

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, September 4, 2018 - 7:00 PM

INVOCATION

President Waldron asked for a moment of silence 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.

2. APPROVAL OF MINUTES

The Minutes from August 21, 2018 were approved.

Items to be removed from agenda

President Waldron stated prior to Public Comment this evening we have two agenda items that will be removed from tonight's agenda. First we will be removing Communication 6 C and the associated Resolution, Item 10 B, related to an application for an intermunicipal liquor license transfer. These items will be placed on the September 18, 2018 City Council agenda. Second, we have the request of the petitioner; we will be removing communication 6 G, a petition from Morning Star Partners, LLC to rezone 511 New Street, 513 New Street, 515 New Street, and 2 West Market Street to Central Business District from High Density Residential District. President Waldron explained we anticipate a future request from the petitioner but do not have a timeline at this point.

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

Damaged Property/Drugs/Trees

Eddie Rodriguez, 701 Main Street, stated he is at this meeting tonight out of concern regarding a certain group of people and families that have moved into the area and we see a movement of damaged property. We see construction that is being put up in a certain area of Union Boulevard, and yet they have to suffer the consequences of having to brush over the damages they have done. This happens in the overnight periods and he is deeply concerned because of the affect it could have on the people who may be blamed for doing this type of thing. He remarked there is a lot of hanging out on Main Street, and believes this may be coming from the youth that are around that area. There is a group of 15 to 20 people who are all on drugs. Mr. Rodriguez noted based on his former lifestyle he knows what can happen and always keeps his eyes open to report things. He is concerned about the people hanging out in the porch area on the

benches at the Moravian House. They are allowed to do that, but if this involves drugs, it is a problem. He remarked that he has addressed this with the Moravian House and they know about this, but they are limited as to what they can do. He is asking the Police Department, who are doing a great job, to please help. He is also asking the media to step in because if you alert as to what is out there, it might scare them off. Mr. Rodriguez moved on to speak about trees on Old York Road that he has been asking about for quite some time. He is asking Michael Alkhal, Director of Public Works to step in to trim the ones that are hanging low. There are a few by the parking lot and further down by the new bridge. Regarding the new bridge, he is thankful for the bridge that was put in and especially grateful to the workers on that project. Mr. Rodriguez explained every time there is a new building the Parking Authority needs money but the Sands Casino can put up some money for their own use instead of begging for a new \$1.50 instead of the regular \$1.00.

Short-Term Lodging Ordinance

Frank Boyer, 234 East Market Street, explained he is at this meeting to talk about the lack of enforcement of the City's Short-Term Lodging Ordinance. He referenced an email he sent to Council Members and the Mayor. He continued on to say several months ago Council passed a Short-Term Lodging Ordinance and at that time Council Members said how important they thought the protection of our neighborhoods is and why they would vote for this Ordinance. The vote was unanimous and we the residents of the City felt pretty good about it. Mr. Boyer explained unfortunately since that time he believes there has been very little enforcement. A few citations were issued and then a lawsuit was filed by one of the Airbnb operators against the City blaming that the Ordinance is invalid. Since that time he does not believe that any citations have been written. Mr. Boyer stated meanwhile the short-term rental business of whole houses in the City is booming. This is not just a problem in the Historic District where he lives but it is happening everywhere. If you go to the Airbnb website and look for entire house rentals in Bethlehem you will find at least seven whole house or entire apartment rentals listed in parts of the City other than the Historic District. One is at 1415 Luther Street in west Bethlehem. It is managed by Stay Heirloom, which is a company that operates properties for investors in New Orleans, Boston, Atlanta, Savannah, Dallas, and Austin. They use Airbnb and Home Away to do their advertising. Mr. Boyer explained that Stay Heirloom is operating five whole house or whole townhouse properties in South Bethlehem near Lehigh and the Casino. He remarked there are at least two other whole house Airbnb's openly operating in Bethlehem. One is at 176 Washington Avenue and the other is somewhere between Easton Avenue and Stefko Boulevard near Hilton Street or Campbell Street. All of these properties advertise that you get the whole house; you can contact the owners or managers if you need them but they will not be there. Mr. Boyer related there is a lock box or some other similar arrangement for tenants to get in the house. He does not believe that any of the seven properties that he talked about or the five whole house Airbnb's that are operating in the Historic District have applied for any licenses or are paying the fees or are complying with the rest of the Ordinance. The Ordinance is not being enforced and everybody knows it. We have out of State investors buying up properties and having national corporations managing them. Mr. Boyer stressed that our neighborhoods are under attack. The problem is City wide and it is growing rapidly. He is here to ask the City why it is not enforcing this Ordinance.

President Waldron thanked Mr. Boyer and added that we have had a good amount of responses from homeowners in the neighborhood regarding Airbnb and what the City is doing. Last week he sent a memo to the Law Bureau and the Administration asking where we are in the process as far as the enforcement and the pending litigation. He did get a response from the Law Department. President Waldron noted that City Solicitor William Leeson is at this meeting and he would be able to answer some of those questions that were posed in that memo or some of the same ones that many have this evening about the process thus far with the citations issued and what will happen moving forward and where we are at with the Appeal to the Court of Common Pleas.

Solicitor Leeson mentioned as the inquiry came from Council and questions and suggestions were coming from citizens he thought maybe there was a need to clarify exactly how the enforcement process works in the City. This Ordinance, Article 1741, as well as all of the other City code enforcement Ordinances and zoning are enforced primarily by an appointed code official. In this instance our code official is Michael Simonson. The Ordinance itself does contemplate the enforcement actions by the code official. That is the primary point of enforcement in the City and how it operates. Solicitor Leeson explained through information from Mr. Simonson, and he leaves this for him to confirm, but his understanding is that the City has issued about 14 citations on Short-Term Rental violations. He noted of that list, eight of them are pending before District Justice Manwaring and those citations are scheduled for hearing on at least two occasions. District Justice Manwaring decided not to conduct hearings but rather to continue the hearings. He felt as long as the challenge of the Ordinance was pending in the Northampton County Court of Common Pleas that provided him cause to defer. Solicitor Leeson has heard some suggest that he should have decided the case and get all the cases up in front of the Court of Common Pleas along with the current Ordinance challenge where everything can be heard together. But, notwithstanding, we respect the decision of the Judge. He has nevertheless put a limit on those continuances. We have a scheduled date, which he believes is October 5, 2018, to conduct a hearing on those eight violations under eight different properties that are cited. So there is rather substantial enforcement activity related to those items. Then around the City, he understands there is an additional, at least six or so that have been filed and are pending. Solicitor Leeson thinks that Mr. Simonson can speak to his own management and operations in terms of the procedure and enforcement of the Ordinance on his part. Also, to fill in where he started with the process of enforcement, wherever and whenever of course any City department or official seeks the advice or assistance of the Law Bureau, we provide that. In this instance, Mr. Simonson has come to us for advice and support and representation at some of the hearings, not all of them. He has worked closely with our Assistant Solicitor Attorney Edmund Healy on those details for advice and representation that might be needed at some of these hearings. In short form, that is where we are at and we will continue to review cases that come in. Solicitor Leeson added that the City will continue to evaluate, given its resources. He remarked cases that should proceed, can proceed. If there are cases that are a little questionable, the City may decline, but that is just a summary of where we are at and he hopes that is helpful.

President Waldron believes that is helpful because there are many rumors going around that the City is not doing anything or not doing enough. So for Council and those who came out tonight, he just wanted to hear what the City Administration is doing and what we can expect moving forward. On October 5th it seems like we will have an answer one way or the other that will help us move forward to have a clear idea what the path will be to help take back the neighborhoods and manage this the way the Ordinance was intended to do.

Solicitor Leeson then mentioned that maybe we should hear from Mr. Simonson so he could explain his perspective on the whole matter.

Mr. Simonson noted that what Attorney Leeson said about resources is a very valuable thing for us. He does sympathize with the residents, but also wants the residents to be aware that code enforcement is tasked with many duties on top of Short-Term Lodging. He pointed out that we issue thousands of permits a year that require inspections. We have over 10,000 rental properties that are licensed throughout the City. We do all of the sales inspections, which are hundreds a year. So we are a big office. Mr. Simonson does not want anyone to think that we are forgetting about Short-Term Lodging or not enforcing it. We try and value our resources on things that are actively going on which are construction inspections, sales inspections and rental inspections. We do tackle Short-Term Lodging and we have written citations, but we cannot afford the time that other priorities in our office are afforded. It is unfortunate in certain situations because we understand the neighborhood and their concern with the properties in and around their house. Mr. Simonson wanted to ensure everyone that Code Enforcement is enforcing the Short-Term Lodging. One of the things we are going to try to increase is our resources; add additional staff, if needed, when the budgetary numbers come in and try to supplement our staff to better enforce all of the Ordinances as best we can. He stated they are doing their best, and pending this court case and outcome that is coming up on October 5 we look forward to getting more resources and pulling together to do additional things, but we really are limited with our current staff.

President Waldron asked what we can expect from that October 5th ruling, win or lose which path would the City be going down.

Mr. Simonson noted if we do win, that will supplement our case and we will have more leeway. Currently what we are trying to do is catch the people in the houses. It is hard for us to do that because it does happen after hours and on weekends. So being able just to recognize under the advertisement portion of it through the Airbnb website and other websites it will give us more leeway to enforce. Once the first one is passed he thinks the District Judges will see that.

Mr. Reynolds queried if the October 5th hearing is on the citations for the violations of the Ordinance.

Mr. Simonson stated that is correct.

Mr. Reynolds asked when the court date is for the validity challenge.

Mr. Simonson noted that is correct. He believes that they have questions and some testimony between the Attorneys on August 28 2018, and pending that decision was going to be the court case date for the County hearing.

Solicitor Leeson explained the recent preceding was simply a motion by the City to dismiss the lawsuit. If the court rules in the City's favor in dismissing the lawsuit that means the Ordinance is good. If the Court denies the City's motion, then the litigation will continue on the issues that are being raised, that it is an invalid and unenforceable Ordinance. The litigation may go on for months or more to whatever point in time there is a resolution.

Mr. Reynolds then asked how many court sessions have we been in about the validity of the Ordinance. He wondered when the first challenge started because there have been a few.

Solicitor Leeson explained they filed the lawsuit and the only court proceeding of any significance is the recent proceeding when there was the argument and submission of court of the arguments on the City's motion to dismiss. That is the recent substance of activity on the matter.

Mr. Reynolds mentioned they filed the challenge to the validity of the Ordinance and then August 28th was the first time that the Court of Common Pleas had a court date and had the arguments that were submitted then.

Solicitor Leeson replied yes.

Mr. Reynolds queried how many times we have been to Judge Manwaring about the citations before there was this continuance on October 5th.

Solicitor Leeson expressed his understanding is that the hearings will continue twice, so that there was a first charged up and ready to go. The case continued and then there was a second scheduling and the court decided to continue it again while this lawsuit was still pending.

Mr. Reynolds mentioned that was not the City asking for continuance, is that correct?

Solicitor Leeson informed it was not the City asking for continuances.

Mr. Reynolds noted some of you are probably more familiar than us with the frustrations of the court system of continuances and postponing dates. He believes this is not unusual as far as when people challenge the validity of the Ordinance; sometimes it creates these types of time periods where the enforcement of the Ordinance gets put on hold until that validity of the Ordinance is resolved.

Solicitor Leeson noted in 35 years of litigation you will learn that there are fits and starts and starts and stops through the process.

Mr. Reynolds knows one thing that has come up, but may fit into legal strategy that may not be discussed and that is the question of why the City does not shut them down until the validity of the Ordinance is determined. If that is a legal question that cannot be answered he does understand. It is the logical question here because you are doing your job with fighting this in court for the sake of the Ordinance and the citizens.

Solicitor Leeson explained he can address that in a couple of ways. Number one, the Third Class City Code says that the means and mechanisms for enforcing the Ordinance is through fines and penalties. That is what our Ordinance says. He thinks our Ordinance, by the way, Article 1741, in terms of the fines and penalties, copies our International Building Code Ordinance. That is consistent with the Third Class City Code; that is how we are supposed to enforce it. The next question is if there is something more we can do, can we do some sort of action to preempt or stop them. We do not have that authority unless it is specifically authorized by a particular statute. For example, the Zoning Code has provisions that have been interpreted for zoning as well as for SALDO that it is available for enforcement through injunction means.

Those are examples where that avenue is available by statute, but that is not available for such Article 1741. If we were to look at filing a lawsuit or something of that nature, he will say that to file a lawsuit and pursue an injunction, one of the things you need to show as a predicate is the likelihood that the guilt is more or less probable. Solicitor Leeson noted if he were going to file that lawsuit he wants to have a prior finding of guilt under Article 1741 with fines and penalties and be able to show a record that either the fines were not paid and/or the owner has not brought the property into compliance and the only remedy left is to file for some sort of injunction. We are far from that point in time or that remedy, if it is available. Solicitor Leeson explained those are some of the perspectives that come into play. There is one other thing he would suggest. In the Ordinance itself, there is a scheme for revocation, suspension and the reinstatement and things like that, but that deals with the licensed property, so you do not do revocation and suspension unless you have a license for the property. He remarked that many of these citations are against people who do not have any licenses, so we do not have any license to suspend; we are dealing with that too. Solicitor Leeson hopes that addressed much of what you were getting at.

Mr. Reynolds thinks there is a lot of frustration, and we have learned that just because you pass an Ordinance it does not mean that everyone will start following it. That is the way it is with any law. He thanked Solicitor Leeson for the explanation on where we are and he thanked Mr. Simonson for his comments. Mr. Reynolds mentioned when we talked about our blight remediation or the blight study that Alicia Karner, Director of Community and Economic Development had talked about, one of the things we should consider would be increasing some for the fees for rental properties as a way to fund more inspectors. The issue of Airbnb is important, but we deal with code violations in every neighborhood. It is a situation of how we currently pay for it that might be something to look at as we enter into the budget because it is a quality of life issue in every neighborhood. Mr. Reynolds mentioned we should take a look at that fee structure as a way to pay for other inspectors to get out and about for this, and that would be good for all of our neighborhoods in the City.

Dr. Van Wirt is happy that the Mayor is at this meeting because it is clear that we are understaffed for what is actually happening right now in our neighborhoods. People are buying up houses in the south side, in west Bethlehem, on Stefko Boulevard and that is impacting the quality of life in the neighborhoods. She is not trying to lecture, but just trying to explain the imperative here. It is not just that we are being bothered by people having noisy parties, that is one thing, but we are also losing affordable housing and losing it quickly. We need to figure out how to pay for more code enforcement officers so we can enforce this Ordinance. Dr. Van Wirt mentioned right now this Ordinance is valid; it has not been overturned, and queried if that is correct.

Solicitor Leeson stated yes, it is valid. It has passed and as long as it has been passed and not overturned, it is considered legal.

Dr. Van Wirt continued to say that in addition to the citations that have been issued for non-compliance with the registration aspects, they are also clearly violating the entire spirit of the Ordinance by continuing to operate as an Airbnb. She noted that is easily provable. She knows there have been multiple complaints emailed about this ongoing nature for the same houses. She does not have the Ordinance in front of her but she is curious to know if there is an escalating set of penalties for each house as it continues to violate the Ordinance.

Solicitor Leeson replied yes.

Dr. Van Wirt asked if we have issued more than one violation to each house to help show this picture of ongoing violation of the Ordinance, despite given that we have issued citations and they keep doing it. She wondered if we have shown that in our operating valid Ordinance right now.

Solicitor Leeson does not think we have any guilty findings at this point.

Mr. Simonson stated we have issued multiple citations against single properties but have not had a finding yet to have any of the escalating clauses kick in.

Dr. Van Wirt queried if in a court you have to have found the first find citation guilty in order to give a second one to that same house.

Mr. Simonson stated that is correct.

Dr. Van Wirt noted that is why we are limited to one citation per house right now.

Mr. Simonson pointed out the structure is defined as \$200, \$500 and \$1,000 so in order for the \$500 to kick in you would have to be found guilty of the \$200.

Dr. Van Wirt mentioned that cannot be done because Judge Manwaring continued this, and she wondered if that is correct and why you have not cited these buildings again and again.

Solicitor Leeson thinks it may be as simple as that. He stopped everything cold and at that point the question is until the process is unlocked, we cannot go forward.

Dr. Van Wirt explained that is why she did not understand that. We had to stop doing what we feel is right to do just because he is waiting for the Court of Common Pleas to weigh in on the eight that came forward with this one homeowner. There are all of these other people out there doing this right in front of us right now. She has a hard time understanding this and why are we not building up a body of evidence about the ongoing nature and spreading nature of what is happening so that we are not just depending on eight citations to show what this impact has been on the City.

Solicitor Leeson stated that is something we can take a look at. But again, the Judge has indicated he is willing to proceed on October 5th, so we thought that would be reasonable and we will see how we do, if we can get guidance from the Judge with the kinds of things we need to get a conviction in the Judge's eyes. Then we can structure the activity from there.

Dr. Van Wirt stated she was at that hearing with Judge Manwaring and she listened to everything very closely, what his rationale was and he vacillated quite a bit. She is not here to judge what he said, but she does not think there was any imperative there that we cannot go forward with our own efforts to show the impact of this phenomenon that is happening to Bethlehem by being more forceful and repetitive in our ticketing. She knows Mr. Simonson has a lot on his plate, but she wanted to emphasize how important this is as a phenomenon that is

happening not just to people who live in big houses with parties going on next store, but actually impacting the amount of affordable housing that is available in the City.

Mr. Simonson explained they have issued additional citations and have additional court hearings in October for other properties. It has not stopped. In these particular cases it has, but other first violations have gone out to various properties throughout the City, not just in certain areas and not just in the downtown.

Dr. Van Wirt does hope that we can expect a vigorous enforcement from the City in terms of this spreading phenomenon. The fact that this is growing really needs to have a lot of emphasis put on how are we anticipating court rulings in the future. She wonders if these fines are enough to stop a house that is making \$10,000 dollars a month with a \$1,000 fine. We have many questions unanswered, but she does thank Mr. Simonson for the work he does.

Solicitor Leeson noted we can look at the Third Class City Code. It does provide for the City adopting fines greater than \$1,000 dollars depending on the type of Ordinance it is. So one of the assessments Council can do along the way and the City can do as this continues is to whether or not that particular provision is available for this Article 1741, where we can really start stepping up the fines. However, he would suggest that the existing penalty for potential for imprisonment, that should be sufficient as well to some of these people. Do not forget, that remedy is available.

Ms. Negrón mentioned that the October 5th hearing is for the eight properties but do we have a date for the continuance from the August meeting.

Solicitor Leeson does not think there are any additionally scheduled dates. It will all depend on the impending ruling, which we may get in a matter of a few weeks or a month or two for our Ordinance.

Ms. Negrón then asked when we get that date if that something we can make public.

Solicitor Leeson stated it is public.

Ms. Negrón thinks it is time that the people go to the court room where they are talking about an Ordinance that we all feel so passionate about and is so important to us.

Solicitor Leeson stated the court will set a schedule at some point in time, setting a schedule of the activities that will happen in the case, and that is public record.

Ms. Negrón just wanted to make sure that Council will know this.

President Waldron mentioned when that date is set that the Law Bureau should reach out to the Clerk's Office and let us know.

Solicitor Leeson stated he would.

Mr. Callahan mentioned as far as the ability to shut down the operation, if a restaurant wants to operate in the City of Bethlehem they need a license from the Health Bureau and if they are violating a law or something the City has the ability to shut down the restaurant.

Solicitor Leeson stated yes.

Mr. Callahan queried if there is a license for a hotel operator, because that is basically what they are doing. He wondered if a hotel needs a license from the Health Bureau in the City of Bethlehem.

Solicitor Leeson is sure they do.

Mr. Callahan queried why cannot we go in and shut down the operation if they are violating the law.

Solicitor Leeson explained this is for a hotel and it depends if it is a Health code violation, a building code violation, it depends if it is a zoning code violation. He noted that Article 1741 does not have that specific remedy under it.

Mr. Callahan stated if we win he would assume that they will then appeal it. He inquired as to what is the timeline of the court case pending in the County right now. Mr. Callahan also asked if they are allowed to operate during the appeal process.

Solicitor Leeson noted depending on the court's ruling, if the court rules in our favor; he would expect an appeal to the Commonwealth court. If the court denies our motion to dismiss, then it will continue very much like a lawsuit. There may be discovery, there may be depositions, and he does not know which course this will take. That will all be in preparation and anticipation of a trial date. Those are some of the things that the court will not engage in scheduling until after the upcoming decision. The court will have some time to get together with the Attorneys and figure out where we are going next on the case.

Mr. Callahan mentioned if the City wins the October 5th case; the property owners have the ability to possibly appeal it and stay open during the appeal process.

Solicitor Leeson explained if the City wins, we still have that option at that time to enforce unless they get relief from the Judge staying the enforcement actions. The question is what will we do at that point in time. We will discuss that if and when we get there.

President Waldron thanked Mr. Simonson and Solicitor Leeson for the information as well as the neighbors who came out tonight. While he can appreciate this may not be the answer you want, it is at least the understanding of where the City is at currently. Addressing Mr. Simonson and Solicitor Leeson, he expressed to let Council know if there is anything they can do.

2 West Market Street/Airbnb

Barbara Diamond, 425 Center Street, explained that she is stunned by what she has just heard. She appreciates the information but she feels she has to abide by Ordinances and she is sure everyone in this room does. She still fails to understand how this person can continue to

operate perhaps indefinitely into the future because he can keep it tied up in court. Should all of us have that attitude about our government? This is not good for confidence in government, for respect for laws. Ms. Diamond noted she will repeat much of what Mr. Boyer had to say. She wanted to speak about a threat to our beautiful City and that is the seaming ease with which individuals can establish businesses in residential neighborhoods and then expect to be rezoned or grandfathered in through legal maneuvers and other means. She is speaking about 2 West Market Street and the three properties illegally operating as Airbnb's. What unites these two situations is that in both cases individuals seek to exploit the beauty of the Historic District for their private gain over the objections of residents and in defiance of the City's regulations and the recent Commonwealth Court decision. Her concern is that allowing commercial incursion is detrimental to the residential quality of any Bethlehem neighborhood. Ms. Diamond noted that Market Street is particularly vulnerable, but all neighborhoods in the City could be negatively affected. She continued to say whole house short term rentals are popping up all over the City. When this happens, customers, rather than neighbors, reduce opportunities for community, houses become businesses and become dark and empty. Housing stock that could become homes is diminished. Ms. Diamond stated she expects our City officials to forcefully protect Bethlehem's neighborhoods, support the residents who do not want to see commercial slices carved out of their streets. These individuals make calculated decisions to invest in properties that they knew were not zoned for a business hoping through legal and other maneuvers to prevail and so far they have been successful. Ms. Diamond stressed it is not the City's job to prevent their loss on investment while imposing negative impacts on surrounding residents. She hopes that the City will vigorously enforce the new Short-Term Rental Ordinance and dismiss the application to rezone 2 West Market Street, whenever it comes up again. Anything less will appear to be bowing to the interest of individuals with deep pockets over the broader interests of the City.

Steve Diamond, 425 Center Street, stated that what he has to say also is about 2 West Market Street. He mentioned we should think a little bit outside the box for the historic area. He noted that Ms. Diamond and Mr. Boyer presented an overview of how this affects every community in Bethlehem, but he will focus more on the downtown area. Why not take the businesses that are in the historic district and bring them back to residential status when they are up for sale? So he is thinking in another way. For example, he and his wife bought their house in an assisted living property on Center Street and put out funds to bring it back to an early residential charm. Doing that is not unusual and others have also done that to stately old homes. When he mentions that to people who are not from Bethlehem but know of Bethlehem and he tells them where he lives, they will say it is a lovely downtown area that you have, that they love the historic section. Mr. Diamond noted he has never heard them say, it is great because that is where the Attorneys and Financial Advisors are. He believes that we should be focused on fixing up Broad Street and making it conducive for commercial people to move in there. He explained that 2 West Market Street is only one half block from your commercial district. Mr. Diamond believes that eventually by making more and more business available to downtown, by allowing commercial creep to occur, you will eventually strangle the downtown. He expressed go to cities that have allowed their downtown to be predominately business and in the evening they are ghost towns. Mr. Diamond and his wife have decided to spend their later years here in Bethlehem because of the wonderful neighbors, the community that they have. The comradery downtown is exemplary with neighbors helping neighbors. Who is there in the evening when your neighbor is a business? It will be nobody; streets will become dark and empty. Please do not allow the historic section to bleed to death by losing one residential property at a time.

Attorney Tim Stevens, partner of the law firm of Davis & McCarthy noted that he represents many of the neighbors that are in attendance. He wanted to crystalize many of the comments that have been said here today. President Waldron commented to take back the neighborhoods and that is what the neighbors behind us are asking Council to do. He would like to synthesize two areas that have been touched upon. First it would be the enforcement action of the Short-Term Rental Ordinance and then to tie it into the comments we just heard about 2 West Market Street. With regard to the enforcement action and following up with what Dr. Van Wirt has had to say on that, what is most important is to understand that there are two actions going on. One is the enforcement of the validity of the actual Ordinance. That has gone to oral argument August 28th and it is before Judge Dally in the Court of Common Pleas to determine the validity and that will take some time and may take months. They can rule that it is valid but then you could anticipate a further appeal to a higher court, so we are talking likely years to determine the validity of the regulation. Unfortunately, that is the legal reality of that. Attorney Stevens mentioned with respect to the enforcement action and following up on the comments of Attorney Leeson saying that we need to move forward with the enforcement action to basically lay a foundation of enforcements, of multiple fines, we then can take it to the Court of Common Pleas to potentially issue a preliminary injunction and cease the activity that is going on. The standard is a high standard. You have to establish irreparable harm, but he thinks that plenty of people will vow that they are being irreparably harmed by the ongoing disruption in their neighborhoods. He would urge the City to continue with the enforcement action. Attorney Stevens knows that Mr. Simonson is working hard, but continue that effort and do it not just in the historic neighborhoods but to do it citywide so we have multiple Magistrate Judges throughout the City pursuing the enforcement action. Attorney Stevens will submit that he was at Judge Manwaring's hearing. He can say there was no basis for a continuance and it may take years to determine validity. Therefore, he thinks the correct decision should have been to go forward with the enforcement action, to start laying that foundation of multiple violations. He urges the City; if things do not happen on October 5th and there is no enforcement at that time the City should take action by virtue of an action to compel a decision on the enforcement. He does think the City would have a basis to do that under these circumstances. Attorney Stevens mentioned tying into 2 West Market Street, why are we doing all of this. He heard Mr. Callahan speak very passionately about how the Airbnb's are eroding the residential character of the neighborhood that many of us live in. The same rationale applies to 2 West Market Street. There is a petition afoot that apparently has been withdrawn for tonight. But the purpose of it is to extend the Commercial District out onto the front of Market Street, which we know the continuity there is all residential. There are some non-conforming uses there, a Church, a law office and there is a school, but largely it is residential. Attorney Stevens stated he lived on that street for 15 years and we are asking City Council to reject any movement forward of the petition to rezone that particular block on the corner of New Street and Market Street. If the petition to rezone is advanced he would expect the individuals behind him will launch a very forceful legal challenge on numerous grounds. The first being spot zoning. The second that it is not consistent with the Comprehensive Plan that is supposed to promote neighborhoods, not erode them and a variety of other claims. Attorney Stevens can go into more detail when actually see that petition to rezone. He respectfully requests Council to continue with the enforcement and to deny any petition to rezone 2 West Market Street.

Ed Gallagher, 49 West Greenwich Street, noted that in the Minutes for April 17th Mrs. Kelchner wrote "In a fit of spontaneous passion Mr. Gallagher mentioned the idea of adding a 30 second vignette on the history of Bethlehem beginning every Council Meeting." In a fit of spontaneous passion Mr. Gallagher said "maybe young kids or teachers could get a bright student to come every meeting like a Minister or Pastor does, and give us 30 seconds of history just to remind us of much of what we value in our City." Mr. Gallagher explained that he editorialized a little bit because in the Minutes it does not say "In a fit of spontaneous passion." That is what he was thinking that night because we were talking about the quality of life in neighborhoods and the value of history to our identity here in Bethlehem. Mr. Gallagher then wanted to put some spine into what he said there. What he would like to do is try what he will call a Bethlehem Moment at the beginning of each of the meetings. He is not making a formal proposal or sending a memo, but is asking to maybe try this out. We begin our meetings with a prayer and a pledge. We do that because God and Country are the source of our values in the context of our decisions, or should be. God and Country are our higher authority and those are the things to which we should align. In that April 17th meeting he thought that history is in there too. The third part coming after God and Country is City, and for him the triumvirate there is prayer, pledge, past. He is not sure it can be done in 30 seconds, but something short. Mr. Gallagher wonders if we can take a minute or so after the prayer and the pledge to do something quickly that reminds us about our past and our heritage. He will not be at the next meeting, but for the meetings after that we should take a minute and do a Bethlehem Moment somehow. But to add a Bethlehem Moment in the ritual beginning of our meetings will remind us all of the kinds of things that are on people's minds now.

President Waldron noted that Mr. Gallagher could have up to five minutes for a Bethlehem Moment if he would like to do that at every meeting.

2 West Market Street/Airbnb

Ron Yoshida, 135 East Market Street, explained he wanted to give a metaphor for Council to think about. If you look around the Country and the reason that the neighbors are alarmed about this is that we know the results of Airbnb in other places. We know what people are contending with; it is a big problem in New York City, New Orleans and noted when he and his wife were in Lisbon, Portugal half of the historic district are now Airbnb's. What we hear is that we have many other priorities in the City. We understand that but right now we know what the end will be. This is a priority for the budget. He related that when he was a boy there was a commercial on television and this is the metaphor. Mr. Yoshida stated he was a home auto mechanic and there was the Fram oil filter commercial on TV. A man was holding an oil filter and he said "Pay me now or look at that engine overhaul later." The question is in priorities. Do we pay the \$5 dollars now for the oil filter or you pay the \$1,000 dollars later do deal with the engine overhaul because then it is too late. Sometimes you have to restructure priorities to take care of cancer now or we may not be around to deal with the cancer later.

Gina Kelechava, 139 West Market Street, noted that she is a local realtor and has found that there are many people who would love to purchase homes in the Historic District to make as their permanent residences. She sold four properties in the beginning of this year in the Historic District, one before it was even on the market. All of the homes that are now Airbnb's would be perfect homes for the four people she is still working with who are interested in buying homes in the Historic District. These are not first time homebuyers, there are people who want downsize

and to retire here, but still want a decent sized home so their children can visit. These people want to be in a walkable area. They do not want to go in the middle of nowhere to a 55 and older community. They want to be in a vibrant diverse area. Ms. Kelechava explained it is a shame that fewer of these houses are available because they have been bought up for the purpose of becoming mini-hotels. She is hoping that the Ordinance is enforced, because we live here, this is our neighborhood. We did not expect to move here to be in the middle of a business environment. We walk our dogs, and we walk and enjoy the beautiful architecture that we see in the Historic District. She is so hoping that the enforcement is done and we can capture the neighborhood as it should be. Just as an aside, all realtors in the Lehigh Valley Multi-list area received recently a notice that City inspections are six weeks behind. As soon as we go to list a property we are told we have to get that City inspection. She thinks that we need another inspector and maybe that can be put into the budget this year.

Mark Nebbia, 27 East Church Street, commented regarding the short-term rental his concern is when Council crafted the Ordinance, which we all thought was a good idea, where was legal in this as to saying this will be an immediate enforceable action. As a resident, we know nothing about how that was crafted or if it came from another section of the Country that has done this successfully or did we just craft our own that we thought would work in Bethlehem. Apparently our advisors are telling us tonight, and he understands their positions, that this may go on for years before anything can come final. So it is possible that Council realizes that this may not be the best Ordinance for the City and maybe craft a new Ordinance that is working elsewhere so that there are not these legal avenues of these real estate folks come in and what these Airbnb's can do when they are not owner occupied.

President Waldron noted for a background the Ordinance came from the Administration to Council so we were not directly involved in writing it. He does know that a good amount of research was done with our former inspector at the time in modelling it after many other Ordinances throughout the State and Country. He does not know where they are at in their process of litigation, but that might be something our Law Bureau can look into to see if there is other recourse that has played out in other areas.

Stephen Antalics, 737 Ridge Street, noted that cancer is an affliction that grows and will kill the body unless there is therapeutic intervention. The City of Bethlehem suffered from a cancer which is for the body, and that body is the south side. Issues today are very similar to what happened to the south side. At one time the south side was known as smoke stack and steeples. There were four churches within a block and a half of each other. You had a tremendous number of ethnic groups, the Hungarians, the Italians, the Polish, the Irish and they had small businesses within the community on Fourth Street and Taylor and also on Third Street. The south side was very vibrant because of all of these interactions with the ethnic groups. What happened was as these first immigrants died the properties that they owned were bought out by non-resident landlords because they saw good money in converting these single family homes into student housing. That started the cancer. So if you look at the south side today, you are hard pressed to find a single home, it is mostly student housing. Mr. Antalics added that churches are closed, the businesses are gone and the south side is no longer what it was. Those single family homes which had gardens and greenery are now macadamized to provide parking for the students. Those homes can never go back to single family homes. That cancer might be spreading over to the north side. So there is analogy between Airbnb's and student housing. The common denominator between the Airbnb and student housing is simple, it is profit. This was so

spread on the south side that people moved away to get away from this and he wondered if that trend is finding its way over to the north side. There are people making arguments that it possibly could happen, but they have a good argument, because the south side has set a precedent. He queried could that cancer on the north side destroy what the City of Bethlehem is. He urges strongly to be very aggressive and fight with every tool that you have, which is heavy fines and strong action. You have history here, the death of the south side from a cancer that could spread across the river to the north side.

Bruce Haines, 63 West Church Street, explained that he attended the hearing on August 28th where Judge Dally was assigned the case and the City put their case forward as did the other side. In the City's case Mr. Simonson and Mr. Healy had a wonderful one page document that talked about the most intrusive to the least intrusive home situation. The least intrusive would be a single family home and they talked about the number of inspections. Then they went all the way down to multi-family and they got to the bottom of the most intrusive, which was student housing. The one below student housing was transient short-term lodging facilities, which are more intrusive than the student housing. Mr. Antalics was right on the money, he was talking about the same basic thing. The difference is in student housing the Ordinance is such that up to five students can live in the house, but at least as a neighbor you know who those five are and all of them have to be on the lease and it has to be a one-year lease. They may be wild party guys, but you know them and you can learn their names and hopefully develop friendships with them. Mr. Haines mentioned with the case of transient housing and short term rental you have overnight guests who you have no idea who they are, what they will do when they come here, and they are in the middle of neighborhoods where there is really not the security and protection that we have in our downtowns. So he thought that was a good analogy to consider. He would agree that we are under assault and the kind of Special Forces unit seems to be necessary to come in and get these citations out there. We talk about across the City that there are more than nine short-term facilities; there are six just in the Historic District. There are three stand-alone house and three apartments where there is nobody there to host, you have your own apartment. Unfortunately you did pass a good Ordinance, you did all the right stuff, but it is a shame how neutered the enforcement actions are and the fines and penalties. We are talking about people making a few thousand dollars a night every weekend and so the repetitive enforcement is something that really needs to happen. Mr. Haines also wanted to talk about the Market Street situation and refresh people's memories that six years ago when we went through the Zoning Ordinance revision in the City it was a really lengthy process with many meetings. What was done on Market Street was recognized that at that time it was a very vulnerable area. The corner of Market and New was defined as the most vulnerable, but since Market Street backs up to Commercial all the way on the north side what was done to protect the residential was the east side of New Street was changed from Commercial to Residential from Market Street to Walnut Street. This was in order to encourage more residential and to get more people living downtown and force the businesses up to Broad Street. The Dodson Building, for example, on the corner of Walnut and New Street was an office building and subsequently was made into apartments, so it is now all residential. The old Bethlehem Club, the Glemser building, was Commercial, but now it is residential on the top floors and a business on the bottom floor. So that block even on the other side of the property in question is moving to residential and that was done by design in the Zoning Ordinance. Mr. Haines wanted to remind everyone of that because it was a long process to make that happen. He appreciates the support from Council of preserving our residential character of our neighborhoods. He believes that Council believes in that too and hopes that City Council, as the watchdogs to the City, would make sure that what you have approved gets done.

Al Wurth, 525 Sixth Avenue, stated he shares the concerns of everybody who has spoken before about maintaining the institutions that the City has and by that he means something very broad. That is to support the kinds of neighborhoods that East Market Street looks like and his neighborhood too. What we are really talking about is something that is extremely rare, which is to have an old industrial town with a decaying infrastructure. It has a whole lot of people who want to live right in the heart of it, next to the downtown. He has always marveled how distinctive Bethlehem is, and how little the people of Bethlehem realize it. As a Political Scientist, Mr. Wurth would suggest that what we really want to do is to figure out what are the institutions that made Bethlehem be like that. He came to Bethlehem 32 years ago and looked at a house on Wall Street and one on Sixth Avenue. They looked at both and they were both approximately the same number of square feet, but the one on Wall Street had a much smaller lot. Mr. Wurth explained that the home on Wall Street cost 33% more than the one on Sixth Avenue. They both had the same amount of square feet and were a few blocks away from downtown. He noted that they were not in the price range of the one on Wall Street so they ended up on Sixth Avenue. The story is that the people who lived on Wall Street had to what is often referred to as assurance, they had a guaranteed knowledge that no unsavory characters would move in next to them because it was in the Historic District. There are of rules and regulations, and they confer value and the value was 130% of an almost identical house square foot wise with a bigger lot. Mr. Wurth explained there are many more things besides the Historic District that give that same kind of assurance so people know where they move will not turn into a nightmare, the things people are describing with the Airbnb's, the zoning changes, the creeping commercialization. We want to give people the assurance that if they buy these properties that they will be taken care of and it requires a lot of enforcement and lots of standards that have to be held. We cannot have let's make a deal, we cannot have sharp lawyers getting around the law, and we cannot have where someone is bringing money to town to build something that is out of character. When we stand up for what we want we give that assurance to the people who want to live here and that is what he recommends this Council and the City Administration to pursue in every way.

Bill Scheirer, 1890 Eaton Avenue, noted he has a thought about 2 West Market, and if there was ever spot zoning that would be it. He understands that is illegal and he has also understood that when a law has passed it takes effect until somebody gets an injunction or a stay or something. But here we seem to have a case where the law is not enforceable just yet. It has been well said this evening, this Airbnb problem needs to be nipped in the bud, the sooner the better. Mr. Scheirer would encourage the City to find the resources however it must be done to issue second, third, fourth and fifth citations to the same houses. He expressed, let them pile up in front of Justice Manwaring. In the meantime, there are a few actions citizens can take. He pointed out he saw two women with suitcases going into the house on the northwest corner of Church and New and went to see the Zoning Officer who went immediately to the code enforcement office. That is something that each one of us can do because Attorney Leeson mentioned that they have to catch people inside the house to issue a citation. The second thing he does is that he comes to the Library almost every day and he always tries first to park along the Church Street house to deny them one parking space. He remarked the rest of us can do that. Mr. Scheirer noted it occurred to him tonight what we are battling here is creeping commercialism. It comes about partly because businesses like to locate in nice areas, and if you can turn a corner to a residential area, so much the better. It happens everywhere, not just Bethlehem. With commercial business and residential, there is an inherent tension and conflict and that is why we have zoning and why we have Commercial Districts and Residential Districts. A case was made most strongly by a woman from the Historic District at a previous hearing

talking about having small children in a Residential District with Airbnb next door. You have to watch your children closely when you have transients next door. Mr. Scheirer stressed we have to preserve our Residential Districts if we are sincere about maintaining the quality of life in the City. As someone mentioned we are fortunate, we have a moment in time to preserve something in this City that has happened; because of the bankruptcy of Bethlehem Steel we no longer have the noise, smoke and congestion. But we have the location and that is still the reason people want to live here. We have the peace and quiet. At the same time we need to do is make our commercial areas more attractive so businesses want to be there.

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

Fireworks Ordinance

Dana Grubb, 2420 Henderson Place, noted that there seems to be a theme tonight about the quality of life in our neighborhoods. He wanted to speak about the consumer Fireworks Ordinance. He sees that it made it out of Committee with no change in the hours, so from 7:00 am to 11:00 pm you will be able to light the world up. He would like Council to consider three things as they move forward since tonight is the First Reading. Number one, Allentown looked at a similar Ordinance and they reduced the time from 11:00 pm to 10:00 pm. Number two, on his Facebook page on the Fourth of July he had many pet owners posted that they were medicating their animals to deal with the fireworks. Mr. Grubb pointed out this Ordinance it is not just for the Fourth of July, it is for 365 days a year. If someone gets the urge on a Saturday morning when people want to sleep in, it may not be the best move. Mr. Grubb hopes that as Council moves forward on the votes that they consider some of these things. He concluded saying you can pass all of the Ordinances you want to deal with fireworks, rental properties and commercial creep in residential areas, but if there is no enforcement what good are the laws, and we are a society of laws.

Bill Scheirer, 1890 Eaton Avenue, mentioned that he would like to suggest that the hours for fireworks should be 12:00 noon to 9:00 pm or even 10:00 pm. He thinks the noise Ordinance takes effect somewhere around 9:00 or 10:00 pm, so that might be a good benchmark.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Water and Sewer Resources – Recommendation of Award – Environmental Engineering & Management Associates, Inc. – Wastewater Treatment Plant Engineering and Operations Consulting Services*

The Acting Clerk read a memorandum dated August 22, 2018 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Environmental Engineering & Management Associates for the Wastewater Treatment Plant Engineering and

Operations Consulting Services. The term of the contract is from the Notice to Proceed until December 31, 2018, and the fee for the contract is \$20,000.

President Waldron stated Resolution 10 E is on the agenda.

- B. *Director of Water and Sewer Resources – Recommendation of Award – Arcadis U. S. – 2018-2019 Water Treatment Plant NPDES Permit Renewal Services*

The Acting Clerk read a memorandum dated August 23, 2018 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Arcadis U. S. for the Water Treatment Plant 2018-2019 NPDES Permit Renewal Services. The term of the contract is from the Notice to Proceed for a period of 510 days, and the fee for the contract is \$26,500.

President Waldron stated Resolution 10 F is on the agenda.

- C. *Request for Intermunicipal Liquor License Transfer – 831-33 Linden Street - Removed*
- D. *City Solicitor – Street Vacation – Pyatt Street*

The Acting Clerk read a memorandum dated August 29, 2018 from City Solicitor William P. Leeson in reference to the Ordinance scheduled for final passage regarding the vacation of a portion of Pyatt Street. This is to confirm the City does not have any utilities in the portion of Pyatt Street to be vacated; PPL and UGI indicated they do not require any easements, and Verizon has secured their easement. The required Declaration of Covenant has been signed and recorded and a copy has been provided to the City.

President Waldron stated Ordinance 8 A is on the agenda for Final Reading.

- E. *City Solicitor – Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – 2018 Harvest Fest*

The Acting Clerk read a memorandum dated August 30, 2018 from City Solicitor William P. Leeson, Esq., to which is attached a proposed Resolution and Associated Use Permit Agreement with the Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association for the 2018 Harvest Fest. The duration of the agreement is October 6, 2018 and the location is Main Street from Broad Street to Church Street, and Nevin Place, adjacent to the Sun Inn Courtyard.

President Waldron stated the Resolution can be placed on the September 18 agenda.

- F. *City Solicitor – Use Permit Agreement – Runner’s World – Runner’s World Trail Run, and Runner’s World Half Marathon and Festival*

The Acting Clerk read a memorandum dated August 30, 2018 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and Associated Use Permit Agreement with Runner’s World for the Runner’s World Trail Run and Half Marathon and Festival. The duration of the agreement is October 18-21, 2018 and the location is South Mountain Park; First Street from Polk Street to the eastern terminus; Founders Way from First Street to Second Street.

President Waldron stated the Resolution can be placed on the September 18 agenda.

- G. *Morning Start Partners, LLC – Rezoning Request – 511 New Street, 513 New Street, 515 New Street, and 2 West Market Street (all on the same lot)- RT – High Density Residential District to CB – Central Business District- Removed*
- H. *Police Chief – Resolutions Request – Firearms Purchase*

The Acting Clerk read a memorandum dated August 29, 2018 from Police Chief Mark DiLuzio to which are attached three agreements and Resolutions for the purchase of duty weapons by three retired Officers of the Bethlehem Police Department. Retired officers purchase their duty firearms at fair market value and according to Third Class City Code regulations.

President Waldron stated Resolutions 10 G, 10 H, and 10 I are on the agenda.

- I. *Mayor Donchez – Resolution Request – Supporting Senate Bill 1098 – Cameras on School Buses*

The Acting Clerk read a memorandum dated August 30, 2018 from Mayor Donchez to which is attached a proposed Resolution in support of Senate Bill 1098 which will amend the vehicle code to allow for the placement of cameras on school buses to capture traffic violations.

President Waldron stated Resolution 10 J is on the agenda.

7. REPORTS

- A. *President of Council*
- B. *Mayor*
- C. *Public Safety Committee Meeting*

Chairman Colón stated the Public Safety Committee met on Monday, August 27, 2018 7:00 PM in Town Hall. The members unanimously recommended that council adopt the Ordinance to establish New Article 746 – Consumer Fireworks. The Committee unanimously recommended that Council adopt the Ordinance. The Ordinance is on the agenda tonight for First Reading for Council’s consideration. The Committee also received a review of 2018 Musikfest by Chief Mark DiLuzio.

- D. *Finance Committee Meeting*

Chairman Callahan stated the Finance Committee met on Wednesday, August 29, 2018 at 6:00 PM in Town Hall. The Committee voted to recommend that City Council adopt the appropriate Ordinance for funding the Municipal Golf Course Improvements. The Ordinance is on the agenda tonight for First Reading for Council’s consideration.

- E. *Parks and Recreation Committee Meeting*

Chairman Negrón stated the Parks and Recreation Committee met on Wednesday, August 29, 2018 at 7:00 PM in Town Hall. The Committee reviewed the Lease Agreement between the City of Bethlehem and the Clubhouse Grille at the Clubhouse facility located at the Municipal Golf Course at Illicks' Mill Road. The Committee recommended that City Council adopt the Resolution to authorize the lease agreement. The Resolution is on the agenda tonight for Council's consideration.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 17 - Street Vacation - Portion of Pyatt Street*

The Acting Clerk read Bill No. 17 - 2018 - Street Vacation - Portion of Pyatt Street, on Final Reading.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, and Mr. Waldron, 7. Bill No. 17 - 2018 now known as Ordinance No. 2018-22 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 24 - 2018 - Establishing New Article 746 - Consumer Fireworks*

The Acting Clerk read Bill No. 24 - 2018 - Establishing New Article 746 - Consumer Fireworks, sponsored by Dr. Van Wirt and Ms. Negrón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING
ARTICLE 746 OF THE CODIFIED ORDINANCES
OF THE CITY OF BETHLEHEM, TITLED
"CONSUMER FIREWORKS"

Mr. Colón mentioned at our Public Safety Committee Meeting we did not propose any amendments but he has alluded to proposing to tighten that time up a little bit. He mentioned it to a few Members of Council before this meeting. He would like to hear the thoughts about maybe changing the time from 11:00 pm to 10:00 pm. That would be more in line with the public displays of fireworks for Fourth of July and Musikfest and other events.

Mr. Reynolds asked if public display of fireworks is the reason why it was not earlier. He wondered if that is why the 10:00 pm was talked about rather than earlier than that. He would think the theme of the night is enforcement, and perhaps we need to have the enforcement hour end when it is still light outside, whether or not that is 5:00 or 6:00 or 7:00 pm. He would think that the more affective enforcement hour would be an hour by which it would still be light outside as far as being able to catch people. Mr. Reynolds is sure that one of the fears is that if we make this too restrictive, then somebody could sue, but in this case he is not sure of what we would be afraid of in that matter. He knows this is the First Reading of the Ordinance, but he would think that unless there was a good reason why not to try to make it earlier, it would make

it easier to see who in your neighborhood is setting off fireworks before it is dark outside. He was not at the Committee Meeting so there might be a good reason not to go before 10:00 pm.

Mr. Martell communicated that he would be in favor of moving the time earlier and he would turn to Solicitor Spirk to see if there would be any conflicts with the way the Ordinance reads that in any way would limit the City public firework display.

Solicitor Spirk replied no, they define those two separate events.

Mr. Callahan stated he would be fine with changing the time to 9:00 pm for the latest timeframe for setting off any types of fireworks other than on established holidays. He noted the City fireworks start after 9:00 pm.

Mayor Donchez stated that the City fireworks start around 9:15 pm.

Mr. Callahan added that they end around 10:00 pm. He thinks during normal times of the year 9:00 pm is more than late enough to be setting off fireworks. He would recommend 9:00 pm other than a holiday, whether it be July 4th or New Year's.

President Waldron queried how many days a year fireworks occur in the City. It is a few and mostly that cluster around the Fourth of July, and maybe New Year's Eve and Memorial Day. If we start carving out dates it can get a little tricky especially for the enforcement side. We would have to have every Officer know that on a certain day we can go for a few more hours, but another day we cannot. President Waldron thinks it should apply universally year round, every day. He has some feelings to shorten those hours a little more in the morning; the 7:00 am sticks out to him more than the 11:00 pm. He thinks that 7:00 am time could be moved to much later, maybe noon; the 11:00 pm he could be flexible on. He does not think moving that to the daylight hours is going to work. He remarked that no one will follow that because there is no fun in lighting fireworks in the daytime.

Mr. Martell would be curious if Police Chief Mark DiLuzio could speak about what the enforcement would look like with the different times that have been mentioned tonight.

Chief DiLuzio explained 11:00 pm to 7:00 am is the timeframe because most people sleep and the most complaints we received were that we cannot sleep, their dog is howling and their cat is upset or that they have to work in the morning. He has no problem switching it to 9:00 pm because one of the questions we will have is that the City will be setting the fireworks off but we are doing this with a permit under the law. These people will be setting fireworks off against the City Ordinance past 9:00 pm. If you want to keep it until 9:00 am in the morning so people can sleep in on a Saturday. The issue of when to start and when to stop it is not a big issue, we just have to come up with a number. Chief DiLuzio mentioned the main thing is that you do not want the fireworks to go off at night when you are sleeping and you have to get up for work in the morning. If we catch someone setting off fireworks in the daytime or the nighttime they will be cited for some type of violations because by Ordinance you cannot set them off, probably in three quarters of the City, in a park. Three quarters of the City are easily within 150 feet of an occupied building and you cannot set them off in a public street, per the Ordinance. So if you want 9:00 pm that is a good time, the City's fireworks are around 9:15pm or 9:30 pm but they are by permit, that would be good. You can keep it until 9:00 am in the morning; maybe make it from 9:00 am to 9:00

pm that is a fair thing, so half the day you cannot set them off, but half the day you can. Chief DiLuzio stressed Council can change the time and he wishes Council would so that it gives us a start time and a finish time; that is the whole thing. Just keep it a simple Ordinance and say no fireworks between this time and this time. If you get caught you get a citation.

Mr. Reynolds expressed that most of the fireworks, even if they were legally bought, were still set off illegally because they were within 150 feet of a building. He has yet to meet someone who said it was a good idea to legalize them. It was a violation now with probably 90 to 95% of the way people were setting them off, not just when but where they were setting them off. Mr. Reynolds would think that with all of those things being said that we would try to make that window as short as possible. The only real thing we would worry about is that we were not too restrictive that somehow would violate the State law. If it is a legal constitutional use, you cannot zone a City or Municipality not to allow it there.

Chief DiLuzio added that you cannot supersede the State law.

Mr. Reynolds believes that should be our only concern, whether or not it does not violate that legalization. Beyond that they still should not be set off even if we say 12 Noon to 8:00 pm because 95% of the City is within 150 feet of something.

Chief DiLuzio explained this is giving us another tool to enforce it and it is a City Ordinance and the funds do come back to the City for those violations.

President Waldron emphasized the question at hand would be are we going to make any motions this evening to change those times or do we want to work that out in house before the next meeting and come forward with a resolution. We can clearly do this now in a clean manner but is there enough agreeance on what those numbers should be.

Mr. Callahan stated he would be willing to make a motion to amend it to 9:00 am to 9:00 pm on the advice of Chief DiLuzio. He would actually like to go to 10:00 am to 9:00 pm, but it may be simpler to have it 9:00 am to 9:00 pm for enforcement.

President Waldron mentioned that 9:00 am to 9:00 pm sounds nicer to say, but it may not make any difference for enforcement. It is easier to remember.

Mr. Callahan noted that he actually likes 12 Noon to 9:00 pm, but that may be too restrictive.

President Waldron responded that not many people shoot off fireworks in the morning; you are probably not limiting many people.

Mr. Reynolds mentioned much of this is about the education of saying it is not allowed to be done. He added that our colleague at the time, now Business Administrator Eric Evans, worked on an Ordinance about driving and talking on their cellphones six years ago when he decided we needed an Ordinance to address that. So he thinks it is getting that word out as far as we should not be doing this. He would also feel more comfortable to allow for more legal research about the time restriction. We can discuss this again in two weeks, and allow time for

Solicitor Spirk to look into what would be too restrictive if such a thing exists rather than making a decision now.

President Waldron stressed that we are picking arbitrary numbers at this point and focusing on the wrong numbers, if it is 150 feet. That has a much larger impact than any hours we could put into this.

Dr. Van Wirt queried if there is any age restriction to who gets to do this. She wondered if a 10 year old could go out and legally do this.

Chief DiLuzio stated the legal age is 18.

Mr. Colón noted to Councilman Reynolds point, we have heard a lot of numbers tonight, but it might be best to take the next two weeks and figure out a time we can all come to an agreement on.

Mr. Callahan stated he agrees.

President Waldron explained this is all about education and let the people know to give them more information to make the right choice.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, and Mr. Waldron, 7. Bill No. 24 - 2018 was passed on First Reading.

B. Bill No. 25 - 2018 - 2018 General Obligation Note - Golf Course Improvements

The Acting Clerk read Bill No. 25 - 2018 -2018 General Obligation Note - Golf Course Improvements, sponsored by Ms. Negrón and Mr. Reynolds and titled:

AN ORDINANCE

OF THE COUNCIL OF THE CITY OF BETHLEHEM, LEHIGH AND NORTHAMPTON COUNTIES, PENNSYLVANIA, AUTHORIZING THE ISSUANCE OF ITS GENERAL OBLIGATION NOTE, SERIES OF 2018 (THE "NOTE") IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000; SETTING FORTH THE PURPOSE OF THE ISSUANCE OF THE NOTE, TO FUND CERTAIN CAPITAL PROJECTS OF THE CITY OF BETHLEHEM PURSUANT TO THE LOCAL GOVERNMENT UNIT DEBT ACT; DETERMINING THAT THE NOTE SHALL BE SOLD AT PRIVATE SALE; DETERMINING THE PROJECTS AND ESTABLISHING THEIR USEFUL LIFE; DETERMINING THAT THE DEBT EVIDENCED BY THE NOTE SHALL BE NONELECTORAL DEBT; SETTING FORTH THE INTEREST RATES, INTEREST AND PRINCIPAL PAYMENT DATES AND FINAL MATURITY OF THE NOTE AND THE PREPAYMENT PRIVILEGES; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE NOTE; DESIGNATING A PAYING AGENT FOR THE NOTE; SETTING FORTH THE METHOD AND PLACE OF PAYMENT OF THE NOTE; APPROVING THE FORM OF THE NOTE; AUTHORIZING THE EXECUTION OF THE NOTE; ENTERING INTO A COVENANT WITH RESPECT TO THE NOTE AND PLEDGING THE CITY'S FULL FAITH, CREDIT AND TAXING POWER THEREFORE, AND ESTABLISHING A SINKING FUND FOR THE

NOTE; DESIGNATING A SINKING FUND DEPOSITORY; SETTING FORTH CERTAIN ADDITIONAL TERMS WITH RESPECT TO THE NOTE; AUTHORIZING APPROPRIATE OFFICERS TO FILE UNDER SECTION 8110 OF THE LOCAL GOVERNMENT UNIT DEBT ACT WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, INCLUDING PROCEEDINGS UNDER SECTION 8024 OR 8026 OF THE ACT MAKING CERTAIN FEDERAL TAX COVENANTS; DECLARING THE DEBT EVIDENCED BY THE NOTE TO BE WITHIN THE LIMITATIONS OF THE LOCAL GOVERNMENT UNIT DEBT ACT MAKING CERTAIN FEDERAL TAX COVENANTS; AUTHORIZING DELIVERY OF THE NOTE; AUTHORIZING INVESTMENT OF THE PROCEEDS OF THE NOTE; PROVIDING FOR INVALID PROVISIONS; PROVIDING FOR INCONSISTENT ORDINANCES; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Mr. Callahan remarked that he wanted to reiterate what he stated at the Finance Committee Meeting on Wednesday, August 29, 2018. He thanked Mr. Evans and Mr. Kelchner for all their work. He has taken a 180 turn on this matter because seven months ago when we first talked about this he would have not voted yes for putting any more money into the Golf Course. But, because of the considerations made by the Union, it allowed an opportunity for the Golf Course to continue to be under the City guidance without losing substantial amounts of money. The savings that Mr. Evans came up with allows us to do the borrowing, which will get the Golf Course up to above par. Mr. Callahan explained they had many discussions about what we want to get done at the Golf Course. Mr. Callahan believes this is a great plan. He thinks the taxpayers will benefit from this. The fact that the Golf Course will be tremendously improved will also have a good impact on the number of rounds and the revenue that comes in so he will be voting for the financing of the improvements.

Mayor Donchez mentioned in addition to Mr. Evans he wanted to give credit to Mr. Kelchner, Mark Sivak and Attorney Leeson. They worked hard for months working on the Union agreements, so they deserve a lot of credit.

Mr. Martell thanked Scott Shearer, Managing Director of PFM Financial Advisors for responding after the Finance Committee meeting and getting in contact with the bank. He remarked that it seems like this has worked out in our favor. Mr. Martell wanted to be clear that that bank rate matched the rate that we were looking at with the Bond.

Mr. Shearer explained the bank reacted very quickly when he called them the next morning and a few hours came back and said they had come down and matched the 3.500 rate.

Mr. Martell imagines the tax exemptions and everything would be similar between the bond and implications there between the bond and the loan.

Mr. Shearer stated it is correct that both would be tax exempt.

Mr. Martell guesses the pay schedule would be roughly similar to the one you submitted at the Finance Committee.

Mr. Shearer informed he does have a new one that he can hand to Council.

Mr. Martell queried if it would be a correct assumption to assume it would be similar to what we looked at.

Mr. Shearer replied yes, and on page 3, this now reflects the proposal from Penn Community Bank and you can see column 3 has the 3.500 rate all the way down through, so that 3.500 is locked in for the duration of that loan. He noted that column 6 shows the annual debt service payments so on average it is about \$125,000 per year, which is similar to what we discussed at the Finance Committee Meeting.

Mr. Martell observed that this is roughly the amount we talked about but he reads through the Ordinance and it talks about \$2 million. We talked about the bond that was going to be an increased number because of potential fluctuation, but it seems like there is no fluctuation here so what would that be.

Mr. Shearer explained that the \$2 million set in there was a maximum parameters amount, but now that we have it pinned down to the bank loan he thinks we can go with the final amount that is shown on page 3, which is the \$1,785,000. It may fluctuate a tiny bit by a few thousand dollars between now and settlement, but the \$2 million was a not to exceed parameters amount. Just like when we are here to talk about a Parameters Ordinance, the size is usually inflated by maybe 20% but the actual size will be what we are seeing here.

Mr. Martell expressed that he read also in the Ordinance that all the funds had to be drawn within a year, and then he reads the schedule that you assume that it will all be drawn at settlement. His question is will there be a problem of drawing all of those funds within a year.

Mr. Evans explained to answer both questions, we will not draw them all at settlement. We could, but the way these projects are lining up, there is no need to do that. When you look at page 3 the numbers will actually be a little small, not a lot, because within the year it needs to be utilized because after a year, if you just borrowed a million and we do not get the amount drawn out, it closes out and we are stuck with a million. The good news is over the course of a year, if some of these projects, once the bids come in and they are below that, we may borrow less than this amount. We are not stuck taking the whole amount on day one and paying interest on the whole amount. Mr. Evans stated we will begin to draw early. In the winter months it will slow down and then in the spring we will hit heavy as construction season starts. In the meantime he and Michael Alkhal, Director of Public Works have talked about packaging projects to maximize leverage for when the bids go out. If you do two or three things together, the bids are more likely to come in more favorable. We will evaluate them and also look at the timeliness of what can be done given the weather conditions. We expect it to be a busy springtime. We will have everything lined up, get the bids in, line up the contractors, the timeline and do what we can. Mr. Evans stated also within constraints, trying to get some things done before the weather arrives or limit the number of things we can do over the winter, much is outside work.

Mr. Martell observed that is a benefit then, interest rate and debt payments, but then also it gives a little bit of flexibility.

Mr. Evans noted that the one year timeline is really nice; we know we do not have to take it all on day one.

Mr. Shearer stressed we were just showing it to be the most conservative on that page where it is all drawn down on day one, but as Mr. Evans said, the first couple of interest payments will actually probably be a little bit less than we are showing because it will be drawn down over a year period.

Mr. Martell knows we have been dealing with Mr. Shearer on several restructuring debt issuances and conservative numbers are something we are used to, and this helps to put things into perspective to get the most accurate portrayal. He queried if it is correct that with a bond you have to take all the funds at one time.

Mr. Shearer stated with bonds you have to take it all at settlement.

Mr. Martell thanked Mr. Shearer for his work on the financing.

Dr. Van Wirt thinks that Mr. Evans is familiar with some of her concerns based on what she said at the Finance Committee Meeting. She had a lot of questions and she still does. Her three points she wants to make in the fact that she is unable to support this tonight, despite the obvious hard work that the team has done, this is not a reflection on your work, it is a reflection on her feelings over all about floating taxpayer backed debt for unclear business plans in the future. Number one is that she feels a lease is still the best way to go for this Golf Course. She thinks we could do a structured short-term lease that protects our current employees that is well vetted for whoever we would select within the RFP and can hold the Golf Course accountable to the quality of play. She thinks this has been done by many municipalities and it is the more reasonable plan. In terms of why she also feels like this, she could not find a real firm source of revenue that was going to be increased. She knows we have increased the lease for the restaurant and hopefully increases in the rounds of play, but she still did not see a firm business plan that would alleviate the risk that we would not be able to pay back this bond, especially since there is no plan for all of the deferred maintenance that was not done for the last ten years. So how are we going to pay for it now, in the next 10 years, because this bond is already used up for projects that have been enumerated there. Dr. Van Wirt noted the other thing with this bond is when we ultimately pay it back over 20 years there will be \$2.5 million and there are currently 750 citizens of Bethlehem golf course players right now so that is \$3,000 per player for this bond. She cannot support the use of a taxpayer floated debt when we are closing community pools. She just wanted to give her reasons for voting nay.

Mr. Reynolds stated that going forward after we vote for this, if the votes are here, that it would be a good idea for the Administration and for Mr. Kelchner to come forward as we are spending some of this money. If we are going to do projects in the next six months maybe we could have a Parks Committee Meeting or some type of report to City Council about the first projects that will be done. That is so we have a sense of where that is coming from.

Mayor Donchez expressed that they will give Council updates on the Golf Course like we have done with 9-1-1.

Mr. Reynolds stated it would be nice to get a rundown of where the money is going. He does know that many of the projects that have been discussed are some of the deferred maintenance that has been talked about over the last ten years. These are projects that ideally, if the money was there, would have been done 5, 6, 7, or 8 years ago. He would echo with his

colleagues that this deal is really possible because of the structural changes that we have seen at the Golf Course. When we look at not just the money we saved in 2018, but 2019, 2020 with fewer employees with the deal with the Union, it makes this possible. Just as with our Parking Authority bonds, which are paid for by people that use the parking structures and park at our metered spots, a lot of which are not Bethlehem residents, when you look at this with the debt payments included in golf expenditures it should be self-sustaining as far as the people playing at the Golf Course. Mr. Reynolds noted we have had conversations before about the \$150,000 estimate of City costs associated with it, and some years we have gotten that and some years we have not gotten that. He is confident with the changes there that the debt service of \$128,000 will be included in those revenues going forward. If he was worried that 75,000 people would be paying this debt service he would understand Dr. Van Wirt's argument, but he is confident with our new management structure and the new labor structure at the Golf Course that we will confidently be able to pay back this debt service.

Ms. Negrón informed she appreciates the presentation we had in terms of the work that needs to be done. She does believe that a 63 year old Golf Course without any of these changes has to be deteriorating. She is not a golfer, but going back to what she learned from the meeting that then Councilman Evans put together, it was very helpful. Back then during budget time she agreed at that point with Councilman Callahan about leasing the space, but the changes with the Union at the Golf Course has made a big difference. Ms. Negrón informed she is a little hesitant about what this will look like. She wishes this request would have come to us next year after going through a whole year of seeing the changes that we made in the middle of the budget year to see the profit coming in and securing the funding for repayment of this. Ms. Negrón is in agreement with Dr. Van Wirt, maybe in different ways, but she wishes that this request came to us next year, she would have felt better. She is not going to support this tonight.

President Waldron explained that ultimately we are in this position because nothing was done for a very long time. The infrastructure of the Golf Course and the failed structure of the employment position that was there was just unsustainable. So he thinks we should fix the expenditure side of this and now this will get us caught up to where we need to be and this should serve as a warning for other City assets. If you continue to neglect them and push them off, much like Mr. Callahan has always advocated for street paving, you will get this. There will then be these bond requests that people are not comfortable with and are difficult to swallow. Unfortunately, we are in that position, but he thinks this is now the clearest path to follow. President Waldron likes the direction that Mr. Evans rebranded with the Golf Course and he hopes this will continue to make those positive changes and incremental changes. He continued to say that this is not the end but only the beginning of that and he hopes that we can work together with the Administration and Council to continue down this path, not only with the Golf Course and how that is structured, but other large assets such as Water and Sewer or Streets or our Parks and make that commitment that we will do the work upfront. That is so we do not have to have large bond requests later on.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 5.
Voting NAY: Ms. Negrón and Dr. Van Wirt, 2. Bill No. 25 – 2018 was passed on First Reading.

10. RESOLUTIONS

A. *Authorizing 2018 Edward Byrne Memorial Justice Assistance Grant (JAG)*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2018-164 that authorized the Police Department's application for the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$33,922.00. The grant will be used by the Police Department to continue improvements in computer hardware and software.

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

B. *Approving Inter-municipal Transfer of Liquor License – 528 East Third Street - Removed*

C. *Authorizing Use Permit Agreement – McCarthy's Irish Pub – Celtic Warm-up and Celtic Fringe*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2018-165 that authorized to execute a Use Permit Agreement with McCarthy's Irish Pub for a Celtic Warm-Up and Celtic Fringe Event.

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

D. *Authorizing Lease Agreement – Clubhouse Grille, LLC*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2018-166 that authorized to execute a Lease Agreement with the Clubhouse Grille, LLC for a restaurant at the Bethlehem Golf Club, according to the terms and conditions indicated therein and made a part hereof.

Mr. Reynolds mentioned that we often times approve these leases, agreements and contracts and sometimes we underestimate the amount of work that goes into some of these things. He knows that the Administration, Mr. Evans, Mr. Leeson and Mr. Kelchner, worked diligently on the agreement. It is a substantially better deal for the City of Bethlehem going forward, not just with revenue, but also the language in the lease, as far as the operation of the Golf Course. He had a conversation with Mr. Evans and Mr. Kelchner last week. The content in this lease is very important to the day to day operation of an asset and a restaurant that many people in Bethlehem use. Mr. Reynolds just wanted to say thank you for the hard work which he knows is not just writing up a lease and saying everyone is okay with this. There was negotiation in here and we saw the revenue increase, which is substantial, going from around \$1,800 dollars a month to around \$5,500 dollars a month with those increased escalated costs. That is real work. This is that day to day grinding out every dollar you can get, and in this case, you are talking about almost a \$50,000 dollar increase as far as the aggregate total. He expressed that really changes the picture of our overall operation.

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

E. *Authorizing Contract – Environmental Engineering & Management Associates, Inc. – Wastewater Treatment Plant Engineering and Operations Consulting Services*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2018-167 that authorized to execute an agreement with Environmental Engineering & Management Associates for the Wastewater Treatment Plant engineering and operation consulting services.

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

F. Authorizing Contract – Arcadis U. S. – 2018-2019 Water Treatment Plant NPDES Permit Renewal Services

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2018-168 that authorized to execute an agreement with Arcadis U. S. for the Water Treatment Plant 2018-2019 NPDES Permit Renewal Services.

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

G. Approving Firearm Purchase – Dosedlo

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-169 that authorized to execute an agreement to effectuate the transfer of the City issued handgun assigned to William Dosedlo, retired City Police Officer.

Mr. Reynolds stated he does not believe that in his 11 years on City Council that he has ever approved a firearm purchase.

Police Chief DiLuzio stated Mr. Reynolds is correct. He noted that we sold a horse before and under Third Class City Code we had to research this and now we are doing it the proper way. It is the same guidelines. We have done this in the past and it was done in a different way and it was not the correct way. These are the first three are coming to Council. We looked at the Third Class City Code and went to the Law Bureau, and now we are doing it the proper way.

Mr. Reynolds queried if this is an accepted past practice that retired officers buy their firearms.

Chief DiLuzio stated it is something that is done nationwide. When you retire it is your duty weapon. It is older, it is worn, and we usually trade them in and get a fair market value for them. He explained many departments take that fair market value and ask the officer if they carried this in the course of their career. If they want to buy it they can buy it at the same cost we would trade it back to the distributor to buy a new handgun to give to the new officer. Chief DiLuzio stated he bought his years ago.

Mr. Reynolds mentioned if the officer does not want to purchase it we just sell it back or trade.

Chief DiLuzio informed it would go back to Glock and Glock would give us \$300 in credit on a newer handgun, which would be issued to the new cadet. The older ones are usually

shipped overseas or taken back apart. Similar to a car, they give it a tune-up and then sell it for not a new price, but a higher price than \$300.

Mr. Reynolds noted this is the first time we are doing this and there is something about selling a Police Officer's gun back to them. He understands why they want them. It might be symbolic, but he thinks that perhaps going forward in 2019 in the budget we could put that money towards some type of community policing, anti-gun violence or something else. Overall that would be a better symbolic message. We would be taking that revenue and doing something to reduce gun violence.

Chief DiLuzio does not have a problem with that; he thinks that is a good idea. This is just a paperwork thing now with transparency attached to it. We are doing it the correct way now; we updated the process and that is the best way to describe it.

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

H. Approving Firearm Purchase – Lamana

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-170 that authorized to execute an agreement to effectuate the transfer of the City issued handgun assigned to John Lamana, retired City Police Officer.

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

I. Approving Firearm Purchase – Smith

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-171 that authorized to execute an agreement to effectuate the transfer of the City issued handgun assigned to James Smith, retired Police Officer.

Mr. Callahan asked Chief DiLuzio when he purchased his gun how much did he pay for it.

Chief DiLuzio stated his revolver was around \$225.

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

J. Approving Support Resolution – Senate Bill 1098 – Cameras on School Buses

Mr. Reynolds and Dr. Van Wirt sponsored Resolution No. 2018-172 that supports Senate Bill 1098, allowing for the placement of cameras on school buses to capture traffic violations. A copy of this Resolution shall be sent to our local representatives recommending their support and further approval through legislation.

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

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

Mr. Callahan and Mr. Martell moved to consider Resolutions 10 K through 10 N as a group.

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

K. *Certificate of Appropriateness – 328 South New Street*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-173 that granted a Certificate of Appropriateness for a new exterior blade sign at 328 South New Street.

L. *Certificate of Appropriateness – 408 Adams Street*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-174 that granted a Certificate of Appropriateness for exterior signage for a temporary leasing office at 408 Adams Street.

M. *Certificate of Appropriateness – 314 Broadhead Avenue*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-175 that granted a Certificate of Appropriateness to repair the façade per results of Engineer’s recommendations at 314 Broadhead Avenue.

N. *Certificate of Appropriateness – 13 West Morton Street*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-176 that granted a Certificate of Appropriateness to build a new four-story building, with revisions at 13 West Morton Street.

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

11. NEW BUSINESS

None.

12. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

ATTEST:

Acting City Clerk