauded Council for taking time to consider very carefully the wording of the Bill that is a very difficult Bill to write. Mr. Kelly thought it is a difficult Bill and the consequences will be very sad in the long term.

Rob Hopkins, 726 West Market Street, noted that today City Council was supposed to make an important step in the City's future, and hoped that Council realizes how important this is. He said more important than any statistic or budget discussion, this legislation to create the Bethlehem Human Relations Commission will have a direct impact on the residents of the City. Mr. Hopkins applauded every person for stepping up to support the goal of equal treatment of all

people in the City, but asked that the details of the legislation be closely examined to ensure that it truly protects all minorities in the City from potential discrimination. Mr. Hopkins specifically hoped that the Commission is fully empowered to make the broadest impact and address the inequality currently written into the Bill's exemptions. Mr. Hopkins commented that just a few words might be changed to enable the Bethlehem Human Relations Commission to help all of the residents of this City. Mr. Hopkins stressed that if this Commission can ease the burden of just one person facing discrimination all the debate and deliberation and even the waiting will make this well worth it. Mr. Hopkins, noting he had planned on submitting for the record a petition signed by nearly 500 concerned people urging Council to adopt a strong, fully inclusive, nondiscrimination law, advised that instead he will continue to get more signatures.

Ilse Stoll, 220 West Langhorne Avenue, noted she has lived in the City for over 40 years and is very glad the City is finally getting this close to passing a Human Rights Ordinance in Bethlehem that is overdue. Ms. Stoll supported passage of this law that gives religious organizations an exemption but does not give any entity associated with a church an exemption because she said that language is too broad and is not the intent of the law. Ms. Stoll supported the expanded protections because the Commission should have the power to enforce a law especially when it cannot be supported by the State or Federal government.

Michael O'Hare, 632 Fourth Avenue, thought that anyone can make the scriptures say whatever they want. Mr. O'Hare did not think anyone should be discriminated against but thought the Ordinance would tend to discriminate against people like him who do not agree with the lifestyle of homosexuality, and so on. Mr. O'Hare expressed concern about a Commission that could peer into his life to find out what he said or did, and maybe punish him, and stated he would not be in favor of that.

Joel Peitzer, 3835 Green Pond Road, communicated the numerous difficulties he faced when he found out he was transgendered, and pointed out he could find himself jobless and homeless because of someone acting on a whim. Mr. Peitzer explained he came to the Meeting to fight for the children who will go through the same hell he did. Mr. Peitzer asked City Council to please make sure the Bill passes and as quickly as possible because every day people such as him are suffering.

Donald Snyder, 385 Hartman Road, noting that he and his partner both work in the community, strongly encouraged Council to pass the Ordinance tonight and to remove the broad religious exemption. Mr. Snyder said it is essential that the Bethlehem Human Relations Commission has the power to fully investigate claims of discrimination and to be able to compel respondents to present information on the complaint, to subpoena records, and to fine those who refuse to stop discriminatory practices.

Karen Toman, 359 Tenth Avenue, noting she had questions following the last Meeting, advised she did some research and brought information to the Meeting. Ms. Toman stated one of her concerns was cost, and noted the Mayor had said on September 7, 2010 when he announced the proposed Commission that it would cost nothing. Ms. Toman, referring to a newspaper article regarding the Doylestown Human Relations panel, noted Mr. Glassman was quoted in the article. He had explained that Doylestown might want to hire someone to help residents file and investigate complaints, and that their Council could expect to pay \$30,000 for a part time employee, \$60,000 for a full time employee, plus benefits, mileage and office supplies. Ms. Toman advised that in a newspaper article it was reported that the York Human Relations Commission asked the Mayor for a \$315,000 appropriation in 2011 that was an increase from its 2010 budget of \$258,000. Ms. Toman noted that in November Lancaster County voted to disband their Commission effective in December since it was costing \$470,000 annually. Ms. Toman commented that the Mayor of Hatboro said it would cost money to enforce penalties as a result of claims. Ms. Toman, suggesting the City of Bethlehem is broke, quoted from a Morning Call article and recommended that City Council vote no on the Ordinance, and pointed out that 50 jobs were already cut in City Hall.

Dr. Bill Pottenger noted he is resident of Hellertown, and is the owner of a high tech business in Bethlehem. Dr. Pottenger pointed out that the purpose of the people from Moravia who came to Bethlehem was they needed to share the truth they held. Dr. Pottenger communicated that he disagrees with his sister who is a homosexual but loves her. Dr. Pottenger stressed that the Ordinance would not exist if people practiced Christian faith properly.

Al Bernotas, 1004 Johnston Drive, stated that he understand the issues people have with discrimination. Mr. Bernotas did not believe the Commission should have unlimited expenses,

and thought expenses and compensation should be controlled by Council. Mr. Bernotas noted he has suggested an opt-in capability on the City's website to capture people's e-mail id's so that the City can communicate with them directly, and asked the Administration to pay attention to that.

Timothy Chadwick, 1415 Monocacy Street,

There are 15 more speakers after Mr. Chadwick

6. OLD BUSINESS.

A. *Old Business – Members of Council*

Use Permit Agreement - Musikfest 2011-2012-2013

Mr. DiGiacinto confirmed that at the May 18, 2011 City Council Meeting the Members unanimously passed Resolution 2011-80 authorizing the Use Permit Agreement with ArtsQuest for Musikfest 2011-2012-2013. Affirming that prior documentation was received from the Controller's Office as it related to some of the City cost allocations for Musikfest, Mr. DiGiacinto pointed out that Chairman Reynolds added the item for discussion at the May 18, 2011 Finance Committee meeting that preceded the City Council Meeting that evening. Mr. DiGiacinto, recounting that at the Finance Committee meeting he and Committee Member Evans discussed points related to the contract and change in venues for Musikfest 2011, stated it was thought that the Use Permit Agreement should remain as is for Musikfest 2011 but that years 2012 and 2013 should be looked at along with the cost allocations. Mr. DiGiacinto, acknowledging that the Resolution was passed without discussion, advised that following the May 18 City Council Meeting he and Mr. Evans had discussions with the Controller and Deputy Controller about the Agreement going forward. Mr. DiGiacinto noted that the Controller did have discussions with the Administration. Mr. DiGiacinto pointed out that a letter was received from Jeffrey Parks, President of ArtsQuest, who suggested that in order to meet the tight timeline for Musikfest 2011 he would be agreeable to meet after this year's Musikfest and discuss the matter. Mr. DiGiacinto asked President Donchez if a commitment could be received from the Administration to schedule a meeting possibly in September concerning the matter including fees and services in the future.

President Donchez affirmed that Mr. Parks called him and other Members of Council last week to advise he would be open to discussing the Agreement after Musikfest this year, but that it was important for this year's Musikfest to move forward.

Mayor Callahan confirmed he has already given the commitment that a meeting will be scheduled. Mayor Callahan added that the contract does have a termination provision.

B. *Tabled Items*

None.

C. *Unfinished Business*

1. Establishing Article 1716 – Landmarks and Properties of Historical Interest (Assigned to Preservation Plan Task Force)

7. COMMUNICATIONS

A. *Director of Water and Sewer Resources – Application for Financial Assistance – Pennsylvania Infrastructure Investment Authority (PennVest)*

The Clerk read a memorandum dated June 3, 2011 from David L. Brong, Director of Water and Sewer Resources, asking City Council to provide two Resolutions in support of the Department's PennVest application, and a Letter of Responsibility that details the obligations of the City if the application is approved. The total cost of the project as submitted on the PennVest loan application is \$9,429,730. The project involves a holistic expansion and upgrade to the anaerobic digesters and thickening facilities which will have a favorable effect on the digestion process, gas production, dewatering efficiency, and ultimately the cost of biosolids disposal. The work is included in the City's Act 537 plan presently submitted to PADEP for review and approval.

President Donchez referred the request to the Finance Committee.

8. *Reports.*

A. *President of Council*

UGI Project - N. New Street

President Donchez asked the Mayor to give a brief summary of the UGI project on N. New Street.

Mayor Callahan advised that the City gave notice to UGI that the City would be doing an overlay of New Street about a year and a half in advance of the work being done since the City would not want to overlay a road and then have a utility come in shortly afterwards and disrupt the integrity of the road. Mayor Callahan noted there is a plan in place in the event a utility comes to do work in a certain time period after the City's overlay that they are charged a significant amount of dollars for the impact to the roadway, and it is done on a five year sliding scale. Mayor Callahan explained that, due to the gas explosion in Allentown and increased urgency for UGI to replace some of its older lines, UGI has allocated more resources to address some of the older cast iron pipes. Mayor Callahan pointed out that there is a 12 inch cast iron gas main under the roadway on New Street. UGI came to the City the day New Street was being overlaid and asked if the overlay work could stop so that UGI could replace its gas line. Mayor Callahan added there was a press release regarding the matter and the delay in finishing the overlay of the road. Mayor Callahan advised that UGI will pay for whatever work was done that needs to be torn up.

Michael Alkhal, Director of Public Works, confirmed that UGI started the work and towards the end of the month the City should be able to get back to the paving work on New Street. Mr. Alkhal, advising that UGI is upgrading their mains from a low pressure to a medium pressure line that necessitates upgrading their gas service lines in the area, pointed out that involves pressure regulators for each service line. Acknowledging that is what some residents are concerned about, Mr. Alkhal stated it must be done outside for safety reasons and cannot be done inside the home. Noting that UGI is willing to leave the meters inside the houses if they are currently inside, Mr. Alkhal affirmed that the pressure regulators have to be outside and UGI has committed to trying to conceal them the best they can. Mr. Alkhal said the City has been discussing the matter with UGI for over three years and that is their position which is supported by the PUC.

President Donchez asked if UGI must go before the Historic and Architectural Review Board (HARB).

Mr. Alkhal, expressing he does not believe so, added the lawyers would decide that.

John F. Spirk, Jr., Esq., City Solicitor, advised the PUC gets the final word and that overrides any local laws such as zoning or the HARB, since the utility answers to the PUC.

Mayor Callahan, recounting this is not the first time the issue has come up in the City, noted it has happened in other communities as well. Mayor Callahan said the City does its best to try to preserve the historic integrity of the neighborhoods and tries to cooperate as much as it can with UGI. Mayor Callahan noted that in the past UGI has tried to accommodate the City and worked with the City within their bounds.

B. *Mayor*

1. *Administrative Order – Gene Hoffman – Plumbers' Examining Board*

Mayor Callahan reappointed Gene Hoffman to membership on the Plumbers' Examining Board, effective until June 2015. Mrs. Belinski and Mr. DiGiacinto sponsored Resolution 2011-90 to confirm the reappointment.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The Resolution passed.

Glessmer Technologies – New Street – Grand Opening

Mayor Callahan pointed out there was a ribbon cutting today at Glessmer Technologies on New Street that was formerly the Bethlehem Club and was completely renovated. Mayor Callahan informed the assembly that the company was started by two brothers who were graduated from Lehigh University. Their business has been in operation since 1987, was an incubator company that graduated from the Ben Franklin Technology Center, and they formerly leased space at 60 West Broad Street. The Bethlehem Club was built in 1909, was owned by Bethlehem Steel Corporation, and used by its employees. It was later sold, utilized as a social club, and was closed in 2007. The City assisted in the exterior renovations with a Façade loan of \$60,000, and the project cost was \$2.3 million. Mayor Callahan highlighted the fact that high technology jobs were created by the project that also included apartments in the back portion of the building, and restoration of the bowling alley in the basement. Mayor Callahan said he publicly wanted to recognize the owners and thank them for their investment in the City.

9. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 12 - 2011 - Establishing Article 145 - Bethlehem Human Relations Commission*

The Clerk read Bill No. 12 - 2011 - Establishing Article 145 - Bethlehem Human Relations Commission, sponsored by Ms. Dolan and Mr. Evans, on Final Reading.

Ms. Dolan pointed out that Amendments 12, 13, and 14 were Tabled at the last City Council Meeting that adhere to the Bill.

Attorney Spadoni urged City Council to postpone the matter to a time certain that is the June 21, 2011 City Council Meeting, and stated that Amendments and modifications can be made at that time as appropriate.

Ms. Dolan acknowledged that her intention, as she noted earlier, was to postpone the matter to a date certain rather than table it. Ms. Dolan, expressing her concern that the Amendments are left on the table, commented the Amendments could be taken off the table followed with a motion to postpone. Ms. Dolan noted there is wording in the Amendments that is possibly incorrect and needs to be fixed, and cannot be fixed until they are taken off the table.

President Donchez noted it is the same path regardless, as Amendments can be offered, and noted that Attorney Spadoni will be reviewing Amendments 12, 13, and 14.

Attorney Spadoni stated it is his intent to work on Section 145.06 of the Bill and possibly the religious exemption with the expectation that the Bill will be brought to City Council for a vote at the June 21 Meeting.

Communicating that is what was understood at the last City Council Meeting but did not happen, Ms. Dolan said it could not happen because it is on the table, and Council would be back in the same situation. She continued on to say Attorney Spadoni could not consider and make changes and suggestions to a Section that is laid on the table, and at the next City Council Meeting a motion will be made to take it off the table and will be the first time that Council will be able discuss it. Ms. Dolan commented that the Section can be taken off the table and a motion can be made to postpone the whole thing that would be a safer procedure, and added she does not want to end up in the same situation again.

Mr. Reynolds observed that just because something is tabled does not mean that someone could not research whether or not amendments need to be made or language needs to be changed. Mr. Reynolds expressing he is perplexed, since there was the expectation at the last City Council Meeting that the Bill was to be voted on Final Reading tonight, that the Bill is not going to be considered tonight. Mr. Reynolds, commenting that if Council votes to table the whole thing and bring it up in two weeks that is fine, communicated he has somewhat of a disagreement with Ms. Dolan on the need to un-table the amendments so they can be worked on. Mr. Reynolds stated it was the expectation that whatever concerns were brought up by Members of Council at the last City Council Meeting would have been taken into account and at least considered and researched in the interim rather than tonight an hour before the City Council Meeting when it was heard it was not a good idea to vote on the Bill tonight, and people came to this evening's Meeting since it was to have been voted on this evening.

Ms. Dolan, remarking that tabling and postponing are not the same thing, emphasized that if a motion is made to table, it can be tabled indefinitely. Observing that people do not want the Ordinance to be tabled indefinitely, Ms. Dolan pointed out there is a mechanism called

postponing to a definite date. Ms. Dolan continued on to say she would like to see the date moved up and consideration be given to holding a special meeting in one week, noting that option is up to the President. Ms. Dolan stated when the matter is postponed it can no longer be said that Council is not ready because they have to be ready. Ms. Dolan said she will not support a motion to table because that is just doing again what was done before, and a motion to postpone is more definite and holds Council's feet to the fire.

Attorney Spadoni, commenting that is appropriate, restated his suggestion that there be a motion to postpone to the next City Council Meeting.

Postponing Bill No. 12 – 2011 to June 21, 2011 City Council Meeting

Ms. Dolan moved to postpone Bill No. 12 – 2011 to the June 21, 2011 City Council Meeting. Mrs. Belinski seconded the motion. Voting AYE: Mrs. Belinski, Ms. Dolan, Mr. Evans, Mr. Mowrer, and Mr. Donchez, 5. Voting NAY: Mr. DiGiacinto, and Mr. Reynolds, 2. The motion passed.

10. NEW ORDINANCES

A. *Bill No. 13 – 2011 – Amending the General Fund Budget – Health Bureau Adjustments*

The Clerk read Bill No. 13 – 2011 – Amending the General Fund Budget – Health Bureau Adjustment, sponsored by Mr. Reynolds and Mr. Evans, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE GENERAL FUND BUDGET FOR 2011.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 13 – 2011 passed on First Reading.

B. *Bill No. 14 – 2011 – Amending the Liquid Fuels Fund Budget – 2011 Allocation*

The Clerk read Bill No. 14 – 2011 – Amending the Liquid Fuels Fund Budget – 2011 Allocation, sponsored by Mr. Reynolds and Mr. Evans, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE LIQUID FUELS FUND BUDGET FOR 2011.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 14 – 2011 passed on First Reading.

C. *Bill No. 15 – 2011 – Amending the Non-Utility Capital Budget – Street Paver – BEDCO Funds*

The Clerk read Bill No. 15 – 2011 – Amending the Non-Utility Capital Budget – Street Paver – BEDCO Funds, sponsored by Mr. Reynolds and Mr. DiGiacinto, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2011 CAPITAL BUDGET FOR NON-UTILITIES.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 15 – 2011 passed on First Reading.

D. *Bill No. 16 – 2011 – Amending the Sewer Capital Budget – Account Adjustments*

The Clerk read Bill No. 16 – 2011 – Amending the Non-Utility Capital Budget – Street Paver – BEDCO Funds, sponsored by Mr. Reynolds and Mr. DiGiacinto, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,

COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2011 CAPITAL BUDGET FOR SEWER UTILITIES.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 16 – 2011 passed on First Reading.

11. RESOLUTIONS

A. *Transfer of Funds – Human Resources Director – Salary*

Mr. DiGiacinto and Mrs. Belinski sponsored Resolution 2011-91 that transferred \$4,515 in the General Fund Budget from the Information Services Bureau – Equipment Maintenance Account to the Human Resources Salaries Account to cover the new Human Resources Director salary.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The Resolution passed.

B. *Transfer of Funds – Water Fund – Maintenance Contract*

Mr. DiGiacinto and Mrs. Belinski sponsored Resolution 2011-92 that transferred \$14,130 as follows from the Water Fund Budget: \$6,366 – Water Filtration Department - Contracts Account and \$7,764 – Water Control - Department Contracts Account, to the Water General – Unforeseen Contingency Account to pay year 2010 invoices for SCADA maintenance contracts not paid in 2010 due to the necessity to change the company's legal name on the contracts.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The Resolution passed.

Motion – Considering Resolutions 11 C through 11 F as a Group

Mr. Evans and Mr. DiGiacinto moved to consider Resolutions 11 C through 11 F as a group. Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The motion passed.

Voting AYE on the motion: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The motion passed.

C. *Certificate of Appropriateness – 728 East Fourth Street*

Mr. DiGiacinto and Mrs. Belinski sponsored Resolution 2011-93 that granted a Certificate of Appropriateness to replace the sign at 728 East Fourth Street.

D. *Certificate of Appropriateness – 123 West Fourth Street*

Mr. DiGiacinto and Mrs. Belinski sponsored Resolution 2011-94 that granted a Certificate of Appropriateness to install a sign and paint the façade at 123 West Fourth Street.

E. *Certificate of Appropriateness – 301 Broadway*

Mr. DiGiacinto and Mrs. Belinski sponsored Resolution 2011-95 that granted a Certificate of Appropriateness to install a roof-mounted solar concentrator at 301 Broadway.

F. *Certificate of Appropriateness – 116 Graham Place*

Mr. DiGiacinto and Mrs. Belinski sponsored Resolution 2011-96 that granted a Certificate of Appropriateness to expose original brick, replace windows, and create an addition at 116 Graham Place.

Voting AYE on Resolutions 11 C through 11 F: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The Resolutions passed.

G. *Certificate of Appropriateness – 301 Broadway (Denial)*

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-97 that denied a Certificate of Appropriateness to install lighted roof signs at 301 Broadway.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The Resolution to deny the Certificate of Appropriateness passed.

12. NEW BUSINESS.

Motion – Special Meeting - Bill No. 12 – 2011, Establishing Article 145 – Bethlehem Human Relations Commission

Ms. Dolan moved to schedule a special meeting to consider Bill No. 12 – 2011, Establishing Article 145 – Bethlehem Human Relations Commission, on Tuesday, June 14, 2011 at 7:00 PM, that would follow the Community Development Committee meeting at 6:00 PM. There was no second to the motion.

Committee Meeting Announcements

Chairwoman Dolan announced Community Development Committee meetings, as follows: June 14, 2011 at 7:00 PM in Town Hall – Subject: Review of Vendor Ordinance; June 21, 2011 at 6:00 PM in Town Hall – Subject: Lease Agreement between ArtsQuest and the Redevelopment Authority for the SteelStacks public plazas, Levitt Pavilion, and Visitors Center; June 28, 2011 at 7:00 PM in Town Hall – Subject : Historic Preservation Plan.

13. COURTESY OF THE FLOOR

Use Permit Agreement – Musikfest 2011-2012-2013

Meg Holland, Controller, explained the reason why she was not signing the Use Permit Agreement with ArtsQuest for Musikfest 2011-2012-2013 is because it is a three year contract with no provision to look at the costs and compare the contribution amount at the end of the term. Ms. Holland recalled when she became the Controller three years ago her Department reviewed the present contract for Musikfest that was also a three year contract. Ms. Holland continued on to say recommendations were given to the Law Bureau on terms to change, 30 day payment notice, interest charges, and her Department also expressed a definite interest to be involved in the negotiations with the new contract. Ms. Holland advised she received the new contract but was not involved in it. Ms. Holland affirmed that she checked with her legal advisor who informed her she does not have any power to exercise the cancellation provisions in the contract. Ms. Holland expressed her concern was that unless it is on record it has to be someone with authority to elect to cancel the contract. Ms. Holland confirmed she would entertain a one year contract for Musikfest 2011 with negotiations beginning September 2011 for Musikfest 2012.

New Zoning Ordinance

Yong Hao, 3218 Marchant Drive, noted the Planning Commission passed the new Zoning Ordinance, and it will go to City Council for a vote. Mr. Hao recalled that last year the Planning Bureau and Planning Commission held public meetings to seek public input regarding the proposed new Zoning Ordinance. Mr. Hao noted many residents raised the hope that City officials would listen to the residents' concerns and suggestions to make the new Zoning Ordinance more fair and better for residents and businesses in the City. Advising that residents' participation in meetings and suggestions were followed by letters and e-mails to the Planning Bureau and Planning Commission last year and this year, Mr. Hao said the results were very disappointing. Mr. Hao communicated it is realized that those bodies do not listen to the residents, and the reality is that whatever worked in the draft new Zoning Ordinance before the public meetings was left the same in the new proposed Zoning Ordinance after the public meetings. Mr. Hao informed the Members the particular concern was that the draft and new Zoning Ordinance do not have provisions to deal with a warehouse with a loading dock for diesel powered vehicles in residential districts, and they should not be allowed in residential districts. Mr. Hao commented that the Zoning Hearing Board treats it as any other conforming properties in residential districts without any regard to setback requirements for non-conforming uses, and without any adequate safeguard requirement. Mr. Hao stressed the toxic diesel fumes and noise from diesel powered trucks at the loading docks will infiltrate the neighboring homes and their outdoor living spaces. Mr. Hao advised that according to EPA guidelines diesel exhaust fumes cause respiratory distress, lung cancer, asthma, and even deaths. Mr. Hao emphasized that warehouses and loading docks should not be treated as conforming uses in residential districts.

Mr. Hao pointed out that for many other conforming or non-conforming commercial properties in residential districts there are clear requirements specified in Article 1322.03. Mr. Hao noted there is no such requirement for retail stores and warehouses with loading docks for diesel powered vehicles. Mr. Hao asserted these issues need to be addressed in the new Zoning Ordinance. Mr. Hao expressed the hope that City Council Members will take this cause and stand with the residents and address the issue before they approve the new Zoning Ordinance. Mr. Hao asked the Members to please show they are listening and care about the well-being of their fellow residents.

President Donchez advised that when the new Zoning Ordinance is received, it will be reviewed in Committee at more than one meeting if necessary, in addition to a Public Hearing before City Council, and two readings of the Ordinance, so there will be opportunities for public input.

Bill No. 12 - 2011, Establishing Article 145 - Bethlehem Human Relations Commission

Stephen Antalics, 737 Ridge Street, said if a change in verbiage in Bill No. 12 - 2011 is made between now and the next time it is presented to City Council and the Bill is postponed the Bill should come back the way it was before it was postponed. He noted if it is changed it needs to have public comment.

President Donchez pointed out that a Member of Council could offer an amendment to the Bill or to a tabled amendment. President Donchez advised that copies of any amendments will be provided and also e-mailed to those on the list. President Donchez affirmed that the matter can be discussed by the Public under the First Courtesy of the Floor. President Donchez informed Mr. Antalics that Bill No. 12 would be adopted on Final Reading.

Water Rate Increase

Esther Lee, 627 Cherokee Street, noted she received a letter about a water rate increase of about 17.5% and remarked it is a lot of money. Ms. Lee asked that there be more consideration for elderly people because they are no longer working and in light of the current economy. Ms. Lee, advising she has brought the matter to the attention of the PUC, stated the PUC said it is up to City Council to bring into subjection a reasonable amount. Ms. Lee appealed to the Members of Council to review the 17.5% and be more realistic, and pull the City's financial picture together.

Various Issues

Dana Grubb, 2420 Henderson Place, said he is confused as to why the Use Permit Agreement for Musikfest cannot be done for a one year period and then negotiated from that point forward instead of relying on the good will of the Administration to come back and review it. Mr. Grubb thought that traffic alerts should be posted on the City's website and that residents and anyone else who is interested could sign up to receive them, as well as the new Zoning Ordinance or Historic Preservation Plan. Mr. Grubb stated it is disturbing to hear that overlays were completed on two blocks of New Street that will have to be dug up for additional work. Mr. Grubb wondered about the impact to the newly overlaid Stefko Boulevard where there will be a new grocery store, and at the site of the former Minsi Trail Inn where an Alzheimer's facility is proposed. Commenting that insinuations have been made that maybe the Fire House on Dewberry Avenue will be closed, Mr. Grubb hoped that thought would be dismissed immediately, and did not think those residents would take kindly to losing the Fire House. Mr. Grubb expressed the hope that the new EMS facility for which Council raised taxes is progressing and that the building will start soon.

New Zoning Ordinance

Al Bernotas, 1004 Johnston Drive, commenting it was good to hear President Donchez say there will be a number of meetings that the public can attend on the new Zoning Ordinance, stressed that City Council will be the citizens' last resort to get anything changed in the Ordinance. Mr. Bernotas, advising the provision to permit a 13,000 lb. vehicle in residential zones is being changed to 10,000 lbs., said that still does not define what a commercial vehicle is. Mr. Bernotas noted there is an issue with the definition.

Use Permit Agreement - Musikfest 2011-2012-2013

Kathy Hilgert, 1160 Yorkshire Road, an employee of ArtsQuest, said on behalf of ArtsQuest they are more than committed, have made comments in the newspaper and want to make them on record tonight, that following Musikfest this year in September they are more than happy to sit down with City Council, the Controller, and the Mayor to discuss what the charges would be for the remaining years of the Use Permit Agreement. Ms. Hilgert commented it would make more sense following this year's Musikfest as the footprint of the festival changes to know exactly what is being dealt with. Ms. Hilgert, indicating that any questions can be answered now in order to expedite the process, stressed that the organization is under an extreme timeline to submit paperwork in order to get the necessary approvals to have Musikfest this year and bring economic benefits to the City. Ms. Hilgert encouraged everyone to do whatever they can to get the leases signed so that the paperwork can be processed immediately.

New Zoning Ordinance

Bill Scheirer, 1890 Eaton Avenue, related that at the Planning Commission meeting after the public statements there was a motion to forward the new Zoning Ordinance to City Council, there was no discussion, no amendments, and it was approved unanimously. Mr. Scheirer communicated he is happy that Council will be more thoughtful about it.

The meeting was adjourned at 10:20 p.m.

ATTEST:

City Clerk