

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, June 21, 2016 - 7:00 PM

INVOCATION

Reverend Anthony P. Mongiello, Th.M., M.Ed., Pastor, Saint Anne Catholic Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Reynolds called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Eric R. Evans, Shawn M. Martell, Olga Negrón-Dipini, Adam R. Waldron and J. William Reynolds, 7.

PUBLIC HEARING

Edward Byrne Memorial Justice Assistance Grant (JAG)

President Reynolds stated prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to review and accept public comment on the proposed use of funds to be received under the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$20,854.00. President Reynolds called the Public Hearing to order.

Lieutenant Scott Meixell informed that he was tasked with submitting the application for this year's 2016 Edward Byrne Memorial Justice Assistant Grant. As stated this year's allotment is \$20,854.00 dollars. That figure is derived from UCR data submitted to the Department of Justice by the Police Department. Lieutenant Meixell is asking Council to support the Resolution supporting the department's application. As in year's past the department will be using the funds to upgrade computer hardware and software. He pointed out that this year we are planning to add a file server for digital evidence storage, upgrade some hard drives and solid state hard drives and mobile computers so they run faster and more efficiently. In addition, they will upgrade one computer to monitor the video camera system throughout the City.

President Reynolds stated the appropriate Resolution will be placed on the July 5, 2016 agenda.

The Public Hearing was adjourned at 7:29 pm.

2. APPROVAL OF MINUTES

The Minutes of May 17, 2016 and June 7, 2016 were approved.

3. PUBLIC COMMENT

Wagner Enterprises Resolution

Julie Wagner-Burkart, 75 Park Place, Easton, stated she is at this meeting on behalf of Wagner Enterprises LTD to introduce herself and give a brief background on the First Resolution on the agenda tonight. The Resolution is for a time extension on an approval for a land development plan known as Saucon Square. Ms. Wagner-Burkart noted that Saucon Square is on the west side of Fire Lane in Bethlehem in the Saucon Creek neighborhood. She continued Wagner Enterprises is requesting a brief time extension. The project was approved in August of 2005 and they were subject to some of the approval extensions that were granted by the legislation for municipal approvals. Those extensions would have extended to actually the end of this month. In the process we also were subject to NPDES permit for this project. The NPDES permit was not under the purview of the legislatures automatic extensions of approval. She remarked we had to go back for a renewed NPDES permit in 2012 which we did with the assistance of the City's Planning Bureau. Ms. Wagner-Burkart noted they were finally issued that permit in 2015. We

have a substantial amount of time involved in receiving that new NPDES permit and we had to rework the plan slightly. It did not change density. We originally had this project approved for 28 apartment units in three buildings. It is now reduced to two buildings but still 28 units, so the density remained the same. She added what they were required to do is make these adjustments due to a new DEP regulation that involved the riparian buffer. Ms. Wagner-Burkhart expressed we needed to create a 100 foot riparian buffer, which we were able to do. Due to that adjustment in the plan we are requesting an extension only to the end of this year to be able to get this subdivision substantially completed as per the municipal code time extension limitations. Ms. Wagner-Burkart pointed out they would only need by the end of this year to do so. We do have some loan commitments in the works but of course the financing would be contingent upon receiving an approval that is effective through the course of construction. She noted she will be available to answer any questions at the time that the Resolution is considered.

4. OLD BUSINESS.

- A. Members of Council
- B. Tabled Items
- C. Unfinished Business

None.

5. COMMUNICATIONS

- A. *Police Chief – Special Event Parking Fines – Musikfest*

The Clerk read a memorandum from Police Chief Mark DiLuzio to which is attached a Resolution and a proposed boundary map for Special Event Parking during Musikfest 2016. The time covered will be from 12:00 P.M. on Friday, August 5, 2016 through Sunday, August 14, 2016. The Special Events Parking Districts will need to remain the same as last year, including the extension into the South Side.

President Reynolds stated the Resolution can be placed on the July 5, 2016 agenda.

- B. *Director of Planning and Zoning – Land Development time Extension Request – Wagner Enterprises, LTD/Saucon Square Land Development*

The Clerk read a memorandum from Darlene Heller, Director of Planning and Zoning to which are attached the June 3, 2016 memo from the Planning Commission recommending the time extension request for the Saucon Square development project on Fire Lane to be extended to December 31, 2016, the June 2, 2016 request from Wagner Enterprises for an extension of the Land Development approval time to develop the project, and the May 31, 2016 Memorandum in Support of Extension of approval for Saucon Square. The Planning Commission members voted 4-0 to forward a recommendation to City Council to approve the extension request.

President Reynolds stated Resolution 9 A is on the agenda.

- C. *City Solicitor – Use Permit Agreement – Holy Infancy Roman Catholic Church – Portuguese Heritage Celebration and Multicultural Festival*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and associated Use Permit Agreement with Holy Infancy Roman Catholic Church for the Holy Infancy Portuguese Heritage Celebration and Multicultural Festival. The duration of the agreement is June 10 and 11, and June 17 and 18, 2016. The location is Webster Street between Fourth Street and the Greenway and between Webster and Adams Streets.

President Reynolds stated Resolution 9 B is on the agenda.

- D. *City Solicitor – Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – Tunes at Twilight*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and Associated Use Permit Agreement with the Greater Lehigh

Valley Chamber of Commerce by and through its Downtown Bethlehem Association for Tunes at Twilight. The duration of the agreement is May 5, May 12, May 19, May 26, June 2, June 9, June 16, June 23, June 30, July 7, July 14, and July 21, 2016. The location of the event is Nevin Place (adjacent to the Sun Inn Courtyard).

President Reynolds stated Resolution 9 C is on the agenda.

E. *City Solicitor – Use Permit Agreement – ArtsQuest – Yuengling Summer Concert Series*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and associated Use Permit Agreement with ArtsQuest for the Yuengling Summer Concert Series. The duration of the event is July 14, July 20, and August 24, 2016. The location is First Street from Polk Street to the eastern terminus, Founders Way from Second Street to First Street.

President Reynolds stated Resolution 9 D is on the agenda.

F. *Director of Public Works – Recommendation for Award – McTish, Kunkel and Associates*

The Clerk read a memorandum from Michael Alkhal, P.E., Director of Public Works recommending a contract with McTish, Kunkel and Associates to provide construction inspection services over the course of construction of the Lynn Avenue Bridge Project as required by the PA Department of Transportation. The term of the contract is eighteen (18) months from the date of the Notice to Proceed. The fee for the contract is \$371,026.00.

President Reynolds stated Resolution 9 E is on the agenda.

6. REPORTS

A. *President of Council*

B. *Mayor*

AWOP Award-Water Treatment Plant/ SkatePlaza Townie Award

Mayor Donchez remarked that the Water Treatment Plant has been selected again to receive the prestigious Area Wide Optimization Program Award. Mayor Donchez wanted to congratulate Edward Boscola, Director of Water and Sewer for doing a great job. In addition, on June 14, 2016 the City of Bethlehem was recognized by the Pennsylvania Downtown Center with a Townie Award for the expansion of the SkatePlaza in South Bethlehem. This award was given to communities that demonstrate a willingness to invest in public space improvements. Our project was the third phase of the Bethlehem SkatePlaza which included completion of a patio, concession stand, shade canopy and rest rooms. The Greenway patio was made possible with support from the Northampton County Open Space, Southside Vision and the Laros Foundation.

Wilson Kramer Facility

Police Chief Mark DiLuzio mentioned since 2007 the City and the Department of Army has been in application together for the Base Realignment Allocation Committee to turn the Wilson Kramer facility over to the City. He had a conversation this week with our contact from the Department of the Army, and he indicates that the Army Corps of Engineers are in the process of drafting a letter advising us to make a decision on whether we do or do not want the facility. Chief DiLuzio continued to say that this decision would need to be made within the next few months. There is no positive response that we will take the property at this time, and that is why we need to make a response either aye or nay, in that sense. Since this whole process has started we also have been tasked with the 9-1-1 issues. The Wilson Kramer facility was looked at as a regional 9-1-1 Center for Allentown, Bethlehem, Lehigh County and Northampton County. Due to studies and what is going on now with the consolidation efforts of Allentown with Lehigh County, and Bethlehem and Northampton County, it is no longer being looked at as a regional 9-1-1 Center. To update that building and bring it up to code, if the City would accept it, would be in a range of approximately more than \$8 million. Chief DiLuzio reported that the building is more than fifty years old and the property includes a

substantial track of land. Based on conversations with the Department of the Army and our contact, we have to consider what we want to do with the property; if not, in the next six months they will consider it for alternate disposal. Their definition of alternate disposal would be to go on public auction and get it turned onto our tax rolls. They would sell the property outright to someone and it is up to that person to do what they want with the structures on it. Chief DiLuzio suggests this would be something we would want to put on a future Public Safety Committee Meeting agenda so we could discuss it.

Mr. Callahan noted if we took the building over we would get it free of charge.

Chief DiLuzio stated yes, the building and property would be free and turned over by the Federal Government.

Mr. Callahan stated right now it is mothballed, and queried if is there anything against the Army's rules or regulations if we just kept it mothballed.

Chief DiLuzio reported yes, part of the turnover is that it be used as a public safety facility for training; it would have to be used for something related to public safety.

Mr. Callahan mentioned there is a shooting range in it.

Chief DiLuzio reiterated that there is a shooting range in it but he does not know if it is up to code with EPA.

Mr. Callahan asked how long after we take over the facility would we be allowed to sell it.

Chief DiLuzio remarked he believes it would have to be used for more than 20 years before it could be sold. If that requirement was not in place someone one could buy a huge military base in a city and sell it off as a subdivision in five years. The purpose here was to use Federal property to assist cities and municipalities.

Mr. Callahan mentioned that he did take the tour of the property and it is a good property to let fall through our hands.

Mayor Donchez followed up by saying that he went out there two or three times with Chief DiLuzio, and it was made very clear that we could not flip it for economic development. They can, but we would have to use it strictly for public safety. There is a very broad definition of public safety, but it has to be used for public safety.

Mr. Callahan queried regarding use of the facility for storage place of smaller public safety vehicles. He asked where the command truck is for the Police Department.

Chief DiLuzio reported it is within the City; he could not comment on the location of the vehicle.

Mr. Callahan recalled that we had to move it out of the Armory.

Chief DiLuzio stated that we had it inside for years. We were hoping to find some place by the winter months because of the electronic equipment in it.

Mr. Callahan noted we could store that vehicle at the garage at the Wilson Kramer site since it is a public safety vehicle. He expressed he is not talking about replacing whole roof on the major building but perhaps on the back garage area a new roof could be installed for a small amount of money. He noted that possibly we could put new locks on it and put some heaters in there. Mr. Callahan pointed out that there are not many places to store that vehicle. He remarked if using the facility for storage could fit the definition of using it as a public safety facility that could possibly work.

Chief DiLuzio remarked that he would have to check with the Department of Army on that matter. In his last conversation with them, it was made known that part of the building could be used for storage, but we would still have to have someone on site and working in part of the building. That creates the economic issue with the roof being in a bad condition.

President Reynolds queried if we are able to split the parcel or would we have to accept the entire property.

Chief DiLuzio stated we would need to accept the whole property. They could flip it; we have to accept all of it as one big parcel.

President Reynolds remarked that even the idea of potentially using part of the property, but not all of it, would not work.

Chief DiLuzio advised that we would get it as one whole parcel and we would have to utilize the entire property. He remarked he would need to look into whether it would be acceptable to use a part of the parcel and the rest for storage.

President Reynolds queried about the process if we would take ownership of the property and ultimately decide not to do something with it. Could we then give it back to the Federal government?

Chief DiLuzio pointed out it would definitely go back to them and then they could flip it onto the tax rolls and make a profit.

President Reynolds recalled touring the building in 2014. There were a few possibilities for the renovations regarding the roof and some of the other items. He wondered if Chief DiLuzio could remind us of what the cost was at the time.

Chief DiLuzio believes the lowest cost they received was approximately \$5.5 million; most of them ranged from \$6-\$10 million. We are looking at a complete roof structure and understructure on the roof. There are EPA regulations regarding the amount of lead that has to first be cleaned up before you could reactivate the rifle range and pistol range. It will be costly to put all of the electronic and digital materials in the building.

President Reynolds recalled a memo from two years ago, and commented he would like get that information again to share with the new Council Members.

Chief DiLuzio stated he should be able to locate what he has and get copies to Council.

Mayor Donchez informed that he believes that Ralph Carp, former Director of Parks and Public Property did a preliminary study on that and it was a minimum of \$5 million. We will look for that information and get that to Council.

Mr. Evans stated he was on that tour and he feels this deserves having a Committee Meeting to discuss this in more detail. His expressed this is an interesting opportunity with the lot, garage and the building. The issue that we all need to consider is the price tag, even with the low end being \$5 million. If we take this on, we take on all of the carrying costs with it and there is no revenue to offset it. Mr. Evans remarked when we look at budgets, he does not know how we could get the money to fix this, but at the same time we would be watching an opportunity like this pass us by. It is a big property, but he does not see how it fits into the strategic plan with the direction we are moving in right now. Mr. Evans does have questions, but he will hold those for the Committee meeting.

Chief DiLuzio remarked that the cost is one thing, operational costs would be another.

Mr. Evans remarked that it is a big building and when we walked through it we had many ideas. He is pondering how we could accept and pay for the property.

Mr. Callahan referenced buildings that are just a shell that are used for fire training. He remarked between the storage of the facility for that vehicle and maybe the Fire Department, perhaps we could do something with it. He would hate to see this large property not be taken over by the City if we can use it and fit the definition of what the government wants us to use it for without the City putting a large amount of money into it. He continued twenty years down the road or in future years, if there is funding, perhaps we could upgrade or sell it. Mr. Callahan asked what the acreage is on that property.

Chief DiLuzio thought it is seven acres; Mayor Donchez reported it is seven and a half acres.

Chief DiLuzio stated he will call his contact to confirm the size of the property.

Mr. Callahan inquired if there the Fire Department would have any use for this building.

Fire Chief Robert Novatnack stated that Police and Fire go outside of the City to do training. There is a use, but there is a big cost with that. If you put a training center out there, we would not be able to burn or do any type of actual fire-fighting training due to the proximity of the airport. It would be a great emergency management location for Allentown, Bethlehem, Lehigh and Northampton County, but that was turned down.

Mr. Waldron asked if the regional approach was pushed aside because of the costs.

Chief DiLuzio replied yes.

Mr. Waldron expressed he does not look at it as an asset; he looks at it as being a liability because of the cost to remediate the building, and then the costs to maintain it. Mr. Waldron mentioned even if the building was free and at an approximate cost of an \$8 million upgrade, he would still be hesitant to take it because the City would have to maintain it. He does not see the financial benefit of taking on a liability like this. Mr. Waldron mentioned as the Chair of the Public Safety Committee he does not even think we need to have a meeting to discuss this because financially, it is a non-starter.

C. *Committee Reports*

Public Safety Committee and Community Development Committee

Chairman Waldron reported that the Public Safety Committee and the Community Development Committee met in a joint meeting at 6 PM, tonight, June 21, 2016. We considered the following: Establishing new Article 740 - Anti-Panhandling as well as establishing new Article 742 - Anti-Graffiti. The Members of the Committees unanimously recommended moving the Ordinances to Council for consideration. The two Ordinances will be placed on the July 19, 2016 agenda for first reading.

7. ORDINANCES FOR FINAL READING

None.

8. NEW ORDINANCES

None.

9. RESOLUTIONS

A. *Authorizing Time Extension – Wagner Enterprises – LTD – Saucon Square Land Development*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-131 that authorized the approval of the request by Wagner Enterprises Ltd., developer of the Saucon Square project, for an extension of time through December 31, 2016, to apply for and obtain, the requisite approvals to construct and initiate its multi-family dwelling uses in the subject zoning district.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. The Resolution passed.

B. *Authorizing Use Permit Agreement – Holy Infancy Church – Portuguese Heritage Celebration and Multicultural Festival*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-132 that authorized a Use Permit Agreement for the Portuguese Heritage Celebration and Multicultural Festival.

Ms. Negrón-Dipini mentioned that she hopes we pass this because she already had fun at this celebration.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. The Resolution passed.

C. *Authorizing Use Permit Agreement – GLV Chamber/DBA – Tunes at Twilight*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-133 that authorized a Use Permit Agreement for the Tunes at Twilight.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. The Resolution passed.

D. *Authorizing Use Permit Agreement – ArtsQuest – Yuengling Summer Concert Series*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-134 that authorized a Use Permit Agreement for the Yuengling Summer Concert Series.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. The Resolution passed.

E. *Approving Contract – McTish, Kunkel and Associates*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-135 that authorized to execute an agreement with McTish, Kunkel and Associates for construction inspection services for the Lynn Avenue Bridge Replacement.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Ms. Negrón-Dipini, 6. Voting NAY: and Mr. Reynolds, 1. The Resolution passed.

Motion – Considering Resolutions 9 F through 9 I as a Group – Certificates of Appropriateness

Ms. Negrón-Dipini and Mr. Colón moved to consider Resolutions 9 F through 9 I as a group.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Motion passed.

F. *Certificate of Appropriateness – 550 Main Street – (The Gem Shop)*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-136 that granted a Certificate of Appropriateness to install a sign above the entrance, replace an existing hanging sign, place lettering above the left display window and install vinyl lettering on the door at 550 Main Street.

G. *Certificate of Appropriateness – 523 Main Street – (formerly In the Mood)*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-137 that granted a Certificate of Appropriateness to install a sign above the entrance door and two vinyl window signs at 523 Main Street.

H. *Certificate of Appropriateness – 55 West Lehigh Street – (The Freight House)*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-138 that granted a Certificate of Appropriateness to install stairs from the platform to the parking lot at 55 West Lehigh Street.

I. *Certificate of Appropriateness – 564 Main Street – (The Sun Inn)*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-139 that granted a Certificate of Appropriateness to restore the existing sign, add a sign below the existing and change previously approved fence color to white at the Sun Inn, 564 Main Street.

Voting AYE on Resolutions 9 F through 9 I: Ms. Negrón-Dipini, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolutions passed.

10. NEW BUSINESS

Next City Council Meeting-Tuesday, July 5, 2016

President Reynolds wanted to remind everyone that the next City Council Meeting is on Tuesday, July 5, 2015 at 7 pm at Broughal Middle School in the school auditorium. The entrance to the auditorium is at the corner of Morton Street and Brodhead Avenue.

Committee Meeting Announcements

Chairman Colón announced that the Human Resources and Environment Committee will meet next week on Tuesday, June 28, 2016 at 6 pm in Town Hall. The subject will be to discuss the proposed amendments to Article 146 – Environmental Advisory Council.

Mr. Martell announced that the Community Development Committee will meet on Tuesday, July 19, 2016 at 5 pm in Town Hall. The subject will be information only regarding Economic Development Incentive Programs Update.

PA Act 192 - Firearms

Mr. Martell inquired if some insight could be given on PA Act 192. He read that this was struck down by the Pennsylvania Supreme Court. This Act caused cities throughout Pennsylvania to look at their Ordinances regarding firearms. As a result, the City of Bethlehem at the time amended two Ordinances, one eliminating a \$2 dollar permitting fee and the other dealing with firearms in public parks. Mr. Martell wondered if Solicitor Spirk had any insight into what happened with the State Act, and if there are any implications for those Amendments for the City at any level.

Solicitor Spirk mentioned as he understood it, the Supreme Court of Pennsylvania overturned the law not because the legislature did not have power to do what it did, but as he understands, it was because the legislature did not do it the right way. He continued it seems to him that if the legislature is still inclined and did a redo and did it the right way this time, and if the Governor signed it or if the Governor did not sign it, if they overrode the Governor's veto we would be back in the same position. It would be a battle of the law again that would give the power to sue to organizations to sue municipalities whose firearms regulations contradicted the State law. Solicitor Spirk stated as he read the opinion it seemed to not necessarily invite but suggest that if the legislature wanted to redo it and did it the right way this time, the power to sue would be back in effect again. Cities across the State would again be looking to make sure that their laws did not contradict State law in a way that opened us up to litigation. There is no law right now giving that right to sue. If the City were to change its laws back, the legislature might reenact the statute validly, and we would probably be repealing again.

Solicitor Leeson informed that he agrees with that analysis for the same reason. The original challenge was based upon the procedural manner the legislation was enacted, and that was the same reason the legislation was struck down because it was enacted the wrong way. He would suggest two thoughts that come to his mind, which reflect in substance the same and is what Attorney Spirk said, but perhaps a little different. That is, number one, these issues are probably never going to be settled; they will be with us indefinitely. He continued number two, he might suggest giving it some time to settle out to see what the inclinations, motives and what the impetus might be in Harrisburg as far as revisiting the potential for reenacting that same law that was just stricken, and that is the one about civil litigation against municipalities. Solicitor Leeson suggests we give it a little time to watch and see what happens.

Mr. Martell thanked Solicitor Spirk and Solicitor Leeson and added that if you look at the makeup of the State legislator it would make sense to sit back and wait because he would not be surprised if they came back and did it the proper way. It is basically a procedural issue which he thinks is unfortunate because at the Federal level and State level there is the unwillingness to act, but in this case there might be the willingness to get back into it. That is unfortunate because cities are the entities that deal with these types of issues. Mr. Martell expressed he will be watching the progression of this and seeing if anything can be done at the

city level going forward. He understands what Council and the Administration did in terms of protecting the City from litigation.

Update on Saucon and Monocacy Park

Mr. Martell asked if the Administration could provide an update regarding the use of Saucon Park and Monocacy Park since we are now in the summer months.

Chief DiLuzio stated that the state of Saucon Park is good. Over the past few weekends they have had extra patrols on site and many of the people have read the new rules and regulations on social media and on the City's website. We still do have some people that come and start to setup, but once you explain the rules, many of them will leave and go to another park where they are permitted to go into the water. Chief DiLuzio noted the water is the main attraction when the officers speak to the people. We have had no major incidents at Saucon Park. Some people have stayed and had their picnics under the new rules and regulations, but others just went to another State park where you can go into the water. Overall it has been pretty good. We have had found out that every once in a while there will be a single car with out of state license plates pull into the park and the occupants will be on their cellphones. The officers will ask them if they are lost, but they say they are the recon vehicle for a whole group of vehicles looking for a park where they can go in the water. The Morning Call newspaper had a good article that listed parks in the Tri-County area where people can go if they want to go into the water and the officers are providing that information to people. Chief DiLuzio remarked that most people are very understanding.

Mr. Martell noted that is great to hear especially since there was so much attention paid to the issue of swimming and what will work. The Administration and the Police get a lot of credit for that. He asked if there are any plans for the Fourth of July weekend.

Chief DiLuzio replied yes. It is a three-day weekend, and we will have officers on that weekend, we do expect a crowd. Some will stay and some will go to Nockamixon or Mauch Chunk State Park, or the Parkway in Allentown or somewhere else, but he can say that overall the behavior has been good. He is surprised they have had no major issue with the rules.

11. PUBLIC COMMENT

Article 1714

Stephen Antalics, 737 Ridge Street, stated pointing out the Sands Casino use of the old Steel Ore Bridge for its sign, the City's Community and Economic Develop Director said that the City would like to see more of the Bethlehem's character to design such an important and visible project as the entrance of Lehigh Valley Industrial Park VII. When it comes to something as visible as a frontage around Route 412 we love to see a design that is not found anywhere in the USA. We would like to see something specific to the City of Bethlehem. Mr. Antalics mentioned in contrast with that are the deliberations on a nine story building at 24-30 Fourth Street proposed by developer Dennis Benner. The guide lines for approval for this project should be from Section 10 of Article 1714. It states in part: New construction should relate to the dominant proportions, size and scale of period buildings (1895 to 1950) in the district. That means to him that the buildings should be three to four stories tall to fit with the general character of the area. Mr. Antalics expressed he is taken by the logic and thought behind these two areas because the former is well out of the historic districts of the City while the second project is within the historic district. Mr. Antalics stated he is not alone in this because one other citizen felt the same to a degree, and made history of his own in a letter to the editor. He checked with a number of people who know the City and they were in total agreement with what this gentleman said in his letter and their coming to a reason was almost unanimous. He continued their opinions and the consensus, whether it is his or the person who wrote the letter he will not say. He mentioned could the contributions of Mr. Benner play into that decision to violate a City Ordinance or could the fact that the people making the decisions do not live in the City, have no knowledge of the City in terms of loving the City, or do not live here or are not here on the weekends. Mr. Antalics noted that City people in lead positions should live in the City so they would develop a love of the City along with the knowledge of the City. It was said this evening by a Member of Council each Ordinance needs a penalty for without the penalty the Ordinance has no affect. Mr. Antalics queried what the penalty is for the City violating

Article 1714 in allowing that building to proceed. As our public servants we would love to have an answer.

July 4 Reading of Declaration of Independence/Anti-Graffiti Ordinance/Act 192

Tom Carroll, 248 East Union Boulevard, remarked that he wanted to invite everybody to the fifth annual reading of the Declaration of Independence, which will be on July 4, 2016 at 11AM at City Hall. He noted it will take place outside but if it rains, we will be inside. Among the readers will be our Mayor and our Chief of Police. One of our Councilmen joined us last year and he thinks he will join us again this year. Congressman Charlie Dent and his rival in the upcoming election will be present. He expressed this is a non-partisan event so he tries to invite people from both parties and both Counties. Mr. Carroll stated he wanted to comment on the Graffiti Ordinance. He thinks there was some comments made about do not victimize the victims, and that is very important to keep in mind as you move that forward. Mr. Carroll mentioned he bought his home ten years ago and there has been a 45% increase in the tax burden since he purchased the property. The value today is 15% less because of the market. Mr. Carroll remarked he understands that graffiti is bad thing and needs to be removed. It does impact the quality of life but asked to keep in mind that when you fashion that piece of legislation you do not victimize the law abiding tax paying citizens of this community when they have been victimized by the act of the graffiti to begin with. Mr. Carroll noted with regards to the comments about Act 192, it was a single source violation that struck it down. In other words there were two subject matters in the same piece of legislation which is not permitted. It was not that the actual law was unconstitutional per se; it was that it was combined with another piece of legislation that did not have anything to do with it. That is not the way they are supposed to do things, so it was struck down. Their indication is that it would be upheld again and he will remind that the Pennsylvania Constitution makes it very clear that the State is preeminent with gun laws. There are already provisions in the State law that makes it wrong and illegal for local municipalities to pass gun laws that are contrary. Mr. Carroll added that the only thing that Act 192 did was give an avid incentive to citizens to be able to sue and there were also criminal penalties associated with that in addition to the civil penalties. So he would tread very lightly if you were thinking about reactivating laws that were illegal even without Act 192.

Steve Melnick, 1624 Easton Avenue, mentioned a number of weeks ago Council voted to guarantee a loan for a \$17 million parking garage for the Parking Authority after much discussion. He believes the Comfort Suites had proposed an entrance on Third Street as an alternative to losing parking spaces and he believes it was asked for some engineering estimates for realigning a short portion of Graham Place. Nothing on this agenda seems to address that. Mr. Melnick noted, as you know, he is the author of the letter to the editor that was referenced and he wanted to make the point that regardless of what the facts of the case are, perception becomes reality and there are some very negative perceptions out there right now. His two part question is has there been any progress made on the estimate of costs to realign a portion of Graham Place and/or has any progress been made with PennDOT on the new proposed entrance to the Comfort Suites.

12. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

ATTEST:

City Clerk