

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, September 6, 2016 - 7:00 PM

INVOCATION

Pastor Keith Harke, of West Side Moravian 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 Waldron, and J. William Reynolds, 7.

*Executive Session*

President Reynolds announced that City Council met in Executive Session this evening, Tuesday, September 6, 2016 at 6:00 p.m. in the Mayor's Conference Room. The purpose of the Executive Session was for the Law Bureau to update Council on City pending litigation and potential identifiable litigation.

2. APPROVAL OF MINUTES

The Minutes of August 16, 2016 were approved.

3. PUBLIC COMMENT

None.

4. OLD BUSINESS.

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

None.

5. COMMUNICATIONS

- A. *Councilman Evans - Revised Amendment to Rules of Council*

The Clerk read a memorandum from Councilman Eric R. Evans to which is attached a revised proposed Resolution to amend Rule 3A of the Rules of Council, which is the Order of Business. The revision changing the language is in the parenthesis.

President Reynolds stated Resolution 9 E is on the agenda.

- B. *Director of Public Works - Recommendation for Award - Gaver Industries d/b/a Barker & Barker Paving*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending a contract with Gaver Industries d/b/a Barker & Barker Paving to replace one brick crosswalk and construct ADA compliant curb ramps at the crosswalk located on Broad Street east of the intersection of Broad Street and New Street. The term of the contract is 30 days from the Notice to Proceed. The fee for the contract is \$50,581.

President Reynolds stated Resolution 9 F is on the agenda.

C. *Director of Public Works – Recommendation for Award – Greenscape Landscape Contractors*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending a price increase with a contract with Greenscape Landscape Contractors to replace in-kind deficient sidewalks on Main Street from Church Street to Broad Street, remove and replace trees, install two ADA curb ramps, and install underground electrical conduit banks and junction boxes. The project was to be completed September 18, 2015. The original contract was \$498,689.15; the additional funds are \$54,453.55 bringing the contract total to \$553,142.70.

President Reynolds stated Resolution 9 G is on the agenda.

D. *Economic Development Coordinator – Recommendation for Award – McWane Ductile*

The Clerk read a memorandum from Asher Schiavone, Economic Development Coordinator recommending a contract with McWane Ductile for the manufacture of up to 30 streetscape planters for Southside Bethlehem. The completion date is December 31, 2016. The fee for the contract is \$30,000.

President Reynolds stated Resolution 9 H is on the agenda.

E. *Director of Budget and Finance – 2017 Preliminary Budget Estimate – Pensions*

The Clerk read a memorandum from Mark W. Sivak, Director of Budget and Finance, dated August 30, 2016, regarding the 2017 Preliminary Budget Estimate for Pensions. Act 205, the pension reform law, requires the Chief Administrative Officer to submit for 2017 budget purposes, the financial requirement of the Plans and the minimum municipal contribution to the plans of the governing body of the City by September 30, 2016. As of this date, we have not received the allocation for the 2016 General State Aid or the final calculation of the amount required by the Pennsylvania Municipal Retirement Board. The estimates will be adjusted, if necessary, when a final budget is submitted to Council.

President Reynolds stated this for information only.

F. *Director of Community and Economic Development – Recommendation for Award – Serfass Construction Company*

The Clerk read a memorandum from Alicia Karner, Director of Community and Economic Development recommending a contract with Serfass Construction Company for the stabilization of 30 East Third Street. The term of the contract is a completion date of October 15, 2016. The fee for the contract is \$135,536.

President Reynolds stated Resolution 9 I is on the agenda.

G. *Director of Public Works – Recommendation for Award – Carroll Engineering Corporation*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending a contract with Carroll Engineering Corporation for the design of the improvements, preparation of bidding specifications, and permitting for the Fire Lane Bridge rehabilitation project. The term of the contract is seven months from the Notice to Proceed. The fee for the contract is \$21,914.

President Reynolds stated Resolution 9 J is on the agenda.

H. *City Solicitor – Highway Safety Project Grant – DUI Program*

The Clerk read a memorandum dated August 31, 2016 from City Solicitor William P. Leeson, Esq., to which is attached a copy of the Highway Safety Project Grant and Budget summary submitted by the Bethlehem Police Department to the Commonwealth of Pennsylvania Department of Transportation. This grant will provide funds through September 30, 2017 for DUI program sobriety checkpoints and expanded DUI enforcement operation. A Resolution is a requirement of the grant application.

President Reynolds stated the Resolution can be placed on the September 20 agenda.

I. *City Solicitor – Use Permit Agreement Amendment No. 1 – Celtic Fest, Inc. d/b/a Celtic Cultural Alliance – Celtic Classic 2016*

The Clerk read a memorandum dated September 1, 2016 from City Solicitor William P. Leeson, Esq., to which is attached a proposed Resolution and its Associated Amendment No. 1 to the Use Permit Agreement with Celtic Fest, Inc. d/b/a Celtic Cultural Alliance to add two locations to their event. The locations are the parking lot west of Fritch Fuel and the parking lot west of the train trestle.

President Reynolds stated Resolution 9 K is on the agenda.

J. *City Solicitor – Use Permit Agreement – Sun Inn Preservation Association*

The Clerk read a memorandum dated September 1, 2016 from City Solicitor William P. Leeson, Esq., to which is attached a proposed Resolution for the Sun Inn Festival. The permittee is the Sun Inn Preservation Association. The duration of the agreement is September 23 until September 26, 2016. The location is Nevin Place, adjacent to the Sun Inn Courtyard.

President Reynolds stated Resolution 9 L is on the agenda.

K. *Director of Public Works – Recommendation for Award – Traffic Planning and Design, Inc.*

The Clerk read a memorandum from Michal Alkhal, Director of Public Works recommending a contract with Traffic Planning and Design, Inc. to provide inspection services over the course of the construction of the replacement of the High Street Bridge Project. The term of the contract is 18 months from the Notice to Proceed. The fee for the contract is expected to be approximately \$128,000.

President Reynolds stated Resolution 9 M is on the agenda.

L. *Housing and Community Development Planner – LERTA expansion*

The Clerk read a memorandum from Allyson Lysaght, J. D., Housing and Community Development Planner to which is attached an amended Ordinance, Resolution and area map which reflects the expanded LERTA District Boundaries for consideration. The district will still target the same area of the City previously discussed, but is now expanded at the west to include property that borders Moravian College.

President Reynolds stated this will be potentially discussed under Ordinance 7 A and Resolution 9 D tonight.

6. REPORTS

A. *President of Council*

B. *Mayor*

*Saucon Park*

Mayor Donchez informed that they just finished the season at Saucon Park with the Labor Day weekend and he wanted to commend Police Chief Mark DiLuzio and the men, along with Jane Persa, Acting Director of Parks and Public Property. He remarked they have done an excellent job from Mother's Day weekend through Labor Day weekend. Mayor Donchez reported that he has been there almost every weekend. He added, there have been about 10 to 12 cars and the neighbors are appreciative. He expressed we will probably do this one more weekend during this coming weekend, and then just fade this out and have patrols go through as we did last year. Mayor Donchez noted appreciation for Council's support in the changing of the rules and reported the neighbors are pleased. He just wanted to say thank you and report that we were successful, although this is something we will have to work on again next year.

*Proclamation to Lieutenant Colonel John McGeehan*

Mayor Donchez recognized Lieutenant Colonel John McGeehan and presented a proclamation to him that stated, " In grateful recognition of your distinguished military service as a member of the Green Beret, and a decorated Special Forces Counterterrorism Specialist, which included three tours of duty during the Vietnam war, and for now directing your efforts to the "greening" of the City of Bethlehem, and your outstanding dedication and commitment to the stewardship of our urban forest, the City of Bethlehem would like to express sincere appreciation for your tree planning efforts. May your actions serve as an example to other citizens to care for the future well-being of our community by contributing to our protected canopy and provide future generations the benefits that trees provide. Therefore, I, Robert Donchez, Mayor of the City of Bethlehem proclaim September 6, 2016 Lieutenant Colonel John McGeehan day." Mayor Donchez congratulated Colonel McGeehan.

Colonel McGeehan thanked the Mayor, City Council and Michael Alkhal, Director of Public Works, and all the residents of Bethlehem. He stated he had the chance to move into Bethlehem in 1983 to where they now live. He continued they had about 20 trees, and over the years they lost ten trees, but they did plant an additional 150 trees on the property. They also had the chance to put 300 bushes and shrubs on the property. He commented they are happy to live there and are happy to be stewards of that wonderful piece of property. Colonel McGeehan thanked Mr. Alkhal for taking care of the City, and Moravian College and Lehigh University for taking care of the trees. He expressed we probably have ten trees per person in Bethlehem when you take into consideration all the trees we have in the City, plus those at the watershed.

*Bethlehem Electronic Recycling Event*

Mayor Donchez reported that the City of Bethlehem will have an electronic recycling event on September 10, 2016 from 9 am to 12 pm at 345 Illicks' Mill Road. The event is open to Bethlehem residents and proof of residency is required.

7. ORDINANCES FOR FINAL READING

A. *Bill No. 23 - 2016 - Amending Article 342 - Local Economic Revitalization Tax Assistance*

The Clerk read Bill No. 23 - 2016 - Amending Article 342 - Local Economic Revitalization Tax Assistance on Final Reading.

President Reynolds stated that as noted earlier there was a Communication from the Administration that was read in reference to a letter we received last week. He then asked the City Clerk to read the Communication again, and he will then go through the various options regarding the request in the Communication.

The Clerk read the memorandum from Allyson Lysaght, Housing and Community Development Planner dated September 2, 2016. "In response to Dr. Grigsby's letter to Mayor Donchez and City Council this week, attached please find an amended Ordinance, Resolution and area map which reflects the expanded LERTA district boundaries for consideration. The district will still target the same area of the City previously discussed, but is now expanded at the west to include property that borders Moravian College."

President Reynolds mentioned after that letter was received, the Administration forwarded that memo to Council. The Law Bureau reached out to Council Solicitor Spirk regarding the process if this would be something that Council would care to move forward with. He continued if Council does not wish to move forward with the proposed additional boundaries, then we just would vote on the Ordinance as it is before us tonight. President Reynolds queried if Solicitor Spirk or City Solicitor William P. Leeson would be able to share with us what the process would be if Council were to move forward with the request to expand the boundaries.

Solicitor Spirk stated they had communication between himself and the City Solicitor's office that the process that would seem to be best, if it were the wish of Council to move to amend the LERTA boundaries tonight, would be to amend the Ordinance as it exists tonight to add the new boundaries, and to defer voting on the final Ordinance, as amended, until the next Council Meeting in two weeks. In the interim the changes to the boundaries would be

advertised, and a Public Hearing would be scheduled to precede the next City Council Meeting in two weeks. That would be the process that we collectively agreed would be best if it were Council's will to amend the boundaries.

President Reynolds asked Solicitor Leeson if that sums up what they determined as well. Solicitor Leeson stated it does.

President Reynolds asked Mayor Donchez if he concurs with that process if it would be the will of Council to move forward with the request to expand the boundaries. Mayor Donchez stated he signed off on the memorandum, and that is correct.

President Reynolds reported the options that City Council has tonight regarding this matter. One is if Council decides to follow that option, supported by the Administration, we could amend the Ordinance, advertise the Public Hearing, have the Public Hearing in two weeks and have the vote on the Ordinance, as amended, in two weeks. A second option would be not to introduce an amendment and just vote on the Ordinance as is. A third option would be a vote to table the current Ordinance until the next meeting or until a further date for people to obtain more information, since we only received this on Friday, September 2, before the Labor Day weekend. He does not believe we received Dr. Grigsby's letter until last Friday. The Clerk stated that is correct.

President Reynolds informed the option to table this would give the opportunity to get more information about the proposed expanded boundary area. The original boundaries came forward with the support of the School District. He expressed he has had a few conversations with a some people with the school district who seemed to indicate support for expanding the original boundaries that were presented to Council, but he does not know if we have anything in writing and no one from Bethlehem Area School District is present at the meeting tonight to comment. He would defer to his colleagues as far as options are concerned to either amend the Ordinance and follow the process that Solicitor Leeson and the Administration laid out, or have the final vote on the Ordinance as is before us tonight, or tabling the Ordinance to provide for an opportunity to get more information to take a look at the proposed extended boundaries.

Mr. Callahan remarked that the letter came in from President Grigsby asking for the City to consider new boundaries.

President Reynolds stated that is correct. It was to expand the boundaries west of Main Street to include the other part of William Penn Elementary School that surrounds Moravian College that is not included in the original boundaries.

Mr. Callahan asked Alicia Karner, Director of Community and Economic Development if Moravian College was asked about their surrounding areas around their property ahead of time.

Ms. Karner stated they did not engage Moravian, we only engaged the taxing bodies in advance of introducing the boundaries.

Mr. Callahan asked what the criteria was in even starting this; when did we get this originally; and was this with the Public Hearing two weeks ago.

Ms. Karner believes it goes back further than that.

President Reynolds reported we originally received the request to amend Article 342 - LERTA and the attached Resolution he believes at the beginning of July. We needed to schedule a Public Hearing, which we had scheduled and the document we received, even though we had a discussion about the Commercial and Residential aspect of this, because the Residential was not in the original document we had to put that in the Ordinance. The process slowed down because we had to have that second Public Hearing for the Residential aspect of LERTA. We could not vote on it because the language that was sent to us originally was flagged as not including the Residential portion of what needed to be in the Ordinance. President Reynolds stated this has been with us for two months but part of the reason of the slow process was because it was just that the language that was not included originally needed to be included in the first place.

Ms. Karner stated she wanted to correct that. She remarked the language was in the documents, it was just not in the public advertisement that ran. We wanted to insure that the ad ran a second time and that included Act 42, which is the Residential component and then have the second public hearing.

Mr. Callahan asked about the original LERTA zone boundaries and what was some of the criteria of why we wanted to designate this area.

Ms. Karner stated they were looking at what was an economically distressed area. She remarked there was a logical reason to look at it and explained that the first time the neighborhood came to our attention as having tremendous potential was when they did a walk on the north side of the City. The area is adjacent to the central business district and is a mixture of single family homes and doubles. It has seen an increase in conversions to rental units. Ms. Karner noted what they wanted to do was look at an area we knew had challenges and we did the analysis of Sheriff sales, foreclosures, and looked at the grading that the County gives to those properties. She added they also looked at the rental versus owner/occupied and determined the boundaries.

Mr. Callahan queried if much of that criteria also is in the area that Dr. Grigsby is requesting.

Ms. Karner remarked that it may be, but we just have not had the opportunity to look at it yet.

Mr. Callahan reported that maybe we should look at it. He remarked that he lives in that area and it seems to be on more of a downside right now than some of the other areas that are included in the current boundaries. Mr. Callahan asked if Ms. Karner is in favor of the new boundaries.

Ms. Karner stated she is certainly in favor of looking at it; there is no harm in doing an examination of that same area. It is not immediately adjacent to the central business district, which is why we did not zig zag down that way, but it is very logical to take a look at that and she is very much willing to take a look at the proposed area.

Mr. Callahan asked if Mayor Donchez is in support of the new boundaries.

Mayor Donchez stated yes. He remarked when he received the memo from President Grigsby advocating the expansion of the LERTA district he believed his request has merit and should be considered. He supports the request and also knows it is important to have a Public Hearing, as was stated.

Mr. Callahan informed he read the memo from Dr. Grigsby and expressed there is a lot of merit in that and much of the criteria that was brought up at the Public Hearing. Mr. Callahan added that Moravian is a huge partner with the City of Bethlehem and there are areas in the blocks surrounding the boundaries of Moravian that are probably worse than the criteria that was looked at for the other areas of Bethlehem that are in the first boundaries. He does not know if it was an oversight, but thinks someone should have reached out to Moravian for input. Mr. Callahan asked if the School District is in favor of the new boundaries.

Ms. Karner stated some school board members indicated support, but that was not a conversation I had with them. We did present this to their Finance Committee. We have also put together a committee which Moravian does sit on; it just was not President Grigsby that we were dealing with. She highlighted in fairness we did reach out to Moravian regarding the district and they are willing to be a partner.

Mr. Callahan asked if Northampton County is in favor of the new boundaries.

Ms. Karner stated they did not vote on it yet; we do not present to them until October.

Mr. Callahan asked if Ms. Karner has talked to anyone and she replied yes.

Mr. Callahan asked about the School District.

Ms. Karner informed the County and the School District will formally consider the Ordinance or Resolution after City Council votes on it. That is the established process for LERTA.

Mr. Callahan asked if it is possible to get additional information to Council on this new proposed boundary area. He recalls they presented the number of free and reduced lunch in a prior presentation.

Ms. Karner reported that the only thing they are certain of at this time is the free and reduced lunch.

Mr. Callahan wondered if there is a way they can get the information for the areas that Dr. Grigsby is requesting.

Ms. Karner replied it is not a large request, but we need to prove that to be able to create this LERTA district you have to have cause to create LERTA; you cannot just create a LERTA district. Ms. Karner confirmed that these are items they will take a look at.

President Reynolds asked Ms. Karner if she supports the process that was received by City Council that was put out by Solicitor Leeson and approved by Mayor Donchez.

Ms. Karner stated in fairness, she has only briefly seen the memo. She does not have a copy of it; it was not sent to her. She understands there were two options.

President Reynolds queried if the memo about the process regarding how to add this new request to expand the boundaries was not sent to Ms. Karner.

Ms. Karner understands it was a conversation between two Solicitors and she would not expect it to be sent to her. She understands there were two options laid out and there was a third option that we discussed subsequent to that memo.

President Reynolds asked Ms. Karner if she does or does not support the process that was laid out, and does she think there is another way we should look at this request.

Ms. Karner noted the only other option is the one that you mentioned, which is tabling the Ordinance so that it is preserved in case the expansion is not supported by Council.

President Reynolds asked Ms. Karner which one she thinks Council should follow through on.

Ms. Karner noted that is Council's prerogative. She certainly would not want to see us lose the entire district. She does think there is merit to the core district and expects they will find merit to the expansion. She reiterated as of right now she does know there is merit to the core district and that is something she would hate to see the residents of the City not benefit from if the Ordinance fails based on the amendment.

President Reynolds mentioned everyone here voted for the original boundaries and he does not think anyone is against the original boundaries. The idea of an amendment that would affect the original boundaries is something to think about. If Council Members said it was not something they wanted to do, then passing of the original boundaries would be something that all seven of us would be in favor of doing.

Ms. Karner stated that is great to hear.

President Reynolds reiterated that we received this letter on Friday. He read a portion of the letter as follows: "As you know Moravian College is a big supporter and proponent of the City's desire to revitalize this important area. Moravian has and continues to stand ready to be an important partner in this effort. As a "lead partner" at the William Penn Elementary School, Moravian College feels it's important to include more of the neighborhood adjacent to William Penn within the new LERTA boundary. William Penn Elementary School and this feeder neighborhood has many of the same issues as Thomas Jefferson Elementary School. There has been a dramatic increase in students receiving free and reduced lunch, from 56% in 2005 to 75% in 2015. This is certainly an indication of the economic distress experienced in this

neighborhood. Expanding the boundary, with the hope that it will encourage new development and help to stabilize a neighborhood in decline, would not just positively impact William Penn Elementary School, but because this area is within walking distance of our downtown, improved housing and increased investment would support the economic vitality of the central business district. In addition to the declining demographics, this neighborhood has many vacant and blighted properties and as such has significant infill opportunities as well as opportunities for adaptive reuse of existing buildings. "

President Reynolds remarked that was in the letter that Dr. Grigsby addressed to the Mayor and City Council.

Mr. Colón queried how many acres is in the core of what was originally proposed.

Ms. Karner stated slightly more than 200 acres, between 220 and 230 acres.

Mr. Colón asked how many acres are in the proposed expansion of the boundaries

Ms. Karner replied 40 acres.

Mr. Colón inquired whether the expansion would cover all of the neighborhoods that feed into William Penn Elementary School.

Ms. Karner stated she does not know at the moment.

Mr. Colón wondered if there would be merit in other neighborhoods butting up against the proposed core in other directions. Ms. Karner replied yes.

Mr. Martell noted his opinion regarding the three options is that it makes sense to go forward with the vote on the Ordinance as is before Council on final reading. We have talked about this since July. We had a Committee Meeting and several Council Meetings, and two Public Hearings. This has gone on for a long time, and there is a process that will go on after tonight in terms of the County and the School District reviewing and approving this LERTA district. Mr. Martell noted if someone would like to make a motion to make an amendment to this they can certainly do that, and we can have a discussion. He thinks tabling this at this point would put it back even further than it already is, and he is not sure anything can be accomplished by tabling it that could not be done by consideration of the amendment tonight to the original district. Mr. Martell does not see why this is something that came to Council so late. He continued this needs more vetting, and is something we could always revisit after getting more information. His thought is to move forward with the vote on final reading of the Ordinance as is, and if someone wants to make an amendment, they may make an amendment.

President Reynolds expressed the fact that there could be an amendment today, but not vote on it as amended, advertise the Public Hearing, allow people to weigh in at the Public Hearing, and vote on the Ordinance as amended in two weeks. There would also be an opportunity to amend it again in two weeks depending on what else occurs between now and then. President Reynolds inquired if anyone from the Administration have had any discussion with the School District about how they feel about the potential for the expansion of the boundaries as noted in the letter from President Grigsby.

Mayor Donchez stated he did not and Ms. Karner stated she did not.

President Reynolds mentioned the conversation originally with Dr. Roy where it was the school district that requested the original boundaries be extended beyond Linden Street to include Maple Street. He expressed that involvement in the process is important. The last time there was an Ordinance to amend LERTA was in 2012. He recalled it involved the Saucon Valley School District with the portion of property in LVIP VII and some questions about the Majestic Property. It was tabled a few times and that process took several months because of the different entities weighing in on the matter. He added, the Bethlehem Area School District weighing in early is a positive. President Reynolds thinks the Administration should have the opportunity to reach out to them for input regarding the expanded boundaries referenced in the letter from President Grigsby.

Mayor Donchez mentioned Ms. Karner is correct regarding the memorandum, but he wanted full disclosure for transparency. The memorandum from Legal was addressed to him with the two options, and that is the memo that we internalized; no one has a copy of it, there was only one copy that went back to Edmund Healy, Assistant City Solicitor and Mayor Donchez has one copy. The same memo that was then addressed to Solicitor Spirk; none of us has not seen that. Mayor Donchez noted the original memo that he signed off on was addressed to him.

President Reynolds does understand what Mayor Donchez is saying, but noted it is not our job to share that with Ms. Karner, as far as the process favored by the Administration.

Mr. Evans remarked the letter from the President of Moravian College was accurate for that neighborhood, but could be accurate for any number of neighborhoods in our City; perhaps that description would fit in different areas for up to ten different spots. As we consider where to place LERTA, we have to look what does it change, and what are the advantages and disadvantages to say let's hit all ten areas that we think might fit or benefit by the LERTA. Is there an advantage or disadvantage to the City other than maybe forgoing the incremental real estate taxes? Part of the incentive is that we hope property owners would make improvements to their property that would trigger LERTA benefits. He queried without that, would they not do anything? Mr. Evans mentioned with all that in mind what keeps us from saying let's blanket the City and everyone will build and it will be a beautiful place.

Ms. Karner mentioned as far as the State enabling legislation, it is her understanding that you could blanket the entire City as a LERTA. Harrisburg did it recently where they voted to LERTA the entire City. She believes it was both residential and commercial. Ms. Karner added that Erie has a substantial district, and that is residential. Ms. Karner noted there is nothing that would prohibit that but she thinks what we try to do is couple tools to have a maximum impact, and so for us that does not begin and end with just this LERTA district. It is the ability to overlay or target the housing rehab program, to offer de-conversion funds and to test the waters and see if it is successful to de-convert from multiple apartment use to one single family home again. Ms. Karner noted they also have some façade funds. There is always a limit to what our research is, and a scattershot approach for us is not always what we think is best. She continued there is some advantage to concentrating the resources in the area so that we can see if we can have success and we try that for a period of time. If it is successful, we then will try to replicate that in other areas of the City.

Mr. Evans asked if there are additional resources from within Community and Economic Development needed to maintain the LERTA. Would there be more maintenance if this gets approved tonight, with or without an amendment?

Ms. Karner stated she does not need additional resources. The only thing she will say is if you start going north and east, we are limited by the boundary with Lehigh County. She remarked she thinks there are areas in West Bethlehem that are ripe for LERTA. Lehigh County is a whole different legislative body. They just wanted to take them one county at a time. They need to draw a line, but it is difficult to know what that line is. She noted we wanted to concentrate our resources with the LERTA boundaries. They wanted to make sure that the property owners that apply for permits in the district are also aware of the LERTA, and that they are able to apply for the LERTA at the same time. Administratively it is tracking the LERTA in the long run to justify its existence. Ms. Karner does not want to lead us to believe if we blanketed the entire City with LERTA versus 260 acres, there would be another person needed to be hired to assist administering the program; that is not the case.

Mr. Evans asked Mr. Brong if he worked with Ms. Karner on the impact of LERTA on our budget.

Mr. Brong stated they work closely and it is a lot easier once you know what properties are assigned the designation and what development is going to happen on that property. At that moment it becomes clear we are talking about something that is still an unknown and will remain an unknown for some time. We really do not know who is going to take advantage of it for de-conversion purposes, but we do work closely on this.

Mr. Evans highlighted historically the LVIP LERTA was productive. He queried how the overlay in the Third Street and Fourth Street corridor compares.

Ms. Karner noted of the six projects since she has been with the City, there has been one, which is the Flatiron building that has applied to take advantage of the LERTA.

Mr. Evans mentioned this is to be determined over a couple of years. He asked if this LERTA is for ten years.

Ms. Karner stated it is five years enabling and then a ten year abatement.

Mr. Waldron returned to the point at hand, which was the potential expansion of the LERTA boundaries. He thinks it should be vetted; and a Public Hearing would be the best way to do that. It seems like all Members of Council are in favor of the original boundaries and that may be wise.

President Reynolds noted if the original Ordinance is voted on, then they could always decide to introduce another one and start the process over. Council could also amend the Ordinance tonight, have the Public Hearing in two weeks, and then if you do not like what people have said about what the amendment would do, then take the amendment away, pass it as is. This way there has been the public notice, a Public Hearing and people had a chance to weigh in. In the end you either have an Ordinance with the newest expansion, or you have the one as it originally stands. President Reynolds mentioned if you do it the other way, and you pass the original Ordinance that is on the agenda tonight for final reading, the Administration could decide whether or not to introduce the second Ordinance and then the process starts over.

Mr. Waldron understands that and is not opposed to the idea of passing the amendment, but it is clear that Council has not vetted it, and does not have any necessary information. He continued that he feels this was put on us at the eleventh hour, and it feels uncomfortable passing something knowing that we do not have all the data. Mr. Waldron he could see passing the amendment with the caveat that it will be reviewed thoroughly and vetted to see if it is an appropriate addition.

President Reynolds noted the process would be that if we would amend the Ordinance in front of us it would not necessarily be voting for it. We would need to amend the Ordinance to set up the Public Hearing and public notice so that in two weeks we could have the Public Hearing and have the opportunity to hear from the School District and other people that would be for or against it. Then in two weeks either vote for the Ordinance, as amended or remove the amendment to revert to the original Ordinance.

Mr. Waldron noted that sounds fine, but would there be a third option at that point to table this for another Council Meeting if we wanted more time.

President Reynolds stated you could in two weeks once there is a Public Hearing.

Mr. Waldron would be comfortable with passing the amendment and setting up a Public Hearing tonight in order to review.

Mr. Callahan said he would second that.

Mr. Waldron stated he will make a motion if necessary after all Council Members have the opportunity to comment.

President Reynolds expressed that he would allow for further discussion before that motion is made in case someone else wanted to discuss this.

Mr. Callahan asked what the proposal is.

President Reynolds mentioned there is no proposal because he has not made one yet. If there was a proposal it would be the process and the language that was set out earlier in response to the letter and memo that came from the Administration, but Mr. Waldron has not made yet made that motion.

Mr. Waldron noted essentially we would be passing the amendment this evening.

President Reynolds reported that we would be amending the Ordinance but only voting on amending the Ordinance. When we have an Ordinance in front of us and want to amend it, a motion is made and the amendment is stated. A discussion takes place on the amendment and a vote is taken on the amendment. Council has the opportunity to discuss the Ordinance, as amended, and following discussion, a vote is taken on the Ordinance, as amended. The process laid out by the Administration and the Solicitor would be to amend the Ordinance but we would not vote on the Ordinance, as amended tonight because once it is amended another Public Hearing needs to take place before a final vote. We would just be setting up the Public Hearing for two weeks from now, at which point people could weigh in on the proposed expanded boundaries. On that same evening, we then would have an opportunity to vote on the Ordinance, as amended, or you could change the amendment as well, or take the amendment away and vote on what is before us tonight.

Mr. Callahan stated he would like to have the opportunity to hear Dr. Grigsby's views on this. He mentioned possibly Ms. Karner could reach out to the School District and the County and see how they would feel about the proposed expanded boundaries. He asked if she has had the opportunity.

Ms. Karner replied no. We are scheduled to go back to the Finance Committee for the School District on September 19. She believe they are scheduled to vote on it on September 26. The only thing she would suggest is that if this is tabled beyond the 20<sup>th</sup> we would have to put off when the School District considers the LERTA for another month which pushes us back for the County as well.

Mr. Callahan expressed that going back to the County and the School District with two different Ordinances and Resolutions looks unorganized. Mr. Callahan is in favor of Mr. Waldron's suggestion. He feels as long as we are not voting on passing it tonight, we will still have a Public Hearing, so we still have time to vet the proposed boundaries.

Ms. Negrón-Dipini wanted to reiterate what was stated before, and that is this was mailed to us Friday. She went away Friday morning for the weekend and came back last night so she did have not much time to look at this. She feels uncomfortable with this.

President Reynolds then asked the Clerk to read the amendment Bill 23-2016 that is the result of the added Communication and the Administrations' request to expand the boundaries to the west of the new proposed LERTA District.

### Amendment to BILL NO. 23 - 2016

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS:

Exhibit A of the Resolution that accompanied the revised Ordinance to amend Article 342, attached to a Communication dated July 28, 2016 and presented to City Council has been revised to expand the proposed LERTA district to the west of the proposed properties as set forth in the attached revised exhibit A and hereby is incorporated into Bill 23-2016.

President Reynolds asked for a motion on that amendment. Mr. Waldron made the motion and Mr. Callahan seconded the motion. President Reynolds stated that now leads to discussion on the amendment from Mr. Waldron and seconded by Mr. Callahan to Bill 23-2016.

Mr. Callahan stated by voting yes for this we are not voting for approval. All we are doing is moving the timeline down the road for two weeks from now and at that point we can possibly have more information from Ms. Karner's office regarding the views of the School District and the County. He added that hopefully Dr. Grigsby could attend the meeting, and get the additional information of this area from Ms. Karner. Mr. Callahan noted when you look at that surrounding area around Moravian; it is lower income than many of the areas in the original 220 acres. He remarked that he is referring to the new area from Potts Hot Dogs and a block or two west and north of that area. Mr. Callahan mentioned if you look at the data for that area it is probably similar, if not worse than the area proposed in the original 220 acres. So by voting for this all we are doing is moving the timeline along, but we are not voting to pass the Ordinance on final reading tonight. He asked if that is correct.

President Reynolds stated what we are voting to do is we are voting to amend the Ordinance that is before us. He continued it would allow the opportunity for a Public Hearing to be scheduled to take place two weeks from now. There would be the public vetting and people on any side could give their ideas and have the opportunity to speak. Following the Public Hearing in two weeks we could either vote on the Ordinance, as amended, or if it is the will of Council, we could change it back and vote on it as originally proposed and it would be done that evening. Either way, it would allow for an opportunity for Moravian College, all the residents, the school district, and the county to weigh in.

Mr. Callahan stated he did second this and he would support it. He does think we need to vet this a little bit more and look at it, but he does not want to slow the timeline down either.

Ms. Karner stated she would like to move this along and if it goes beyond the next meeting we are really going to start to get tripped up, not so much for the School District, but ultimately with the County.

Mr. Martell informed that he will be voting against the amendment tonight. He thinks that we have spent a lot of time analyzing the original and core LERTA zone. We heard about it being a pilot program. We have not focused on this side of a residential unit before, and it was something we were interested in taking a look at and putting resources into it and hoping for the best. Mr. Martell believes the more that you expand those boundaries and add into different neighborhoods the more stress will be on the Administration in order to target the neighborhood and utilize those resources. He thinks that will muddy the waters in terms of seeing how the program goes. We need time to see how that program goes and come back in a year or two to know if this is a success, and then look for other parts of the City, or maybe it was not a success and figure out why, and then work to retool it to apply to other places. Mr. Martell thinks that makes a lot of sense. Council would love to work with the head of Moravian College in terms of strengthening that neighborhood; it is a unique neighborhood and may be outside of the thought process that went into the original LERTA zone. He is not sure we should put them together at this time. Mr. Martell reiterated that he will be voting against this tonight, and is open to look at the effects and see if it can be expanded in the future.

President Reynolds then asked the Clerk to call the roll on the amendment to Bill 23-2016.

Voting AYE: Mr. Waldron, Mr. Callahan, and Mr. Reynolds, 3. Voting NAY: Ms. Negrón-Dipini, Mr. Colón, Mr. Evans, and Mr. Martell, 4. The amendment failed 3-4.

President Reynolds stated they will go back to discussion on Bill 23-2016, amending Article 342 Local Economic Revitalization Tax Assistance without the proposed amendment.

President Reynolds informed that he will be voting to support the Ordinance. He expressed he is disappointed that we did not take more time to take a look at what Moravian College had asked for and what he believes Bethlehem Area School District is interested in as well. He commented as a body that tries to be as deliberate as possible with a citizenry that asks us to be as deliberate as possible, he does not believe we are doing our due-diligence here. President Reynolds thanked the Administration for getting behind this and also thanked Solicitor Leeson and his office because the process is not one that comes all the time.

Mr. Callahan agrees with President Reynolds in the fact that it was rushed. Had Ms. Karner's department talked to Moravian and asked them about this we could have avoided some of the issues that we are dealing with right now. He does not think going back to the School District and the County and doing a double ask is not good; it is unorganized. Mr. Callahan does appreciate Dr. Grigsby's request. He would still appreciate if Ms. Karner could get the data on the poverty level and the free and reduced lunches with properties and rentals in that area, the same data that you gave us for the original 220 acres for the Council's next meeting. Mr. Callahan stated he will be voting no on this proposal because he thinks it was rushed through.

Mr. Martell added that he agrees with Mr. Callahan and that the amendment was rushed and there were issues with it. He restated that this is a dynamic neighborhood and there is a lot more going on in this neighborhood than just Moravian College. The entirety of the picture needs to be looked at, he remarked. Mr. Martell believes that most people stated that

we all want this to be successful and we want the core LERTA zone to be successful and that is the genesis against the amendment, to give the ability to allow this LERTA zone to be successful and to benefit 220 acres, the homes, the free and reduced lunches and the Sheriff sales, all the things we have heard. Mr. Martell stated he will be voting yes on this and he asks other Council Members to consider voting yes as well for those reasons. Mr. Martell commended the Administration for all the work they have done with this and Council will look to give support in the future and to expand as necessary.

Mr. Callahan pointed out that he knows the amendment was rushed but he was referring to the rush comment as being the overall LERTA zone. The fact that Moravian was not brought into the discussion, he believes that was negligent and short sighted. Mr. Callahan stated that maybe he is wrong, but it seems like the original proposal on the 220 acres was not well thought out and vetted. Had we voted on the amendment, we still had time to look at the whole thing without going back and doing a double ask of the County and School District. Mr. Callahan mentioned near Moravian there are many homes in that area that need the assistance of the LERTA program, just as do the areas around the original 220 acres.

Mr. Evans noted it is a question of the focus of what we want to do. He does agree with Mr. Martell that we have a clear focus on what we want to do and added that the word "pilot" was used. There will always be special interest out there looking for sections. With all due respect, Moravian is doing a lot of great things and they are a good community partner. Many Principals of the School District became aware of this and we have gotten letters and we tracked those stats. There may be some things near Moravian College, but there may be other places. Mr. Evans believes this is a work in progress. If this core works, then we need to make the decisions about which school neighborhoods we target. Mr. Evans thinks we need to consider the letter from President Grigsby at some point. He noted he does not believe it was negligent to not consider other areas because there are all kinds of spots in the City, and we all acknowledge this. He remarked he can think of a few that he would love to include sometime in the future. This is a work in progress, we can target what we can and focus our resources on this. Mr. Evans noted it is a good program and he supports this and will be voting yes this evening.

President Reynolds does not think that what we are doing today was necessarily answering right away, and by voting down that amendment, we did not even have that conversation. He also reflected on the south side and overlaying programs such as CDBG, KIZ, LERTA to make things happen. President Reynolds noted there are some people that come forward and say what about a certain place but to a certain extent many of those places already have something going on and have economic development tools that Ms. Karner's Department and the previous Administration looked at trying to find a way to spur development. He does think that when you look at William Penn Elementary School side of Main Street and then look at the opposite side of Main Street, it is not any different. He continued tonight were asking for two more weeks to allow that information to come forward to make that decision. President Reynolds continued the City Administration adjusted the original boundaries to LERTA after they had conversations with Dr. Roy of the Bethlehem School District. He is someone who runs the School District and a community partner. The people on the school board have had conversations with the Administration about how they thought it was a good idea to move the boundaries to include Maple Street. We reached out to the School District to listen to them and they responded to that. He continued tonight the idea to amend this Ordinance would have allowed for another Public Hearing to hear public comment on expanding the boundaries and it would have given the Administration two more weeks to gather information and see how Dr. Roy or the school board members feel about this. He thinks that was a conversation we should have had.

Mr. Callahan stated he does agree with President Reynolds. Voting for the amendment would have given us some additional time. He noted the letter from President Grigsby was at the eleventh hour, but President Grigsby was never included in the conversation to begin with, which he thinks is the part where someone dropped the ball. Ms. Karner reached out to the School District and the County but failed to reach out to Moravian College. Moravian College has reached out in numerous ways to the City and has done a great job in transforming the north campus area, whether it is with flower beds or new plantings or benches along Main Street. Mr. Callahan thinks it is a shame to not to even give Moravian College a two-week period to have a discussion about their request.

Ms. Karner informed they did reach out to Moravian College and spoke to Nicole Loyd, Vice President of Student Affairs. She was on the committee that we put together and that was in advance of the first Public Hearing, if not it was certainly in advance of the second Public Hearing. She does not want Council to think that we did not engage Moravian College on this. We also engaged the Community Action Committee of the Lehigh Valley, CACLV, to be a partner to focus our resources and try to replicate some of the successes we had on the south side with the South Side Vision. Knowing that Moravian College has adopted William Penn as a community school and knowing that they had a vested interest, we wanted to make sure that they were also engaged. Ms. Karner noted in fairness to her staff it was certainly before the second Public Hearing that we had engaged Moravian College and she could pull the dates if necessary.

Mr. Colón asked what kind of feedback Ms. Karner received from Moravian at the time.

Ms. Karner expressed they were excited about the prospect. What we wanted to do was see what kind of resources, in addition to William Penn, that they could put into it, whether it was something similar to what Lehigh University does, which incentivizes employees and faculty to live in the City. They no longer have that program, but are willing to look at it and see what they can do to shore up the neighborhood that we are focused on.

Mr. Martell remarked that it is fair to say at this point that Moravian College, while they were interested in it, they were interested in looking how they might use it down the road. It is not as if they had a game plan in order to utilize it.

Ms. Karner stated we very much said to them that we are doing this LERTA and we are putting together this Committee and we want to make sure there are community partners engaged. This is not dissimilar to what we do with Lehigh University every time we do something on the south side. So we did reach out to Moravian College.

Mr. Martell just wanted to make one comment for the record because it seems like some of the arguments against the nay votes are trying to qualify our votes as a vote against Moravian College when this is not a zone. It is solely Moravian College. Everyone here knows there are other interests in that zone as in any zone. So to trade a narrative whereby everyone that voted against it voted against Moravian College he thinks is wrong and he does not want his vote to be misconstrued as a vote against Moravian and their President; that is just not accurate.

Mr. Callahan stated to Mr. Martell that his comment is just that what is the hurt in allowing and passing an amendment to the Ordinance tonight that would have allowed Dr. Grigsby and interested parties come here to comment, and for Ms. Karner to come back in two weeks with additional information. We are not passing the Ordinance; rather all we are allowing is for more information to be provided to Council to make a better informed vote. That is what he was commenting on; he was not criticizing Mr. Martell's nay vote. He was just suggesting that we are stifling an opportunity to get more information. Mr. Callahan just thinks we all could have still voted no against it two weeks from now, but what you did by voting no is squash any more information from coming to us, good or bad. What is wrong with the City listening to a major College, he asked. We have two big Colleges in the City and they are a major partner with the City. He concluded if Mr. Martell was offended by his comments, he apologizes.

President Reynolds stated we have made our points.

Mr. Callahan noted his point was that he was not criticizing anyone for voting no; he was criticizing the fact that we stopped the debate on the subject. We were not passing anything tonight; all we were doing was asking for more time and information from Ms. Karner's department. Mr. Callahan noted that Mr. Martell is the Chair of the Community and Economic Development Committee so maybe he could have come forward.

Mr. Callahan noted that was his purpose in stating this was that it seems a shame that we did not allow for more time. He is not asking to vote yes for it, he is just asking for more additional time to hear from Moravian College and Dr. Grigsby. Maybe there are residents in that area who would like the LERTA also. He just thinks not listening to those people is a shame.

Mr. Martell just wanted to clarify for the record and as you said he would certainly be interested in hearing more information going forward as well, he agrees with that.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, Mr. Reynolds, 6. Voting NAY: Mr. Callahan, 1. Bill No. 23 – 2016 now known as Ordinance No. 2016-23 was adopted on Final Reading.

*B. Bill No. 24 – 2016 – Amending Article 149 – Blighted Property Review Committee*

The Clerk read Bill No. 24 – 2016 – Amending Article 149 – Blighted Property Review Committee on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 24 – 2016 now known as Ordinance No. 2016-24 was adopted on Final Reading.

*C. Bill No. 25 – 2016 – Amending Community Development Budget*

The Clerk read Bill No. 25 – 2016 – Amending Community Development Budget on Final Reading.

Ms. Negrón-Dipiní stated she needs to abstain from voting on this Ordinance because she is a Board Member for CACLV which received funding from this CDBG and HOME Program; therefore she will abstain on this vote.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Ms. Negrón-Dipiní abstained, 1. Bill No. 25 – 2016 now known as Ordinance No. 2016-25 was adopted on Final Reading.

*D. Bill No. 26 – 2016 – Amending General Fund Budget*

The Clerk read Bill No. 26 – 2016 – Amending General Fund Budget on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 25 – 2016 now known as Ordinance No. 2016-26 was adopted on Final Reading.

8. NEW ORDINANCES

None.

9. RESOLUTIONS

*A. Approving Records Destruction – Solicitor’s Office*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-177 that authorized the disposition of the public records in the Office of the City Solicitor as listed in Exhibit A.

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

*B. Authorizing Amendment to Use Permit Agreement for Public Property – Mount Airy Neighborhood Association – West Side Farmer’s Market*

Mr. Callahan and Mr. Waldron sponsored Resolution No. 2016-178 that authorized to execute Amendment No. 2 to the Use Permit Agreement with the Mount Airy Neighborhood Association for the West Side Farmer’s Market to include the additional dates of October 1, and October 8, 2016 for the Farmer’s Market.

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

C. *Authorizing Use Permit Agreement for Public Property – Runner’s World – Runner’s World Trail Run and Runner’s World Half Marathon and Festival*

Mr. Callahan and Mr. Waldron sponsored Resolution No. 2016-179 that authorized the execution of a Use Permit Agreement between the City of Bethlehem and Runner’s World for use of First Street from Polk Street to City’s Terminus, Founders Way between Second Street and First Street for the Runner’s World Trail Run and Runner’s World Half Marathon and Festival for the time period October 14 through October 16, 2016, according to the terms of the Agreement.

President Reynolds remarked that he will be running all three races.

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

D. *LERTA Program – Expanding Boundaries*

Mr. Martell and Mr. Waldron sponsored Resolution No. 2016-180 that effective January 1, 2017, the boundaries of an additional-declared deteriorated area within the City of Bethlehem, County of Northampton, authorized for exemptions Under Act 76 of 1977, and Act 42 of 1977, as more particularly described in Exhibit A attached hereto and made part thereof. This Resolution shall have no effect on any area designated under a prior Resolution for exemption for improvements from real estate assessments.

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

E. *Amending Rules of Council – Rule 3A*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-181 the authorized the following amendment made to Rule 3A of the Rules of Council.

**That the following in Rule 3 A which reads as follows:**

A. The order of business shall be as follows:

- Roll Call
- Approval of Minutes
- Public Comment (*on Ordinances and Resolutions to be voted on this evening ~~only~~ – 5 Minute Time Limit.*)
- Old Business
- Tabled Items
- Unfinished Business
- Communications
- Reports
- Ordinances for final passage
- New Ordinances
- Resolutions
- New Business
- ~~Public Comment (for public comment on any subject – 5 Minute Time Limit.)~~
- Adjournment

**shall be amended to read as follows:**

A. The order of business shall be as follows:

- Roll Call
- Approval of Minutes
- Public Comment (on any subject not being voted on this evening – 5 Minute Time Limit.)

Public Comment (*on Ordinances and Resolutions to be voted on this evening – 5 Minute Time Limit.*)  
Old Business  
Tabled Items  
Unfinished Business  
Communications  
Reports  
Ordinances for final passage  
New Ordinances  
Resolutions  
New Business  
Adjournment

Mr. Waldon noted that he was not at the last Council Meeting and asked Mr. Evans who drafted this for the thought process on this Resolution.

Mr. Evans remarked the idea of moving the Public Comment from the end of the meeting and bring it up to the front was because of lengthy meetings. There might be citizens or other individuals that have had to wait to speak at the end of a meeting and there are times when they have to wait two to three hours to comment on non-agenda items. This will allow us to listen to them at the beginning of the meeting. Mr. Evans added that a member of the Administration may be able to work with them in the hallway once they expressed their concern, and after this we can move into the agenda. This gives the opportunity for more people to be involved and show up. Some people have a one minute request or action that can be helped right away, but in the past they had to wait and were not sure what time the meeting would end. Mr. Evans added that it still keeps two Public Comments, which are important for our meetings for the Sunshine laws, where we get feedback and input. The first Public Comment is for anyone that would like to speak on any matter not being voted on, and after that the second Public Comment would be for items on the agenda for that evening.

Mr. Waldron assumes it would work the same way as it currently does. If a person wanted to speak on something to be voted on and had a separate topic, they still have the second courtesy and we would still have two sign-up sheets for speaking purposes.

President Reynolds added that he reached out to different members of the Administration about their availability during the meeting to answer questions and the ones he talked to did not mind pulling themselves from the meeting to talk to a concerned citizen in the hallway regarding a concern or problem.

Ms. Negrón-Dipiní remarked that she really likes this idea and it will make a big difference in terms of people being willing to come to meetings. She asked how people will know about this and not come to the meeting at 8 pm thinking they will be able to speak at the end. It is important that we let the community know that we have a change and if you want to come to speak on anything you need to be here at 7 pm.

President Reynolds stated it will probably take a little bit of time; there is no other way around that. He guesses it will be mentioned in the newspapers or online. Often times people show up 8:15 pm or 8:30 pm, and if someone shows up at the middle of the meeting or end of the meeting they still have the opportunity to speak with a member of the Administration following the meeting.

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

F. *Approve Contract – Gaver Industries, Inc., d/b/a Barker & Barker*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-182 that authorized to execute an agreement with Gaver Industries, Inc. d/b/a Barker & Barker Paving for Broad Street Crosswalk Replacement.

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

G. *Approve Contract – Greenscape Landscape Contractors*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-183 that authorized to execute an agreement with Greenscape Landscape Contractors for the Main Street Streetscape Project

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

H. *Approve Contract – McWane Ductile*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-184 that authorized to execute an agreement with McWane Ductile for Southside Streetscape Improvements – Planters.

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

I. *Approve Contract – Serfass Construction Company*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-185 that authorized to execute an agreement with Serfass Construction Company for Stabilization of 30 East Third Street, Bethlehem, PA.

Mr. Colón queried if this address is the Goodman Building.

Ms. Karner replied that it is.

Mr. Colón mentioned this was in the newspaper and asked for an update of what is going on over there.

Ms. Karner remarked this property was vacant for more than 20 years, is more than 5,000 square feet, and a critical stretch in the downtown of the south side business district. We started back in 2008 to take action. A search warrant was granted and they went in and cleaned out the property. Unfortunately we lost momentum on the acquisition on blighting of the property and dealing with it at that time. Ms. Karner stated about two years ago we started down this path again and added that there have been some significant issues with the property. There is stucco on the side of it that is cracked and pulling away from the brick wall. There was a crack that appeared in January and over the past two years we have been citing the owner for code violations. Ms. Karner noted unfortunately for us instead of trying to go in and address the issues, he has perpetually appealed through the courts, whether it is the Code Board of Appeals or the local district Judge level or the County Courts. He has appealed the citations and decisions that have been brought against him. Ms. Karner informed all this time we have been also dealing with the adjoining property owner who has suffered through water infiltration. There are more than 30 employees in the adjacent building so we have been concerned that we are not only going to lose a currently structured sound building and 30 East Third, but also the adjacent building with the employees at this business. So we went through the blight process and were able to finalize that which allowed us to go into the property. We took an engineering firm in with us as well as our code inspectors, Police and others to take a look at the building. Engineering issued a report to us that while currently stable, there are some areas of significant public safety concern which include that stucco wall on the side. In addition a truss has collapsed, which is putting pressure on the front side of the building and they are fearful that it will collapse onto Third Street. Ms. Karner pointed out they went through the process to bid the necessary safety issue with the property and then weatherize the property on a minimal basis. We went through the process twice and before you is a low bid as a result of the bidding process.

Mr. Colón asked if we are able to recoup any of this \$135,000.

Ms. Karner stated they will place a lien on the property; we are going for both the property and the adjacent lots. There are liens on the property already. Unfortunately for all of us the property owner is in the position of being unwilling to sell the building. So we feel we have no choice but to go in and make sure that the public is safe and the building will not fall onto Third Street.

Mr. Colón asked if there is a rough estimate of the total amount of the liens.

Ms. Karner stated about \$200,000.

Mr. Colón knows when the newspapers reported on it many people were asking if the City would take over the property.

Ms. Karner informed they are looking at it. The City has very limited funds and so we are faced with the choice of do we acquire the building and not be able to do anything with it, which puts us in the bad landlord category and that is not exactly what we want to do. She added, or do we go in and make improvements to the building and try, whether through eminent domain, or force the sale of the property. The improvements to the building will become permanent; as long as the building is standing it is a permanent improvement to the structure regardless of ownership. So we decided to move with the improvements out of concern for public safety.

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

*J. Approve Contract – Carroll Engineering Corporation*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-186 that authorized to execute an agreement with Carroll Engineering Corporation for Fire Lane Bridge Rehabilitation Design Project.

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

*K. Authorizing Amendment to Use Permit Agreement for Public Property – Celtic Fest, Inc. d/b/a Celtic Cultural Alliance – Celtic Classic 2016*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-187 that authorized to execute Amendment No. 1 to the Use Permit Agreement with Celtic Fest, Inc. d/b/a Celtic Cultural Alliance for the 2016 Celtic Classic Highland Games and Festival.

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

*L. Authorizing Use Permit Agreement for Public Property – Sun Inn Preservation Association – Sun Inn Festival*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-188 that authorized a Use Permit Agreement with the Sun Inn Preservation Association for the Sun Inn Festival on September 23, 2016 until September 26, 2016 at Nevin Place (adjacent to Sun Inn Courtyard).

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

*M. Approve Contract – Traffic Planning and Design, Inc.*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-189 that authorized to execute an agreement with Traffic Planning and Design, Inc. for High Street Bridge Replacement – Construction Inspection Services.

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

*N. Certificate of Appropriateness – 306-310 South New Street*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-190 that authorized a Certificate of Appropriateness to install masonry, roofing, windows, and railings on the new retail and office building at 306-310 South New Street.

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

10. NEW BUSINESS

None.

11. PUBLIC COMMENT

*Hotel Tax*

Bruce Haines, 63 West Church Street, stated August 1, 2016 he addressed Council regarding a request for Council to pass a Resolution for Senator Browne to repeal the NIZ hotel tax which was put in the State budget to allow the Allentown hotels to not have to contribute to the County, Discover Lehigh Valley, and LVEDC through the County Hotel Tax. In affect what he did in that budget was to have the rest of us pay for Discover Lehigh Valley and LVEDC whereas our competitors in downtown Allentown would not have to do that. In fact, they get to improve their property with the money that they are not contributing, so it is a double dip. Mr. Haines mentioned if LVEDC does not have to be funded by Allentown hotels then it should not have to be funded by Bethlehem hotels. Mr. Haines understands that this is not the process that is used and Council will be putting together a letter. He is asking if that letter is in the process or if anything has occurred.

President Reynolds stated he thinks the number that LVEDC is losing is \$80,000. He remarked that following the Council meeting when they discussed the letter, he made a few phone calls to some of the affected parties. It is his understanding that they are trying to come to a resolution as far as some of the different entities that are involved. He will not speak for anyone else on City Council since they are certainly able to introduce any Resolution, but after his discussions with the affected parties, they were hopeful that a resolution was going to be able to be attained in a non-controversial way. President Reynolds stated from his own personal point of view he will wait to see how that discussion plays out.

Mr. Haines noted according to Discover Lehigh Valley they had a meeting with Senator Browne, and he has no intention of changing or repealing the legislation, and stands firm on his position. So you do have the strength of Northampton County Council that has adopted a Resolution, Bethlehem Township has adopted a Resolution for repeal as has Hanover Township. Mr. Haines stated those three have done that and we would very much like to see our own Bethlehem Council jump on that bandwagon so the City of Bethlehem hotels would have that support from its' City Council. He asks Council to reconsider.

*Traffic Signal/Right-To-Know*

Severin Johnson, 1825 Watkins Street, thanked Council for changing the Public Comment and mentioned that he has two issues. Mr. Johnson noted there is a traffic signal on Fourth and Broadway that indicates a no right turn. The signal itself is hidden behind a street sign and a tree in front of Dunkin Donuts. A representative from Zoning went there after he filed a complaint and said there is nothing blocking the sign, but there are dozens of citations at the same spot that were given. The Police are using this as a honey pot. They know that no one can see the sign, they sit there and dozens of people are getting caught up in this. There is a very simple solution that would not cost the City a dollar. There is a sign there and the post is above it. They just need to move the sign up to where the light is so that people could see the sign. Mr. Johnson asks Council to look into this and see what could be done to fix this issue.

President Reynolds then asked Michael Alkhal, Director of Public Works to look into this and talk to Mr. Johnson.

Mr. Johnson noted he has come mainly today to discuss a right-to-know request that he issued with the City in mid-August. The request was denied. He was searching for records pertaining to Officer complaints on a particular Officer. He did successfully appeal that and the open records office ordered the City of Bethlehem to hand over the records he was requesting. Mr. Johnson added as of today, the last day to hand over those records, they have buried him in paperwork. They know he is just a regular citizen and does not have a team of lawyers to go back against this, but they filed an appeal and are using all kinds of legal terminology and even

saying that he did not properly check off a box on the original right-to-know to try to block him from getting this information. He expressed he loves this City. He noted that he has presented issues before and you were right on it and took care of it right away. The last issue was an ID policy in City Hall, which was handled within a week and the newspaper was reporting the new policy. He continued here we are where the public is asking for records and being they are not public records, even after the office of open records established that they are public records. We cannot get records on our cops and it is a problem. If we cannot know who the people are that are working with us and what kind of record they have with the public how are we supposed to trust them. Mr. Johnson thinks this is a major issue and he is asking Council to please intervene and stop the open records office here in Bethlehem from stonewalling the press and members of the public, he asks this respectfully.

*Police Concern*

Dylan Kovacs, 703 Yeates Street, stated his concern is with the Police Department. This concern that has been going back in time for months, if not years. He had an issue with an Officer and went down to file a formal complaint. Upon asking to file a formal complaint the Desk Sergeant brought the officer that he wished to file the complaint against out and basically this officer told him he was not allowed to file a complaint and that he needed to leave. Mr. Kovacs noted after doing so he has had several issues where has been given tickets for things such as window tint that is actually legal. He remarked if he requests to have it measured when he gets stopped, they will not measure it. Today he was arrested and brought down to the Police Station for being a lawful citizen with a license to carry a firearm which he does possess. He was handcuffed for not having a license to carry, even though the officer knew he had one. The officer also knew he was in a motorcycle accident about three months ago and broke his clavicle in four spots and has plates in his shoulder After he was handcuffed he gave the Officer his license to carry and he did not run it until he was sitting down here in the parking garage for probably about ten minutes. The license came back that it was valid Mr. Kovacs noted even when he was sitting in handcuffs in the car one of the Sergeants came out and said to take him inside, but they sat there and said because he will be cut loose in a few minutes. This is before it even got back to them that it was confirmed valid. Mr. Kovacs feels as if these Officers are not following protocol with running his license to carry. He is a law abiding citizen and works hard and woke up at 5 am this morning and went to work. He got home and not even a half an hour later he was taken to the Police Station. Mr. Kovacs stated he has made about four phone calls to Chief Mark DiLuzio's voicemail and to his secretary to return a phone call which he refuses to return even to this day. Mr. Kovacs stated this is basically his concern.

*Extra Minutes Granted*

Stephen Antalics, 737 Ridge Street, noted at the end of the last Council Meeting he was advised by his friends that a request that he made in an antagonistic manner asking for three or four extra minutes was granted and having failed to see the five minute sign he proceeded on that basis. So if the President of Council was offended by his comments he apologizes, because he was wrong but also he might add that his dinner was roasted crow, which is not palatable.

President Reynolds thanked Mr. Antalics.

*Amendment to LERTA*

Bill Scheirer, 1890 Eaton Avenue, noted Council did something good tonight; you turned down the amendment for the Moravian extension, not because it was inherently bad but it would have sent the wrong message. Mr. Scheirer added you do not want to send the message that we approve something and then we listen to what the public has to say about it. That reinforces the feeling among citizens that he has encountered that say why go down to City Council and speak, they will do what they want to anyway. He continued you do not want to send the message that we already approve this even if only in a preliminary fashion. We want to hear from the public first and then vote on it. Mr. Scheirer asked if this precludes extending the LERTA or establishing another little LERTA alongside, of course not, it does mean going to the School District and to the County on two occasions. You can argue that this is the appropriate thing to do because you do not want to send the message that we have something coming up for final vote and we just got this letter and are going to amend it, you do not want to go down that road. Mr. Scheirer added that he thinks very highly of Moravian College but they had plenty of opportunities before last Friday. He remarked he thinks you do not want to

establish a precedent where people can come at the last minute, especially after there has been a first approval. That creates a sense of disorderly process, so it is worth the cost of going twice to the School District and the County.

*West Bethlehem*

Mr. Callahan stated he wanted to thank the Mayor and Mr. Alkhal because he has a request from several people on the west side for us to put up some type of poles or something for them to hang banners and announcements like what we do on Main Street. He asked if there are any on the south side.

Mr. Alkhal replied on New Street.

Mr. Callahan reached out to the President of MANA and told them what is going on and they were delighted and happy that this is going on for the west side of Bethlehem. Mr. Callahan had a few questions for Ms. Karner about LERTA. He asked that when this was going on for the LERTA did she reach out to the School District and talk to them about it.

President Reynolds reported to Mr. Callahan this is not the time for New Business and that it is a time for Public Comment and Council rules states that is the time that the public speaks. If he would like to talk to Ms. Karner he can after the meeting.

Mr. Callahan stated he will wait until the next meeting.

12. ADJOURNMENT

The meeting was adjourned at 8:51 p.m.

ATTEST:

City Clerk