

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, June 5, 2018 - 7:00 PM

INVOCATION

Pastor David Brown, Holy Cross Evangelical Lutheran Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

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

CITATION

Honoring Stacy Harrison

President Waldron presented a Citation to Stacy Harrison on the occasion of his retirement from the Police Department after 20 years of service. The Members of Council applauded Mr. Harrison and wished him well in his retirement.

Announcement

President Waldron pointed out that there was a typographical error that has been corrected on the agenda on Ordinance 9 A. The Bill number has been corrected to read as Bill No. 16-2018; not Bill No. 15-2018.

PUBLIC HEARING

President Waldron stated prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to consider a Zoning Map Amendment to rezone from an I-Institutional District to CL - Limited Commercial District undeveloped parcels on the east by Conestoga Street, on the south by other lands of the Bethlehem Redevelopment Authority, on the west by a right-of-way of the Pennsylvania Department of Transportation for Pennsylvania Route 378, and on the north by a parcel owned by petitioner Skyline West, LLC, identified as 143 West Broad Street.

Communication 6 A - City Planning Commission - Zoning Map Revision Request - Skyline West

The Clerk read a memorandum dated May 11, 2018 from Darlene Heller, Director of Planning and Zoning. At the May 10, 2018 Planning Commission meeting, the Commission voted 3 to 0 with 1 abstention to recommend approval of the zoning map revision request by Skyline

West and the Redevelopment Authority. The original transmittal to the Planning Commission is attached for reference.

Communication 6 B – Lehigh Valley Planning Commission – Zoning Map Amendment – Institutional District (I) to Limited Commercial District (CL)

The Clerk read a memorandum dated April 27, 2018 from John von Kerczek, Principal Community Planner of the Lehigh Valley Planning Commission. The Comprehensive Planning Committee reviewed the proposed amendment on April 24, and it is generally consistent with the County Comprehensive Plan. However, the LVPC notes that the parcel under consideration contains steep slopes of 15-25%. While the Comprehensive Plan recommends a maximum of one dwelling per acre on such sloped land, the plan states that infill development may be allowed on sites in urban areas containing steep slopes “if site design can eliminate or greatly reduce the negative environmental impacts of the project.” The LVPC also recommends that the municipality thoroughly consider the potential noise and air pollution impacts of Pennsylvania Route 378 on any residential development on the site. The Comprehensive Plan states that “neighborhoods should be protected from adverse impacts including environmental impacts. Such impacts include but are not limited to noise, air pollution, visual blight, offensive odors, glare and vibrations.”

Darlene Heller, Director of Planning and Zoning commented the Planning Commission Members discussed some of how this proposal would be reviewed against the Comprehensive Plan and other documents that we have prepared in the past. We noted and there was some discussion at the Planning Commission Meeting about what CL or Limited Commercial really entails and how it is defined. The CL Zoning District is described as providing for less intensive commercial uses in areas that include many existing homes or small lots that are immediately adjacent to residential neighborhoods. The intent is to control uses that are most likely to generate nuisances or hazards for nearby residents. Ms. Heller explained that most all of Broad Street, east and west is already zoned CL or Limited Commercial. She noted that other examples would be Fourth Street on the south side and Linden Street. The proposal is to rezone the areas behind 143 West Broad to be in keeping with the parcel that fronts West Broad Street. The parcels to the back are zoned Institutional. Our public lands are zoned Institutional, such as City Hall, Fire Stations and all of our parks and open space. She pointed out this is a part of remnant land that was left over from development of Route 378 and when the colonial industrial quarter was original cleaned up and have been unused remnant parcels since that time. Ms. Heller confirmed that when they took a look at the Comprehensive Plan there were a few chapters that were significant. There is a chapter on housing and neighborhoods and it talks about providing for a range of housing opportunities and choice, providing walkable neighborhoods and maintaining a sense of place. There is also a chapter on downtown revitalization and economic development and the Planning Commission looked at that point in the Plan. She advised that chapter encourages development and maintenance of a physical environment in and around the downtown that projects vitality and encourages people to live, work and play in the City of Bethlehem. Ms. Heller communicated that they also looked at other chapters and the environmental conservation chapter talks about retaining natural features, woodlands and sloped lands. The areas that are proposed to be rezoned are sloped and wooded along the corridor. She continued to say that they also looked at the historic preservation chapter. The parcel is located within the north side historic district and within the area that would be reviewed and regulated by the Historic Architectural Review Board. We did discuss that a bit. The Historic Architectural

Review Board has done some preliminary review of the project and it will be again before them in June. So although rezoning the parcels is a first step in the overall process for this project there are other steps that will have to take place as well. Ms. Heller explained the Historic Architectural Review Board review is one. The project will most likely also go before the Zoning Hearing Board for slope zoning review and some relief for parking. The new construction would be considered land development, and so the project would also go before the Planning Commission again for land development review. The Planning Commission really looked at balancing some of the important characteristics of the project, balancing the need for additional quality housing near the downtown, balancing economic development and looking for good opportunities for new development in the City. Ms. Heller stated this would be for things like protections of natural sloped areas, naturally wooded areas and protection of historic resources. As our memo states the Planning Commission did vote unanimously, it was 3-0 with one abstention, to recommend approval of the zoning map change to allow the parcels to be rezoned from Institutional to Limited Commercial.

Dr. Van Wirt communicated in general she is supportive of this project but she just has some concerns about the site itself. One is mentioned in your memo about the specific provisions existing in the Zoning Ordinance to address steep slope requirements and tree removal during the new development. This site is extremely narrow and she does have concerns about the impact of tree removal particularly when you are down in the industrial quarter looking up. It will be a tough site to build on and you have zoning requirements. Dr. Van Wirt hopes that we can be reassured that the importance of those trees and the greenery on this slope and its impact on the industrial quarter is appreciated. She has a hard time understanding how it will be built without losing a lot of the protective buffer of trees.

Ms. Heller explained they have talked with the applicant about that and they have also tried to lay this out in a way that there is the least amount of impact to the parcel, not just along the slope but also along the depth of the development site. It is something we would take a look at; the Zoning Ordinance does address the distance from the construction site to trees that can be removed. We would require retention of the trees that do not need to go for construction and there are provisions within the Ordinance for replacement trees. So this is an important consideration for our office as well.

Dr. Van Wirt noted her second concern is about the traffic and parking impact. Much of the neighborhood around the development has expressed some concern about the impact and it is totally understandable especially given what this community will experience with the Armory and its parking issues. She would suggest in order to understand the impact, and to either address or relieve the communities concerns, that we undertake an independent traffic and parking survey to see what it actually will mean, especially for the west Bethlehem neighborhood and its immediate impacted area. Dr. Van Wirt mentioned that would be an independent firm who we do not use all of the time so that they have trust in the process.

Ms. Heller advised there are provisions with in a Subdivisional Land Development Ordinance that require traffic studies in some instances if they generate more than a certain number of trips per peak hour. The provisions of those studies are laid out. Typically the applicant would hire a consultant and submit that study to us. We do work with a third party traffic consultant, Benchmark Engineering that would review that traffic study for us. If there were any improvements that were warranted, we would pursue those improvements.

Dr. Van Wirt queried if that process will be occurring with this project.

Ms. Heller stated yes, that is typically a part of the land development review.

Mr. Reynolds asked if the applicant will be asking for any parking relief from the Zoning Hearing Board.

Ms. Heller stated yes, she anticipates there will be relief requested from the Zoning Hearing Board.

Mr. Reynolds knows with the slope relief we had gone through the complicated schedule as far as what the different steps are in this project. He asked at what point would slope relief be requested and queried if that is a zoning request.

Ms. Heller noted an applicant can make any zoning relief request at one meeting; they do not need to go back multiple times.

Mr. Reynolds advised he just wondered if the Zoning Hearing Board would be the avenue.

Ms. Heller stated yes, and typically development that occurs on greater than 15% slopes would typically need to get some relief. She believes the slopes here are significantly more than 15%.

Mr. Reynolds knows that this is complicated to follow the plan here. We are not voting on anything related to his project tonight, and as far as the slope relief question, it is the Zoning Hearing Board who will see that matter, as well as parking relief.

Ms. Heller noted that is correct.

Mr. Reynolds observed there are the questions of the runoff concerns as well with this project. There is the runoff there with the Monocacy Creek and the hill, so what is the process for that and is that something the Planning Commission considers, and will there need to be a study.

Ms. Heller stated yes, when they submit their land development plans they will submit storm water information with that plan. Public Works will review that and the Lehigh Valley Planning Commission also reviews that against Act 167. They will need to comply with these regulations before they can proceed.

Mr. Reynolds mentioned without speaking specifically to this, what are the kinds of things that an applicant in this situation will do to comply with that type of runoff.

Ms. Heller explained it depends on where the project is and whether or not we have storm water infrastructure in place. She remarked you know that the creek is right there, but there also are provisions in place to protect the creek. As you add impervious coverage, the rate of storm water and the amount of storm water increases so there needs to be provisions in place to protect the creek. Ms. Heller stated of the details that she does not know; we would have to see what kind of remedies they recommend when they submit their proposal.

Mr. Reynolds noted that would be something that would be addressed by the Planning Commission.

Ms. Heller stated yes, as part of the land development review.

Mr. Reynolds related then the potential slope relief; potential parking relief would be with the Zoning Hearing Board, which would occur before the land development review.

Ms. Heller remarked she would imagine yes. They are on the agenda for tomorrow, June 6 for the Historic Architectural Review Board for further review. She does not know if they will get final action or not, the applicant can speak to that. This would be the first step for the review and then she would imagine it would be then before the Zoning Hearing Board and then the Planning Commission. Ms. Heller added that typically the Planning Commission does provide comments to the Zoning Hearing Board for projects that are this significant. So they would have some input from the Planning Commission at that point too.

Mr. Reynolds referred to the map attached to the Ordinance and queried how close to the bridge are the parcels that are to be rezoned. We have the Broad Street Bridge and then the Route 378 Bridge, so the part looking to be rezoned ends in between there.

Ms. Heller informed the building at 143 West Broad Street is already there now and the rezoning will be all behind that building. The only frontage on West Broad Street is the existing home and the parcel that surrounds that property.

Mr. Reynolds then asked how far down this goes into Conestoga Street.

Ms. Heller advised they looked at this specifically with representatives from Historic Bethlehem Museum and Sites because that was a question they asked as well. It goes not as far as the Hotel Bethlehem or the buildings that already exist in the colonial industrial quarter, it is not that deep. She does not have a length in feet and to them it was more important to look at the depth compared to the existing structures in the colonial industrial quarter.

Mr. Reynolds explained we have seen parts of this process before and we have talked about part of this project before and we have certainly seen the support from the business community and people that are looking for people to live close to downtown. As we go forward in this process with these moving parts and several concerns with this project close to downtown there will have to be a balance of the different interests and what can we do to make sure the right thing is happening, but at the same time we are doing this for smart development. Mr. Reynolds reminded that we are not voting on anything tonight but this is a step forward.

Jeff Parks, representative of Skyline West informed this project has not changed essentially since the presentation that made on March 6 which indicated that we are looking for an apartment complex of up to 50 units that will be entered through the property known as 143 West Broad Street. This extension south from that property is necessary in order to do this construction. The property is between Conestoga Street and Route 378, and is a hillside. Mr. Parks can answer any questions about the project and he will respond to some of the questions from Dr. Van Wirt and Mr. Reynolds. The runoff is an engineering issue and by law, must be done. In the plans that you were shown there is a green roof involved which is also used to hold

back water when you cover an impervious area so that the water does not cascade as quickly as it would otherwise. Mr. Parks explained that the engineers will look at all of this. In terms of the trees, they are a paramount issue for us in all of this because in order to allow tenants to be there we are telling them they will feel like they are in the country. So the builder has already said that this project will be built in from Broad Street. Essentially whatever trees need to be removed will be removed by going in through Broad Street and then the construction will actually be from the back of the project forward so we do not have to damage any trees on the hillside down towards Conestoga. Mr. Parks informed some people have suggested that we enter on Conestoga which is actually a flood plain, but we do not want to do that. Regarding the parking relief, he does not think they will be requesting parking relief. It is his understanding that there is a provision that a developer in the downtown has, by permission of the Zoning Officer, to go from 1.75 to 1.5 spaces per unit if you are on a bus route and have bicycle parking and so forth. So we expect to meet that requirement and will probably not seek zoning relief for the parking issue. Mr. Parks noted as far as traffic goes, in a neighborhood meeting they attended last night, there seems to be an issue with regards to traffic existing now. Whether or not this project goes forward, he suggests to Council and the Planning Department that the neighborhood expressed concern about the traffic on Broad Street as it stands now. They also expressed issues with regard to parking on First and Second Avenue. If the parking is that difficult at this point he believes that someone should approach them with regard to approaching the Parking Authority for residential parking permits in that neighborhood. Mr. Parks recalled all of this was of course brought up by our predecessor project, which has really created strong concern about parking issues in the neighborhood. Certainly that could be relieved by residential parking permits. Mr. Parks can say personally when his parents owned a store at the other end of the Broad Street bridge in the 1960's he was parking on Terrace Avenue and all of our employees were. He is sure that some downtown employees do take advantage of the free parking on those streets anyway. So this is probably an opportunity for those residents of that neighborhood to look to the Parking Authority for assistance. Mr. Parks noted that is their update, they are not seeking approval from the Historic Architectural Review Board for anything right now although they recommend two or three conversations with regard to design and development and so on and we are in that process. Mr. Parks pointed out we cannot proceed with anything until Council approves the zoning change because otherwise there is no point in moving forward.

Dr. Van Wirt informed when she first heard about this project she assumed, perhaps erroneously, that this was going to be built within current zoning guidelines. She heard some concern that there might be a request for a variance to go above the height limit for the zoning and she wondered if that is accurate.

Mr. Parks stressed that is not accurate, they will be staying within the zoning guidelines.

President Waldron mentioned with trees being a hot topic issue with the recent kerfuffle of tree removal on the spur route on First Avenue he knows there were plans to remove more trees on the east side which would be right on this property line. He wondered what is the current status of PennDot's tree removal program, and how does that affect this.

Mr. Parks informed he cannot answer on behalf of PennDot, he does not know other than what he has read in the media which says they are going to do the other side.

President Waldron asked Michael Alkhal, Director of Public Works for some more information on that.

Mr. Callahan explained when he first saw the proposal for this project he thought it was very bold. He lives in that area and he walked by that home many times and never thought of development at that site. Once he saw the design and layout of it and took into consideration the business owners in the downtown and the fact that it will bring people close, he thought it was a brilliant idea. He remarked that when he heard that Mr. Parks was attached to it, he thought it was even a better idea. There are very few people in this City that he respects more than Mr. Parks. Mr. Callahan has told him this personally many years ago that his vision with Musikfest saved our City. Mr. Callahan noted that since the inaugural Musikfest the growth and development of the event was done in a calm way; a slow growth and was very well done. Mr. Callahan is looking forward to keep moving along with this process.

Mr. Reynolds does want to thank Mr. Parks for going to meetings with this project. When people want to talk he is willing to go and talk. He also appreciates the fact that Mr. Parks is having conversations with people in the neighborhood that this project will affect; that is very positive. Mr. Reynolds has learned that you may not always give the people the answer that they are looking for or the perfect answer but you can show them respect and you can be honest and listen to the people. He thanked Mr. Parks for that. Mr. Reynolds added that with the parking we have had these kinds of conversations in silos. One conversation one year and another conversation the next year and we do not necessarily bring them all together and talk about how they are related. We had a conversation about a month ago about some of the things having to do with parking in the City and as this project moves forward there are concerns about things that are addressed, but with the issue of parking as a whole, we need to look at the big picture. Mr. Reynolds mentioned we hear that we need to see more people on Main Street. All of these things are connected and if we want this live, work and play downtown and where people want to walk, that conversation about parking needs to be looked at. Many of us live close to a commercial corridor or a downtown area. Mr. Reynolds noted that Mr. Callahan lives downtown, Dr. Van Wirt lives downtown, Ms. Negrón lives by our south side business district, Mr. Colón and Mr. Waldron live around Second Avenue and Mr. Martell lives near Mr. Reynolds by Liberty High School so we all deal with what parking occurs when you live in the City. This is part of what we like about the energy. Mr. Reynolds mentioned that everyone who weighs in on this needs to take a look at this. We cannot always have our cake and eat it too. We need to balance these interests. If this is a situation where parking relief is necessary that is okay because we cannot just build for parking demand now and make the perfect situation where everyone has a spot in front of their house because that will take things away from us.

Mr. Alkhal explained with the tree removal that PennDot is doing on Route 378 right now it appears that they do not have any more immediate plans for any further clearing. The next thing you will see out there is that they will plant trees supposedly by the 15th of this month.

President Waldron noted that is a step in the right direction and he is glad they reversed their plan after the feedback they got from the Administration and the public.

Public Comment

Bill Scheirer, 1890 Eaton Avenue noted as Mr. Parks mentioned there was a meeting last night at the West Side Moravian Church about this project. He pointed out that he would provide a mini report since no Council Members were at the meeting. Mr. Scheirer informed there were approximately 40 people there. He noted that Mr. Parks mentioned that they met with citizens. The implied message is that there was some give and take. On the way out of the meeting a woman was asked what has been accomplished tonight and a woman who lives on Second Avenue said nothing. Mr. Scheirer referenced a gentleman from the Conestoga Apartments who said they have floods every three years, they are not hundred year floods but each of them does require evacuation of the apartments. On the parking issue, he is glad Mr. Parks has dropped the idea about high end apartment dwellers using the Parking Garages on Walnut Street and North Street but, it is almost as dubious that they will be taking the bus and riding bicycles, they will be looking for parking spaces. Mr. Scheirer noted that Second Avenue is already under threat now from the Armory project and as Mr. Parks says one possible solution is residential parking if it is limited to the box on Second Avenue between Prospect and Broad Street. Regarding traffic he mentioned last night some people remarked about the backups that occur now on Broad Street and if you have 50 apartments with 75 cars coming in and out that is really going to be an interesting situation. Mr. Scheirer communicated there are two things that are going to be strictly the purview of the Historic Architecture Review Board, the color of the building, there were some objections to that last night and the facades on all three sides. The one facing east shows a lot of balconies and the facades facing north and west are in his view, monolithic. Finally, there is the question of size; this is a five story building on top of parking. Mr. Scheirer then had a rhetorical question, would it be possible for the developers to make a profit if it were only four stories instead of five. He knows what their answer would be and that is what the answers always are with developers with one recent exception, 13 West Morton the developer said he needed seven stories to make a profit and the end result was 4 stories and he was going to go ahead. Mr. Scheirer stated that this is better than what was done in Stratford Park where Institutional was converted to twin houses with a Use Variance. The other implicit message tonight is you may think this is all about rezoning and if you think this parcel should be rezoned no matter who develops it that is one thing, but this is obviously geared for this particular project and there is a reason why this is almost the first venue for this project. Mr. Scheirer expressed if Council approves this rezoning you are sending an implicit message that you like the project. This will put pressure on the Historic Architecture Review Board, pressure on the Zoning Hearing Board, pressure on the Planning Commission and that is what it is all about.

President Waldron reminded everyone that Council is not voting on this tonight.

Roland Plante, 360 Conestoga Street, explained he is President of the Conestoga Court Condominiums that are on Conestoga Street. He stated that he is taken back the fact there was a meeting last night up in the west end and we were not notified in any way until we saw the yellow signs hanging up for tonight's meeting. Mr. Plante agrees with Dr. Van Wirt about the traffic study and the run off because we are right below with 14 condos sitting on Conestoga Street. He is particularly concerned about the traffic because it is like a raceway now from Union Boulevard in so he encourages Council to look at this and if they need any help he will be glad to work with Council. Mr. Plante also agrees with the gentleman who did a lot of implicit stroking of individuals coming up here to push this project from some of the Council Members. He thinks it is in bad taste also because it is giving an appearance that this is all but approved.

Cory Crawford, Conestoga Court Apartments, stated he agrees with the comments made by Mr. Plante but he would also like to say that with discussing with his other neighbors in these condos that we recognize how this project also does help vitalize the downtown. It is also in our interest. His personal opinion is that this will not have as much of an impact to us on Conestoga, this property ends north of our building so it is not directly across from us. Mr. Crawford mentioned with the environmental concerns he is happy to see the green roof. In general his position would be that the zoning change to CL seems to be the right avenue and he is happy to see that Council is taking these concerns of traffic and runoff seriously and he thinks this will be handled in the appropriate fashion. We look forward to Council taking care of this.

President Waldron stated the Ordinance will be placed on the June 19 agenda for First Reading.

President Waldron adjourned the Public Hearing at 7:38 pm.

2. APPROVAL OF MINUTES

The Minutes from May 1, 2018 and May 16, 2018 were approved.

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

Historic Preservation

Stephen Antalics, 737 Ridge Street, noted that Council has a lot of power and that power clearly controls the destiny of the south side in terms of historic preservation. Due to age and non-residency it is important to have a history and that is what he is trying to do and he is getting good feedback on that. The south side in earlier times it suffered badly. The best way to describe that is the blunders of your predecessors where historic preservation was secondary to development. Mr. Antalics handed out a map to Council of the City of Bethlehem proper published by the Bethlehem Tourism Authority published around 1995. When they said it was the Bethlehem Tourism Authority he assumes they were speaking about the areas north and south of the river. If you look at the map most of the points of interest are on the north side with five or six highlighting the Moravian Community, which is no problem, but he assumes that the south side is still part of the City. If analyzed that statement in terms of nothing south of the river is of historic interest you is going back 100 years. That would be back in the days of the tremendous animosity between the borough of Bethlehem and the borough of South Bethlehem. Mr. Antalics informed the two most important things in Bethlehem were the Bethlehem Steel and the Bethlehem Bach Choir. The Choir had its concerts in the Packer Memorial Chapel which is not on the map, the Sayre Mansion is not on the map, the Church of the Nativity is not on the map and the blast furnaces are not on the map. Mr. Antalics continued to say that the Union Station is not on the map. He believes it is because of negligence and that people coming to Bethlehem have no reason to cross the river, there is nothing there. That has changed now but it is still not perfect or that much better based upon two recent events. One event was where the nine story building on Fourth Street was allowed. The Chair of the Historic South Side Preservation Commission stated that the building, according to the Ordinance which preserves south side history, was inappropriate for that size, but recommended that it be built. The Chair of the Commission does not live on the south side that has an impact on this. Another area that is

troublesome is at the last meeting he recalls there was a citation for Historic Preservation given to a building on New Street where that building violated the very Ordinance that said it should not be built that high. Mr. Antalics added that a citation was given to a building that violated the Ordinance for the preservation of the south side. Mr. Antalics is trying to get across to Council that there will be additional issues coming up where you will be asked if preservation of the south side is more important than development. You will find that people at meetings have spoken very loud and clear about preservation of the south side history and he hopes if these issues come up in the future and you will act according to the best interest of the south side.

Digital Billboard-Hill to Hill Bridge

Ed Gallagher, 49 West Greenwich Street, observed that it sounds very often to Council that these public comments tend to be negative or complaining, but he would like to be positive tonight. He gives a tip of the hat to Council for one thing. He went to the City website today and discovered that we have audio of these Council Meetings and whoever does the narrative minutes does a great job. Mr. Gallagher gives a tip of the hat to the Administration because he was at two of the meetings in regards to the Hill to Hill Bridge and he enjoyed them and learned a lot. The Mayor wrote a letter or essay, Attorney Edmund Healy and Zoning Officer Suzanne Borzak and others were against that digital sign. He does not know if Adams Outdoor will appeal the billboard matter, but if so he hopes that the wheels are in motion to continue standing up to that. Since he was paying attention to the Hill to Hill controversy he went to look for history of the Hill to Hill Bridge and he obtained a link to a booklet done in 1924 at the completion of the bridge. He learned the motivation for the bridge began about 1890 and was not completed until 1924. Mr. Gallagher continued to say that at several points along the way the citizens of the town were extremely active in getting the bridge done. There was a lot of tension with railroads about what kind of bridge it would be, shore to shore or hill to hill, where does it link up, etc. It looked like it was going to stall and die but a group of citizens got together paid \$5 each for expenses to hire lawyers and collect data, signed petitions and broke the ice on discussions about the bridge. There was a mass meeting in which the historian describes that hundreds of people from the town turned out. There were two plans for the bridge, one cost \$200,000 more than the other but the more expensive one was the more favorable one. Ten days were set aside in 1916, October 2 to October 10 to raise \$200,000 and people pledged money and the goal of \$200,000 was achieved before the ten days were up. Mr. Gallagher stated that is an amazing community effort and that is a beautiful bridge. Underneath back at the entrance into Sand Island you can look back at that beautiful structure. He realizes that those things do not enter into the legal battles and the appeals but maybe that is incentive to the people who are fighting against that digital billboard to remember that many people did many good things to build that bridge. It was called a work of fraternal cooperation and something that the City had never seen. Mr. Gallagher stressed he will never look at it the same way except through that historical lens.

Historic Preservation/Hill to Hill Billboard

Bill Scheirer, 1890 Eaton Avenue, mentioned the award to the building on New Street was for the materials. He noted there has been a change on the Historic Conservation District Commission; it has become more protective of the south side. He added that one or two members had mentioned that if they had been on the Commission at that time they would have voted not only against the building at Third and New, but also the building at Fourth and Vine. On the

question of the billboard there has been some talk among citizens about possibly organizing a boycott of people, institutions or companies who advertise on the existing digital billboard. Mr. Scheirer informed that one emailer said that be careful, Adams Outdoor Advertising is a national firm with deep pockets and is quite capable according to this person of suing anybody who organizes a boycott on the grounds of causing financial hardship. He finds it ironic that contributing money is freedom of speech according to Citizens United, but withholding money cannot be defended on grounds of freedom of speech. Mr. Scheirer has not heard of boycotts being punished in this way, but that is not to say it has not happened. At the very least there is the possibility that it could just be a form of legal harassment causing people to spend money to defend themselves in court. He is going to ask the City Solicitor's tonight if there is any grounds for a boycott organizers to fear legal harassment.

4. PUBLIC COMMENT (on ordinances and resolutions to be voted on by Council this evening - 5 Minute Time Limit)

Marijuana Possession Ordinance

Jeff Reidy, 905 Seventh Avenue, addressed Council, Mayor Donchez, and Chief DiLuzio and noted that like many attending tonight's proceedings he supports City Council's efforts to pass a smart marijuana decriminalization Ordinance in Bethlehem. As the Executive Director of Lehigh Valley NORML he has offered counsel, gathered facts, shared stories and invited his friends to attend Council Meetings while offering their testimonies as well. The impact of a misdemeanor charge for a simple marijuana possession is undeniable. He believes that not one person in this room would suggest otherwise, even those in protest of passage of these local Ordinances support decriminalization, but they just want the State to get it done. Mr. Reidy pointed out that he is here to bear witness to the arduous snail's pace of our ongoing lobbying in the State Capital. While he pushes law makers and await legislation in Harrisburg, there are Cities statewide that are taking up decriminalization Ordinances like we are discussing tonight. Similar measures have been passed across our State from Philadelphia to Erie, Pittsburgh to York, State College to Harrisburg and most recently to our neighbors in the west in Allentown. We support and encourage local Ordinances like what is going to be discussed in Bethlehem tonight. Mr. Reidy applauds the anticipated bold decision of Bethlehem City Council and does believe that with cooperative effort we can negotiate the concerns of all parties and engage a decriminalization Ordinance that is enforceable throughout the entire City. A decriminalization Ordinance is another tool, a less harmful option to the outdated laws currently on our books. He remarked we are not trying to supersede State law, just lessen the local fines and negative effects for an arrest for a small amount of cannabis. Ultimately the enactment, engagement and success of your Ordinance falls upon the shoulders of all involved. Mr. Reidy likes to think that even Lehigh County District Attorney James Martin will recognize the error of his thinking and come around to support decriminalization in both Allentown and here in Bethlehem. The ACLU Pennsylvania recently drafted a determination reflecting their opinion of Mr. Martin's opposition suggesting that local decriminalization can be done under State law. He believes that letter was shared with Council by Andy Hoover of the ACLU Pennsylvania and has been entered into tonight's agenda. He will be the first to admit that local decriminalization are far from the best solution to our tired, antiquated laws but they are a first step in encouraging our State lawmakers to listen to their constituents. Mr. Reidy noted as we change State laws maybe our legislators in Washington will begin to take notice and follow the will of the people. As America's history continues to be written small efforts by small communities often lead to bigger solutions and in

the end it is courageous moves like those being taken by City Council tonight that will move the dialogue. It is for all those reasons that Mr. Reidy proudly stands here an advocate and a City resident in support of City Council's support of passage of Councilwoman Negrón's decriminalization Ordinance here in Bethlehem. He thanked Council for their support and he applauded their efforts.

Les Stark informed he is from Reading, Pennsylvania and is the Executive Director of the Keystone Cannabis Coalition. He reported they are a statewide organization dedicated to trying to stop the harmful consequences of arrest and to change the laws of Pennsylvania. He continued to say that we have many members of this organization in Bethlehem and the greater Lehigh Valley and it is on their behalf that he will speak. Mr. Stark stated at the beginning of this meeting we said the Pledge of Allegiance and we said a prayer. In that Pledge of Allegiance we said one nation, under God, indivisible, with liberty and justice for all. We said a prayer and said that where there are cases of differences of opinion let love and understanding prevail. It is with those four principles in mind, liberty and justice for all and love and understanding that he prefaces his remarks. Mr. Stark is a historian and pointed out that to some extent cannabis has been in Bethlehem for the better part of 300 years. Around the 1740's or 1750's the Moravians in Bethlehem grew cannabis hemp as a fiber crop to make clothing, rope and Conestoga wagon covers, all the things you can make hemp with. A book called The Bethlehem Oil Mills talks about the mill that they had to process hemp fiber and a mill to process oil from the hemp seed and that oil was used in paints and varnishes, printers ink and lamp oil. The seed cake was then fed to the livestock. Mr. Stark noted that is hemp and you cannot smoke it, but it is related to the same plant family. In 1846 there was a doctor in Reading named Dr. Isaac Heister who cured a person with lockjaw with cannabis and he published his works in the New England Journal of Medicine and within a decade by the 1850's cannabis extract medicines were available in Bethlehem and Allentown and advertised in newspapers throughout the State. In 1876 some historians say that cannabis as a recreational substance was introduced at the World's Fair in Philadelphia and by the 1880's there were actually cannabis smoking parlors in Philadelphia and virtually every city on the east coast. Mr. Stark noted by the 1880's the practice of using cannabis was well established in this Country. It was in the 1920's during alcohol prohibition that cannabis use became especially prevalent because at the same time while alcohol was illegal, you could have as much cannabis as you wanted. By 1932 the State Health Department talked about how cannabis could cause you to become deranged and go murder people. It was not true. In 1933 a legislator from Berks County named Chester A. Moan introduced a bill to ban marijuana on a State level and it was signed into law on May 22, 1933 by Governor Gifford Pinchot and went into effect on September 1, 1933. For 85 years we have been fighting this substance. We have to ask is there less marijuana today in Bethlehem and the Lehigh Valley than the 1930's. In the last ten years more than 250,000 Pennsylvania citizens have had their lives ruined or severely interrupted by arrests and unless we make changes to the law over the next ten years, another 250,000 Pennsylvanians will similarly face arrest and all the negative consequences. Mr. Stark stated he wants you go see these people in your heart and in your minds and he knows what we are talking about not just statistics, but real human beings and the question is how do we treat human beings. Mr. Stark would say we treat human beings with liberty and justice for all and love and understanding and he hopes that Council passes this Ordinance.

Stephen Antalics, 737 Ridge Street noted that the gentleman who just spoke mentioned that marijuana now is going through the same thing that gambling and alcohol went through. People were dying from bad alcohol and finally they got wise and removed prohibition and put

alcohol under control which is a great tax incentive. It is the same thing with gambling. By a State supporting gambling it got rid of the bookies and gave the State a source of revenue. He recently spoke to a person with knowledge and authority and they told him that he might or she might have problems with the Ordinance as it exists. Mr. Antalics will pursue the reasoning and if it is legitimate he might bring it up before the second passing of the Ordinance which he thinks will happen.

Eric Miller, 903 East Paoli Street, Allentown, stated he graduated from Penn State with an elementary education degree and is currently studying Chemistry at Lehigh County Community College. One of the things that he really likes about this Ordinance is that it can actually help people who use cannabis medically but may not qualify under Pennsylvania's extremely limited program. Many of the people who say they use it medically use it just to sleep, to relax, and to relieve stress and anxiety. So right there you will help those types of people. Mr. Miller has been studying cannabis science for four or five years now, the many aspects of it, growing it and how to extract the medicinal compounds and how it interacts with the human physiology. In general it has been found to be a very safe medicinal compound. There is a small chance that it could be used in an abusive form but less so than caffeine or alcohol. Mr. Miller explained whether or not his Ordinance is enforced overall it sends the message to Harrisburg that this is what the people want and we do support it. Many cities across Pennsylvania have already passed similar Ordinances with Allentown being the most recent. Although he does live in Allentown he has family members and friends who live in Bethlehem and he frequents Bethlehem often. It would be nice to have that piece of mind to be safe without the chance of incarceration or harassment. Mr. Miller thanked Council and noted that he is at this meeting to show his support.

Ed Gallagher, 49 West Greenwich Street, mentioned he has not heard two sides of this issue in this room. He was at the hearing before this and four Council Members were there and all spoke strongly for this Ordinance. He was surprised at that meeting that the only argument against this Ordinance had to do with operational issues and jurisdictional issues. Mr. Gallagher stated as an academic he always likes to hear the other side. He remarked do not take this as him being against the Ordinance but wondered what is the other side to this. There is a personal kind of reason for him saying the next few things as well. He is sure there will be issues that come up before Council in which he will hope that both sides are really talked out at the Committee level or the pre-Committee level. Mr. Gallagher noted he would certainly not want to debate Mr. Reidy because he has heard him speak a few times now and he is a powerhouse. It is not that he is personally speaking against it, but what is the other side. People say an Ordinance like this will increase the use of marijuana particularly in young people. Also it is said that marijuana is a gateway drug and it will lead to other things. People would say that we are sending a wrong message at the time of the opioid crisis. People will say that marijuana is not as harmless as the decriminalizing people would say; there are studies on the other side that talk about cognitive damage, memory damage. People will say we should be interested in educating people about the dangers of drugs as we educate people about the dangers of alcohol. People will wonder about driving under the influence of marijuana and how will that be dealt with. Mr. Gallagher noted there are legitimate arguments on the other side and it seems to him that should be in the air as people make decisions.

Bill Scheirer, 1890 Eaton Avenue, explained he has three words on the marijuana Ordinance - long time coming. He has a few more words on Resolution 10 B - Authorizing a Contract to Wallace, Roberts & Todd for the Northside 2027 Planning Study. The firm is from

Philadelphia and so you wonder to what extent they are appropriate for a City the size of Bethlehem. Things that work in Philadelphia might not work so well in Bethlehem. This raises the question of the criteria used to evaluate the seven proposals and how many points were attributed to each criterion and whether averages were used or medians. He pointed out averages are not usually very good because one reviewer can sandbag a proposal by giving it a very low score or on the other side a very high score which will influence the average but not the median. Mr. Scheirer mentioned the same questions came up with the proposals for the Armory project and Tony Hanna was very forthcoming for releasing the criteria, the points for each and he even released the scores from each reviewer and identified the reviewers. On the whole it was a good process. He asserted when he was in Washington, D. C. he was responsible for a half a million dollar program of unsolicited research proposals that came into the SVA office of advocacy. He designed a system of processing these proposals so in going over what the Redevelopment Authority did he had a few tweaks here and there that he conveyed to Mr. Hanna after the fact and offered to advise pro-bono the next time they do something like this. He will make the same offer to the City.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- C. *Director of Community and Economic Development – Recommendation of Award – Wallace, Roberts & Todd*

The Clerk read a memorandum dated May 17, 2018 from Alicia Karner, Director of Community and Economic Development recommending a contract with Wallace, Roberts and Todd for the Northside 2027 Neighborhood Planning Study. The term of the contract is June 2018 to January 2019. The fee for the contract is \$75,000 with additional, optional services totaling \$8,000.

President Waldron stated Resolution 10 B is on the agenda.

- D. *Director of Public Works – Recommendation of Award – Urban Research and Development Corp. – Memorial Pool*

The Clerk read a memorandum dated May 18, 2018 from Michael Alkhal, Director of Public Works recommending a contract with Urban Research and Development Corporation for the Memorial Pool Design and Construction Services. The contract shall run until May 23, 2020. The fee for the contract is \$420,000.

President Waldron stated Resolution 10 F is on the agenda.

- E. *Director of Water and Sewer Resources – Recommendation of Award – Pennoni Associates, Inc.*

The Clerk read a memorandum dated May 23, 2018 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with Pennoni Associates, Inc. for the Irene

Street Geotechnical Investigation. The term of the contract is from the Notice to Proceed until September 20, 2018. The fee for the contract is \$11,800.

President Waldron stated Resolution 10 G is on the agenda.

F. Director of Public Works – Recommendation of Award – WRT Design

The Clerk read a memorandum dated May 4, 2018 from Michael Alkhal, Director of Public Works recommending a contract with WRT Design for the South New Street Streetscape Enhancement Project. The estimated completion date is October 31, 2019. The fee for the contract is \$248,186.

President Waldron stated Resolution 10 H is on the agenda.

G. Police Chief – Special Event Parking Districts – Musikfest 2018

The Clerk read a memorandum dated May 30, 2018 from Police Chief Mark DiLuzio to which is attached a Resolution and a proposed boundary map for Special event parking during Musikfest 2018. The time covered will be from 12:00 pm on Friday, August 3, 2018 through 11:59 pm on Sunday, August 12, 2018. The special events Parking Districts will need to remain the same as last year, including the extension into the south side.

President Waldron stated the Resolution can be placed on the June 19 agenda.

H. Director of Community and Economic Development – Recommendation of Award – Urban Research and Development Corp. – Payrow Plaza Playscape

The Clerk read a memorandum dated May 30, 2018 from Alicia Karner, Director of Community and Economic Development recommending a contract with Urban Research and Development Corporation for the design and construction management of a playscape project on Payrow Plaza. The completion date is November, 2018. The fee for the contract is \$17,300.

President Waldron stated Resolution 10 I is on the agenda.

I. Fire Chief – Records Destruction – Fire Department

The Clerk read a memorandum dated May 30, 2018 from Fire Chief Warren Achey requesting Council to consider a Resolution for the Destruction of Records from the Fire Department listed on the attached exhibit. Chief Achey has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Waldron stated the Resolution can be placed on the June 19 agenda.

J. City Solicitor – Street Vacation Ordinance – Portion of Pyatt Street

The Clerk read a memorandum dated May 31, 2018 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Ordinance to effect the vacation of a portion of Pyatt Street. If there are utility service lines located in the right of way of Pyatt Street, it is the Solicitor's Office

position that prior to final passage of the vacation Ordinance utilities involved receive easements from the petitioner insuring the continuance of the utilities' rights to maintain the line currently in place. In addition, as a condition of the planning Commission's approval, a Declaration of Covenants protecting the ingress and egress rights of the abutting property owners must be filed in the Recorder of Deeds Office in and for Northampton County and a copy must be submitted to the City. The office will report the status to City Council prior to final consideration.

President Waldron stated the Ordinance can be placed on the June 19 agenda for First Reading.

K. *City Solicitor – Use Permit Agreement – The Clubhouse Grille – Rock 4 MS Event*

The Clerk read a memorandum dated May 31, 2018 from City Solicitor William P. Leeson, Esq. to which is attached a Use Permit Agreement for public property with The Clubhouse Grille for the Rock 4 MS Event. The duration of the agreement is June 23, 2018 and the location is the Golf Course Property adjacent to the Bethlehem Golf Club Clubhouse.

President Waldron stated Resolution 10 J is on the agenda.

7. REPORTS

A. *President of Council*

Audio of Council Meetings on Website

President Waldron mentioned that Mr. Gallagher already spoke of the announcement he wanted to make about the audio of City Council Meetings that are now available on the City website. If you go to the City's homepage and go to quick links and click on City Council Meetings/Agenda and documents you will find the audio recordings of our minutes. He would like to thank Information Services and especially Blake Kleintop for his assistance with this project. We also are working towards having video of our Council Meetings and exploring our different options. President Waldron explained this is slightly more complicated and expensive than we would like it to be but we are moving forward with that and hope to have some better understanding of what the best fit is because we have a bit of a challenging space in this round room. As we have updates on that we will be sure to announce that.

B. *Mayor*

Website

Mayor Donchez explained we are very close to unveiling the common calendar on the website that will have all City Boards and Commissions Meetings and we would then like to incorporate all events from the Chamber also. Hopefully by the end of the year we will have a common calendar that will be made public.

1. *Administrative Order – William Fitzpatrick – Zoning Hearing Board*

Mayor Donchez reappointed William Fitzpatrick to membership on the Zoning Hearing Board effective through June, 2023. Mr. Colón and Dr. Van Wirt sponsored Resolution No. 2018-104 to confirm the reappointment.

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

C. *Public Safety Committee Meeting*

Chairman Colón stated the Public Safety Committee met on Tuesday, May 22, 2018 at 6:00 pm in Town Hall. We unanimously recommended that City Council adopt the Ordinance to establish new Article 744 – Marijuana Possession.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 12-2018 – Amending Zoning Ordinance – Adding Sections 1302.29 AND 1306.08 – CRIZ Qualified Project Definition and Related Dimensional Requirements*

The Clerk read Bill No. 12-2018 - Amending Zoning Ordinance – Adding Sections 1302.29 and 1306.08 – CRIZ Qualified Project Definition and Related Dimensional Requirements, on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 12 – 2018 now known as Ordinance No. 2018-12 was passed on Final Reading.

B. *Bill No. 13-2018 – Amending Zoning Ordinance – Section 1306.01.b.1(b) and 1306.01B (NOTE I) – Changing Maximum Building Coverage in the CB District*

The Clerk read Bill No. 13 – 2018 - Amending Zoning Ordinance – Section 1306.01.b.1(b) and 1306.01B (NOTE I) – Changing Maximum Building Coverage in the CB District, on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 13 – 2018 now known as Ordinance No. 2018-13 was passed on Final Reading.

C. *Bill No. 14 – 2018 – Amending Zoning Ordinance – Section 1305.01.b – Removing a Drive-Through Fast Casual Restaurant from the CB and CL Zoning Districts*

The Clerk read Bill No. 14 – 2018 - Amending Zoning Ordinance – Section 1305.01.b – Removing a Drive-Through Fast Casual Restaurant from the CB and CL Zoning Districts, on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 14 – 2018 now known as Ordinance No. 2018-14 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 16 – 2018 – Establishing New Article 744 – Marijuana Possession*

The Clerk read Bill No. 16 – 2018 – Establishing New Article 744 – Marijuana Possession, sponsored by Ms. Negrón and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA,
ESTABLISHING ARTICLE 744 ENTITLED
MARIJUANA POSSESSION

Ms. Negrón recalled we heard a few comments tonight about this Ordinance. She then asked Council Solicitor John J. Spirk to take a look at the DUI part of this Ordinance, the usage of marijuana while driving. This would still apply as a DUI and it is important that this be clarified. It was also mentioned about other thoughts people are having on the other side of the argument. Ms. Negrón added that the use of cannabis has been something that has been in her mind for a long time. She has done a lot of research on this and has learned of the new research and the changes and the fact that it is not a gateway drug. She noted that alcohol and tobacco for that matter is greatly hurting our community. She pointed out that marijuana should not be considered a Schedule I drug because there is plenty of usage that has been proved otherwise. When we had this on the agenda as a Communication there was a woman at the meeting who talked about the experience with her mother and her addiction from opioids when the usage of marijuana would have been the most effective and less painful way to finish her life. Ms. Negrón advised we have heard so many stories. She does believe that this Ordinance will send a message to our State legislators that it is time to move forward and make changes. She hopes that this little change will send that message and perhaps Federal legislators will get this message that it is time for a change.

Mr. Reynolds thanked everyone who worked on this Ordinance and led us to get here tonight. He knows it was not an easy task. He believes this comes down to a few questions. One of them is where is the line of regulation. Much like with gambling and with alcohol, there is a line as far as what is the best public policy that makes sense. Part of this is education. We all get frustrated when we look at all of the tools that cities do not have, all of the things that we are not able to vote on having to do with policy because of the general way that the Third Class City Code works. Mr. Reynolds explained we are not the first to pass such an Ordinance; other cities have done this. He pointed out that Philadelphia led the way four or five years ago. Mr. Reynolds noted that decriminalization is not something that he votes for lightly and should not be taken as anything other than what is the best kind of intersection of commonsense, education, criminal justice reform and what we are allowed to do. We know how Harrisburg is; they do not do this decriminalization for many reasons other than what the best public policy is. As soon as the State could make money from the casinos so that people did not have to raise taxes in Harrisburg, they were able to do it. He would guess that they would do this tomorrow if they would look at this as a revenue enhancer in Harrisburg that would keep them from having to look at other ways to raise revenue in the future, but that is not in front of them. Mr. Reynolds stressed that they want to raise revenue and he also thinks that sadly it is not that people in Harrisburg look at this and think this would be a good idea to do tomorrow, but they are

unwilling to take the political hit. It has become a cultural issue. People in Harrisburg already complain that cities get too much funding for education and other things. If you look at cities leading the way on this issue to give in and say we will do this because it is the right thing to do that probably will not sit well with many of the people that are in power in Harrisburg and their political base. Mr. Reynolds expressed other Cities have done this and he thinks this gives law enforcement another tool. It does not mandate that we do something, it gives them another tool. It is something that people have done in other places and has worked both as an educational tool and has worked to help people's lives. One of the challenges here is making this vote about what it is and what it is not about. Mr. Reynolds does think this is a step in the right direction as far as should the punishment fit the crime. It is also a step in the right direction about doing the right thing to help stop the mark that goes on people's records when they make a mistake or when they make a choice, something that would limit them later on in life. Mr. Reynolds expressed that he will be voting yes for this tonight.

Mr. Callahan pointed out that he truly believes in the medicinal uses of marijuana because of the issues his wife had with her last year in her life when she was fighting cancer. There are prescription drugs that doctors do give for the side effects of chemotherapy and radiation. Twelve years ago there were three of them and most of the time those drugs did not work. As all of us know one of the side effects of marijuana is that you get hungry and that certainly would have helped her. He then had a friend that gave her marijuana and that was a big help to her, she then had an appetite and would eat and started to put some weight on. Mr. Callahan stated he is 100% in favor of this Ordinance. He believes that what will happen with this is what happened with gambling. If you told him 20 years go the State of Pennsylvania was going to have gambling he would have thought it was crazy but they slowly brought in slot machines in clubs and after that they legalized tables. He thinks that is what will happen with marijuana and hopefully it gets passed someday as recreational. Mr. Callahan pointed out that he does understand District Attorney Martin's concerns and the Police Chief DiLuzio's concerns with being in two counties. Mr. Callahan stated to him this seems like a procedural thing. If you are unfortunate enough to be caught in Bethlehem/Lehigh County things will not change because the DA in Lehigh County does not want it to be changed and that is out of our control. So if you are caught nothing changes with the Police Officers in Lehigh County, it is a misdemeanor. But if you are in Bethlehem/Northampton County the Police now have a tool not to do that. Every Police Officer he has talked to about this is in favor of it. Mr. Callahan noted that Northampton County District Attorney John Morganelli is much more progressive and has a different view of this. Mr. Callahan had a conversation with District Attorney Morganelli about this and he is of the same belief as the District Attorney in Philadelphia. He is in favor of this being written as a summary offense. So his message to the Police Department is that nothing changes, keep doing what you are doing in Lehigh County and if it is in Northampton County write them a ticket and send them on their way. We already do that with many issues within our Police Department, they already do things differently in Lehigh and Northampton County. Mr. Callahan stated he will be supporting this Ordinance tonight.

Dr. Van Wirt noted she wanted to bring up what Mr. Gallagher spoke about because if you feel this way there are probably a lot of people who feel the same way with concerns about the opioid crisis. She has a different perspective. In her work life as physician and in nursing home care she takes care of a lot of patients who have been decimated by the opioids crisis. She has seen patients chewing on fentanyl patches that she has prescribed. She has seen them snorting OxyContin in the nursing homes. Dr. Van Wirt had a 23 year old patient die while she

was still in his hospital ward from shooting up heroin. She remarked that she has seen what we as physicians are responsible for doing and the havoc it has created in society. She believes that if we had an alternative method of treating difficult to control pain with marijuana that we would not have so many of the deaths and problems that we currently have. She sees this as a totally better remedy for chronic pain that could avoid a lot of the problems that we currently have. Dr. Van Wirt stated that is one perspective and also part of the reason she will be supporting this Ordinance as well.

President Waldron expressed that obviously there are many facets to this discussion from an operational point of view to a moral point of view to also an ethical one. Ultimately it comes down to what is the commonsense and what is the right thing to do. For him it is obvious that this is something that should have been done a long time ago because it is the right thing to do and history will show that. President Waldron pointed out that in 20 years it will seem laughable that marijuana was illegal and was demonized the way that it is and how it clogged up our court system and ruined many lives. He thinks there will be some challenges for the Administration here as the Executive Branch, it will be up to them to enforce our legislation that we are passing. We hope to do that with you and not push this on you and say it is your job to figure this out. President Waldron thinks this is an ongoing discussion that we will have to be revisited as some of this gets rolled out and we see what some of the consequences of this change is. The spotlight will be on Allentown and Bethlehem from Harrisburg which is a main point of what we are doing this evening. We are sending the message that local municipalities are tired of waiting for them to make a change and that we will do so and give them the support they need in order to make this change on a statewide and national level. President Waldron believes the Administration will have some challenges, especially figuring out what the District Attorney pushback will be and what will happen with that. All of us on Council will look forward to having that conversation with the Administration and with Police Chief DiLuzio as to what some of those challenges will be and what can we do to support him in order to make this an obtainable Ordinance that is not just something that is window dressing, but will have a positive impact on our community.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 16 - 2018 was passed on First Reading.

10. RESOLUTIONS

A. *Authorizing Records Destruction – Office of the Controller*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-105 that authorized the disposition of the public records in the Office of the Controller as stated in the attached Exhibit A.

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

B. *Authorizing Contract – Wallace, Roberts & Todd*

Mr. Colón and Dr. Van Wirt sponsored Resolution No. 2018-106 that authorized to execute an agreement with Wallace, Roberts & Todd for the Northside 2027 Neighborhood Planning Study.

Mr. Reynolds explained when he proposed the idea of Northside 2027 last January it received support from Council and it also received support from the Administration. He wanted to commend Ms. Karner and Mayor Donchez and the Administration for their support. What this will do and allow for, is to help put together a planning process for these neighborhoods and many of the different ideas that we talked about. Mr. Reynolds informed there is excitement from Bethlehem Area School District Superintendent Dr. Joseph Roy who was involved in the interview process as well as Moravian College and these neighborhoods. This is about creating priorities, having community meetings, and setting up input as ways to look at what these neighborhoods need in going forward. This particular firm has a very gated driven brand building type of way that is exactly what these neighborhoods need as far as building a structure. He noted that will bring everything together between the school district, commercial district, and these neighborhoods to create a structure that will create neighborhood branding that will allow people to be involved in this process. Mr. Reynolds thinks as this goes on there is great stuff in there that overlaps with what Northside 2027 is trying to do. He pointed out that we will be having a Community Development Committee meeting in July about the blight study. The Administration, Ms. Karner and her department, and Mayor Donchez have worked very hard on this. Mr. Reynolds thanked the Administration for working to get these funds and for helping to do the research and he thanked City Council for supporting this measure. He believes this is another great step in this initiative that he and he knows the neighbors are thankful for.

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

C. *Authorizing Use Permit Agreement – ArtsQuest – Pizza Fest*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-107 that authorized a Use Permit Agreement with ArtsQuest for Pizza Fest on June 30, 2018 from 12:00 noon to 9:00 pm. The location is First Street from Polk Street to the Eastern Terminus and Founders Way between First Street and Second Street.

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

D. *Authorizing Use Permit Agreement – ArtsQuest – July 4th Celebration*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-108 that authorized to execute a Use Permit Agreement with ArtsQuest for the July 4th Celebration on July 4, 2018 from 3:00 pm to 12:00 midnight. The location is First Street from Polk Street to the Eastern Terminus and Founders Way from Second Street to First Street.

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

E. *Authorizing Use Permit Agreement – ArtsQuest – Sabor Event*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-109 that authorized to execute a Use Permit Agreement with ArtsQuest for the Sabor Event from June 22, 2018 through June 23,

2018. The location is First Street from Polk Street to the Eastern Terminus and Founders Way from Second Avenue to First Street.

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

F. *Authorizing Contract – Urban Research and Development Corporation – Memorial Pool*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-110 that authorized to execute an agreement with Urban Research and Development Corporation for the Memorial Pool Design and Construction Services.

Dr. Van Wirt mentioned there were some issues with cost over runs with the initial estimate and she was wondering where this fits in with the whole renovation of the pool.

Jane Persa, Recreational Director noted as Mr. Alkhal had said in his memorandum we are going to have a discussion with City Council once we get the final draft back from the URDC for the Monocacy Park Master Plan and Memorial Pool Feasibility Study. These costs are part of the whole plan. This is ongoing, and because it is time sensitive, we wanted to bring this forth tonight. Ms. Persa added that they are just continuing on with the process and this is the next step. First was the Park and Pool Study and then the Monocacy Park Master Plan and Memorial Pool Feasibility Study and this is the next step.

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

G. *Authorizing Contract – Pennoni Associates, Inc.*

Mr. Colón and Dr. Van Wirt sponsored Resolution No. 2018-111 that authorized to execute an agreement with Pennoni Associates, Inc. for the Irene Street Geotechnical Investigation.

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

H. *Authorizing Contract – WRT, LLC*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-112 that authorized to execute an agreement with WRT, LLC for the South New Street Streetscape Enhancement Project.

Dr. Van Wirt noted she was reading this and on the last page it states a review team consisting of various City staff, Lehigh University, Bethlehem Parking Authority and a property owner reviewed each proposal, etc. She wondered who the property owner and were all property owners consulted on this.

Mr. Alkhal explained that Benner was the property owner because he was central to this and he was contributing to the project.

Dr. Van Wirt queried if he is contributing to payment.

Mr. Alkhal stated yes, part of the funding of the project and things he may have to do himself as far as his property and the development that he is in the process of doing.

Dr. Van Wirt noted this is City money that we are spending on this whole City wide project. She expressed that all business owners that are along that strip probably should have been consulted as well. She knows it might have complicated the process or made it more difficult. She understands there is a lot of presence from this project that he did but at the same time the rest of the business owners deserve a voice in that. Dr. Van Wirt will not stall this but she hopes that going forward we can consider all businesses and affected people when we make decisions with City money regardless of the input of a private person.

Mr. Alkhal explained to keep in mind this was for evaluating six or seven proposals from consultants that will be charged with developing the concept and doing the design work for the improvements that are being prepared, not to focus on selecting what is to be done there.

Dr. Van Wirt stated she does understand, but it is important to have a very open process when we spend City dollars.

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

I. Authorizing Contract – Urban Research and Development Corporation – Payrow Plaza Playscape

Mr. Colón and Dr. Van Wirt sponsored Resolution No. 2018-113 that authorized to execute an agreement with Urban Research and Development Corporation for the Playscape project on Payrow Plaza.

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

J. Authorizing Use Permit Agreement – The Clubhouse Grille – Rock 4 MS Event

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-114 that authorized to execute a Use Permit Agreement with The Clubhouse Grille for the Rock 4 MS Event on June 23, 2018 from 9:00 am to 10:00 pm. The location is the Golf Course property adjacent to the Bethlehem Golf Club Clubhouse according to Exhibit A.

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

Motion – Considering Resolutions 10 K through 10 M as a group

Ms. Negrón and Mr. Callahan moved to consider Resolutions 10 K through 10 M as a group.

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

K. *Certificate of Appropriateness – 831 East Fourth Street*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-115 that granted a Certificate of Appropriateness for installation of the company's logo in the storefront at 831 East Fourth Street.

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

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-116 that granted a Certificate of Appropriateness for a new façade treatment at the building addition along Fillmore Street to revitalize the existing beige brick at 502 East Fourth Street.

M. *Certificate of Appropriateness – 327 Broadway*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-117 that granted a Certificate of Appropriateness for the Phase I installation of new storefronts and lower level windows at 327 Broadway.

Voting AYE on Resolutions 10 K through 10 M: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolutions passed.

11. NEW BUSINESS

Community Development Committee Meeting

Chairman Martell announced the Community Development Committee will have a meeting in Town Hall on July 3, 2018 at 5:15 pm. The subjects will be the Blight Analysis Review and the Proposed Ordinance to Establish New Article-Appropriate Mental Health Services dealing with a conversion therapy ban.

Public Safety/Community Development Committee Meeting

Chairman Colón reminded everyone there will be a Public Safety/Community Development Committee Meeting on Tuesday, June 12, 2018 in Town Hall to review the opioids impact in Bethlehem as well as an update on the 9-1-1 consolidation.

UGI/Paving of Streets

Mr. Callahan asked about the construction that UGI is doing on Main and Geopp Streets.

Mr. Alkhal stated that UGI is working in a number of places.

Mr. Callahan asked if there is a State law that if UGI makes so many cuts in a pavement within a certain distance that they have to repave it.

Mr. Alkhal stated no, there is no such law. We have internally certain requirements. We have degradation fees if they disturb the pavement that is paved within the last five years. As part of their permit conditions if that happens, our engineers will approach them about repaving

the street depending on the condition of the street before they disturb it. For example, they dug into New Street a few years ago and we just resurfaced it months before. We made them redo the whole thing. That does happen on occasion but it is part of the permitting process. Mr. Alkhal added outside of that we do have degradation fees when they impact new pavement.

Mr. Callahan mentioned then there are no Ordinances, nothing at all if they make so many cuts within a certain amount of linear feet that they have to redo the road.

Mr. Alkhal reiterated no, that is something we would require.

Mr. Callahan asked if there is a City Ordinance.

Mr. Alkhal noted it is within our purview to require that but we have to have justification.

Mr. Callahan queried if what they paved so far is that final.

Mr. Alkhal explained most of the time if there are trenches they would first do a temporary and then come back 90 days later and pave and seal which would be a much better fix than what you see there. They typically just leave it set for 90 days with the temporary patch so it settles over time and once it is completely settled then will come back and do the permanent restoration.

12. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

ATTEST:

City Clerk