

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, December 5, 2017 – 7:00 PM

INVOCATION

Reverend Dan Miller, Pastor, Edgeboro Moravian Church, offered the invocation 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, Adam R. Waldron and J. William Reynolds, 7.

CITATION

President Reynolds stated the Citation for Jonathan Isaac on the occasion of his retirement from the Bethlehem Police Department after 23 years of service will be mailed to him since he was unable to attend this evening.

2. APPROVAL OF MINUTES

The minutes of November 21, 2017 were approved.

3. PUBLIC COMMENT (on any subject not being voted on this evening - 5 minute time limit)

*North Side/South Side*

Stephen Antalics, 737 Ridge Street, stated he had a few comments with the theme being the south side welfare. If you drive through the City today on Main Street, Broad Street or Third and Fourth Streets you get the sense that there are two different communities by the nature of the color of the lights. Tour busses come to the City and Mr. Antalics mentioned that a bus driver told him the white lights on the north side represented the purity and coming of Christ while the colored lights on the south side represent the pagan origins of Christmas. The worst thing that could have happened to the borough of South Bethlehem was to become incorporated as the City of Bethlehem so that immediately made it second class. Mr. Antalics stated they were considered second class as foreign invaders but the community flourished and became a very powerful community with the University, Steel Company and the Hospital. It became a Third Class City, but then due to some legal problem it was reversed but before he could reapply, Mr. Schwab forced South Bethlehem into a partnership with the borough of Bethlehem and that became the demise of the borough of South Bethlehem because that stigma carried over. Then Mr. Vernon Melhado, President of the Chamber of Commerce, who knew of persecution from the Spanish Inquisition, got together with Mrs. E. G. Grace, and decided to try and cure the underlying sense of

hatred between the two parts of the City. Mr. Antalics pointed out that Vernon Melhado devised what he considered a uniform lighting system to try and show a unity between the two sides of the river. That signal, which was pulled from the Hotel Bethlehem in 1937, gave the City of Bethlehem the title of Christmas City. The lighting scheme was uniform from north to south side, so if you drove from one side across the river to the other side, you saw no difference; there was a unity. Mr. Antalics informed in the power shortage of the 1960's that lighting system was discontinued and when it was resurrected, it then became colored lights on the south side and white on the north side, harking back to that period before the initial lighting destroying the whole idea of the unity. So what he is saying is if you drive through Main Street and Broad Street, and Third Street and Fourth Street on the south side, you do get the impression that you have two different communities, and that unity that was intended in 1937 never worked then and is not working today.

4. PUBLIC COMMENT (on Ordinances and Resolutions to be voted on this evening - 5 Minute Time Limit)

*Establishing Article 1741 – Short Term Lodging Facilities*

Ron Yoshida, 135 East Market Street, noted he and his wife lived at 133 Wall Street from 1996 to 2013 and after downsizing, they now live at 135 East Market Street, just around the corner from 133. Our main reason for coming to Bethlehem was the reputation of the City, and specifically, the Historic District as a safe and warm place to live which turned out to be very true. Mr. Yoshida stated our neighbors work to create a community in which we look out for one another. We expect our homes to be safe and presentable; we respect one another and the visitors who come to our neighborhood. He would say that other Bethlehem citizens would say that about their neighborhoods. Mr. Yoshida continued on the say the proposed owner/occupied short term lodging (STL) Ordinance builds in accountability, neighbors to neighbors. Hopefully the owner's sense of community would compel them to be proactive in creating STL's that would minimize any impact on their neighbors. The licensure process will serve as an excellent safeguard for owners and their guests. Bethlehem buildings should be up to code, and STL's look good when they run smoothly and the revenues are coming in. However, someone could be hurt on the property and owners who operate STL's are exposed if their properties are not up to code. Addressing potential issues ahead of time is just good risk management. Second, owner/occupied STL's eliminate potential illegal subletting by renters and absentee and corporate owners who have no stake as neighbors. Mr. Yoshida is heartened that the City housing officials have drafted this Ordinance and you voted 6-0 at the First Reading. However, he does have a concern about owners who will be able to lease their entire homes for up to 30 days. He continued when we looked at 133 Wall Street we were the middle of three attached homes and rarely did he hear his neighbors, but what if our neighbors on both sides had booked their homes for 30 non-consecutive one night rentals. Unfortunately, the Ordinance as currently written will allow such a scenario. That means that we may have had to contend with 30 different renters during the year for each home, 60 in all, increasing the chances that we would confront what he calls a situation. He expressed, although what he describes may be the worst case scenario, how many times in your lives have you experienced the worst case scenario or something close to it? To reduce such impact he supports the suggestion of limiting the rental periods for 4 times for 30 days. Owners will have the flexibility in renting out their properties for specific time periods while their neighbors will have the reduced odds

that bad eggs will be living next door. Mr. Yoshida urges Council to approve such a change. To conclude, he does not want you to forget the main reason for adopting this Ordinance. He referenced the catch phrase from the TV sitcom Cheers, where everybody knows your name. That is what creates neighborhoods and that is what creates communities. That is why you all are glad you grew up in Bethlehem, and why he and his wife and neighbors and other Bethlehem citizens are here to contribute to its continued growth and development.

Stephen Antalics, 737 Ridge Street, stated he applauds very strongly the Short Term Lodging Facilities Ordinance, Article 1741 because it is clearly designed to preserve the community, the ambiance, the family spirit and that is the way to do it. This is a very strong step in the right direction to keep what is good and keep it permanent. But unfortunately going back to the south side, the south side did not have that luxury of Ordinances that would protect the streetscape. He pointed out the first generation immigrants died, and their offspring to overcome the stigma of being on Fourth or Fifth Street, moved to Fourth or Fifth Avenue and became gentrified. Mr. Antalics explained when the properties were for sale they were snapped up by non-resident homeowners because it was lucrative to rent to five unrelated transients as opposed to rent to a single family. Single families were precluded from buying those houses because the non-resident landlords offered so much money that it would be foolish to resist their offer. Calling the five unrelated individuals a single family allowed the incursion of students, which is neither good nor bad, they have to live somewhere, but the upshot is that if a single family lived between two single families of five students, the noise from the student housing would force them to move. He remarked streets like Birkel Avenue had thoroughly mixed ethnic single family row houses, and that is now 100% student housing. It is probably impossible to bring these houses back to single family because in order to facilitate off street parking all the yards were macadamized so they could park three, four or five cars behind the house. Mr. Antalics explained what this has done is turn the south side of Bethlehem into row homes of transients under the guise of saying these transients are family. If you drive down Fifth Street, or any street along the hillside, you will see massive red garbage cans lining the sidewalk; they are ugly. He queried, what do they do to the ambiance or streetscape of the City south of the river? That which was then a very proud borough was allowed to become a shameful part of the City of Bethlehem because those animosities carried over. There was no visionary that would enact a short term lodging ordinance that is preserving the north side, which would have done wonders for the south side. Mr. Antalics informed that is history.

Bill Scheirer, 1890 Eaton Avenue, informed if we do not protect our neighborhoods we will still be a City, but we will not be a community. It would just be a bunch of buildings and uses.

Mary Rose Wilson, 64 East Wall Street, mentioned she found a great article on curb.com from 2016 that is very important with the Ordinance being voted on tonight, remembering what Airbnb really is, which is a business. She remarked that being a Libertarian at heart, the original concept of Airbnb she thought was a good idea. If you have a house, a room or two, your kids go off to college, and you want to make a little extra money and rent out the room, it is your house and all the responsibility is on you. But that is not what this is and not what is going on in our neighborhood. We just have illegal hotels, and Airbnb loves it because they are making a ton of money off of it. They are making so much money they are actually worth as of a year ago, \$30 billion dollars. They are hiring political operatives to be the investors in

neighborhoods similar to ours in cities across the County to find investment properties to help fuel their bottom line. Ms. Wilson is sure there will be many proponents of the Airbnb saying they just want to bring people together, it is great for the community, and it is bringing strangers together, but it is not. It is just people coming into nice neighborhoods buying up homes and trying to make money off of nice neighborhoods that we all work really hard to make nice for our families, our kids, and our neighbors. Ms. Wilson just wanted to say that \$30 billion dollars does not seem like a nice little grassroots neighborhood sharing idea.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Director of Human Resources – Recommendation of Award – Preferred EAP*

The Clerk read a memorandum dated November 3, 2017 from Michelle Cichocki, Human Resources Director recommending a contract with Preferred EAP for employee assistance services. The term of the contract is January 1 through December 31, 2018 and the fee for the contract is \$14,000.

President Reynolds stated Resolution 10 A is on the agenda.

B. *Deputy Fire Chief – Fire Safety and Code Enforcement Inspection Fees*

The Clerk read a memorandum dated September 27, 2017 from Deputy Fire Chief Craig Baer to which is attached a recommended fee schedule for fire safety and code enforcement inspection fees. The changes are being recommended to more fully distribute the cost of the annual fire inspections.

President Reynold stated the Resolution can be placed on the December 19 agenda.

C. *Chief Housing Inspector – License and Inspection Fee – Short Term Lodging Facilities*

The Clerk read a memorandum dated November 29, 2017 from Chief Building Inspector Craig Hynes to which is attached a proposed Resolution setting the annual license and inspection fee for Short Term Lodging Facilities.

President Reynolds stated Resolution 10 B is on the agenda.

D. *Director of Water and Sewer Resources – Recommendation of Award – 3B Services, Inc.*

The Clerk read a memorandum dated November 30, 2017 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with 3B Services for the

Bethlehem Water Filtration Plant Boiler System Replacement. The term of the contract is from the Notice to Proceed until June 30, 2018. The fee for the contract is \$62,200.

President Reynolds stated Resolution 10 C is on the agenda.

- E. *Director of Water and Sewer Resources – Resolution – PennDOT Water Utility Relocation Reimbursement – Hecktown Road bridge replacement*

The Clerk read a memorandum dated November 30, 2017 from Edward J. Boscola, Director of Water and Sewer Resources requesting a Resolution to authorize the Mayor to submit a request for reimbursement and subsequent agreement with PennDOT for Seventy-five percent (75%) of the total cost to relocate water facilities in relation to the replacement of a bridge on Hecktown Road in Bethlehem Township.

President Reynolds stated the Resolution 10 D is on the agenda.

- F. *City Solicitor – Records Destruction Resolution – Office of Solicitor*

The Clerk read a memorandum dated November 30, 2017 from City Solicitor William P. Leeson, Esq., requesting Council to consider a Resolution for the Destruction of Records from the Office of the Solicitor listed on the attached exhibit. Solicitor Leeson has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Reynolds stated the Resolution can be placed on the December 19 agenda.

- G. *Director of Budget and Finance – Recommendation of Award – Portnoff Law Associates*

The Clerk read a memorandum from Mark W. Sivak, Director of Budget and Finance to which is attached a Resolution for the approval of an amendment to a contract with Portnoff Law Associates. The Administration withdrew the Resolution at the November 7, 2017 City Council Meeting and are requesting consideration of the Resolution at the December 5, 2017 Council Meeting.

President Reynolds stated Resolution 10 E is on the agenda.

## 7. REPORTS

- A. *President of Council*

- 1. *Councilmanic Appointment – Cathy Reuscher– Bethlehem Area Public Library Board*

President Reynolds reappointed Cathy Reuscher to membership on the Bethlehem Area Public Library Board effective until January, 2021. Mr. Evans and Mr. Waldron sponsored Resolution 2017-223 to confirm the reappointment.

President Reynolds noted that Ms. Reuscher who was on Council with us for a few years is doing a fantastic job on the Library Board and is doing a fantastic job as our Chair. We sometimes have conversations about the future of the Library and he knows from conversations with her and other Board Members we are fortunate to have someone such as her on the Library Board. When her appointment had come up he was hoping she was willing to serve another term. President Reynolds is happy that she wants to serve another term.

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

2. *Councilmanic Appointment – Emil Signes – Bethlehem Area Public Library Board*

President Reynolds reappointed Emil Signes to membership on the Bethlehem Area Public Library Board effective until January, 2021. Mr. Evans and Mr. Waldron sponsored Resolution 2017-224 to confirm the reappointment.

President Reynolds echoed what he said before, Mr. Signes has served now he believes about 12 years or longer than that but he is doing a great job as well.

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

*Committee of the Whole Meeting-Wednesday, December 13, 2017*

President Reynolds reminded everyone that next Wednesday, December 13, 2017 at 6:00 pm in Town Hall we have a Committee of the Whole meeting where we will be talking about our Climate Action Plan. There has been a lot of hard work put into this, he noted. We have a lot of exciting things to talk about next Wednesday. President Reynolds explained we will talk about different phases, and different initiatives that the Administration is already working on. He has been working closely with Environmental Advisory Council as well as several local environmental groups to come together with a plan that he thinks, when it is all said and done that Bethlehem will be the leader when you look at what you can do at a local level. When Mayor Callahan signed the three Mayor's proclamation in 2006 we began to look at Climate Action, our own carbon footprint and our own greenhouse gas emissions and what we could do to reduce those. What we are looking to do with our Climate Action Plan now is take the next step and go City wide and see what we can do to reduce our greenhouse gas emission and our carbon footprint, as a City. He added we will look at what we can do as far as planning purposes and putting together a plan, which he believes will be an organic thing. He pointed out this is just the first step that allows Bethlehem to lead in this area of Climate Action and show other municipalities and counties what you can do when everyone works together. He encourages everyone to come out to this meeting to hear the exciting things that Bethlehem has coming in that area.

B. *Mayor*

1. *Administrative Order – Dennis R. Connell – Codes Board of Appeals*

Mark W. Sivak, Director of Budget and Finance, read Mayor Donchez' reappointment of Dennis R. Connell to membership on the Codes Board of Appeals effective through December, 2020. Mr. Evans and Mr. Waldron sponsored Resolution 2017-225 to confirm the reappointment.

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

2. *Administrative Order – A. Flexir Illick – Codes Board of Appeals*

Mark W. Sivak, Director of Budget and Finance, read Mayor Donchez' reappointment of A. Flexir Illick to membership on the Codes Board of Appeals effective through December, 2020. Mr. Evans and Mr. Waldron sponsored Resolution 2017-226 to confirm the reappointment.

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

3. *Administrative Order – Bryan L. Ritter – Codes Board of Appeals*

Mark W. Sivak, Director of Budget and Finance, read Mayor Donchez' reappointment of Bryan L. Ritter to membership on the Codes Board of Appeals effective through December, 2020. Mr. Evans and Mr. Waldron sponsored Resolution 2017-227 to confirm the reappointment.

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

4. *Administrative Order – Frank E. Baran – Bethlehem Human Relations Commission*

Mark W. Sivak, Director of Budget and Finance, read Mayor Donchez' appointment of Frank E. Baran to membership on the Bethlehem Human Relations Commission effective through December, 2020. Mr. Evans and Mr. Waldron sponsored Resolution 2017-228 to confirm the reappointment.

Mr. Colón noted he has been on the Human Relations Commission for the last few years now and it is a good group of hardworking people. He knows that Mr. Baran will be a welcome addition to the group.

President Reynolds mentioned since we created the Human Relations Commission a few years ago there has been a bunch of starts and stops in moving forward but he does think it is moving in the right direction and Mr. Baran will be a welcome addition to that.

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

5. *Administrative Order – Deirdre Sumpter – Sister City Commission*

Mark W. Sivak, Director of Budget and Finance, read Mayor Donchez' reappointment of Deirdre Sumpter to membership on the Sister City Commission effective through December, 2020. Mr. Evans and Mr. Waldron sponsored Resolution 2017-229 to confirm the reappointment.

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

6. *Administrative Order – Sandra Gillen – Fine Arts Commission*

Mark W. Sivak, Director of Budget and Finance, read Mayor Donchez' reappointment of Sandra Gillen to membership on the Fine Arts Commission effective through December, 2020. Mr. Evans and Mr. Waldron sponsored Resolution 2017-230 to confirm the reappointment.

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

7. *Administrative Order – Ellen Foscue Johnson – Fine Arts Commission*

Mark W. Sivak, Director of Budget and Finance, read Mayor Donchez' reappointment of Ellen Foscue Johnson to membership on the Fine Arts Commission effective through December, 2020. Mr. Evans and Mr. Waldron sponsored Resolution 2017-231 to confirm the reappointment.

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

8. *Administrative Order – Dolores Yaschur Sproule – Fine Arts Commission*

Mark W. Sivak, Director of Budget and Finance, read Mayor Donchez' reappointment of Dolores Yaschur Sproule to membership on the Fine Arts Commission effective through December, 2020. Mr. Evans and Mr. Waldron sponsored Resolution 2017-232 to confirm the reappointment.

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

8. ORDINANCES FOR FINAL READING

A. *Bill No. 35 – 2017 – Amending Article 1733 – International Property Maintenance Code*

The Clerk read Bill No. 35 – 2017 – Amending Article 1733 – International Property Maintenance Code, on Final Reading.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 35 - 2017 now known as Ordinance No. 2017 - 35 was passed on Final Reading.

*B. Bill No. 36 - 2017 - Amending Article 150 - Board of Appeals*

The Clerk read Bill No. 36 - 2017 - Amending Article 150 - Board of Appeals, on Final Reading.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 36 - 2017 now known as Ordinance No. 2017 - 36 was passed on Final Reading.

*C. Bill No. 37 - 2017 - Establishing Article 1741 - Short Term Lodging Facilities*

The Clerk read Bill No. 37 - 2017 - Establishing Article 1741 - Short Term Lodging Facilities, on Final Reading.

President Reynolds stated once again this is the Second Reading on this ordinance, and it did pass 6-0 on First Reading. He believes that Mr. Evans has an amendment to propose that came out of the discussions during our meeting two weeks ago.

Mr. Evans explained in dealing with Article 1741 Section 1741.03 there are a few things he looked at. He understands the benefits of what it offers, but does share the concerns that were voiced at the meeting. There are benefits to the individual working with this, but there is some level of this advantage to the surrounding neighborhood, whether you are dealing with unknown people coming and going and all associated concerns, or the disturbances that can come with that. He is looking at how to balance that opportunity that is available to the individual with the rights of the neighbors and neighborhoods. He expressed that he is not terrifically supportive of the virtual, but not unlimited use in 1741.03 (A), the specific bedroom accommodation. He has concerns there, but the amendment he is proposing this evening deals with 1741.03 (B), the entire residential unit accommodation. Mr. Evans mentioned in this situation, the neighborhood is much more vulnerable, there is much less oversight, and as it stands now there is some limit to it, but it could mathematically result in 30 Saturdays or every other Saturday having a house rented to transient guests. If it is a weekend rental under the current scenario, it could be once a month that the house has people coming and going. His proposal is just to change three words, and his attempt is to calm that and create some stability under scenario (B). Mr. Evans noted as it reads now Section (B) says "Entire residential unit accommodation. An owner may rent his/her/their primary residence to transient visitors for a period not to exceed 30 consecutive or nonconsecutive calendar days per year." The proposal is to change the language to read "Entire residential unit accommodation. An owner may rent his/her/their primary residence to transient visitors for a **minimum** period of **7 days**, not to exceed 30 consecutive or nonconsecutive calendar days per year." By adding the words of minimum rental of 7 days accomplish the two items he talked about; it changes the math a little bit. Mr. Evans noted we heard multiple times about controlling the number of times it can happen. So if it is a minimum of 7 days rental, four rentals takes it to 28 days, and takes it to 4 rentals per year. So if you have two 7 and two 8 day stays that would reach the 30 consecutive

or non-consecutive days per year. Mr. Evans thinks it does provide stability in the neighborhood, it is not the coming and going and the constant turnover. It would help ease some of the fears, although it may not control everything. The other regulations that are listed throughout Article 1741 are of help. Mr. Evans thinks this package will work and is something that would be beneficial; it would allow uses, but some controls and safeguards for the neighbors and neighborhoods that we speak of. Mr. Evans is not asking for a motion yet, but opens this for discussion.

President Reynolds mentioned this is a good discussion point to start with, but certainly it is good to further the conversation, and he will open this up to his colleagues.

Ms. Negrón explained she agrees with Councilman Evans with what we heard at the last meeting. She is especially touched by what she heard today during the public comment period. She chose to live on the south side of Bethlehem, and has nothing but great pride for that. She knows that her colleagues on Council lived in Bethlehem most of their lives, so you can understand that much better. It touches her to hear that people say they want their neighborhood to stay a neighborhood, where everyone knows your name. Ms. Negrón noted we need to make sure that we allow the balance of individuals that have those homes that want to rent a room or two, but we still have to secure the neighborhood community for those homeowners. She agrees with this proposed amendment to make sure that these are just not transient hotels anytime of the year.

Mr. Callahan thanked Ms. Wilson who spoke during public comment about Airbnb. He has said that he looks at Airbnb and the short term leases as almost a continuation of Uber. It is new and many people use it because it is efficient and cheaper. He has used Airbnb before but when you look at this, he looks at this as an owner/occupied house and the owner goes on vacation maybe one week or two weeks out of the year and leases it out. What he is seeing here are some individuals who are buying up properties, not living in them, and just leasing them out all year; that is different and does not belong in a neighborhood. Mr. Callahan had a discussion with Councilman Evans about this and he is 100% behind this proposal. He expressed if there was support he would make this stricter. As a starting point, the 7 day minimum is a good way to weed out those coming in for a weekend to party during a college graduation or a wedding. He does support this amendment.

Mr. Martell then mentioned that Craig Hynes, Chief Building Inspector, gave us a number of the amount of Airbnb listings at the last meeting and he thinks it is around 280.

Mr. Hynes affirmed there are 285 Airbnb listings.

Mr. Martell mentioned that one of the concerns when the amendment was brought up was that there was a precedent for legal challenges, and he wondered if there is a concern.

Mr. Hynes has read the amendment and that is not a concern.

Mr. Martell stated he agrees with Mr. Callahan with wanting to protect the neighborhoods, he just comes to a little different conclusion as it relates specifically to this amendment. He thinks that the process in coming up with this Ordinance from the

Administration was a good process, and it addresses many concerns, and he thanked Mr. Evans for bringing this amendment forward. Mr. Martell noted if you look at specifically what the problem is, and what we are trying to address, this Ordinance does that concretely. If you look at some of the proposals here you have the licensing process, you have the inspection process, you have limiting occupancy, restricting the façade change and so forth. The biggest thing is the owner/occupied mandate. If you look at the testimony we have heard, the issue they see in their neighborhood is people buying houses and treating them as second properties only to be rented out and to make a profit off of Airbnb. That is where we see the problems because there is not that owner/occupied connection. You do not have that kind of relationship where if there is a problem you can go to that owner and talk to them. Mr. Martell expressed that the Ordinance does do that; you would eliminate immediately the purchasing of another home solely to rent out based upon the Administration's Ordinance. One of his main concerns is that we have 285 other listings in the City and we have not heard that there are problems outside of the specific problems that the original Ordinance addresses. He does not necessarily think it is a good route for us to take to essentially punish other people who are using this platform properly. The people using this platform are individuals looking to make a couple of extra dollars to make ends meet; it is not investment property situations. If you look at a week to two weeks from now, indications are that taxes will go up in some capacity, so on one hand that is the kind of direction the budget is going but then on the other hand you are taking away some people's ability to help them stay in their home, and allowing them to raise a few extra dollars. The average from the information we receive is that they are bringing in is \$5,000 a year on this platform. It is not an astronomical amount; the average stay is about two nights per week. If you go to that minimum of 7 nights per week you are taking away a lot of those uses because he thinks that is a rare use. You are punishing people who are using it properly. Mr. Martell also cautioned that there are cities that have put rather strict Ordinances together, and what has ended up happening is that it still goes on, Airbnb still goes on, but they do it under the radar, and they do it outside the process that was set up by the City. He has some concerns that where you have the licensing, the inspections, the owner/occupied mandate, the limiting, all that is bounded by the Administration's ability to enforce this Ordinance, and those people coming forward to get a license every year, and if they are looking at this minimum period of 7 days and they say we have been using it and we are not stepping over the bounds of it, but this minimum period is not going to work, you will actually lose that ability to regulate it in the first place, and some of these will go under the radar. Mr. Martell explained those are his concerns. He will not support the amendment. He will support the original Ordinance and in six months, two months or a year, if we do find out that some of the concerns people are bringing up are happening, we can amend at that point, but he does not feel from the start that we should amend this Ordinance

Mr. Evans just wanted to be clear that amendment only speaks to (B), the entire residence, it is when there is no owner and no one home. There is no change to sub-section (A) when the owner/occupied is there during the stay.

Mr. Martell understands that and noted that many times what would happen is people would live there and if they have a rental for that weekend they will go to their parent's house or another house, so it is not always a situation where people are going away, it is people that need that money.

Mr. Waldron expressed that he is sensitive to the fact that this does need to be regulated because there has been a lot of anecdotal evidence of some people taking advantage of the system and abusing the neighborhood, specifically in the Historic District. This is one of the strongest neighborhoods in the City so he will support the Ordinance as it was drafted and passed at the last Council Meeting. He will be coming at this more from the perspective of Mr. Martell. He does think the 7 day minimum cuts out a lot of opportunity for people who are going to abide by the rules. Mr. Waldron noted in his experience of having used Airbnb a few times he never stayed anywhere for 7 days, which would have eliminated his ability to go to those places and spend his tourist money in their downtowns, shops, restaurants and breweries. He thinks if we make this a 7 day minimum you will see a lot of people decide to not come to Bethlehem anymore and not spend their money on Main Street and in our downtowns. Mr. Waldron believes the Ordinance, as it was originally written, and all the work that the Administration put into it, hits a lot of those things; specifically to owner/occupied which really goes after the commercialization of what is happening in the Historic District. His thought is if we do need to revisit this, as Mr. Martell said, and make it stricter down the line, he would be open to that conversation, but he will not support this amendment as drafted.

President Reynolds asked Mr. Waldron when he stayed at an Airbnb's if he rented the whole house or just part of a house.

Mr. Waldron explained on three separate occasions he rented a whole house for three nights in one instance and the others were two nights; different times in different cities.

Mr. Colón stated he will be supporting the Ordinance as we all did last time and he would say that when talking about vacating the entire residence, that 7 day minimum, that cap discourages creating what would essentially be a weekend bed and breakfast. Those are reasonable controls when talking about vacating an entire premise. He will be supporting the amendment as it is written tonight.

Mr. Callahan mentioned the way he is reading the Ordinance without the amendment; it is 30 consecutive or nonconsecutive days. So under that theory someone could lease out their property two nights, 15 times a year. He does not know if he would like to live next to someone who would do that. He mentioned that is where his support comes for this amendment. He mentioned he uses Airbnb when he goes to Penn State for a weekend football game, and that is an area that is already transient with students. Mr. Callahan explained that Historic Bethlehem is not State College, and that is where his issue comes in with this matter. He will support this amendment.

Mr. Waldron stated he understands this and appreciates the sentiment. He does think that we do not know how this Ordinance, that was brought forth by the Administration, will affect Airbnbs specifically in the Historic District because it has not been implemented and has not yet had an opportunity. It is really going after the commercial aspect and trying to create more of a neighborhood by having the premises owner/occupied. He supports 100% in having the owner occupy the house and being a primary resident. That way you are not having illegal hotels. Mr. Waldron explained we do not know how this Ordinance will impact that, so to have the potential to say there will be 15 separate weekends that someone will rent out their

house, in theory yes, but they will have to go somewhere for those 15 different weekends. We do not know if that will happen or not because we have not given the Ordinance an opportunity. Once we go this route and make that 7 day minimum he doubts we will go back the other way. What is not going to be known is the economic impact of not having those people come to Bethlehem and not spend their dollars here because we will force them to go other places.

President Reynolds thanked Alicia Karner, Director of Community and Economic Development, Mr. Hynes, and the Administration for the hard work on the Ordinance. The process that unfolded was that people thought there was an issue, this was a new thing that had come up and we did not have anything on the books to address it. The Administration worked hard, sat down and met with people and took many things into account. Mr. Hynes said at the last meeting that he looked at 27 other Ordinances and he had said at the last meeting that he is retiring. Addressing Mr. Hynes, President Reynolds express at the same time you tackled this issue from your personal responsibility with what is right for the City of Bethlehem. President Reynolds thanked him for that. The tough thing for the Administration here is that we all have to balance different interests. We have to balance the interests of the people who own the properties, balance the interests of our small businesses, and balance the City finances. Sometimes we make decisions partly on a City financial point of view. We have to find a way to pay our Police Officers, our Firefighters and try to not raise our property taxes. President Reynolds thinks the challenge for the Administration on a day to day basis is coming up with a way to balance those different interests in a way that makes sense for as many people as possible, and creates the greatest good. President Reynolds will be supporting this Ordinance tonight. He does agree with many of the comments that have been said, including what Mr. Yoshida said, where everyone likes to have neighbors who know their name. President Reynolds stated he does not live in the Historic District, but one of the good things about his neighborhood and all neighborhoods in the City is that we do have block parties and we do see the same people picking up their leaves. This Ordinance is something we need to protect in every neighborhood in the City. He will also be supporting this amendment. One thing he does want to say is that sometimes we cannot always look at the worst situation possible. Mr. Waldron and Mr. Martell hinted at that, and gave rational arguments, but we cannot jump to the worst situation. We cannot plan for every single terrible thing that could happen because if we did, nothing would ever get done. President Reynolds stated they do have a great point, but when you look at what we have in front of us with regulation of Airbnb and you go down to Main Street or Broad Street those restaurants do not want a ban completely. They will not come to this meeting and put their name on something, but they will say we do not want Airbnb or transient or short term rentals to be banned completely, because those people come to cities and spend money in shops and restaurants. We on Council try to do things to support our small businesses and restaurants. President Reynolds remarked he would be remiss if he did not mention that we do have people who do not want to ban this completely. At the same time we are looking at something that as people have said, needs to be regulated, sometimes you need rules and sometimes you need regulations. What we have here is not a plan to ban short term rentals, because our economy needs those people. We need people to come here and spend money and go to the Edge and the Apollo and the restaurant at the Hotel Bethlehem and at the Brew Works, and have people walk up and down Main Street. As far as this particular amendment is concerned we need to not only look at the potential negative, but also what is the positive greater good that is created here by allowing whole house rentals. If it was just

owner/occupied he would not think a minimum of 7 days would be fair; that would ban the whole thing from happening. President Reynolds explained when you look at whole houses and what the situations are where people rent whole houses for bachelor or bachelorette parties or graduations, we need to remember that Bethlehem is not the beach; our neighborhoods are not the places like when you go down to Ocean City, Avalon or Stone Harbor and rent out a whole house for a party. There is a place for that in the world, but that is not necessarily our neighborhoods. President Reynolds stressed what makes our neighborhoods special is the fact that we do have people that care about their neighborhoods, and there is a concern there. He will support this amendment because he understands the concern, and he does not necessarily see the huge positive from the City's point of view. He understands that this would be more people coming in and we need to support our small businesses, but coming up with a regulated way to balance everybody's interests is the way to go.

Mr. Evans made the motion to amend Bill No. 37-2017, Article 1741, section 1741.03(B)-Entire residential unit accommodation to read "An owner may rent his/her/their primary residence to transient visitors for a **minimum** period of **7 days**, not to exceed 30 consecutive or nonconsecutive calendar days per year (each year shall be January 1<sup>st</sup> through December 31<sup>st</sup>). Under this type of arrangement, the owner may, but is not required to, remain on the premises during the stay of the transient guests." Mr. Callahan seconded the motion.

City Solicitor William Leeson made the suggestion to add the word "consecutive" after 7.

Mr. Evans then stated he would like to modify the motion to add the word "consecutive" in the statement of "a **minimum** period of **7 consecutive days**". Mr. Callahan seconded that motion.

Voting AYE on the Amendment to Bill No. 37 - 2017: Mr. Callahan, Mr. Colón, Mr. Evans, Ms. Negrón, and Mr. Reynolds, 5. Voting NAY: Mr. Martell, and Mr. Waldron, 2. The Amendment passed 5-2.

Mr. Martell thanked the Administration and Mr. Evans. He added that the most important thing to him is that the integrity of the neighborhoods is protected and that does this. That is number one to him and he will be supporting this. He also appreciated all of the public input.

Voting AYE on Bill No. 37 - 2017 as amended: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 37 - 2017 now known as Ordinance No. 2017 - 37 was passed on Final Reading.

## 9. NEW ORDINANCES

### A. *Bill No. 49 - 2017 - Amending Article 1737 - Fair Housing Ordinance*

The Clerk read Bill No. 49 - 2017 - Amending Article 1737 - Fair Housing Ordinance, sponsored by Mr. Evans and Mr. Waldron and titled:

AN ORDINANCE AMENDING ARTICLE 1737  
RELATING TO FAIR HOUSING OF THE  
CODIFIED ORDINANCES OF THE CITY OF  
BETHLEHEM, PENNSYLVANIA, AS AMENDED,  
TO EXPAND THE LIST OF UNLAWFUL  
DISCRIMINATORY PRACTICES WITH  
RESPECT TO HOUSING

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 49 – 2017 was passed on First Reading.

B. *Bill No. 50 – 2017 – Amending Article 151 – Firemen’s Pension Fund*

The Clerk read Bill No. 50 – 2017 – Amending Article 151 – Firemen’s Pension Fund, sponsored by Mr. Evans and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
VARIOUS PORTIONS OF ARTICLE 151 ENTITLED  
FIREMEN’S PENSION FUND TO CONFORM TO THE PLAN

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 50 – 2017 was passed on First Reading.

C. *Bill No. 51 – 2017 – Amending Article 1702 – Fees for the Enforcement of the Pennsylvania Uniform Construction Code*

The Clerk read Bill No. 51 – 2017 – Amending Article 1702 – Fees for the Enforcement of the Pennsylvania Uniform Construction Code, sponsored by Mr. Evans and Mr. Waldron and titled:

AN ORDINANCE FO THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1702 OF THE CODIFIED ORDINANCES  
ENTITLED FEES FOR THE ENFORCEMENT OF THE  
PENNSYLVANIA UNIFORM CONSTRUCTION CODE,  
ACT NO 45-1999

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 51 – 2017 was passed on First Reading.

D. *Bill No. 52 – 2017 – Amending Article 721 – Streets and Sidewalks – Dumpster and Sign Fees*

The Clerk read Bill No. 52 – 2017 – Amending Article 721 – Streets and Sidewalks – Dumpster and Sign Fees, sponsored by Ms. Negrón and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 721 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
"STREETS AND SIDEWALKS"

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 52 - 2017 was passed on First Reading.

E. *Bill No. 53 - 2017 - Amending Article 907 - Poles and Wires - Utility Pole/GuyWire Fee*

The Clerk read Bill No. 53 - 2017 - Amending Article 907 - Poles and Wires - Utility Pole/GuyWire Fee, sponsored by Ms. Negrón and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 907 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
"POLES AND WIRES"

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 53 - 2017 was passed on First Reading.

F. *Bill No. 54 - 2017 - Amending Article 909 - Sidewalks, Curbs, Gutters and Driveways - Residential and Commercial Driveway Fees*

The Clerk read Bill No. 54 - 2017 - Amending Article 909 - Poles and Wires - Sidewalks, Curbs, Gutters and Driveways - Residential and Commercial Driveway Fees, sponsored by Ms. Negrón and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 909 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
"SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS"

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 54 - 2017 was passed on First Reading.

G. *Bill No. 55 - 2017 - Amending Article 921 - Sanitary Sewer Regulations - Residential and Commercial Storm Sewer Connection Fees*

The Clerk read Bill No. 55 - 2017 - Amending Article 921 - Sanitary Sewer Regulations - Residential and Commercial Storm Sewer Connection Fees, sponsored by Ms. Negrón and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 921 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
"SANITARY SEWER REGULATIONS"

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 55 - 2017 was passed on First Reading.

H. *Bill No. 56 - 2017 - Amending Article 925 - Stormwater Management Regulations- Residential and Commercial Storm Sewer Connection Fees*

The Clerk read Bill No. 56 - 2017 - Amending Article 925 - Stormwater Management Regulations - Residential and Commercial Storm Sewer Connection Fees, sponsored by Ms. Negrón and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 925 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
"STORMWATER MANAGEMENT REGULATIONS"

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 56 - 2017 was passed on First Reading.

## 10. RESOLUTIONS

A. *Authorizing Contract - Preferred EAP*

Mr. Evans and Mr. Waldron sponsored Resolution No. 2017-233 that authorized to execute a contract with Preferred EAP for employee assistance services.

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

B. *Approving License and Inspection Fee - Short Term Lodging Facilities*

Ms. Negrón and Mr. Evans sponsored Resolution No. 2017-234 that authorized the fee for the annual license and inspection of short term lodging facilities to be set at \$100 dollars and that the above rate is effective when Short Term Lodging Facility Article 1741 is enacted into law.

Mr. Waldron queried how they came up with the \$100 dollar fee.

Mr. Hynes stated it came about much like the regulated rental. It is a very similar amount. The regulated rental fee is \$65, but then it is \$5 dollars per bedroom, so it averages \$90 to \$100 dollars.

Mr. Waldron asked if there is also the Business Privilege License.

Mr. Hynes replied yes, they will have to apply for Business Privilege because they are making money.

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

C. *Authorizing Contract – 3B Services*

Ms. Negrón and Mr. Evans sponsored Resolution No. 2017-235 that authorized to execute a contract with 3B Services for the Bethlehem Water Filtration Plant Boiler System Replacement.

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

D. *Authorizing Resolution – Penn DOT Water Utility Relocation Reimbursement*

Ms. Negrón and Mr. Evans sponsored Resolution No. 2017-236 that authorized the a reimbursement agreement for relocating City water facilities located in the public right of way as affected by the Hecktown Road bridge project.

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

E. *Authorizing Contract – Portnoff Law Associates*

Mr. Waldron and Mr. Evans sponsored Resolution No. 2017-237 that authorized to execute an agreement with Portnoff Law Associates through December 31, 2018, with renewal provision indicated in the Recommendation of Award of the contract amendment dated October 19, 2017.

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

*Motion – considering Resolutions 10 F through 10 J as a group – Certificates of Appropriateness*

Mr. Callahan and Mr. Martell moved to consider Resolutions 10 F through 10 J as a group.

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

F. *Certificate of Appropriateness – 201 East Third Street*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-238 that granted a Certificate of Appropriateness to install signs at 201 East Third Street.

G. *Certificate of Appropriateness – 129 East Third Street*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-239 that granted a Certificate of Appropriateness to install a sign at 129 East Third Street.

H. *Certificate of Appropriateness – 333 and 335 South New Street*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-240 that granted a Certificate of Appropriateness to install signs at 333 and 335 South New Street.

I. *Certificate of Appropriateness – 502 East Fourth Street*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-241 that granted a Certificate of Appropriateness to do exterior façade renovations at 502 East Fourth Street.

J. *Certificate of Appropriateness – 323 West Fourth Street*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-242 that granted a Certificate of Appropriateness to replace the roof at 323 West Fourth Street.

Voting AYE on Resolutions 10 F through 10 J: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. The Resolutions passed.

11. NEW BUSINESS

*Final Budget Meeting/Monday, December 11, 2017*

President Reynold stated the Final Budget Meeting will take place on Monday, December 11, 2017 at 6:00 pm in Town Hall.

12. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

ATTEST:

City Clerk